

This compilation incorporates amendments up to and including the *Northern Demersal Scalefish Fishery Management Plan Amendment 2013* published in Government Gazette No. 209 on 26/11/2013.

**FISH RESOURCES MANAGEMENT ACT 1994**  
**NORTHERN DEMERSAL SCALEFISH FISHERY MANAGEMENT PLAN 2000**  
Arrangement

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**FISH RESOURCES MANAGEMENT ACT 1994**  
NORTHERN DEMERSAL SCALEFISH FISHERY MANAGEMENT PLAN 2000

FD 144/99[284]

Made by the Minister under section 54.

**Part 1—Preliminary**

**Citation**

1. This plan may be cited as the *Northern Demersal Scalefish Fishery Management Plan 2000*.

**Commencement**

2. This plan will commence operation on 1 January 2001.

**Interpretation**

3. In this plan, unless the contrary intention appears—  
“ALC” means an Automatic Location Communicator as defined in regulation 55A of the regulations;  
“approved directions for use” means the directions for use of an ALC given by the CEO in a notice in writing to the holder of a licence;  
“authorised boat” means—
  - (a) a licensed fishing boat, the name, licensed fishing boat number and length of which are specified in a licence; or
  - (b) a boat specified in a written authority under regulation 132 where that boat is to be used in place of a boat described in paragraph (a);“day”, for the purposes of a calculation made in accordance with Schedule 7, means a period of 24 hours, or part thereof if the final day is not a complete period of 24 hours, commencing from –
  - (a) for the purposes of a calculation made in accordance with item 1, 2 or 3 of Schedule 7, when the boat enters Area 2 of the Fishery and ending when the boat leaves Area 2 of the Fishery; or
  - (b) for the purposes of a calculation made in accordance with item 4, 5, 6, 7, 8 or 9 of Schedule 7, when a nomination of intention to commence fishing is made under clause 25B and ending when a nomination to cease fishing is made under clause 25C;“demersal scalefish” means all fish which are not—
  - (a) in the Families—
    - Scombridae;
    - Istiophoridae;
    - Xiphiidae;
    - Coryphaenidae;
  - (b) in the Class—
    - Chondrichthyes; or
  - (c) invertebrates of the Phyla—
    - Mollusca;
    - Crustacea;
    - Echinodermata;“dropline” means a fishing line which is weighted at one end only, is not anchored to the sea bed, is not attached to the boat and which has not less than 6 hooks and not more than 30 hooks attached;  
“Fishery” means the Northern Demersal Scalefish Managed Fishery;

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- “fish trap” means any device used for taking fish other than a hook and line, trawl net, gillnet, haul net, purse seine net, or rock lobster pot as defined in the regulations;
- “fishing boat licence” means a licence referred to in regulation 117 of the regulations;
- “fishing day” means the use of—
- (a) twenty traps for one day; or
  - (b) five lines for one day,
- from an authorised boat in Area 2 of the Fishery;
- “gear” means—
- (a) a fish trap;
  - (b) a dropline; or
  - (c) a handline;
- “handline” means a fishing line which is weighted at one end, is attached to the boat and has not more than 6 hooks attached;
- “licence” means a managed fishery licence which authorises a person to fish in the Fishery;
- “licensed fishing boat number” has the same meaning as defined in the regulations;
- “licensing period” means the period from 1 January in any year to 31 December in the same year;
- “line” means a handline or a dropline;
- “measured length” means the measured length of the authorised boat as defined by and determined in accordance with the Department of Transport Instruction to Surveyors notice 7/87 (reworked 1994) effective 21 September 1994 as reworked or superseded from time to time;
- “nomination” means a nomination sent to the Department, by means of an approved ALC, in accordance with this Plan;
- “port area” means an area described in Schedule 12;
- “pull” means, in relation to a fish trap, to bring the fish trap from the sea bed to the surface of the sea;
- “reel” means a device used to store, carry, set or haul any gear;
- “regulations” means the *Fish Resources Management Regulations 1995*;
- “set” in relation to gear means to position or release, leave or allow to remain in the waters of the Fishery;
- “shark” means the fish of that common name described by the scientific classification opposite that name in column 2 of Schedule 7 of the regulations; and
- “total fee” means the fee as specified in paragraph (b) of item 3(12a) of Schedule 1 Part 3 to the regulations.

#### **Procedure before this Plan may be amended or revoked**

4. For the purposes of section 65 of the Act, the licence holders are the persons that are to be consulted before this Plan is amended or revoked.

### **Part 2—The Fishery**

#### **Identification and Declaration**

5. (1) The Fishery to which this Plan relates is the fishing for any species of demersal scalefish by any means in the waters described in Schedule 1.
- (2) The Fishery is a managed Fishery.

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### Areas

6. The Fishery is divided into the two Areas described in Schedule 2.

### Zones in Area 2

6A. Area 2 of the Fishery is divided into the 3 zones described in Schedule 2A.

## Part 3—Licences

### Licence may only authorize fishing in one area

7. A licence may only authorise a person, or persons acting on that person's behalf, to fish in one area of the Fishery.

### Criteria for the grant of a licence

8. (1) The criteria to be satisfied before the CEO may grant a person a licence to fish in Area 1 of the Fishery are that—

- (a) on 31 December 2000 the person was the holder of a Class A permit that authorised the holder to fish in Zone 1 of the fishery identified in the *Northern Demersal Scalefish Interim Managed Fishery Management Plan 1997*; and
  - (b) the person applies for a licence before 30 April 2001.
- (1a) Notwithstanding subclause (1), where a person was not the holder of a Class A permit as provided for in paragraph (1)(a), the criteria to be satisfied before the CEO may grant the person a licence to fish in Area 1 of the Fishery are that —
- (a) the person is the holder of a current fishing boat licence and in respect of that licence statutory fishing returns were furnished to the Department which recorded a catch of demersal scalefish in each of any five months in each calendar year commencing 1 January 1992 and ending 31 December 1995 in the waters described as Area 1 in Schedule 2 of this plan;
  - (b) the person is the holder of a current managed fishery licence that authorises the holder to fish in the Kimberley Gillnet and Barramundi Managed Fishery;
  - (c) the person applied for a permit in accordance with clause 17 of the *Northern Demersal Scalefish Interim Managed Fishery Management Plan 1997*;
  - (d) the CEO proposed to refuse to grant a permit to the person;
  - (e) the person, under Part 14 of the Act, objected to the proposal referred to in (d); and
  - (f) at the time the Plan referred to in (c) ceased to have effect a tribunal had not determined the matter.

(1b) In subclause (1a) —

"Kimberley Gillnet and Barramundi Managed Fishery" means the fishery declared and constituted under the *Kimberley Gillnet and Barramundi Management Plan 1989*\*\*; and

"statutory fishing return" means —

- (a) a written return made under and in accordance with section 18 of the *Fisheries Act 1905*;
- (b) a return made under and in accordance with regulation 64 of the regulations;
- (c) a "Northern and Western Non Trawl Fisheries Catch (Landings) Record" applicable to all fish species excluding tuna and billfish which was required by the *Fisheries Act 1952* (Commonwealth) or the *Fisheries Management Act 1991* (Commonwealth) as the case may be, to be completed by the holder of a Commonwealth Fishing Boat Licence or

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Commonwealth Fishing permit when fishing off the north coast of Western Australia east of 120° east longitude.

- (2) The criteria to be satisfied before the CEO may grant a person a licence to fish in Area 2 of the Fishery are that—
- (a) on 31 December 2000 the person was the holder of a Class B permit that authorised the holder to fish in Zone 2 of the fishery identified in the *Northern Demersal Scalefish Interim Managed Fishery Management Plan 1997*; and
  - (b) the person applies for a licence before 30 April 2001.

[9. Deleted on 26.11.13. by *Northern Demersal Scalefish Fishery Management Plan Amendment 2013*.]

[10. Deleted on 26.11.13. by *Northern Demersal Scalefish Fishery Management Plan Amendment 2013*.]

#### **Payment of total fee by instalments**

- 10A.(1) For the purposes of regulation 137(2) of the regulations, the total fee may be paid by instalments as specified in Schedule 11 if—
- (a) an election to pay by instalments is made by the holder of a licence in accordance with subclause (2); and
  - (b) there is no other fee, charge or levy in respect of the licence that has not been paid at the time the election is received at the head office of the Department.
- (2) Subject to subclause (5), an election for the purposes of subclause (1) must be—
- (a) made in writing;
  - (b) received at the head office of the Department prior to the commencement of the licensing period to which the election relates; and
  - (c) accompanied by the first instalment plus the surcharge.
- (3) For the purposes of regulation 137(3) of the regulations, the surcharge shall be 3.13% of the total fee.
- (4) The holder of a licence, or a person acting on that persons behalf, must not fish in the Fishery at any time when any fee or surcharge payable in respect of the licence is outstanding.

#### **Items that shall be specified on a licence**

11. A licence must specify the following—
- (a) name and business address of the holder of the licence;
  - (b) name, licensed fishing boat number and the measured length of any licensed fishing boat which may be used for or in connection with fishing in the Fishery under the authority of that licence;
  - (c) the licence number;
  - (d) the period for which the licence is in force;
  - (e) the name of the fishery to which the licence relates;
  - (f) the number of units conferred by the licence and the extent of the entitlement arising from those units; and
  - (g) any conditions imposed on the licence by the CEO.

[12. Deleted on 26.11.13. by *Northern Demersal Scalefish Fishery Management Plan Amendment 2013*.]

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#### **Part 4—General regulation of fishing**

##### **Persons prohibited from fishing in the Fishery**

13. (1) Subject to subclause (2), a person must not fish in the Fishery—
- (a) other than in accordance with this Plan; and
  - (b) unless the person is the holder of a licence or a person acting on the licence holder's behalf.
- (2) A person fishing in accordance with the Act for a non commercial purpose may fish for demersal scalefish in the waters described in Schedule 1.

##### **Prohibition on selling, purchasing or dealing in demersal scalefish**

14. (1) A person must not sell, purchase, or deal in, or attempt to sell, purchase or deal in, any demersal scalefish taken from the Fishery in contravention of this Plan.
- (2) A person must not sell, purchase, or deal in, or attempt to sell, purchase or deal in, any demersal scalefish taken from the Fishery unless the demersal scalefish were taken by the holder of a commercial fishing licence operating under the authority of a licence issued in accordance with this Plan.

##### **Use of gear**

15. (1) For the purposes of this clause, a fish trap –
- (a) is a “dumped trap” when it has been left in the waters of the Fishery and the holder of the relevant licence or a person acting on that person's behalf has –
    - (i) ceased fishing by fish traps; and
    - (ii) commenced fishing by lines only;
  - (b) ceases to be a “dumped trap” when the holder of the relevant licence or a person acting on that person's behalf has made a nomination to commence fishing by fish traps under clause 25B.
- (2) A person must not fish in the Fishery by any means other than by a fish trap, handline or dropline.
- (3) A person must not fish in Area 1 by any means other than by handline.
- (4) The master of an authorised boat—
- (a) must not permit fishing in Area 1 by means of more than 5 handlines from that boat at any one time;
  - (b) must not permit line fishing in Area 2 by means of more than five handlines or five droplines from that boat at any one time;
  - (c) must not permit fishing with fish traps from the boat, or fish traps to be on the boat, on any day if that day has been nominated in accordance with clause 25B as a day when fishing will be undertaken by means of lines only from that boat;
  - (d) must not permit fishing with lines from the boat, or lines to be on the boat, on any day if that day has been nominated in accordance with clause 25B as a day when fishing will be undertaken by means of fish traps only from that boat;
  - (e) must not permit fishing with lines and fish traps from the boat, or lines and fish traps to be on the boat, on any day unless that day has been nominated in accordance with clause 25B as a day when lines and fish traps will be used from that boat; or

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- (f) must not permit a dumped trap to be in any waters—
- (i) described in Schedule 3; or
  - (ii) in which fishing has been prohibited by a notice made under clause 18.
- (5) The master of an authorised boat must not allow—
- (a) a handline which has more than 6 hooks attached to the line; or
  - (b) a dropline which has more than 30 hooks attached to the line,
- to be on that boat at any time it is in the waters of the Fishery.
- (6) A person must not fish in the Fishery by means of—
- (a) a handline which has more than 6 hooks attached to the line; or
  - (b) a dropline which has more than 30 hooks attached to the line.
- (7) A person fishing from an authorised boat in Area 1 must not use a reel other than a manually powered reel to set, haul or pull gear.
- (8) The master of an authorised boat must not permit a person on that boat to pull a fish trap which is a dumped trap.
- (9) The master of an authorised boat must, before any fish traps are pulled ensure that all lines are removed from the boat unless a nomination to fish by means of lines and traps has been made in accordance with clause 25B and is in effect at the time the fish traps are pulled.
- (10) The master of an authorised boat must not permit the number of fish traps being—
- (a) used in a zone of the Fishery from; or
  - (b) carried on,
- the authorised boat at any one time, to be more than the nominated number of fish traps specified in a nomination made in respect of that boat in accordance with clause 25B.
- (11) Subclause (10) does not apply where the master of an authorised boat has reported lost fish traps to the Compliance Manager at the Broome office of the Department.
- (12) The master of an authorised boat must not allow a person fishing from that boat to use, set or pull, or carry on board that boat any fish traps or droplines unless those fish traps or droplines have attached a surface float which –
- (a) has a diameter of not less than 150 millimetres; and
  - (b) is branded or stamped with the initial letter and the licensed fishing boat number for the boat that is being used to fish in the Fishery, and each character of the brand or stamp is legible and measures not less than 60 millimetres high and 10 millimetres wide.
- (13) The master of an authorised boat must not allow a person fishing from that boat to use, set or pull, or carry on board that boat two or more fish traps attached together in a line unless a surface float that complies with subclause (12)(a) and (b) is attached to each end of the line of fish traps.

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(14) The master of an authorised boat must not permit fishing by means of a fish trap from that boat unless that fish trap conforms with the specifications set out in Schedule 9.

#### **Use of gear in zone C of Area 2**

15A. (1) The CEO may, if the CEO considers it appropriate to do so, permit the use of fishing gear in zone C of Area 2 that would otherwise be prohibited under this Plan, by notice published in the Gazette.

- (2) A notice made under subclause (1) must –
- (a) identify the type of fishing gear that is permitted to be used; and
  - (b) specify the period in which the fishing gear is permitted to be used.

(3) The CEO may impose conditions on a notice made under subclause (1).

(4) A person fishing in zone C of Area 2 by means of fishing gear permitted under a notice made under subclause (1) must comply with the terms of that notice.

#### **Use of boats**

16. A person must not fish in the Fishery from a boat unless the boat is an authorised boat.

#### **Requirement to install an Automatic Location Communicator**

17. (1) For the purpose of this clause “approved” and “approved person” have the same meaning as provided for in regulation 55A of the regulations.

- (2) The holder of a licence which authorises fishing in—
- (a) Area 1 of the Fishery from an authorised boat that is greater than 8 metres in measured length; or
  - (b) Area 2 of the Fishery,

must not allow the authorised boat specified on that licence to be in the Fishery unless—

- (c) an ALC has been installed on that boat in accordance with the approved directions for use and by an approved person;
- (d) the ALC installed on that boat has been serviced in accordance with the approved directions for use, by an approved person and at intervals specified by the CEO in the approved directions for use; and
- (e) the ALC installed on that boat is being used in the manner specified in the approved directions for use.

(3) It is a condition of the licence that an authorised boat referred to in subclause (2) must not be used in the Fishery by the holder of the licence or any person acting on that person’s behalf unless an ALC is fitted to the boat and the approved directions are being complied with.

(4) It is a condition of a licence that regulation 55C of the regulations are complied with at all times.

(5) A reference to an Area in the approved directions for use referred to in subclause (2) is a reference to an Area as specified in Schedule 2.

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(6) A person must not fish in the waters of the Fishery using an authorised boat at any time when the sleep mode facility of the approved ALC on board the authorised boat is in operation.

#### **Closure of areas within the Fishery**

18. (1) The CEO may, by notice published in the Gazette, prohibit fishing in any part of the Fishery for the period specified in the notice if, in the opinion of the CEO, the prohibition is required in the better interests of the Fishery.
- (2) A notice made in accordance with subclause (1)—
- (a) may only be made after consultation with all the licence holders;
  - (b) may be made to apply at all times or at any specified time; and
  - (c) revokes any previous notice in force made under that subclause.
- (3) A person must not fish in any part of the Fishery—
- (a) at a time when fishing in that part of the Fishery has been prohibited by a notice made under subclause (1); or
  - (b) described in Schedule 3.

#### **Closure of zone C of Area 2 of the Fishery**

18A.(1) The CEO may, by notice published in the Gazette, if the CEO considers it appropriate to do so, prohibit fishing in zone C of Area 2 of the Fishery once the total extent of fishing by all licence holders with an entitlement to fish in zone C has reached 550 fishing days.

(2) A notice made under subclause (1) only applies until the end of the existing licensing period.

(3) A person must not fish in zone C of Area 2 of the Fishery during the period specified in a notice made under subclause (1).

### **Part 5—Capacity of the Fishery and scheme of entitlements**

#### **Capacity of the Fishery**

19. (1) Subject to subclause (3), the capacity of Area 2 of the Fishery, or of any zone in Area 2 of the Fishery, is the maximum number of fishing days that the CEO determines before 1 December each year may be utilised in that part of the Fishery during the next licensing period.
- (2) Notwithstanding the provisions of subclause (1), if the CEO considers it appropriate to do so, the CEO may, at any time and from time to time during any licensing period, determine a new capacity for Area 2 of the Fishery, or any zone in Area 2 of the Fishery, that is to apply for the remainder of that licensing period.
- (3) Before making a determination under subclause (1) or subclause (2), the CEO must –
- (a) take into account any advice received from the Department's Executive Director of Research; and
  - (b) consult all the holders of licences who are authorised to fish in the relevant part of the Fishery.

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(4) Notice of a determination made under subclause (1) or subclause (2) must be published in the Gazette within 14 days of the CEO making the determination.

- (5) Notice of a determination made under subclause (2) –
- (a) may be made to take effect on gazettal or at a specified future time; and
  - (b) revokes any previously made determination in force.

**Entitlement – allocation of units**

20. (1) The entitlement to fish for demersal scalefish in a zone in Area 2 of the Fishery under the authority of a licence shall be expressed as a number of units.

(2) The total number of units that may be conferred by all licences in respect of each zone in Area 2 is 1,760 units.

(3) Where a licence conferred a number of permanent units of entitlement to fish in Area 2 of the Fishery on 13 December 2013, the unit entitlement of the licence shall be increased by replacing the units of entitlement to fish in Area 2 with the same number of units of entitlement to fish in each zone in Area 2 of the Fishery.

(4) The units of entitlement of a licence as increased under subclause (3) is the entitlement of the licence.

**Unit value**

21. (1) The sum of the entitlements (sum of the unit values) to fish in a zone in Area 2 of the Fishery that may be conferred by all the licences is equal to the capacity of the Fishery as determined in accordance with clause 19.

(2) The extent of the entitlement to fish in a zone in Area 2 that arises from a unit (the unit value) shall be determined in accordance with Schedule 6 and limited by reference to a number of fishing days that may be utilised by the licence holder or a person acting on that person's behalf during the period that the licence is in force.

(3) Where the CEO makes a new determination in accordance with clause 19 during a licensing period the unit value for the remainder of that licensing period shall be redetermined in accordance with the formula specified in Schedule 6.

(4) The holder of a licence or a person acting on that person's behalf must not fish in a zone in Area 2 of the Fishery at any time when the extent of fishing carried out in the waters of the Fishery by the holder of the licence (or persons' acting on that person's behalf) during the period for which the licence has been granted or renewed is equal to or greater than the sum of the unit values of the units conferred by the licence.

**Determination of extent of fishing**

22. The extent of fishing that has occurred under the authority of a licence when fishing in accordance with a nomination made under clause 25B shall be determined as provided for in Schedule 7.

**Units—temporary transfer**

23. A unit specified on a licence may be temporarily transferred to another licence, for a period ending at the time the licence expires, provided that—

- (a) the entitlement arising from the units (including units temporarily transferred to the licence and excluding units temporarily transferred from the licence) that would be

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conferred by the licence after the transfer would not be less than the total extent of fishing already carried out under the authority of the licence during the period for which the licence has been granted or renewed; and

(b) the transfer is of a whole number of units.

**Units—Grounds for refusal to transfer**

24. The CEO may refuse to transfer any part of an entitlement under a licence on the grounds that –

- (a) the proposed transfer is not for a whole number of units; or
- (b) the entitlement arising from the units (including units temporarily transferred to the licence and excluding units temporarily transferred from the licence) that would be conferred by the licence after the transfer would be less than the total number of fishing days already utilised under the authority of the licence during the period for which the licence has been granted or renewed.

**Part 5A – Nominations**

**Nominations generally**

25. (1) The master of an authorised boat must not allow that boat to be used –

- (a) in contravention of a nomination made under this Plan; or
- (b) unless all nominations required to be made under this Plan have been made.

(2) A person must not make a false or misleading nomination under this Plan.

**Nomination of intention to fish**

25A. (1) The master of an authorised boat must make a nomination of intention to fish before allowing that boat to enter Area 2 of the Fishery with fish traps or lines on board the boat.

(2) A nomination made under subclause (1) must identify –

- (a) the Fishery in which the fishing will occur;
- (b) the number of the licence which authorises fishing to occur;
- (c) the zone of the Fishery in which the fishing will occur;
- (d) the port from which the authorised boat shall depart;
- (e) the port in which the authorised boat shall land at the conclusion of fishing;
- (f) the type of fishing gear, whether fish traps or lines or both, which will be used;
- (g) the amount of fishing gear which will be used; and
- (h) the name of the master of the authorised boat.

(3) A nomination made under subclause (1) must be made –

- (a) when the fishing trip commences from within the Fishery, no more than 24 hours and no less than 1 hour prior to entering Area 2 of the Fishery; or
- (b) when the fishing trip commences from outside the Fishery, immediately upon entering the waters of the Fishery.

**Nomination to commence fishing**

25B. (1) The master of an authorised boat must make a nomination to commence fishing immediately prior to placing the first baited trap or line into the water in a zone in Area 2.

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- (2) A nomination made under subclause (1) must identify –
- (a) the Fishery in which the fishing will occur;
  - (b) the number of the licence which authorises fishing to occur;
  - (c) the date and time that fishing is to commence;
  - (d) the location in longitude and latitude of the authorised boat at the time that the first baited trap or line is placed in the water;
  - (e) the zone of the Fishery in which the fishing will occur;
  - (f) the type of fishing gear, whether fish traps or lines or both, which will be used;
  - (g) the amount of fishing gear which will be used; and
  - (h) the name of the master of the authorised boat.
- (3) The master of an authorised boat must not fish under the authority of more than one licence at a time.
- (4) Where the master of an authorised boat intends to fish in more than one zone in Area 2 during a fishing trip, the master must make a nomination to commence fishing in each zone.
- (5) Where the master of an authorised boat makes a nomination under subclause (1) that specifies less than 20 traps or 5 lines, for the purposes of calculating the extent of fishing in accordance with Schedule 7, the nomination will be taken to be for a minimum of 20 traps or 5 lines.

#### **Nomination to cease fishing**

- 25C. (1) The master of an authorised boat must make a nomination to cease fishing at the end of a fishing trip or when fishing in a zone in Area 2 has ceased, immediately after the last trap or line is secured aboard the authorised boat.
- (2) A nomination made under subclause (1) must identify –
- (a) the Fishery in which the fishing took place;
  - (b) the number of the licence which authorises fishing to occur;
  - (c) the date and time that fishing ceased;
  - (d) the location in longitude and latitude of the authorised boat at the time that the last trap or line is secured aboard the authorised boat; and
  - (e) the port in which the authorised boat shall land and the estimated time of arrival.
- (3) A nomination made under subclause (1) is of no effect if it is received within 24 hours of a nomination to commence fishing made under clause 25B, except if –
- (a) the authorised boat returns to a port area or exits the waters of the Fishery immediately after a nomination is made; or
  - (b) the master of the authorised boat makes a nomination to commence fishing in another zone of the Fishery.

#### **Determining extent of fishing**

- 25D. (1) For the purpose of determining the extent of the fishing carried out in the 2013, 2014 or 2015 licensing period following a nomination of intention to fish made under clause 25A, fishing shall be taken to have commenced at the time a nomination to

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commence fishing is made under clause 25B and ceased at the time a nomination to cease fishing is made under clause 25C, subject to Schedule 7.

(2) For the period commencing 1 January 2016, for the purpose of determining the extent of the fishing carried out following a nomination of intention to fish made under clause 25A, fishing shall be taken to have –

- (a) commenced at the time the boat –
  - (i) departed the Prohibited Fishing Area specified in Schedule 3; or
  - (ii) entered the waters of the Fishery by crossing the Eastern Boundary specified in Schedule 4;
- (b) ceased at the time the boat –
  - (i) entered the Prohibited Fishing Area specified in Schedule 3; or
  - (ii) departed the waters of the Fishery by crossing the Eastern Boundary specified in Schedule 4.

(3) Notwithstanding the provisions of subclause (2), for the period commencing 1 January 2016, the extent of the fishing carried out shall be reduced by the number of fishing days as calculated in accordance with Schedule 8.

(4) If the master of an authorised boat makes a nomination to commence fishing under clause 25B but does not make a nomination to cease fishing under clause 25C, then for the purposes of calculating the extent of fishing, the fishing time will continue to be deducted from the nominated zone in Area 2 until –

- (a) the position report from the ALC on board the boat shows that the boat has left the waters of the Fishery;
- (b) the boat enters a port area; or
- (c) another nomination to commence fishing is made by that person.

(5) If the master of an authorised boat does not make a nomination to commence fishing under clause 25B but does make a nomination to cease fishing under clause 25C, then for the purposes of calculating the extent of fishing, the fishing time will be taken to have commenced from –

- (a) the time of the first position report from the boat when it enters the waters of the Fishery;
- (b) the time of the first position report from the boat when it leaves a port area; or
- (c) when more than one zone in Area 2 has been fished on a fishing trip, the time of the most recent nomination to cease fishing.

[26. Deleted on 26.11.13. by Northern Demersal Scalefish Fishery Management Plan Amendment 2013.]

## Part 6—Miscellaneous

### Bycatch of shark

27. (1) The master of an authorised boat must not allow on that boat—
- (a) more than two whole shark;
  - (b) any shark other than whole shark.
- (2) Notwithstanding subclause (1)(b), the master of an authorised boat may allow on that boat—

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- (a) a shark that has been gutted;
- (b) a shark that has had its head removed; or
- (c) parts of a shark, but only if—
  - (i) all the parts of the shark; or
  - (ii) all the parts of the shark other than a part that may be removed under paragraph (a) or (b),
 are on the boat.
- (3) A person must not mutilate, alter or disfigure any shark if that mutilation, alteration or disfigurement will prevent the determination of the number of shark that are on an authorised boat.
- (4) The master of an authorised boat which already has two shark on that boat, must ensure that any further shark brought on board the boat is immediately released back to the sea with the least possible injury.

### **Offences**

28. A person who contravenes a provision of clause 13, 14, 15(2), 15(3), 15(4), 15(5), 15(6), 15(7), 15(8), 15(9), 15(10), 15(12), 15(13), 15(14), 15A(4), 16, 17, 18(3), 18A(3), 21(4), 25, 25A(1), 25B(1), 25B(3), 25B(4), 25C(1), 27(1), 27(3) or 27(4) commits an offence.

### **Schedule 1**

#### Description of the Fishery

All waters of the Indian Ocean and the Timor Sea off the north coast of Western Australia east of 120°00.079' east longitude and north of 19°59.917' south latitude.

### **Schedule 2**

#### Areas of the Fishery

Area 1—All waters of the Fishery bounded by a line commencing at the intersection of the high water mark on the North West coast of Western Australia and 120°00.079' east longitude; thence north along the meridian to the intersection of 19°36.418' south latitude; thence east north east along the geodesic to the intersection of 19°33.418' south latitude and 120°18.079' east longitude; thence north east along the geodesic to the intersection of 18°42.717' south latitude and 121°20.928' east longitude; thence continuing north east along the geodesic to the intersection of 17°59.917' south latitude and 121°49.328' east longitude; thence north, north east along the geodesic to the intersection of 17°34.917' south latitude and 121°56.578' east longitude; thence north west along the geodesic to the intersection of 17°21.317' south latitude and 121°47.578' east longitude; thence north east along the geodesic to the intersection of 17°03.517' south latitude and 122°03.678' east longitude; thence north west by west along the geodesic to the intersection of 16°56.167' south latitude and 121°54.977' east longitude; thence north along the meridian to the intersection of 16°44.917' south latitude; thence north east along the geodesic to the intersection of 16°39.816' south latitude and 122°02.677' east longitude; thence east by north along the geodesic to the intersection of 16°39.016' south latitude and 122°06.977' east longitude; thence east by south along the geodesic to the intersection of 16°41.116' south latitude and 122°22.077' east longitude; thence north east along the geodesic to the intersection of 15°52.166' south latitude and 123°09.877' east longitude; thence east north east along the geodesic to the intersection of 15°41.316' south latitude and 123°32.576' east longitude; thence north east along the geodesic to the intersection of 15°26.416' south latitude and 123°48.076' east longitude; thence continuing north east along the geodesic to

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the intersection of 15°14.115' south latitude and 124°01.026' east longitude; thence north north east along the geodesic to the intersection of 14°54.915' south latitude and 124°10.226' east longitude; thence east north east along the geodesic to the intersection of 14°44.815' south latitude and 124°32.276' east longitude; thence north north east along the geodesic to the intersection of 14°14.315' south latitude and 124°50.075' east longitude; thence north east along the geodesic to the intersection of 13°56.965' south latitude and 125°25.275' east longitude; thence north by east along the geodesic to the intersection of 13°46.615' south latitude and 125°29.025' east longitude; thence north east by east along the geodesic to the intersection of 13°35.765' south latitude and 125°47.275' east longitude; thence east by north along the geodesic to the intersection of 13°32.215' south latitude and 126°08.875' east longitude; thence east along the geodesic to the intersection of 13°34.414' south latitude and 126°57.075' east longitude; thence east south east along the geodesic to the intersection of 13°46.014' south latitude and 127°21.875' east longitude; thence south east by east along the geodesic to the intersection of 14°42.114' south latitude and 129°01.290' east longitude; thence south by west along the geodesic to the high water mark on the mainland at the intersection of 14°52.797' south latitude and 129°00.075' east longitude; thence generally north west then south west along the high water mark to the commencement point.

Area 2—All the waters of the fishery seaward of the waters described as Area 1 and west of the line described in Schedule 4.

#### **Schedule 2A** Zones in Area 2

Zone A – All waters of the fishery bounded by a line commencing at the intersection of 19°36.418' south latitude and 120°00.079' east longitude; thence east north easterly along the geodesic to the intersection of 19°33.418' south latitude and 120°18.079' east longitude; thence north easterly along the geodesic to the intersection of 18°42.717' south latitude and 121°20.928' east longitude; thence north easterly along the geodesic to the intersection of 17°59.917' south latitude and 121°49.328' east longitude; thence north north easterly along the geodesic to the intersection of 17°34.917' south latitude and 121°56.578' east longitude; thence north westerly along the geodesic to the intersection of 17°21.317' south latitude and 121°47.578' east longitude; thence north easterly along the geodesic to the intersection of 17°03.517' south latitude and 122°03.678' east longitude; thence north west by west along the geodesic to the intersection of 16°56.167' south latitude and 121°54.977' east longitude; thence north along the meridian to the intersection of 16°44.917' south latitude; thence north easterly along the geodesic to the intersection of 16°39.816' south latitude and 122°02.677' east longitude; thence east by north along the geodesic to the intersection of 16°39.016' south latitude and 122°06.977' east longitude; thence east by south along the geodesic to the intersection of 16°41.116' south latitude and 122°22.077' east longitude; thence north easterly along the geodesic to the intersection of 15°52.166' south latitude and 123°09.877' east longitude; thence east north easterly along the geodesic to the intersection of 15°41.316' south latitude and 123°32.576' east longitude; thence north easterly along the geodesic to the intersection of 15°26.416' south latitude and 123°48.076' east longitude; thence north easterly along the geodesic to the intersection of 15°14.115' south latitude and 124°01.026' east longitude; thence north north easterly along the geodesic to the intersection of 14°54.915' south latitude and 124°10.226' east longitude; thence east north easterly along the geodesic to the intersection of 14°44.815' south latitude and 124°32.276' east longitude; thence north north easterly along

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the geodesic to the intersection of 14°14.315' south latitude and 124°50.075' east longitude; thence north easterly along the geodesic to the intersection of 13°56.965' south latitude and 125°25.275' east longitude; thence north by east along the geodesic to the intersection of 13°46.615' south latitude and 125°29.025' east longitude; thence north east by east along the geodesic to the intersection of 13°35.765' south latitude and 125°47.275' east longitude; thence east by north along the geodesic to the intersection of 13°32.215' south latitude and 126°08.875' east longitude; thence easterly along the geodesic to the intersection of 13°34.414' south latitude and 126°57.075' east longitude; thence east south easterly along the geodesic to the intersection of 13°46.014' south latitude and 127°21.875' east longitude; thence south east by east along the geodesic to the intersection of 14°42.114' south latitude and 129°01.290' east longitude; thence northerly along the geodesic to the intersection of 14°37.414' south latitude and 129°01.824' east longitude; thence northerly along the geodesic to the intersection of 14°32.414' south latitude and 129°01.324' east longitude; thence north west by north along the geodesic to the intersection of 14°19.414' south latitude and 128°53.074' east longitude; thence north west by north along the geodesic to the intersection of 13°59.914' south latitude and 128°42.324' east longitude; thence north westerly along the geodesic to the intersection of 13°49.664' south latitude and 128°33.324' east longitude; thence north north westerly along the geodesic to the intersection of 13°39.664' south latitude and 128°30.824' east longitude; thence northerly along the geodesic to the intersection of 13°15.414' south latitude and 128°28.074' east longitude; thence north along the meridian to the intersection of 12°55.414' south latitude; thence north by west along the geodesic to the intersection of 12°32.664' south latitude and 128°24.074' east longitude; thence north north westerly along the geodesic to the intersection of 12°26.414' south latitude and 128°22.074' east longitude; thence north westerly along the geodesic to the intersection of 11°47.914' south latitude and 127°53.824' east longitude; thence continuing north westerly along the geodesic to its intersection with the outer limit of the Australian Fishing Zone (a point closest to 11°12.913' south latitude and 127°31.917' east longitude); thence generally westerly and south westerly along that outer limit of the Australian Fishing Zone to the point closest to the intersection of 11°43.608' south latitude and 125°28.346' east longitude thence south south easterly along the geodesic to the intersection of 12°45.594' south latitude and 125°41.088' east longitude; thence west south westerly along the geodesic to the intersection of 13°00.462' south latitude and 124°52.242' east longitude; thence south easterly along the geodesic to the intersection of 13°36.564' south latitude and 125°10.290' east longitude; thence south westerly along the geodesic to the intersection of 14°21.162' south latitude and 124°23.568' east longitude; thence south westerly along the geodesic to the intersection of 14°39.216' south latitude and 123°44.280' east longitude; thence westerly along the geodesic to the intersection of 14°40.278' south latitude and 123°12.426' east longitude; thence south westerly along the geodesic to the intersection of 15°12.132' south latitude and 122°22.518' east longitude; thence north westerly along the geodesic to the intersection of 15°04.698' south latitude and 121°53.850' east longitude; thence south westerly along the geodesic to the intersection of 16°03.102' south latitude and 121°06.066' east longitude; thence south along the meridian to its intersection with 16°31.770' south latitude; thence south easterly along the geodesic to the intersection of 17°13.182' south latitude and 121°27.300' east longitude; thence south south westerly along the geodesic to the intersection of 18°08.400' south latitude and 121°03.942' east longitude; thence south westerly along the geodesic to the intersection of 19°01.494' south latitude and 120°23.592' east longitude; thence westerly along the geodesic to the intersection of 19°04.680' south latitude and 120°00.079' east longitude; thence south along the meridian to the commencement point.

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Zone B – All the waters of Area 2 of the Fishery that are not part of zone A or zone C.

Zone C – All waters of the Fishery bounded by a line commencing at the intersection of 18°19.020' south latitude and 120°00.079' east longitude; thence north easterly along the geodesic to the intersection of 16°53.010' south latitude and 120°53.322' east longitude; thence northerly along the geodesic to the intersection of 15°49.296' south latitude and 120°54.384' east longitude; thence north easterly along the geodesic to the intersection of 15°02.574' south latitude and 121°38.982' east longitude; thence north easterly along the geodesic to the intersection of 14°30.720' south latitude and 122°36.324' east longitude; thence north easterly along the geodesic to the intersection of 14°12.666' south latitude and 122°54.372' east longitude; thence east north easterly along the geodesic to the intersection of 13°56.742' south latitude and 123°51.714' east longitude; thence northerly along the geodesic to the intersection of 13°22.758' south latitude and 123°52.776' east longitude; thence north easterly along the geodesic to the intersection of 12°54.090' south latitude and 124°22.512' east longitude; thence north westerly along the geodesic to the intersection of 12°36.042' south latitude and 124°08.706' east longitude; thence north westerly along the geodesic to the intersection of 12°16.926' south latitude and 123°31.542' east longitude; thence east north easterly along the geodesic to its intersection with the outer limit of the Australian Fishing Zone (a point closest to 11°46.916 south latitude and 125°20.074 east longitude); thence generally westerly and south westerly along that outer limit of the Australian Fishing Zone to its intersection with 120°00.079' east longitude; thence south along the meridian to the commencement point.

### Schedule 3

#### Prohibited fishing area

All waters of the fishery bounded by a line drawn from the high water mark on the mainland at the intersection of 18°26.417' south latitude and 121°56.578' east longitude (Cape du Boulay); thence north west along the geodesic to the intersection of 18°11.717' south latitude and 121°39.228' east longitude; thence north along the meridian to the intersection of 17°40.417' south latitude and 121°39.228' east longitude; thence north east along the geodesic to the high water mark at the intersection of 17°25.417' south latitude and 122°09.178' east longitude (Green Hillock); thence generally in a southerly and south westerly direction along the high water mark to the commencement point.

### Schedule 4

#### Eastern boundary

A line commencing at the intersection of the high water mark and 129°00.075 east longitude; thence northerly along the geodesic to the intersection of 14°37.414' south latitude and 129°01.824' east longitude; thence northerly along the geodesic to the intersection of 14°32.414' south latitude and 129°01.324' east longitude; thence north west by north along the geodesic to the intersection of 14°19.414' south latitude and 128°53.074' east longitude; thence north west by north along the geodesic to the intersection of 13°59.914' south latitude and 128°42.324' east longitude; thence north west along the geodesic to the intersection of 13°49.664' south latitude and 128°33.324' east longitude; thence north north west along the geodesic to the intersection of 13°39.664' south latitude and 128°30.824' east longitude; thence northerly along the geodesic to the intersection of 13°15.414' south latitude and 128°28.074' east longitude; thence north

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along the meridian to the intersection of 12°55.414' south latitude; thence north by west along the geodesic to the intersection of 12°32.664' south latitude and 128°24.074' east longitude; thence north north westerly along the geodesic to the intersection of 12°26.414' south latitude and 128°22.074' east longitude; thence north west along the geodesic to the intersection of 11°47.914' south latitude and 127°53.824' east longitude; thence continuing north westerly along the geodesic to the intersection of 11°13.164' south latitude and 127°32.074' east longitude.

[Schedule 5. Deleted on 26.11.13. by Northern Demersal Scalefish Fishery Management Plan Amendment 2013.]

**Schedule 6**

Unit value

The unit value at the commencement of any licensing period or following a redetermination made under clause 19(2) during a licensing period –

$$\frac{A}{1760} = B$$

where

- A = total number of fishing days as determined by the CEO in accordance with clause 19 (capacity of the Fishery); and
- B = the unit value.

A calculation made in accordance with this Schedule that does not result in a whole number shall be rounded to two decimal points.

**Schedule 7**

Calculation of extent of fishing

Item 1 When using traps at any time other than during the 2013, 2014 or 2015 licensing period –

$$A = \frac{(B \times C)}{(D)} - \frac{E}{1}$$

where

- A is the total amount of fishing carried out on the trip expressed as a number of fishing days (to be deducted from the sum of the unit values of the units conferred by the licence);
- B is the number of days fished using traps;
- C is the number of fishing traps nominated to be used each day in the trip; and
- D is the value of a fishing day when using traps; and
- E is the reduction calculated in accordance with clause 25D(3).

Item 2 When using lines at any time other than during the 2013, 2014 or 2015 licensing period –

$$A = \frac{(B \times C)}{(D)} - \frac{E}{1}$$

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where

- A is the total amount of fishing carried out on the trip expressed as a number of fishing days (to be deducted from the sum of the unit values of the units conferred by the licence); B is the number of days fished using lines;
- C is the number of lines nominated to be used each day in the trip.
- D is the value of a fishing day when using lines; and
- E is the reduction calculated in accordance with clause 25D(3).

Item 3 When fishing with traps and lines at any time other than during the 2013, 2014 or 2015 licensing period —the sum of the number of fishing days calculated in accordance with Items 1 and 2.

Item 4 When using traps in zone A or zone B during the 2013, 2014 or 2015 licensing period –

$$A = \frac{(B \times C)}{(D)}$$

where

- A is the total amount of fishing carried out on the trip expressed as a number of fishing days (to be deducted from the sum of the unit values of the units conferred by the licence);
- B is the number of days fished using traps;
- C is the number of fishing traps nominated to be used each day in the trip; and
- D is the value of a fishing day when using traps.

Item 5 When using lines in zone A or zone B during the 2013, 2014 or 2015 licensing period –

$$A = \frac{(B \times C)}{(D)}$$

where

- A is the total amount of fishing carried out on the trip expressed as a number of fishing days (to be deducted from the sum of the unit values of the units conferred by the licence);
- B is the number of days fished using lines;
- C is the number of lines nominated to be used each day in the trip.
- D is the value of a fishing day when using lines.

Item 6 When fishing with traps and lines in zone A or zone B during the 2013, 2014 or 2015 licensing period – the sum of the number of fishing days calculated in accordance with Items 3 and 4.

Item 7 When using traps in zone C during the 2013, 2014 or 2015 licensing period –

$$A = B$$

where

- A is the total amount of fishing carried out on the trip expressed as a number of fishing days (to be deducted from the sum of the unit values of the units conferred by the licence);
- B is the number of days fished using traps.

Item 8 When using lines in zone C during the 2013, 2014 or 2015 licensing period –

$$A = B$$

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where

- A is the total amount of fishing carried out on the trip expressed as a number of fishing days (to be deducted from the sum of the unit values of the units conferred by the licence);
- B is the number of days fished using lines.

Item 9 When fishing with traps and lines in zone C during the 2013, 2014 or 2015 licensing period – the sum of the number of fishing days calculated in accordance with Items 7 and 8.

### Schedule 8

Calculation of the reduction in fishing carried out

When—

- (a) entering the Fishery following departure from the Prohibited Fishing Area specified in Schedule 3 —
  - (i) Fishing Area A = 0.5 fishing day;
  - (ii) Fishing Area B = 1.5 fishing day;
  - (iii) Fishing Area C = 2.5 fishing day;
- (b) entering the Fishery following crossing the Eastern Boundary specified in Schedule 4 —
  - (i) Fishing Area A = 2.5 fishing day;
  - (ii) Fishing Area B = 1.5 fishing day;
  - (iii) Fishing Area C = 0.5 fishing day;
- (ba) leaving the Fishery and entering the Prohibited Fishing Area specified in Schedule 3 —
  - (i) Fishing Area A = 0.5 fishing day;
  - (ii) Fishing Area B = 1.5 fishing day;
  - (iii) Fishing Area C = 2.5 fishing day;
- (bb) leaving the Fishery following crossing the Eastern Boundary specified in Schedule 4 —
  - (i) Fishing Area A = 2.5 fishing day;
  - (ii) Fishing Area B = 1.5 fishing day;
  - (iii) Fishing Area C = 0.5 fishing day;

where—

- (c) Fishing Area A is all those waters of the fishery south and west of a line commencing at the high water mark at the intersection of 16°10.416' south latitude and 123°35.167' east longitude; thence north westerly along the geodesic to the intersection of 13°01.917' south latitude and 120°00.076' east longitude;
- (d) Fishing Area B is all those waters of the fishery bounded by a line commencing at the high water mark at the intersection of 16°10.416' south latitude and 123°35.167' east longitude; thence north westerly along the geodesic to the intersection of 13°01.917' south latitude and 120°00.076' east longitude; thence north along the meridian to the intersection of the Australia Fishing Zone boundary; thence in a north easterly direction along the Australian Fishing Zone boundary to the intersection of 11°37.416' south latitude and 122°37.195' east longitude; thence south easterly along the geodesic to the high water mark at the intersection of 14°14.255' south latitude and 125°37.776' east longitude; thence generally in a south westerly direction along the high water mark to the commencement point; and
- (e) Fishing Area C is all those waters of the fishery north and east of a line commencing at the high water mark at the intersection of 14°14.255' south latitude

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and 125°37.776' east longitude; thence north westerly along the geodesic to the intersection of 11°37.416' south latitude and 122°37.195' east longitude.

#### **Schedule 9**

##### Fish Trap specifications

- (1) Each fish trap must—
  - (a) have an internal volume equal to or less than 2.25 cubic metres;
  - (b) be fitted with a mesh which satisfies the specifications as described in subclause (2) of this Schedule.
- (2) Each opening in the mesh of a fish trap must be square with—
  - (a) each side of the square being not less than 50mm in length; and
  - (b) the measurement between diagonal corners of each square being not less than 70mm.

[Schedule 10. Deleted on 26.11.13. by Northern Demersal Scalefish Fishery Management Plan Amendment 2013.]

#### **Schedule 11**

##### Instalments of total fee

- (a) Subject to paragraph (d), the first instalment is 25% of the total fee and is due for payment on or before 1 January of the year for which the licence is to be granted or renewed.
- (b) The second instalment is 25% of the total fee and is due for payment on or before 1 April immediately following the period specified in paragraph (a).
- (c) The third instalment is the total fee less the instalments provided for in paragraphs (a) and (b) and is due for payment on or before 1 July immediately following the period specified in paragraph (a).

#### **SCHEDULE 12**

##### Port areas

##### **Broome**

All the waters of the Fishery within 3 nautical miles of the intersection of 18° 00.03' south latitude and 122° 13.11' east longitude.

##### **Derby**

All the waters of the Fishery within 3 nautical miles of the intersection of 17° 17.509' south latitude and 123° 36.411' east longitude.

##### **Wyndham**

All the waters of the Fishery within 3 nautical miles of the intersection of 15° 27.094' south latitude and 128° 6.073' east longitude.

Dated this 4th day of December 2000.

MONTY HOUSE, Minister for Fisheries.

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*Original Management Plan and Amendment Information:*

*Northern Demersal Scalefish Fishery Management Plan 2000* was first published in Government Gazette No. 269 on 12.12.00. (p.7156-7166 ).

*Amendments: Northern Demersal Scalefish Fishery Management Plan Amendment 2001* published in Government Gazette No. 257 on 28.12.01. (p. 6747-6749); *Northern Demersal Scalefish Fishery Management Plan Amendment 2003* published in Government Gazette No. 85 on 30.05.03. (p. 1923-1924); *Northern Demersal Scalefish Fishery Management Plan Amendment 2013* published in Government Gazette No. 209 on 26.11.13. (p. 5425-5433).

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