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**FISH RESOURCES MANAGEMENT ACT 1994**  
**WEST COAST DEMERSAL GILLNET AND DEMERSAL LONGLINE INTERIM**  
**MANAGED FISHERY MANAGEMENT PLAN AMENDMENT 2012**

FD 435/02 [1093]

Made by the Minister under section 54.

**1. Citation**

This instrument is the *West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2012*.

**2. Management plan amended**

The amendments in this instrument are to the *West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997*.

**3. Clause 4 amended**

Insert in the appropriate alphabetical place—

“ **coastal waters of the State** ” has the definition provided for in section 3 of the *Coastal Waters (State Powers) Act 1980* (Commonwealth);

**4. Clause 23 replaced**

Delete clause 23 and insert—

**Temporary transfer of entitlement**

**23.** (1) An entitlement, or part of an entitlement, conferred by a permit may be temporarily transferred to another permit for a period ending at the time the permit expires, provided that—

- (a) the value of the units of entitlement (including the value of units temporarily transferred to the permit but excluding the value of units temporarily transferred from the permit to another permit) that would be conferred by the permit after the transfer would be not less than the extent of fishing carried out under the permit in the relevant year; and
- (b) the transfer is of a whole number of units; and
- (c) the permit to which the units are being temporarily transferred would, after the temporary transfer, confer an entitlement of not more than 2 640 units.

**5. Clause 25A amended**

Delete subclause (2) and insert—

(2) A person must not use an authorised boat in the Fishery unless the approved ALC installed in that boat has been tested, and is being used, in accordance with the approved directions.

**6. Clause 25B replaced**

Delete clause 25B and insert—

**Nominations by approved ALC**

**25B.** (1) The master of an authorised boat who engages in any fishing in the Fishery must, not more than two hours before the commencement of each fishing trip, nominate and specify accurate details of—

- (a) the name of the Fishery in which fishing is to be undertaken; and
  - (b) the relevant permit under which fishing may be carried out; and
  - (c) the amount of fishing gear that is to be used to convert fishing effort to units of entitlement in accordance with Schedule 7, either in metres of gillnet, or the number of hooks on a longline; and
  - (d) the full name of the master of the boat for that fishing trip.
- (2) The amount of gear nominated under subclause (1)(c)—
- (a) is the maximum amount of gear that may be used for that fishing trip; and
  - (b) may, within 28 days, be converted to an equivalent amount of the type of gear not nominated; and
  - (c) is the amount of fishing gear that is used to convert fishing effort into units of entitlement for that fishing trip in accordance with Schedule 7.
- (3) For the purposes of subclause (2)(c), where the master of an authorised boat does not nominate an amount of gear under subclause (1)(c) in respect of the commencement of a fishing trip, the greater of—
- (a) the amount of gear specified under subclause (1)(c) in the most recent prior nomination; or
  - (b) the amount of fishing gear used,
- will apply.
- (4) Where the master of an authorised boat fishes in accordance with a nomination made under subclause (1), the master must nominate—

- (a) when any fishing gear is being placed in the water for the purposes of the first fishing session of the fishing trip, and the location of the authorised boat at the time that fishing gear is placed in the water; and
  - (b) when all fishing gear has been fully removed from the water at the completion of the last fishing session of the fishing trip, and the location of the authorised boat at the time that all gear is removed.
- (5) The master of an authorised boat must not allow that boat to be used—
- (a) in contravention of a nomination made under this clause; or
  - (b) unless all nominations required to be made under this clause have been made.
- (6) Where the master of an authorised boat being used on a fishing trip does not make a nomination in accordance with subclause (4)(a) or (4)(b), the time during which gear is to be taken to be in the water is the time—
- (a) commencing from the most recent prior nomination received under subclause (1) or subclause (4)(b), in the case of a failure to nominate under subclause (4)(a); or
  - (b) until the next nomination is received under subclause (1) or subclause (4)(a), in the case of a failure to nominate under subclause (4)(b).
- (7) The master of an authorised boat must not—
- (a) fish in any waters of the Fishery with gear in excess of the amount nominated under subclause (1)(c) for that fishing trip; or
  - (b) change the amount of gear nominated under subclause (1)(c) for at least 28 days; or
  - (c) fish in any waters of the Fishery at any time when the sleep mode facility of the relevant approved ALC is in operation; or
  - (d) switch an ALC to sleep mode outside a port area.
- (8) Where the master of an authorised boat fishes with gear in excess of the amount nominated under subclause (1)(c) in respect of that fishing trip, the amount of gear used will be taken to convert fishing effort into units of entitlement, in accordance with Schedule 7.

**7. Clause 25C repealed**

Delete clause 25C.

**8. Clause 27 replaced**

**Offences**

**27.** A person who contravenes a provision of clause 9, 10, 10A, 11, 12, 12A, 13, 17, 19B, 25, 25A, 25B, 26, or 26A commits an offence.

**9. Schedule 4 replaced**

Delete Schedule 4 and insert—

**Schedule 4**

Abrolhos Islands Fish Habitat Protection Area

The area of WA waters adjacent to the Abrolhos Islands from the high water mark to the seaward limits of the coastal waters of the State.

Dated this 2nd day of May 2012.

NORMAN MOORE, Minister for Fisheries.

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