

FISH RESOURCES MANAGEMENT ACT 1994
BROOME PRAWN MANAGED FISHERY MANAGEMENT PLAN 1999

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FISH RESOURCES MANAGEMENT ACT 1994

BROOME PRAWN MANAGED FISHERY MANAGEMENT PLAN 1999

FD 1284/98[247]

Made by the Minister under section 54.

Part 1—Preliminary

Citation

1. This Plan may be cited as the *Broome Prawn Managed Fishery Management Plan 1999*.

Commencement of Plan

2. This Plan shall commence operation on 1 March 1999.

Interpretation

3. In this Plan, unless the contrary intention appears—

“ALC” means an Automatic Location Communicator as defined in regulation 55A of the regulations;

“approved directions for use” means the directions for the installation, service and effective operation of a GPS or a BRD—

(a) as specified in the regulations; or

(b) given by the CEO in a notice in writing to the master of an authorised boat or the holder of a licence;

“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);

“BRD” means a bycatch reduction device as defined in the regulations or a notice given by the CEO pursuant to clause 20;

“Code” means the Uniform Shipping Laws Code adopted by the Marine and Ports Council of Australia and published in the *Commonwealth of Australia Gazette* on 11 May 1981;

“Fishery” means the fishery identified in clause 5;

“fishing boat licence” has the same meaning as provided in the regulations;

“GPS” means a satellite based radio navigation system which provides specially coded satellite signals that can be processed by a Global Positioning System receiver to compute the geographical location and velocity of the authorised boat on which the Global Positioning System has been installed and the time of that computation;

“headrope length” means the distance measured along the headrope from where the otter trawl 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;

“licensed fishing boat number” has the same meaning as in the regulations;

“otter board” means one of the boards used on an otter trawl net to keep the mouth of the net open while being towed;

“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;

“prawns” means the fish of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 of the regulations;

“regulations” means the *Fish Resources Management Regulations 1995*;

“try net” means an otter trawl net with a headrope length not exceeding five metres.

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Procedure before amending this Plan

4. For the purposes of Section 65(1) of the Act, the licence holders are to be consulted before this management plan is amended or revoked.

Part 2—The Fishery

Identification of the Fishery

5. The Fishery to which this management plan relates is fishing for prawns by any means within the area described in Schedule 1.

Part 3—General regulation of fishing

Persons prohibited from fishing in the Fishery

6. (1) Subject to subclause (2), 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) A person fishing in accordance with the Act for a non commercial purpose may fish in the waters described in Schedule 1.

Prohibition on fishing activities

7. A person must not use an otter trawl net or try net in the Fishery other than in accordance with this Plan.

Prohibition on selling, dealing in or purchasing prawns

8. A person must not sell, deal in or purchase any prawns taken from the Fishery unless the prawns were taken by a person who holds a commercial fishing licence issued pursuant to the regulations and the prawns were taken under the authority of a licence.

Use of a boat in the Fishery

9. The holder of a licence or a person acting on that person's behalf must not use a boat in the Fishery to fish for prawns unless the boat is an authorised boat.

Fishing gear to be used in the Fishery

10. (1) The holder of a licence or a person acting on that person's behalf must not fish in the Fishery by any means other than by otter trawl net and/or one try net.
- (2) A person must not use an otter trawl net in the Fishery where –
- (a) the total headrope length of the otter trawl nets exceeds 73.16 metres; or
 - (b) the ground chain of the otter trawl net has any links which are made of material which exceeds 13 millimetres in diameter.
- (3) The master of an authorised boat must not permit more than 4 otter trawl nets to be used from an authorised boat at any one time.
- (4) A person must not use a try net in the Fishery where the headrope length of that try net exceeds 5 metres.

Notification of fishing

11. (1) A person must not use or allow an authorised boat to be used in the Fishery unless a notification to fish has been given and is in effect in accordance with this clause.
- (2) A notification must—
- (a) be made either—
 - (i) in writing furnished to a fisheries officer at the Broome Office of the Department of Fisheries; or

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- (ii) to a fisheries officer by the use of an ALC;
- (b) be made before the authorised boat enters the waters described in Schedule 1;
- (c) be made only in relation to the intended fishing activities to be undertaken during that trip;
- (d) specify the following—
 - (i) the licensed fishing boat number of the boat;
 - (ii) the date that fishing from the boat will commence in the fishery;
 - (iii) the port at which any fish taken on the trip will be unloaded;
 - (iv) details of the number of crew members that will be on board the boat and their commercial fishing licence numbers; and
 - (v) any other information as required by the CEO.
- (3) The master of an authorised boat must not allow that boat to be used in the Fishery contrary to the information provided in a notification made under this clause.

Closure of areas within the Fishery

12. (1) The CEO may, by notice published in the Gazette, prohibit fishing in any part of the Fishery described in Schedule 2 for the period specified in the notice if, in the opinion of the CEO, the prohibition is required in the better interests of the Fishery.
- (2) A person must not fish—
- (a) in any waters of the Fishery described in Schedule 2 at a time when fishing in those waters has been prohibited by a notice made under subclause (1); or
 - (b) in any of the waters described in Schedule 3.
- (3) A notice made under subclause (1) revokes any previous notice made under that subclause.

Part 4—Licences

Licences

13. (1) The maximum number of licences that may be granted by the CEO in respect of the Fishery is 5.
- (2) The CEO must not grant a licence after 1 May 1999.
- (3) Subject to subclauses (1) and (2), the criterion to be satisfied by a person applying for the grant of a licence is that on 31 December 1998 the person was the holder of a permit which authorised the holder of that permit to fish for prawns in the Broome Prawn Interim Managed Fishery as identified in the *Broome Prawn Interim Managed Fishery Management Plan 1996**

Duration of licence

14. A licence expires at the end of the calendar year in which it is issued.

Items specified on a licence

16. (1) A licence may specify the following things—
- (a) name and business address of the licence holder;
 - (b) name, licensed fishing boat number, length and boat units of any licensed fishing boat that may be used for fishing in the Fishery under the authority of that licence;
 - (c) the licence number;
 - (d) the date of expiry of the licence.

Grounds to refuse to transfer a licence

17. If an application is made to transfer a licence to another person and—
- (a) that application is not made together with an application to transfer the relevant fishing boat licence to the same person; and

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(b) the boat which is specified on that licence is not authorised to be used to fish in any other Western Australian trawl fishery,
then that shall be grounds for the CEO to refuse to transfer that licence.

(2) In subclause (1) “relevant fishing boat licence” means the fishing boat licence on which is specified the name, licensed fishing boat number and the length of the authorised boat that is specified on the licence.

Part 5—Miscellaneous requirements

Requirement to install an Automatic Location Communicator

18. (1) The CEO may from time to time by notice in writing direct the holder of a licence that the authorised boat specified on that licence must not be used to fish in the Fishery unless an Automatic Location Communicator (ALC)—
- (a) has been installed on that boat in accordance with regulation 55B(1)(a) of the regulations; and
 - (b) has been serviced in accordance with regulation 55B(1)(b) of the regulations.
- (2) Where an ALC has been fitted on an authorised boat the CEO may by notice in writing direct the master of that authorised boat to use that ALC in accordance with regulation 55C of the regulations.
- (3) Where the CEO has given a notice in writing pursuant to subclause (1) the master of that boat must not use that boat in the Fishery unless that notice in writing has been complied with.
- (4) The holder of a licence must comply with a direction given pursuant to subclause (1).
- (5) The master of an authorised boat must comply with a notice given pursuant to subclause (2).

Requirement to install a Global Positioning System

19. (1) The CEO may from time to time by notice in writing direct the holder of a licence that the authorised boat specified on that licence must not be used to fish in the Fishery unless a GPS is fitted and maintained on that boat.
- (2) Where a GPS has been fitted on an authorised boat the CEO may by notice in writing direct the master of that authorised boat to use that GPS.
- (3) The holder of a licence must comply with a direction given pursuant to subclause (1).
- (4) The master of an authorised boat must comply with a direction given pursuant to subclause (2).

Requirement to install a Bycatch Reduction Device

20. (1) The CEO may from time to time by notice in writing direct the holder of a licence that the authorised boat specified on that licence must not be used to fish in the Fishery unless an approved BRD is fitted and maintained—
- (a) on that authorised boat; or
 - (b) on any fishing gear being operated from that authorised boat.
- (2) Where an approved BRD has been fitted on an authorised boat or on fishing gear being operated from that boat the CEO may by notice in writing direct the master of that authorised boat to use that BRD.
- (3) The holder of a licence must comply with a direction given under subclause (1).
- (4) The master of an authorised boat must comply with a direction given under subclause (2).

Research logbooks

21. (1) The CEO may by notice in writing direct—
- (a) the holder of a licence or the master of an authorised boat to complete a research logbook in a form specified in that notice or as approved by the CEO;

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- (b) the master of an authorised boat to attend a meeting with a fisheries officer to receive instructions on the procedure to be followed to complete a research logbook.
- (2) A person given a direction under subclause (1) must comply with that direction.

Carrying of fisheries officers on an authorised boat

22. The master of an authorised boat must—
- (a) facilitate the safe carriage of a fisheries officer on the boat including his/her embarkation and disembarkation; and
- (b) ensure that any fisheries officer has reasonable access to all navigational and communications equipment.

Part 6—Offences

Offences and major provisions

23. A person who contravenes a provision of—
- (a) clause 6, 7, 8, 9, 10, 11, 12, 18, 19 or 20; or
- (b) clause 21 or 22,
- commits an offence, and for the purposes of section 75 of the Act the provisions described in paragraph (a) are major provisions.

Schedule 1—The Fishery

All waters of the Indian Ocean off the north west coast of Western Australia east of 120° east longitude and west of 123°45' east longitude on the landward side of the 200 metre isobath.

Schedule 2—Fishing area

All the waters of the Fishery bounded by a line commencing at the intersection of 17°20' south latitude and 121°50' east longitude; thence south to the intersection of 17°50' south latitude and 121°50' east longitude; thence east to the intersection of 17°50' south latitude and 121°55' east longitude; thence north-east to the intersection of 17°40' south latitude and 122° east longitude; thence north to the intersection of 17°30' south latitude and 122° east longitude; thence north-west to the intersection of 17°20' south latitude and 121°55' east longitude; thence west to the commencement point.

Schedule 3—Prohibited fishing area

All the waters of the Fishery not specified in Schedule 2.

Dated this 17th day of February 1999.

MONTY HOUSE, Minister for Fisheries.

Note:

This consolidated plan contains the Original Plan published in GG No. 29.02.99 and the following subsequent amendments – Amendment (No.1) 1999 published in GG of 17.12.99; Amendment (No.1) 2002 published in GG of 25.06.02; Amendment (No.1) 2007 published in GG of 31.08.07.

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