

FI401

FISH RESOURCES MANAGEMENT ACT 1994
ABROLHOS ISLANDS AND MID WEST TRAWL MANAGED FISHERY
MANAGEMENT PLAN AMENDMENT 2018

FD 1324/13 [1152]

Made by the Minister under section 54.

1. Citation

This instrument is the *Abrolhos Islands and Mid West Trawl Managed Fishery Management Plan Amendment 2018*.

2. Management plan amended

The amendments in this instrument are to the *Abrolhos Islands and Mid West Trawl Managed Fishery Management Plan 1993*.

3. Clause 1 replaced

Delete clause 1 and insert—

Citation

1. This Plan may be cited as the *Abrolhos Islands and Mid West Trawl Managed Fishery Management Plan 1993*.

4. Clause 2 amended

(a) Delete the phrase “ In this notice unless the contrary intention appears— ” and insert—

In this Plan unless the contrary intention appears—

(b) Delete the following definitions—

authorised boat

Code

codend

closed area

Fishery

gear unit

licence

otter board

otter trawl net

Port Area

try net

(c) Insert in the correct alphabetical position—

“**authorised boat**” means the licensed fishing boat used for or in connection with fishing in the Fishery under the authority of a licence, the name and licensed fishing boat number of which is specified on that licence;

“**codend**” means that part of an otter trawl net furthest to the rear when the net is being towed, and which forms a pocket and acts as a receptacle for fish;

“**closed area**” means an area of waters described in a notice made in accordance with clause 12;

“**fish escape device**” means an opening aft of the grid in the top part of an otter trawl net, and within which may be incorporated mesh;

“**Fishery**” means the Abrolhos Islands and Mid West Trawl Managed Fishery;

“**grid**” means a device fitted within a trawl net, or any modification made to a trawl net, which allows large marine animals to escape;

“**licence**” means a managed fishery licence authorising a person to fish in the fishery;

“**otter board**” means a board or plate used on a trawl net which, while the net is being towed, keeps the mouth of the net open;

“**otter trawl net**” means a fishing net designed or intended to be towed by a boat and having its mouth or opening controlled by otter boards;

“**Plan**” means the *Abrolhos Islands and Mid West Trawl Managed Fishery Management Plan 1993*.

“**Port Area**” means an area described in Schedule 2;

“**trawl net**” means a net designed or intended to be towed by a boat;

“**try net**” means a trawl net with a headrope length not exceeding 5 metres;

5. Clause 3 replaced

Delete clause 3 and insert—

Declaration of limited entry fishery

3. It is hereby declared that the use of trawl nets to take prawns or scallops in the waters described in Item 1 of Schedule 1 shall constitute a limited entry fishery to be called the Abrolhos Islands and Mid West Trawl Managed Fishery.

6. Clause 4 replaced

Delete clause 4 and insert—

Prohibition on fishing for prawns or scallops

4. (1) A person must not fish for prawns or scallops in the Fishery other than—
- (a) in accordance with this Plan; and
 - (b) under the authority of a licence.
- (2) Subclause (1) does not apply with respect to a person fishing for prawns or scallops for a non-commercial purpose and in accordance with the Act.

7. Clause 5 replaced

Delete clause 5 and insert—

Prohibition on selling, dealing, or attempting to deal, with prawns or scallops

5. (1) In this clause—
- deal with* includes handling, storing, transporting, weighing and recording;
 - otherwise dealt with* includes handled, stored, transported, weighed and recorded.
- (2) A person must not sell, purchase, or deal with, or attempt to sell, purchase, or deal with, or be in possession of, any prawns or scallops taken, landed, or otherwise dealt with in contravention of this plan.
- (3) A person must not sell, purchase, or deal with, or attempt to sell, purchase, or deal with, or be in possession of, any prawns or scallops, unless the prawns or scallops were taken under the authority of a licence.

8. Clause 7 repealed

Delete clause 7.

9. Clause 8 replaced

Delete clause 8 and insert—

Items that must be specified on a licence

8. A licence must specify—
- (a) the name and address of the holder of the licence;
 - (b) the name and licensed fishing boat number of any licensed fishing boat which may be used for or in connection with fishing in the Fishery under the authority of that licence;
 - (c) the licence number;
 - (d) the date on which the licence was granted or renewed;
 - (e) the date on which the licence expires;
 - (f) the name of the Fishery;
 - (g) any conditions imposed on the licence by the CEO.

10. Clause 9 replaced

Delete clause 9 and insert—

CEO may permit fishing by non-specified means

9. (1) The CEO may, by notice published in the Gazette, permit persons fishing in the Fishery to fish by means that would otherwise be prohibited by this plan if, in the opinion of the CEO, the use of different means will provide for sustainable management of the Fishery.
- (2) A notice made under subclause (1)—
- (a) must specify the means that are permitted to be used in the fishery;
 - (b) may only be made after consultation with all licence holders entitled to fish in the Fishery;
 - (c) must take into account any advice received from the Department's Director Fisheries Science and Resource Assessment;
 - (d) may be made to apply at all times or at any specified time; and
 - (e) may be revoked or amended.

11. Clause 9A replaced

Delete clause 9A and insert—

Capacity of the Fishery

- 9A. (1) The maximum amount of otter trawl net headrope length that may be used under the authority of all the licences in the waters of the Fishery, other than the waters described in Item 3 of Schedule 1, is 256.1 metres.
- (2) The headrope length specified in subclause (1) does not include the headrope length of try nets.

12. Clause 10 replaced

Delete clause 10 and insert—

Authorised means of operating in the Fishery

10. (1) A person must not fish in the Fishery other than—
 - (a) by the use of an authorised boat; and
 - (b) by the use of gear requirements as specified in—
 - (i) this Plan; and
 - (ii) any Notice issued in accordance with clause 9.
- (2) A person must not fish in the Fishery other than—
 - (a) by means of otter trawl nets and try nets, to a maximum of two otter trawl nets and one try net; and
 - (b) when fishing for scallops, by means of a try net with a mesh size of less than 50 millimetres.
- (3) An otter trawl net referred to in subclause (2)—
 - (a) must not be artificially heightened; and
 - (b) must have attached to each end of the headrope a single otter board, the measurements of which do not exceed—
 - (i) a height of 1.1 metre; or
 - (ii) a surface area of 2.64 square metres, and having otter board shoes that do not exceed—
 - (iii) 160 millimetres in width; or
 - (iv) 37 millimetres in depth, and
 - (c) must be fitted with a rigid barrier grid comprised of bars extending from the top to the bottom of the grid and attached to the entire circumference of the net, which must guide large animals and fish towards an escape opening, which—
 - (i) has a maximum spacing of 200 millimetres between bars (measured from inside bar to inside bar); and
 - (ii) has an opening positioned where the trailing edge of the grid is attached to the net, with minimum measurements (measured when the net is taut) of—
 - (I) 750 millimetres transversely across the net; and
 - (II) 500 millimetres from the leading edge that forms the escape opening, when pulled taut at 90 degrees to the trailing edge of the grid, and
 - (iii) must open outwards, and
 - (d) must have a maximum of one ground chain attached, for which the links are no greater than 10 millimetres in diameter.
- (4) An otter trawl net when used in the waters described in Item 2 or Item 4 of Schedule 1 must not have—
 - (a) a combined headrope length exceeding 25.61 metres; or
 - (b) mesh of a size less than 100 millimetres, except to the extent that the mesh is part of the opening to a grid and any panels in that grid containing mesh of a size less than 100 millimetres are attached to the net on no more than two sides; or
 - (c) chafers or liners covering more than the bottom half of the codend.
- (5) An otter trawl net when used in the waters described in Item 3 of the Schedule—
 - (a) must not have a combined headrope length exceeding 29.27 metres; and
 - (b) must be fitted with a fish escape device which consists of—
 - (i) a square or rectangular opening not less than 400 millimetres by 300 millimetres; or
 - (ii) a triangular opening with no side measuring less than 300 millimetres, and which—
 - (I) where mesh is fitted, has meshes hung perpendicular to the headrope, and which are of a mesh size less than 100 millimetres; and
 - (II) must not contain netting or any other material or device that may inhibit the egress of fish, other than mesh referred to in sub-subparagraph (I).

13. Clause 11 repealed

Delete clause 11.

14. Clause 12 replaced

Delete clause 12 and insert—

Closure of the Fishery

12. (1) The CEO may, by notice published in the *Gazette* prohibit all fishing in the Fishery, or any part of the Fishery, for the period specified in the notice if, in the opinion of the CEO, it will provide for sustainable management of the Fishery.
- (2) A notice made under subclause (1)—

- (a) may only be made after consultation with all licence holders entitled to fish in the Fishery;
 - (b) must take into account any advice received from the Department's Director Fisheries Science and Resource Assessment; and
 - (c) may be made to apply at all times, or at any specified time, or revoked.
- (3) A person must not fish in the Fishery, or a specified part of the Fishery, at any time that fishing in the Fishery, or a specified part of the Fishery, has been prohibited by a notice made under subclause (1).
- (4) The master of an authorised boat must not enter a closed area.
- (5) Subclause (4) does not apply—
- (a) where a vessel is travelling at a speed of—
 - (i) less than 1 knot; or
 - (ii) greater than 5 knots.
- (6) For the purposes of subclause (5), when determining the speed of a vessel utilising an ALC, the method for calculating speed is—
- (a) for each consecutive pair of position reports transmitted or stored by the boat's ALC, identify the shortest distance between the pair in a straight line; and
 - (b) divide the distance (nautical miles) calculated in accordance with paragraph (a) by the time difference (hours) between the two consecutive position reports.

15. Clause 12B amended

(a) Delete clause 12B(2) and insert—

(2) A person must not use an authorised boat in the Fishery unless—

- (a) the ALC installed in that boat has been serviced in accordance with the approved directions, by an approved person and at intervals specified by the CEO in the approved directions; and
- (b) the ALC is used in the manner specified in the approved directions.

16. Clause 12C repealed

Delete clause 12C.

17. Clause 13 repealed

Delete clause 13.

18. Clause 14 repealed

Delete clause 14.

19. Clause 15 repealed

Delete clause 15.

20. Clause 16 repealed

Delete clause 16.

21. Clause 17 repealed

Delete clause 17.

22. Clause 18 repealed

Delete clause 18.

23. Clause 19 repealed

Delete clause 19.

24. Clause 19A amended

Delete “ the head office of the Department ” in each place that it occurs and insert—
an office of the Department

25. Clause 20A replaced

Delete clause 20A and insert—

Offences

20A. A person who contravenes clause 4, 5, 10, 12, 12A, or 12B commits an offence.

Dated: 16 October 2018.

D. KELLY, Minister for Fisheries.