

This compilation incorporates amendments up to and including the *Abrolhos Islands and Mid West Trawl Management Plan Amendment 2018* published in Government Gazette No. 168 on 2/11/2018.

Fisheries Act 1905

ABROLHOS ISLANDS AND MID WEST TRAWL LIMITED ENTRY FISHERY NOTICE 1993

Arrangement

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Fisheries Act 1905

ABROLHOS ISLANDS AND MID WEST TRAWL LIMITED ENTRY FISHERY NOTICE 1993

Notice No. 604

FD 749/86

Made by the Minister under Section 32.

1. Citation

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

2. Interpretation

In this Plan unless the contrary intention appears -

"**ALC**" means an Automatic Location Communicator as defined in regulation 55A of the regulations that is capable of transmitting to the CEO at any time accurate information as to the geographical position, course and speed of the authorised boat;

"**approved directions for use**" means the directions for use of an ALC given by the CEO in a notice in writing to the master of an authorised boat or a licence holder;

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

"**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;

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

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

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

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"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, and which forms a pocket and acts as a receptacle for fish;

"Fishery" means the Abrolhos Islands and Mid West Trawl Managed Fishery;

"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;

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

"headrope" means the rope onto which is attached the upper half of the mouth of the 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 authorising a person to fish in the fishery;

"liner" means a piece of net attached to the interior surface of the cod end to protect it from wear;

"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;

"prawns" means all species of *decapod crustacea* of the Family *Penaeidae*;

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

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"**scallop**" means any species of fish in the superfamily *Pectinacea* of the phylum *Mollusca*;

"**sweeps**" means the cables connecting the net to the back straps of the otter boards;

"**transferred**" means the passing of ownership or effective control of a licence from one person to another person;

"**trawl net**" means a net designed or intended to be towed by a boat; and

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

3. Declaration of limited entry fishery

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.

4. Prohibition on fishing for prawns or scallops

(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.

5. Prohibition on selling or dealing

(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.

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(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.

6. Criteria to determine the boats which may operate in the Fishery

(1) The criteria that shall be applied to determine the boats which may operate in the Fishery are -

- (a) that immediately before the coming into operation of this notice the boat was authorised to take prawns and scallops in the Abrolhos Islands and Mid West Trawl Limited Entry Fishery; or
- (b) the boat replaces a boat to which paragraph (a) applied.

(2) In addition to the criteria provided for in subclause (1), a criterion for the grant of a licence is that the application for the grant of the licence was received by the CEO on or before 15 November 2005.

[7. Deleted in Gazette 2 Nov 2018 p. 4365 – 4368.]

8. Items that must be specified on a licence

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.

9. 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.

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- (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.

9A. Capacity of the Fishery

- (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.

10. Authorised means of operating in the Fishery

- (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

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- (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

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- (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).

[11. Deleted in Gazette 2 Nov 2018 p. 4365 – 4368.]

12. Closure of the Fishery

(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.

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12A. Stowage of otter boards and otter trawl nets

- (1) Otter boards, warp wires and otter trawl nets carried on or attached to any boat shall be secured to that boat and kept out of the water at any time the boat is in a part of the Fishery closed to the taking of prawns or scallops
- (2) An authorised boat, when in the waters described in Item 2 and Item 4 of the Schedule, shall not, at any time, be used to carry any net which has -
 - (a) meshes less than 100 millimetres; or
 - (b) chafers or liners covering more than half of the cod end

12B. Requirement for the installation of an Automatic Location Communicator

- (1) For the purpose of this clause “approved” and “approved person” have the same meaning as provided for in regulation 55A of the regulations.
- (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.
- (3) It is a condition of the licence that an authorised boat referred to in subclause (2) must not be used in the Fishery unless an ALC is fitted to the boat and serviced in accordance with subclause (2) and the approved directions for use are being complied with.
- (4) It is a condition of a licence that regulation 55C of the regulations is complied with at all times.

[12C - 19. Deleted in Gazette 2 Nov 2018 p. 4365 – 4368.]

19A. Payment by instalments

- (1) For the purposes of regulation 137(2), the total fee may be paid by instalments as specified in Schedule 3 if –

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- (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 an office of the Department
- (2) An election for the purposes of subclause (1) must be –
- (a) made in writing;
 - (b) received at an 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), the surcharge shall be 1.25% of the total fee.
- (4) The holder of a licence, or a person acting on that person's behalf, must not fish in the Fishery at any time when any fee or surcharge payable in respect of the licence is outstanding.

20. Procedure before this Plan may be amended or revoked

For the purposes of section 65(1) of the Act the licensees are the persons to be consulted before this Plan is amended or revoked.

20A. Offences

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

21. Revocation

The following notices are cancelled —

Notice Number	Date published in the <i>Gazette</i>
440	30 March 1990
485	22 March 1991
499	31 May 1991
557	22 December 1992

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Schedule 1

Item 1—Description of the Fishery

All waters of the Indian Ocean between 27°51' south latitude and 29°03' south latitude on the landward side of a line commencing at the intersection of 27°51' south latitude and 113°08.25' east longitude; thence south south east along the geodesic to the intersection of 27°55' south latitude and 113°10' east longitude; thence continuing south south east along the geodesic to the intersection of 28°35' south latitude and 113°29' east longitude; thence south east by south along the geodesic to the intersection of 29° south latitude and 113°46' east longitude; thence continuing south east by south along the geodesic to the intersection of 29°03' south latitude and 113°48.15' east longitude, being the end point of the line.

Item 2—Abrolhos Island Area

All waters of the Fishery bounded by a line commencing at the intersection of 27°51' south latitude and 113°46' east longitude; thence southeasterly along the geodesic to the intersection of 29°03' south latitude and 114°18' east longitude; thence extending west along the parallel to the intersection of 29°03' south latitude and 113°48.15' east longitude; thence extending north west by north along the geodesic to the intersection of 29° south latitude and 113°46' east longitude; thence continuing north west by north along the geodesic to the intersection of 28°35' south latitude and 113°29' east longitude; ; thence north north west along the geodesic to the intersection of 27°55' south latitude and 113°10' east longitude; thence continuing north north west along the geodesic to the intersection of 27°51' south latitude and 113°08.25' east longitude; thence extending east along the parallel to the commencement point.

Item 3—Port Gregory Area

All waters of the Fishery bounded by a line commencing at the intersection of 27°51' south latitude and 114°03' east longitude; thence south along the meridian to where it intersects with of 28°13' south latitude; thence west along the parallel to the intersection of 113°58' east longitude; thence south along the meridian to the intersection of 28°17' south latitude; thence east along the parallel to the intersection of 114°10' east longitude; thence northerly along the geodesic to the intersection of the high water mark at 28°06.83' south latitude (Shoal Point); thence northerly along the high water mark to the intersection of 27°51' south latitude; thence west along the parallel to the commencement point.

Item 4

All waters of the Fishery bounded by a line commencing at the intersection of 28°31' south latitude and 114°11' east longitude; thence east along the parallel to the intersection of 114°17' east longitude; thence south along the meridian to the

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intersection of 28°36' south latitude; thence west along the parallel to the intersection of 114°11' east longitude; thence north along the meridian to the commencement point.

Schedule 2

Port Areas

1. Geraldton Port—The area within 2 nautical miles of the intersection of 28°46.47' south latitude and 114°35.298' east longitude.
2. Port Gregory—The area within 2 nautical miles of the intersection of 28°11.45' south latitude and 114°14.94' east longitude.

Schedule 3

Payment by instalments

- (a) The first instalment is 50% of the total fee and 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 is the total fee less the instalment specified in paragraph (a) and is due for payment on or before 1 June immediately following the date specified in paragraph (a).

Dated this 18th day of May 1993.

MONTY HOUSE, Minister for Fisheries.

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Original Management Plan and Amendment Information:

Abrolhos Islands and Mid West Trawl Managed Fishery Management Plan 1993 was first published in Government Gazette No. 74 on 25.05.93. (p.2553-2557).

Amendments: Abrolhos Islands and Mid West Trawl Limited Entry Fishery Amendment Notice 1994 published in Government Gazette No. 24 on 22.02.94. (p. 716-717); *Printers Correction* published in Government Gazette No. 34 on 18.03.94. (p. 1043); *Abrolhos Islands and Mid West Trawl Limited Entry Fishery Amendment Notice (No. 2) 1994* published in Government Gazette No. 36 on 22.03.94. (p. 1227-1228); *Abrolhos Islands and Mid West Trawl Limited Entry Fishery Amendment Notice (No. 3) 1994* published in Government Gazette No. 39 on 25.03.94. (p.1305); *Abrolhos Islands and Mid West Trawl Limited Entry Fishery Amendment Notice 1995* published in Government Gazette No. 38 on 29.03.95. (p.1021); *Abrolhos Islands and Mid West Trawl Management Plan Amendment 1996* published in Government Gazette No. 45 on 29.03.96. (p. 1517); *Abrolhos Islands and Mid West Trawl Management Plan Amendment 1997* published in Government Gazette No. 53 on 04.04.97. (p. 1751-1752); *Abrolhos Islands and Mid West Trawl Management Plan Amendment 2001* published in Government Gazette No. 70 on 03.04.01. (p. 1903-1906); *Abrolhos Islands and Mid West Trawl Management Plan Amendment 2004* published in Government Gazette No. 132 on 27.07.04. (p. 3089); *Abrolhos Islands and Mid West Trawl Managed Fishery Management Plan Amendment 2012* published in Government Gazette No. 3 on 11.01.13. (p. 60-61); *Abrolhos Islands and Mid West Trawl Managed Fishery Management Plan Amendment 2018* published in Government Gazette No. 168 on 2.11.18. (p. 4365-4368).

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