

This compilation was prepared taking into account amendments up to and including the *Kimberley Gillnet and Barramundi Fishery Management Plan Amendment 2012* published in Government Gazette No. 94 on 13 June 2012 and corrected by Correction Notice published in the Government Gazette on 3 July 2012.

FISHERIES ACT 1905

KIMBERLEY GILLNET AND BARRAMUNDI LIMITED ENTRY FISHERY NOTICE
1989

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FISHERIES ACT 1905

KIMBERLEY GILLNET AND BARRAMUNDI LIMITED ENTRY FISHERY NOTICE
1989

Notice No. 415

330/86.

MADE by the Minister under section 32.

Citation

1. This notice may be cited as the *Kimberley Gillnet and Barramundi Limited Entry Fishery Notice 1989*.

Commencement

2. This notice shall come into operation on 1 November 1989.

Interpretation

3. In this notice unless the contrary intention appears —
- "approved form" means in a form approved by the Director;
 - "associated boat" means a licensed fishing boat -
 - (a) used to fish exclusively in conjunction with an authorised boat; and
 - (b) specified on a licence.
 - "authorised boat" means a licensed fishing boat, the name, licensed fishing boat number and length of which are specified on a licence;
 - "bait net" means a net that -
 - (a) does not have a pocket or bunt; and
 - (b) has a hauling rope of not more than 20 metres in length, and which when used -
 - (c) is not stationary in the water; and
 - (d) is not further than 10 metres from the operator at all times that it is in the water;
 - "barramundi" means the species of fish *Lates calcarifer*;
 - "blue threadfin" means the species of fish *Eleutheronema tetradactylum*;
 - "Fishery" means the Kimberley Gillnet and Barramundi Limited Entry Fishery declared under clause 4;
 - "fishing unit" means a licensed fishing boat and one netting dinghy attaching to that licensed boat;
 - "king threadfin" means the species of fish *Polydactylus macrochir*;
 - "length" means length in relation to a fishing boat, as determined in accordance with regulations made under the *Western Australian Marine Act 1982*;
 - "licence" means a managed fishery licence authorising a person to operate in the Fishery;
 - "licensee" means the holder of a licence authorising a fishing unit to operate in the Fishery;
 - "mesh size" means the width and length of the mesh of a net as determined in accordance with regulation 64D;
 - "mullet" means all fish of the family *Mugilidae*;
 - "net" means a gillnet or hauling net but does not include a purse seine net;
 - "nominated operator" means a person as described in clause 8A;

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“regulation” means the *Fish Resources Management Regulations 1995*;
"set" in relation to a gillnet means to set, position, release, leave or allow to remain in the waters of the Fishery.

Declaration of limited entry fishery

4. It is hereby declared that —
- (a) the use of nets to take fish; and
 - (b) the taking of barramundi by any means,
- shall constitute a limited entry fishery in the waters described in Schedule 1 to be called the *Kimberley Gillnet and Barramundi Limited Entry Fishery*.

Prohibitions in regard to fishing in the Fishery

5. (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) This plan does not apply to a person fishing for a recreational purpose in accordance with the Act.
- (3) A person must not fish in the Fishery under the authority of more than one licence at any one time.
- (4) A person must not -
- (a) fish in the Fishery; or
 - (b) set or haul a net in the Fishery, other than by the use of -
 - (i) an authorised boat; or
 - (ii) no more than one associated boat, specified on a licence.

Prohibition on selling or dealing

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

Criteria to determine fishing units which may operate in the Fishery

7. (1) The following criteria shall be applied to determine the fishing units, or a fishing unit that it has replaced, which may operate in the Fishery -
- (a) the fishing unit shall have been used in the taking of barramundi during the three years prior to 30 April 1985 and shall have continued to operate in the Fishery since 30 April 1985; and
 - (b) during the three years referred to in paragraph (a) a minimum catch of -
 - (i) 1 000 kilograms of whole barramundi; or
 - (ii) 500 kilograms of filleted barramundi;shall have been taken.
- (2) An application made in accordance with clause 7(1) must be received by the Department on or before 6 July 2012.

Criteria for the grant of a licence

- 7A. Further to clause 7, the CEO may grant a licence where -
- (a) on 30 June 2011 the applicant held Kimberley Gillnet and Barramundi Fishery managed fishery licence number 2142 granted pursuant to clause 7(1); and

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- (b) the applicant establishes to the satisfaction of the CEO that an application for the renewal of the licence referred to in paragraph (a) was not received due to inadvertence on behalf of the holder of that licence; and
- (c) the application is received on or before 30 June 2012.

8. Clause repealed

8A. Clause repealed

Matters to be specified on a licence

- 9.** A licence granted or renewed in respect of the Fishery must specify -
- (a) the name, licensed fishing boat number, and length of the licensed fishing boat to be used as the authorised boat for or in connection with fishing in the Fishery under the authority of that licence;
 - (b) the name, licensed fishing boat number, and length of any associated boat;
 - (c) the licence number;
 - (d) the date of issue of the licence;
 - (e) the period for which the licence is valid; and
 - (f) any conditions imposed on the licence.

Closure of the Fishery

- 10.** A person operating from an authorised boat or associated boat must not -
- (a) have on board, or use, a net other than a bait net; or
 - (b) take barramundi by any means -
 - (i) during the period commencing on 1 November in any year and ending on 31 January in the next following year, in the waters of the Fishery east of 123° 08.23' east longitude (Cunningham Point); or
 - (ii) during the period commencing on 1 December in any year and ending on 31 January in the next following year in the waters of the Fishery west of 123° 08.23' east longitude (Cunningham Point); or
 - (iii) during any other period specified in writing by the CEO.

10A. Clause repealed

No netting in certain locations

- 10B.** A person must not fish using a net -
- (a) anywhere in the waters of the Fishery bounded by -
 - (i) Broome Jetty; and
 - (ii) a line representing the shortest distance from the northernmost point on Broome jetty thence east to the low water mark of the mainland at 18 degrees south latitude (near Crab Creek);
 - (b) anywhere in the waters of the Fishery bounded by a line extending 1000 metres north west from Bush Point thence south west to a point that is 1000 metres north west of the western shore of the entrance of Jacks Creek and thence due south to the low water mark of the mainland;
 - (c) in Jacks Creek;
 - (d) in Yardogarra Creek;
 - (e) in the waters of the Fishery bounded by a line commencing at the intersection of 18° 10.013' south latitude and 122° 19.121' east longitude;

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then extending due south along the meridian to the intersection with the high water mark; then extending in a generally south-westerly direction, including all creeks and tributaries, to the intersection with 122° 18.733' east longitude and the high water mark; then extending due north along the meridian to the intersection of 18° 10.250' south latitude and 122° 18.733' east longitude; then in a generally north easterly line to the commencement point. (Thangoo Creek);

- (f) anywhere in the waters of the Fishery that is bounded by a line representing the shortest distance from Cape Bossut to False Cape Bossut;
- (g) in the Fitzroy River and all its creeks and tributaries south of 17° 27' south latitude, with the exception of the Logue River;
- (h) within 4 nautical miles of the Derby jetty.
- (i) all waters of Whistle Creek and Admiral Bay east of a line extending from the high water mark at Tryon Point to the high water mark at Cape Duhamel.

Use of boats to take fish

- 11. (1) A person must not fish in the Fishery except by the use of -
 - (a) an authorised boat; or
 - (b) an associated boat.
- (2) A person must not use an authorised boat and an associated boat in the Fishery simultaneously to take fish.

12. Clause repealed

Gear specifications

- 13. A person fishing in the Fishery under the authority of a licence must not fish by any means other than -
 - (a) by net or nets having a total length not exceeding 500 metres; or
 - (b) by net with meshes -
 - (i) not less than 165 millimetres nor more than 177.8 millimetres when used to take fish in the waters of the Fishery east of 123° 08.23' east longitude (Cunningham Point);
 - (ii) not less than 112 millimetres nor more than 150 millimetres when used to take fish in waters of the Fishery west of 123° 08.23' east longitude (Cunningham Point);
 - (iii) of a line size of not more than 70 kilograms breaking strain; or
 - (c) in respect of fish other than barramundi, blue threadfin, or king threadfin, by bait net having -
 - (i) a total length not exceeding 100 metres; and
 - (ii) meshes not less than 50 millimetres; and not greater than 100 millimetres.

14. Clause repealed

15. Clause repealed

Gear limitations and stowage

- 16. (1) A person must not have on board -
 - (a) an authorised boat; or

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- (b) an associated boat, or
- (c) a combination of both authorised and associated boats -
 - (i) more than 700 metres of net as described in clause 13(b); or
 - (ii) more than 100 metres of net as described in clause 13(c).
- (2) A person must securely stow on board an authorised boat or associated boat any net that is not being used to fish.
- (3) A person using a net in the Fishery must ensure that all nets have an end float measuring not less than -
 - (a) 150 millimetres in diameter, in respect of circular floats; and
 - (b) 150 millimetres in length, in respect of elliptical floats, and which are clearly marked with the licensed fishing boat number of the authorised boat.

17. Clause repealed

Payment by instalments

- 18** (1) For the purposes of regulation 137(2) of the regulations, the fee for the renewal of a licence may be paid by instalments as specified in Schedule 2 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 on or before 1 November of the year for which the licence is to be renewed; and
 - (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 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.

19. Clause repealed

Procedure before this Plan may be amended or revoked

21. For the purposes of section 65 of the Act all the licensees are to be consulted before this Plan is amended or revoked.

Offences

22. A person who contravenes clause 5, 6, 10, 10B, 11, 13, or 16 commits an offence.

Schedule 1
Description of the Fishery

[clause 4]

All Western Australian waters north of 19° 00.000' south latitude and west of 129° 00.000' east longitude and within three nautical miles of the high water

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mark of the mainland of Western Australia, and the waters of King Sound south of 16° 21.47' south latitude.

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Schedule 2
Payment by instalments

[clause 18]

- (1) The first instalment is 25% of the total fee and is due for payment on or before 31 October of the year for which the licence is to be renewed.
- (2) The second instalment is 25% of the total fee and is due for payment on or before 1 February immediately following the period specified in paragraph (1).
- (3) The third instalment is the total fee less the instalments provided for in paragraphs (1) and (2) and is due for payment on or before 1 May immediately following the period specified in paragraph (1).

Dated this 15th day of October 1989.

GORDON HILL,
Minister for Fisheries

Note:

This consolidated plan contains the Original Plan published in GG No.106 of 27.10.89 and the following subsequent amendments – Notice No. 682 published in GG of 24.02.95; Amendment (No.1) published in GG 01.03.02; Amendment (No.1) 2003 published in GG of 23.12.03; Amendment 2004 published in GG No. 132 of 27.07.04 on pages 3091-3092; Amendment 2012 published in GG No. 94 on 13.06.2012, pages 2475-2478.

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