

FI401

FISH RESOURCES MANAGEMENT ACT 1994
WEST COAST DEMERSAL SCALEFISH (INTERIM) MANAGED FISHERY
MANAGEMENT PLAN AMENDMENT 2019

FD 3252/18 [1407]

Made by the Minister under section 54.

1. Citation

This instrument is the *West Coast Demersal Scalefish (Interim) Managed Fishery Management Plan Amendment 2019*.

2. Management plan amended

The amendments in this instrument are to the *West Coast Demersal Scalefish (Interim) Managed Fishery Management Plan 2007*.

3. Clause 1 replaced

Delete clause 1 and insert—

1. Citation

This plan is the *West Coast Demersal Scalefish (Interim) Managed Fishery Management Plan 2007*.

4. Clause 16E amended

In subclause 16E (2) delete “ 24C (3) or (4) ” and insert—

24C (4), (5) or (6).

5. Clause 21 replaced

Delete clause 21 and insert—

21. Prohibition on storing, transporting or landing fillets of demersal scalefish

(1) A person authorised to fish in the Fishery under the authority of a permit must not store, transport or land any demersal scalefish, except for bait, other than—

- (a) whole fish; or
- (b) fish which has been gilled; or
- (c) fish which has been gutted; or
- (d) fish which has been chilled; or
- (e) any combination of whole, gilled, gutted or chilled fish; or
- (f) fillets of demersal scalefish, where—
 - (i) the skin and scales are attached and each fillet is at least 300 millimetres in length; and
 - (ii) the fillets are packaged flat and in such a manner that they are accessible for measurement and identification; and
 - (iii) if frozen, the fillets can be measured and identified without being thawed; or
- (g) any combination of fish or fillets to which more than one of paragraphs (a) to (f) apply.

(2) Subparagraph (1)(f)(i) does not apply where 90 minutes has elapsed since the fish was landed in a Port Area listed in Schedule 7.

6. Clause 24C replaced

Delete clause 24C and insert—

24C. Nominations to depart port or transit waters

(1) Subject to subclauses (2), (3), (4), (5) and (6) the master of an authorised boat must not, in any waters of any Area of the Fishery—

- (a) fish, or permit any fishing to be carried out, from the boat; or
- (b) have any lines or hooks on board the boat; or
- (c) have any demersal scalefish other than bait on board the boat.

(2) Prior to undertaking any fishing trip, the master of the authorised boat must make a ‘Nomination to Depart Port’—

- (a) by the use of an approved ALC from within a port area and in accordance with the approved directions; and
- (b) not more than 2 hours before the commencement of the trip in the waters of the Fishery; and
- (c) in respect of the Area, the boat, and the trip.

(3) Where the master of an authorised boat has made a nomination in accordance with subclause (2), subclause (1) does not apply.

(4) Subclause (1) does not apply in respect of fishing gear and demersal scalefish on board an authorised boat during a fishing trip in waters of the Fishery where—

- (a) all fishing gear is securely stowed; and

- (b) the boat is only used to transit those waters by the shortest practicable and most direct route for the purposes of the trip; and
 - (c) the boat travels continuously through those waters at not less than 6 knots.
- (5) Subclause (1) does not apply in respect of fishing gear and demersal scalefish on board an authorised boat during a fishing trip in waters of any Area of the Fishery and where the master of the authorised boat makes a 'Nomination to Transit' the waters of that Area—
- (a) by the use of an approved ALC, in accordance with the approved directions; and
 - (b) not more than 2 hours prior to entering the waters of that Area, and where—
 - (i) all fishing gear is securely stowed; and
 - (ii) the boat is only used to transit those waters by the shortest practicable and most direct route for the purposes of the trip; and
 - (iii) the boat travels continuously through those waters at not less than 6 knots.
- (6) Subclause (1) does not apply in respect of fishing gear on board an authorised boat where—
- (a) the boat is used to transit waters of the Fishery; and
 - (b) a nomination under subclause (2) does not apply; and
 - (c) all fishing gear is securely stowed; and
 - (d) the boat travels continuously through those waters at not less than 6 knots.
- (7) Subclause (1)(a) does not apply in the waters of a port area.
- (8) A Nomination to Transit waters made in accordance with subclause (5) is of no effect if, prior to the nomination being made, the authorised boat has entered that Area of the fishery during a fishing trip in respect of which a nomination in accordance with subclause (2) has previously been made.
- (9) The master of an authorised boat must not activate the sleep mode facility of an approved ALC except where the boat is in a port area or on land.
- (10) The master of an authorised boat must not use the boat in any waters of the Fishery outside a port area at any time when the sleep mode facility of the relevant approved ALC is in operation.

7. Clause 24D amended

In clause 24D delete “ Clause 24C (1)-(5) ” and insert—

Clause 24 C(1)-(7)

8. Clause 27 replaced

Delete clause 27 and insert—

27. Offences

A person who contravenes a provision of clause 17, 18, 19, 20, 21, 22, 23, 24A(1), 24A(2), 24C(1), 24C(2), 14C(9), 24C(10), or 25 commits an offence, and for the purposes of section 75 of the Act the offences are major provisions.

9. Schedule 7 amended

- (a) Between Dongara (Port Denison) and Leeman port areas insert—

Freshwater Point

All the waters of the Fishery within 2 nautical miles of the intersection of 29°36.260' south latitude and 114°58.500' east longitude.

- (b) Between Leeman and Jurien Bay port areas insert—

Greenhead

All the waters of the Fishery within 2 nautical miles of the intersection of 30°04.350' south latitude and 114°58.210' east longitude.

- (c) Between Cervantes and Lancelin port areas insert—

Wedge Island

All the waters of the Fishery within 2 nautical miles of the intersection of 30°49.117' south latitude and 115°11.615' east longitude.

Dated the 5th day of October 2019.

D. KELLY, Minister for Fisheries.