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Draft Management Plan for the South Coast Nearshore Net Managed Fishery

Department of Fisheries

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Department of
**Primary Industries and
Regional Development**

Fisheries Management Paper No. 297

**Draft Management Plan for the
South Coast Nearshore Net
Managed Fishery**

February 2020

Important disclaimer

The Chief Executive Officer of the Department of Primary Industries and Regional Development and the State of Western Australia accept no liability whatsoever by reason of negligence or otherwise arising from the use or release of this information or any part of it.

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1.0 OPPORTUNITY TO COMMENT

Intention to Determine a Management Plan for the South Coast Nearshore Net Managed Fishery: Draft Plan Open for Public Comment

In accordance with section 64(2) of the Fish Resources Management Act 1994, the Minister for Fisheries published a Notice in the Government Gazette on 14 February 2020 (Appendix 1) stating that he intends to determine a Management Plan for the South Coast Nearshore Net Managed Fishery (Fishery) and invites interested persons to comment on the Draft Plan.

A copy of the Draft Plan is included within this Fisheries Management Paper and is available on the Department of Primary Industries and Regional Development (DPIRD) website, www.dpiird.wa.gov.au

Interested persons seeking to comment on the Draft Plan are invited to make representations in writing to the Minister for Fisheries by 4.00 pm, 31 March 2020.

Representations in connection with the Draft Plan may be forwarded to:
Minister for Fisheries
Draft South Coast Nearshore Net Management Plan
c/- Deputy Director General
Department of Primary Industries and Regional Development
Locked Bag 4,
Bentley Delivery Centre WA 6983

Alternatively, written submissions may be forwarded electronically to:
Shane.Walters@dpiird.wa.gov.au

Next Steps

1. DPIRD will collate submissions and provide advice to the Minister for Fisheries regarding the written comments received on the Draft Plan and the Draft Plan may be amended if the Minister considers it appropriate to do so;
2. Following considerations of the submissions received and amendment of the Draft Plan as appropriate, the final management plan will be provided to the Minister for his consideration and approval. Subject to the Minister's approval, the new Management Plan will be published in the *Government Gazette*;
3. Subject to the Management Plan gaining Ministerial approval and being published in the *Government Gazette*, DPIRD will invite persons meeting the criteria for the grant of a licence to lodge an application for a licence; and;
4. The final Plan will come into effect on 1 June 2020.

After reading the Draft Plan, if you have any questions please contact Shane Walters on (08) 6551 4366.

2.0 BACKGROUND

Currently any person who holds a Commercial Fishing Licence and an unrestricted Fishing Boat Licence (FBL) can commercially fish by gillnet (mesh size less than 114 mm), beach seine or haul net for scalefish and squid in the oceanic waters of the South Coast.

In 2013, increasing stakeholder concerns were being raised over open-access fishing on the South Coast. Concerns centred on potential sustainability issues, resource sharing conflict and the lack of a rights based management framework to provide industry certainty on the future of the fishery.

On 12 November 2013, the (then) Minister for Fisheries approved a review of these fisheries in order to establish more formal management arrangements. Subsequently the (then) Department of Fisheries issued an investment warning for the fisheries under the review on 9 December 2013.

Noting the limited arrangements in place to manage this open-access net fishery and the scalefish and squid that they target, Fisheries Management Paper No.270, *'The South Coast Commercial Fish Trap, G-Net and Open-Access Line and Net Scalefish Fisheries and Squid Jig Fishery Review: Discussion Paper'* (FMP 270) was developed, and defined a set of proposals for the future management of this fishery.

On 16 March 2016, following consideration of the outcomes of consultation on FMP 270, the (then) Minister for Fisheries approved the development of a management plan incorporating the current South Coast open-access net fisheries.

In March 2016, the (then) Department of Fisheries engaged the South Coast Independent Access Panel to provide recommendations on access for the proposed new fishery. On 9 November 2016, the South Coast Independent Access Panel provided its final report to the Department, including recommendations on access criteria for the proposed new fishery.

On 31 January 2019, the Minister for Fisheries finalised the review and approved the Department of Primary Industries and Regional Development draft the South Coast Nearshore Net Managed Fishery Management Plan to give effect to the outcomes of the review.

A draft South Coast Nearshore Net Fishery Management Plan has now been developed, as outlined in this document.

3.0 KEY ELEMENTS OF THE DRAFT MANAGEMENT PLAN

Below are some of the key elements within the Draft Plan. This summary is intended to provide an overview of the main elements, but is not a comprehensive description of all aspects of the Draft Plan. Interested persons are encouraged to read the Draft Plan (Section 4.0) thoroughly to formulate their own view and inform their submission.

- The Fishery is a managed fishery as opposed to an interim managed fishery and relates to the fishing by means of net for scalefish (excluding Australian salmon and small pelagic fish) and squid.
- All licence holders are the persons to be consulted before the Plan is amended or revoked.
- The Fishery includes the waters within the Australian Fishing Zone situated on the south coast of Western Australia between 115° 30' east longitude (Black Point) and 129° east longitude (Western Australian/South Australian border). See map of the proposed South Coast Nearshore Net managed Fishery at Appendix 3.
- The Fishery is limited entry, there are no provisions in the Draft Plan to allow the granting of additional licences.
- The licensing period will be 12 months, from 1 July to 30 June.
- Access fees will be charged per Managed Fishery Licence. Options to pay by instalment are contained in the Draft Plan and will activate in the second licensing period (requires an amendment to the *Fish Resources Management Regulations 1995*).
- Multiple authorised boats can be listed on a Managed Fishery Licence in the Fishery however, only one primary boat and two auxiliary boats can be used at any one time. Auxiliary boats must remain within 5 nautical miles of the primary boat.
- A person can only fish with a one haul net or beach seine of up to 700 metres total length or 1000 meters total length of gillnet west of 120° 00' east longitude or 1500 meters total length of gillnet west of 120° 00' east longitude for scalefish and squid.
- All nets used in the fishery have a maximum permitted mesh size of 114 millimetres.
- There are restrictions on fishing in the Fishery within the recreationallly and socially important King George Sound, including no fishing by gillnets and no fishing by haul net or beach seine on weekends.
- To reflect the nearshore nature of the Fishery, fishing is restricted to within 3 nautical miles of the shore.
- Fishers will not be permitted to land catch from the Fishery outside the waters of the Fishery (i.e. Augusta).

4.0 DRAFT SOUTH COAST NEARSHORE NET MANAGED FISHERY

Fish Resources Management Act 1994

SOUTH COAST NEARSHORE NET MANAGED FISHERY MANAGEMENT PLAN 2020

FD 2010/19 [CID 190224]

Made by the Minister under section 54.

PART 1 – PRELIMINARY

1. Citation
2. Commencement
3. Interpretation
4. Procedure before this plan may be amended or revoked

PART 2 – THE FISHERY

5. Identification and declaration of the Fishery

PART 3 – LICENCES AND FEES

6. Criteria for the grant of a licence
7. Duration of licences
8. Items that must be specified on a licence
9. Fees

PART 4 – GENERAL REGULATION OF FISHING

10. Use of boats
11. Restrictions on fishing

PART 5 – PROHIBITIONS AND OFFENCES

12. Persons prohibited from fishing in the Fishery
13. Prohibition on landing
14. Prohibition on selling or dealing with, or attempting to sell or deal with, or possessing, scalefish or squid
15. Notice of closure of area of the Fishery
16. Offences

SCHEDULES

Schedule 1 – Description of the Fishery

Schedule 2 – Zones of the Fishery

Schedule 3 – Fees

SOUTH COAST NEARSHORE NET MANAGED FISHERY MANAGEMENT PLAN 2020

FD 2010/19 [CID 190224]

Made by the Minister under section 54.

PART 1 – PRELIMINARY

1. Citation

This plan is the *South Coast Nearshore Net Managed Fishery Management Plan 2020*.

2. Commencement

This plan will come into operation on 1 June 2020.

3. Interpretation

In this plan, unless the contrary intention appears –

Act means the *Fish Resources Management Act 1994*;

authorised boat means a primary boat or an auxiliary boat;

auxiliary boat means a licensed fishing boat used to fish in connection with fishing from a primary boat, the name and licensed fishing boat number of which is specified on a licence;

beach seine net means a fishing net that, when used for fishing, is not stationary in the water and has a pocket or a bunt;

conversion rates means the rates used from time to time by the department's Director Aquatic Science and Assessment to convert the weight of a part of a fish to a whole weight for departmental recording purposes, being generally those rates specified in Appendix B, Ministerial Policy Guideline No. 14 except where –

- (a) a rate in Appendix B, Ministerial Policy Guideline No. 14 has superseded an earlier rate or where a rate has subsequently been superseded by a later rate, in which case that rate in regard to that fish applied at the relevant time; or
- (b) a rate in respect of a species of fish that was not specified in Appendix B, Ministerial Policy Guideline No. 14 was applied at the relevant time;

Department means the Department of Primary Industries and Regional Development Western Australia;

Fishery means the South Coast Nearshore Net Managed Fishery identified in clause 5;

fishing return means a return –

- (a) in a form approved by the CEO under the Act or the *Fisheries Act 1905* for recording the catch of fish taken with the use of a fishing boat under a fishing boat licence and submitted under regulation 64 of the regulations or section 18 of the *Fisheries Act 1905*; and
- (b) received by the Department on or before 30 January 2019;

haul net means any fishing net that, when used for fishing, is not stationary in the water and does not have a pocket or a bunt;

gillnet means any fishing net that –

- (a) has a mesh size equal to or less than 114 millimeters when measured in accordance with regulation 64D; and
- (b) when set is wholly or partially in continuous or intermittent contact with the sea bed;

licence means a managed fishery licence authorising a person to fish in the Fishery;

net means a beach seine net, gillnet or haul net;

open access catch means the whole weight of scalefish and squid taken by open access net fishing methods that has been determined and recorded by the Department, on the basis of the relevant fishing returns submitted to it;

open access net fishing methods means fishing by net –

- (a) by a person fishing commercially from or in connection with the use of a licensed fishing boat, in accordance with laws of the State regulating commercial fishing from time to time; and
- (b) that was not carried out under any limited entry fishing licence, managed fishery authorisation, exemption, or any other administrative or legislative exception to any prohibition that applied, or purported to apply, to that person and did not also apply, or purport to apply, to all other persons;

primary boat means a licensed fishing boat that is used to fish under the authority of a licence, the name and licensed fishing boat number of which are specified on a licence;

qualifying period means the period commencing 1 January 1993 and ending on 31 December 2013;

regulations means the *Fish Resources Management Regulations 1995*;

scalefish means all fish of the Class Osteichthyes other than –

- (a) fish of the common name Australian salmon described by the scientific classification *Arripis truttaceus* in Division 1 to Schedule 7 of the regulations; and
- (b) small pelagic fish as defined in the *South Coast Purse Seine Management Plan 1994*;

squid means all cephalopods of the Sub-class Coleoidea with the common name squid or cuttlefish other than cephalopods known by the common name Octopus described

by the scientific classification *Sub-class Coleoidea Order Octopoda* in Division 4 of Schedule 7 to the regulations;

whole weight in relation to a scalefish or squid means the weight of the fish that, in accordance with the relevant conversion rate, has been determined and recorded by the Department as the whole weight of fish.

4. Procedure before this plan may be amended or revoked

All the licence holders are the persons to be consulted before this plan is amended or revoked.

PART 2 – THE FISHERY

5. Identification and declaration of the Fishery

- (1) The Fishery to which this plan relates is fishing by means of net for scalefish and squid in the waters described in Schedule 1.
- (2) The Fishery is a managed fishery, and may be referred to as the South Coast Nearshore Net Managed Fishery.

PART 3 – LICENCES AND FEES

6. Criteria for the grant of a licence

The criteria to be satisfied before the CEO may grant a person a licence to fish in the Fishery are that –

- (a) on the date of commencement of this plan the person was the holder of a fishing boat licence; and
- (b) the open access catch taken under the authority of that fishing boat licence during the qualifying period in the waters specified in Schedule 1 was not less than 2,000 kg; and
- (c) an application for the grant of a licence in respect of that fishing boat licence is made only once, on or prior to 31 July 2020.

7. Duration of licences

A licence granted or renewed for a period commencing on 1 July in any year expires on 30 June next following the date of grant or renewal.

8. Items that must be specified on a licence

A licence must specify –

- (a) the name and business address of the holder of the licence; and

- (b) the name and licensed fishing boat number of not more than one licensed fishing boat that is to be used as a primary boat under the authority of that licence; and
- (c) the name and licensed fishing boat number of not more than two licensed fishing boats that are to be used as auxiliary boats under the authority of the licence; and
- (d) the licence number; and
- (e) the date on which the licence was granted or renewed; and
- (f) the date on which the licence expires; and
- (g) the name of the Fishery; and
- (h) any conditions imposed on the licence by the CEO.

9. Fees

- (1) Where a licence is granted for a period expiring on 30 June 2021, the fee is \$235.51 per licence.
- (2) For the purposes of regulation 137(2) the fee may be paid by instalments as specified in Schedule 2 if -
 - (a) an election to pay by instalments is made by the holder of a licence in accordance with subclause (3); 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.
- (3) An election for the purposes of subclause (2) must be –
 - (a) made in writing;
 - (b) received at an office of the Department on or before 1 July of the year for which the licence is to be renewed; and
 - (c) accompanied by the first instalment plus the surcharge.
- (4) For the purposes of regulation 137(3) the surcharge will be 3.13% of the total fee.

PART 4 – GENERAL REGULATION OF FISHING

10. Use of boats

- (1) A person must not use a boat in the Fishery unless –
 - (a) the person is the holder of a licence and the boat is an authorised boat specified on the licence; or
 - (b) the person is acting for or on behalf of the holder of the licence and the boat is the authorised boat specified on the licence.
- (2) A person must not fish in the Fishery other than by the use of no more than –
 - (a) one primary boat; and
 - (b) two auxiliary boats,
 specified on a licence.

- (3) The master of a primary boat must not permit an associated auxiliary boat to be –
 - (a) more than 5 nautical miles from the primary boat at any time; or
 - (b) used in conjunction with any primary boat other than the associated primary boat specified on the licence.

11. Restrictions on fishing

- (1) A person must not fish in the Fishery by any means other than by a net that –
 - (a) has a mesh size less than or equal to 114 millimetres; and
 - (b) is attached to a buoy or float that is marked with the licensed fishing boat number of the authorised boat in letters and numbers each of which are at least 6 centimetres high and 1 centimetre wide.
- (2) A person must not fish in the Fishery for any fish other than scalefish or squid.
- (3) The master of a primary boat must not permit more than –
 - (a) 1 beach seine net or haul net of up to 700 metres total length to be used from that boat; or
 - (b) 1000 metres total length of gillnet to be used from that boat in the waters of the Fishery west of 120° 00' east longitude; or
 - (c) 1500 metres total length of gillnet to be used from that boat in the waters of the Fishery east of 120° 00' east longitude,at any time in the waters of the Fishery.
- (4) The master of a primary boat must not permit more than 2,200 metres of net to be on board that boat at any time in the waters of the Fishery east of 120° 00' east longitude.
- (5) The master of a primary boat must not permit more than 1,700 metres of net to be on board that boat at any time in the waters of the Fishery west of 120° 00' east longitude.
- (6) The master of a primary boat must not permit a person to fish from an authorised boat outside 3 nautical miles from the shore.
- (7) A person must not fish in the waters of the Fishery described in Schedule 3 –
 - (a) by means of gillnet; or
 - (b) during the period commencing midnight on any Friday and ending on midnight the following Monday.

PART 5 – PROHIBITIONS AND OFFENCES

12. Persons prohibited from fishing in the Fishery

- (1) A person must not fish in the Fishery other than –
 - (a) in accordance with this plan; and
 - (b) under the authority of a licence.

- (2) Subclause (1) does not apply to a person fishing –
- (a) for scalefish or squid for a non-commercial purpose in accordance with the Act;
or
 - (b) under the authority of an authorisation that authorises fishing in the –
 - (i) Marine Aquarium Fish Managed Fishery;
 - (ii) South Coast Purse Seine Managed Fishery;
 - (iii) South Coast Salmon Managed Fishery;
 - (iv) Southern Demersal Gillnet and Demersal Longline Managed Fishery;or
 - (v) South West Coast Salmon Managed Fishery.

13. Prohibition on landing

The master of an authorised boat must not leave the waters of the Fishery unless all scalefish and squid that has been taken in the Fishery has been landed in the waters of the Fishery.

14. Prohibition on selling or dealing with, or attempting to sell or deal with, or possessing, scalefish or squid

- (1) In this clause –
deal with includes handling, storing, transporting, weighing and recording;

otherwise dealt with includes handled, stored, transported, weighed and recorded.
- (2) A person must not sell, purchase, or deal with, or attempt to sell, purchase or deal with, or be in possession of, any scalefish or squid taken from the Fishery, landed or otherwise dealt with in contravention of this plan.
- (3) A person must not sell, purchase, or deal with, or attempt to sell, purchase, or deal with, or be in possession of, any scalefish or squid unless that scalefish or squid was taken and landed by the holder of a commercial fishing licence under the authority of a licence.

15. Notice of closure of area of the Fishery

- (1) The CEO may, by notice published in the Gazette prohibit fishing by any means in any part of the Fishery for the period specified in the notice if the CEO is of the opinion that –
- (a) the sustainability of fish stocks is at high risk; or
 - (b) any threatened, endangered or protected species are at high risk due to fishing activities in the Fishery.
- (2) A notice made in accordance with subclause (1) -
- (a) may only be made after consultation with all licence holders; and
 - (b) must take into account any advice received from the Department's Director Aquatic Science and Assessment;
 - (c) may apply at all times or for a specified period; and
 - (d) revokes any previous notice made under subclause (1).

- (3) A person must not fish in any part of the Fishery at a time when fishing in that part of the Fishery has been prohibited by a notice made under subclause (1).

16. Offences

A person who contravenes clause 10, 11, 12(1), 13, 14(2), 14(3) or 15(3) commits an offence.

SCHEDULES

Schedule 1

Description of the Fishery

All Western Australian waters off the southern coast, between 115° 30' east longitude and 129° 00' east longitude; but excluding all waters of the South Coast Estuarine Managed Fishery.

Schedule 2

Payments by Instalments

The fee payable in respect of the grant or renewal of a licence may be paid in instalments consisting of –

- (a) the first instalment being 50% of the total fee and due for payment on or before 1 July;
- (b) the second instalment being 50% of the total fee and due for payment on or before 1 January following the day on which the first instalment is paid.

Schedule 3

Restricted fishing area

King George Sound

All waters of the Fishery bounded by a line commencing at a point at 35° 07.65' south latitude and 117° 56.844' east longitude (on the mainland at Peak Head); then extending due south along the meridian to a point at 35° 07.712' south latitude and 117° 56.844' east longitude; then extending due east along the parallel to a point at 35° 07.712' south latitude and 118° 11.25' east longitude; then extending due north along the meridian to a point at 35° 01.475' south latitude and 118° 11.25' east longitude (on the mainland at Cape Vancouver); then generally westerly along the high water mark to a point at 35° 00.06' south latitude and 117° 59.958' east longitude (on the mainland); then extending north-westerly along the geodesic to a point at 34° 59.978' south latitude and 117° 56.832' east longitude (on the mainland); then generally south-westerly along the high water mark to a point at 35° 02.144' south latitude and 117° 55.174' east longitude (on the mainland at King Point); then extending southerly along the geodesic to a point at 35° 02.461' south latitude and 117° 55.222' east longitude (on the mainland); then generally south-easterly and then westerly along the high water mark to the commencement point.

Dated _____ of _____ 2020

Minister for Fisheries

5.0 APPENDICES

Appendix 1 – Government Gazette Notice

FI402

FISH RESOURCES MANAGEMENT ACT 1994
INTENTION TO DETERMINE A MANAGEMENT PLAN FOR THE SOUTH COAST
NEARSHORE NET MANAGED FISHERY

FD 2010/19 [CID 190224]

I, Peter Tinley AM MLA, Minister for Fisheries, hereby give notice in accordance with section 64(2) of the *Fish Resources Management Act 1994* that I intend to determine a management plan for the South Coast Nearshore Net Managed Fishery.

A copy of the draft management plan may be obtained from the website of the Department of Primary Industries and Regional Development (<https://dpird.wa.gov.au>).

Interested persons who wish to comment on the draft management plan are invited to make representations in writing to the Minister for Fisheries by 4 pm, 31 March 2020.

Representations may be forwarded to—

Minister for Fisheries
Draft South Coast Nearshore Net Managed Fishery Management Plan 2020
c/- Deputy Director General
Sustainability and Biosecurity
Department of Primary Industries and Regional Development
Locked Bag 4
Bentley Delivery Centre WA 6983

Alternatively, written submissions may be forwarded electronically to—

Shane.Walters@dpird.wa.gov.au

Dated: 2 February 2020.

P. TINLEY, Minister for Fisheries.

Appendix 2 – Map of the South Coast Nearshore Net Managed Fishery

