

FISHERIES ACT 1905
(Section 17 and 32)
Notice.
The South Coast Salmon Fishery

1. I RICHARD CHARLES OLD, Minister for Fisheries and Wildlife, pursuant to section 17 and section 32 of the Fisheries Act 1905, hereby declare that the taking of Australian Salmon (*Arripis trutta*) in Western Australian waters below high water mark from Cape Beaufort to the waters up to the eastern boundary of the State on the south coast of Western Australia, in this Notice referred to as the South Coast Salmon Fishery constitutes a limited entry fishery.

2. In this notice, unless the contrary intention appears —

- (d) "consignment " means arrangements are in place to clear, sell or transport all the salmon being penned and those arrangements will result in all those salmon being removed from the pen within 12 hours of when those salmon were initially taken;
- (e) "length" means length as determined in relation to a fishing boat under the Western Australian Marine Act regulations relating to survey and equipment;
- (f) "pen" means to hold or confine salmon in –
 - (i) a net or a portion of a net that is still partially in water; or
 - (ii) any other device in the water;
- (fa) "regulations" means the Fish Resources Management Regulations 1995;
- (g) "release" means the net or device which is penning the salmon is completely open so that it does not prevent the egress of salmon in any way;
- (h) "the Fishery" means the South Coast Salmon Fishery;
- (i) "to take" means to take or attempt to take salmon by means of fishing nets or by means of a rod, reel and line from the beach; and
- (j) "total fee" means the fee as specified in item 3(21) of Part 3 of Schedule 1 of the regulations.

3. (1) Except with the written permission of the Director, no person shall take, attempt to take or pen for sale or disposal for gain or reward any salmon in the waters comprised in the Fishery unless the salmon are taken –

- (a) by a person authorized to engage in the Fishery;
 - (b) from a boat authorized to operate in the Fishery pursuant to this notice; and
 - (c) in accordance with the manner authorized by this notice.
- (2) A person who is authorized to take salmon in the Fishery shall not –
- (a) take, attempt to take or pen salmon in any portion of the Fishery other than the portion in respect of which his authorization applies; or
 - (b) use a boat or permit or suffer a boat to be used for the purpose of taking salmon in any portion of the Fishery other than the portion in respect of which his authorization applies; and
 - (c) pen salmon unless all those salmon are penned for the purpose of consignment;
 - (d) pen salmon for more than 12 hours; or
 - (e) continue to pen salmon when ordered by a Fisheries Officer to release the salmon that are being penned.

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(3) Any person who, after penning salmon, has not landed those salmon within 12 hours of penning, must release those salmon.

4. (1) An authorization for the purposes of taking salmon in the Fishery shall be given by the Director, or by a licensing officer on behalf of the Director, in the form annexed to this Notice and the relevant license shall be endorsed with the number and date of the authorization.

(2) An authorization to take salmon in the Fishery may be made subject to any condition, restriction or limitation relating to the authorization specified or referred to therein by reference to seasons, zones, method of fishing and equipment that may be used, or otherwise.

(3) For the purposes of any prosecution under the Act, any condition, restriction or limitation, by whatever name described, specified or referred to by an authorization shall be construed as a condition imposed upon the license to which the authorization relates.

Payments by instalments

5. (1) For the purposes of regulations 137(2) of the regulations, the total fee may be paid by instalments as specified in the Schedule 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 prior to the commencement of the licensing period to which the election relates; 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 persons behalf, must not fish in the Fishery at any time when any fee or surcharge payable in respect of the licence is outstanding.

6. The benefit of an authorization granted pursuant to this Notice may be transferred to another person by the person named in the authorization if the Director gives his written approval thereto but not otherwise, and the relevant license shall thereupon be further endorsed accordingly.

7. An authorization to take salmon under this notice is subject to any notice relating to the closing of waters to fishing issued under the Act.

8. The criteria that will be applied to determine whether a person may be authorized to engage in the Fishery and to operate a specified boat or boats in the Fishery are —

(a) that immediately prior to the declaration of the Fishery the person applying for an authorization was the holder or a professional fisherman's license endorsed to the effect that he was authorized to take salmon by means of fishing nets in the waters of the Indian Ocean between Cape Beaufort and Shoal Cape; or

(b) that the person applying for the authorization is licensed as a commercial fisherman and is engaged in the Fishery and applies to take over an authorization issued under this notice to a person who desires to relinquish an authorization to operate in the Fishery and retire from the industry.

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9. The holder of an authorization who relinquishes his authorization or retires from the industry shall not be replaced by any other person, except with the approval of the Director of Fisheries who may grant or refuse such approval after investigating the potential of the Fishery.

10. With the prior written approval of the Director, but not otherwise, a boat the operation of which in the Fishery has been authorized pursuant to this notice may be replaced by a boat approved of by the Director.

11. The holder of an authorization issued under this notice shall not employ a person in the Fishery unless the professional fisherman's licence issued to that person carries an endorsement authorizing him to be employed in the Fishery.

Procedure before this Plan is amended or revoked

12. For the purposes of section 65(1) of the Act, the Australian Salmon and Herring Industry and advisory Committee is to be consulted before this Plan is amended or revoked.

Offences and major provisions

13. A person who contravenes a provision of clause 3 or clause 11 commits an offence.

Schedule

Payments by Instalments

- (a) The first instalment is 25% of the total fee and is due for payment on or before 1 January of the year for which the licence is to be granted or renewed.
- (b) The second instalment is 25% of the total fee and is due for payment on or before 1 April immediately following the period specified in paragraph (a).
- (c) The third instalment is the total fee less the instalments provided for in paragraphs (a) and (b) and is due for payment on or before 1 July immediately following the period specified in paragraph (a)

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The South Coast Salmon Fishery
Application Form.

Please forward this Application Form with Payment

I/We
(Name)

of
(Postal Address)

..... Postcode

Hereby apply for an authorization to take salmon in the South Coast Salmon Fishery and to operate the boat/s described hereunder in the above specified Fishery.

Fee \$

I certify that the boats described are licensed fishing boats and that all persons engaged thereon are authorized to be employed in the Fishery.

1. Name of Boat.....

Reg. No.Registered Lengthm

2. Name of Boat

Reg. No.Registered Lengthm

3. Name of Boat

Reg. No.Registered Lengthm

Date 19.....

.....

(Signature)

Name

Address

.....Postcode

Authorization N°

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Western Australia.
Fisheries Act 1905.

License No.
Authorization to Engage in the
South Coast Salmon Fishery

Subject to a Notice issued under section 17 and section 32 of the Fisheries Act 1905 the holder of this License is authorized to engage in the South Coast Salmon Fishery and to operate the boats described hereunder in the above specified fishery.

1. Name of Boat
Reg. No. Surveyed Lengthm
2. Name of Boat
Reg. No. Surveyed Lengthm
3. Name of Boat
Reg. No. Surveyed Lengthm

Conditions:- This Authorization is issued subject to the condition that the boats taking salmon under it are licensed under the Fisheries Act 1905 and the persons employed thereon are authorized to be employed for the purpose of taking salmon in the Fishery.

.....
.....

Term of Authorization to
Fee Paid \$
Date

.....
Licensing Officer.

Name
Address
..... Postcode
Checked Authorization No.

The Notices under sections 17 and 32 of the Fisheries Act 1905 relating to the South Coast Salmon Fishery and published in the *Government Gazettes* of 30 April 1976 and 6 October 1978 are hereby cancelled.

Dated this day of

R. C. OLD,
Minister for Fisheries and Wildlife.

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