

This compilation incorporates amendments up to and including the *Prohibition on Commercial Fishing (Shoalwater Islands Marine Park) Amendment Order 2018* published in Government Gazette No. 117 on 03/08/2018.

## Fish Resources Management Act 1994

### **PROHIBITION ON COMMERCIAL FISHING (SHOALWATER ISLANDS MARINE PARK) ORDER 2010**

Order No. 4 of 2010

FD 1620/98 [959]

Made by the Minister under section 43.

#### **1. Citation**

This order is the *Prohibition on Commercial Fishing (Shoalwater Islands Marine Park) Order 2010*.

#### **2. Interpretation**

In this order unless the contrary intention appears –

“**coral**” has the same meaning as in Schedule 7 to the *Fish Resources Management Regulations 1995*;

“**General Use Area**” means the area specified in Schedule 5;

“**live rock**” has the same meaning as in Schedule 7 to the *Fish Resources Management Regulations 1995*;

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

“**Sanctuary Area**” means all the areas specified in Schedule 2;

“**Saxon Ranger Wreck Site Area**” means the area specified in Schedule 4;

“**Shoalwater Islands Marine Park**” means the waters of the area specified in Schedule 1;

“**Special Purpose Area**” means all the areas specified in Schedule 3;

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

### 3. Prohibition on commercial fishing

- (1) A person must not fish for a commercial purpose by any means in the waters of the Shoalwater Islands Marine Park.
- (2) Subclause (1) does not apply in respect of the General Use Area.

### 4. Exceptions to prohibition

Subclause 3(1) does not apply to a person who –

- (a) holds a commercial fishing licence; and
- (b) engages in an activity specified in Schedule 6.

## Schedule 1

### Shoalwater Islands Marine Park

All waters bounded by a line commencing west northwest of Cape Peron at the intersection of 32° 15.660' south latitude and 115° 40.089' east longitude; thence generally north easterly along the geodesic to the intersection with 32° 14.831' south latitude and 115° 42.093' east longitude and the causeway extending from Garden Island to the mainland; thence generally south easterly and south westerly along the western side of the causeway to the intersection with 32° 16.178' south latitude; thence west along the parallel to the intersection with the high water mark on the mainland; thence generally westerly and southerly along the high water mark of Shoalwater Bay, Safety Bay and Warnbro Sound to the intersection with 115° 43.889' east longitude; thence north along the meridian to the intersection with 32° 21.710' south latitude; thence westerly along the geodesic to the intersection with 32° 21.694' south latitude and 115° 43.089' east longitude; thence south along the meridian to the intersection with the high water mark on the mainland; thence generally westerly, southerly and south easterly along the high water mark to the intersection with 32° 22.594' south latitude; thence west along the parallel to the intersection with 115° 40.089' east longitude; thence north along the meridian to the commencement point.

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## Schedule 2

### Sanctuary Areas

#### Becher Point Sanctuary Area

All waters bounded by a line commencing north west of Becher Point at the intersection of 32° 21.333' south latitude and 115° 41.400' east longitude; thence east along the parallel to the intersection with 115° 42.500' east longitude; thence south along the meridian to its intersection with 32° 22.133' south latitude; thence west along the parallel to the intersection with 115° 41.400' east longitude; thence north along the meridian to the commencement point.

#### Seal Island Sanctuary Area

All waters bounded by a line commencing north of Penguin Island at the intersection of 32° 17.483' south latitude and 115° 41.300' east longitude; thence generally east north-easterly along the geodesic to the intersection with 32° 17.283' south latitude and 115° 41.933' east longitude; thence south along the meridian to the intersection with 32° 17.833' south latitude; thence west along the parallel to the intersection with 115° 41.300' east longitude; thence north along the meridian to the commencement point.

#### Second Rock Sanctuary Area

All waters bounded by a line commencing south of Penguin Island at the intersection of 32° 18.933' south latitude and 115° 41.400' east longitude; thence east along the parallel to the intersection with 115° 42.000' east longitude; thence south along the meridian to the intersection with 32° 19.233' south latitude; thence west along the parallel to the intersection with 115° 41.400' east longitude; thence north along the meridian to the commencement point.

## Schedule 3

### Special Purpose Areas

#### Murray Reef Special Purpose Area (Scientific Reference)

All waters bounded by a line commencing west north-west of Becher Point at the intersection of 32° 21.333' south latitude and 115° 40.683' east longitude; thence east along the parallel to the intersection with 115° 41.400' east longitude; thence south along the meridian to its intersection with 32° 22.133' south latitude; thence west along the parallel to the intersection with 115° 40.683' east longitude; thence north along the meridian to the commencement point.

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### **Shoalwater Bay Special Purpose Area (Wildlife Conservation)**

All waters bounded by a line commencing west of the south western portion of Cape Peron at the intersection of 32° 16.271' south latitude and 115° 41.128' east longitude; thence east along the parallel to the intersection with the high water mark on Cape Peron; thence generally easterly and southerly along the high water mark of Shoalwater Bay to the intersection with the geodesic joining the coordinates 32° 18.317' south latitude and 115° 42.133' east longitude on Mersey Point and 32° 18.727' south latitude and 115° 41.373' east longitude; thence generally south westerly along the geodesic to the intersection of 32° 18.727' south latitude and 115° 41.373' east longitude; thence generally northerly along the geodesic to the commencement point.

### **Schedule 4**

#### **Saxon Ranger Wreck Site Area**

All the waters bounded by a line commencing at the intersection of 32°19.67' south latitude and 115°42.37' east longitude; thence west along the parallel to the intersection of 115°42.25' east longitude; thence north along the meridian to the intersection of 32°19.55' south latitude; thence east along the parallel to the intersection of 115°42.37' east longitude; thence south along the meridian to the commencement point.

### **Schedule 5**

#### **General Use Area**

All waters of the Shoalwater Islands Marine Park that are not waters described in Schedules 2, 3, or 4.

### **Schedule 6**

#### **Permitted Commercial Fishing Activities**

1. Fishing for abalone, in the waters of the Shoalwater Bay Special Purpose Area (Wildlife Conservation), in accordance with and under the authority of the *Abalone Management Plan 1992*;
2. Fishing for coral or live rock in the Shoalwater Bay Special Purpose Area (Wildlife Conservation) in the manner specified in the *Prohibition on Fishing (Coral, 'Live Rock' and Algae) Order 2007*;

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3. Fishing for crab, in the waters of the Shoalwater Bay Special Purpose Area (Wildlife Conservation), in accordance with and under the authority of the *Warnbro Sound (Crab) Management Plan 1995*;
4. Fishing for marine aquarium fish, in the waters of Shoalwater Bay Special Purpose Area (Wildlife Conservation), in accordance with and under the authority of the *Marine Aquarium Fish Managed Fishery Management Plan 2018*;
5. Fishing for rock lobster, in the waters of the Shoalwater Bay Special Purpose Area (Wildlife Conservation) and the Murray Reef Special Purpose Area (Scientific Research), in accordance with an authorisation permitting commercial fishing for rock lobster;
6. Fishing for specimen shell, in the waters of Shoalwater Bay Special Purpose Area (Wildlife Conservation), in accordance with and under the authority of the *Specimen Shell Fishery Management Plan 1995*;
7. Fishing by line, other than by troll line, longline or dropline, from a licensed fishing boat, in the waters of the Shoalwater Bay Special Purpose Area (Wildlife Conservation), in accordance with and under the authority of -
  - (a) the *Mackerel Managed Fishery Management Plan 2011*; or
  - (b) the *West Coast Demersal Scalefish (Interim) Management Plan 2007*;
8. Fishing by line for squid or cuttlefish in the waters of the Shoalwater Bay Special Purpose (Wildlife Conservation) Area in accordance with a fishing boat licence.

Dated this 7<sup>th</sup> day of April 2010.

NORMAN MOORE, Minister for Fisheries.

Original Order and Amendment Information:

*Prohibition on Commercial Fishing (Shoalwater Islands Marine Park) Order 2010* was first published in Government Gazette No. 60 on 16.04.10. (p.1493-1495).

Amendments: *Prohibition on Commercial Fishing (Shoalwater Islands Marine Park) Amendment Order 2012* published in Government Gazette No. 175 on 09.10.12. (p. 4762-4763); *Prohibition on Commercial Fishing (Shoalwater Islands Marine Park) Amendment Order 2018* published in Government Gazette No. 117 on 03.08.18. (p. 2798).

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