



**Australian Government**

**Australian Fisheries Management Authority**

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## **Fisheries Management (Southern and Eastern Scalefish and Shark Fishery Management Plan 2003) Temporary Order 2011 No. 3**

### ***Fisheries Management Act 1991***

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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: 18 October 2011

JAMES FINDLAY

Chief Executive Officer

Australian Fisheries Management Authority

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## **1 Name of Order**

This Order is the *Fisheries Management (Southern and Eastern Scalefish and Shark Fishery Management Plan 2003) Temporary Order 2011 No.3*.

## **2 Commencement**

This Order commences on 1 November 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) 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) and (3) 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, or a person acting on behalf of 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-clause 4(2) applies to the holder.

### Gillnet Boat Statutory Fishing Rights

- (2) The gillnet boat statutory fishing right referred to in sub-clause 4(1) authorises the holder, or a person acting on behalf of the holder, to fish using hook methods in:
  - (a) the areas of the fishery described in Schedule 1 that are in the Australian Fishing Zone; and
  - (b) 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.

### South Australian Coastal Waters permits

- (3) 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 using hook methods in:

- (a) the areas of the fishery described in Schedule 1 that are within the South Australian Coastal Waters Sector; and
  - (b) those parts of the Australian Sea Lion Management Zone that are within South Australian Coastal Waters Sector, but not in the areas of the fishery described in Schedule 1.
- (4) When hook methods are used by the holder of a South Australian Coastal waters permit referred to in sub-clause 4(3), 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:* The area of waters in which a permit referred to in sub-clause 4(3) 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 (3) 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.

## Schedule 1

### *Fisheries Management (Southern and Eastern Scalefish and Shark Fishery Management Plan 2003) Temporary Order 2011 No.3.*

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  $137^{\circ} 43' 30''$  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  $136^{\circ} 34' 44.88''$  east in the vicinity of Cape du Couedic;
- (c) then west along that meridian of latitude to its intersection with longitude  $136^{\circ} 31' 18.22''$  east;
- (d) then south along that meridian to latitude  $36^{\circ} 14' 56.47''$  south;
- (e) then east along that parallel to its intersection with longitude  $137^{\circ} 35' 19.97''$  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  $137^{\circ} 43' 30''$  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.