

FISH RESOURCES MANAGEMENT ACT 1994

WEST COAST DEMERSAL SCALEFISH (INTERIM) MANAGEMENT PLAN 2007

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FD 297/07 [827]

Made by the Minister under section 54.

PART 1 - PRELIMINARY

1. Citation

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

2. Commencement

This plan will commence operation on 1 January 2008.

[3. Deleted on 18.11.16 by *West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2016*.]

4. Interpretation

In this plan, unless the contrary intention appears -

“**approved ALC**” means an “approved automatic location communicator” as defined in regulation 55A;

“**approved directions**” has the same meaning as in regulation 55A;

“**Area**” means the relevant Area of the Fishery as described in Schedule 2;

“**authorised boat**” means -

- (a) a licensed fishing boat, the name, licensed fishing boat number and length of which are specified on a permit; or
- (b) a boat specified in a written authority under regulation 132 where that boat is to be used in place of a boat described in paragraph (a);

“**bait**” means fish -

- (a) taken lawfully under an authorization; or
- (b) for which proof of purchase can be provided on demand;

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

“**current units of entitlement**” means the usual entitlement conferred by a permit as -

- (a) increased by any entitlement transferred to the permit under section 141 of the Act; or
- (b) decreased by any entitlement transferred from the permit under section 141 of the Act;

“**demersal scalefish**” means all fish of the Class Osteichthyes except mackerel of the genera *Scomberomorus*, *Grammatorcynus* and *Acanthocybium*;

“**dropline**” means a fishing line, excluding a longline, which when used for fishing -

- (a) is weighted at one end only; and
- (b) is deployed vertically through the water; and
- (c) is not attached to a boat; and
- (d) is buoyed at the surface by a minimum of one buoy or float, each of which-
 - (i) has a minimum diameter of 200 millimetres; and
 - (ii) is attached to the line; and
 - (iii) is marked with the licensed fishing boat number of the authorised boat, in letters each of which are at least 6 centimetres high and 1 centimetre wide;

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“**Fishery**” means the West Coast Demersal Scalefish (Interim) Managed Fishery identified in clause 6;
 “**handline**” means a fishing line which when used for fishing has one end in constant contact with an authorised boat, or is attached to a fishing rod or reel, or is held in the hand;
 “**inland waters**” means the waters of any inlet, estuary, river or stream;
 “**jig**” means a lure or other device with unbarbed hooks used for taking squid or cuttlefish, and which is attached to a line;
 “**licensed fishing boat**” has the same meaning as in the regulations;
 “**line**” means a handline, dropline or troll line;
 “**permit**” means an interim managed fishery permit authorising a person to fish in the Fishery;
 “**port area**” means an area described in Schedule 7;
 “**regulations**” means the *Fish Resources Management Regulations 1995*;
 “**troll line**” means a handline that is towed by a boat;
 “**unit value**” means the value of a unit determined in accordance with clause 16B(3);
 “**usual units of entitlement**” means the entitlement conferred by a permit without regard to any entitlement temporarily transferred to or from the permit under section 141 of the Act.

5. Procedure before this plan may be amended or revoked

For the purposes of section 65 of the Act, all the permit holders of the Fishery are the persons to be consulted before this plan is amended or revoked.

PART 2 - THE FISHERY

6. Identification and declaration of the Fishery

- (1) The Fishery to which this plan relates is the fishing for demersal scalefish by any means in the waters described in Schedule 1.
- (2) The Fishery is an interim managed fishery, and may be referred to as the West Coast Demersal Scalefish (Interim) Managed Fishery.

7. Areas of the Fishery

The Fishery is divided into the Areas described in Schedule 2.

PART 3 - PERMITS

8. Interpretation

In this Part -

“**annual catch**” means the weight of demersal scalefish that has been determined by the Department, on the basis of the relevant fishing returns for the relevant financial year, and which is recorded in the Department’s records as the whole weight of demersal scalefish that was taken in that year;

“**average annual catch**” means the average of the annual catches for those three financial years in the pre-benchmark or the post-benchmark period (as the case may be) in which the most demersal scalefish (whole weight) were recorded as having been taken;

“**conversion rates**” means the rates used from time to time by the Department’s Director of Fisheries Research to convert the weight of a part of a fish to a whole weight for Departmental recording purposes, being generally those rates specified in Appendix B, Ministerial Policy Guideline No. 14 except where -

- (a) a rate in Appendix B, Ministerial Policy Guideline No. 14 has superseded an earlier rate or where a rate has subsequently been superseded by a later rate, in which case that rate in regard to that fish applied at the relevant time; or

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- (b) a rate in respect of a species of fish that was not specified in Appendix B, Ministerial Policy Guideline 14 was applied at the relevant time;
- “financial year”** means the period commencing on 1 July in any year and ending on 30 June in the following year, except for the period 1 July 1996 to 30 June 1998 where the financial years are to be -
- (a) the period commencing on 1 July 1996 and ending on 31 October 1997; and
- (b) the period commencing on 1 November 1997 and ending on 30 June 1998;
- “fishing block”** means an area of waters described as a fishing block and having a designated block number, as described in the instructions for use of, or explanatory notes to, the Catch and Effort Returns booklets issued by the Department and used from time to time for the purpose of submitting a fishing return;
- “fishing history”** means the information determined by the Department and recorded in the Department’s records on the basis of the fishing returns relating to the use of the boat licensed under the relevant fishing boat licence;
- “fishing return”** means a return -
- (a) in a form approved by the CEO under the relevant Act and from time to time for recording the catch of fish taken with the use of a fishing boat under a fishing boat licence and submitted under -
- (i) regulation 64; or
- (ii) Section 18 of the *Fisheries Act 1905*; and
- (b) received by the Department on or before 30 June 2004;
- “open access line fishing methods”** means fishing by line -
- (a) by a person fishing commercially from or in connection with the use of a licensed fishing boat, in accordance with the laws of the State regulating commercial fishing from time to time; and
- (b) that was not carried out under any limited entry fishery licence, managed fishery authorisation, exemption, or any other administrative or legislative exception to any prohibition that was an exception that applied, or purported to apply, to that person and did not also apply, or purport to apply, to all other persons;
- “post-benchmark period”** means the period from 1 November 1997 to 30 June 2003;
- “pre-benchmark period”** means the period from 1 July 1991 to 31 October 1997;
- “whole weight”** in relation to a demersal scalefish means the weight of the fish that, in accordance with the relevant conversion rate, has been determined by the Department and recorded in the Department’s records as the whole weight of the fish.

9. Certain fish to be regarded as demersal scalefish

In this Part -

- (a) mackerel of the genera *Scomberomorus*, *Grammatorcynus* and *Acanthocybium* that has not been, and cannot be, taken into consideration in connection with a conferral of entitlement under the *Mackerel Fishery (Interim) Management Plan 2004*; and
- (b) fish of the species specified in Schedule 3 as species managed by the Commonwealth and taken lawfully under an authorisation issued in accordance with the Act,
- and which are recorded in the relevant fishing history shall be regarded as demersal scalefish.

10. Certain fish to be regarded as not having been taken from certain waters of the Fishery

In this Part, except for the purposes of clause 13, where demersal scalefish are recorded in the relevant fishing history as having been taken from fishing block number 2609, 2610, 2611, 2612, 26130, 26131, 3415, 3515, 3615 or 3715, those fish shall only be regarded as having been taken from the waters of the Fishery to the extent that the relevant applicant for the grant of a permit elects in writing prior to the determination of the relevant application.

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11. Certain fish to be regarded as not having been taken by open access line fishing methods

Where any demersal scalefish are recorded in the relevant fishing history as having been taken from the waters of a fishing block by non-open access line fishing methods, the weight of all the demersal scalefish recorded in the relevant fishing history as having been taken from the waters of that fishing block during the relevant period shall be regarded as not having been taken by open access line fishing methods, except to the extent that it can be determined that demersal scalefish were taken by open access line fishing methods.

12. Criteria for the grant of a permit

The criteria to be satisfied before the CEO may grant a person a permit to fish in the Fishery are that-

- (a) on 1 November 2007 the person was the holder of a fishing boat licence; and
- (b) in respect of both the pre-benchmark period and the post-benchmark period the average annual catch of demersal scalefish (whole weight), as determined by the Department and recorded in the Department's records on the basis of fishing returns relating to the use of the boat licensed under the fishing boat licence referred to in paragraph (a) as having been taken with the use of the boat from the waters of the Fishery by open access line fishing methods, is not less than 2,000 kg; and
- (c) the person applies for a permit on or before 29 February 2008.

12A. Additional criteria for the grant of a permit

Further to clause 12, the CEO may grant a person a permit where -

- (a) on 31 December 2011 the person held West Coast Demersal Scalefish (Interim) Managed Fishery Permit WCDS 2811 granted pursuant to clause 12; and
- (b) the person establishes to the satisfaction of the CEO that an application for the renewal of the permit referred to in paragraph (a) was not made to the CEO due to the inadvertence of the holder; and
- (c) the person applies for a permit before 30 June 2013.

[13. Deleted on 16.12.08. by *West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2008.*]

14. Duration of permits

A permit expires on 31 December in any year following the date of grant or renewal.

[15. Deleted on 11.08.15. by *West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2015.*]

15A. Fee for an application under clause 12A

Where a person makes an application for a permit under clause 12A, an additional fee of \$2,000 is payable in respect of the costs of administering the Act.

15B. Payment by instalments

- (1) For the purposes of regulation 137 (2) the total fee payable with respect to the renewal of a permit may be paid by instalments as specified in Schedule 8 if -
 - (a) an election to pay by instalments is made by the holder of a permit in accordance with subclause (2); and
 - (b) no other fee, charge or levy in respect of the permit remains payable at the time the election is received at the head office of the Department.
- (2) For the purposes of subclause (1) an election must be -
 - (a) made in writing; and

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- (b) received at the head office of the Department on or before the day on which the permit expires; and
 - (c) accompanied by the first instalment and the surcharge.
- (3) For the purposes of regulation 137 (3) the surcharge is 3.13% of the total fee.
- (4) The holder of a permit, or person acting on the holder's behalf, must not fish in the Fishery at any time when any -
- (a) fee; or
 - (b) surcharge,
- payable in respect of the permit is outstanding.

16. Items that must be specified on a permit

A permit granted in respect of the Fishery must specify -

- (a) the name and business address of the holder of the permit;
- (b) the authorised boat which may be used for or in connection with fishing in the Fishery under the authority of the permit;
- (c) the permit number;
- (d) the date on which the permit was granted or renewed;
- (e) the date on which the permit expires;
- (f) the name of the Fishery to which the permit refers;
- (g) the current and usual units of entitlement conferred by the permit; and
- (h) any condition imposed on the permit by the CEO.

Part 3A - Capacity and scheme of entitlement

16A. Capacity of Areas of the Fishery

The capacity of each of the Kalbarri, Mid-West and South-West Areas of the Fishery is specified in Schedule 5.

16B. Scheme of entitlement

- (1) The sum of the entitlements conferred by all the permits conferring an entitlement to fish in the Kalbarri, Mid-West or South-West Areas of the Fishery is to equal the capacity of the Kalbarri, Mid-West or South-West Area respectively.
- (2) The entitlement to fish in the Kalbarri, Mid-West or South-West Areas of the Fishery under the authority of a permit shall be expressed as a number of units.
- (3) The extent of the entitlement that arises from a unit, to be known as the unit value, shall be determined in accordance with Schedule 6 and limited by reference to a period of time.
- (4) The number of units of entitlement conferred by a permit upon renewal after it expired on 31 December 2008 is specified in Schedule 6.
- (5) The extent of the entitlement to fish in the Inshore Areas of the Fishery under the authority of a permit is limited to the value of the units of entitlement conferred by the permit.

16C. Grounds for refusal to transfer part of an entitlement

The CEO may refuse to transfer part of an entitlement under a permit to another permit on the grounds that -

- (a) the proposed transfer is not for a whole number of units;
- (b) the value of the current units of entitlement that would be conferred by the permit from which the units are being transferred would, after the transfer, be less than the extent of fishing carried out under the authority of the permit in the period for which the permit has been granted or renewed;

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- (c) if the transfer were given effect the usual units of entitlement conferred by a permit would be less than one;
- (d) the total fee has not been paid in respect of the permit from which the units are to be transferred; or
- (e) the CEO is of the opinion that the holder of the permit from which the units are to be transferred may be liable for prosecution for an offence prescribed for the purposes of section 224 of the Act.

16D. Temporary transfer of entitlement

Part of an entitlement may be temporarily transferred from a permit, for a period ending at the time the permit expires, provided that -

- (a) the value of the current units of entitlement that would be conferred by the permit from which the units are being temporarily transferred would not, after the transfer, be less than the extent of fishing carried out under the authority of the permit in the period for which the permit has been granted or renewed; and
- (b) the transfer is for a whole number of units; and
- (c) the permit from which the units are being temporarily transferred would, after the transfer has been effected, confer not less than one unit; and
- (d) the total fee has been paid in respect of the permit from which the units are to be temporarily transferred.

16E. Extent of fishing taken to have been carried out

- (1) This clause is subject to clause 16F.
- (2) For the purposes of this plan, fishing in an Area of the fishery is to be taken to have been carried out where an authorised boat is used in the waters of that Area except during any period when the boat is being used to transit waters in accordance with subclauses 24C (4), (5) or (6).
- (3) For the purposes of this plan, the extent of fishing that is to be taken to have been carried out by the use of an authorised boat in the waters of an Area is the greater of-
 - (a) the time that the boat was in the waters of the Area during that fishing trip; or
 - (b) the minimum debit amount in respect of that Area.
- (4) For the purposes of subclause (3), the minimum debit amount in respect of -
 - (a) the Kalbarri Area is 20 hours;
 - (b) the Mid-West Area is 12 hours;
 - (c) the South-West Area is 8 hours.

16F. Extent of fishing carried out where more than 10 lines are used

Where the number of lines on board or used from an authorised boat at any time during a fishing trip is greater than 10, then for the purposes of this plan the extent of fishing taken to have been carried out in any Area shall be one tenth of the time determined under clause 16E multiplied by the greater of -

- (a) the greatest number of lines used during the trip; and
- (b) the greatest number of lines on board during the trip; and
- (c) the number of lines in any relevant nomination made under clause 19(3b).

PART 4 - GENERAL REGULATION OF FISHING

17. Prohibition on fishing in the Fishery

Subject to clause 24, a person must not fish in the Fishery other than -

- (a) in accordance with this plan; and
- (b) under the authority of a permit.

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18. Prohibition on fishing in certain Areas

A person fishing in the Fishery under the authority of a permit must not -

- (a) fish in the Metropolitan Area;
- (b) fish in an Inshore Area of the Fishery other than the Metropolitan Area unless the extent of fishing carried out in that Area under the relevant permit during the year for which the permit has been issued, expressed in terms of units of entitlement and determined in accordance with clauses 16E and 16F, is less than the value of the units of entitlement conferred by the permit;
- (c) fish in the waters described in Schedule 9 by means of a dropline with more than three hooks.

19. Prohibitions in regard to line

- (1) A person fishing in the Fishery under the authority of a permit must not fish by any means other than by line.
- (2) Subject to subclause (3a), the master of an authorised boat must ensure that -
 - (a) not more than 10 lines are used for fishing from the boat at any time; and
 - (b) no line having more than 30 hooks or gangs of hooks attached is used for fishing from the boat at any time.
- (3) Subject to subclause (3a), the master of an authorised boat must ensure that there is not at any time on board the boat -
 - (a) more than 10 lines with hooks attached; and
 - (b) any line having more than 30 hooks or gangs of hooks attached.
- (3a) Subclauses (2)(a) and (3)(a) do not apply where -
 - (a) the authorised boat is being used to fish in the waters of the South-West Area in accordance with a permit that confers units of entitlement for that Area; and
 - (b) a nomination has been made in accordance with subclause (3b); and
 - (c) the number of lines used does not exceed the number of lines nominated under paragraph (b).
- (3b) A nomination made under subclause (3a)(b) must be made by the relevant approved ALC in accordance with the approved directions and nominate more than 10 lines and not more than 20 lines.
- (4) The master of a fishing boat that is not an authorised boat and which is being used to fish for a commercial purpose in the waters of the Fishery must ensure that there is no line on board that boat.
- (5) Subclause (4) does not apply to fishing -
 - (a) under the authority of an authorisation issued under -
 - (i) the *Mackerel Managed Fishery Management Plan 201*; or
 - (ii) the *Cockburn Sound (Line and Pot) Management Plan 1995*; or
 - (b) for squid or cuttlefish by means of a jig.

20. Prohibitions and requirements in regard to the use of boats

- (1) A person fishing under the authority of a permit must not use a boat to fish in the Fishery unless the boat is an authorised boat.
- (2) The master of an authorised boat must not permit any demersal scalefish to be transferred -
 - (a) to another boat from; or
 - (b) from another boat to,
 the boat, while the boat is in the waters of the Fishery.
- (3) The master of an authorised boat which has been used to fish in the Fishery must not allow that boat to leave the waters of the Fishery unless all fish taken with the use of that boat have first been unloaded, and no fish, except bait, remain on board.
- (4) The master of an authorised boat, when that boat is being used in the Fishery, must not allow any demersal scalefish to be on board that boat other than bait or fish taken under the authority of the relevant permit.

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- (5) The master of an authorised boat must ensure that the boat does not enter or remain in any waters of the Fishery-
- (a) in which that boat is not authorised to be used for fishing; or
 - (b) that are closed by reason of a notice made under clause 25,
- unless all line carried in, on, or attached to that boat is securely stowed on board.

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.

22. Prohibition on having demersal scalefish on board

Subject to clause 24, the master of a fishing boat that is not an authorised boat and which is being used to fish in the waters of the Fishery must ensure that no demersal scalefish is stored or transported on board that boat.

23. Prohibition on selling, purchasing or dealing in demersal scalefish

Subject to clause 24, a person must not -

- (a) sell, purchase, or deal in, or attempt to sell, purchase, or deal in, any demersal scalefish taken from the Fishery in contravention of this Plan; or
- (b) sell, purchase, or deal in, or attempt to sell, purchase, or deal in, any demersal scalefish taken from the Fishery, unless the demersal scalefish were taken by a person who holds a commercial fishing licence, and the fish were taken under the authority of a permit issued in accordance with this Plan.

24. Exceptions to certain prohibitions

- (1) Clause 17 does not apply to -
- (a) fishing by a person under the authority of an authorisation issued under a management plan for a fishery specified in Schedule 4;
 - (b) fishing by a person under the authority of an authorisation issued under the *Mackerel Managed Fishery Management Plan 2011*;
 - (c) fishing by a person under the authority of an authorisation issued under the *Abrolhos Islands and Mid West Trawl Management Plan 1993*;
 - (d) the taking of demersal scalefish in rock lobster pots being used under the authority of a West Coast Rock Lobster Managed Fishery Licence; or
 - (e) recreational fishing for demersal scalefish.
- (2) Clause 22 does not apply in regard to -

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- (a) demersal scalefish taken and in the possession of a person fishing under the authority of an authorisation issued under a management plan for a fishery specified in Schedule 4;
 - (b) demersal scalefish taken in rock lobster pots being used under the authority of a West Coast Rock Lobster Managed Fishery Licence;
 - (c) a licensed fishing boat in respect of which a fishing tour operator's or restricted fishing tour operator's licence is held and which is being used solely for the conduct of a fishing tour or a restricted fishing tour; or
 - (d) bait.
- (3) Clause 23 does not apply to persons selling, purchasing, or dealing in, or attempting to sell, purchase, or deal in, demersal scalefish under the authority of an authorisation issued under a management plan for a fishery specified in Schedule 4.
- (4) Part 4 of this plan does not apply to a person fishing from an authorised boat in the areas described in, and in accordance with, the *Prohibition on Commercial Fishing (South-West Coast Beach Bait Net) Order 2010*.
- (5) For the purposes of subclause (4) "authorised boat" has the same meaning as in the *Prohibition on Commercial Fishing (South-West Coast Beach Bait Net) Order 2010*.

Part 4A - Automatic location communicators and nominations

24A. Requirement for ALC to be installed in an authorised boat

- (1) A person must not use an authorised boat in the Fishery unless an approved ALC has been installed in that boat in accordance with the approved directions.
- (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.
- (3) It is a condition of the permit that an authorised boat must not be used in the Fishery unless an approved ALC is fitted to the boat and the ALC is being used in the manner specified in the approved directions.
- (4) It is a condition of a permit that regulations 55C and 55D are complied with at all times.

[24B. Deleted on 13.12.11. by *West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2011*.]

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

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- (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.

24D. Exceptions to clause 24C

Clause 24C(1) – (7) does not apply to –

- (a) fishing by a person under the authority of an authorisation issued under a management plan for a fishery specified in Schedule 4;
- (b) fishing by a person under the authority of an authorisation issued under the *Mackerel Managed Fishery Management Plan 2011*;
- (c) fishing by a person under the authority of an authorisation issued under the *Abrolhos Islands and Mid West Trawl Management Plan 1993*;
- (d) recreational fishing for demersal scalefish; or
- (e) fishing by a person for a species that is not regulated by this Plan.

PART 5 - MISCELLANEOUS

25. Closure of an area within the Fishery

- (1) The CEO may, by notice published in the Gazette, prohibit any fishing activity in any Area or part of an Area for the period specified in the notice if the CEO is satisfied that the prohibition is required in the better interests of the Fishery.
- (2) In determining the better interests of the Fishery the CEO must take into account advice received from the Department's Director of Fisheries Research, and any other relevant advice, in relation to -
 - (a) the long-term sustainability of the Fishery; or
 - (b) the ecological and environmental impacts of the Fishery.
- (3) A notice made in accordance with subclause (1) -
 - (a) may only be made after consultation with the permit holders on whose permits are specified the Areas in which the prohibition is to apply; and

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- (b) may apply at all times or for a specified period; and
 - (c) revokes any previous notice made under that subclause.
- (4) A person must not fish in any Area or part of an Area at a time when fishing in that Area or part of an Area has been prohibited by a notice made under subclause (1).

[26. Deleted on 16.12.08. by *West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2008*.]

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.

SCHEDULE 1

Description of the Fishery

All Western Australian waters off the west and south coast of Western Australia bounded by a line commencing at the intersection of the high water mark on the coastline of Western Australia at its westernmost extremity and 26° 30.00' south latitude; thence extending west along the geodesic to the outer boundary of the Australian fishing zone; thence commencing in a southerly and then easterly direction following the outer boundary of the Australian fishing zone to where it intersects with 115° 30.00' east longitude; thence north along the geodesic to the intersection with the high water mark on the coastline of Western Australia; thence generally following the high water mark to the commencement point, except for inland waters.

SCHEDULE 2

Areas of the Fishery

Inshore Areas

Kalbarri Area

All the waters bounded by a line commencing at the intersection of the high water mark on the coastline of Western Australia and 26°30.00' south latitude; thence west along the geodesic to the intersection of the outer boundary of the Australian Fishing Zone and 26°30.00' south latitude; thence generally south east along the outer boundary of the Australian Fishing Zone to the intersection of 28°00.00' south latitude; thence east along the geodesic to the intersection with the high water mark on the coastline and 28°00.00' south latitude; thence generally north west along the high water mark to the commencement point.

Mid-West Area

All the waters bounded by a line commencing at the intersection of the high water mark on the coastline of Western Australia and 28°00.00' south latitude; thence west along the geodesic to the intersection of the outer boundary of the Australian Fishing Zone and 28°00.00' south latitude; thence generally south east along the outer boundary of the Australian Fishing Zone to the intersection of 32°00.00' south latitude; thence east along the geodesic to the intersection of 32°00.00' south latitude and 115°10.353' east longitude; thence generally north east along the geodesic to the intersection of 31°56.00' south latitude and 115°12.50' east longitude; thence generally north west along the geodesic to the intersection of 31°47.00' south latitude and 115°01.00' east longitude; thence generally north along the geodesic to the intersection of 31°12.00' south latitude and 114°55.00' east longitude; thence generally north west along the geodesic to the intersection of 31°00.00' south latitude and 114°50.43'

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east longitude; thence east along the geodesic to the intersection with the high water mark on the coastline and 31°00.00' south latitude; thence generally north west along the high water mark to the commencement point.

Metropolitan Area

All Western Australian waters bounded by a line commencing at the intersection of the high water mark on the coastline of Western Australia and 31° 00.00' south latitude; thence extending west along the geodesic to the intersection with 114° 50.43' east longitude; thence generally south to the intersection of 31° 12.00' south latitude and 114° 55.00' east longitude; thence generally south to the intersection of 31° 47.00' south latitude and 115° 01.00' east longitude; thence generally south-east to the intersection of 31° 56.00' south latitude and 115° 12.50' east longitude; thence generally south-west to the intersection of 33° 00.00' south latitude and 114° 38.15' east longitude; thence east along the geodesic to the intersection with the high water mark on the coastline of Western Australia; thence generally north-west along the high water mark to the commencement point.

South-West Area

All the waters bounded by a line commencing at the intersection of the high water mark on the coastline of Western Australia and 33°00.00' south latitude; thence west along the geodesic to the intersection of 33°00.00' south latitude and 114°38.15' east longitude; thence north east along the geodesic to the intersection of 32°00.00' south latitude and 115°10.353' east longitude; thence west along the geodesic to the intersection of the outer boundary of the Australian Fishing Zone and 32°00.00' south latitude; thence generally south then south east along the outer boundary of the Australian Fishing Zone to the intersection of 115°30.00' east longitude; thence north along the geodesic to the intersection with the high water mark on the coastline and 115°30.00' east longitude; thence generally west, north then north east along the high water mark to the commencement point.

SCHEDULE 3

Species managed by the Commonwealth that may be taken under a State authorisation

<u>Common name</u>	<u>Scientific name</u>
Blue Mackerel	<i>Scomber australasicus</i>
Greenback, or Jack, Mackerel	<i>Trachurus declivis</i>
Peruvian Jack Mackerel	<i>Trachurus murphi</i>
Yellowtail Jack Mackerel	<i>Trachurus novaezelandiae</i>
Bigeye Tuna	<i>Thunnus obesus</i>
Yellowfin Tuna	<i>Thunnus albacares</i>
Albacore Tuna	<i>Thunnus alalunga</i>
Longtail Tuna	<i>Thunnus tonggol</i>
Skipjack Tuna	<i>Katsuwonus pelamis</i>
Pomfrets, Fanfish	<u>Family Bramidae</u>
Redbait	<i>Emmelichthys nitidus</i>

SCHEDULE 4

Fisheries to which certain exceptions to prohibitions apply

Cockburn Sound (Fish Net) Managed Fishery
Cockburn Sound (Line and Pot) Managed Fishery
Marine Aquarium Fish Managed Fishery

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South Coast Purse Seine Managed Fishery
South West Coast Salmon Managed Fishery
South West Trawl Managed Fishery
West Coast (Beach Bait Fish Net) Managed Fishery
West Coast Demersal Gillnet and Demersal Longline (Interim) Managed Fishery
West Coast Purse Seine Managed Fishery

SCHEDULE 5

Capacity of Areas of the Fishery – Clause 16A

For the year ending on 31 December 2009 the capacity of each Area of the Fishery other than the Metropolitan Area is specified in the following Table:

Kalbarri Area	Mid-West Area	South-West Area	Offshore Area
10 488 hours	24 398 hours	6 622 hours	2 400 hours

For each calendar year after 31 December 2009 the capacity of each Area of the Fishery is specified in the following Table:

Kalbarri Area	Mid-West Area	South-West Area
7 865 hours	16 154 hours	6 622 hours

SCHEDULE 6

Units of Entitlement - Clause 16B

1. Calculation of unit value

(a) The extent of the entitlement arising from a unit shall be determined in accordance with the formula:

$$\frac{C}{N} = U$$

Where -

‘C’ is the capacity of an Area of the Fishery;

‘N’ is the total number of units conferred by all the permits conferring an entitlement to fish in the relevant Area at the relevant time;

‘U’ is the value of a unit.

(b) Where the value of a unit resulting from a determination made in accordance with paragraph (a) is not a whole number any fraction greater than 5/1000 is rounded upwards, and any other fraction is rounded downwards, to the second decimal place.

2. Units conferred by permits on renewal

Interim Managed Fishery Permit No.	Units of entitlement conferred		
	Kalbarri units	Mid-West units	South-West units

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WCDS 2755	1254	407	0
WCDS 2756	1063	112	0
WCDS 2757	831	399	0
WCDS 2758	403	663	0
WCDS 2760	410	1400	0
WCDS 2761	305	273	0
WCDS 2762	614	53	0
WCDS 2763	369	947	0
WCDS 2764	79	859	0
WCDS 2765	0	18	334
WCDS 2766	1069	931	0
WCDS 2767	0	60	0
WCDS 2768	23	1033	31
WCDS 2769	0	0	751
WCDS 2770	0	251	78
WCDS 2771	0	22	447
WCDS 2772	206	331	0
WCDS 2775	0	307	1539
WCDS 2776	81	216	0
WCDS 2777	0	250	0
WCDS 2778	0	0	262
WCDS 2779	0	14	7
WCDS 2780	628	0	0
WCDS 2781	162	86	0
WCDS 2782	47	1059	0
WCDS 2783	0	362	0
WCDS 2784	173	528	0
WCDS 2787	9	361	0
WCDS 2788	0	1119	0
WCDS 2789	0	396	0
WCDS 2790	622	239	0
WCDS 2791	10	369	0
WCDS 2792	0	235	0
WCDS 2793	173	547	0
WCDS 2794	0	179	0
WCDS 2795	0	0	699
WCDS 2797	79	58	0
WCDS 2798	0	0	493
WCDS 2799	0	324	0
WCDS 2801	48	918	0
WCDS 2803	0	225	0
WCDS 2805	96	23	0
WCDS 2806	3	47	0
WCDS 2810	113	1707	0
WCDS 2811	0	467	0
WCDS 2812	253	112	0
WCDS 2813	45	332	0
WCDS 2814	59	700	0
WCDS 2815	6	275	0
WCDS 2816	0	852	0
WCDS 2817	0	125	370
WCDS 2818	445	671	0

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WCDS 2819	0	329	0
WCDS 2820	0	543	0
WCDS 2821	233	491	0
WCDS 2822	0	405	52
WCDS 2823	0	0	0
WCDS 2825	166	967	0
WCDS 2828	201	48	8
WCDS 2831	0	631	0
WCDS 2833	212	2	0
TOTALS	10490	24278	5071

SCHEDULE 7

Port areas

Kalbarri

All the waters of the Fishery within 3 nautical miles of the intersection of 27° 42.49' South latitude and 114° 09.29' East longitude.

Port Gregory

All the waters of the Fishery within 2 nautical miles of the intersection of 28° 11.45' South latitude and 114° 14.95' East longitude.

Geraldton

All the waters of the Fishery within 2 nautical miles of the intersection of 28° 46.46' South latitude and 114° 35.29' East longitude.

Dongara (Port Denison)

All the waters of the Fishery within 2 nautical miles of the intersection of 29° 16.41' South latitude and 114° 54.44' East longitude.

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.

Leeman

All the waters of the Fishery within 2 nautical miles of the intersection of 29° 56.59' South latitude and 114° 57.97' East longitude.

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.

Jurien Bay

All the waters of the Fishery within 2 nautical miles of the intersection of 30° 17.30' South latitude and 115° 02.52' East longitude.

Cervantes

All the waters of the Fishery within 2 nautical miles of the intersection of 30° 28.61' South latitude and 115° 03.82' East longitude.

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Lancelin

All the waters of the Fishery within 2 nautical miles of the intersection of 31° 00.89' South latitude and 115° 19.67' East longitude.

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.

Ledge Point

All the waters of the Fishery within 2 nautical miles of the intersection of 31° 06.83' South latitude and 115° 22.29' East longitude.

Two Rocks

All the waters of the Fishery within 2 nautical miles of the intersection of 31° 29.77' South latitude and 115° 34.98' East longitude.

Mindarie

All the waters of the Fishery within 2 nautical miles of the intersection of 31° 41.30' South latitude and 115° 41.94' East longitude.

Hillarys

All the waters of the Fishery within 2 nautical miles of the intersection of 31° 49.38' South latitude and 115° 44.36' East longitude.

Fremantle

All the waters of the Fishery within 2 nautical miles of the intersection of 32° 03.73' South latitude and 115° 44.56' East longitude.

Safety Bay

All the waters of the Fishery within 2 nautical miles of the intersection of 32° 18.33' South latitude and 115° 42.42' East longitude.

Mandurah

All the waters of the Fishery within 2 nautical miles of the intersection of 32° 31.27' South latitude and 115° 42.13' East longitude.

Bunbury

All the waters of the Fishery within 2 nautical miles of the intersection of 33° 18.25' South latitude and 115° 38.83' East longitude.

Busselton

All the waters of the Fishery within 2 nautical miles of the intersection of 33° 37.74' South latitude and 115° 23.49' East longitude.

Quindalup

All the waters of the Fishery within 2 nautical miles of the intersection of 33° 37.70' South latitude and 115° 08.24' East longitude.

Canal Rocks

All the waters of the Fishery within 2 nautical miles of the intersection of 33° 40.13' South latitude and 114° 59.28' East longitude.

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Cowaramup

All the waters of the Fishery within 2 nautical miles of the intersection of 33° 51.76' South latitude and 114° 59.28' East longitude.

Hamelin Bay

All the waters of the Fishery within 2 nautical miles of the intersection of 34° 13.10' South latitude and 115° 01.70' East longitude.

Augusta

All the waters of the Fishery within 2 nautical miles of the intersection of 34° 20.62' South latitude and 115° 10.14' East longitude.

SCHEDULE 8

Payment by instalments

[clause 15B]

The fee payable in respect of the renewal of a permit may be paid in instalments consisting of -

- (a) the first instalment, being 25% of the total fee, and due for payment on or before 30 December in the year for which the permit expires;
- (b) the second instalment, being 25% of the total fee, and due for payment on or before 31 March immediately following the day on which the first instalment is due to be paid;
- (c) the third instalment, being the remainder of the total fee not paid in accordance with paragraphs (a) and (b), and due for payment on or before 1 June immediately following the day on which the second instalment is due to be paid.

SCHEDULE 9

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 6th day of November 2007.

JON FORD
Minister for Fisheries.

Original Management Plan and Amendment Information:

West Coast Demersal Scalefish (Interim) Management Plan 2007 was first published in Government Gazette No. 235 on 09.11.07. (p. 5619-5626).

Amendments: West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2008 published in Government Gazette No. 214 on 16.12.08. (p. 5267-5273); West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment (No. 2) 2008 published in Government Gazette No. 224 on 22.12.08. (p. 5461); West Coast Demersal Scalefish Fishery (Interim)

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Management Plan Amendment 2009 published in Government Gazette No. 164 on 15.09.09. (p. 3606-3607); West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment (No. 2) 2009 published in Government Gazette No. 228 on 18.12.09. (p. 5014); West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2010 published in Government Gazette No. 229 on 03.12.10. (p. 6064-6065); West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2011 published in Government Gazette No. 244 on 13.12.11. (p. 5286-5287); West Coast Demersal Scalefish (Interim) Management Plan Amendment 2012 published in Government Gazette No. 70 on 04.05.12. (p. 1869); West Coast Demersal Scalefish (Interim) Management Plan Amendment (No. 2) 2012 published in Government Gazette No. 180 on 12.10.12. (p. 4855); West Coast Demersal Scalefish (Interim) Management Plan Amendment (No. 3) 2012 published in Government Gazette No. 232 on 14.12.12. (p. 6215); West Coast Demersal Scalefish (Interim) Management Plan Amendment 2013 published in Government Gazette No. 91 on 18.06.13. (p. 2313); West Coast Demersal Scalefish (Interim) Management Plan Amendment (No. 2) 2013 published in Government Gazette No. 156 on 23.08.13. (p. 4019); West Coast Demersal Scalefish (Interim) Management Plan Amendment (No. 3) 2013 published in Government Gazette No. 188 on 18.10.13. (p. 4745-4746); West Coast Demersal Scalefish (Interim) Management Plan Amendment 2014 published in Government Gazette No. 181 on 14.11.14. (p. 4290-4291); West Coast Demersal Scalefish (Interim) Management Plan Amendment 2015 published in Government Gazette No. 123 on 11.08.15. (p. 3226-3227); West Coast Demersal Scalefish (Interim) Management Plan Amendment 2016 published in Government Gazette No. 205 on 18.11.16. (p. 5223); West Coast Demersal Scalefish (Interim) Managed Fishery Management Plan Amendment 2019 published in Government Gazette No. 148 on 15.10.19. (p. 3665-3667).

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