

FISHERIES ACT 1905

SHARK BAY BEACH SEINE AND MESH NET LIMITED ENTRY FISHERY NOTICE
1992
Arrangement

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FISHERIES ACT 1905

SHARK BAY BEACH SEINE AND MESH NET LIMITED ENTRY FISHERY NOTICE
1992

Notice No. 573

FD 897/78

Made by the Minister under section 32.

Citation

1. This notice may be cited as the *Shark Bay Beach Seine and Mesh Net Limited Entry Fishery Notice 1992*.

Commencement

2. This notice shall come into operation on 1 January 1993.

Interpretation

3. In this notice unless the contrary intention appears —
 - "approved form" means in a form approved by the Director;
 - "bait" means garfish and mullet;
 - "bream" means all fish of the genus *Acanthopagrus*;
 - "Fishery" means the Shark Bay Beach Seine and Mesh Net Limited Entry Fishery declared under clause 4;
 - "fishing unit" means a licensed boat and a maximum of three netting dinghies;
 - "garfish" means all fish of the family Hemirhamphidae;

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- "licence" means a licence authorising a boat to operate in the Fishery;
- "licensee" means the fisherman who holds a licence authorising a fishing unit to operate in the Fishery;
- "mullet" means all fish of the family Mugilidae;
- "net" means any net used or intended to be used for the purpose of catching fish but does not include an otter trawl net;
- "snapper" means all fish of the genus *Pagrus*;
- "tailor" means all fish of the genus *Pomatomus*; and
- "whiting" means all fish of the genus *Sillago*.

Declaration of limited entry fishery

4. It is hereby declared that the use of nets to take fish shall constitute a limited entry fishery in the waters described in the Schedule to be called the Shark Bay Beach Seine and Mesh Net Limited Entry Fishery.

Prohibition on taking fish

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

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 criteria that shall be applied to determine the boats which may operate in the Fishery to take fish for sale is that immediately before the coming into operation of this notice a boat, or a boat it has replaced, was authorised to take fish for sale in the Shark Bay Beach Seine and Mesh Net Fishery as described in the Instructions to Licensing Officers published in the *Government Gazette* of 23 February 1979;

(2) The criteria that shall be applied to determine the boats which may operate in the Fishery to take bait for sale or for bait use only is that immediately before the coming into operation of this notice a boat, or a boat it has replaced, was authorised to take bait for sale or for bait use only in the Shark Bay Beach Seine and Mesh Net Fishery as described in the Instructions to Licensing Officers published in the *Government Gazette* of 23 February 1979.

Application for a licence

8. The licensee of a fishing unit which fulfils the criteria in clause 7 may apply in accordance with clause 16 for a licence authorising the boat to operate in the Fishery.

Details on a licence

9. A licence shall contain the following details —
- (a) the names and licensed fishing boat numbers of the fishing unit in respect of which it is issued;
 - (b) the name and address of the licensee of the fishing unit;
 - (c) the licence number;
 - (d) the date of issue;
 - (e) the period for which the licence is valid; and
 - (f) any conditions imposed on the licence.

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Use of boats to take fish

10. (1) A fishing unit authorised to operate in the Fishery shall consist of —
- (a) a primary fishing boat; and
 - (b) not more than three netting dinghies.
- (2) Unless otherwise authorised in writing by the Director the boats specified on the licence shall only be used to take fish in the Fishery when the licensee is actively involved in the operation of the fishing unit.
- (3) A boat licensed to operate in the Fishery in accordance with clause 7(2) may only be used to take bait in the Fishery.

Restrictions on crew

11. A fishing unit used in the Fishery shall not be operated at any time by more than three persons including the licensee.

Permitted means of taking fish

12. A person operating in the Fishery from an authorised licensed fishing unit shall only use a net with a mesh —
- (a) not less than 48 mm throughout for taking whiting;
 - (b) not less than 86 mm throughout the net for taking mullet; and
 - (c) not greater than 38 mm and not less than 26 mm throughout and the net shall not be more than 200 metres in total length and have a pocket not more than 30 metres in length when used to take garfish.

Minister may specify alternative management rules

13. Notwithstanding the provisions of clauses 10(3), 12 and 14 the Minister may specify in writing —
- (a) the area or areas that a boat may or may not take fish from within the Fishery;
 - (b) the species of fish that any boat may or may not take;
 - (c) if a boat may take fish —
 - (i) for sale for human consumption or for bait; or
 - (ii) for sale for bait use only;
 - (d) the gear that a boat may or may not use; and
 - (e) if a licence may or may not be transferred.

Transfer of licence

14. (1) Subject to subclause (2) and with the prior written approval of the Director, a licence issued in accordance with the criteria specified in Clause 7(1) may be transferred to —
- (a) the spouse;
 - (b) a son;
 - (c) a daughter; or
 - (d) a grandchild,
- of the licensee and the licence shall be endorsed accordingly.
- (2) An approved transferee shall be a person —
- (a) who held a licence endorsed to authorise the holder to operate in the Fishery and worked in the Fishery for a minimum of 2 years in the five years immediately prior to the transfer application date; and
 - (b) who, inclusive of the two years specified in subclause (2)(a) above, has held a licence endorsed to authorise the holder to operate in the Fishery and worked in the Fishery for the 12 months immediately prior to the application date.

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(3) Notwithstanding the provisions of subclause (1) the Minister may approve the transfer of any licence issued in accordance with Clause 7(1).

Boat replacement

15. With the written approval of the Director, a boat licensed to operate in the Fishery may be replaced if —

- (a) the boat is a primary boat, it may be replaced by a boat not exceeding 12 metres in length; or
- (b) the boat is a net dinghy, it may be replaced with a boat not exceeding 6.45 metres in length.

Applications and fees

16. Applications under clauses 8, 14 and 15 shall be —

- (a) in the approved form;
- (b) lodged in accordance with the instruction if any; and
- (c) accompanied by the fee prescribed by regulation.

Revocation

17. The following notices are cancelled —

- (a) the notice dated 21 December 1978 and published in the *Gazette* on 23 February 1979.
- (b) the notice dated 13 February 1975 and published in the *Gazette* of 28 February 1975.

SCHEDULE (Clause 4)
Description of Fishery

The waters of Shark Bay from the high water mark lying —

- (a) south of a line drawn from the northern most point of Cape Inscription on Dirk Hartog Island due east to the mainland; and
- (b) east of a line drawn from Surf Point on Dirk Hartog Island to Steep Point on the mainland;

but excluding the waters of Shark Bay due south of a line drawn west of the highwater mark of Kopke Point on the mainland to the highwater mark on the mainland south of Petit Point on Peron Peninsula.

Dated this 25th day of November 1992.

GORDON HILL, Minister for Fisheries.

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