
Fisheries management paper

Offshore Constitutional Settlement 1995

compiled by
H.G. Brayford and G.E. Lyon

Fisheries management paper No. 77



Fisheries Department of Western Australia

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1.0 Introduction

1.1 What is the Offshore Constitutional Settlement?

The Offshore Constitutional Settlement (OCS) is a legal arrangement between the Commonwealth and State Governments, and defines control over the fisheries which operate off each State of Australia. For the Western Australian coast, the first set of arrangements took effect in 1987.

The OCS of 1995 specifies five arrangements, under which the fisheries inside the 200 nautical mile (approximately 370 km) limit of the Australian Fishing Zone (AFZ) come under either State, Commonwealth, or joint control.

1.2 How does it affect commercial fishers?

The Offshore Constitutional Settlement is legally binding.

If you are a commercial fisher OCS arrangements affect not only the target and by-catch species you may take, but which licences you may need, and whether Commonwealth or State fisheries management applies in that area.

It is your responsibility to make sure you understand these OCS arrangements and obey the law.

However, if you have any doubts about how the law applies to you, discuss the matter with the Fisheries Department of WA on (09) 482 7333 before you purchase a licence or go fishing. A mistake could cost you money and fishing time.

1.3 Overview of the Offshore Constitutional Settlement, 1995

In general, the OCS 1995 says that the State will control all fish out to 200 nautical miles, except for:

- ◆ Northern prawn fishery - controlled by the Commonwealth;
- ◆ Tuna and tuna-like fish - controlled by the Commonwealth;
- ◆ Deep water trawling in waters more than 200 metres deep (outside the 200 metre isobath) - controlled by the Commonwealth;
- ◆ Shark fishing east of Koolan Island - controlled jointly by the State and Commonwealth under State law;
- ◆ Demersal longlining and demersal gillnetting south of 33° South - controlled jointly by the State and Commonwealth, under State law.

The OCS arrangements recognise that fishing methods often result in fish other than the target species being caught, commonly called the by-catch. To deal with this issue the government that licenses the fishery is given control over the by-catch. However, for the two main Commonwealth-licensed fisheries off WA, the tuna and tuna-like species fishery and the northern prawn fishery, the State and Commonwealth governments have developed agreements which limit how many of each type of fish may be caught as a by-catch.

These agreements, contained in Memoranda of Understanding (MOU), allow State fishing boat licence holders to catch a limited number of Commonwealth-controlled fish. Similarly, Commonwealth fishing licence or permit holders may catch a limited number of State-controlled fish.

The purpose of these MOUs is to manage fish stocks for the future - ensuring a commercially viable and ecologically sustainable fish stock.

Table 1. Summary of the Offshore Constitutional Settlement, 1995, Western Australia

Refer to	Name of Arrangement:	Area it covers:	Controlled by:	Species and methods it covers
Section 2	The OCS Arrangement between the Commonwealth of Australia and the State of Western Australia in relation to the fishery for fish and other aquatic biological resources in waters relevant to Western Australia.	All waters seaward of low water mark, off WA. See Maps 1 and 2.	State	All bony fish and shark (other than in Arrangements below); all aquatic invertebrates; all marine algae and all seagrasses; plus by-catch.
Sections 3 and 7	The OCS Arrangement between the Commonwealth of Australia and the State of Western Australia in relation to the fishery for tuna and tuna-like species.	All waters seaward of low water mark, off WA. See Map 3.	Commonwealth	Yellowfin, southern bluefin, bigeye, longtail, albacore, northern bluefin, and skipjack tunas; pomfrets outside the 200 metre isobath; billfish; baitfish for own use in tuna fishery; plus by-catch.
Sections 4 and 8	The OCS Arrangement between the Commonwealth of Australia and the State of Western Australia in relation to the northern prawn fishery.	All waters seaward of low water mark, east of Cape Londonderry (126° 58' E). See Map 4.	Commonwealth	Prawns; scampi; bugs; scallops; squid when taken using prawn trawl gear, plus by-catch.
Section 5	The OCS Arrangement between the Commonwealth of Australia and the State of Western Australia in relation to the northern shark fishery in waters east of Koolan Island.	All waters seaward of low water mark, off north-west WA east of Koolan Island. See Map 5.	Commonwealth/ WA, Joint Authority under State law.	Shark, using pelagic or demersal gillnet, or demersal longline; plus by-catch.
Section 6	The OCS Arrangement between the Commonwealth of Australia and the State of Western Australia in relation to the southern demersal gillnet and longline fishery in waters south of Latitude 33° South.	All waters seaward of low water mark, off WA south of 33° South. See Map 6.	Commonwealth/ WA, Joint Authority under State law.	All bony and cartilaginous fish using demersal gillnets or any line except handline, troll line, dropline or pelagic longline (unless allowed to use one for tuna and tuna-like species).

Important note:

This summary does not provide you with all the information you require. Make sure you also read the OCS arrangements described in the relevant chapters so you are fishing legally.

1.4 How to use this document

This document aims to explain the legislation and help you to understand your rights and responsibilities.

The term "fish" has been used in its broadest sense, to describe any form of marine life taken from the water, and includes red, green and brown algae and seagrasses.

Sketch maps show the general areas of State and Commonwealth jurisdiction, and are indicative only.

Table 1 provides a summary of the five OCS arrangements. It is important that this be read in conjunction with the more detailed explanations of each arrangement in Chapters 2 to 6.

Chapter 7 and 8 detail the by-catch limits allowed under the two MOUs between the State and Commonwealth Governments.

Chapter 9 provides examples of how by-catch limits may work in practice.

The Appendix reproduces the original OCS arrangements in full.

1.5 Background to the Offshore Constitutional Settlement

The Offshore Constitutional Settlement arrangements which took effect during 1987 and 1988 set out to simplify legal arrangements for the management of fisheries operating in both State and Commonwealth waters. The OCS of 1995 has further refined those arrangements.

Since Federation in 1901, State parliaments have had the power to make fishery laws that apply within three nautical miles of the shore (coastal waters). In 1955 the Commonwealth Fisheries Act (1952) came into force to regulate fishing by Australian boats in waters proclaimed under the Act outside coastal waters (proclaimed waters).

Commonwealth proclaimed waters originally extended from the three nautical mile limit of coastal waters to 200 nautical miles seaward of the baseline from which the Australian territorial sea is measured. Australia controls foreign fishing as well as local fishing in this area.

Before OCS, fisheries operating in both State and Commonwealth waters were often managed by the one authority, but two sets of legislation applied. Fishermen, even within the same fishery, needed two sets of licences.

Changes made to fisheries management regulations required both State and Commonwealth fisheries notices, and in extreme cases, amendments to both State and Commonwealth Fisheries Acts. In some cases management rules differed between State and Commonwealth waters within the same fishery.

In 1983 amendments to State and Commonwealth Fisheries Acts allowed the Commonwealth and State to enter a formal legal arrangement for fisheries operating on both sides of the three nautical mile line.

Thereafter, fisheries defined in an arrangement were then managed under a single law, instead of two laws. The applicable law may be either State or Commonwealth. In addition, the amendments established Fisheries Joint Authorities, comprising the Commonwealth and State Ministers responsible for fisheries.

Arrangements under the OCS of 1988 for WA fisheries therefore fell into three categories:

1. Fisheries managed by the State under State law as far seaward as the arrangement specified;
2. Fisheries managed by the Western Australian Fisheries Joint Management Authority under State laws in waters where the arrangement applied;
3. Fisheries managed by the Commonwealth under Commonwealth law in waters where the arrangement applied.

Eleven of the 15 fisheries covered by OCS arrangements in WA. were then managed exclusively under WA legislation by the Fisheries Department of WA.

The Western Australian Fisheries Joint Authority, made up of the then State and Federal Ministers responsible for fisheries, but with routine administration by the then Australian Fisheries Service and the WA Fisheries Department, managed the two fisheries which exploited southern shark stocks under State laws.

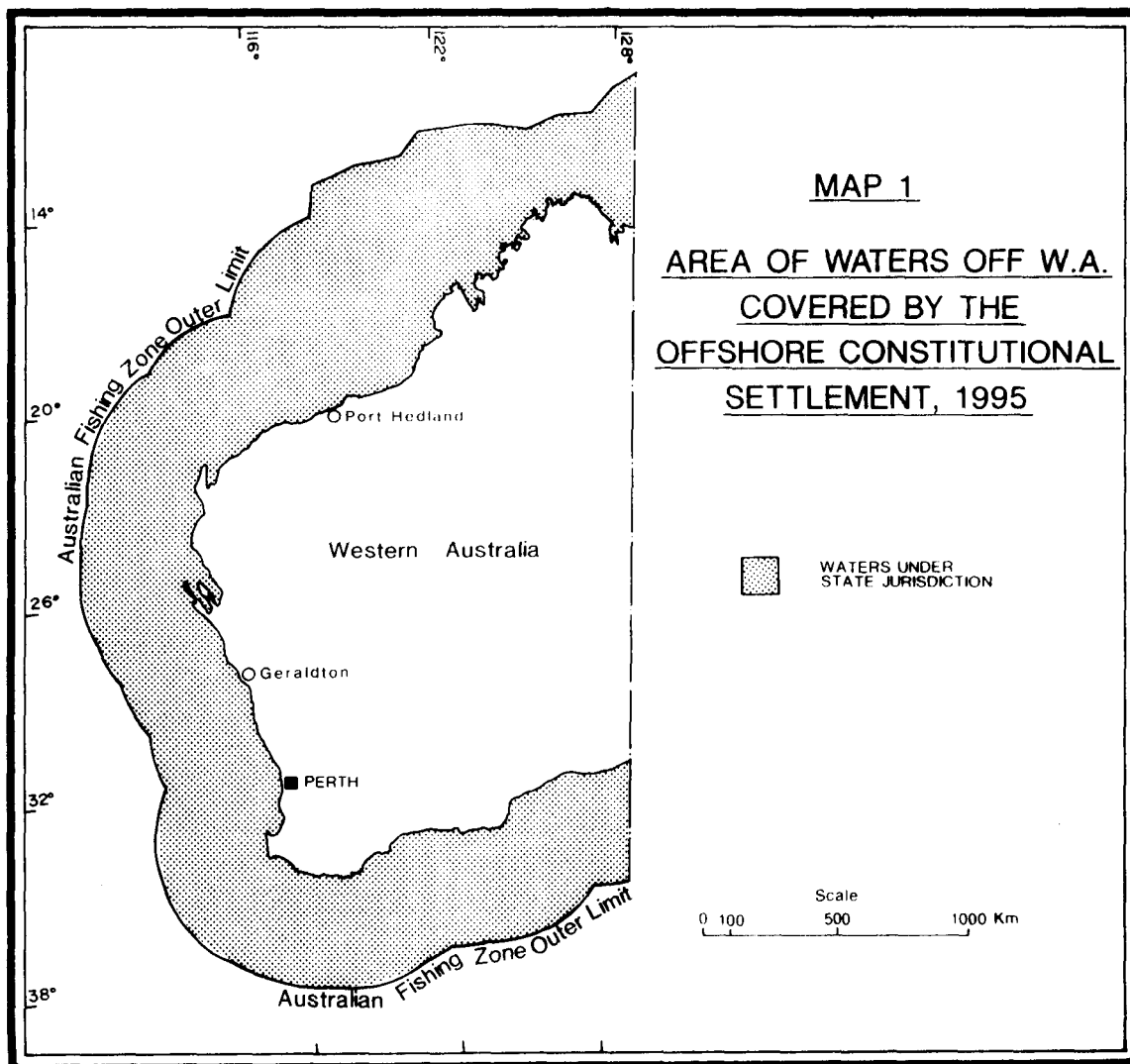
The Commonwealth had complete jurisdiction for the remaining two fisheries: the northern prawn fishery and the tuna fishery.

A full description of how these 1988 arrangements operated can be found in Fisheries Management Paper No 20, Fisheries Department of WA, July 1988.

In practice, it was found that the 1988 arrangements did not allow for all aspects of the fisheries to be effectively administered between the State and the Commonwealth. In 1991 a new Commonwealth Fisheries Management Act was introduced, making the OCS provisions in the 1952 Act due to expire in February 1994. This was later extended to February 1995.

After WA amended its Fisheries Act the way was opened for the negotiations required to produce new, comprehensive OCS arrangements.

The OCS of 1995 came into effect on February 3 1995, and now states that all fisheries off WA, other than those specified, will come under State control.



The arrangements apply as far offshore as they specify. Generally the arrangements cover all waters off WA, being coastal waters and waters of the Australian Fishing Zone that lie within the area described in Schedule 2 of the Petroleum (Submerged Lands) Act 1967 under the heading "Area that includes the Adjacent Area in Respect of Western Australia". An arrangement to manage a fishery under Commonwealth law cannot apply to waters within the limits of the State, such as coastal lands, estuaries, and tidal waters of rivers and bays.

2.0 General arrangement

"Arrangement between the Commonwealth and State of Western Australia in relation to the fishery for fish and other aquatic biological resources in waters relevant to Western Australia".

This general arrangement differs from the OCS of 1988 in one important way. In 1988 the legislation said which fisheries the State would control, and the rest belonged to the Commonwealth.

The OCS of 1995 specifically lists the fisheries which the Commonwealth will control, and those which will be jointly managed with the State. Ownership, or control, of all the remaining fisheries are handed over to the WA Government for management under WA law.

Map 1 indicates the area covered by this arrangement.

The reader will be referred to other chapters for details on the fisheries controlled by the Commonwealth or under joint management.

In general, Commonwealth or joint control is applied to migratory fish, deep water species, fisheries which involve overseas interest, and fisheries operating in the waters of more than one State.

2.1 Commonwealth control

Commonwealth control seeks to ensure that uniform laws operate throughout the fishery. The Australian Fisheries Management Authority (AFMA) undertakes licensing and regulation of these fisheries.

The fish coming under Commonwealth control are:

- ◆ Tuna and tuna-like fish. See Chapter 3 for full details.
- ◆ Billfish. See Chapter 3 for full details.
- ◆ Pomfrets taken in water deeper than 200 metres (outside the 200 metre isobath) by any method. See Chapter 3 for full details;
- ◆ Baitfish for the licence-holder's own use, except for use in fish farms, in catching tuna and tuna-like fish. See Chapter 3 for full details;
- ◆ All fish taken by the use of trawl gear in waters deeper than 200 metres. The specific fisheries affected are the North West Slope Deepwater Trawl, the Western Deepwater Trawl and the Great Australian Bight Trawl. See Map 2 for details.
- ◆ The northern prawn fishery. See Chapter 4 for details.
- ◆ Mackerel (Greenback jack, Peruvian jack, blue, redbait and yellowtail jack) taken in waters seaward of coastal waters (i.e. three nautical miles) of the State.
- ◆ Fish taken as a by-catch by a Commonwealth licensed boat in one of the above Commonwealth fisheries. The number of fish which may be taken as a by-catch in the northern prawn and the tuna and tuna-like species fisheries is strictly limited, and is set out in two MOUs. Details can be found in Chapters 7 and 8.

2.2 Joint control

The fish coming under the joint authority of the State and Commonwealth Governments are managed under State law by the Western Australian Fisheries Joint Authority.

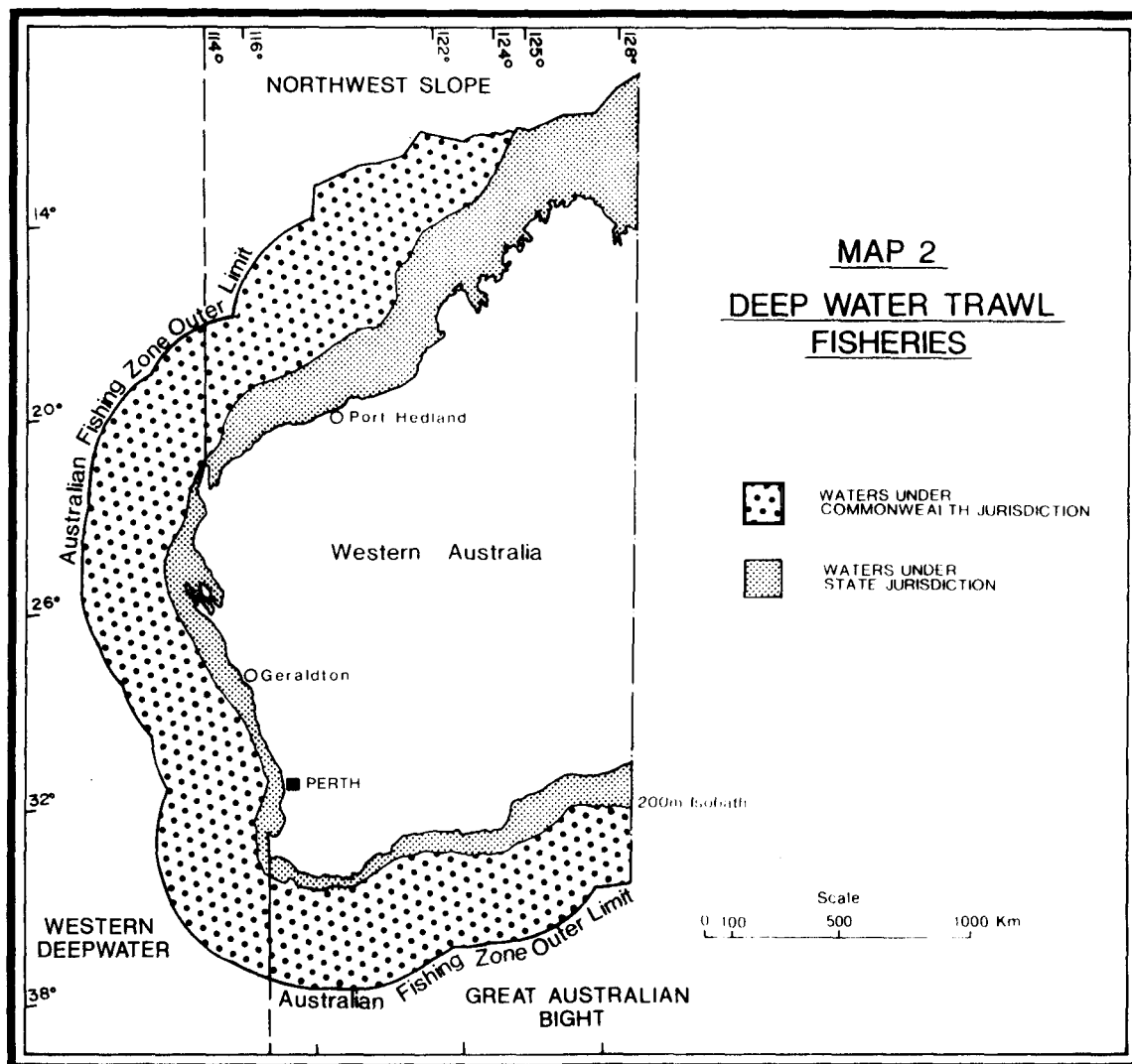
These are:

- ◆ The northern shark fishery. See Chapter 5 for details.
- ◆ The southern demersal gillnet and longline fishery. See Chapter 6 for details.

2.3 State control

After excluding the fisheries now agreed to be under Commonwealth or joint control, all remaining fisheries in waters off WA will be licensed and managed by the Fisheries Department of WA. These include:

- ◆ Class Osteichthyes (bony fish such as snapper);
- ◆ Class Chondrichthyes (cartilaginous fish such as sharks and rays);
- ◆ Aquatic invertebrates (such as rock lobster, prawns, and shells);
- ◆ Marine algae of the Divisions Chlorophyta, Rodophyta and Phaeophyta (green, red and brown algae);
- ◆ Seagrasses of the Families Hydrocharitaceae, Posidoniaceae, Zosteraceae, and Cymodoceaceae.



3.0 Tuna and Tuna-like species fishery

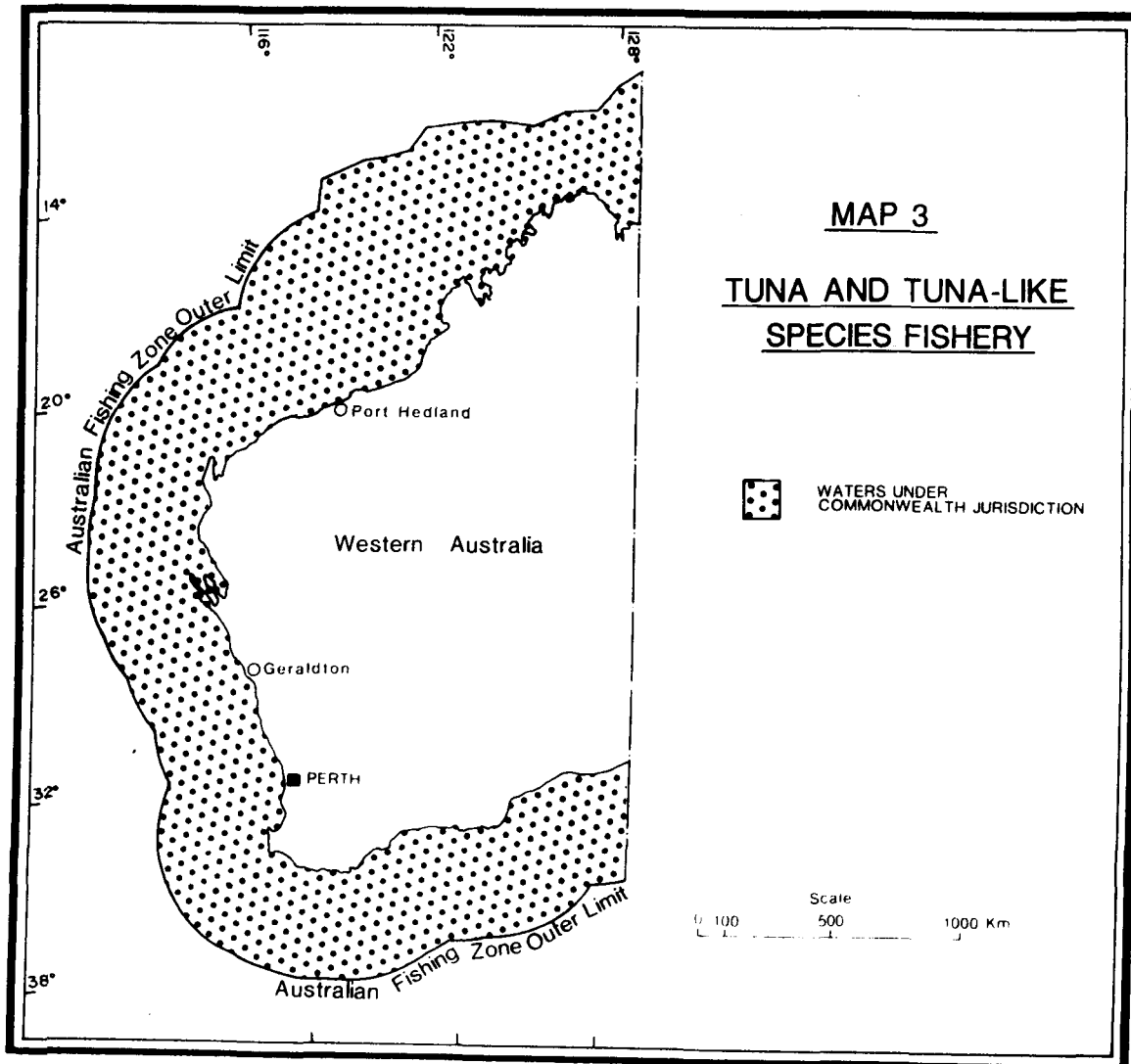
"An arrangement between the Commonwealth and State of Western Australia in relation to the fishery for tuna and tuna like species".

The general arrangement outlined in Chapter 2 describes the fisheries passed to the State of WA, with a number of exceptions. In this arrangement the Commonwealth is legally given control of tuna and tuna-like species.

The tuna fishery deals with a highly migratory species, and is fished by boats from other States and by international fleets. It is managed by the Commonwealth to ensure consistent controls over the entire fishery.

Under this OCS arrangement the Commonwealth has complete control for specified tuna and tuna-like species in waters off WA.

Map 3 indicates the area covered by this arrangement.



The following tuna and tuna-like species will be managed by the Commonwealth:

- ◆ Yellowfin tuna (*Thunnus albacares*);
- ◆ Southern bluefin tuna (*Thunnus maccoyii*);
- ◆ Bigeye tuna (*Thunnus obesus*);
- ◆ Longtail tuna (*Thunnus tonggol*);
- ◆ Albacore tuna (*Thunnus alalunga*);
- ◆ Northern bluefin tuna (*Thunnus thynnus*);
- ◆ Skipjack tuna (*Katsuwonus pelamis*);
- ◆ Pomfrets (family Bramidae) in waters more than 200 metres deep (outside the 200 metre isobath);
- ◆ Billfish (families Istiophoridae and Xiphiidae);
- ◆ Baitfish taken for the licence-holder's own use, except for use in fish farms, in catching tuna and tuna-like fish.

The Commonwealth also controls any fish taken when fishing for the above species under an AFMA fishing concession for tuna (i.e. the by-catch). The Commonwealth does not control tuna and tuna-like fish taken as a by-catch by State boats.

However, the by-catches for both State and Commonwealth licensees in relation to the tuna fishery are strictly limited by the MOU set out in Chapter 7.

4.0 Northern prawn fishery

"An arrangement between the Commonwealth and State of Western Australia in relation to the northern prawn fishery".

The general arrangement outlined in Chapter 2 describes the fisheries passed to the State of WA, with a number of exceptions. In this arrangement the Commonwealth is legally given control of that portion of the northern prawn fishery operating in waters off WA.

The northern prawn fishery operates in waters off WA, Queensland and the Northern Territory, and is fished by boats and companies from throughout Australia. It is managed by the Commonwealth to ensure consistent controls over the entire fishery.

Under this OCS arrangement the Commonwealth has complete control for the northern prawn fishery in waters off WA east of Cape Londonderry in the Joseph Bonaparte Gulf (east of 126° 58').

Map 4 indicates the area covered by this arrangement.

The following species will be managed by the Commonwealth, except when a bait or haul net is set from and drawn to the shore:

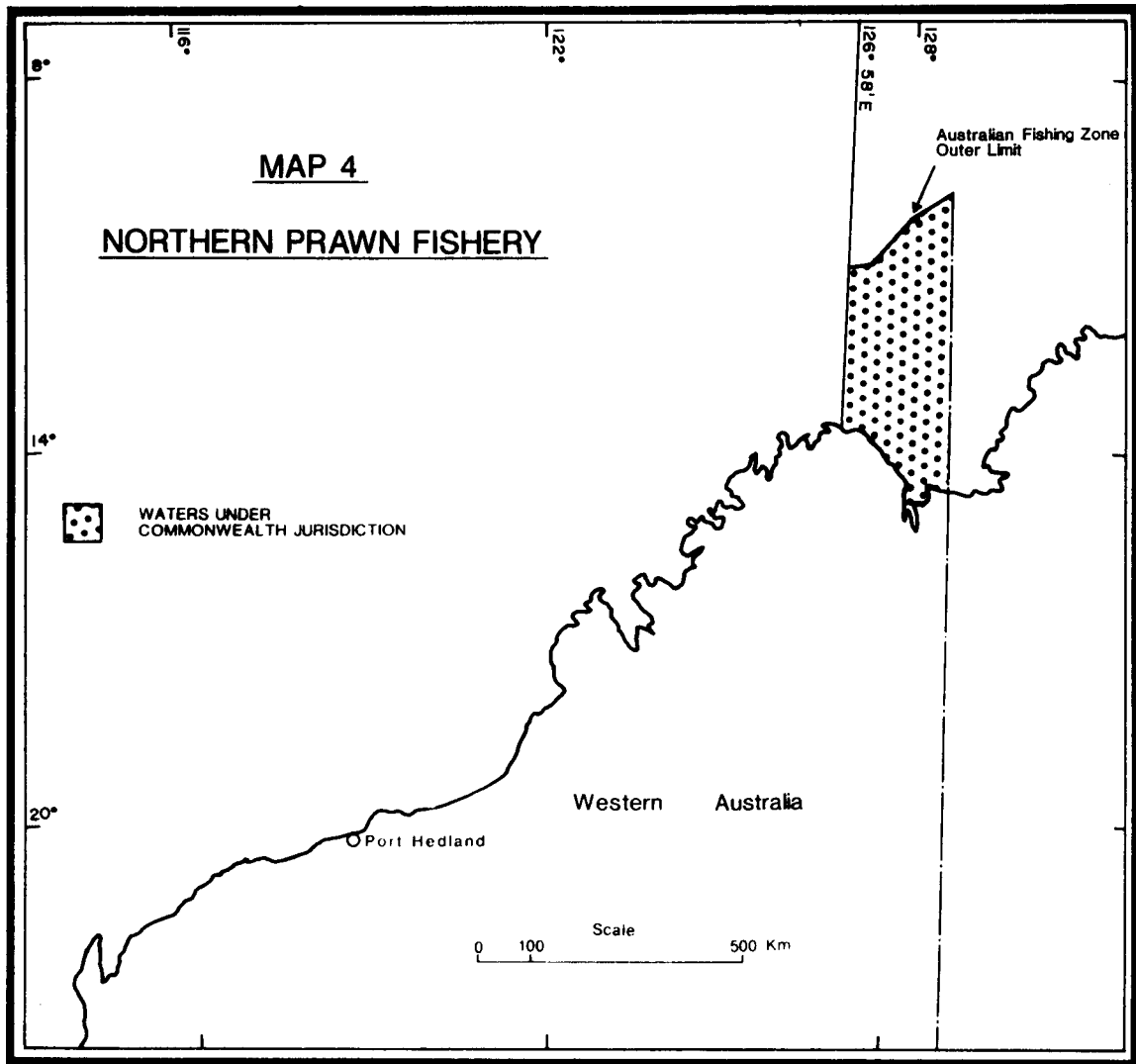
- ◆ Prawns (decapod crustacea of the families Penaeidae, Aristeidae, and Solenoceridae);
- ◆ Scampi (decapod crustacea of the family Nephropidae);
- ◆ Bugs (decapod crustacea of the family Scyllaridae);
- ◆ Shrimps (decapod crustacea of the Infraorder Caridae);
- ◆ Scallops (mollusca of the family Pectinidae).

The Commonwealth also controls any fish taken when fishing for the above species under an AFMA fishing concession for the northern prawn fishery (i.e. the by-catch).

Also covered under this arrangement are:

- ◆ Squid (mollusca of the family Loliginidae) when prawn trawl apparatus is used;

By-catch limits in relation to the northern prawn fishery are strictly limited by the MOU set out in Chapter 8.



5.0 Northern shark fishery

"An arrangement between the Commonwealth and State of Western Australia in relation to the northern shark fishery east of Koolan Island".

The general arrangement outlined in Chapter 2 describes the fisheries passed to the State of WA, with a number of exceptions. In this arrangement the Commonwealth and the State of WA are legally given joint control over the northern shark fishery.

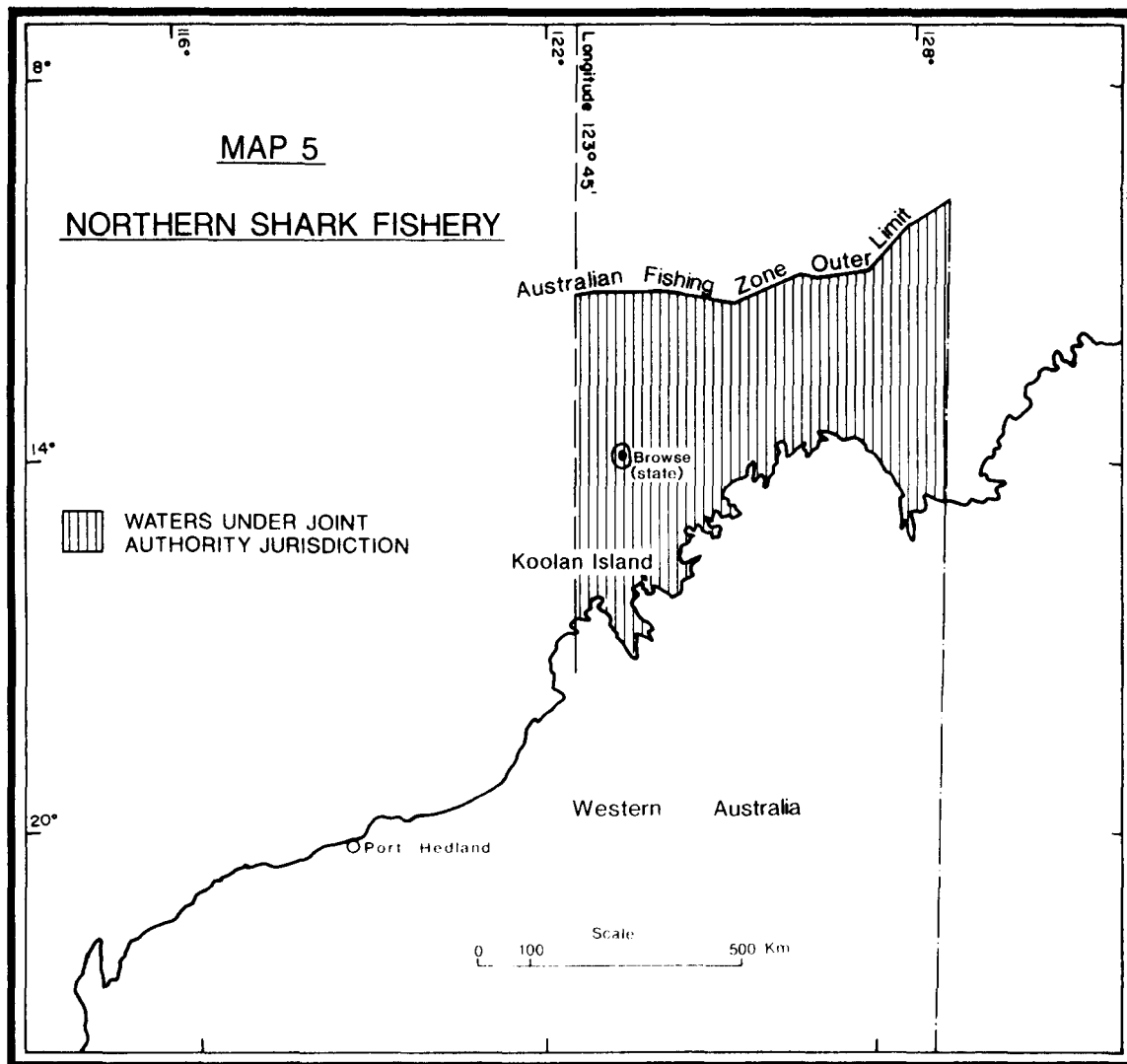
The northern shark fishery operates in waters off WA, and a similar fishery operates off the Northern Territory. As there is an overlap of interest, the fishery is controlled by the WA Fisheries Joint Authority under State law, and managed by the Fisheries Department of WA.

This OCS arrangement covers the area east of Koolan Island (the meridian of longitude 123° 45' East, and north of the parallel of latitude 17° South).

Map 5 indicates the area covered by this arrangement.

The following species will be managed by the Joint Authority:

- ◆ All sharks and rays (cartilaginous fish of the Class Chondrichthyes) caught by pelagic gillnetting, demersal gillnetting, and demersal longlining. The Joint Authority does not control cartilaginous fish taken by an AFMA licensed boat when operating in a Commonwealth managed fishery.
- ◆ All bony fish (Class Osteichthyes) taken by a boat licensed to operate in the Joint Authority fishery.



6.0 Southern demersal gillnet and longline fishery

"An arrangement between the Commonwealth and State of Western Australia in relation to the joint authority demersal gillnet and longline fishery in waters south of latitude 33° South".

The general arrangement outlined in Chapter 2 describes the fisheries passed to the State of

WA, with a number of exceptions. In this arrangement the Commonwealth and the State of WA are legally given joint control over the southern demersal gillnet and longline fishery.

This fishery primarily target sharks and finfish except tuna, and operates in waters off WA and South Australia. As there is an overlap of interest the fishery is controlled by the WA Fisheries Joint Authority under State law, and managed by the Fisheries Department of WA.

This OCS arrangement covers the area south of latitude 33° south.

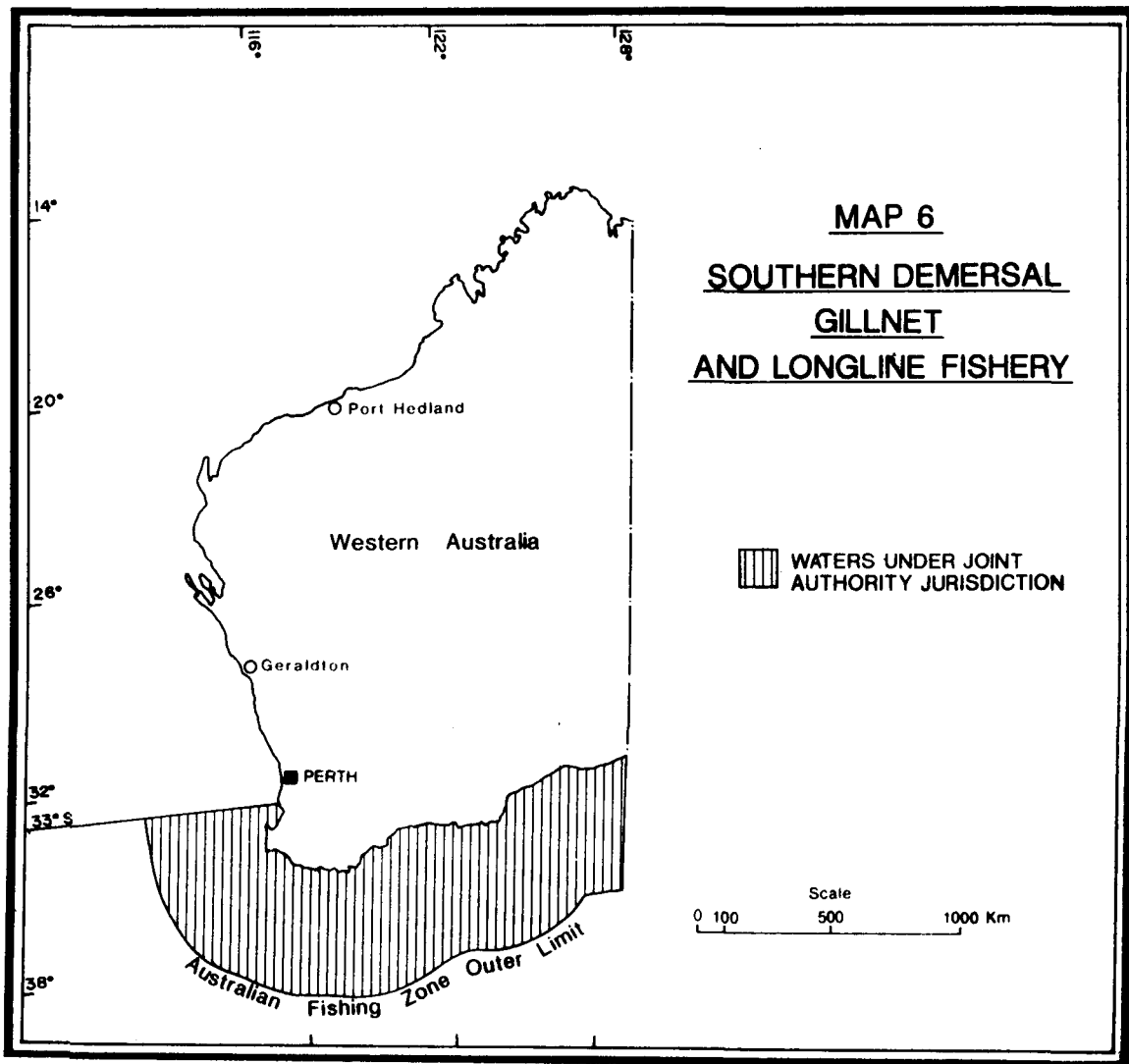
Map 6 indicates the area covered by this arrangement.

The fishing methods of hand lines, troll lines, drop lines, and pelagic longlines used for taking tuna and tuna-like fish under a Commonwealth licence are not included in this arrangement.

The following species will be managed by the Joint Authority when taken by the use of demersal gillnets and all other lines:

- ◆ All sharks and rays (cartilaginous fish of the Class Chondrichthyes);
- ◆ All bony fish such as snapper (Class Osteichthyes).

The arrangement includes all by-catch taken by a boat licensed for the Joint Authority fishery while the boat is operating within that fishery.



The Joint Authority does not control cartilaginous and bony fish taken by an AFMA licensed boat legally operating in another Commonwealth-licensed fishery. By-catch limits apply in the fishery for tuna and tuna-like species. See Chapter 7 for details.

7.0 By-catch limits for the tuna and tuna-like species fishery

"Memorandum of Understanding between the Commonwealth of Australia and the State of Western Australia with respect to the fishery for tuna and tuna-like species".

This MOU describes how the Commonwealth and State will work together to manage fish resources and control by-catches in waters off WA.

The States and Commonwealth will establish formal and consultative procedures to share fishery catch and effort data, research results, and relevant management information and directions. This will help fisheries managers work together in planning for the future of our fisheries and our fish stocks.

7.1 By-catch limits

Of most immediate concern to fishers, however, is the part of the MOU which defines the by-catch species and the number of fish which may be taken by fishers operating in waters off WA.

It is recognised that fishers often cannot avoid catching fish species which they are not targeting, and which technically they are not licensed to take. Special by-catch allowances in the OCS will mean fishers are not breaking the law.

However, the numbers and species allowed as a by-catch are strictly controlled. This will prevent unscrupulous operators from taking an excessive number of non-target species, which could damage the future viability of the fish stock and the fishery itself.

Trip limit refers to the maximum number of, or weight of, fish which can be on board the boat named on the fishing licence at any one time.

7.1.1 State fishers, by-catch limits of Commonwealth fish

The State of WA has agreed to ensure that fishers operating under State licences only take a limited number of the tuna and tuna-like species under Commonwealth control. The trip limits are shown in Table 2.

Table 2. By-catch limits of tuna and tuna-like species which may be taken by fishers operating under State licences.

Maximum number of fish allowed as a by-catch per trip (trip limit)	Common name	Latin name
Nil	Billfish Northern bluefin tuna Southern bluefin tuna	Families Istiophoridae and Xiphiidae <i>Thunnus thynnus</i> <i>Thunnus maccoyii</i>
2 fish in total (any combination)	Bigeye tuna Yellowfin tuna	<i>Thunnus obesus</i> <i>Thunnus albacares</i>
10 fish in total (any combination)	Albacore tuna Blue mackerel Greenback jack mackerel Longtail tuna Peruvian jack mackerel Pomfrets, fantfish Redbait Skipjack tuna Yellowtail jack mackerel	<i>Thunnus alalunga</i> <i>Scomber australasicus</i> <i>Trachurus declivis</i> <i>Thunnus tonggol</i> <i>Trachurus murphyi</i> family Bramidae <i>Emmelichthys nitidus</i> <i>Katsuwonus pelamis</i> <i>Trachurus novaezelandiae</i>

* The Commonwealth has agreed not to issue fishing licences to target Billfish.

7.1.2 Commonwealth fishers, by catch limits of State fish

The Commonwealth agrees to ensure that fishers operating under Commonwealth fishing concessions will only take a limited number of the fish under State or joint control. The trip limits are shown in Table 3.

Table 3. By -catch limits of State or jointly controlled fish which may be taken by fishers operating under Commonwealth fishing concessions in the tuna and tuna-like species fishery.

Maximum number of fish allowed as a by-catch per trip (trip limit)	Common name	Latin name
2 fish in total (any combination)	Amberjack Yellowtail kingfish	<i>Seriola dumerili</i> <i>Seriola lalandi</i>
10 fish in total (any combination)	Australian bonito Australian spotted mackerel Bar cod Blue eye travalla Cods, groupers Dog toothed tuna Dolphinfish Emperors, tropical snappers Emperors Frigate mackerel Hapuka Leaping bonito Mackerel tuna Oriental bonito Rainbow runner Rake gilled mackerel Shark mackerel Snapper Spanish mackerel Travallies Wrasses, tuskfish	<i>Sarda australis</i> <i>Scomberomorus munroi</i> <i>Polyprion moeone</i> <i>Hyperoglyphe antarctica</i> family Serranidae <i>Gymnosarda unicolor</i> <i>Coryphaena hippurus</i> family Lutjanidae family Lethrinidae <i>Auxis thazard</i> <i>Polyprion oxygeneios</i> <i>Cybiosarda elegans</i> <i>Euthynnus affinis</i> <i>Sarda orientalis</i> <i>Elagatis bipinnulata</i> <i>Rastrelliger kanagurta</i> <i>Grammatorcynus bicarinatus</i> <i>Pagrus auratus</i> <i>Scomberomorus commerson</i> family Carangidae except for genus <i>Seriola</i> family Labridae
20 fish in total (any combination)	Sharks Slender tuna Wahoo Butterfly mackerel	subclass Elasmobranchii <i>Allothunnus fallai</i> <i>Acanthocybium solandri</i> <i>Gasterochisma melampus</i>

8.0 By-catch limits for the northern prawn fishery

“Memorandum of Understanding between the Commonwealth of Australia and the State of Western Australia with respect to the northern prawn fishery”.

This MOU describes how the Commonwealth and State will work together to manage fish resources and control by-catches in waters off WA.

The States and Commonwealth will establish formal and consultative procedures to share fishery catch and effort data, research results, and relevant management information and directions. This will help fisheries managers work together in planning for the future of our fisheries and our fish stocks.

8.1 By-catch limits

Of most immediate concern to fishers, however, is the part of the MOU which defines the by-catch species and the number of fish which may be taken by fishers operating in waters off WA.

It is recognised that fishers cannot avoid catching fish species which they are not targeting, and which technically they are not licensed to take. Special by-catch allowances in the MOU will mean fishers are not breaking the law.

However, the numbers and species allowed as a by-catch are strictly controlled. This will prevent unscrupulous operators from taking an excessive number of non-target species, which could damage the future viability of the fish stock and the fishery itself.

Trip limit refers to the maximum number of, or weight of, fish which can be on board the boat named on the fishing licence at any one time.

Table 4. By -catch limits of State or jointly controlled fish which may be taken by fishers operating under Commonwealth fishing concessions in the northern prawn fishery.

Maximum number of fish allowed as a by-catch per trip (trip limit)	Common name	Latin name
Nil	Barramundi Blue salmon Coral Jewfish Pearl shell Queenfish Spotted grunter-bream Threadfin salmon Trepang Trochus	<i>Lates calcarifer</i> <i>Eleutheronema tetradactylum</i> <i>Nibea squatmosa</i> , <i>Protonibea diacanthus</i> Pinctada spp <i>Scomberoides lysan</i> , <i>S. commersonianus</i> <i>Pomadasyds kaakan</i> <i>Polydactylus</i> spp. class <i>Holothuridae</i> <i>Tectus niloticus</i>
6	Rock lobster	<i>Panulirus ornatus</i> only (No limit on other species)
10 per vessel	Mud crab	<i>Scylla</i> sp.
10 in total (any combination)	Finfish of these species: Narrow barred spanish mackerel Barred spanish (grey) mackerel Longtail tuna Gold band snapper Serranidae family Lethrinidae family	(<i>Thunnus tonggol</i>)
500 kg gilled and gutted weight or equivalent in the first (banana) season (March to 30 June) with a 50 kg limit outside this season.	Saddle tailed snapper, red snapper and red emperor	<i>Lutjanus malabaricus</i> and <i>L. erythropterus</i>
An amount not exceeding the prawn catch of the northern prawn fishery fleet in any calendar year.	Squid	Mollusc of the family Loliginidae
100 trunks/bodies or 200 flitches or equivalent	Shark	Sub-class Elasmobranchii (all species)
100 sets of fins	Shark fin	All species

8.1.1 Commonwealth fishers, by-catch limits of State fish

The Commonwealth agrees to ensure that concession holders in the northern prawn fishery will only take a limited number of the fish under State or joint control. Species other than those listed below are not subject to a trip limit. Species controlled by trip limits are shown in Table 4.

9.0 Sample situations

The following sample situations may help fishers come to grips with exactly what the Offshore Constitutional Settlement may mean for them.

Even though they may not cover an exact query, these examples will provide an insight into how the arrangements work in a similar situation.

If you are still unsure about how the arrangements may affect your fishing, try writing down your situation in a similar way to the examples below. Then contact the Fisheries Department of WA on (09) 482 7333.

9.1 Bill, shark fisher

Bill is a commercial fisher working in the shark fishery off the west coast of WA, somewhere near Onslow. Under the general arrangement this fishery is licensed by the State, so Bill works under WA State law administered by the Fisheries Department of WA. He catches some yellowfin and bigeye tuna on one of his fishing trips. These are Commonwealth fish. Is Bill breaking the law?

The general arrangement provides the State with control over Bill's by-catch. However, the Memorandum of Understanding (MOU) for tuna and tuna-like species only allows Bill to take a certain number of these fish as a by-catch.

Bill can take only two (2) of any combination of these fish. Providing he has, say, one yellowfin and one bigeye tuna on this trip he is operating totally legally.

Refer to sections 2, 3 and 7 for more information.

9.2 Dusty, prawn fisher

Dusty is a commercial prawn fisher, working in the northern prawn fishery off the north coast of WA. Under the northern prawn fishery arrangement this fishery is licensed by the Commonwealth, so Dusty works under Commonwealth law administered by AFMA. He regularly takes some red snapper in his net. Is Dusty breaking the law?

The northern prawn fishery arrangement provides the Commonwealth with control over Dusty's by-catch. However, the MOU for the northern prawn fishery only allows Dusty to take a certain number of these fish as a by-catch.

Whether Dusty is breaking the law will depend on how many fish he has in his possession at the end of the northern prawn fishery trip, what other fish are in his possession, and what time of the year he is fishing.

In the first part of the season, catching banana prawns in March to the end of June, he is allowed to take a total of 500 kg gilled and gutted fish in weight, or the equivalent, of any combination of saddle tailed snapper, red snapper and red emperor. Outside that season he can only take 50 kg. So if Dusty has taken some saddle tailed snapper or red emperor he needs to weigh those fish along with his red snapper.

Dusty will need to assess any other by-catch species separately.

Refer to sections 2, 4 and 8 for more information.

10.0 Need more information or help?

Fisheries Department of WA

3rd Floor
SGIO Atrium
168 - 170 St George's Terrace
Perth WA 6000
Telephone: (09) 482 7333
Facsimile: (09) 482 7389

Australian Fisheries Management Authority

PO Box 7051
Canberra Mail Centre
ACT 2610
Telephone: (06) 272 5039
Facsimile: (06) 272 4614

Appendix

Offshore Constitutional Settlement arrangements, 1995

This appendix contains the original Offshore Constitutional Settlement arrangements which came into effect on February 3 1995.

AN ARRANGEMENT BETWEEN THE COMMONWEALTH AND THE STATE OF WESTERN AUSTRALIA IN RELATION TO THE FISHERY FOR TUNA AND TUNA LIKE SPECIES

An ARRANGEMENT entered into between the Commonwealth of Australia (the Commonwealth) of the one part and the State of Western Australia (the State) of the other part.

WHEREAS-

- (a) paragraph 4(1)(a) of the *Acts Interpretation Act 1901* of the Commonwealth provides that where an Act is enacted on or after the date of commencement of this section that is not to come into operation immediately upon its enactment, is expressed to confer power, *inter alia*, to make an instrument of a legislative or administrative character, then, unless the contrary intention appears, the power may be exercised, and anything may be done for the purpose of enabling the exercise of the power, before the Act concerned comes into operation as if it had come into operation;
- (b) subsection 2(2) of the *Fisheries Management Act 1991* of the Commonwealth (the Management Act) provides that Part 5 of the Management Act, which provides for co-operation with the States and Northern Territory in the management of fisheries, commences upon the repeal or the ceasing to have effect (as the case may be) of Part IVA of the *Fisheries Act 1952* of the Commonwealth;
- (c) by subsection 7(3) of the *Fisheries Legislation (Consequential Provisions) Act 1991* of the Commonwealth (the Consequential Provisions Act), as amended by section 24 of the *Primary Industries and Energy Legislation Amendment Act 1993* Part IVA of the *Fisheries Act 1952*, unless sooner repealed, ceases to have effect at the end of the period of 3 years beginning on 3 February 1992, the day on which section 7 of the Consequential Provisions Act commenced;
- (d) paragraph 7(4)(b) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Management Act, any arrangement made with a State or Territory under subsection 12H(1) or (4) of the *Fisheries Act 1952* that was in force immediately before that commencement continues in force as if it had been made under Part 5 of the Management Act;
- (e) an Arrangement was entered into under section 12H(4) between the Commonwealth and the State of Western Australia in relation to tuna and tuna like species; published in the Commonwealth of Australia Gazette No. S104 on 1 June 1987;
- (f) the Arrangements referred to in paragraph (e) of this Arrangement were made under Division 3 of Part IVA of the *Fisheries Act 1952*;

- (g) subsection 75(1) of the Management Act provides that an Arrangement under Division 3 of Part 5 of the Management Act may be terminated by instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (h) subsection 33(3) of the *Acts Interpretation Act 1901* provides *inter alia* that where an Act confers a power to make any instrument, the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal any such instrument;
- (i) subsection 8H(2) of the *Fisheries Act 1905* of the State (the State Act) will on the coming into operation of the *Fisheries Amendment Act 1994* empower the State to terminate an arrangement as provided for by the Management Act;
- (j) paragraph 72(a) of the Management Act provides that the Commonwealth may make an arrangement with a State that a fishery in waters relevant to the State, not being a fishery to which an arrangement under section 71 applies, is to be managed in accordance with the law of the Commonwealth;
- (k) no arrangement has been entered into under section 71 of the Management Act with respect to the fishery for which this Arrangement provides;
- (l) subsection 74(1) of the Management Act provides that an arrangement under, *inter alia*, paragraph 72(a) is to be made by an instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (m) subsection 8H(1) of the State Act will on the coming into force of the *Fisheries Amendment Act 1994* of the State, empower the State to make an arrangement referred to in, *inter alia*, paragraph 72(a) of the Management Act for the management of a particular fishery;
- (n) both the Commonwealth and the State are desirous of exercising their powers to make a further Arrangement in relation to the fishery referred to in clause 2 of this Arrangement.

NOW THEREFORE, in pursuance of the Management Act and the State Act and of all other powers so enabling, it is mutually arranged as follows:

- 1 The Arrangement entered into between the Commonwealth and the State of Western Australia as referred to in paragraph (e) of the recitals to this Arrangement is, pursuant to subsection 75(1) of the Management Act and subsection 8H(2) of the State Act, terminated.
- 2 The Commonwealth and State hereby arrange that the fishery in waters relevant to the State, being coastal waters and waters of the Australian fishing zone that lie within the area described in Schedule 2 to the *Petroleum (Submerged Lands) Act*

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1967 under the heading "Area that includes the Adjacent Area in respect of Western Australia", for tuna and tuna like species, being:

- (a) *Thunnus albacares* (yellowfin tuna)
Thunnus maccoyii (southern bluefin tuna)
Thunnus obesus (bigeye tuna)
Thunnus tonggol (longtail tuna)
Thunnus alalunga (albacore tuna)
Thunnus thynnus (northern bluefin tuna)
Katsuwonus pelamis (skipjack tuna);
- (b) fish of the family Bramidae (pomfrets) seaward of the 200 metre isobath for all fishing methods;
- (c) fish of the families Istiophoridae and Xiphiidae (billfish);
- (d) including those fish taken in the exercise of a right conferred by a concession granted by the Australian Fisheries Management Authority under the Management Act allowing the taking of the species referred to in paragraphs (a), (b) and (c);
- (e) excluding fish referred to in paragraphs (a), (b) and (c) taken in the exercise of a right conferred by a licence or other authority granted by the State;
- (f) fish taken as bait (dead or alive) by a person for his or her own use, other than in fish farms, in the exercise of a right conferred by a concession granted by the Australian Fisheries Management Authority under the Management Act to take tuna and tuna like fish as listed above:

is to be managed in accordance with the law of the Commonwealth.

3. The Minister responsible for administering the Management Act and the Minister responsible for administering the State Act may agree in writing to the maximum quantity of other fish the subject of paragraphs 2(d), 2(e) and 2(f) that may be taken from time to time under a licence or other authority referred to in those paragraphs and on matters of mutual interest in relation to the fishery.
4. This Arrangement shall, upon being executed on behalf of the Commonwealth and of the State and upon being approved by the Governor-General of the Commonwealth and the Governor of the State, take effect on 3 February 1995.
5. Without affecting the construction which this Arrangement would have if no provision of this Arrangement or part thereof is invalid, it is the intention of this Arrangement that if any provision of this Arrangement or part thereof is invalid, the remainder of that provision and of this Arrangement shall be construed as if that provision or part thereof was not included in this Arrangement even if the result is to extend the fishery described by this Arrangement.

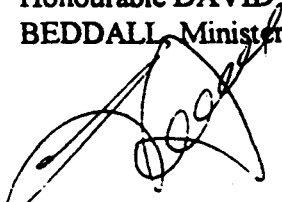

Commonwealth of Australia Gazette
No. GN 4, 1 February 1995

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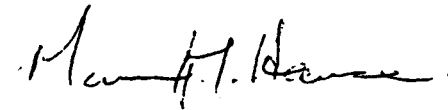
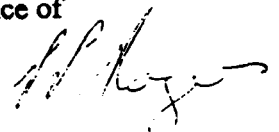
AND subject to the law of the State of Western Australia, the Government of Western Australia undertakes to manage the tuna fishery in waters within the limits of the State in a manner consistent with the management of the fishery in waters relevant to the State.

Dated the 19th day of December 1994

Signed for and on behalf of the Commonwealth of Australia by the Honourable DAVID PETER BEDDALL, Minister for Resources


in the presence of


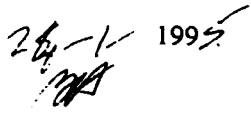
Signed for and on behalf of the State of Western Australia by the Honourable MONTAGUE GRANT HOUSE, Minister for Fisheries

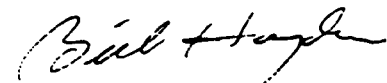

in the presence of


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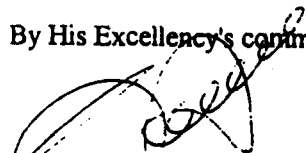
Commonwealth of Australia Gazette
No. GN 4, 1 February 1995

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance subsections 74(1) and 75(1) of the *Fisheries Management Act 1991*, hereby approve this instrument.

Dated 26-1-1995



Governor-General

By His Excellency's command

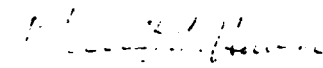

Minister for Resources

I, MICHAEL JEFFERY, the Governor of the State of Western Australia, acting by and with the advice of the Executive Council in pursuance of the provisions of the *Fisheries Act 1905*, hereby approve this instrument.

Given under my hand this 14th day of Jan 1995.


Governor

By His Excellency's command


Minister for Fisheries.

AN ARRANGEMENT BETWEEN THE COMMONWEALTH AND THE STATE
OF WESTERN AUSTRALIA IN RELATION TO THE NORTHERN PRAWN
FISHERY

An ARRANGEMENT entered into between the Commonwealth of Australia (the Commonwealth) of the one part and the State of Western Australia (the State) of the other part.

WHEREAS-

- (a) paragraph 4(1)(a) of the *Acts Interpretation Act 1901* of the Commonwealth provides that where an Act is enacted on or after the date of commencement of this section that is not to come into operation immediately upon its enactment, is expressed to confer power, *inter alia*, to make an instrument of a legislative or administrative character, then, unless the contrary intention appears, the power may be exercised, and anything may be done for the purpose of enabling the exercise of the power, before the Act concerned comes into operation as if it had come into operation;
- (b) subsection 2(2) of the *Fisheries Management Act 1991* of the Commonwealth (the Management Act) provides that Part 5 of the Act, which provides for co-operation with the States and Northern Territory in the management of fisheries, commences upon the repeal or the ceasing to have effect (as the case may be) of Part IVA of the *Fisheries Act 1952* of the Commonwealth;
- (c) by subsection 7(3) of the *Fisheries Legislation (Consequential Provisions) Act 1991* of the Commonwealth (the Consequential Provisions Act), as amended by section 24 of the *Primary Industries and Energy Legislation Amendment Act 1993* Part IVA of the *Fisheries Act 1952*, unless sooner repealed, ceases to have effect at the end of the period of 3 years beginning on 3 February 1992, the day on which section 7 of the Consequential Provisions Act commenced;
- (d) paragraph 7(4)(b) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Management Act, any arrangement made with a State or Territory under subsection 12H (1) or (4) of the *Fisheries Act 1952* that was in force immediately before that commencement continues in force as if it had been made under Part 5 of the Management Act;
- (e) an Arrangement was entered into under section 12H (4) between the Commonwealth and the State of Western Australia in relation to the Northern Prawn Fishery, published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
- (f) the Arrangements referred to in paragraph (e) of this Arrangement were made under Division 3 of Part IVA of the *Fisheries Act 1952*;

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- (g) subsection 75(1) of the Management Act provides that an Arrangement under Division 3 of Part 5 of the Management Act may be terminated by instrument approved by the Governor-General and the Governor or Governors of the State or States concerned:
- (h) subsection 33(3) of the *Acts Interpretation Act 1901* provides *inter alia* that where an Act confers a power to make any instrument, the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal any such instrument;
- (i) subsection 8H(2) of the *Fisheries Act 1905* of the State (the State Act) will on the coming into operation of the *Fisheries Amendment Act 1994* empower the State to terminate an arrangement as provided for by the Management Act;
- (j) paragraph 72 (a) of the Management Act provides that the Commonwealth may make an arrangement with a State that a fishery in waters relevant to the State, not being a fishery to which an arrangement under section 71 applies, is to be managed in accordance with the law of the Commonwealth;
- (k) no arrangement has been entered into under section 71 of the Management Act with respect to the fishery for which this Arrangement provides;
- (l) subsection 74(1) of the Management Act provides that an arrangement under, *inter alia*, paragraph 72(a) is to be made by an instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (m) subsection 8H (1) of the State Act will on the coming into force of the *Fisheries Amendment Act 1994* of the State empower the State to make an arrangement referred to in, *inter alia*, paragraph 72(a) of the Management Act for the management of a particular fishery;
- (n) both the Commonwealth and the State are desirous of exercising their powers to make a further Arrangement in relation to the fishery referred to in clause 2 of this Arrangement.

NOW THEREFORE, in pursuance of the Act and the State Act and of all other powers so enabling, it is mutually arranged as follows:

1. The Arrangement entered into between the Commonwealth and the State of Western Australia referred to in paragraph (e) of the recitals to this Arrangement is, pursuant to subsection 75 (1) of the Management Act and subsection 8H(2) of the State Act, terminated.
2. The Commonwealth and the State hereby arrange that the fishery in waters relevant to the State of Western Australia, being coastal waters and waters of the Australian fishing zone that lie within the area described in Schedule 2 to the *Petroleum (Submerged Lands) Act 1967* under the heading "Area that includes the

Adjacent Area in respect of Western Australia", east of the meridian of Longitude 126° 58' East for:

- (a) decapod crustacea of the families Penaeidae, Aristeidae, Solenoceridae (prawns), Nephropidae (Scampi), Scyllaridae (bugs) and Infraorder Caridae (shrimps) and Mollusca of the family Pectinidae (Scallops) other than when a bait net or a haul net, set from the shore and drawn to the shore with or without the use of a boat, is used;
- (b) Mollusca of the family Loliginidae when prawn trawl apparatus is used; and
- (c) all fish taken in the exercise of a right conferred by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act for the fish to which paragraph (a) applies:

is to be managed in accordance with the law of the Commonwealth.

3. The Minister responsible for administering the Management Act and the Minister responsible for administering the State Act may agree in writing to the maximum quantity of other fish, the subject of paragraph 2(c), that may be taken from time to time under a licence or other authority referred to in that paragraph and on matters of mutual interest in relation to the fishery.
4. This Arrangement shall, upon being executed on behalf of the Commonwealth and of the State and upon being approved by the Governor-General of the Commonwealth and the Governor of the State, take effect on 3 February 1995.
5. Without affecting the construction which this Arrangement would have if no provision of this Arrangement or part thereof is invalid, it is the intention of this Arrangement that if any provision of this Arrangement or part thereof is invalid, the remainder of that provision and of this Arrangement shall be construed as if that provision or part thereof was not included in this Arrangement even if the result is to extend the fishery described by this Arrangement.

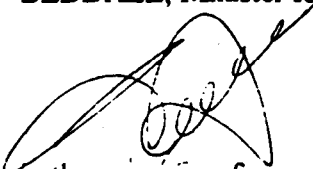

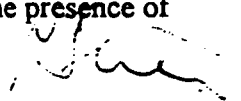
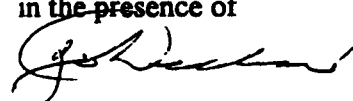
AND subject to the law of the State of Western Australia, the Government of Western Australia undertakes to manage the prawn fishery in waters within the limits of the State in a manner consistent with the management of the fishery in waters relevant to the State.

AND the Commonwealth undertakes to make appropriate arrangements to permit the operators of establishments, licensed in accordance with the law of the State to carry out aquaculture of prawns, to obtain gravid broodstock from waters relevant to the State under terms and conditions that are reasonable, having regard to the management of the fishery in accordance with the law of the Commonwealth.

Dated the 19th day of December 1994

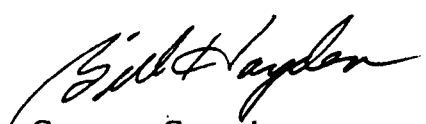
Signed for and on behalf of the
Commonwealth of Australia by the
Honourable DAVID PETER
BEDDALL, Minister for Resources

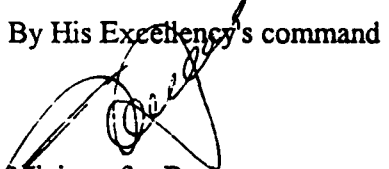
Signed for and on behalf of the
State of Western Australia by the
Honourable MONTAGUE GRANT
HOUSE, Minister for Fisheries


in the presence of

in the presence of


I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, in pursuance of subsections 74(1) and 75(1)
of the *Fisheries Management Act 1991*, hereby approve this instrument.

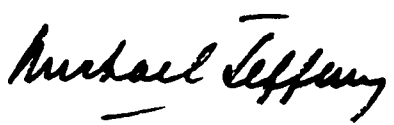
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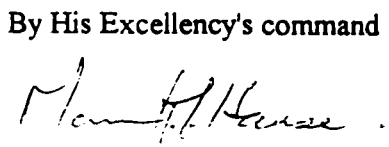

Governor-General

By His Excellency's command

Minister for Resources

I, MICHAEL JEFFERY, the Governor of the State of Western Australia, acting by and
with the advice of the Executive Council in pursuance of the provisions of the
Fisheries Act 1905, hereby approve this instrument.

Given under my hand this 4th day of Jan 1995.


Governor

By His Excellency's command

Minister for Fisheries.

ARRANGEMENT BETWEEN THE COMMONWEALTH AND THE STATE OF
WESTERN AUSTRALIA IN RELATION TO THE NORTHERN SHARK
FISHERY IN WATERS EAST OF KOOLAN ISLAND

An ARRANGEMENT entered into between the Commonwealth of Australia (the Commonwealth) of the one part and the State of Western Australia (the State) of the other part.

WHEREAS-

- (a) paragraph 4(1)(a) of the *Acts Interpretation Act 1901* of the Commonwealth provides that where an Act is enacted on or after the date of commencement of this section that is not to come into operation immediately upon its enactment, is expressed to confer power, *inter alia*, to make an instrument of a legislative or administrative character, then, unless the contrary intention appears, the power may be exercised, and anything may be done for the purpose of enabling the exercise of the power, before the Act concerned comes into operation as if it had come into operation;
- (b) subsection 2(2) of the *Fisheries Management Act 1991* of the Commonwealth (the Management Act) provides that Part 5 of the Management Act, which provides for co-operation with the States and Northern Territory in the management of fisheries, commences upon the repeal or the ceasing to have effect (as the case may be) of Part IVA of the *Fisheries Act 1952* of the Commonwealth;
- (c) by subsection 7(3) of the *Fisheries Legislation (Consequential Provisions) Act 1991* (the Consequential Provisions Act) of the Commonwealth as amended by section 24 of the *Primary Industries and Energy Legislation Amendment Act 1993* Part IVA of the *Fisheries Act 1952*, unless sooner repealed, ceases to have effect at the end of the period of 3 years beginning on 3 February 1992, the day on which section 7 of the Consequential Provisions Act commenced;
- d) paragraph 7(4)(a) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Management Act, the Western Australian Joint Authority, established by subsection 12D(1) of the *Fisheries Act 1952* continues in existence as if it had been established under Part 5 of the Management Act;
- (e) Arrangements were entered into under section 12H(4) of the *Fisheries Act 1952* between the Commonwealth and Western Australia in relation to the:
 - (i) North West Pelagic Gillnet Fishery, published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
 - (ii) Line Fishery East of 120° East, published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
- (f) paragraph 7(4)(b) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Management Act, any arrangement made with a State or Territory under subsection 12H(1) or (4) of the *Fisheries Act 1952* that

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was in force immediately before that commencement continues in force as if it had been made under Part 5 of the Management Act;

- (g) the Arrangements referred to in paragraph (e) of this Arrangement were made under Division 3 of Part IVA of the *Fisheries Act 1952*;
- (h) subsection 75(1) of the Management Act provides that an Arrangement under Division 3 of Part 5 of the Management Act may be terminated by instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (i) subsection 33(3) of the *Acts Interpretation Act 1901* provides *inter alia* that where an Act confers a power to make any instrument, the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal any such instrument;
- (j) subsection 8H(2) of the *Fisheries Act 1905* of the State (the State Act) will on the coming into operation of the *Fisheries Amendment Act 1994* of the State empower the State to terminate an arrangement as provided for by the Management Act;
- (k) subsection 71(1) of the Management Act provides that the Commonwealth may make an arrangement with a State or States represented on a Joint Authority that the Joint Authority is to have the management of a particular fishery in waters relevant to that or any of those States;
- (l) subsection 74(1) of the Management Act provides that an arrangement under, *inter alia*, subsection 71 (1) is to be made by an instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (m) subsection 8H(1) of the State Act will on the coming into force of the *Fisheries Amendment Act 1994* of the State empower the State to make an arrangement referred to in, *inter alia*, subsection 71(1) of the Management Act for the management of a particular fishery;
- (n) both the Commonwealth and the State are desirous of exercising their powers to make a further Arrangement in relation to the fishery referred to in clause 2 of this Arrangement.

NOW THEREFORE, in pursuance of the Management Act and the State Act and of all other powers so enabling:

1. The Arrangements entered into between the Commonwealth and the State referred to in paragraph (e) of the recitals to this Arrangement are, pursuant to subsection 75 (1) of the Management Act and subsection 8H(2) of the State Act terminated.
2. The Commonwealth and State hereby arrange that the fishery in waters relevant to Western Australia, being coastal waters and waters of the Australian fishing zone that lie within the area described in Schedule 2 to the *Petroleum (Submerged*

Lands) Act 1967 under the heading "Area that includes the Adjacent Area in respect of Western Australia", east of the meridian of longitude 123° 45' East and north of the parallel of latitude 17° South for:

(a) all fish of the Class Chondrichthyes (cartilaginous fishes) when any methods of pelagic gillnetting, demersal gillnetting and demersal longlining are used;

but excluding fish to which this paragraph otherwise would apply taken in the exercise of a right conferred by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act;

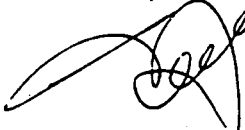
(b) all fish of the Class Osteichthyes (bony fishes) taken in the exercise of a right conferred by a licence or other authority granted by the State on behalf of the Western Australian Fisheries Joint Authority for the fish to which paragraph (a) applies;

is to be managed by the Western Australian Fisheries Joint Authority in accordance with the law of Western Australia.

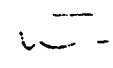
3. The Minister responsible for administering the Management Act and the Minister responsible for administering the State Act may agree in writing to the maximum quantity of other fish, the subject of paragraph 2(b), that may be taken from time to time under a licence or other authority referred to in that paragraph and on matters of mutual interest in relation to the fishery.
4. This Arrangement shall, upon being executed on behalf of the Commonwealth and of the State and upon being approved by the Governor-General of the Commonwealth and the Governor of the State, take effect on 3 February 1995.
5. Without affecting the construction which this Arrangement would have if no provision of this Arrangement or part thereof is invalid, it is the intention of this Arrangement that if any provision of this Arrangement or part thereof is invalid, the remainder of that provision and of this Arrangement shall be construed as if that provision or part thereof was not included in this Arrangement even if the result is to extend the fishery described by this Arrangement.

Dated the 19th day of December 1994

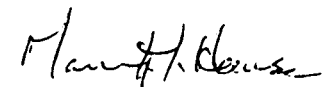
Signed for and on behalf of the
Commonwealth of Australia by the
Honourable DAVID PETER
BEDDALL, Minister for Resources



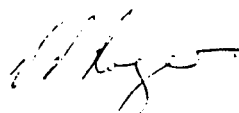
in the presence of



Signed for and on behalf of the
State of Western Australia by the
Honourable MONTAGUE GRANT
HOUSE, Minister for Fisheries



in the presence of



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Commonwealth of Australia Gazette
No. GN 4, 1 February 1995

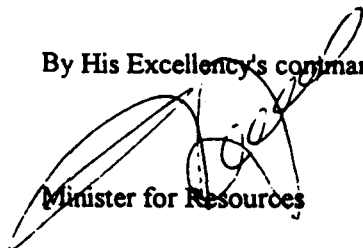
I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of subsections 74(1) and 75(1) of the *Fisheries Management Act 1991*, hereby approve this instrument.

Dated 26-1-1995



Governor-General

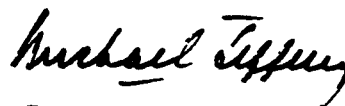
By His Excellency's command



Minister for Resources

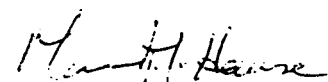
I, MICHAEL JEFFERY, the Governor of the State of Western Australia, acting by and with the advice of the Executive Council in pursuance of the provisions of the *Fisheries Act 1905*, hereby approve this instrument.

Given under my hand this 4th day of Jan 1995.



Governor

By His Excellency's command



Minister for Fisheries.

ARRANGEMENT BETWEEN THE COMMONWEALTH AND THE STATE OF WESTERN AUSTRALIA IN RELATION TO THE JOINT AUTHORITY DEMERSAL GILLNET AND LONGLINE FISHERY IN WATERS SOUTH OF LATITUDE 33° SOUTH

An ARRANGEMENT entered into between the Commonwealth of Australia (the Commonwealth) of the one part and the State of Western Australia (the State) of the other part.

WHEREAS-

- (a) paragraph 4(1)(a) of the *Acts Interpretation Act 1901* of the Commonwealth provides that where an Act is enacted on or after the date of commencement of this section that is not to come into operation immediately upon its enactment, is expressed to confer power, *inter alia*, to make an instrument of a legislative or administrative character, then, unless the contrary intention appears, the power may be exercised, and anything may be done for the purpose of enabling the exercise of the power, before the Act concerned comes into operation as if it had come into operation;
- (b) subsection 2(2) of the *Fisheries Management Act 1991* of the Commonwealth (the Management Act) provides that Part 5 of the Management Act, which provides for co-operation with the States and Northern Territory in the management of fisheries, commences upon the repeal or the ceasing to have effect (as the case may be) of Part IVA of the *Fisheries Act 1952* of the Commonwealth;
- (c) by subsection 7(3) of the *Fisheries Legislation (Consequential Provisions) Act 1991* of the Commonwealth (the Consequential Provisions Act), as amended by section 24 of the *Primary Industries and Energy Legislation Amendment Act 1993* Part IVA of the *Fisheries Act 1952*, unless sooner repealed, ceases to have effect at the end of the period of 3 years beginning on 3 February 1992, the day on which section 7 of the Consequential Provisions Act commenced;
- (d) paragraph 7(4)(a) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Management Act, the Western Australian Joint Authority, established by subsection 12D(1) of the *Fisheries Act 1952* continues in existence as if it had been established under Part 5 of the Management Act;
- (e) an Arrangement was entered into under section 12H(1) of the *Fisheries Act 1952* between the Commonwealth and the State of Western Australia in relation to the:
 - (i) Demersal Gillnet Fishery in waters south of Latitude 33° South, published in the Commonwealth of Australia Gazette No. S 109 14 April 1988;
 - (ii) Demersal Longline Fishery in waters south of Latitude 33° South, published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;

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- (f) paragraph 7(4)(b) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Management Act, any arrangement made with a State or Territory under subsection 12H(1) or (4) of the *Fisheries Act 1952* that was in force immediately before that commencement continues in force as if it had been made under Part 5 of the Management Act;
- (g) the Arrangements referred to in paragraph (e) of this Arrangement were made under Division 3 of Part IVA of the *Fisheries Act 1952*;
- (h) subsection 75(1) of the Management Act provides that an Arrangement under Division 3 of Part 5 of the Management Act may be terminated by instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (i) subsection 33(3) of the *Acts Interpretation Act 1901* provides *inter alia* that where an Act confers a power to make any instrument, the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal any such instrument;
- (j) subsection 8H(2) of the *Fisheries Act 1905* of the State (the State Act) will on the coming into operation of the *Fisheries Amendment Act 1994* of the State empower the State to terminate an arrangement as provided for by the Management Act;
- (k) subsection 71(1) of the Management Act provides that the Commonwealth may make an arrangement with a State or States represented on a Joint Authority that the Joint Authority is to have the management of a particular fishery in waters relevant to that or any of those States;
- (l) subsection 74(1) of the Management Act provides that an arrangement under, *inter alia*, subsection 71(1) is to be made by an instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (m) subsection 8H(1) of the State Act will on the coming into force of the *Fisheries Amendment Act 1994* of Western Australia, empower the State to make an arrangement referred to in, *inter alia*, subsection 71 (1) of the Management Act for the management of a particular fishery;
- (n) both the Commonwealth and the State are desirous of exercising their powers to make a further Arrangement in relation to the fishery referred to in clause 2 of this Arrangement.

NOW THEREFORE, in pursuance of the Management Act and the State Act and of all other powers so enabling:

- 1 The Arrangements entered into between the Commonwealth and the State referred to in paragraph (e) of the recitals to this Arrangement are, pursuant to subsection 75 (1) of the Management Act, and subsection 8H(2) of the State Act terminated.

2. The Commonwealth and the State hereby arrange that the fishery in waters relevant to the State, being coastal waters and waters of the Australian fishing zone that lie within the area described in Schedule 2 to the *Petroleum (Submerged Lands) Act 1967* under the heading "Area that includes the Adjacent Area in respect of Western Australia", south of Latitude 33° South for:

(a) all fish of the Class Osteichthyes (bony fish) and Class Chondrichthyes (cartilaginous fish) when the methods of demersal gillnets and lines of all kinds are used, other than:

- (i) hand lines;
- (ii) troll lines;
- (iii) drop lines; and
- (iv) pelagic longlines used in accordance with the exercise of a right conferred by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act to permit the use of pelagic longlines for the taking of tuna and tuna-like species;

but excluding fish to which this paragraph otherwise would apply taken in the exercise of a right conferred in relation to another fishery by a fishing concession granted by the Australian Fisheries Management Authority under the Management Act;

(b) all other fish taken by the methods provided for in paragraph (a) in the exercise of a right conferred by a licence or other authority granted by the State on behalf of the Western Australian Fisheries Joint Authority for the fish to which paragraph (a) applies:

is to be managed by the Western Australian Fisheries Joint Authority in accordance with the law of Western Australia.

3. The Minister responsible for administering the Management Act and the Minister responsible for administering the State Act may agree in writing to the maximum quantity of other fish, the subject of paragraph 2(b), that may be taken from time to time under a licence or other authority referred to in that paragraph and on matters of mutual interest in relation to the fishery.
4. This Arrangement shall, upon being executed on behalf of the Commonwealth and of the State and upon being approved by the Governor-General of the Commonwealth and the Governor of the State, take effect on 3 February 1995.
5. Without affecting the construction which this Arrangement would have if no provision of this Arrangement or part thereof is invalid, it is the intention of this Arrangement that if any provision of this Arrangement or part thereof is invalid, the remainder of that provision and of this Arrangement shall be construed as if that provision or part thereof was not included in this Arrangement even if the result is to extend the fishery described by this Arrangement.

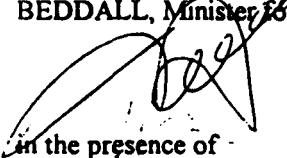

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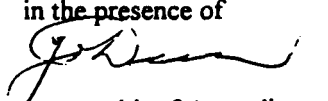
Commonwealth of Australia Gazette
No. GN 4, 1 February 1995

Dated the 19th day of December 1994

Signed for and on behalf of the
Commonwealth of Australia by the
Honourable DAVID PETER
BEDDALL, Minister for Resources


Signed for and on behalf of the
State of Western Australia by the
Honourable MONTAGUE GRANT
HOUSE, Minister for Fisheries


in the presence of


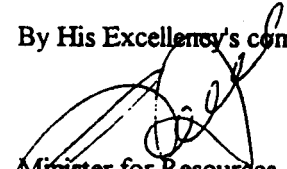

in the presence of


I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, in pursuance of subsections 74(1) and 75(1)
of the *Fisheries Management Act 1991*, hereby approve this instrument.

Dated 24-1-1995


Governor-General

By His Excellency's command

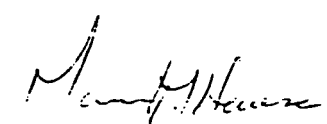

Minister for Resources

I, MICHAEL JEFFERY, the Governor of the State of Western Australia, acting by and
with the advice of the Executive Council in pursuance of the provisions of the
Fisheries Act 1905, hereby approve this instrument.

Given under my hand this 1st day of Jan 1995.


Governor

By His Excellency's command


Minister for Fisheries.

ARRANGEMENT BETWEEN THE COMMONWEALTH AND STATE OF
WESTERN AUSTRALIA IN RELATION TO THE FISHERY FOR FISH AND
OTHER AQUATIC BIOLOGICAL RESOURCES IN WATERS RELEVANT TO
WESTERN AUSTRALIA

An ARRANGEMENT entered into between the Commonwealth of Australia (the Commonwealth) of the one part and the State of Western Australia (the State) of the other part.

WHEREAS-

- (a) paragraph 4(1)(a) of the *Acts Interpretation Act 1901* of the Commonwealth provides that where an Act is enacted on or after the date of commencement of this section that is not to come into operation immediately upon its enactment, is expressed to confer power, *inter alia*, to make an instrument of a legislative or administrative character, then, unless the contrary intention appears, the power may be exercised, and anything may be done for the purpose of enabling the exercise of the power, before the Act concerned comes into operation as if it had come into operation;
- (b) subsection 2(2) of the *Fisheries Management Act 1991* of the Commonwealth (the Management Act) provides that Part 5 of the Management Act, which provides for co-operation with the States and Northern Territory in the management of fisheries, commences upon the repeal or the ceasing to have effect (as the case may be) of Part IVA of the *Fisheries Act 1952* of the Commonwealth;
- (c) by subsection 7(3) of the *Fisheries Legislation (Consequential Provisions) Act 1991* of the Commonwealth (the Consequential Provisions Act), as amended by section 24 of the *Primary Industries and Energy Legislation Amendment Act 1993* Part IVA of the *Fisheries Act 1952*, unless sooner repealed, ceases to have effect at the end of the period of 3 years beginning on 3 February 1992, the day on which section 7 of the Consequential Provisions Act commenced;
- (d) paragraph 7(4)(b) of the Consequential Provisions Act provides that upon the commencement of Part 5 of the Management Act, any arrangement made with a State or Territory under subsection 12H(1) or (4) of the *Fisheries Act 1952* that was in force immediately before that commencement continues in force as if it had been made under Part 5 of the Management Act;
- (e) an Arrangement was entered into under section 12H(4) between the Commonwealth and the State of Western Australia in relation to the:
 - (i) North West Shelf Trawl Fishery, published in the Commonwealth of Australia Gazette No. GN 17 on 29 April 1992;
 - (ii) Inshore Trawl Fishery, published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988.

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- (iii) Pearl Oyster Fishery, published in the Commonwealth of Australia Gazette No. GN 11 on 20 March 1991;
 - (iv) Line Fishery north of Latitude 33° South, published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
 - (v) Demersal Gillnet Fishery in waters north of Latitude 33° South, published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
 - (vi) Hand, Troll or Dropline in waters south of Latitude 33° South, published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
 - (vii) Pilchard and Associated Species Fishery published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
 - (viii) Rock Lobster Fishery published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
 - (ix) Marine Aquarium Species published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
 - (x) Trap and Pot Fishery published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
 - (xi) Sedentary and Associated Species Fishery published in the Commonwealth of Australia Gazette No. S109 on 14 April 1988;
- (f) the Arrangements referred to in paragraph (e) of this Arrangement were made under Division 3 of Part IVA of the *Fisheries Act 1952*;
- (g) subsection 75(1) of the Management Act provides that an Arrangement under Division 3 of Part 5 of the Management Act may be terminated by instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (h) subsection 33(3) of the *Acts Interpretation Act 1901* provides *inter alia* that where an Act confers a power to make any instrument, the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal any such instrument;
- (i) subsection 8H(2) of the *Fisheries Act 1905* of the State (the State Act) will on the coming into operation of the *Fisheries Amendment Act 1994* empower the State to terminate an arrangement as provided for by the Management Act;
- (j) paragraph 72 (b) of the Management Act provides that the Commonwealth may make an arrangement with a State that a particular fishery in waters relevant to the State, not being a fishery to which an arrangement under section 71 applies, is to be managed in accordance with the law of the State;

- (k) no arrangement has been entered into under section 71 of the Management Act with respect to the fishery for which this Arrangement provides;
- (l) subsection 74(1) of the Management Act provides that an arrangement under, *inter alia*, paragraph 72(b) is to be made by an instrument approved by the Governor-General and the Governor or Governors of the State or States concerned;
- (m) subsection 8H(1) of the State Act will on the coming into force of the *Fisheries Amendment Act 1994* of the State of Western Australia, empower the State to make an arrangement referred to in, *inter alia*, paragraph 72(b) of the Management Act for the management of a particular fishery in accordance with the law of the State;
- (n) both the Commonwealth and the State are desirous of exercising their powers to make a further Arrangement in relation to the fishery referred to in clause 2 of this Arrangement.

NOW THEREFORE, in pursuance of the Act and the State Act and of all other powers so enabling, it is mutually arranged as follows:

1. The Arrangements entered into between the Commonwealth and the State of Western Australia as listed in paragraph (e) of the recitals to this Arrangement are, pursuant to subsection 75(1) of the Management Act and subsection 8H(2) of the State Act, terminated.
2. The Commonwealth and the State hereby arrange that the fishery to which this Arrangement applies is to be managed in accordance with the law of Western Australia being the fishery, for any purpose other than recreation, in all waters relevant to Western Australia, being coastal waters and waters of the Australian fishing zone that lie within the area described in Schedule 2 to the *Petroleum (Submerged Lands) Act 1967* under the heading "Area that includes the Adjacent Area in respect of Western Australia", for all species of fish of the Class Osteichthyes (bony fish) and Class Chondrichthyes (cartilaginous fish), all species of aquatic invertebrates, all marine algae of the Divisions Chlorophyta (green algae), Rhodophyta (red algae) and Phaeophyta (brown algae) and all seagrasses of the Families Hydrocharitaceae, Posidoniaceae, Zosteraceae and Cymodoceaceae except for:
 - (a) tuna and tuna-like fish of the following species:
 - (i) *Thunnus albacares* (Yellowfin tuna)
 - Thunnus maccoyii* (Southern bluefin tuna)
 - Thunnus obesus* (Bigeye tuna)
 - Thunnus tonggol* (Longtail tuna)
 - Thunnus alalunga* (Albacore tuna)
 - Thunnus thynnus* (Northern bluefin tuna)
 - Katsuwonus pelamis* (Skipjack tuna);

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- (ii) fish of the families Istiophoridae and Xiphiidae (billfish);
 - (iii) fish of the family Bramidae (pomfrets) seaward of the 200 metre isobath for all fishing methods;
 - (iv) fish taken as bait (dead or alive) by a person for his or her own use, other than in fish farms, in the exercise of a right conferred by a concession granted by the Australian Fisheries Management Authority under the Management Act to take tuna and tuna like fish as listed above;
- (b) trawling for all fish of the Class Osteichthyes and Class Chondrichthyes, all aquatic invertebrates, all marine algae of the Divisions Chlorophyta (green algae), Rhodophyta (red algae) and Phaeophyta (brown algae) and all seagrasses of the Families Hydrocharitaceae, Posidoniaceae, Zosteraceae and Cymodoceaceae on the seaward side of the 200 metre isobath in the waters of the fisheries described in Schedule 1:
- (North West Slope Deepwater Trawl)
 - Schedule 1 (Western Deepwater Trawl)
 - (Great Australian Bight Trawl)
- (c) in the waters of the fishery described in Schedule 2, all:
- (i) decapod crustacea of the families Penaeidae, Aristeidae, Solenoceridae (prawns), Nephropidae (Scampi), Scyllaridae (bugs) and Infraorder Caridea (shrimps) and Mollusca of the family Pectinidae (Scallops) other than when a bait net or a haul net, set from the shore and drawn to the shore with or without the use of a boat, is used; and
 - (ii) Mollusca of the family Loliginidae when prawn trawl apparatus is used;
- Schedule 2 (Northern Prawn Fishery)
- (d) all fish of the Class Osteichthyes and Class Chondrichthyes in the waters of the fishery described in Schedule 3 when any methods of pelagic gillnetting, demersal gillnetting and demersal longlining are used;
- Schedule 3 (Joint Authority Northern Shark Fishery)
- (e) all fish of the Class Osteichthyes and Class Chondrichthyes in the waters of the fishery described in Schedule 4 when demersal gillnet and lines of all kinds are used, other than:
- (i) hand lines;
 - (ii) troll lines;
 - (iii) drop lines; and
 - (iv) pelagic longlines used in accordance with the exercise of a right conferred by a fishing concession granted by the Australian Fisheries Management

Authority under the Management Act to permit the use of pelagic longlines for the taking of tuna and tuna-like species;

Schedule 4 (Joint Authority Southern Demersal Gillnet and Longline Fishery)

(f) all fish of the species:

<i>Trachurus declivis</i>	Greenback jack mackerel
<i>Trachurus murphyi</i>	Peruvian jack mackerel
<i>Scomber australasicus</i>	Blue mackerel
<i>Emmelichthys nitidus</i>	Redbait
<i>Trachurus novaezelandiae</i>	Yellowtail jack mackerel

in waters seaward of coastal waters of the State;

(g) fish and other aquatic biological resources to which this Arrangement applies taken in the exercise of a right conferred by a concession granted by the Australian Fisheries Management Authority under the Management Act;

but including fish to which paragraphs (a), (d), (e) and (f) would otherwise apply when taken in the exercise of a right conferred by a licence or other authority granted by the State for the species to which this Arrangement applies;

3. Where for the purposes of this Arrangement it is necessary to determine the position on the surface of the Earth of a point, line or area, that position shall be determined by reference to the Australian Geodetic Datum, that is, by reference to the spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6,378,160 metres and a flattening of 1/298.25 and by reference to the Johnston Geodetic Station in the Northern Territory of Australia. That station shall be taken to be situated at Latitude 25° 56'54.5515" South and at Longitude 133° 12'30.0771" East and to have a ground level of 571.2 metres above the spheroid referred to above.
4. The Minister responsible for administering the Management Act and the Minister responsible for administering the State Act may agree in writing to the maximum quantity of other fish, the subject of paragraph 2(g) and the paragraph immediately thereafter, that may be taken from time to time under a licence or other authority referred to in these paragraphs and on matters of mutual interest in relation to the fishery.
5. This Arrangement shall, upon being executed on behalf of the Commonwealth and of the State and upon being approved by the Governor-General of the Commonwealth and the Governor of the State, take effect on 3 February 1995.
6. Without affecting the construction which this Arrangement would have if no provision of this Arrangement or part thereof is invalid, it is the intention of this Arrangement that if any provision of this Arrangement or part thereof is invalid, the remainder of that provision and of this Arrangement shall be construed as if

that provision or part thereof was not included in this Arrangement even if the result is to extend the fishery described by this Arrangement.

SCHEDULE 1

AREA OF THE NORTH WEST SLOPE TRAWL FISHERY

That part of the Australian fishing zone bounded by the line:

- a) commencing at the intersection of the meridian of Longitude 114°00' East by the parallel of Latitude 21°37' South;
- b) running thence north-westerly along the geodesic to the outer limit of the Australian fishing zone;
- c) thence north easterly along the outer limit of the Australian fishing zone to its intersection by the meridian of Longitude 125° East;
- d) thence generally south westerly to the point of Latitude 13°19'30" South, 123°49' East;
- e) thence south westerly along the geodesic to the point of Latitude 13°35' South, Longitude 123°37'
- f) thence southerly along the geodesic to the point of Latitude 14°00' South, Longitude 123°36' East;
- g) thence south-westerly along the geodesic to the point of Latitude 14°03' South, Longitude 123°25' East;
- h) thence south-westerly along the geodesic to the point of Latitude 14°13' South, Longitude 123°10' East;
- i) thence west along the parallel of Latitude 14°13' South to its intersection by the meridian of Longitude 122°53' East;
- j) thence south-westerly along the geodesic to the point of Latitude 14°56' South, Longitude 121°42' East;
- k) thence south-westerly along the geodesic to the point of Latitude 15°00' South, Longitude 121°38' East;
- l) thence south-westerly along the geodesic to the point of Latitude 15°23' South, Longitude 121°25' East;

- m) thence south-westerly along the geodesic to the point of Latitude 15°36' South, Longitude 121°08' East;
- n) thence south-westerly along the geodesic to the point of Latitude 15°47' South, Longitude 120°59' East;
- o) thence south-westerly along the geodesic to the point of Latitude 16°20' South, Longitude 120°50' East;
- p) thence south along the meridian of Longitude 120°50' East to its intersection by the parallel of Latitude 16°48' South;
- q) thence south-westerly along the geodesic to the point of Latitude 17°00' South, Longitude 120°47' East;
- r) thence south-westerly along the geodesic to the point of Latitude 17°12' South, Longitude 120°35' East;
- s) thence south-westerly along the geodesic to the point of Latitude 17°39' South, Longitude 120°10' East;
- t) thence south-westerly along the geodesic to the point of Latitude 17°55' South, Longitude 119°11' East;
- u) thence south-westerly along the geodesic to the point of Latitude 18°01' South, Longitude 119°00' East;
- v) thence south-westerly along the geodesic to the point of Latitude 19°00' South, Longitude 117°14' East;
- w) thence south-westerly along the geodesic to the point of Latitude 19°09' South, Longitude 116°50' East;
- x) thence south-westerly along the geodesic to the point of Latitude 19°11' South, Longitude 116°28' East;
- y) thence south-westerly along the geodesic to the point of Latitude 19°17' South, Longitude 116°05' East;
- z) thence south-westerly along the geodesic to the point of Latitude 19°30' South, Longitude 115°50' East;
- aa) thence south-westerly along the geodesic to the point of Latitude 19°40' South, Longitude 115°25' East;
- ab) thence south-westerly along the geodesic to the point of Latitude 19°55' South, Longitude 115°14' East;

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- ac) thence south-westerly along the geodesic to the point of Latitude 20°03' South, Longitude 115°03' East;
- ad) thence south-westerly along the geodesic to the point of Latitude 20°15' South, Longitude 114°55' East;
- ae) thence south-westerly along the geodesic to the point of Latitude 20°35' South, Longitude 114°47' East;
- af) thence southerly along the geodesic to the point of Latitude 20°53' South, Longitude 114°43' East;
- ag) thence south along the meridian of Longitude 114°43' East to its intersection by the parallel of Latitude 21°00' South;
- ah) thence south-westerly along the geodesic to the point of Latitude 21°30' South, Longitude 114°06' East;
- ai) thence south-westerly along the geodesic to the point of commencement.

AREA OF THE WESTERN DEEPWATER TRAWL FISHERY

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

- (a) commencing at the point of Latitude 21°37' South, Longitude 114°00' East;
- (b) running thence south westerly along the geodesic to the point of Latitude 21°41' South, Longitude 113°57' East;
- (c) thence south westerly along the geodesic to the point of Latitude 21°48' South, Longitude 113°51' East;
- (d) thence southerly along the geodesic to the point of Latitude 22°01' South, Longitude 113°47' East;
- (e) thence southerly along the geodesic to the point of Latitude 22°12' South, Longitude 113°45' East;
- (f) thence south westerly along the geodesic to the point of Latitude 22°50' South, Longitude 113°26' East;
- (g) thence south westerly along the geodesic to the point of Latitude 23°20' South, Longitude 113°13' East;
- (h) thence south westerly along the geodesic to the point of Latitude 23°36' South, Longitude 113°02' East;

- (i) thence south westerly along the geodesic to the point of Latitude 24⁰⁰6' South, Longitude 112⁰³7' East;
- (j) thence south westerly along the geodesic to the point of Latitude 24⁰²5' South, Longitude 112⁰²5' East;
- (k) thence south westerly along the geodesic to the point of Latitude 24⁰³9' South, Longitude 112⁰¹9' East;
- (l) thence southerly along the geodesic to the point of Latitude 25⁰⁰ South, Longitude 112⁰¹4' East;
- (m) thence southerly along the geodesic to the point of Latitude 25⁰³3' South, Longitude 112⁰¹2' East;
- (n) thence southerly along the geodesic to the point of Latitude 26⁰⁰ South, Longitude 112⁰¹8' East;
- (o) thence south easterly along the geodesic to the point of Latitude 26⁰²4' South, Longitude 112⁰³0' East;
- (p) thence south easterly along the geodesic to the point of Latitude 26⁰⁵0' South, Longitude 112⁰⁴4' East;
- (q) thence south easterly along the geodesic to the point of Latitude 27⁰²0' South, Longitude 112⁰⁵5' East;
- (r) thence south easterly along the geodesic to the point of Latitude 27⁰⁵5' South, Longitude 113⁰¹0' East;
- (s) thence south easterly along the geodesic to the point of Latitude 28⁰³5' South, Longitude 113⁰²9' East;
- (t) thence south easterly along the geodesic to the point of Latitude 29⁰⁰ South, Longitude 113⁰⁴6' East;
- (u) thence south easterly along the geodesic to the point of Latitude 29⁰⁵4' South, Longitude 114⁰²5' East;
- (v) thence south easterly along the geodesic to the point of Latitude 30⁰⁴0' South, Longitude 114⁰⁴1' East;
- (w) thence south easterly along the geodesic to the point of Latitude 31⁰¹4' South, Longitude 114⁰⁵5' East;
- (x) thence southerly along the geodesic to the point of Latitude 31⁰⁴8' South, Longitude 115⁰⁰1' East;

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- (y) thence south easterly along the geodesic to the point of Latitude 31°58' South, Longitude 115°13' East;
- (z) thence south westerly along the geodesic to the point of Latitude 32°16' South, Longitude 115°05' East;
- (aa) thence south westerly along the geodesic to the point of Latitude 32°53' South, Longitude 114°41' East;
- (ab) thence south westerly along the geodesic to the point of Latitude 33°10' South, Longitude 114°34' East;
- (ac) thence south westerly along the geodesic to the point of Latitude 33°30' South, Longitude 114°29' East;
- (ad) thence southerly along the geodesic to the point of Latitude 34° South, Longitude 114°27' East;
- (ae) thence southerly along the geodesic to the point of Latitude 34°20' South, Longitude 114°30' East;
- (af) thence south easterly along the geodesic to the point of Latitude 34°41' South, Longitude 114°40' East;
- (ag) thence south easterly along the geodesic to the point of Latitude 34°52' South, Longitude 114°50' East;
- (ah) thence south easterly along the geodesic to the point of Latitude 34°58' South, Longitude 115° East;
- (ai) thence south easterly along the geodesic to the point of Latitude 35°01' South, Longitude 115°08' East;
- (aj) thence south along the meridian of Longitude 115°08' East to its intersection by the outer limit of the Australian fishing zone;
- (ak) thence generally north westerly along the outer limit to its intersection off the north west coast of Australia by the meridian of Longitude 114°00' East;
- (al) thence south along that meridian to the point of commencement.

AREA OF THE GREAT AUSTRALIAN BIGHT TRAWL FISHERY

The area of waters adjacent to the State bounded by a line -

- (a) commencing at the intersection of the 200 metre isobath south of Australia with the meridian of Longitude 115°08' East;

- (b) running then south along that meridian to its intersection with the outer limit of the Australian fishing zone;
 - (c) then generally easterly along that outer limit to its intersection south of Australia with the eastern edge of the waters adjacent to the State;
 - (d) thence north along the eastern edge of the waters adjacent to the State to its intersection with the outer limit of the Australian fishing zone;
 - (e) thence westerly and southerly along that outer limit to the point of commencement.
-

SCHEDULE 2

AREA OF THE NORTHERN PRAWN FISHERY

The area of waters adjacent to the State bounded by a line -

- (a) commencing at the intersection of the north-western shore of Australia by the meridian of Longitude 126° 58' East;
 - (b) running then north along that meridian to its intersection by the outer limit of the Australian fishing zone;
 - (c) thence northerly and easterly along that outer limit to its intersection north of Australia with the eastern edge of the waters adjacent to the State;
 - (d) thence south along the eastern edge of the waters adjacent to the State to its intersection with the north-western shore of Australia;
 - (e) thence westerly and southerly along that shore to the point of commencement.
-

SCHEDULE 3

AREA OF THE SOUTHERN DEMERSAL GILLNET AND LONGLINE FISHERY

The area of waters adjacent to the State bounded by a line -

- (a) commencing at the intersection west of Australia of the outer limit of the Australian fishing zone with the parallel of Latitude 33° South;
- (b) running thence east along that parallel to its intersection with the western shore of Australia;
- (c) thence southerly and easterly along that shore to its intersection south of Australia with the eastern edge of the waters adjacent to the State;

- (d) thence south along the eastern edge of the waters adjacent to the State to its intersection with the outer limit of the Australian fishing zone;
 - (e) thence westerly and northerly along that outer limit to the point of commencement.
-

SCHEDULE 4

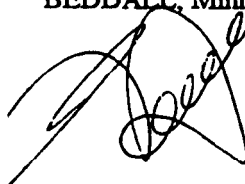
AREA OF THE NORTHERN SHARK FISHERY

The area of waters adjacent to the State bounded by a line -

- (a) commencing at the intersection north of Australia of the outer limit of the Australian fishing zone with the meridian of Longitude 123°45' East;
 - (b) running thence south along that meridian to its intersection with the northern shore of Australia;
 - (c) thence northerly and easterly along that shore to its intersection north of Australia with the eastern edge of the waters adjacent to the State;
 - (d) thence north along the eastern edge of the waters adjacent to the State to its intersection with the outer limit of the Australian fishing zone;
 - (e) thence westerly and southerly along that outer limit to the point of commencement.
-

Dated the 19th day of December 1994

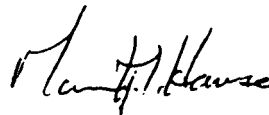
Signed for and on behalf of the
Commonwealth of Australia by the
Honourable DAVID PETER
BEDDALL, Minister for Resources



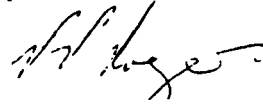
in the presence of



Signed for and on behalf of the
State of Western Australia by the
Honourable MONTAGUE GRANT
HOUSE, Minister for Fisheries



in the presence of

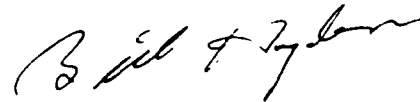


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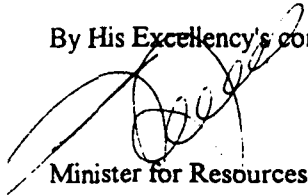
I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of subsections 74(1) and 75(1) of the *Fisheries Management Act 1991*, hereby approve this instrument.

Dated 24-1-1995



Governor-General

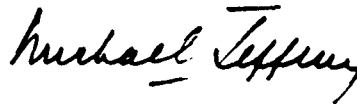
By His Excellency's command



Minister for Resources

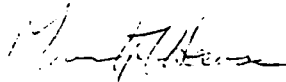
I, MICHAEL JEFFERY, the Governor of the State of Western Australia, acting by and with the advice of the Executive Council in pursuance of the provisions of the *Fisheries Act 1905*, hereby approve this instrument.

Given under my hand this 4th day of Jan 1995.



Governor

By His Excellency's command



Minister for Fisheries.

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Fisheries management papers

- No.1 The Report of the Southern Western Australian Shark Working Group. Chairman P. Millington (1986).
- No.2 The report of the Fish Farming Legislative Review Committee. Chairman P.Rogers (1986).
- No.3 Management Measures for the Shark Bay Snapper 1987 Season. P. Millington (1986)
- No.4 The Esperance Rock Lobster Working Group. Chairman A. Pallot (1986).
- No.5 The Windy Harbour - Augusta Rock Lobster Working Group. Interim Report by the Chairman A. Pallot (1986).
- No.6 The King George Sound Purse Seine Fishery Working Group. Chairman R. Brown (1986).
- No.7 Management Measures for the Cockburn Sound Mussel Fishery. H. Brayford (1986).
- No.8 Report of the Rock Lobster Industry Advisory meeting of 27 January 1987 . Chairman B. Bowen (1987).
- No.9 Western Rock Lobster Industry Compensation Study. Arthur Young Services (1987).
- No.10 Further Options for Management of the Shark Bay Snapper Fishery. P. Millington (1987).
- No.11 The Shark Bay Scallop Fishery. L. Joll (1987).
- No.12 Report of the Rock Lobster Industry Advisory Committee to the Hon Minister for Fisheries 24 September 1987. (1987)
- No.13 A Development Plan for the South Coast Inshore Trawl Fishery. (1987)
- No.14 Draft Management Plan for the Perth Metropolitan Purse Seine Fishery. P. Millington (1987).
- No.15 Draft management plan, Control of barramundi gillnet fishing in the Kimberley. R. S. Brown (1988).
- No.16 The South West Trawl Fishery Draft Management Plan. P. Millington (1988).
- No.17 The final report of the pearling industry review committee . F.J. Malone, D.A. Hancock, B. Jeffriess (1988).
- No.18 Policy for Freshwater Aquaculture in Western Australia. (1988)
- No.19 Sport Fishing for Marron in Western Australia - Management for the Future. (1988)
- No.20 The Offshore Constitutional Settlement, Western Australia 1988.
- No.21 Commercial fishing licensing in Western Australia. (1989)
- No.22 Economics and marketing of Western Australian pilchards. SCP Fisheries Consultants Pty Ltd (1988).
- No.23 Management of the south-west inshore trawl fishery. N. Moore (1989)
- No.24 Management of the Perth metropolitan purse-seine fishery. N. Moore (1989).
- No.25 Rock Lobster Industry Advisory Committee report to the Minister for Fisheries November 1988. (1989)
- No.26 A report on marron fishing in Western Australia. Chairman Doug Wenn MLC (1989).
- No.27 A review of the Shark Bay pearling industry. Dr D.A.Hancock, (1989).
- No.28 Southern demersal gillnet and longline fishery. (1989)
- No.29 Distribution and marketing of Western Australian rock lobster. P. Monaghan (1989).
- No.30 Foreign investment in the rock lobster industry. (1989)
- No.31 Rock Lobster Industry Advisory Committee report to the Hon Minister for Fisheries September 1989. (1989)
- No.32 Fishing Licences as security for loans. P. Rogers (1989)
- No.33 Guidelines for by-laws for those Abrolhos Islands set aside for fisheries purposes. N. Moore (1989).
- No.34 The future for recreational fishing - issues for community discussion. Recreational Fishing Advisory Committee (1990).
- No.35 Future policy for charter fishing operations in Western Australia. P. Millington (1990).
- No.36 Long term management measures for the Cockburn Sound restricted entry fishery. P. Millington (1990).
- No.37 Western rock lobster industry marketing report 1989/90 season. MAREC Pty Ltd (1990).
- No.38 The economic impact of recreational fishing in Western Australia. R.K. Lindner, P.B. McLeod (1991).
- No.39 Establishment of a registry to record charges against fishing licences when used as security for loans. P. Rogers. (1991)
- No.40 The future for Recreational Fishing - Forum Proceedings. Recreational Fishing Advisory Committee (1991)
- No.41 The future for Recreational Fishing - The Final Report of the Recreational Fishing Advisory Committee. Recreational Fishing Advisory Committee (1991).
- No.42 Appendix to the final report of the Recreational Fishing Advisory Committee. (1991)
- No.43 A discussion of options for effort reduction. Southern Gillnet and Demersal Longline Fishery Management Advisory Committee (1991).
- No.44 A study into the feasibility of establishing a system for the buy-back of salmon fishing authorisations and related endorsements. (1991)

- No.45 Draft Management Plan, Kimberley Prawn Fishery. (1991)
- No.46 Rock Lobster Industry Advisory Committee, Chairman's report to the Minister (1992)
- No.47 Long term management measures for the Cockburn Sound restricted entry fishery. Summary of submissions and final recommendations for management. P. Millington (1992).
- No.48 Pearl oyster fishery policy guidelines (Western Australian Pearling Act 1990). Western Australian Fisheries Joint Authority (1992).
- No.49 Management plan, Kimberley prawn fishery. (1992)
- No.50 Draft management plan, South West beach seine fishery. D.A. Hall (1993).
- No.51 The west coast shark fishery, draft management plan. D.A. Hall (1993).
- No.52 Review of bag and size limit proposals for Western Australian recreational fishers. F.B. Prokop (May 1993).
- No.53 Rock Lobster Industry Advisory Committee, Chairman's report to the Minister for Fisheries. (May 1993)
- No.54 Rock Lobster Industry Advisory Committee, Management proposals for 1993/94 and 1994/95 western rock lobster season (July 1993).
- No.55 Rock Lobster Industry Advisory Committee, Chairman's report to the Minister for Fisheries on management proposals for 1993/94 and 1994/95 western rock lobster seasons (September 1993).
- No.56 Review of recreational gill, haul and cast netting in Western Australia. F. B. Prokop (October 1993).
- No.57 Management arrangements for the southern demersal gillnet and demersal longline fishery 1994/95 season. (October 1993).
- No.58 The introduction and translocation of fish, crustaceans and molluscs in Western Australia. C. Lawrence (October 1993).
- No.59 Proceedings of the charter boat management workshop (held as part of the 1st National Fisheries Manager Conference). A. E. Magee & F. B. Prokop (November 1993).
- No.60 Bag and size limit information from around Australia (Regulations as at September 1993) F. B. Prokop (January 1993).
- No.61 Economic impact study. Commercial fishing in Western Australia Dr P McLeod & C McGinley (October 1994)
- No.62 Management arrangements for specimen shell collection in Western Australia. J. Barrington, G. Stewart (June 1994)
- No.63 Management of the marine aquarium fish fishery. J. Barrington (June 1994)
- No.64 The Warnbro Sound crab fishery draft management plan. F. Crowe (June 1994)
- No.65 Not issued
- No.66 Future management of recreational gill, haul and cast netting in Western Australia and summary of submissions to the netting review. F.B. Prokop, L.M. Adams (September 1994)
- No.67 Long term management strategies for the Western Rock Lobster Fishery. (4 volumes) Evaluation of management options Volume 1. B. K. Bowen (September 1994)
- No.68 Long term management strategies for the Western Rock Lobster Fishery. (4 volumes) Economic efficiency of alternative input and output based management systems in the western rock lobster fishery, Volume 2. R.K. Lindner (September 1994)
- No.69 Long term management strategies for the Western Rock Lobster Fishery. (4 volumes) A market-based economic assessment for the western rock lobster industry, Volume 3. Marec Pty Ltd (September 1994)
- No.70 Long term management strategies for the Western Rock Lobster Fishery. (4 volumes) Law enforcement considerations, Volume 4. N. McLaughlan (September 1994)
- No.71 The Rock Lobster Industry Advisory Committee Chairman's Report, October 1994, The Western Rock Lobster Fishery - Management proposals for the 1994/95 and 1995/96 seasons (November 1994)
- No.72 Shark Bay World Heritage Area draft management plan for fish resources. D. Clayton (November 1994)
- No.73 The bag and size limit review: new regulations and summary of submissions. F. Prokop (May 1995)
- No.74 Report on future management options for the South West trawl limited entry fishery. South West trawl limited entry fishery working group (February 1995)
- No.75 Implications of Native Title legislation for fisheries management and the fishing industry in Western Australia. P. Summerfield (February 1995)
- No.76 Draft report of the South Coast estuarine fishery working group. South Coast estuarine fishery working group (February 1995)
- No.77 The Offshore Constitutional Settlement, Western Australia 1995 (May 1995)