

This compilation incorporates amendments up to and including the *Prohibition on Commercial Fishing (Shark Bay Marine Park) Amendment Order 2018* published in Government Gazette No. 117 on 3/08/2018.

Fish Resources Management Act 1994

PROHIBITION ON COMMERCIAL FISHING (SHARK BAY MARINE PARK) ORDER 2004

Order No. 7 of 2004

FD 1620/98 [280]

Made by the Minister under section 43.

1. Citation

This order may be cited as the *Prohibition on Commercial Fishing (Shark Bay Marine Park) Order 2004*.

2. Interpretation

(1) In this order, unless the contrary intention appears -

“**General Use Areas**” means all of the areas specified in Schedule 2;

“**marine aquarium fish**” has the same meaning as provided for in the *Marine Aquarium Fish Managed Fishery Management Plan 2018*;

“**Recreation Areas**” means all of the areas specified in Schedule 3;

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

“**Sanctuary Areas**” means all of the areas specified in Schedule 5;

“**Shark Bay Marine Park**” means all WA waters reserved as Marine Reserve No. 7 under section 13 of the *Conservation and Land Management Act 1984* by an order in Council published in the *Gazette* on 30 November 1990 at p. 5898;

“**Special Purpose Areas**” means all of the areas specified in Schedule 4;

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“specimen shell” has the same meaning as provided for in the *Specimen Shell Management Plan 1995*.

(2) In this order, unless the contrary intention appears the following expressions have the same meaning as provided for in regulation 3 of the regulations -

“fishing net”;

“rock lobster pot”.

(3) In this order, unless the contrary intention appears the following expressions have the same meaning as provided for in regulation 3(2) and Schedule 7 to the regulations—

“Abalone (all species)”;

“Crab”;

“Rock Lobster”;

“Sea Cucumber”.

3. Prohibition on commercial fishing

A person must not engage in commercial fishing in any of the waters of Shark Bay Marine Park.

4. Exceptions to the prohibition in clause 3

Clause 3 does not apply to a person -

(a) who holds a commercial fishing licence; and

(b) engages in an activity specified in Schedule 1 for a commercial purpose.

Schedule 1

1. Netting

(1) Fishing by net in the waters of the General Use Areas or Special Purpose Areas in accordance with the *Shark Bay Beach Seine and Mesh Net Management Plan 1992*.

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- (2) Fishing by net in the waters of the General Use Areas or Special Purpose Areas from a licensed fishing boat in respect of which the relevant fishing boat licence specifies condition No. 44 or 45.
- (3) Fishing by net in the waters of the General Use Areas or Special Purpose Areas by a person who holds a commercial fishing licence which specifies condition No. 23.

2. Line Fishing

- (1) Fishing by line in the waters of the General Use Areas or Special Purpose Areas in accordance with the *Gascoyne Demersal Scalefish Management Plan 2010*.
- (2) Fishing by line in the waters of the General Use Areas or Special Purpose Areas in accordance with the *West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997*.
- (3) Fishing by line in the waters of the General Use Areas or Special Purpose Areas from a licensed fishing boat.

3. Trawling

- (1) Fishing by trawling in the waters of the General Use Areas or the waters of the Wooramel Special Purpose Trawling Area (as specified in Schedule 4) in accordance with the *Shark Bay Prawn Management Plan 1993*.
- (2) Fishing by trawling in the waters of the General Use Areas or the waters of the Wooramel Special Purpose Trawling Area (as specified in Schedule 4) in accordance with the *Shark Bay Scallop Management Plan 1994*.

4. Lobster Potting

Fishing by rock lobster pot in the waters of the General Use Areas or Special Purpose Areas in accordance with the *West Coast Rock Lobster Managed Fishery Management Plan 2012*.

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5. Crab Trapping

Fishing by crab trap in the waters of the General Use Areas or the waters of the Wooramel Special Purpose Area, Gladstone Special Purpose Area or Freycinet Special Purpose Area (as specified in Schedule 4) by a person who is the holder of a Class B Shark Bay Crab Managed Fishery Licence in accordance with the *Shark Bay Crab Managed Fishery Management Plan 2015*.

6. Aquarium and Invertebrates

- (1) Fishing for specimen shell in the waters of the General Use Areas in accordance with the *Specimen Shell Management Plan 1995*.
- (2) Fishing for marine aquarium fish in the waters of the General Use Areas in accordance with the *Marine Aquarium Fish Managed Fishery Management Plan 2018*
- (3) Fishing for Sea Cucumber in the waters of the General Use Areas.
- (4) Fishing for Abalone (all species) in the waters of the General Use Areas.

7. Oyster

Fishing for Oyster in the waters of the General Use Areas in accordance with an oyster fishing licence granted under the regulations.

Schedule 2

General Use Areas

All waters of the Shark Bay Marine Park other than the waters described in Schedule 3, Schedule 4 and Schedule 5.

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Schedule 3

Recreation Areas

Monkey Mia Recreation Area

All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25°47.648' south latitude and 113°42.725' east longitude; thence extending north along the meridian to the intersection of 25°47.133' south latitude and 113°42.725' east longitude; thence east along the parallel to the intersection of 25°47.133' south latitude and 113°43.673' east longitude; thence south along the meridian to the intersection of 25°47.865' south latitude and 113°43.673' east longitude; thence south west along the geodesic to the intersection of 25°47.977' south latitude and 113°43.345' east longitude; thence generally northerly and westerly along the high water mark to the commencement point.

Little Lagoon Recreation Area

All the waters of the Indian Ocean within Denham Sound and commonly know as Little Lagoon, bounded by a line commencing at the intersection of 25°54.243' south latitude and 113°31.400' east longitude; thence extending west along the parallel to the intersection of 25°54.243' south latitude and 113°31.251' east longitude; thence north along the meridian to the intersection of 25°53.948' south latitude and 113°31.251' east longitude; thence east along the parallel to the intersection of 25°53.948' south latitude and 113°31.416' east longitude; thence generally southerly, easterly, northerly, easterly, southerly, westerly, southerly, and westerly along the high water mark to the commencement point.

Dubaut Inlet Recreation Area

All the waters of the Indian Ocean within Shark Bay and commonly know as Dubaut Inlet, bounded by a line commencing at the intersection of 25°51.842' south latitude and 113°43.500' east longitude; thence extending south along the meridian to the intersection of 25°51.902' south latitude and 113°43.500' east longitude; thence generally north westerly, south westerly, south easterly, south westerly, westerly, north westerly, northerly, north westerly, north easterly and south easterly along the high water mark to the commencement point.

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Schedule 4

Special Purpose Areas

Cape Peron Special Purpose Area

All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25°30.833' south latitude and 113°29.983' east longitude; thence extending north along the meridian to the intersection of 25°29.705' south latitude and 113°29.983' east longitude; thence east along the parallel to the intersection of 25°29.705' south latitude and 113°31.633' east longitude; thence south along the meridian to the intersection of 25°30.845' south latitude and 113°31.633' east longitude; thence west along the parallel to the intersection of 25°30.845' south latitude and 113°31.011' east longitude; thence generally northerly, westerly, northerly, and south westerly along the high water mark to the commencement point.

Wooramel Special Purpose Area

All the waters of the Indian Ocean bounded by a line commencing at the intersection of 25°37.924' south latitude and 114°02.425' east longitude; thence extending west along the parallel to the intersection of 25°37.924' south latitude and 113°53.150' east longitude; thence north west by north along the geodesic to the intersection of 25°27.585' south latitude and 113°45.905' east longitude; thence north north west along the geodesic to the intersection of 25°12.727' south latitude and 113°39.668' east longitude; thence north west along the geodesic to the intersection of 25°10.008' south latitude and 113°37.238' east longitude; thence north west by north along the geodesic to the intersection of 25°04.801' south latitude and 113°33.940' east longitude; thence north by west to the intersection of 24°56.060' south latitude and 113°31.887' east longitude; thence east along the parallel to the intersection of 24°56.060' south latitude and 113°40.798' east longitude; thence generally south easterly, south westerly, and south south easterly along the high water mark to the commencement point.

Wooramel Special Purpose Trawling Area

All the waters of the Indian Ocean bounded by a line commencing at the intersection of 25°10.008' south latitude and 113°37.238' east longitude; thence extending east along the parallel to the intersection of 25°10.008' south latitude and

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113°39.300' east longitude; thence south south easterly along the geodesic to the intersection of 25°26.000' south latitude and 113°47.130' east longitude; thence west along the parallel to the intersection of 25°26.000' south latitude and 113°45.240' east longitude; thence north north westerly along the geodesic to the intersection of 25°12.727' south latitude and 113°39.668' east longitude; thence north westerly along the geodesic to the commencement point.

Gladstone Special Purpose Area

All the waters of the Indian Ocean bounded by a line commencing at the intersection of 25°58.924' south latitude and 114°11.756' east longitude; thence extending west along the parallel to the intersection of 25°58.924' south latitude and 114°08.733' east longitude; thence north along the meridian to the intersection of 25°50.544' south latitude and 114°08.733' east longitude; thence east along the parallel to the intersection of 25°50.544' south latitude and 114°15.418' east longitude; thence generally southerly along the high water mark to the intersection of 25°55.874' south latitude and 114°14.990' east longitude; thence west along the parallel to the intersection of 25°55.874' south latitude and 114°14.713' east longitude; thence south by west along the geodesic to the intersection of 25°57.157' south latitude and 114°14.419' east longitude; thence east along the parallel to the intersection of 25°57.157' south latitude and 114°14.696' east longitude; thence generally south easterly, south, and westerly along the high water mark to the commencement point.

Big Lagoon Special Purpose Area

All the waters of the Indian Ocean within Denham Sound and Big Lagoon bounded by a line commencing at the intersection of 25°48.545' south latitude and 113°27.816' east longitude; thence extending west along the parallel to the intersection of 25°48.545' south latitude and 113°26.603' east longitude; thence north along the meridian to the intersection of 25°46.725' south latitude and 113°26.603' east longitude; thence east along the parallel to the intersection of 25°46.725' south latitude and 113°27.466' east longitude; thence generally south easterly, northerly, and north westerly along the high water mark to the intersection of 25°45.925' south latitude and 113°27.253' east longitude; thence east south east along the geodesic to the intersection of 25°46.095' south latitude and 113°28.083' east longitude; thence generally south easterly, southerly and south westerly along the high water mark to the commencement point.

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Boorabuggatta Special Purpose Area

All the waters of the Indian Ocean within Henri Freycinet Harbour bounded by a line commencing at the intersection of 26°29.325' south latitude and 113°36.892' east longitude; thence extending east along the parallel to the intersection of 26°29.325' south latitude and 113°37.101' east longitude; thence generally southerly, westerly and northerly along the high water mark to the commencement point (commonly known as Boorabuggatta).

Freycinet Special Purpose Area

All the waters of the Indian Ocean within Henri Freycinet Harbour bounded by a line commencing at the intersection of 26°27.792' south latitude and 113°37.886' east longitude (north east corner of Giraud Point); thence extending east south east along the geodesic to the intersection of 26°28.548' south latitude and 113°40.544' east longitude; thence south along the meridian to the intersection of 26°29.607' south latitude and 113°40.544' east longitude; thence east along the parallel to the intersection of 26°29.607' south latitude and 113°41.647' east longitude; thence north along the meridian to the intersection of 26°29.202' south latitude and 113°41.647' east longitude; thence south east along the geodesic to the intersection of 26°31.853' south latitude and 113°46.344' east longitude (north east point of Salutation Island); thence east by south along the geodesic to the intersection of 26°31.925' south latitude and 113°50.848' east longitude; thence east along the parallel to the intersection of 26°31.925' south latitude and 113°51.979' east longitude; thence generally south westerly, westerly and northerly along the high water mark to the commencement point.

Schedule 5

Sanctuary Areas

Disappointment Reach Sanctuary Area

All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25°37.924' south latitude and 114°02.425' east longitude; thence extending west along the parallel to the intersection of 25°37.924' south latitude and 113°53.150' east longitude; thence south easterly along the geodesic to the intersection of 25°45.924' south latitude and 113°58.350' east longitude; thence east along the parallel to the intersection of 25°45.924' south latitude and 114°09.829' east longitude; thence generally north westerly along the high water mark to the commencement point.

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Lharidon Bight Sanctuary Area

All the waters of the Indian Ocean within Lharidon Bight bounded by a line commencing at the intersection of 26°09.920' south latitude and 113°43.020' east longitude; thence extending north easterly along the geodesic to the intersection of 26°08.298' south latitude and 113°50.279' east longitude; thence generally south westerly, north westerly, southerly, westerly, and north westerly along the high water mark to the commencement point.

Gudrun Wreck Sanctuary Area

All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25°24.855' south latitude and 113°31.013' east longitude; thence extending east along the parallel to the intersection of 25°24.855' south latitude and 113°32.213' east longitude; thence south along the meridian to the intersection of 25°25.955' south latitude and 113°32.213' east longitude; thence west along the parallel to the intersection of 25°25.955' south latitude and 113°31.013' east longitude; thence north along the meridian to the commencement point.

Big Lagoon Sanctuary Area

All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25°45.925' south latitude and 113°27.253' east longitude; thence extending east south east along the geodesic to the intersection of 25°46.095' south latitude and 113°28.083' east longitude; thence generally northerly, north easterly, westerly and southerly along the high water mark to the commencement point (commonly known as Big Lagoon).

Eighteen Mile Sanctuary Area

All the waters of the Indian Ocean within Henri Freycinet Harbour bounded by a line commencing at the intersection of 26°25.925' south latitude and 113°53.057' east longitude; thence extending west along the parallel to the intersection of 26°25.925' south latitude and 113°51.864' east longitude; thence south by west along the geodesic to the intersection of 26°31.925' south latitude and 113°50.848' east longitude; thence east along the parallel to the intersection of 26°31.925' south latitude and 113°51.979' east longitude; thence generally northerly along the high water mark to the commencement point.

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Mary Anne Island Sanctuary Area

All the waters of the Indian Ocean within Henri Freycinet Harbour bounded by a line commencing at the intersection of 26°28.548' south latitude and 113°40.544' east longitude; thence extending east along the parallel to the intersection of 26°28.548' south latitude and 113°41.647' east longitude; thence south along the meridian to the intersection of 26°29.607' south latitude and 113°41.647' east longitude; thence west along the parallel to the intersection of 26°29.607' south latitude and 113°40.544' east longitude; thence north along the meridian to the commencement point.

Sandy Point Sanctuary Area

All the waters of the Indian Ocean within Denham Sound bounded by a line commencing at the intersection of 25°40.746' south latitude and 113°03.658' east longitude; thence extending north by east along the geodesic to the intersection of 25°40.596' south latitude and 113°04.800' east longitude; thence south easterly along the geodesic to the intersection of 25°41.328' south latitude and 113°06.297' east longitude; thence south south easterly along the geodesic to the intersection of 25°42.536' south latitude and 113°07.110' east longitude; thence southerly along the geodesic to the intersection of 25°43.947' south latitude and 113°07.050' east longitude; thence south westerly by south along the geodesic to the intersection of 25°45.167' south latitude and 113°06.297' east longitude; thence west south westerly along the geodesic to the intersection of 25°45.653' south latitude and 113°05.137' east longitude; thence north north westerly along the geodesic to the intersection of 25°45.279' south latitude and 113°04.968' east longitude; thence north north easterly along the geodesic to the intersection of 25°44.717' south latitude and 113°05.052' east longitude; thence north westerly along the geodesic to the intersection of 25°44.366' south latitude and 113°04.673' east longitude; thence north north westerly along the geodesic to the intersection of 25°43.768' south latitude and 113°04.455' east longitude; thence north easterly along the geodesic to the intersection of 25°43.158' south latitude and 113°04.842' east longitude; thence north westerly along the geodesic to the intersection of 25°42.443' south latitude and 113°04.256' east longitude; thence north north westerly along the geodesic to the intersection of 25°41.832' south latitude and 113°03.844' east longitude; thence north by west along the geodesic to the commencement point.

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Surf Point Sanctuary Area

All the waters of the Indian Ocean bounded by a line commencing at the intersection of 26°07.352' south latitude and 113°10.887' east longitude (Surf Point); thence extending south westerly along the geodesic to the intersection of 26°07.800' south latitude and 113°10.420' east longitude; thence due east along the parallel to the intersection of 26°07.800' south latitude and 113°12.180' east longitude; thence generally north westerly and southerly along the high water mark to the commencement point.

Dated this 4th day of March 2004.

KIM CHANCE, Minister for Agriculture, Forestry and Fisheries.

Original Order and Amendment Information:

Note: This consolidated order includes the original Order No 4 of 2007 published in Government Gazette No 42 of 12/03/2004 and the following subsequent amendments, Order No 6 of 2009 in Government Gazette No 171 of 25/09/2009; Order No. 2 of 2010 in Government Gazette No. 194 on 22/10/2010; Order No. 13 of 2012 in Government Gazette No. 37 on 01/03/13 on page 1095; *Prohibition on Commercial Fishing (Shark Bay Marine Park) Amendment Order 2018* published in Government Gazette No.117 on 3/08/2018 on page 2262.

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