

FISHERIES MANAGEMENT (SOUTH EAST TRAWL FISHERY) REGULATIONS 1998
No. 217

PART 1-PRELIMINARY

Citation

1. These Regulations may be cited as the Fisheries Management (South East Trawl Fishery) Regulations.

(NOTE: These Regulations commence on gazettal: see Acts Interpretation Act 1901, s. 48.)

Interpretation

2. (1) In these Regulations:

"Act" means the Fisheries Management Act 1991;

"SET Fishery Plan" means the South East Trawl Fishery Management Plan 1998 determined under subsection 17 (1) of the Act, as is in force from time to time.

(2) An expression used in these Regulations that is also used in the Set Fishery Plan has the same meaning in these Regulations as it has in that plan.

(NOTES:

1. Some of the expressions used in the Set Fishery Plan, and their meanings, are:

"area of the SET Fishery" means the area described in Schedule 1 (of the Plan);

"boat statutory fishing right" means a statutory fishing right described in clause 7 (of the Plan);

"carryover fishing permit" means a fishing permit granted under subclause 25.2 or 26.2 (of the Plan);

"fishing concession" means:

(a) a statutory fishing right; or

(b) a carryover fishing permit;

"holder", at a particular time, in relation to a fishing concession or a scientific permit, means the person by whom the concession or permit is held, at that time, by reason of grant, lease or transfer, under the Act;

"nominated boat", in relation to a boat statutory fishing right, means the boat that, under clause 13 or 18 (of the Plan), is entered in the Register as the boat nominated for the purposes of the right;

"non-quota species" means a species of fish not specified in Schedule 2 (of the Plan);

"quota species" means a species of fish specified in column 3 of an item in Schedule 2 (of the Plan);

"SET Fishery" means commercial fishing activities by the method of trawling in the area of the SET Fishery;

"statutory fishing right" means a statutory fishing right in respect of the SET Fishery;

"trawling" means fishing using any of the following kinds of fishing gear:

- (a) mid-water trawl gear;
- (b) demersal otter trawl gear;
- (c) Danish seine trawl gear;
- (d) beam trawl gear;
- (e) pair trawl gear;

"trawl TAC", in relation to a quota species, means the total allowable catch of the species, expressed in terms of the whole weight of the species, that may be taken during a fishing year under all quota statutory fishing rights granted under this Plan in force for that species for that year;

"whole weight" means the weight of a whole fish before any processing (except washing, sorting, packing or freezing) has occurred.

2. Unless otherwise stated, a term used in these Regulations and in the Act has the same meaning in these Regulations as it has in the Act.)

Fishing year

3. For these Regulations and the SET Fishery Plan, a fishing year is a period of 12 months commencing on 1 January.

Prescribed fee-registration as eligible person for grant of statutory fishing right

4. For paragraph 26 (2) (b) of the Act, the prescribed fee is \$0.00.

Carryover fishing permit-carryover percentages

5. For paragraphs 25.3 (b) and 26.3 (b) of the SET Fishery Plan (which refer to the quota of a quota species that may be taken in a fishing year by the holder of a carryover fishing permit), the percentage of the holder's net quota for a quota species referred to by its common name in column 2 of an item in Schedule 1 is the percentage stated in column 3 of that item.

PART 2-REGISTER OF STATUTORY FISHING RIGHTS

Particulars to be included in Register of Statutory Fishing Rights

6. (1) For paragraph 45 (1) (f) of the Act and clauses 13.2, 18.2 and 18.4 of the SET Fishery Plan, AFMA must enter in the Register the following particulars about a statutory fishing right:

(a) the postal address shown for the holder of the right in the last written notice of address received by AFMA from the holder;

(b) the telephone number shown for the holder of the right in the last written notice of that number received by AFMA from the holder;

(c) the facsimile number (if any) shown for the holder of the right in the last written notice of that number received by AFMA from the holder;

(d) if the holder of the right is a company-the company's Australian Company Number under the Corporations Law;

(e) if AFMA identifies the right by a number or an alphanumeric code-that number or code.

(2) If the right is a boat statutory fishing right, AFMA must also enter in the Register the following particulars about the boat nominated for the right:

(a) the name of the boat;

(b) the length overall of the boat;

(c) if a State authority issues a licence for the boat-the number (if any) of the licence;

(d) if a State authority issues a distinguishing symbol for the boat-a description or representation of the symbol;

(e) if a Commonwealth or State authority issues a radio call sign for a radio carried on the boat-details of the call sign.

(3) AFMA must alter the Register to take into account a change in a particular mentioned in subregulation (1) or (2).

Particulars in relation to an application to register a dealing

7. (1) This regulation applies to an instrument lodged with AFMA that accompanies an application for registration of a dealing that has the effect of creating, assigning, transferring, transmitting or extinguishing an interest in a statutory fishing right.

(2) For paragraph 46 (3) (c) of the Act, the instrument must state the following particulars:

(a) the manner in which the interest was acquired;

(b) the purpose for which the interest was acquired.

PART 3-FISHING GEAR

Interpretation

8. In this Part:

"mesh size", for a net, means the mesh size of the net measured using the method stated in Part 1 of Schedule 2 or the method stated in Part 2 of Schedule 2;

"prawn" means any species of the Family Aristaeidae or the Family Solenoceridae.

Fishing using demersal otter trawl gear

9. (1) This regulation applies to a person who is entitled, under the SET Fishery Plan, to fish in the area of the SET Fishery using demersal otter trawl gear.

(2) If the person uses a net for fishing for prawns, the mesh size of the net must be:

(a) at the cod end of the net-at least 40 millimetres and not more than 45 millimetres; and

(b) at any other part of the net-at least 40 millimetres and not more than 60 millimetres.

(3) If the person uses a net for fishing for any other species, the mesh size of the net must be at least 90 millimetres at every part of the net.

Fishing using Danish seine trawl gear-Eastern Sector

10. (1) This regulation applies to a person who is entitled, under the SET Fishery Plan, to fish in the sub-area described in Part 1 of Schedule 3 using Danish seine trawl gear.

(2) If the person uses a net for fishing, the mesh size of the net must be at least 83 millimetres at every part of the net.

Fishing using Danish seine trawl gear-Western Sector

11. (1) This regulation applies to a person who is entitled, under the SET Fishery Plan, to fish in the sub-area described in Part 2 of Schedule 3 using Danish seine trawl gear.

(2) If the person uses a net for fishing for a quota species (except school whiting or flathead), the mesh size of the net must be at least 83 millimetres at every part of the net.

(3) If the person uses a net for fishing for school whiting, flathead or a non-quota species (except school shark or gummy shark), the mesh size of the net must be at least 38 millimetres at every part of the net.

PART 4-CONVERSION OF WEIGHTS

Interpretation

12. In this Part:

"fish" means a quota species referred to by its common name in column 2 of an item in Schedule 4;

"processed form", for a fish, means:

(a) the fish has been gutted only; or

(b) the fish has been gutted and its head has been removed; or

(c) the fish has been filleted.

Conversion of processed weight to whole weight

13. If, for the Act or the SET Fishery Plan, it is necessary to calculate the whole weight of a fish from its weight in processed form, the calculation is to be done using the following formula:
conversion factor × processed weight

where:

"conversion factor" is:

(a) if the fish has been gutted only-the amount mentioned in column 3 of the item in Schedule 4 for the fish; or

(b) if the fish has been gutted and its head has been removed-the amount mentioned in column 4 of the item in Schedule 4 for the fish;

or

(c) if the fish has been filleted-the amount mentioned in column 5 of the item in Schedule 4 for the fish; and

"processed weight" is the weight, in kilograms, of the fish.

SCHEDULE 1 Regulation 5
 QUOTA SPECIES-CARRYOVER PERCENTAGES.c1.QUOTA SPECIES-CARRYOVER
 QUOTAS;

Column 1 Item No.	Column 2 Quota species (Common Name)	Column 3 Percentage
1	Blue-eye Trevalla	20
2	Blue Grenadier	20
3	Blue Warehou	20
4	Flathead	20
5	Gemfish-East	0
6	Gemfish-West	20
7	Jackass Morwong	20
8	John Dory	20
9	Ling	20
10	Mirror Dory	20
11	Ocean Perch	20
12	Orange Roughy-East	20
13	Orange Roughy-South	0
14	Orange Roughy-West	20
15	Redfish	20
16	Royal Red Prawn	20
17	School Whiting	20
18	Silver Trevally	20
19	Spotted Warehou	20

MEASUREMENT OF MESH SIZE OF NETS

PART 1-MEASUREMENT USING A METAL RULE

1. Immediately before a measurement is taken, the part of the net to be measured must be soaked in fresh or salt water for at least 5 minutes.
2. Immediately after the net has been soaked:
 - (a) the part of the net to be measured must be suspended vertically; and
 - (b) a weight of 3.17 kilograms must be suspended from 1 knot of that part of the net.
3. The distance between the surface of the knot from which the weight is suspended and the surface of the knot in the diagonally opposite corner of the mesh immediately above the first knot must be measured with a metal rule.
4. The measurement must be rounded to the nearest 1.6 millimetres.

PART 2-MEASUREMENT USING A TWO-ARM DEVICE

1. In this Part:

"two-arm device" means a device with two arms for measuring nets:

 - (a) the upper arm of which, when the device is being used, is fixed to the body of the device; and
 - (b) the lower arm of which, when the device is being used:
 - (i) is directly below the upper arm; and
 - (ii) moves freely in relation to the upper arm; and
 - (iii) has a weight of 3.17 kilograms acting upon it; and
 - (c) that is equipped with a scale from which the distance between the upper edge of the upper arm and the lower edge of the lower arm can be measured to the nearest 1.6 millimetres.
2. Immediately before a measurement is taken, the part of the net to be measured must be soaked in fresh or salt water for at least 5 minutes.
3. Immediately after the net has been soaked, the part of the net to be measured must be suspended vertically.
4. The two-arm device must be suspended so that the upper arm remains fixed and the lower arm moves freely in relation to the upper arm within the confines of the mesh to be measured.
5. The distance between the surface of a knot and the surface of the knot diagonally opposite the first knot in the same mesh must be measured with the two-arm device.
6. The measurement must be rounded to the nearest 1.6 millimetres.

SCHEDULE 3 Regulations 10 and 11
DANISH SEINE AREAS

PART 1-EASTERN SECTOR

That part of the Australian fishing zone that is within the area bounded by a line:

- (a) commencing at the intersection of the eastern shore of Australia with the parallel of Latitude $33\frac{1}{4}$ 35' South;
- (b) then running east along that parallel to its intersection with the outer limit of the Australian fishing zone;
- (c) then generally south along that outermost limit to its intersection with the parallel of Latitude $40\frac{1}{4}$ 00' South;
- (d) then west along that parallel to its intersection with the meridian of Longitude $149\frac{1}{4}$ 30' East;
- (e) then north along that meridian to its intersection with a line seawards of the baselines by which the territorial limits of Australia are defined for the purposes of international law and that is adjacent to Victoria;
- (f) then generally east along that line to its intersection with the geodesic joining the intersection of the coastline at mean low water by the boundary between the States of New South Wales and Victoria and the point of Latitude $37\frac{1}{4}$ 35' South, Longitude $150\frac{1}{4}$ 10' East;
- (g) then north-westerly along the geodesic to its intersection with the coastline of Australia;
- (h) then generally east and north along that coastline to the point of commencement.

PART 2-WESTERN SECTOR

That part of the Australian fishing zone that is within the area bounded by a line:

- (a) commencing at the intersection of the meridian of Longitude $149\frac{1}{4}$ 30' East with a line 3 nautical miles seawards of the baselines by which the territorial limits of Australia are defined for the purposes of international law and that is adjacent to Victoria;
- (b) then southerly along that meridian to its intersection with the parallel of Latitude $40\frac{1}{4}$ 00' South;
- (c) then east along that parallel to its intersection with the outer limit of the Australian fishing zone;
- (d) then generally south and west along that outer limit to its first intersection south of Australia with the meridian of Longitude $138\frac{1}{4}$ 08' East;
- (e) then north along that meridian to its intersection with the southern coastline of Australia;
- (f) then east along that coastline to its intersection with the meridian of Longitude $140\frac{1}{4}$ 57.09' East;
- (g) then southerly along that meridian to its intersection with a line 3 nautical miles seawards of the baselines by which the territorial limits of Australia are defined for the purposes of international law and that is adjacent to Victoria;
- (h) then generally easterly along that line 3 nautical miles distant from the coastline at mean low water to the point of commencement.

SCHEDULE 4 Regulations 12 and 13
 QUOTA SPECIES-CONVERSION FACTORS.c1.QUOTA SPECIES-CARRYOVER
 QUOTAS;

Column 1 Item No.	Column 2 Quota species (Common Name)	Column 3 Gutted weight kilograms	Column 4 Head and kilograms	Column 5 Filletted weight kilograms
1	Blue-eye Trevalla	1.10	1.40	2.30
2	Blue Grenadier	1.10	1.50	2.10
3	Blue Warehou	1.10	1.50	2.50
4	Flathead	1.10	1.50	2.50
5	Gemfish-East	1.10	1.25	2.00
6	Gemfish-West	1.10	1.25	2.00
7	Jackass Morwong	1.10	1.50	2.50
8	John Dory	1.10	1.50	2.60
9	Ling	1.10	1.50	2.10
10	Mirror Dory	1.10	1.50	2.50
11	Ocean Perch	1.10	1.50	2.50
12	Orange Roughy-East	1.10	2.00	4.00
13	Orange Roughy-South	1.10	2.00	4.00
14	Orange Roughy-West	1.10	2.00	4.00
15	Redfish	1.10	1.50	2.50
16	School Whiting	1.10	1.50	2.50
17	Silver Trevally	1.10	1.50	2.50
18	Spotted Warehou	1.10	1.50	2.50

NOTE

1 Notified in the Commonwealth of Australia Gazette on 7 July 1998.