

# **Prawn Running Net Determination Guidelines 2018**

under the

*Fisheries Management Act 1994*

I, DAVID MCPHERSON, Group Director, Commercial Fisheries & Aquaculture, with the delegated authority of the Secretary in pursuance of section 228(1) of the *Fisheries Management Act 1994* (“the Act”), and in pursuance of clauses 35H and 35I of the Appendix to the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, issue these guidelines for the manner in which endorsement holders are to be notified of a preliminary determination and the manner in which priority for the use of prawn running nets between endorsement holders is to be determined.

Dated this 26<sup>th</sup> day of October 2018

**DAVID MCPHERSON,**  
Group Director, Commercial Fisheries & Aquaculture,  
DPI Fisheries,  
Department of Primary Industries  
(an office within the Department of Industry)

# Prawn Running Net Determination Guidelines 2018

under the

*Fisheries Management Act 1994*

## 1 Commencement

These Guidelines commence on the date on which they are made.

## 2 Definitions

(1) In these Guidelines:

***EG Plan*** means the Appendix to the Fisheries Management (Estuary General Share Management Plan) Regulation 2006.

***estuary general fishery*** means the share management fishery of that name, as described in Schedule 1 of the *Fisheries Management Act 1994*.

***fishing business*** means a fishing business that has any Estuary general – prawning shares – Regions 1-7 as a component.

***fishing business card*** has the same meaning as in clause 202 of the Regulation.

***fishing business owner*** means the owner of a fishing business.

***fishing period*** means the period for which a preliminary determination has effect under clause 35H of the EG Plan.

***nominated person*** means a person who has been nominated in writing by the fisheries officer to make a priority determination for waters.

***the Act*** means the *Fisheries Management Act 1994*.

***the Regulation*** means the *Fisheries Management (General) Regulation 2010*.

***vote*** means a vote cast in a priority determination ballot on behalf of each fishing business as part of the fishing business' ballot allowance, pursuant to clause 35J of the EG Plan, identified by a ball, slip or other identifier.

(2) Unless otherwise defined in this Instrument, words and expression that are defined in EG Plan and the Regulation have the same meaning in this Instrument.

**Note:** ***endorsement, endorsement holder, net site, preliminary determination, priority determination and priority determination ballot, relevant fishing business*** are defined in the EG Plan. ***nominated fisher*** is defined in the Regulation.

**Note 2:** Pursuant to section 11 of the *Interpretation Act 1987*, ***fisheries officer*** has the meaning in the Act.

### **3 Manner of notifying endorsement holders of a preliminary determination made under clause 35H**

No later than 10am on the day before the priority determination is due to take place, the fisheries officer who makes a preliminary determination must notify all endorsement holders of that preliminary determination by posting a copy in a conspicuous place for the waters to which the determination applies.

### **4 Time for making a priority determination**

- (1) A priority determination must be made on the day specified in the preliminary determination.
- (2) A priority determination ballot must be made at 4pm, unless another time is specified in the preliminary determination.

### **5 Location for making a priority determination**

The priority determination ballot must be made at the location specified in the preliminary determination.

### **6 Nominated person**

- (1) Only a nominated person may make a priority determination.
- (2) The nominated person must make the priority determination in the manner specified in these Guidelines.

### **7 Net sites**

- (1) The nominated person must identify each net site for which a priority determination is made using GPS co-ordinates.
- (2) The nominated person cannot make a priority determination for a site that is:
  - (a) excluded as a net site in the preliminary determination, or
  - (b) within 75 metres of a net site for which a priority determination has been made for the fishing period, or
  - (c) within 75 metres of a net site for which another priority determination is being made, until that determination is made.

### **8 Endorsement holders**

- (1) **Attendance:** An endorsement holder who wishes to seek priority in a priority determination on behalf of a fishing business for particular waters for a fishing period must:

- (a) attend the priority determination for those waters and that fishing period, and
- (b) be in possession of the fishing business card or digital authority.

(2) **Fishing business:**

- (a) The endorsement holder participates in the priority determination on behalf of the fishing business owner.
- (b) If an endorsement holder ceases to be the nominated fisher for a fishing business, the endorsement holder is no longer entitled to the rights of priority determined by a priority determination.
- (c) If a fishing business owner nominates another person to take fish in the fishery on behalf of the fishing business, that person has the rights of priority determined in a priority determination.

## **9 Priority determinations**

- (1) If only one endorsement holder places votes in a priority determination ballot for a net site, the relevant person must make a priority determination allocating priority for that net site during the fishing period to that endorsement holder.
- (2) If more than one endorsement holder places votes in a priority determination ballot for a net site, the nominated person must conduct a priority determination ballot for the net site to make a priority determination allocating the net sites for which an endorsement holder has priority.
- (3) The nominated person must conduct a priority determination ballot by:
  - (a) identifying the net sites to which the ballot applies,
  - (b) requiring endorsement holders to specify the number of votes cast against each site for a fishing business, in such a way that participating endorsement holders are aware of the net sites and votes cast against each net site,
  - (c) after the initial votes are cast, allowing endorsement holders to adjust their votes, however no vote may be adjusted once determination of any votes cast has commenced.
- (4) For each net site, the nominated person must make a priority determination in favour of the endorsement holder for the fishing business who has cast the highest number of votes.
- (5) If the same numbers of votes are cast against the same net site under separate fishing businesses, the nominated person will determine priority by coin toss.
- (6) If an endorsement holder receives priority for a net site, on the same day the endorsement holder cannot cast the votes used against that site in the priority determination ballot in a priority determination ballot for another site.

- (7) If an endorsement holder does not receive priority for a net site in a priority determination ballot, on the same day the endorsement holder may place all of their votes cast against that site in a priority determination ballot for another net site.
- (8) The nominated person must make a priority determination:
  - (a) once all net sites are allocated, and
  - (b) the endorsement holders do not wish to participate in any additional priority determination ballots.
- (9) An endorsement holder may have priority for more than one net site per fishing business.

**10 Notification:**

- (1) No later than 6pm on the day the priority determination took place, the nominated person must post a copy of the priority determination in a conspicuous place at the place at which the priority determination was made.
- (2) Pursuant to clause 35I(5) of the EG Plan the nominated person must notify the fisheries officer for the waters to which the priority determination applies of the priority determination:
  - (a) no later than 6pm on the day the priority determination took place, and
  - (b) by email to the address notified by the fisheries officer, or by delivering a copy of the priority determination to the fisheries officer at the address notified by the fisheries officer.