

**FISHERIES ACT 1905**  
**WEST COAST PURSE SEINE LIMITED ENTRY FISHERY NOTICE 1989**  
**Arrangement**

**Clause**

1. Citation
  2. Commencement
  3. Interpretation
  4. Declaration of limited entry fishery
  5. Prohibition on taking fish
  6. Prohibition on selling and dealing
  7. Criteria to determine the boats which may operate in the Fishery
  8. Application for a licence
  9. Details on licence
  10. Minister may close Fishery
  - 10A. Restrictions on fishing
  11. Authorised means of operating in the Fishery
  12. Supplementary access may be granted to specified boats
  13. Transfer of licence
  14. Boat replacement
  15. Payment by instalments
  16. Procedure before this Plan may be amended or revoked
  17. Offences
- Schedule 1 (Clause 4) Description of Fishery  
Schedule 2 (Clause 10)  
Schedule 3 (Clause 10) Closures  
Schedule 4
- 

**WEST COAST PURSE SEINE LIMITED ENTRY FISHERY NOTICE 1989**  
**Notice No. 408**

255/88.

MADE by the Minister under section 32.

**Citation**

1. This Notice may be cited as the *West Coast Purse Seine Limited Entry Fishery Notice 1989*.

**Commencement**

2. This Notice shall come into operation on 1 October 1989.

**Interpretation**

3. In this Notice unless the contrary intention appears —

"**approved form**" means in a form approved by the Director;

"**Fishery**" means the West Coast Purse Seine Limited Entry Fishery declared under clause 4;

"**lampara net**" means a fishing net designed to surround a shoal of fish which has a cork or float line and a bottom lead line, which when hauled, closes together to trap the encircled fish;

"**length**" means length in relation to a fishing boat, as determined in accordance with

"**licence**" means a licence authorising a boat to operate in the Fishery;  
regulations made under the Western Australian Marine Act 1982;

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**"purse seine net"** means a fishing net designed to surround a shoal of fish which has a cork or float line and which has a series of rings attached to the lead or ground line through which is passed a purse line, which when hauled, closes the bottom of the net;

**"regulations"** means the *Fish Resources Management Regulations 1995*;

**"small pelagic fish"** means the following species of fish -

pilchards (mulies)	( <i>Sardinops neopilchardus</i> );
scaly mackerel	( <i>Sardinella lemuru</i> );
perth herring	( <i>Nematalosa vlaminghi</i> );
yellowtail scad	( <i>Trachurus novaezelandiae</i> );
Australian anchovy	( <i>Engraulis australis</i> ); and
maray	( <i>Etrumeus teres</i> )

**"total fee"** means the fee as specified in item 27(a) of Part 3 of Schedule 1 of the regulations.

#### **Declaration of limited entry fishery**

4. It is hereby declared that the taking of small pelagic fish other than —

- (a) white bait (*Hyperlophus vittatus*);
- (b) blue sprat (*Spratelloides robustus*);
- (c) blue mackerel (*Scomber australiasicus*);
- (d) jack mackerel (*Trachurus declivis*);

by means of lampara nets or purse seine nets shall constitute a limited entry fishery in the waters described in Schedule 1 to be called the *West Coast Purse Seine Limited Entry Fishery*.

#### **Prohibition on taking fish**

5. (1) A person, other than a person —

- (a) to whom section 32(5) of the Act applies; or
- (b) referred to in subclause (2);

shall not take small pelagic fish in the Fishery otherwise than in accordance with this notice.

(2) To the extent that a species of fish or a means of taking fish forms part of either the *Cockburn Sound (Fish Net) Limited Entry Fishery* or the *West Coast (Beach Bait Fish Net) Limited Entry Fishery* and this Fishery, a person licensed to take fish in either the *Cockburn Sound (Fish Net) Limited Entry Fishery* or the *West Coast (Beach Bait Fish Net) Limited Entry Fishery* may take or attempt to take fish in this Fishery provided that the person complies with the requirements, as the case may be, of the *Cockburn Sound (Fish Net) Limited Entry Fishery Notice 1994* and of any licence issued or renewed pursuant to that notice or the *West Coast (Beach Bait Fish Net) Limited Entry Fishery Notice 1994* and of any licence issued or renewed pursuant to that notice.

(3) A person shall not, for gain or reward, sell or otherwise dispose of fish taken in contravention of this notice.

#### **Prohibition on selling and dealing**

6. A person shall not sell or deal, or attempt to sell or deal, in any way with any fish taken in contravention of this notice.

#### **Criteria to determine the boats which may operate in the Fishery**

7. The following criteria shall be applied to determine the boats, or a boat that it has replaced, which may operate in the Fishery —

- (a) the boat shall have been used in the taking of small pelagic fish in the four years 1 July 1982 to 30 June 1986 by means of —
  - (i) lampara nets;
  - (ii) purse seine nets; or
  - (iii) lampara nets and purse seine nets;

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- (b) during the four years referred to in paragraph (a) a minimum average catch of 20 tonnes of small pelagic fish shall have been taken; and
- (c) the boat shall have continued to operate in the Fishery during the period 1 July 1986 to 30 June 1987.

#### **Application for a licence**

**8.** The owner or licensee of a boat which fulfils the criteria in clause 7 may apply in accordance with clause 15 for a licence authorising the boat to operate in the Fishery.

#### **Details on licence**

**9.** A licence shall contain the following details —

- (a) the name and licensed fishing boat number in respect to which it is issued;
- (b) the name and address of the owner or licensee of that boat;
- (c) the licence number;
- (d) the day of issue;
- (e) the period for which the licence is valid; and
- (f) any conditions imposed on the licence.

#### **Minister may close Fishery**

**10.** (1) The Executive Director may, by notice published in the Gazette, prohibit fishing in any part of the Fishery for the period specified in the notice if in the opinion of the Executive Director the prohibition is necessary for the protection of any part of the stocks of small pelagic fish or is required in the better interests of the Fishery.

(1a) A person must not fish in a part of the Fishery at a time when fishing in that part has been prohibited by a notice made under subclause (1).

(2) A boat, other than a boat granted supplementary access to the Fishery, shall not take, or attempt to take, small pelagic fish by means of lampara nets or purse seine nets in the waters specified in Schedule 2.

(3) A boat granted supplementary access shall not take, or attempt to take, small pelagic fish by means of lampara nets or purse seine nets in the waters specified in Schedule 3.

#### **Restrictions on fishing**

**10A.** (1) The holder of a licence or a person acting on that person's behalf must not, at any time on or before 31 March 2005, fish for pilchards unless the total quantity of pilchards taken under the authority of the licence after 31 March 2004 is —

- (a) in the case of a licence that was first granted pursuant to clause 7, less than 168,750 kilograms;
- (b) in the case of a licence that was first granted pursuant to clause 12, less than the number of kilograms set out opposite the reference to that licence in Schedule 5.

(2) The holder of a licence or a person acting on that person's behalf must not, at any time on or before 31 March 2005, fish for a small pelagic fish that is not a pilchard unless the total quantity of small pelagic fish other than pilchards taken under the authority of the licence after 31 March 2004 is —

- (a) in the case of a licence that was first granted pursuant to clause 7, less than 168,750 kilograms;
- (b) in the case of a licence that was first granted pursuant to clause 12, less than the number of kilograms set out opposite the reference to that licence in Schedule 6.

(3) In Schedules 5 and 6, a reference in column 1 to a number is a reference to the licence that specifies that number in accordance with clause 9.

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### **Authorised means of operating in the Fishery**

**11.** (1) A boat licensed to operate in the Fishery or granted supplementary access by the Minister shall only take, or attempt to take, small pelagic fish by means of lampara nets or purse seine nets —

- (a) having a length of not more than 350 metres; and
- (b) having a mesh size of not less than 18 millimetres.

(2) A boat granted supplementary access to operate in the Fishery shall not set and haul a lampara net or purse seine net by the use of hydraulic rollers, power blocks or other forms of mechanical assistance.

### **Supplementary access may be granted to specified boats**

**12.** (1) A boat not licensed to operate in the Fishery may, with the approval of the Minister, be used to take small pelagic fish in the Fishery.

(2) The following criteria shall be applied to determine the boats, or a boat that it has replaced, which may be granted supplementary access to the Fishery —

(a) in the case of a boat licensed to operate in the West Coast Rock Lobster Limited Entry Fishery the boat shall have been used in the taking of small pelagic fish in the Fishery in the four years 1 July 1982 to 30 June 1986 by means of —

- (i) lampara nets;
- (ii) purse seine nets; or
- (iii) lampara nets and purse seine nets; and

(A) during the four years referred to a minimum average catch of one tonne of small pelagic fish shall have been taken; and  
(B) the boat shall have continued to operate in the Fishery during the period 1 July 1986 to 30 June 1987; and

(b) in the case of any other licensed fishing boat, the boat shall have been used in the taking of small pelagic fish in the Fishery in the four years 1 July 1982 to 30 June 1986 by means of —

- (i) lampara nets;
- (ii) purse seine nets, or
- (iii) lampara nets and purse seine nets; and

(A) during the four years referred to a minimum average catch of one tonne, but less than 20 tonnes of small pelagic fish shall have been taken; and  
(B) the boat shall have continued to operate in the Fishery during the period 1 July 1986 to 30 June 1987.

(3) A boat granted access in accordance with subclause (1) —

- (a) shall have endorsed on the boat licence the means by which the small pelagic fish may be taken;
- (b) shall be subject to any of the requirements of this notice or other conditions as determined by the Director; and
- (c) may have that access withdrawn by the Minister at any time.

### **Transfer of licence**

**13.** (1) For the purposes of section 140(2) of the Act, if the total fee for a licence has not been paid that shall be grounds on which the Executive Director may refuse to transfer that licence.

(2) Supplementary access to the Fishery, granted in accordance with clause 12, shall not be transferred.

### **Boat replacement**

**14.** Subject to the prior written approval of the Director a boat licensed to operate in the Fishery may be replaced by a boat with a length no greater than 16 metres.

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### **Payment by instalments**

**15.** (1) For the purposes of regulation 137(2) of the regulations, the total fee may be paid by instalments as specified in Schedule 4 if —

- (a) an election to pay by instalments is made by the holder of a licence in accordance with subclause (2); and
- (b) there is no other fee, charge or levy in respect of the licence which has not been paid at the time the election is received at the head office of the Department.

(2) An election, for the purposes of subclause (1), must be —

- (a) made in writing;
- (b) received at the head office of the Department prior to the commencement of the licensing period to which the election relates;
- (c) accompanied by the first instalment plus the surcharge

(3) For the purposes of regulation 137(3) of the regulations, the surcharge shall be 3.13% of the total fee.

(4) The holder of a licence, or a person acting on that persons behalf, must not fish in the Fishery at any time when any fee or surcharge payable in respect of the licence is outstanding.

### **Procedure before this Plan may be amended or revoked**

**16.** For the purposes of section 65 of the Act the Purse Seine Management Advisory Committee is the advisory committee to be consulted before this Plan is amended or revoked.

### **Offences**

**17.** A person who contravenes a provision of —

- (a) clause 10A; or
- (b) 5, 6, 10 or 11,

commits an offence and for the purposes of section 75 of the Act the offences specified in paragraph (a) are major offences.

## **Schedule 1 (Clause 4)**

### **Description of Fishery**

All Western Australian waters between 31° south latitude (near Lancelin) and 33° south latitude (near Cape Bouvard) and on the landward side of the 200 nautical mile Australian Fishing Zone limit, but excluding those waters within the boundaries of the marmion Marine Park Reserve No. 1 bordered in red on Department of Land Administration Miscellaneous Plan numbered 1597.

## **Schedule 2 (Clause 10)**

1. That portion of Western Australian waters within 1 000 metres of the high water mark between 31° south latitude (near Lancelin) and 31° 54' south latitude (near Observation City).
2. That portion of Western Australian waters within 1 000 metres of the high water mark between 32° 16' south latitude (near Cape Peron) and 33° south latitude.

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3. All the waters of Warnbro Sound, the Indian Ocean and Shoalwater Bay bounded by a line commencing at a point on the high water mark at Becher Point and extending seawards to a point 2 400 metres west; thence northerly to a point 1 600 metres from the high water mark of the southernmost point of Penguin Island; thence generally northwesterly and northerly to a point 1 600 metres due west from the high water mark of the westernmost point of Penguin Island; thence northerly to the high water mark at Point Peron; thence along the high water mark to the commencing point.

#### **Schedule 3 (Clause 10)**

All those waters of Warnbro Sound, the Indian Ocean and Shoalwater Bay bounded by lines commencing at the intersection of the high water mark and the southerly extension of June Road to a point 800 metres south of the high water mark; thence generally westerly to a point on a line joining Mersey Point and Becher Point which is 1 600 metres from the high water mark of the easternmost point of Penguin Island; thence generally southerly, westerly and northerly to a point 1 600 metres due west from the high water mark of the westernmost point of Penguin Island; thence northerly to the high water mark at Point Peron; thence along the high water mark to the commencing point.

#### **Schedule 4 – Payments by instalments**

- (a) the first instalment is 25% of the total fee and is due for payment on or before 1 April of the year for which the licence is to be granted or renewed.
- (b) The second instalment is 25% of the total fee and is due for payment on or before 1 July immediately following the period specified in paragraph (a).
- (c) The third instalment is the total fee less the instalments provided for in paragraphs (a) and (b) and is due for payment on or before 1 October immediately following the period specified in paragraph (a).

#### **Schedule 5**

<b>Licence Number</b>	<b>Total quantity of pilchards (kg)</b>
WPSS1070	5,625
WPSS1067	5,625
WPSS1068	5,625
WPSS1058	22,500
WPSS1066	5,625

#### **Schedule 6**

<b>Licence Number</b>	<b>Total quantity of small pelagic fish other than pilchards (kg)</b>
WPSS1070	5,625
WPSS1067	5,625
WPSS1068	5,625
WPSS1058	22,500
WPSS1066	5,625

Dated this 4th day of September 1989.

GORDON HILL, Minister for Fisheries

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