



Australian Government

Australian Fisheries Management Authority

Fisheries Management (Southern and Eastern Scalefish and Shark Fishery Management Plan 2003) Temporary Order 2011

Fisheries Management Act 1991

I, JAMES FINDLAY, Chief Executive Officer and delegate of the Australian Fisheries Management Authority, make this order under subsection 43(2) of the *Fisheries Management Act 1991* (the Management Act), being satisfied that:

- (a) it is necessary to take action under section 43 of the Management Act;
- (b) the action is consistent with AFMA objectives; and
- (c) no other action is appropriate.

Dated: 28 April 2011

JAMES FINDLAY

Chief Executive Officer

Australian Fisheries Management Authority

1 Name of Order

This Order is the *Fisheries Management (Southern and Eastern Scalefish and Shark Fishery Management Plan 2003) Temporary Order 2011*.

2 Commencement

This Order commences on 1 May 2011.

3 Definitions

In this Order:

1. (a) Terms used have the same meaning that they have in the Management Act or in the *Southern and Eastern Scalefish and Shark Fisheries Management Plan 2003* (the Management Plan).
- (b) References to the holder of a gillnet statutory fishing right or a fishing permit include a person acting on behalf of the holder of the right or the permit.
- (c) In paragraph 4(1)(a), ‘total gillnet effort’ means the total length of gillnets deployed.
- (d) ‘AFMA’ means the Australian Fisheries Management Authority.
- (e) ‘Australian Sea Lion Management Zone’ means that part of the Australian Fishing Zone and the South Australian Coastal Waters Sector that is east of the parallel of longitude 129° east and west of the parallel of longitude 139° east.
- (f) ‘South Australian Coastal Waters permit’ means a fishing permit that authorises the holder to fish using gillnet methods, or gillnet and hook methods, in the South Australian Coastal Waters Sector.
2. Where this Order authorises the use of ‘hook methods’, the method authorised is demersal longlines without the use of automatic baiting equipment.

4. Alternative fishing method

Application

- (1) Sub-clauses 4 (2), (4) and (5) apply to a person who holds a gillnet boat statutory fishing right and/or a South Australian Coastal Waters permit, if:
 - (a)
 - (i) the holder fished in the fishery using gillnet methods at any time during the period 1 July 2009 to 31 December 2010; and
 - (ii) in that period, 25% or more of the total gillnet effort referred to in sub-paragraph (a)(i) was deployed in the Australian Sea Lion Management Zone; or
 - (b) the holder does not satisfy sub-paragraph (a)(ii), but AFMA determines, on the basis of exceptional circumstances, that sub-clauses 4(2), (4) and (5) apply to the holder.

Gillnet Boat Statutory Fishing Rights

- (2) A gillnet boat statutory fishing right held by a person to whom sub-clause 4(1) applies authorises the holder to fish:
 - (a) using *hook methods only*, and not gillnet methods, in the areas of the fishery described in Schedule 1 that are in the Australian Fishing Zone; and
 - (b) using *either* hook methods or gillnet methods in those parts of the Australian Sea Lion Management Zone that are within the Australian Fishing Zone but not in the areas of the fishery described in Schedule 1.
- (3) A gillnet boat statutory fishing right held by a person to whom sub-clause 4(1) does *not* apply authorises the person to fish using gillnet methods only in the Commonwealth Gillnet Sector, other than in the areas described in Schedule 1.

South Australian Coastal Waters permits

- (4) (a) A South Australian Coastal Waters permit held by a person to whom sub-clause 4(1) applies that authorises the holder to fish in the South Australian Coastal Waters Sector using gillnet methods only, authorises the holder to fish:
- (i) using *hook methods only*, and not gillnet methods, in the areas described in Schedule 1 that are within the South Australian Coastal Waters Sector; and
 - (ii) using gillnet methods *or* hook methods in that part of the Australian Sea Lion Management Zone that is within South Australian Coastal Waters Sector, other than in an area described in Schedule 1.
- (b) When hook methods are used, a maximum of 400 hooks may be in the water at any one time, regardless of the number and configuration of the demersal longlines in use.
- (5) A South Australian Coastal Waters permit held by a person to whom sub-clause 4(1) applies, that authorises the holder to fish using *both* gillnet methods and hook methods in the South Australian Coastal Waters Sector, authorises the holder to fish using *hook methods only*, and not gillnet methods, in the areas described in Schedule 1 that are within the South Australian Coastal Waters Sector.
- (6) A South Australian Coastal Waters permit held by a person to whom sub-clause 4(1) does *not* apply authorises the holder to fish using gillnet methods only in the South Australian Coastal Waters Sector, other than in the areas described in Schedule 1.

Note 1: It is a condition of a permit referred to in clause 4(5) that a maximum of 400 hooks may be in the water at any one time, regardless of the number and configuration of the demersal longlines in use.

Note 2: The area of waters in which a permit referred to in sub-clauses 4(4), (5) and (6) authorises the holder to fish is specified in the permit.

5. Transfer

If a person transfers a gillnet boat statutory fishing right or a fishing permit referred to in sub-clauses 4(2) or (4) the right or permit will no longer authorise the holder to fish using hook methods as authorised by those clauses.

Note: Under the Management Plan and the Management Act, only one boat can be nominated to a statutory fishing right or a permit at any one time.

6. Directions not to engage in fishing

For the avoidance of doubt, this Order does not affect any directions made under section 17(5A) of the Management Act and section 56 of the Management Plan; or, since the *Fisheries Legislation Amendment Act (No.2) 2010* commenced, under section 41A of the Management Act, which directions continue in force according to their terms.

7. Other requirements

Observers and monitoring

(1) The holder of a gillnet boat statutory fishing right, or a fishing permit, to whom sub-clauses 4(2), (3), (4), (5) or (6) applies, must ensure that whenever the boat is used to fish using gillnet methods in any part of the Australian Sea Lion Management Zone:

(a) an AFMA nominated observer is carried on the boat nominated to the right or permit in accordance with the conditions on the right or permit; or

(b) electronic monitoring equipment approved by AFMA is installed on the boat, is operated to record all fishing activity, and the data recorded is returned to AFMA, in accordance with the directions of AFMA;

unless AFMA authorises otherwise in writing.

- (2) If AFMA does not direct that an observer be carried (for example, for safety reasons, or the boat is unable to carry an observer), a person to whom sub-clause (1) applies must not fish using gillnet methods in the Australian Sea Lion Management Zone unless electronic monitoring equipment is used in accordance with paragraph 7(1)(b), unless AFMA authorises otherwise in writing.
- (3) The holder of a boat nominated to gillnet boat statutory fishing right or a fishing permit that is authorised to use both hook methods and gillnet methods (including a dual gear permit referred to in sub-clause 4(5)) must ensure that:
- (a) whenever the boat carries, in the Australian Sea Lion Management Zone, equipment for fishing using gillnet methods; and
 - (b) whether the fishing method used, or to be used, is hook methods or gillnet methods:
 - (i) an AFMA nominated observer is carried on the boat nominated to the right or permit in accordance with the conditions on the right or permit; or
 - (ii) electronic monitoring equipment approved by AFMA is installed on the boat, is operated to record all fishing activity, and the data recorded is returned to AFMA, in accordance with the directions of AFMA;
- unless AFMA authorises otherwise in writing.
- (4) AFMA may direct that an observer be carried, even if electronic monitoring equipment is installed and is to be operated.

- (5) The holder of a gillnet boat statutory fishing right, or a fishing permit, to whom sub-clauses 4(2), (3), (4), (5) or (6) applies must give the AFMA Observer Section at least 72 hours notice of an intention to depart on a fishing trip, by telephone (02 6225 5355, or 0427 016 859) or by email: observers@afma.gov.au.

Removal of biological material

- (6) The holder of a gillnet boat statutory fishing right or a fishing permit authorising the person to fish using gillnet methods must completely remove all biological material from a gillnet before re-setting the net.

Discard of waste

- (7) Processing waste, including offal, must not be discarded from a boat to which this Order applies while a gillnet is being deployed.

Fisheries Management Act 1991, section 43

Temporary Order made on 28 April 2011

Schedule 1

In this Schedule, all geographic coordinates contained within the schedules attached are in terms of the Geocentric Datum of Australia 1994 (GDA94)

Kangaroo Island gillnet strip

The area of the Kangaroo Island Strip is the part of the AFZ and coastal waters of South Australia contained within and bounded by a line:

- (a) commencing at the intersection of the coastline of Kangaroo Island, South Australia at mean low water with the parallel of longitude of 137° 43' 30" east, in the vicinity of Reynolds Point and running progressively;
- (b) generally southwesterly and westerly along the mean low water line of the southern coastline of Kangaroo Island to its intersection with the parallel of longitude 136° 34' 44.88" east in the vicinity of Cape du Couedic;
- (c) then west along that meridian of latitude to its intersection with longitude 136° 31' 18.22" east;
- (d) then south along that meridian to latitude 36° 14' 56.47" south;
- (e) then east along that parallel to its intersection with longitude 137° 35' 19.97" east;
- (f) then north along that meridian to its intersection with a line every point of which is four nautical miles seaward of the mean low water line of the southern coastline of Kangaroo Island;
- (g) then generally northeasterly along that four nautical mile line to its intersection with the parallel of longitude of 137° 43' 30" east;
- (h) then north along the parallel of longitude to the point of commencement.

Head of the Great Australian Bight gillnet strip

The area of the Head of the Great Australian Bight Strip is the part of the AFZ and coastal waters of the State of South Australia contained within and bounded by a line:

- (a) commencing at the intersection of the southern coastline of the mainland of Australia at mean low water with the meridian of longitude 129° 00' 05.2" east and running progressively;
- (b) south along that meridian to its intersection with a line every point of which is four nautical miles seaward of the mean low water line of the southern coast of the mainland of Australia;
- (c) then generally easterly and northeasterly along that four nautical mile line to its intersection with the parallel of longitude of 129° 19' 36.05" east;
- (d) then south along that meridian to latitude 31° 48' 24.76" south;
- (e) then east along that parallel to its intersection with longitude 130° 45' 44.52" east;
- (f) then north along that meridian to its intersection with a line every point of which is four nautical miles seaward of the mean low water line of the southern coastline of the mainland of Australia;
- (g) then generally northeasterly along that four nautical mile line to its intersection with the parallel of longitude of 131° 08' 00" east;
- (h) north along that parallel of longitude to its intersection with the mean low water line of the southern coastline of the mainland of Australia, in the vicinity of Twin Rocks;
- (i) then generally southwesterly and westerly along the mean low water line of the southern coastline of the mainland of Australia to the point of commencement.

4nm radius Australian sea lion gillnet

The area of 4nm Australian sea lion closures is the part of the AFZ and/or Coastal Waters of the State of South Australia contained within and bounded by a line four nautical miles seaward of:

- (a) Purdie Island located at latitude 32° 16' 11" south, longitude 133° 13' 42" east;
- (b) Lounds Island located at latitude 32° 16' 23" south, longitude 133° 21' 56" east;
- (c) West Island located at latitude 32° 30' 39" south, longitude 133° 15' 05" east;
- (d) Fenelon Island located at latitude 32° 34' 52" south, longitude 133° 16' 54" east;
- (e) Blefuscu Island located at latitude 32° 28' 01" south, longitude 133° 38' 38" east;
- (f) Albatross Island located at latitude 35° 04' 07" south, longitude 136° 10' 53" east;
- (g) North Island located at latitude 35° 07' 14" south, longitude 136° 28' 34" east; and
- (h) Peaked Rocks located at latitude 35° 11' 06" south, longitude 136° 28' 55" east.

11nm radius Australian sea lion gillnet

The area of 11 nm Australian sea lion closures is the part of the AFZ and/or Coastal Waters of the State of South Australia contained within and bounded by a line eleven nautical miles seaward of:

- (a) Nuyts Reef (west) located at latitude 32° 07' 07" south, longitude 132° 07' 53" east;
- (b) Nuyts Reef (east) located at latitude 32° 08' 19" south, longitude 132° 08' 29" east;
- (c) Point Fowler located at latitude 32° 00' 39" south, longitude 132° 26' 16" east;
- (d) Olive Island located at latitude 32° 43' 09" south, longitude 133° 58' 11" east;
- (e) Nicolas Baudin Island located at latitude 33° 00' 56" south, longitude 134° 07' 59" east;
- (f) Jones Island located at latitude 33° 11' 07" south, longitude 134° 22' 02" east;
- (g) West Waldegrave Island located at latitude 33° 35' 46" south, longitude 134° 45' 41" east;
- (h) Ward Island located at latitude 33° 44' 27" south, longitude 134° 17' 06" east;
- (i) Dorothee Island located at latitude 34° 00' 18" south, longitude 134° 14' 42" east;
- (j) Rocky (North) Island located at latitude 34° 15' 31" south, longitude 135° 15' 38" east;
- (k) Four Hummocks (North) Island located at latitude 34° 45' 28" south, longitude 135° 02' 32" east;
- (l) Price Island located at latitude 34° 42' 28" south, longitude 135° 17' 22" east; and
- (m) Liguanea Island located at latitude 34° 59' 54" south, longitude 135° 37' 11" east;
- (n) Lewis Island located at latitude 34° 57' 25" south, longitude 136° 01' 54" east;
- (o) North Neptune (East) Island located at latitude 35° 13' 41" south, longitude 136° 04' 37" east.
- (p) South Pages Island located at latitude 35° 46' 38" south, longitude 138° 17' 30" east; and
- (q) North Pages Island located at latitude 35° 45' 32" south, longitude 138° 18' 04" east.