

FISHERIES ACT 1905
 ONSLOW PRAWN LIMITED ENTRY FISHERY NOTICE 1991
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FISHERIES ACT 1905

ONSLOW PRAWN LIMITED ENTRY FISHERY NOTICE 1991
 Notice No.477

FD 134/75

MADE by the Minister under section 32.

Citation

1. This notice may be cited as the *Onslow Prawn Limited Entry Fishery Notice 1991*

Interpretation

2. In this notice unless the contrary intention appears –
 “ALC” means an Automatic Location Communicator as defined in regulation 55A of the regulations;

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- “approved directions for use” means the directions for use of an ALC given by the Executive Director in a notice in writing to the master of an authorised boat or a licence holder;
- “area” means an area of the Fishery described in Schedule 2;
- “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 used in place of a boat described in (a) ;
- “calendar year” means a year commencing on 1 January;
- “class of licence” means a class allocated to a licence in accordance with clause 8;
- “Fishery” means the *Onslow Prawn Limited Entry Fishery* declared under clause 3;
- “headrope length” means the distance measured along the headrope from where one end of the trawl net attaches to the headrope to where the other end of the trawl net attaches to the headrope;
- “licence” means a managed fishery licence granted by the Executive Director;
- “Nursery” means a part of the fishery described in Schedule 3;
- “Onslow Townsite Closed Area” means that part of the Fishery described in schedule 5;
- “otter board” means one of the boards used on a trawl net to keep the mouth of the net open while under tow;
- “prawn” means the fish of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 of the regulations;
- “prawns” means all species of the decapod crustacea of the family *Penaeidae*;
- “regulations” means the Fish Resources Management Regulations 1995;
- “stream” means to tow a trawl net on the surface of the water with the cod end open;
- “trawl net” means a fishing net designed or intended to be towed having its mouth or opening controlled by otter boards;
- “try net” means a trawl net having a headrope length not exceeding 5 metres; and
- “underway” means that a boat is not at anchor, or made fast to the shore or aground.

Declaration of limited entry fishery

3. (1) It is hereby declared that prawns shall constitute a limited entry fishery in the waters described in Schedule 1 to be called the *Onslow Prawn Limited Entry Fishery*
- (2) The waters referred to in subclause (1) shall be divided into areas as described in Schedule 2.

Prohibition on taking prawns

4. A person, other than a person to whom section 32(5) of the Act applies, shall not take, or attempt to take, prawns by any means in the Fishery other than in accordance with this notice.

Prohibition on selling or dealing

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

Criterion to determine the boats which may operate in the Fishery

6. The criterion that shall be applied to determine whether a boat may operate in the Fishery is that immediately prior to the coming into operation of this notice the fishing boat licence was endorsed permitting it to be used in one or more of the areas of the Onslow Prawn Fishery.

Classes of licence

8. Each licence shall be endorsed with a class as specified below according to the area or areas of the Fishery for which it is issued –

Class of Licence	Area/s of Fishery
A	1, 2 and 3
B	2 and 3
C	2
D	3

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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 licensee of that boat;
 - (c) the area of the fishery for which it is issued;
 - (d) the class of the licence
 - (e) the licence number
 - (f) the day of issue
 - (g) the period for which the licence is valid; and
 - (h) any conditions imposed on the licence

Closure of the Fishery

10. (1) The holder of a licence, or a person acting on that person's behalf must not fish for prawns at any time in any area of the Fishery other than in the areas, and during the permitted dates and times, specified in a notice in writing by the Executive Director made in accordance with subclause (2).
- (2) Where the Executive Director is of the opinion that it is in the better interests of the Fishery to do so, the Executive Director may by notice in writing to all licence holders, -
- (a) prohibit fishing for prawns in the Fishery or in any part of the Fishery; or
 - (b) permit fishing for prawns in the Fishery or in any part of the Fishery.

Authorised means of operating in the Fishery

- 11 (1) Unless otherwise approved by the Director in writing a person shall not take, or attempt to take, prawns in –
- (a) Area 1 other than by two trawl nets each having a headrope length not exceeding 10.98 metres; and
 - (b) the waters of the Fishery outside Area 1 other than by a combination of trawl nets the total headrope length of which does not exceed 29.27 metres.
- (2) In addition to or instead of any means of fishing for prawns authorised or approved under subclause 11(1) a person may fish for prawns with a single try net.

Requirements relating to the installation of an ALC

- 11A. (1) For the purposes 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 an ALC has been installed in that boat in accordance with the approved directions for use and by an approved person.
- (3) 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 for use, by an approved person and at intervals specified by the Executive Director in the approved directions for use;
 - (b) the person has with them a legible copy of the approved directions for use; and
 - (c) the ALC is used in the manner specified in the approved directions for use.
- (4) It is a condition of a licence that the authorised boat must not be used in the Fishery unless –
- (a) an ALC is installed in the boat;
 - (b) the ALC is serviced in accordance with the approved directions for use, by an approved person and at intervals specified by the Executive Director in the approved directions for use;
 - (c) when the ALC is used it is used in the manner specified in the approved directions for use.
- (5) It is a condition of a licence that regulation 55C of the regulations is complied with at all times.

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Requirements relating to nominations to be given by an ALC

- 11B. (1) The master of an authorised boat must not, when intending to fish within the Fishery use that boat -
- (a) to enter the waters of the Fishery; or
 - (b) outside a Port Area (as specified in Schedule 4) within the waters of the Fishery at any time when any part of the Fishery is open to fishing unless -
 - (c) a nomination of intention to enter the Fishery has been given to and received by the Department in respect of the boat; and
 - (d) the nomination referred to in (c) has not been revoked.
- (2) For the purposes of subclause (1) a nomination is revoked –
- (a) by a revocation of the nomination given by the master of the boat and received by the Department;
 - (b) if the boat leaves the waters of the Fishery;
 - (c) if the boat is used in accordance with the *Pilbara Fish Trawl Interim Managed Fishery Management Plan 1997*** to fish in that part of the waters of the Fishery that coincides with the waters of the Pilbara Fish Trawl Interim Managed Fishery; or
 - (d) at the end of the calendar year in which it is given,
- whichever is the earlier.
- (3) At any time when fishing may be carried out in any part of the Fishery the master of an authorised boat must not permit or allow the boat to enter or be underway in any closed waters unless -
- (a) a nomination to enter or be underway, as the case may be, has been given to and received by the Department; and
 - (b) the nomination in (a) was given and received within the hour before the boat entered or commenced being underway in those waters.
- (4) For the purposes of this clause “closed waters” means -
- (a) waters that are not within an area of the Fishery in which fishing may be carried out under the relevant licence;
 - (b) waters in which fishing is prohibited by reason of a notice made under clause 10.
- (5) For the purposes of this clause any nomination or revocation must be made using an ALC in accordance with the approved directions for use.

Stowage of otter boards and trawl nets

12. (1) Except as otherwise provided in this clause the Master of a boat licensed to operate in the Fishery must ensure that all otter boards are stowed on board and all trawl nets are unshackled from the otter boards and are lowered on deck while the boat is moving through or is anchored in -
- (a) an area of the fishery in which the boat is not authorised to operate; or
 - (b) a part of the fishery which is closed to the taking of prawns under clause 10.
- (2) A boat which is authorised to operate in area 1 of the Fishery is permitted, in the Onslow Townsite Closed Area to move through that Closed Area and stream the otter trawl nets carried or attached to the boat, provided that the otter boards are kept clear of the water at all times.
- (3) A boat which is authorised to operate in area 1 of the fishery is permitted to move through or anchor in the Ashburton Nursery provided that the otter boards and trawl nets are securely attached to the boat and kept clear of the water at all times.
- (4) A boat referred to in subclause (1) may be rigged to commence trawling 24 hours prior to the opening of an area provided that -
- (a) the boat is not in a nursery which is closed to the taking of prawns;
 - (b) the otter boards and trawl nets are securely attached to the boat and kept clear of the water at all times; and
 - (c) the boat is in an area of the fishery in which it is licensed to operate.

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- (5) Boats licensed to operate in the Fishery are exempted from the provisions of this clause when they are trialling gear in the waters described in schedule 6 provided that -
- the codend is open when nets are being trialled;
 - no prawns are being held on board the boat; and
 - trials are only being undertaken during the hours of daylight.
- (6) A person may anchor an authorised boat in an area within 0.5 nautical miles of the high water mark of Fortescue Island, Shoal Island, Round Island, Long Island, Middle Island, Angle Island, Passage Island, South Passage Island or Beagle Island provided that the otter boards and trawl nets are securely attached to the boat and kept clear of the water at all times.
- (7) Despite clause 12(1)(b) a net may be streamed for one hour immediately following the closure of a part of the Fishery if all otter boards are kept clear of the water at all times.

Transfer of licence

- 13 (1) It is a condition of every "C" Class licence that the boat to which it applies is a boat to which a licence under the *Exmouth Gulf Prawn Management Plan 1989* also applies.
- (2) It is a condition of every "D" Class licence that the boat to which it applies is a boat to which a licence under the *Nickol Bay Prawn Management Plan 1991* also applies.

Boat replacement

14. (1) For the purpose of this clause -
- "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 May 11, 1981;
- "B" means "breadth" as defined in the Code;
- "D" means "depth" as defined in the Code;
- "IEP" is installed engine power in kilowatts of the boat's engine as certified by the supplier;
- "ML" means "measured length" as defined in the Code measured in accordance with Appendix A to Section 1 of the Code;
- "underdeck tonnage" means the tonnage of a boat calculated by the formula -

$$\frac{ML \times B \times D \times 0.6}{2.83}$$

"boat units" means the number of units calculated by the formula -

$$\frac{ML \times B \times D \times 0.6}{2.83} + IEP$$

"fishing power" means the relative efficiency of a trawler calculated by adding its underdeck tonnage to its installed engine power.

- (2) With the prior written approval of the Director, a boat operating an "A" Class licence may be replaced by a boat providing that the replacement boat does not -
- exceed 216 units
 - have an installed engine power exceeding 186 kilowatts; and
 - have an underdeck tonnage exceeding 30 units.
- (3) With the prior written approval of the Director, a boat other than a boat referred to in subclause (2) may be replaced by a boat provided that the replacement boat does not exceed 375 boat units.

Boat modification

15. The owner of a boat licensed to operate in the Fishery shall not, without the prior written approval of the Director, repower the boat by -
- changing the configuration of the existing engine, gearbox, propeller, propeller shaft or other components; or
 - installing a new engine.

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Engine seals

16. (1) The owner of the boat licensed to operate in the Fishery shall –
- (a) on the written instruction of the Director cause the suppliers of an engine for the boat to install a lead seal on the fuel pump of such engine; and
 - (b) authorize the Director to install any such further lead seals as the Director may require.
- (2) The owner of a boat licensed to operate in the Fishery, the engine of which has had installed a seal in accordance with subclause (1) (a) or (b) shall –
- (a) not permit the removal or allow any interference to such seal without the prior written approval of the Director; and
 - (b) immediately report to the Director any interference to such seal caused by accident or mechanical requirements and as soon as practical thereafter arrange for re-certification of the installed engine power by the supplier and the installation of a new seal.

Inspection of engine seals

17. The owner of a boat licensed to operate in the Fishery shall permit the inspection of the engine configuration and any seal by an officer of the Fisheries Department and shall permit on board the boat any person such officer may require for such inspection.

Offences and major provisions

- 19A. A person who contravenes a provision of –
- (a) clause 4; 5; 10; 11; 11A(2), 11B(3), 12, 15 or 17; or
 - (b) clause 11A(3), 11B(1) or 16,
- commits an offence and for the purposes of section 75 of the Act the provisions described in subclause (a) are major provisions.

Procedure before amending this Plan

- 19B. For the purposes of section 65(1) of the Act the licensees are the persons who are to be consulted before this Plan is amended or revoked.

Revocation

- 20 The following notices are cancelled –
- (a) Notice No. 295 published in the *Gazette* of 13 May 1988;
 - (b) Notice No. 441 published in the *Gazette* of 16 March 1990; and
 - (c) Notice No. 451 published in the *Gazette* of 18 May 1990.

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Schedule 1

All waters of the Indian Ocean bounded by a line commencing at the high water mark on the coastline of North Western Australia at the intersection of 21°47.78' south latitude and 114°46.00' east longitude; thence extending north along the meridian to the intersection of 21°43.20' south latitude and 114°46.00' east longitude (southern extremity of Locker Island); thence north west along the geodesic to the intersection 21°37.89' south latitude and 114°40.92' east longitude (southern extremity of Serrurier Island); thence generally northerly along the high water mark on the western side of Serrurier Island to the intersection of 21°35.53' south latitude and 114°39.82' east longitude (being the northern extremity of Serrurier Island); thence north along the meridian to the intersection of 21°02.58' south latitude and 114°39.82' east longitude; thence north easterly along the geodesic to the intersection of 21°00.00' south latitude and 114°43.00' east longitude; thence north along the meridian to the intersection of 20°53.00' south latitude and 114°43.00' east longitude; thence north by east along the geodesic to the intersection of 20°35.00' south latitude and 114°47.00' east longitude; thence north north east along the geodesic to the intersection of 20°15.00' south latitude and 114°55.00' east longitude; thence north east by north along the geodesic to the intersection of 20°03.00' south latitude and 115°03.00' east longitude; thence north east by east along the geodesic to the intersection of 19°55.00' south latitude and 115°14.00' east longitude; thence north east by north along the geodesic to the intersection of 19°40.00' south latitude and 115°25.00' east longitude; thence east north east along the geodesic to the intersection of 19°30.00' south latitude and 115°50.00' east longitude; thence north east by east along the geodesic to the intersection of 19°17.00' south latitude and 116°05.00' east longitude; thence east by north east along the geodesic to the intersection of 19°11.00' south latitude and 116°28.00' east longitude; thence easterly along the geodesic to the intersection of 19°09.45' south latitude and 116°45.00' east longitude; thence south along the meridian to the high water mark at the intersection of 20°36.98' south latitude and 116°45.00' east longitude; thence generally in a south westerly direction along the high water mark on the coastline to the commencement point.

Schedule 2

The waters within the Fishery shall be divided into areas as follows -

Area 1

All the waters of the Fishery bounded by a line commencing at the high water mark at the intersection of 21°37.96' south latitude and 115°06.47' east longitude (Beadon Point); thence extending north by east along the geodesic to the intersection of 21°32.25' south latitude and 115°07.80' east longitude (southern extremity of Direction Island); thence northerly along the high water mark on the eastern shore of Direction Island to the intersection of 21°31.98' south latitude and 115°07.80' east longitude (northern extremity of Direction Island); thence west by south along the geodesic to the intersection of 21°35.53' south latitude and 114°39.82' east longitude (northern extremity of Serrurier Island); thence southerly along the high water mark on the western shore of Serrurier Island to the intersection of 21°37.89' south latitude and 114°40.92' east longitude (southern extremity of Serrurier Island); thence south east along the geodesic to the intersection of 21°43.20' south latitude and 114°46.00' east longitude (southern extremity of Locker Island); thence south along the meridian to the high water mark at the intersection of 21°47.78' south latitude and 114°46.00' east longitude; thence generally in a south westerly direction along the high water mark to the commencement point.

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Area 2

All the waters of the Fishery west of a line commencing at the high water mark at the intersection of 21°16.69' south latitude and 115°42.38' east longitude (Robe Point); thence extending north west along the geodesic to the intersection of 21°12.07' south latitude and 115°38.09' east longitude (lighthouse on Great Sandy Island); thence north by north west along the geodesic to the intersection of 20°49.80' south latitude and 115°26.80' east longitude (Town Point, Barrow Island); then generally northerly along the eastern shore of Barrow Island to the intersection of 20°40.00' south latitude and 115°26.08' east longitude (Cape Dupuy); thence north along the meridian to the intersection of 19°40.00' south latitude and 115°26.08' east longitude, being the end point of the line, but not including the waters of Area 1.

Area 3

All the waters of the Fishery east of a line commencing at the high water mark at the intersection of 21°16.69' south latitude and 115°42.38' east longitude (Robe Point); thence extending north west along the geodesic to the intersection of 21°12.07' south latitude and 115°38.09' east longitude (lighthouse on Great Sandy Island); thence north north west along the geodesic to the intersection of 20°49.80' south latitude and 115°26.80' east longitude (Town Point, Barrow Island); thence generally northerly along the eastern shore of Barrow Island to the intersection of 20°40.00' south latitude and 115°26.08' east longitude (Cape Dupuy); thence north along the meridian to the intersection of 19°40.00' south latitude and 115°26.08' east longitude, being the end point of the line.

Schedule 3

Ashburton Nursery

All the waters of the Fishery bounded by a line commencing at the high water mark at the intersection of 21°37.96' south latitude and 115°06.47' east longitude (Beadon Point); thence extending east north east along the geodesic to the intersection of 21°36.80' south latitude and 115°07.00' east longitude; thence west south west along the geodesic to the intersection of 21°39.50' south latitude and 115°01.50' east longitude; thence west by north along the geodesic to the intersection of 21°38.80' south latitude and 114°58.00' east longitude; thence west south west along the geodesic to the intersection of 21°41.80' south latitude and 114°52.00' east longitude; thence south along the meridian to the high water mark at the intersection of 21°43.77' south latitude and 114°52.00' east longitude; thence generally north easterly along the high water mark to the commencement point.

Coolgra Point Nursery

All the waters of the Fishery bounded by a line commencing at the intersection of 21°38.36' south latitude and 115°07.89' east longitude (northern extremity of the Beadon Creek breakwater); thence extending north east by north along the geodesic to the intersection of 21°35.10' south latitude and 115°09.80' east longitude; thence north east along the geodesic to the intersection of 21°29.90' south latitude and 115°15.10' east longitude; thence easterly along the geodesic to the intersection of 21°29.50' south latitude and 115°19.40' east longitude; thence north along the meridian to the intersection of 21°28.10' south latitude and 115°19.40' east longitude; thence east north east along the geodesic to the intersection of 21°22.94' south latitude and 115°32.60' east longitude (northern extremity of Weld Island); thence south along the meridian to the high water mark on the mainland at the intersection of 21°26.16' south latitude and 115°32.60' east longitude; thence generally south westerly along the high water mark to the commencement point.

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Fortescue Nursery

All the waters of the Fishery bounded by a line commencing at the intersection of 21°16.69' south latitude and 115°42.38' east longitude (Robe Point); thence extending north west by west along the geodesic to the intersection of 21°12.07' south latitude and 115°38.09' east longitude (light house on Great Sandy Island); thence north east by east along the geodesic to the intersection of 21°06.24' south latitude and 115°47.06' east longitude (northern extremity of Passage Island); thence continuing north east by east along the geodesic to the intersection of 21°04.93' south latitude and 115°49.20' east longitude (western extremity of Angle Island); thence north north east along the geodesic to the intersection of 20°58'83 south latitude and 115°51.80' east longitude (southern extremity of Round Island); thence north north east along the geodesic to the intersection of 20°57.38' south latitude and 115°54.10' east longitude (southern extremity of Sholl Island); thence east by north east along the geodesic to the intersection of 20°54.33' south latitude and 116°02.10 east longitude (northern extremity of Fortescue Island); thence continuing east north east to the intersection of 20°50.04 south latitude and 116°12.26' east longitude (high water mark at Cape Preston); thence generally south westerly along the high water mark to the commencement point.

Schedule 4

- Item 1 – Within 2 nautical miles of the intersection of 21°38.36' south latitude and 115°07.89' east longitude (Beadon Creek, Onslow).
- Item 2 – Within 2 nautical miles of the intersection of 20°39.40' south latitude and 116°40.70' east longitude (Port of Dampier).

Schedule 5

Onslow Townsite Closed Area: All waters of the Fishery east of longitude 115°06'24" east and within a 2 nautical mile radius of latitude 21°38' south and longitude 115°06'24" east (Beadon Point).

Schedule 6

All waters of the Indian Ocean bounded by a line drawn from latitude 21°38' south and longitude 115°06'24" east (Beadon Point) at 330°53' true to the intersection of latitude 21°33'28" south and longitude 115°3'42" east; thence easterly to its intersection with the high water mark at the southern extremity of Direction Island, and then southerly to the high water mark at the Beadon Creek breakwater.

Dated this 19th day of March 1991

GORDON HILL, Minister for Fisheries

Note:

This consolidated plan contains the Original Plan published in GG No.45 of 22.03.91 and the following subsequent amendments - Notice No. 519 published in GG of 29.11.91; an erratum published in GG of 07.01.92; Notice No. 529 published in GG of 31.01.92; Notice No. 594 published in GG of 26.03.93; Notice No. 644 published in GG of 11.03.94; Notice No. 692 published in GG of 03.02.95; a printer's correction published in GG of 14.03.95; Amendment (No.1) 1996 published in GG of 12.11.96; Amendment (No.1) 1999 published in GG of 11.05.99; Amendment (No.1) 2001 published in GG of 21.09.01; a correction published in GG of 12.02.02; Amendment(No.1) 2002 published in the GG of 08.10.02; Amendment (No1) 2004 published in GG of 27.07.04.

[See regulation 183 of the Fish resources Management regulations 1995 concerning the notices in force under the Fisheries Act 1905 immediately before the commencement of those regulations.]

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