

Fish Resources Management Act 1994

**SOUTH COAST SCALLOP MANAGED FISHERY MANAGEMENT PLAN 2025**

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**SOUTH COAST SCALLOP MANAGED FISHERY MANAGEMENT PLAN 2025**

[A18448]

Made by the Minister under section 54.

**PART 1 - PRELIMINARY**

**1. Citation**

This plan is the *South Coast Scallop Managed Fishery Management Plan 2025*.

**2. Commencement**

This instrument comes into operation as follows -

- (a) clauses 1 and 2 - on the day this instrument is published in the *Gazette*;
- (b) the rest of the clauses - on the day after that day.

**3. Interpretation**

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

*approved ALC* means an ALC approved as provided for in regulation 55AA(1);

*approved directions for use* means the directions for use of an ALC as provided for in regulation 55AA(3);

*approved form* means in a form approved by the CEO;

*authorised boat* means -

- (a) a licensed fishing boat the name, licensed fishing boat number and length of which are specified in a licence; 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 (a);

*calendar year* means the period of 12 months commencing on the first day of January and ending on the last day of December;

*chafer* means a piece of net attached to the exterior surface of the codend to protect it from wear;

*closed waters* means any waters of the Fishery in which fishing is prohibited;

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

***drop*** means a length of chain joining the ground chain of an otter trawl net to the ground rope;

***Fishery*** means the South Coast Scallop Managed Fishery declared under clause 5;

***fishing boat licence*** has the same meaning as in the Act;

***grid*** means a device fitted within an otter trawl net, or any modification made to an otter trawl net, that allows large marine animals to escape;

***headrope*** means the rope onto which is attached the upper half of the mouth of an otter trawl net;

***headrope length*** means the distance measured along the headrope from where the net attaches to one end of the headrope to where it attaches to the other end of the headrope;

***licence*** means a managed fishery licence which authorises a person to fish in the Fishery;

***licence period*** means the period commencing on 2 March in any year and ending on 1 March in the following year;

***liner*** means a piece of net attached to the interior surface of the codend to protect it from wear;

***otter board*** means a board or plate used on an otter 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 having its mouth or opening controlled by otter boards;

***plan*** means the *South Coast Scallop Managed Fishery Management Plan 2025*;

***port area*** means an area specified in Schedule 2;

***scallop*** means fish of that common name described by the scientific classification opposite that name in Division 4 of Schedule 7 to the regulations;

***T90 mesh*** means a mesh configuration used in an otter trawl net and comprising diamond-shaped mesh which is -

- (a) oriented at 90 degrees; and
- (b) not less than 100 millimetres when measured from the centre of the knot to the centre of the opposing knot;

*try net* means an otter trawl net with a headrope length not exceeding 5 metres.

#### **4. Procedure before this plan may be amended or revoked**

All the licence holders are the persons to be consulted before this plan is amended or revoked.

### **PART 2 - THE FISHERY**

#### **5. Identification and declaration of the Fishery**

- (1) The Fishery to which this plan relates is fishing for scallops by means of otter trawl nets in the waters described in Schedule 1.
- (2) The Fishery is a managed fishery, and may be referred to as the South Coast Scallop Managed Fishery.

### **PART 3 - LICENCES AND FEES**

#### **6. Criteria for the grant of a licence**

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

- (a) on the date of commencement of this plan the person was the holder of fishing boat licence number 1172, 1418, 1931, or 1946; and
- (b) an application for the grant of a licence in respect of a fishing boat licence specified in paragraph (a) is made only once, and is received by the CEO on, or prior to, 31 December 2025.

#### **7. Duration of licences**

A licence granted or renewed for a period commencing on 2 March in any year expires on 1 March following the date of grant or renewal.

#### **8. Items that must be specified on a licence**

A licence must specify -

- (a) the name and business address of the holder of the licence;
- (b) the authorised boat;
- (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; and
- (g) any conditions imposed on the licence by the CEO.

## 9. Fees

- (1) Except where a fee has been specified in the regulations, the fee payable for the grant of a licence expiring on 1 March in any year is \$8000.
- (2) Subject to, and for the purposes of, regulation 137(2), the fee specified in the regulations may be paid by instalments as provided for in Schedule 3 if -
  - (a) an election to pay by instalments is made by the holder of a licence in accordance with subclause (3); and
  - (b) no other outstanding fee, charge or levy is payable in respect of the licence at the time the election has been received by the Department.
- (3) An election for the purposes of subclause (2) must be -
  - (a) made in writing;
  - (b) received at an office of the Department before the commencement of the licence period for which the licence is to be renewed; and
  - (c) accompanied by the first instalment plus the surcharge.
- (4) For the purposes of regulation 137(3) the surcharge is 3.13% of the total fee.

## 10. Grounds for refusal to transfer a licence

The CEO may refuse to transfer a licence on the grounds that -

- (a) the total fee for the licence has not been paid; or
- (b) the CEO is of the opinion that either the holder of the licence (transferor) or the proposed transferee may be liable to prosecution for an offence which has been prescribed for the purposes of section 224 of the Act.

## PART 4 - AUTHORISED MEANS OF OPERATING IN THE FISHERY

### 11. Gear specifications

- (1) A person must not fish in the Fishery other than in accordance with the gear requirements as specified in -
  - (a) the plan; or
  - (b) any notice issued in accordance with clause 20.
- (2) A person must not fish in the Fishery other than by -
  - (a) no more than two otter trawl nets; and
  - (b) no more than one try net.
- (3) A person must not use an otter trawl net or try net in the Fishery that does not conform to the specifications described in Schedule 4.

- (4) For the period commencing 1 January 2030 a person must not use an otter trawl net unless the codend consists of T90 mesh, with nothing covering the mesh other than chafers or liners that do not cover more than the bottom half of the cod end, if chafers or liners are used.

## **12. CEO may permit fishing by non-specified means**

- (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 advice received from the Chief Fisheries Scientist of the Department;
  - (d) may be made to apply at all times or for a specified period; and
  - (e) may be revoked or amended.

## **PART 5 - AUTOMATIC LOCATION COMMUNICATORS AND NOMINATIONS**

### **13. Requirement for approved 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) The approved ALC must be used, and be operating effectively at all times, in accordance with regulations 55C and 55D.
- (3) A person must not use an authorised boat in the Fishery unless the approved ALC installed in that boat has been commissioned, installed, maintained, serviced, and tested, in accordance with the approved directions.
- (4) It is a condition of a licence that the 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.
- (5) It is a condition of a licence that regulations 55C and 55D are complied with at all times.
- (6) Nominations required to be made under this plan must be made by the use of an ALC and in accordance with the approved directions.

#### **14. Nomination of intention to fish**

- (1) The master of an authorised boat must not use that boat to enter the waters of the Fishery unless a nomination of intention to fish has been made.
- (2) A nomination made under subclause (1) must be made by the master not more than 90 minutes prior to entering the waters of the Fishery from outside the Fishery.
- (3) Where a nomination of intention to fish is made under this clause, the master of the authorised boat must specify -
  - (a) the type of nomination being made;
  - (a) the number of the licence;
  - (b) the name and licensed fishing boat number of the authorised boat;
  - (c) the full name of the master of the authorised boat; and
  - (d) the proposed commencement date of fishing.
- (4) A nomination made under this clause is valid for -
  - (a) the calendar year in which it is made; or
  - (b) until the authorised boat exits the waters of the Fishery.

### **PART 6 - GENERAL REGULATION OF FISHING**

#### **15. Use of boats**

- (1) A person must not use a boat in the Fishery unless -
  - (a) the person is the holder of a licence and the boat is an authorised boat; or
  - (b) the person is acting for or on behalf of the holder of the licence and the boat is an authorised boat.
- (2) An authorised boat must not exceed the maximum size of 32 metres.

#### **16. Notice of closure period in the Fishery**

- (1) The CEO may, by notice published in the Gazette, prohibit fishing in any part of the Fishery for the period specified in the notice if the CEO is of the opinion that -
  - (a) the sustainability of scallops or bycatch species is at risk;
  - (b) any endangered, threatened or protected species are at risk; or
  - (c) vulnerable marine ecosystems or assets, or sensitive habitat, requires protection from fishing activity.
- (2) A notice made in accordance with subclause (1) -



- (a) may only be made after consultation with all licence holders;
- (b) must take into account advice received from the Department's Chief Fisheries Scientist;
- (c) may apply at all times or for a specified period; and
- (d) revokes any previous notice made under subclause (1).

#### 17. Records and returns

- (1) The master of an authorised boat must make an accurate record of all fishing activity carried out under the relevant licence, in a form approved by the CEO.
- (2) The master of an authorised boat must -
  - (a) keep any record made in accordance with subclause (1) in a safe and secure place, together with any written direction provided by the Department and referred to in that record; and
  - (b) ensure that the record can be immediately provided to a fisheries officer on request.
- (3) The master of an authorised boat must provide a copy of the return made under subclause (1) to the CEO at the address specified on the return.
- (4) The master of an authorised boat must not fish in the Fishery or permit a person to fish from that boat unless this clause is complied with.

### PART 7 - PROHIBITIONS AND OFFENCES

#### 18. Persons prohibited from fishing in the Fishery

- (1) A person must not fish 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 to a person fishing for a non-commercial purpose in accordance with the Act.
- (3) A person fishing in the Fishery in accordance with this plan must not fish for species other than scallop.

#### 19. Prohibition on selling or dealing with, or attempting to sell or deal with, or possessing, scallop

- (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 scallop taken from the Fishery, 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 scallop, unless that scallop was taken and landed by the holder of a commercial fishing licence under the authority of a licence.

**20. Prohibitions in regard to gear**

- (1) The master of an authorised boat must ensure that all gear used for fishing is secured to that boat and kept out of the water at any time that the boat is in a part of the Fishery when the take of scallops is prohibited.
- (2) A person must not use an authorised boat to carry any net which does not conform to the gear specifications provided for in clauses 11 or 12.

**21. Prohibitions in regard to fishing**

- (1) A person must not fish in any part of the Fishery at a time when fishing in that part of the Fishery has been prohibited by a notice made under clause 16.
- (2) A person must not fish in a port area.

**22. Prohibitions in regard to fishing times**

A person must not fish for scallops in the Fishery at any time between 1 November in any year and 31 March in the following year.

**23. Offences**

A person who contravenes clause 11, 13, 14, 15, 17, 18, 19, 20, 21 or 22 commits an offence.

## SCHEDULES

### Schedule 1 - Description of the Fishery

[clause 5]

All Western Australian waters off the southern coast, between 115° 30' east longitude and 125° 00' east longitude, and on the landward side of the 200 m isobath.

### Schedule 2 - Port areas

#### Albany

All waters of the Fishery north-west of a line commencing at a point at 35° 3.642' south latitude and 117° 56.324' east longitude (on the mainland near Mistaken Island); then extending north-easterly along the geodesic to a point at 35° 0.642' south latitude and 117° 59.455' east longitude (on the mainland at Ledge Beach); and including all waters of Princess Royal Harbour and Oyster Harbour.

#### Bremer Bay

All waters of the Fishery within a radius of two (2) nautical miles of the intersection of 34° 25.470' south latitude and 119° 23.890' east longitude.

#### Hopetoun

All waters of the Fishery within a radius of two (2) nautical miles of the intersection of 33° 57.250' south latitude and 120° 07.600' east longitude.

#### Esperance

All waters of the Fishery within a radius of two (2) nautical miles of the intersection of 33° 49.770' south latitude and 121° 56.110' east longitude.

### Schedule 3 - Payment of managed fishery licence fee by instalment

[clause 9]

For the purposes of regulation 137 -

- (a) the first instalment, being 50% of the total fee, is due for payment on or before 1 March of the year for which the licence is to be granted or renewed.
- (b) the second instalment, being the remaining 50% of the total fee, is due for payment on or before 1 June immediately following the date specified in paragraph (a).

### Schedule 4 - Otter trawl net and try net specifications

[clause 11]

*Item 1. Otter trawl nets.*

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An otter trawl net must -

- (a) not have a combined headrope length exceeding 25.6 metres;
- (b) not have a mesh size of less than 100 millimeters;
- (c) not have chafers or liners covering more than half of the bottom half of the codend;
- (d) have a ground rope and headrope of equal length;
- (e) have headrope sweeps that are less than or equal to the ground rope sweeps in length;
- (f) have a ground chain attached only to the ground rope;
- (g) have drops that are spaced not less than one metre apart;
- (h) not be artificially heightened; and
- (i) have attached to each end of the headrope a single otter board.

#### *Item 2. Otter boards*

An otter board -

- (a) must not exceed -
  - (i) 1.1 metres in height; and
  - (ii) 2.084 square metres of surface area; or
  - (iii) the dimensions of a No.6 *Bison* board, and
- (b) must have otter board shoes that do not exceed
  - (i) 160 millimetres in width; and
  - (ii) 25 millimetres in depth.

#### *Item 3. Grid*

An otter trawl net 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 that -

- (a) has a maximum spacing of 200 millimetres between bars (measured from inside bar to inside bar); and
- (b) 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
- (c) opens outwards;

#### *Item 4. Ground chain*

An otter trawl net must have a maximum of one ground chain, which must be attached to the ground rope with drops consisting of no more than 7 links, and with no link exceeding 10 millimetres in diameter.

#### *Item 5. Try net.*

A try net must have -

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This Management Plan was published in Government Gazette No. 108 on 12 September 2025 (pages 1569-1574).

- (a) a headrope length not exceeding 5 metres; and
- (b) mesh size not less than 50 millimetres.

Dated 4<sup>th</sup> of September 2025

Minister for Fisheries

Legislative history of this instrument:

1. *South Coast Scallop Managed Fishery Management Plan 2025*, published in Government Gazette No. 108 on 12 September 2025 (pp. 1569-1574)

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