

Fish Resources Management Act 1994

**WEST COAST ROCK LOBSTER MANAGED FISHERY MANAGEMENT PLAN 2012**

FD 48/12 [1078]

Made by the Minister under section 54.

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## Fish Resources Management Act 1994

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FD 48/12 [1078]

Made by the Minister under section 54.

**PART 1 - PRELIMINARY****1. Citation**

This plan is the *West Coast Rock Lobster Managed Fishery Management Plan 2012*.

**2. Commencement**

These amendments come into operation as follows -

- (a) clauses 1 and 2 - on the day on which these amendments are published in the Gazette;
- (b) the rest of the clauses - on the day after that day.

**3. Interpretation**

In this plan, unless the contrary intention appears -

*Abrolhos Islands area* means the area described in Schedule 3;

*Abrolhos Islands holding area* means the waters where rock lobster may be held in accordance with this plan, as specified in Schedule 12;

*approved landing area* means an area described in Schedule 11;

*authorised boat* means -

- (a) that licensed fishing boat, the name and licensed fishing boat number of which is 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); or
- (c) a boat authorised to be used under clause 26;

*back of boat lobsters* means rock lobsters referred to in a pre-landing nomination as catch that are to be sold to, or retained by, a person other than a registered receiver or person acting on a registered receiver's behalf;

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***back of boat sales*** means the sale of back of boat lobsters;

***bait*** means the act of inserting or attaching bait to a rock lobster pot;

***Big Bank area*** means the area described in Schedule 4;

***bridle*** means the rope which attaches a pot line to a pot;

***CDR book*** means a book containing CDR forms and crew list log sheets;

***CDR form*** means the Catch and Disposal Record form approved by the CEO in a CDR book issued by the Department in respect of a licence, for recording information regarding the taking and consignment of rock lobster taken in the Fishery;

***coastal waters of the State*** has the definition provided by section 3 of the *Coastal Waters (State Powers) Act 1980* of the Commonwealth;

***consignment*** means a quantity of rock lobster consigned by the master of an authorised boat;

***container weight*** means the weight of a container used to hold rock lobster, including the lid and anything attached to the container, determined in kilograms to one decimal point (with an amount of 0.05 kilograms or more being rounded upwards to the next 0.1 of a kilogram), by the method specified in Schedule 10;

***crew list log sheet*** means a form in a CDR book for the purpose of recording personal details of the crew of an authorised boat;

***current entitlement*** means the usual entitlement conferred by a licence as -

- (a) increased by any entitlement transferred to the licence under section 141 of the Act; or
- (b) decreased by any entitlement transferred from the licence under section 141 of the Act;

***deep sea crab*** has the same meaning as in regulation 38A;

***designated holding area*** means the waters within a radius of 15 metres from a point determined by reference to points of latitude and longitude (in degrees, minutes and decimal minutes, to three decimal places) in the Abrolhos Islands holding area, as nominated by a licence holder to the Department, and as approved by a regional manager, compliance manager or fisheries officer;

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***first surface float*** means the surface float that is connected to the pot line and the beginning of the float rig;

***Fishery*** means the West Coast Rock Lobster Managed Fishery;

***Fish Eye*** means the electronic data management system managed by the Department for submitting and recording information related to operating in, and catch taken from, the Fishery;

***Fish Eye password*** means -

- (a) the initial password automatically generated by Fish Eye and allocated to a person issued with a Fish Eye user identification; and
  - (b) any subsequent password devised by a person issued with a password referred to in paragraph (a),
- for the purposes of enabling access to Fish Eye;

***Fish Eye user identification*** means a unique identifier issued to a person by the CEO for the purposes of enabling access to Fish Eye;

***fishing boat licence*** has the same meaning as in the regulations;

***float rig*** means the rope on the surface of the water that is connected to the first surface float and the last surface float, including any rope beyond the last surface float;

***forfeited entitlement*** means the entitlement that may be reduced by the CEO in accordance with –

- (a) section 76 of the Act; or
- (b) clause 23 of this plan.

***gross weight*** means the total weight of all the containers in a consignment and includes the weight of all lobsters in those containers and all other things, including water, on, in, or attached to those containers, determined in kilograms to one decimal place;

***holding over book*** means a book of holding over forms issued on request by the Department in respect of a licence;

***holding over form*** means the form approved by the CEO for the purpose of recording details of any rock lobster on board an authorised boat or in a designated holding area on any day;

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**IVR** means ‘Interactive Voice Response’ and refers to a communications system used to make certain nominations;

**landing tag** means a tag issued by the Department in respect of a licence, for the purpose of landing or consigning rock lobster;

**last surface float** means the surface float that is connected to the float rig and is the farthest away from the pot line;

**licence** means a managed fishery licence authorising a person to fish for rock lobster in the Fishery;

**licence period** means the period provided for in clause 8;

**licensed fishing boat** has the same meaning as in the regulations;

**licensed fishing boat number** has the same meaning as in the regulations;

**net weight** means the total weight of all the lobsters in a consignment (in kilograms), determined to one decimal place in accordance with the method specified in Schedule 10;

**operate** means acting in connection with the taking of rock lobster and includes -

- (a) carrying, soaking, baiting, setting or pulling a pot; and
- (b) leaving or allowing a pot to remain in the waters of the Fishery,

but does not include -

- (i) carrying no more than two unbaited and unrigged pots; or
- (ii) transporting unbaited and unrigged pots to or from the Abrolhos Islands by a boat being used as a licensed carrier boat; or
- (iii) transporting pots by the most direct route through a Zone of the Fishery for which the holder of the licence does not have unexhausted entitlement, to enter a Zone of the Fishery in which that licence holder has entitlement or to return pots to land.

**PIN** means -

- (a) the personal identification number issued to a person to be used as a password in respect to making and submitting an IVR nomination; or
- (b) a personal identification number devised by a person registered to use Fish Eye and used as a password for the purpose of submitting nomination forms in Fish Eye using an electronic device capable of being used for that purpose.

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**plan** means the *West Coast Rock Lobster Managed Fishery Management Plan 2012*;

**post-landing nomination** means a nomination made by the master of an authorised boat in accordance with clause 36;

**post-landing nomination form** means the form in Fish Eye or on an electronic device in which the post-landing nomination is recorded and submitted to the Department using Fish Eye;

**pot** means a rock lobster pot as defined in the regulations;

**pot line** means the length of rope between the first surface float and the bridle;

**pre-fishing nomination** means a nomination made by the master of an authorised boat prior to moving an authorised boat to commence pulling pots;

**pre-fishing nomination form** means the form in Fish Eye or on an electronic device in which the pre-fishing nomination is recorded and submitted to the Department using Fish Eye;

**pre-landing nomination** means a nomination made by the master of an authorised boat immediately before -

- (a) entering an approved landing area; or
- (b) delivering catch to a carrier boat in Zone A,

as the case may be;

**pre-landing nomination form** means the form in Fish Eye or on an electronic device in which the pre-landing nomination is recorded and submitted to the Department using Fish Eye;

**protected species** means a threatened or migratory species listed in the *Environmental Protection and Biodiversity Conservation Act 1999* of the Commonwealth;

**pull** means, in relation to pots, to bring pots from the seabed to the surface;

**registered receiver** means -

- (a) the holder of a fish processor's licence authorising a person to process rock lobster and who does not hold a commercial fishing licence, except where the fish processor's licence and the commercial fishing licence were first granted on or before 15 November 2010; or

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- (b) a person who has received a certificate in accordance with clause 52 and who is not the holder of a commercial fishing licence;

**registered receiver consignment book** means a book of registered receiver consignment forms issued on request by the Department in respect of a certificate issued in respect of clause 52;

**registered receiver consignment form** means the form approved by the CEO to be used by registered receivers to record the details of consignments of rock lobster;

**registered receiver's premises** means -

- (a) the premises identified in a fish processor's licence as the fish processing establishment; or  
 (b) the premises specified on a registered receiver's certificate as the premises where containers of rock lobster will be opened;

**regulations** means regulations made under the *Fish Resources Management Act 1994* or the *Aquatic Resources Management Act 2016*, whichever is in force;

**rock lobster** means fish of that common name described by the scientific classification opposite that name in Division 3 of Schedule 7 to the regulations;

**session** means, in relation to a period of operation -

- (a) the time elapsed between moving an authorised boat in order to pull rock lobster pots and making a pre-landing nomination; or  
 (b) the time elapsed between moving an authorised boat in order to pull rock lobster pots and ceasing to pull rock lobster pots where rock lobster will not be brought into an approved landing area on that day;  
 (c) the time elapsed between moving an authorised boat in order to pull rock lobster pots and midnight on that same day; or  
 (d) the time elapsed between moving an authorised boat in order to pull rock lobster pots and the time that rock lobster are placed in a designated holding area; or  
 (e) the time elapsed between moving an authorised boat in order to pull rock lobster pots and delivering rock lobster to a carrier boat where a pre-landing nomination has not been made,

as the particular circumstances require.

**set** means, in relation to a pot, to set, position or release a pot in the waters of the Fishery, with or without bait;

**total fee** means the product of the number of units of usual entitlement specified on the relevant licence and the fee (per unit) as specified in -

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- (a) Schedule 9A of this plan; or
- (b) at any time that paragraph (a) does not apply, the regulations;

***trip*** means the time elapsed between moving an authorised boat to pull rock lobster pots and the time that a post-landing nomination is required to be made;

***unit value*** means the value of a unit of entitlement, in terms of kilograms of rock lobster (whole weight), determined in accordance with clause 18;

***usual entitlement*** means the entitlement conferred by a licence without regard to any entitlement temporarily transferred to or from the licence under section 141 of the Act;

***Zone*** means a Zone of the Fishery as described in Schedule 2.

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

For the purposes of section 65 of the Act, the Western Rock Lobster Council (Inc) is the body to be consulted before this plan is amended or revoked.

### **PART 2 - THE FISHERY**

#### **5. Identification and declaration of the Fishery**

(1) The Fishery to which this plan relates is the fishing for rock lobster by any means in the waters described in Schedule 1.

(2) The Fishery is a managed fishery, and may be referred to as the West Coast Rock Lobster Managed Fishery.

(3) The Fishery is divided into Zones as described in Schedule 2.

(4) Except where expressly provided, this plan does not apply to lawful fishing activities being conducted by a person fishing recreationally for rock lobster.

### **PART 3 - LICENCES AND FEES**

#### **6. Licences**

A licence may authorise fishing for rock lobster in a specified Zone or Zones.

#### **7. Criteria for the grant of a licence**

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- (1) The criteria to be satisfied before the CEO may grant a person a licence to fish in the Fishery are that -
- (a) on the date of gazettal of this plan the applicant was the holder of an authorisation issued in accordance with -
    - (i) the *West Coast Rock Lobster Management Plan 1993* in respect of a Zone of the Fishery established by that plan; or
    - (ii) regulation 129B, and
  - (b) an application for the grant of a licence is made on or prior to 29 March 2013.
- (2) Only one licence may be granted under subclause (1) in respect of an authorisation issued under -
- (a) the *West Coast Rock Lobster Management Plan 1993* in respect of a Zone of the Fishery established by that instrument; or
  - (b) regulation 129B.
- (3) Notwithstanding subclause (1), the CEO may grant a person a licence to fish in the Fishery if the CEO is satisfied that -
- (a) immediately upon being granted a licence -
    - (i) an application will be made under section 140 of the Act, to transfer usual units of entitlement to the licence, if it is to be granted, from another licence; and
    - (ii) the application will be in respect of a total of not less than one unit; and
    - (iii) in the opinion of the CEO there is no arguable ground to refuse to transfer the units of usual entitlement to the licence; or
  - (b) the applicant has acquired forfeited entitlement in the manner provided for in clause 23A; and
  - (c) in the case of an application made under either paragraph (a) or (b), the person is a fit and proper person to hold a licence.
- (4) For the purposes of subclause (3)(a) a reference to an application to transfer units of entitlement will be taken to include an application made in connection with the surrender of a licence pursuant to clause 22.

Note: Where a licence is granted in accordance with clause 7(3) the fee relating to the units being transferred may be taken to have been paid by the transferor in respect of those units.

## 8. Duration of a licence

- (1) Subject to subclause (2), a licence granted or renewed for a period commencing on 1 July in any year expires on 30 June next following the date of grant or renewal.
- (2) A licence granted or renewed -

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- (a) for a period commencing on 1 July 2021 expires on 14 January 2023; and
- (b) for a period commencing on 15 January 2023 expires on 30 June 2023.

## 9. Matters to be specified on a licence

- (1) A licence granted or renewed in respect of the Fishery must specify -
  - (a) the name and business address of the holder of the licence;
  - (b) the name and licensed fishing boat number 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 date on which the licence was granted or renewed;
  - (e) the date on which the licence expires;
  - (f) the name of the Fishery;
  - (g) the Zone or Zones in which fishing for rock lobster is authorised;
  - (h) the number and class of usual units of entitlement conferred by the licence;
  - (i) the number and class of current units of entitlement conferred by the licence;
  - (j) the unit value in respect of each class of unit conferred by the licence;
  - (k) the maximum amount of rock lobster that may be taken (in kilograms whole weight incorporating water loss factor) under the authority of the licence and with respect to each relevant Zone; and
  - (l) any conditions imposed on the licence by the CEO.
- (2) A person must not fish in the Fishery under the authority of a licence unless the specification in subclause (1)(b) has been made in respect of that licence.
- (3) Where an authorisation referred to in clause 7(1) is the subject of an application for a licence, any convictions recorded against that authorisation under section 224 of the Act are taken to have been recorded against the licence, if granted.

## 10. Authority of licence of no effect where usual or current entitlement is less than 300 units of entitlement

The authority conferred by a licence is of no effect at any time when either the usual or the current entitlement of the licence is less than 300 units of entitlement.

## 11. Grounds to cancel a licence

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The CEO may cancel a licence where the licence was granted in accordance with clause 7(3) and the relevant units of entitlement have not been transferred to the licence.

## 12. Payment of fees by instalments

(1) For the purposes of regulation 137(2) the total fee may be paid by instalments as specified in Schedule 9 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 which has not been paid at the time the election is received at the head office of the Department.

(2) An election for the purposes of subclause (1) must be -

- (a) made in writing; and
- (b) received at the head office of the Department -
  - (i) for the licence period commencing on 15 January 2023 and ending on 30 June 2023, on or before 15 January 2023; and
  - (ii) for any other licence period, on or before 1 July next following the day on which the licence expires, and
- (c) accompanied by the first instalment plus the surcharge.

(3) For the purposes of regulation 137(3) the surcharge shall be 3.13% of the total fee.

(4) The holder of a licence, or a person acting on that person's behalf, must not fish in the Fishery at any time when any -

- (a) fee payable by instalment; or
- (b) surcharge,

in respect of the licence is outstanding.

### 12A. Fees payable

The fee (per unit) payable for the grant or renewal of an authorisation is specified in Schedule 9A.

## PART 4 - CAPACITY OF THE ZONES OF THE FISHERY AND SCHEME OF ENTITLEMENT

### 13. Capacity of the Zones of the Fishery

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(1) The capacity of –

- (a) Zone A of the Fishery for the period commencing on 1 July 2024 and ending on 30 June 2025, is 1,314,000 kilograms (whole weight) of rock lobster;
- (b) Zone B of the Fishery for the period commencing on 1 July 2024 and ending on 30 June 2025, is 2,336,000 kilograms (whole weight) of rock lobster;
- (c) Zone C of the Fishery for the period commencing on 1 July 2024 and ending on 30 June 2025, is 3,650,000 kilograms (whole weight) of rock lobster.

(2) The capacity of a Zone of the Fishery is the relevant quantity of rock lobster specified in subclause (1), as varied from time to time under clause 14.

#### 14. Change in Capacity of a Zone of the Fishery

(1) The capacity applying to a Zone, as provided for in clause 13, shall be reduced upon the making of an order under section 76(2) of the Act, such reduction being the number of kilograms of rock lobster corresponding to the units of entitlement fished, or intended to be fished, in excess of the entitlement of the licence, as determined in accordance with clause 18.

(2) The capacity applying to a Zone shall be reduced upon -

- (a) the expiry of the 60 day period provided for in section 139 of the Act without an application for renewal of a relevant licence having been made;
- (b) the cancellation or non-renewal of a relevant licence under section 143 of the Act;
- (c) the cancellation of a relevant licence under section 223 of the Act; or
- (d) the surrender of a relevant licence under section 144 of the Act, such reduction being the equivalent in kilograms of rock lobster to the number of usual units of entitlement conferred by the licence.

(3) The capacity applying to a Zone shall be increased upon the increasing of the entitlement of a relevant licence pursuant to clause 22, such increase being equal to the increase in the number of units that may be operated under the licence.

#### 15. CEO to publish notice of any change in capacity

The CEO must, as soon as practicable following any change in capacity of a Zone pursuant to clause 13, clause 14(2)(a), (b) or (c), publish notice of the change in the Gazette.

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## 16. Licence entitlements to be expressed in terms of units

- (1) The entitlement to fish for rock lobster conferred by a licence is to be -
  - (a) expressed in terms of units of entitlement in respect of a Zone or Zones; and
  - (b) determined in accordance with clause 18.
- (2) The maximum number of units that may be conferred by all licences in respect of a Zone may be reduced from time to time where -
  - (a) an application for the renewal of a licence is not received within the period specified by s.139 of the Act; or
  - (b) a licence is cancelled; or
  - (c) units are forfeited by the operation of the Act and forfeited entitlement is not purchased in accordance with clause 23A.

## 17. Conferral of entitlement

- (1) Where a licence is granted in accordance with subclause 7(1) the licence shall, at the time it is granted, confer -
  - (a) in the case of a licence conferring entitlement for Zone A, usual units of entitlement for Zone A of ten times the number of usual units of Zone A entitlement conferred by the relevant authorisation at the date of gazettal of this plan;
  - (b) in the case of a licence conferring entitlement for Zone B of the Fishery, usual units of entitlement for Zone B equal to either -
    - (i) ten times the number of usual units of Zone B entitlement conferred by the relevant authorisation at the date of gazettal of this plan; or
    - (ii) 4.4 times the number of usual units of Zone A entitlement conferred by the relevant authorisation at the date of gazettal of this plan, rounded in accordance with the principle specified in Schedule 8; or
  - (c) in the case of a licence conferring entitlement for Zone C of the Fishery, usual units of entitlement for Zone C of ten times the number of usual units of Zone C entitlement conferred by the relevant authorisation at the date of gazettal of this plan.
- (2) In this clause -

***relevant authorisation*** means -

- (a) a relevant managed fishery licence issued in accordance with the *West Coast Rock Lobster Management Plan 1993* in respect of a Zone of the Fishery and which is held by the person to be granted a licence; or
- (b) an authorisation granted in accordance with regulation 129B.

## 18. Unit values

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The extent of the entitlement to fish in a Zone arising from time to time from a unit (the unit value) is determined in accordance with Schedule 8, and is limited by reference to a number of kilograms (whole weight) of rock lobster that may be taken, incorporating water loss factor of 1.5%.

## 19. Prohibition on operating in excess of entitlement

At any time that a licence is in force a person must not -

- (a) operate in a Zone under the authority of that licence unless the total quantity of rock lobster taken under the authority of the licence in that Zone is less than the product of the current entitlement for that Zone and the relevant unit value; or
- (b) have any rock lobster on board an authorised boat unless the total quantity of rock lobster taken under the authority of the licence in the Zone fished on that trip is less than or equal to the product of the current entitlement for the Zone in which rock lobster were taken and the relevant unit value; or
- (c) take, land, consign or sell rock lobsters unless the total quantity of rock lobster taken under the authority of the licence in the Zone fished on that trip is less than or equal to the product of the current entitlement for the Zone in which rock lobster were taken and the relevant unit value.

## 19A. Notice in respect of exceeding entitlement

(1) Where the CEO is satisfied that the entitlement of a licence has been exceeded, the CEO may by notice given in writing to either -

- (a) the holder of the relevant licence; or
- (b) a person acting on behalf of the holder of the licence,

require that person to pay the amount of money specified in the notice to the Fisheries Research and Development Account within 14 days of the date of the notice.

Note: The notice in writing is to include details of the right of review under clause 19B and reasons for decision: s.20(1) and s.21(1) *State Administrative Tribunal Act 2004*.

(2) The CEO must determine the amount of money to be specified in a notice given under subclause (1) as payable in respect of the exceeding of the entitlement of a licence by -

- (a) determining the market price of rock lobster (per kilogram) on the day that the entitlement of the licence was exceeded; and
- (b) multiplying the amount of rock lobster taken in excess of the entitlement of the licence by the market price of rock lobster (per kilogram) determined under paragraph (a).

(3) The CEO may, at any time, withdraw a notice given under subclause (1).

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- (4) It is a condition of a licence that the authority conferred by the licence is of no effect during the period from five days following the day on which a notice was given by the CEO under subclause (1) in respect of that licence until -
- (a) the day on which the full amount of money specified in the notice is paid; or
  - (b) the notice is withdrawn under subclause (3).

## 19B. Review of CEO notice by SAT

A person who has received a notice under clause 19A(1) and who has paid 90% of the amount of money payable under that notice to the Fisheries Research and Development Account may apply to the State Administrative Tribunal for a review of the CEO's determination under clause 19A(2).

## 20. Defence to s.74(2) of the Act

- (1) It is a defence in proceedings for an offence against section 74(2) of the Act in respect of contravening clause 19 for the person charged to prove that -
- (a) the person is the holder of the relevant licence; and
  - (b) the amount of rock lobster by which the entitlement of the relevant licence was exceeded is not more than 60 kilograms; and
  - (c) the person or a person acting on their behalf, not more than 21 days after the landing of the rock lobster, paid to the Fisheries Research and Development Account an amount of money equal to the product of the number of kilograms by which the entitlement was exceeded and the prescribed value (per unit of weight) for the rock lobster, as specified in Schedule 9 to the regulations; and
- (2) It is a defence in proceedings for an offence against section 74(2) of the Act in respect of contravening clause 19 for the person charged to prove that -
- (a) the person was acting on behalf of the holder of the relevant licence; and
  - (b) the amount of rock lobster by which the entitlement of the relevant licence was exceeded is not more than 60 kilograms; and
  - (c) the person or the relevant licence holder, not more than 21 days after the landing of the rock lobster, paid to the Fisheries Research and Development Account an amount of money equal to the product of the number of kilograms by which the entitlement was exceeded and the prescribed value (per unit of weight) for the rock lobster, as specified in Schedule 9 to the regulations; and

## PART 5 - TRANSFER OF ENTITLEMENT

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## 21. Temporary transfer of entitlement

(1) Subject to subclause (2), an entitlement conferred by a licence may be temporarily transferred to another licence for a period ending at the time that the licence expires, provided that -

- (a) the extent of the right to fish as conferred by the current units of entitlement (in kilograms whole weight) for the relevant class of unit that would be conferred by the licence after the transfer would not be less than the total quantity of rock lobster (whole weight) relevant to that class of unit taken 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.

(2) For the purposes of a transfer made in accordance with subclause (1), the period ending at the time that the licence expires, for the licence period commencing on 15 January 2020, is taken to be the period ending on 30 June 2021.

## 22. Surrender of licence and reallocation of usual entitlement

(1) Subject to subclauses (2) and (3), the CEO must increase the usual entitlement conferred by a licence -

- (a) upon the application of the holder of a licence;
- (b) where another licence has been surrendered under section 144 of the Act; and
- (c) provided that the person who was the holder of the surrendered licence has consented to the application referred to in paragraph (a).

(2) The entitlement of a licence must not be increased by more than the usual entitlement in respect of a Zone of the surrendered licence.

(3) Subclause (1) applies once in connection with the surrender of any licence.

(4) For the purposes of subclause (1)(a) a reference to a licence includes a reference to a licence which has been applied for in accordance with clause 7(3).

## 23. Reduction of entitlement conferred by a licence

(1) Where -

- (a) a person is convicted for an offence against section 74(1) of the Act relating to exceeding a restriction provided for in clause 19; and
- (b) a court has determined the amount by which the restriction was exceeded, the CEO is to reduce the number of units of entitlement conferred by the relevant licence in accordance with subclause (3).

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(2) Where a person is convicted of an offence under clause 37, 38, 39, 41, 43, 50, 59, 60, 61, 71, 72, 72A, or 74 of this plan, the CEO is to reduce the number of units of entitlement conferred by the licence under the authority of which the lobsters were taken, in accordance with subclause (3), and with respect to the relevant Zone.

(3) For the purposes of subclauses (1) and (2), the number of units of entitlement conferred by the licence is to be reduced by -

- (a) the number one; or
- (b) the number obtained by dividing the weight in kilograms of the rock lobster the subject of the offence by -
  - (i) in the case of an offence relating to Zone A entitlement, the value of a Zone A unit of entitlement at the time of the offence;
  - (ii) in the case of an offence relating to Zone B entitlement, the value of a Zone B unit of entitlement at the time of the offence;
  - (iii) in the case of an offence relating to Zone C entitlement, the value of a Zone C unit of entitlement at the time of the offence, rounded to the nearest whole number, whichever is the greater.

(4) Where the Zone from which the excess amount of rock lobster was taken, or attempted to have been taken, cannot be ascertained, the units of entitlement to be reduced in accordance with subclause (3) are to be reduced from a Zone or Zones as determined by a court under section 76 of the Act, or by the CEO, as the case requires.

### **23A. Sale of forfeited entitlement**

- (1) The CEO may sell forfeited entitlement in accordance with this clause.
- (2) The CEO must quantify forfeited entitlement in the form of certificates that represent a specified number of units of forfeited entitlement relating to a Zone of the Fishery.
- (3) Certificates specifying a number of units of forfeited entitlement must be in a form approved by the CEO.
- (4) Where the CEO proposes to sell forfeited entitlement the CEO must publish a notice in the *Gazette* specifying the matters referred to in subclause (5).
- (5) A notice referred to in subclause (4) must specify -
  - (a) the number of units of forfeited entitlement represented by each certificate available for sale; and
  - (b) the value of a unit of forfeited entitlement;
  - (c) the method by which forfeited entitlement may be sold; and

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- (d) any terms of sale as may be required in the circumstance; and
- (e) the date at which forfeited entitlement is to be made available for sale.

(6) The criteria to be satisfied before a person may purchase forfeited entitlement is that the person -

- (a) holds a licence; or
- (b) has made an application for a licence to the CEO in the approved form, pursuant to clause 7(3)(b).

(7) The CEO may sell forfeited entitlement by means of -

- (a) public auction, conducted by a licensed auctioneer; or
- (b) invitation to tender issued by the CEO.

(8) Where a person has purchased forfeited entitlement, the CEO, upon receiving a certificate evidencing that purchase, is -

- (a) in the case of a licence holder, to vary the relevant licence so that the entitlement conferred by that licence includes the entitlement as specified in a certificate; or
- (b) in the case of a person satisfying the criteria in clause 7(3), to grant a licence conferring the entitlement as specified in a certificate, in addition to any other entitlement that may be conferred pursuant to an application made under clause 7(3).

#### **24. Grounds for refusing to transfer a licence, an entitlement, or part of an entitlement**

(1) The CEO may refuse to transfer -

- (a) a licence, or
- (b) an entitlement, or part of an entitlement, conferred by one licence to another licence,

where the total fee in respect of the transferor's licence has not been paid.

(2) The CEO may refuse to transfer an entitlement, or part of an entitlement, conferred by a licence (the 'transferor's licence') to another licence (the 'transferee's licence') on the grounds that -

- (a) the usual entitlement of the transferor's licence would, after the transfer, be less than one unit;
- (b) the CEO is of the opinion that the holder of the transferor's licence may be liable to prosecution for an offence which has been prescribed for the purposes of section 224 of the Act;
- (c) the proposed transfer is not of a whole unit or whole number of units;

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- (d) the forms in the CDR books issued in respect of the relevant licences, or in Fish Eye, and which are required to be completed are not received prior to lodgement of the application for transfer; or
  - (e) the forms in the CDR books issued in respect of the licence from which an entitlement is to be transferred, or the forms required to be completed in Fish Eye in respect of that licence, establish that the value of the current units of entitlement (in kilograms whole weight) for the relevant class of unit that would be conferred by the licence after the transfer would be less than the total quantity of rock lobster (whole weight) relevant to that class of unit taken under the authority of the licence during the period for which the licence has been granted or renewed.
- (3) The CEO may refuse to transfer a licence or part of an entitlement conferred by a licence to another licence on the grounds that -
- (a) the CEO has issued a notice under clause 19A(1) in respect of the transferor's licence; and
  - (b) the person who received the notice has not paid the amount of money specified in the notice to the Fisheries Research and Development Account; and
  - (c) the CEO has not withdrawn the notice under clause 19A(3).

## PART 6 - GENERAL REGULATION OF FISHING OPERATION

### 25. Use of boats

- (1) Subject to clause 26, a person must not use a boat in the Fishery unless -
- (a) the person is the holder of a licence, and the boat is the authorised boat specified on the licence; or
  - (b) the person is acting for or on behalf of the holder of the licence, and the boat is the authorised boat specified on the licence; or
  - (c) the person is fishing for rock lobster under the authority of a recreational fishing licence and the boat is not an authorised boat.
- (2) The master of an authorised boat must not permit any rock lobster to be transferred -
- (a) to another boat from; or
  - (b) from another boat to,
- the authorised boat while the authorised boat is in the waters of the Fishery.
- (3) A person must not transfer rock lobster -
- (a) to another boat from; or
  - (b) from another boat to,
- an authorised boat while the authorised boat is in the waters of the Fishery.

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(4) A person must not be in possession of rock lobster transferred under subclause (2) or (3).

(5) Subclauses (2), (3) and (4) do not apply in respect of rock lobster transferred to a boat that is licensed to be used as a carrier boat in Zone A in accordance with the plan.

## 26. Use of boat not specified on a licence

(1) Notwithstanding any other clause in this Plan, a regional manager, compliance manager or fisheries officer may, by notice in writing, and on written application by the holder of a licence, authorise the holder of a licence to use in the place of the boat specified on the licence not more than 3 boats, being boats specified on other licences, for a period not exceeding 10 days.

(2) An application for an authority under subclause (1) must be made on a form approved for that purpose by the CEO.

(3) A regional manager, compliance manager or fisheries officer must not provide an authority under subclause (1) unless satisfied that -

- (a) the boat first mentioned in subclause (1) cannot be operated;
- (b) each boat to be used in the place of the boat referred to in paragraph (a) is specified on a licence;
- (c) the holder of the licence first mentioned in subclause (1) is unable to apply to vary the licence or seek an authority under regulation 132 for reasons beyond the person's control; and
- (d) the master of each boat to be used in the place of the boat specified in paragraph (a) has provided written consent to the provision of an authority issued under this clause and written acknowledgement of subclause (4).

(4) It is a condition of a licence that, where the boat specified on a licence is also the subject of an authority provided under this clause, the master of the boat must immediately upon taking rock lobster clearly segregate and label the rock lobster with the details of the relevant licence under the authority of which they were taken.

(5) It is a condition of a licence that, where the boat specified on a licence is also the subject of an authority provided under this clause, a person must not use the boat to fish for rock lobster unless the person who gave the written acknowledgement for the purposes of subclause (3)(d) is the master of the boat.

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(6) An authority provided by a regional manager, compliance manager or fisheries officer under this clause may be given subject to such conditions as the regional manager, compliance manager or fisheries officer thinks fit, and may be amended from time to time or revoked by further notice in writing.

(7) An authority given by a regional manager, compliance manager or fisheries officer under this clause may be surrendered by the delivery to a regional manager, compliance manager or fisheries officer of notices in writing surrendering the authority made by the masters of each boat specified in the authority.

## 26A. Use of pot lines and float rigs

(1) This clause applies to the use of pot lines and float rigs used to fish for rock lobster during the period commencing on 1 April in any year and ending on 31 October in that same year.

(2) The master of an authorised boat must ensure that -

- (a) the maximum length of the pot line is equal to two times the depth of the water being fished;
- (b) the top third of the length of the pot line is held as close to vertical in the water column as possible, by the use of weighted rope or by a weight attached to the rope;
- (c) the float rig attached to the pot line is the only rope on the surface of the water;
- (d) the float rig is no more than 9.1 metres long; and
- (e) the float rig is attached to -
  - (i) no more than two surface floats when used in waters less than or equal to 54.9 metres in depth; or
  - (ii) no more than three surface floats when used in waters greater than 54.9 metres in depth.

(3) The master of an authorised boat must ensure that a pot line is pulled a minimum of once every seven days.

(4) Subclause (2) does not apply to the use of a pot line used to fish for rock lobster that is less than or equal to 32.9 metres long.

(5) When a pot line used to fish for rock lobster is less than or equal to 32.9 metres long, the master of an authorised boat must ensure that -

- (a) the combined pot line and float rig used to fish for rock lobster is less than or equal to 32.9 metres in length; and
- (b) no more than two surface floats are attached to the float rig.

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## 27. When rock lobster are to be released

(1) In this clause -

*line* means a line by which two attached pots are pulled simultaneously.

(2) The master of an authorised boat must ensure that any rock lobster brought on board the boat which the master does not intend to retain is removed from the pot and released to the sea within 5 minutes of being taken or before any other pot or line is pulled, whichever is first.

(3) Once a rock lobster is retained on an authorised boat for more than 5 minutes, the rock lobster must be held, landed and consigned in accordance with the plan.

## 28. Bycatch of deep sea crab

(1) In this clause -

*line* means a line by which two attached pots are pulled simultaneously;

*one day* has the same meaning as in regulation 3.

(2) The master of an authorised boat must ensure that any deep sea crab brought on board the boat is released to the sea within 5 minutes of being taken or before any other pot or line is pulled, whichever is first.

(3) Notwithstanding subclause (2) the master of an authorised boat may allow -

- (a) not more than 12 deep sea crabs to be on the boat at any time; and
- (b) not more than 12 deep sea crabs to be landed ashore from the boat in any one day,

provided that those deep sea crabs are in whole form.

(4) The master of an authorised boat must not permit any deep sea crab to be transferred -

- (a) to another boat from; or
- (b) from another boat to,

the authorised boat while the authorised boat is at sea in the waters of the Fishery.

(5) A person must not transfer any deep sea crab -

- (a) to another boat from; or
- (b) from another boat to,

an authorised boat while the authorised boat is at sea in the waters of the Fishery.

## 29. Transporting and setting pots

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Notwithstanding clause 19, the master of an authorised boat operating under the authority of a licence for which the current entitlement conferred by that licence has been exhausted -

- (a) may transport pots on the authorised boat during the following periods -
  - (i) 7 days following the exhaustion of the entitlement conferred by the licence; or
  - (ii) 7 days prior to the commencement of a new licensing period; and
- (b) may set pots that have been transported on that authorised boat in accordance with paragraph (a), and within the same periods specified in subparagraphs (a)(i) and (ii).

### 30. Authorised boats licensed as carrier boats

(1) Where an authorised boat is also licensed as a carrier boat under regulation 119, the master must ensure that -

- (a) the requirements of the plan in respect of rock lobster taken under the authority of the licence are completed prior to any other rock lobster being brought on board; and
- (b) all requirements of this plan pertaining to licensed carrier boats are complied with.

(2) The master of an authorised boat that is also licensed as a carrier boat must, in respect of rock lobster taken under the authority of the licence, and after complying with clause 36 of this plan, ensure that, where a CDR book was used under clause 60, the original copy of a CDR form applying to the rock lobster is removed from the CDR book and enclosed and sealed in the envelope provided by the Department.

### 31. Obligations of master of licensed carrier boat

(1) The master of a licensed carrier boat must not cause or permit any rock lobster to be carried on the boat at any time unless the rock lobster is held in sealed containers with not more than four landing tags securely attached in respect of those containers.

(2) The master of a licensed carrier boat must not cause or permit any person on board the boat to set or pull a rock lobster pot.

(3) Subclause (2) does not apply in respect of an authorised boat that is also licensed as a carrier boat where -

- (a) the boat is being used to take rock lobster under the authority of the licence on which it is specified; and

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- (b) no rock lobster, other than rock lobster taken under the authority of the licence, are on board the boat.

### 31A. Requirement to report lost pots

- (1) The master of an authorised boat must report any lost pots to the Department immediately, using Fish Eye.
- (2) If any pots referred to in subclause (1) are subsequently found, the master of an authorised boat must report those pots to the Department immediately, using Fish Eye.

## PART 7 - NOMINATIONS

### 32. Nominations made under this plan

- (1) Where a nomination is required to be made under this plan, the nomination must be made using IVR or Fish Eye.
- (2) A nomination that is made by IVR is not validly made until the person making the nomination has acknowledged receipt of a PIN, confirmation number or receipt number provided by IVR.
- (3) A nomination that is made by Fish Eye is not validly made until the person making the nomination receives and records the receipt or consignment number issued by Fish Eye.
- (4) Where the master of an authorised boat elects to use IVR to make nominations under this plan for a trip, the master must not make a nomination using Fish Eye for the duration of that trip.
- (5) Where the master of an authorised boat elects to use Fish Eye to make nominations under this plan for a trip, the master must not make a nomination using IVR for the duration of that trip.
- (6) Notwithstanding subclause (5), where the master of an authorised boat has elected to use Fish Eye to make nominations under this plan for a trip but is unable to obtain a receipt number from Fish Eye after making any nomination required under this plan, the master must -
- (a) make all nominations required to be made under this plan for that trip using IVR; and
- (b) make and submit all records in the CDR book as required under this plan.

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### 33. Obligations of licence holder

- (1) The holder of a licence must -
  - (a) nominate a person as the master of the authorised boat using IVR; or
  - (b) nominate persons who are authorised to act as the master of the authorised boat from time to time using the relevant form in Fish Eye.
- (2) Where the holder of a licence makes a nomination under subclause (1)(a), that person must -
  - (a) obtain and record the temporary PIN issued by IVR for use by the nominated master; and
  - (b) acknowledge receipt by IVR of the temporary PIN issued by IVR; and
  - (c) provide the temporary PIN to the nominated master.
- (3) The holder of a licence must not permit a person to operate as the master of the authorised boat under that licence until the holder of the licence has complied with subclause (1)(b) or (2).
- (4) Where using IVR, the holder of a licence may only nominate a person as the new master of the authorised boat where -
  - (a) no post-landing nomination required to be made under clause 36 is outstanding; and
  - (b) no pre-fishing nomination has been made under clause 34.
- (5) The holder of a licence must ensure that only one person nominated as a master in Fish Eye under clause (1)(b) is acting as the master of an authorised boat on any trip.
- (6) Where the holder of a licence nominates a new master under subclause (4), the PIN of the previous master is cancelled.

### 34. Master to make pre-fishing nomination

- (1) Prior to moving an authorised boat to commence pulling pots, the master of an authorised boat must make a pre-fishing nomination.
- (2) Where the master makes a pre-fishing nomination under subclause (1) by IVR, the master must -
  - (a) record the pre-fishing confirmation number issued by IVR in respect of the nomination in Part 1A of a CDR form; and
  - (b) acknowledge receipt by IVR of the pre-fishing confirmation number issued in respect of the nomination; and

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- (c) ensure that the crew that will be fishing from the authorised boat during the trip are listed in the crew list log sheet.
- (3) Where the master makes a pre-fishing nomination under subclause (1) by Fish Eye, the master must -
- (a) submit a pre-fishing nomination form in Fish Eye; and
  - (b) record the receipt number issued by Fish Eye in respect of the nomination.
- (4) A pre-fishing nomination made under subclause (1) remains in effect until -
- (a) a subsequent pre-landing nomination is made under clause 35; or
  - (b) rock lobster taken by the use of the authorised boat are consigned to a carrier boat; or
  - (c) it is cancelled under subclause (9).
- (5) The master of an authorised boat must not -
- (a) allow any person on board the authorised boat to pull a pot in the Fishery; or
  - (b) have rock lobster on board the authorised boat,
- unless a pre-fishing nomination has been made under subclause (1).
- (6) The master of an authorised boat may vary a pre-fishing nomination at any time while the nomination remains in effect.
- (7) Where the master of an authorised boat varies a pre-fishing nomination under subclause (6), the master of the authorised boat must -
- (a) where varying the nomination by IVR -
    - (i) record the receipt number issued by IVR in respect of the variation, in Part 1A of a CDR form; and
    - (ii) acknowledge receipt by IVR of the receipt number issued in respect of the variation; or
  - (b) where varying the nomination by Fish Eye -
    - (i) submit a cancellation of that nomination in Fish Eye; and
    - (ii) immediately submit a new pre-fishing nomination form in Fish Eye; and
    - (iii) record the receipt number issued by Fish Eye in respect of the new pre-fishing nomination.
- (8) The master of an authorised boat must not cancel a pre-fishing nomination at any time after commencing pulling pots.
- (9) Where the master of an authorised boat cancels a pre-fishing nomination, the master of the authorised boat must -
- (a) where cancelling the nomination by IVR -

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- (i) record the receipt number issued by IVR in respect of the cancellation, in Part 1A of a CDR form; and
- (ii) acknowledge receipt by IVR of the receipt number issued in respect of the cancellation; or
- (b) where cancelling the nomination by Fish Eye -
  - (i) submit a cancellation of that nomination in Fish Eye; and
  - (ii) record the receipt number issued by Fish Eye in respect of the cancellation.

### 35. Master to make pre-landing nomination

- (1) Prior to entering an approved landing area or delivering rock lobsters to a carrier boat in Zone A, the master of an authorised boat must make a pre-landing nomination.
- (2) Where the master makes a pre-landing nomination under subclause (1) by IVR, the master must -
  - (a) record the pre-landing confirmation number issued by IVR in respect of the nomination in Part 1C of a CDR form; and
  - (b) acknowledge receipt by IVR of the pre-landing confirmation number issued in respect of the nomination.
- (3) Where the master makes a pre-landing nomination under subclause (1) by Fish Eye, the master must -
  - (a) ensure that the crew that are onboard the authorised boat are listed in a pre-landing nomination form in Fish Eye; and
  - (b) submit a pre-landing nomination form in Fish Eye; and
  - (c) record the receipt number issued by Fish Eye in respect of the nomination.
- (4) The master of an authorised boat is not required to make a pre-landing nomination under subclause (1) where -
  - (a) the licence under which the boat is operating authorises it to operate in Zone A; and
  - (b) the authorised boat is operating in Zone A; and
  - (c) all the rock lobster on board the authorised boat is delivered to a licensed carrier boat; and
  - (d) the master of the authorised boat has elected to make nominations in respect of that trip using IVR.

### 36. Master to make post-landing nomination

- (1) Where using IVR to make nominations, the master of an authorised boat who has removed or permitted the removal of rock lobster from the authorised boat in an

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approved landing area must make a post-landing nomination by IVR immediately upon weighing the last consignment of rock lobster.

(2) Where using IVR to make nominations, the master of an authorised boat operating in Zone A who has delivered rock lobster to a carrier boat must make a post-landing nomination by IVR within 30 minutes of delivering the rock lobster to the carrier boat.

(3) Where the master of an authorised boat makes a post-landing nomination under subclause (1), the master must -

- (a) record the post-landing confirmation number issued by IVR in respect of the nomination in Part 1D of a CDR form; and
- (b) acknowledge receipt by IVR of the post-landing confirmation number issued in respect of the nomination.

(4) Where the master of an authorised boat operating in Zone A has delivered rock lobster to a carrier boat and has made a post-landing nomination under subclause (2), the master must -

- (a) record the post-landing confirmation number issued by IVR in respect of the nomination in the duplicate of a CDR form; and
- (b) acknowledge receipt by IVR of the post-landing confirmation number issued in respect of the nomination.

(5) Where using Fish Eye to make nominations, the master of an authorised boat who has removed or permitted the removal of rock lobster from the authorised boat in an approved landing area must make a post-landing nomination by -

- (a) submitting a post-landing nomination form in Fish Eye immediately upon weighing each consignment of rock lobster landed from the trip; and
- (b) recording the receipt number issued by Fish Eye in respect of the nomination; and
- (c) recording the consignment number issued by Fish Eye for each consignment of rock lobster.

(6) Where using Fish Eye to make nominations, the master of an authorised boat operating in Zone A who has delivered rock lobster to a carrier boat must make a post-landing nomination by -

- (a) submitting a post-landing nomination form in Fish Eye within 30 minutes of delivering the rock lobster to the carrier boat; and
- (b) recording the receipt number issued by Fish Eye in respect of the nomination; and
- (c) recording the consignment number issued by Fish Eye for each consignment of rock lobster.

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## PART 8 - HOLDING, LANDING AND WEIGHING ROCK LOBSTER

### 37. Landing areas

(1) For the purposes of this plan, an approved landing area is an area described in Schedule 11.

(2) A person must not -

- (a) bring onto land, or attempt to bring onto land; or
- (b) remove from an authorised boat,

any rock lobster, unless it is brought onto land in an approved landing area and landed or removed from the authorised boat in accordance with this plan.

(3) The master of an authorised boat must not permit any rock lobster to be -

- (a) brought onto land; or
- (b) removed from an authorised boat,

unless it is brought onto land in an approved landing area and landed or removed from the authorised boat in accordance with this plan.

(4) Subclause (2)(b) does not apply in respect of a person operating in Zone A where that person -

- (a) unloads rock lobster into a designated holding area; or
- (b) unloads rock lobster onto a licensed carrier boat; or
- (c) consigns rock lobster for back of boat sales.

(5) Prior to entering into an approved landing area, the master of an authorised boat must -

- (a) store all rock lobster on that boat in a sealed container with a landing tag attached in respect of that container, and determine the number of those containers of rock lobster on board that boat; or
- (b) accurately determine the number of rock lobster on board that boat.

(5A) Prior to entering into an approved landing area, the master of an authorised boat must, in the case of rock lobster intended for back of boat sales, ensure that those lobsters are stored in sealed containers with landing tags attached.

(6) The master of an authorised boat must ensure that all rock lobster on or attached to the boat are removed from the boat immediately upon bringing that rock lobster into an approved landing area.

(7) The master of an authorised boat must not remove, or permit to be removed, any rock lobster from an approved landing area, or consign rock lobsters to a registered receiver, unless the master has complied with clauses 36 and 60.

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(8) Subclauses (5), (6), and (7) do not apply in respect of a person using an authorised boat as a licensed carrier boat in accordance with clauses 30 and 31.

(9) Subclause (6) does not apply to rock lobster held in an approved landing area under clause 39.

### 38. Removing rock lobster from boats - Zone A

(1) A person must not remove any rock lobster from an authorised boat in Zone A unless the rock lobster is immediately -

- (a) placed in a designated holding area; or
- (b) delivered to a licensed carrier boat; or
- (c) consigned for back of boat sales,

in accordance with this plan.

(2) The master of an authorised boat must not remove, or permit to be removed, rock lobster from -

- (a) a designated holding area; or
- (b) an authorised boat,

unless the rock lobster is immediately delivered to a carrier boat or consigned for back of boat sales in accordance with this plan.

### 39. Rock lobster held in an approved landing area

(1) The master of an authorised boat must not hold rock lobster on, or attached to, an authorised boat in an approved landing area unless -

- (a) in the case of rock lobster consigned to a registered receiver, provide to the registered receiver the relevant licence number and either the CDR number or consignment number provided by Fish Eye in respect of the rock lobster to be consigned, prior to allowing the registered receiver to take possession of the rock lobster; and
- (b) the master of the authorised boat has -
  - (i) where using IVR to make nominations, completed a post-landing nomination using IVR in accordance with clause 36 and completed Parts 1B, 1C and 1D of a CDR form in respect of the rock lobster held on board; or
  - (ii) where using Fish Eye to make nominations, completed a post-landing nomination form in Fish Eye in accordance with clause 36.

(2) After completing the requirements of subclause (1)(a) and (1)(b)(i), the master of the authorised boat must immediately forward to the Department the original copy of a CDR form in respect of all rock lobster held in the approved landing area.

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(3) Where rock lobster held under subclause (1) is to be consigned, the master of the authorised boat must immediately -

- (a) provide to the registered receiver the relevant licence number and either the CDR number or consignment number provided by Fish Eye in respect of the rock lobster to be consigned, prior to allowing the registered receiver to take possession of the rock lobster; and
- (b) ensure that all rock lobster are landed at the same time.

#### 40. Landing containers

(1) A person must not use a container to hold rock lobster unless the use of that container has been approved by the CEO.

(2) A person must not use a container approved under subclause (1) to hold rock lobster where the container has anything in or attached to it for the purpose of retaining water.

#### 41. Use of landing tags

(1) A landing tag required to be used under this plan must be attached to any container holding rock lobster by passing the tag through the lid of that container and the container itself, and securing the tag through its locking device in such a manner that the tag is locked and intact and no rock lobster can be added to or removed from that container without breaking one or more landing tags.

(2) A person must not use more than 4 landing tags in respect of a container.

(3) The master of an authorised boat must ensure that rock lobster are held in sealed containers with landing tags attached to those containers in accordance with subclause (1) before the rock lobster is -

- (a) removed from the boat; or
- (b) delivered to a carrier boat.

(4) The master of an authorised boat must at all times keep safe and secure all unused landing tags and produce the landing tags to a fisheries officer where required by the fisheries officer to produce the landing tags for inspection.

(5) A person must not remove rock lobster from an authorised boat unless that rock lobster is held in a sealed container with a landing tag attached in respect of that container in accordance with this clause.

(6) A person must not -

- (a) remove a landing tag that has been attached to a container; or

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- (b) open the container to which a landing tag is attached, unless -
  - (i) that container is at a registered receiver's premises, and the rock lobster in that container have been consigned to that registered receiver; or
  - (ii) the lobster in that container are consigned for back of boat sales and the tag is not removed until 10 minutes after the accurate weight of lobster is reported on Fish Eye pursuant to clause 36.

## 42. Transporting rock lobster

(1) A person must not transport rock lobster that has had the tail fan clipped or punched in the manner specified under regulation 31 unless the rock lobster has been caught under a recreational fishing licence and the amount of rock lobster being transported does not exceed the possession limit prescribed in the regulations.

(2) A person must not transport rock lobster that has not had the tail fan clipped or punched in the manner specified under regulation 31 unless the rock lobster was lawfully purchased or obtained in accordance with this plan.

(3) A person transporting rock lobster other than under subclause (1) must have a receipt, transport docket or other document regarding the rock lobster in the person's actual possession which shows -

- (a) the weight (in kilograms) or number of rock lobster being transported; and
- (b) that the rock lobster being transported were lawfully purchased or obtained in accordance with this plan.

(4) A person must not transport rock lobster consigned by the master of an authorised boat by means other than a licensed carrier boat unless -

- (a) the rock lobster is held in sealed containers with landing tags attached in respect of those containers; and
- (b) a registered receiver consignment form has been completed and is in the possession of the person transporting the rock lobster; or
- (c) the person is transporting rock lobster for back of boat sales; and
- (d) no rock lobster other than those referred to in this subclause are being transported at the same time.

(5) A person must not transport rock lobster that has been consigned by the master of an authorised boat on a licensed carrier boat other than where the rock lobster is held in sealed containers with landing tags attached in respect of those containers.

(6) A person must not hold rock lobster consigned to a registered receiver by the master of an authorised boat at a place other than that registered receiver's

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premises, unless the rock lobster is held in sealed containers with landing tags attached in respect of those containers, and the rock lobster are being held -

- (a) on a licensed carrier boat; or
- (b) at a different place, and where a registered receiver consignment form has been completed and is being held with the rock lobster.

#### 43. Weighing rock lobster

(1) Where rock lobster are brought into an approved landing area the master of the authorised boat must -

- (a) immediately and accurately weigh and determine the gross weight and net weight of all rock lobster on board; and
- (b) ensure that any back of boat lobsters are weighed before the remainder of the rock lobster is weighed; and
- (c) ensure that the weights referred to in paragraph (a) are determined -
  - (i) within 90 metres of the boat in a part of that approved landing area; or
  - (ii) at a weighing point specified in Schedule 13, and bearing the same designation as an approved landing area specified in Schedule 11, and
- (d) ensure that -
  - (i) the placing of catch on a weighing device; and
  - (ii) the weight reading produced by that device,
 may both be clearly observed by a fisheries officer from any vantage point outside the place of weighing.

(2) Subject to subclause (3), the master of an authorised boat being operated in Zone A must, immediately prior to delivering rock lobster to a licensed carrier boat or removing rock lobster from a designated holding area -

- (a) accurately weigh and determine the gross weight and net weight of the rock lobster; and
- (b) ensure that any back of boat lobsters are weighed before the remainder of the catch is weighed.

(3) The weight of rock lobster to be determined in accordance with subclause (2) must not be determined other than -

- (a) in a designated holding area; or
- (b) on a jetty within the Abrolhos Islands holding area; or
- (c) on board an authorised boat in the Abrolhos Islands holding area; or
- (d) on board an authorised boat or a licensed carrier boat at the time the rock lobster are transferred to the licensed carrier boat.

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(4) Where the net weights recorded under clauses 60(4) and 62(8) are not the same, the higher net weight is to be taken to be a quantity of rock lobster that was taken under the authority of the licence.

(4a) Where the net weight recorded in a post-landing nomination under clause 36(5) or clause 36(6) is not the same as the net weight recorded under clause 62(8), the higher net weight is to be taken to be a quantity of rock lobster that was taken under the authority of the licence.

(5) Where an error has occurred in the recording of the weight of rock lobster on a CDR form, a registered receiver consignment form or a form submitted using Fish Eye, the CEO may permit an amendment to the relevant form where:

- (a) the CEO is satisfied that either –
  - (i) the error in recording the weight of the rock lobster is self-evident on the face of the relevant form; or
  - (ii) the evidence supports the conclusion that an error has occurred in the recording of the weight of the rock lobster on the relevant form, and information on other relevant forms in relation to the licence are consistent with that conclusion; and
- (b) the holder of the relevant licence notified the CEO of the error within 28 days of the error occurring; and
- (c) the error made exceeds 5 kilograms.

(6) Where the CEO permits an amendment to the relevant form under subclause (5), the amendment must be made by the Department using Fish Eye.

#### 44. Holding rock lobster

(1) The master of an authorised boat must not cause or permit any rock lobster to be held on board that boat unless that boat -

- (a) subject to clause 39, is not in an approved landing area; or
- (b) is in the Abrolhos Islands holding area,

and the master of the authorised boat accurately records all the information required in the original copy of a holding over form or records all session information in a pre-landing nomination form in Fish Eye -

- (i) by no later than midnight on the day on which fishing occurred; or
- (ii) immediately upon ceasing to pull pots for that day,

whichever occurs first.

(2) A person must not -

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- (a) hold rock lobster in the waters of the Fishery; or
- (b) be in possession of any rock lobster that has been held in the waters of the Fishery; or
- (c) bring onto any boat or land any rock lobster that has been held in the waters of the Fishery.

(3) Subclause (2) does not apply in respect of rock lobster being held in or removed from a designated holding area in Zone A in accordance with this plan.

(4) A person must not hold rock lobster on board or attached to a boat in the waters of the Fishery other than in accordance with this plan.

(5) The master of an authorised boat must ensure that no rock lobster is on board that boat at any time unless the boat was used to take that rock lobster.

(6) Subclause (5) does not apply in regard to an authorised boat that is being used as a licensed carrier boat to transport rock lobster held in sealed containers and secured with landing tags in accordance with this plan.

(7) Where the master of an authorised boat has not elected to use Fish Eye to make records, the master must, immediately after weighing any rock lobster, forward the original copy of the completed holding over form to the Department.

(8) The master of an authorised boat must retain the duplicate copy of the completed holding over form, and at all times keep safe and secure the holding over book and all forms inside it whether used or unused.

(9) Subclauses (1), (2), and (7) do not apply to rock lobster held in an approved landing area under clause 39.

#### **45. Holding rock lobster on a boat in the Abrolhos Islands holding area**

(1) The master of an authorised boat being used to hold rock lobster in the Abrolhos Islands holding area must not cause or permit any rock lobster to be held on board that boat unless the master has -

- (a) where using IVR to make nominations under this plan, recorded all information required in the original copy of a holding over form; or
- (b) where using Fish Eye to make nominations under this plan, recorded all session information for that day in a pre-landing nomination form in Fish Eye,

by no later than midnight on the day on which fishing has occurred or immediately upon ceasing to pull pots for that day, whichever occurs first.

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(2) At any time that the master of the authorised boat referred to in subclause (1) is not on board that boat, all rock lobster on board must be held in containers secured with not more than four landing tags affixed in such a manner that the tag is locked and intact and no rock lobster can be removed or added.

(3) A person must not use more than four landing tags in respect of a container in which rock lobster are held.

(4) A landing tag required to be used under this plan must be attached to a container used to hold rock lobster in accordance with this plan by passing the tag through the lid of that container and the container itself, and securing the tag through its locking device in such a manner that the tag is locked and intact and no rock lobster can be added to or removed from that container without breaking one or more landing tags.

#### 46. Holding rock lobster in a designated holding area

(1) For the purposes of this clause -

*immediately adjacent* means within 30 metres of another designated holding area;

*pontoon* means a floating platform within a designated holding area and in which rock lobster is held.

(2) Where the holder of a licence, or a person acting on their behalf, seeks to hold rock lobster in a designated holding area, the holder of a licence must nominate a designated holding area or areas, to a maximum of two, by forwarding the form approved by the CEO for this purpose in a holding over book to the Department.

(3) The holder of a licence, or a person acting on their behalf, must not store rock lobster in an area that has been nominated under subclause (2) until the nomination is approved.

(4) The holder of a licence may apply to vary the designated holding area nominated in accordance with subclause (2) by completing the form approved by the CEO for this purpose in a holding over book and providing it to the Department.

(5) A regional manager, compliance manager or fisheries officer may approve a nomination made under subclause (2) or (4), and must notify the holder of the licence.

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(6) Where rock lobster is to be held in a designated holding area the master of an authorised boat must, immediately upon adding rock lobster to or removing rock lobster from a designated holding area -

- (a) where using IVR to make nominations under this plan, record all information required in the relevant section of a holding over form; or
- (b) where using Fish Eye to make nominations under this plan, record all session information in a pre-landing nomination form in Fish Eye.

(7) Where a designated holding area is in waters adjacent to a jetty, or consists of a pontoon that is not immediately adjacent to another designated holding area, the master of an authorised boat must -

- (a) in the case of a designated holding area adjacent to a jetty, hold rock lobster in containers secured with not more than four landing tags; or
- (b) in the case of a pontoon, hold rock lobster within the pontoon, in containers secured with not more than four landing tags securely attached in respect of each container.

(8) Where -

- (a) designated holding areas are immediately adjacent and rock lobster are held in a pontoon; and
- (b) two or more licence holders, or persons acting on behalf of those licence holders, hold rock lobster in that same pontoon,

the persons referred to in paragraph (b) must ensure that -

- (i) the pontoon is divided into compartments equivalent to the number of persons referred to in paragraph (b); and
- (ii) the rock lobster held in that pontoon are separated accordingly and clearly identified as having been taken under the authority of a particular licence.

(9) A person must not remove rock lobster from a designated holding area other than in accordance with this plan.

(10) The master of an authorised boat who is holding rock lobster in a designated holding area must not permit a person to remove rock lobster from that designated holding area other than in accordance with this plan.

#### **47. Holding rock lobster on a boat and in a designated holding area simultaneously**

Rock lobster must not be held simultaneously on a boat and in a designated holding area unless the master of the authorised boat -

- (a) provides information in respect of both the rock lobster held on the boat and the rock lobster held in the designated holding area by -

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- (i) completing the required information in a holding over form; or
  - (ii) recording all session information for that day in a pre-landing nomination form in Fish Eye; and
- (b) complies with all the requirements specified in this plan in respect of holding rock lobster.

**48. Holder of licence or master must not operate in Zone A unless holding over book issued**

(1) The holder of a licence must not operate, or permit a person to operate, in Zone A unless a holding over book has been issued in respect of that licence.

(2) The master of an authorised boat must not operate in Zone A unless the master can immediately produce the holding over book issued in respect of the licence specifying that authorised boat where required by a fisheries officer to produce that book for inspection.

**PART 9 - CONSIGNMENT OF ROCK LOBSTER**

**49. All rock lobster are to be consigned**

All rock lobster that may be held in accordance with this plan in -

- (a) an authorised boat in Zone A; or
  - (b) a designated holding area; or
  - (c) both (a) and (b); or
  - (d) an authorised boat in an approved landing area,
- must be consigned simultaneously.

**50. Consignment of rock lobster by master**

(1) The master of an authorised boat must not consign rock lobster taken in respect of a trip to any person other than -

- (a) a registered receiver; or
- (b) a person acting on behalf of a registered receiver; or
- (c) persons who have purchased back of boat lobsters taken on that trip; or
- (d) persons who are to receive back of boat lobsters taken on that trip.

(2) The master of an authorised boat must not consign rock lobster to a registered receiver or a person acting on behalf of a registered receiver unless the person to whom the rock lobster is to be consigned is present at the time that the master transfers possession of the rock lobster.

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(3) For the purpose of back of boat sales the master of an authorised boat must not land more than 999 rock lobster taken in respect of a trip.

## 51. Persons who may receive consignment of rock lobster

(1) A person must not receive a consignment of rock lobster unless the person is -

- (a) a registered receiver; or
- (b) acting on behalf of a registered receiver; or
- (c) the recipient of back of boat lobster.

(2) The master of the authorised boat who is consigning the rock lobster to a person referred to in subclause (1)(a) or (b) must provide the relevant licence number and either the CDR number or the consignment number provided by Fish Eye.

(3) The master of the authorised boat who is consigning the rock lobster to a person receiving back of boat lobsters must provide -

- (a) a receipt for the purchase of the lobster, complying with all relevant legal requirements in regard to the sale of goods, and
- (b) the managed fishery licence number of the authorisation under which the lobster were taken and landed; or
- (c) in the case of lobster that is not purchased, written evidence -
  - (i) that the lobster were taken under the authority of a specified managed fishery licence number; and
  - (ii) of the quantity of rock lobster.

(4) The holder of a commercial fishing licence must not act for or on behalf of a registered receiver on the same day as the licence holder has undertaken a trip in the Fishery.

## 52. Person to notify CEO of intent to register as a receiver

(1) A person who intends to receive rock lobster, other than a fish processing licence holder authorised to process rock lobster or a person who is to receive a consignment of back of boat lobsters, must -

- (a) notify the CEO in writing of that intent; and
- (b) specify a registered receiver's premises; and
- (c) specify the business address of the person notifying of the intent to become a registered receiver.

(2) A person who notifies the CEO in accordance with subclause (1) and who is not the holder of a commercial fishing licence is to be given a certificate stating that the person is a registered receiver.

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(3) A certificate has effect when the person who has notified the CEO in accordance with subclause (1) has received a certificate of registration from the CEO.

(4) The CEO must not give a person a certificate of registration where the person has specified under subclause (1) a registered receiver's premises which are already operated as a registered receiver's premises by a person who has previously received a certificate of registration from the CEO.

(5) A certificate given to a person under subclause (2) does not have effect where the registered receiver's premises specified by the person are already operated as a registered receiver's premises by a person who has previously received a certificate of registration from the CEO.

(6) A person who is given a certificate under subclause (2) and who becomes a holder of a commercial fishing licence must immediately return that certificate to the CEO.

(7) A person who receives a certificate under subclause (2) may request the CEO to issue a Registered Receiver Consignment Record book.

(8) For the purposes of this clause, a certificate issued or renewed under the *West Coast Rock Lobster Management Plan 1993* is taken to be a certificate issued under this clause.

### **53. Obligations of registered receiver where rock lobster are delivered by master**

Where rock lobster are received directly from the master of an authorised boat at a registered receiver's premises, the registered receiver must -

- (a) ensure that the containers holding the rock lobster are tagged and sealed, and remain tagged and sealed until the time referred to in paragraph (c) has elapsed; and
- (b) record the licence and consignment numbers provided by the master who consigned the rock lobster; and
- (c) ensure that no rock lobster is removed from, or added to, a container until at least 10 minutes after the determination of the gross weight of the rock lobster.

### **54. Registered receiver to submit information regarding rock lobster received, stored and disposed of**

(1) The CEO may require a registered receiver to provide any information that the CEO considers appropriate, including, but not limited to, information on all lobsters

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received, stored, transported, sold, purchased, exported and disposed of by the registered receiver during a specified period.

(2) A registered receiver must comply with a request made under subclause (1) in the form required by the CEO within the timeframe specified by the CEO.

(3) A registered receiver must not provide false or misleading information to the CEO in response to a request made under subclause (1).

## **55. Rock lobster brought onto land**

(1) A person on board an authorised boat must not remove rock lobster from the authorised boat without the authority of the master of that authorised boat.

(2) A person must not bring any rock lobster onto land in Zone A unless the rock lobster is consigned as back of boat lobsters in accordance with this plan.

## **PART 10 - CDR AND RECORDS**

### **56. Issue of CDR books**

Where a licence is in force, the holder of the licence may request the CEO to issue a CDR book in respect of that licence.

### **57. Holder of licence or master must not operate unless CDR book issued in respect of a licence**

(1) The holder of a licence must not operate, or permit a person to operate, unless a CDR book has been issued in respect of that licence.

(2) The master of an authorised boat must not operate unless the master can immediately produce the CDR book issued in respect of the licence specifying that authorised boat to a fisheries officer where required by the fisheries officer to produce the CDR book for inspection.

(3) Subclauses (1) and (2) apply to all licence holders and masters of authorised boats operating in the fishery, even where the master of an authorised boat has elected to make records by use of Fish Eye.

### **58. Obligations in respect of CDR books**

(1) The master of an authorised boat must return the CDR book to the holder of the licence in respect of which the CDR book has been issued when -

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- (a) the master ceases to be the master in respect of that authorised boat; or
  - (b) the CDR book has been completed.
- (2) The holder of a licence must -
- (a) keep the CDR book secure and in good condition at all times; and
  - (b) retain the CDR book issued in respect of that licence for 5 years from the date of the last entry in that book; and
  - (c) produce the CDR book to a fisheries officer where required by the fisheries officer to produce the CDR book for inspection.
- (3) Where the holder of a licence or the master of an authorised boat loses -
- (a) a CDR book; or
  - (b) a form required to be completed in a CDR book,
- the holder of the licence or master, as the case may be, must immediately report the loss of the CDR book or form to a fisheries officer.
- (4) Where a CDR book issued in accordance with subclause (1) cannot be produced, and the holder of the licence satisfies the CEO of the quantity of rock lobster taken under the authority of the licence, the CEO may issue a replacement CDR book in respect of that licence.

#### **59. Requirement for master to make records**

- (1) Where the master of an authorised boat has used Fish Eye to make and complete nominations on a trip the master must not make records in a CDR book.
- (2) Where the master of an authorised boat uses Fish Eye to make and complete nominations, the master must keep records of the information submitted to Fish Eye and received from Fish Eye for a period of 5 years.
- (3) The master of an authorised boat who has used Fish Eye to make nominations must immediately report to a fisheries officer -
- (a) any loss of records required to be kept under this plan; or
  - (b) any loss of, or damage to, any device used to store records required to be kept under this plan.

#### **60. Records to be made by master in a CDR book**

- (1) This clause does not apply to a master of an authorised boat who uses Fish Eye to make and complete nominations on a trip.

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(2) The master of an authorised boat must, prior to unloading or landing any rock lobster from an authorised boat, complete Part 1B of a CDR form in respect of all the rock lobster on board that boat.

(3) The master of an authorised boat must, prior to entering an approved landing area and immediately prior to the rock lobster being weighed, complete Part 1C of a CDR form in respect of all the rock lobster on the authorised boat.

(4) The master of an authorised boat must, immediately after weighing rock lobster, complete Part 1D of a CDR form in respect of all the rock lobster to be consigned, by completing Part 1D of a CDR form in respect of each consignment.

## 61. Obligations of master in regard to forms

(1) This clause does not apply to a master of an authorised boat who uses Fish Eye to make and complete nominations on a trip.

(2) The master of an authorised boat must, immediately upon consigning the rock lobster taken on a trip, forward completed original copies of all CDR forms required to be made in respect of that trip to the Department, at the address specified on the relevant forms.

(3) Where rock lobster are consigned to a registered receiver, the master of an authorised boat must -

- (a) provide the relevant licence number and the CDR form number to the registered receiver, prior to allowing the registered receiver to take possession of the rock lobster, or to the master of a carrier boat at the same time the rock lobster is delivered to a carrier boat; and
- (b) forward to the Department the original copy of the CDR form in respect of all the rock lobster to be consigned.

(4) Where rock lobster are delivered to a carrier boat, the master of the authorised boat must forward to the Department the original copy of the CDR form in respect of all rock lobster to be consigned.

(5) Where rock lobster brought onto land are to be transported by the master of the authorised boat to a registered receiver, the master must remove the original copy of the CDR form in respect of that consignment from the CDR book, and seal it in the envelope provided by the Department before removing the rock lobster from the place where they were weighed, and immediately forward the form to the Department.

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- (6) The master of an authorised boat must -
- (a) unless otherwise required in the plan, ensure that all copies of all CDR forms remain attached to the CDR book; and
  - (b) complete the forms in a CDR book in consecutive order.

**62. Records to be made by registered receiver in a registered receiver consignment book**

- (1) A person must not operate as a registered receiver unless -
- (a) a registered receiver consignment book has been issued to the person by the CEO; and
  - (b) the person can immediately produce the registered receiver consignment book issued where required by a fisheries officer to produce the registered receiver consignment book for inspection.
- (2) A registered receiver must -
- (a) keep the registered receiver consignment book secure and in good condition at all times; and
  - (b) retain the duplicate forms in a registered receiver consignment book for 5 years; and
  - (c) retain the registered receiver consignment book for 5 years from the date of the last entry in that book; and
  - (d) produce the registered receiver consignment book to a fisheries officer where required by the fisheries officer to produce the registered receiver consignment book for inspection.
- (3) Where a registered receiver loses -
- (a) a registered receiver consignment book; or
  - (b) a form required to be completed in a registered receiver consignment book,
- the registered receiver must immediately report the loss of the registered receiver consignment book or form to the Department.
- (4) A person must not be in possession of a CDR book at a registered receiver's premises.
- (5) A registered receiver must not take possession of a consignment of rock lobster until the master of the authorised boat who is consigning the rock lobster provides the registered receiver with the licence number and either the CDR form number or the consignment number issued by Fish Eye relating to that consignment.
- (6) A registered receiver must, immediately upon taking possession of a consignment of rock lobster, complete Part A of a registered receiver consignment form in respect of that consignment.

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- (7) Where a registered receiver takes possession of a consignment of rock lobster at a place other than the registered receiver's premises, the registered receiver must -
- (a) accurately weigh and determine the gross weight of the rock lobster to be transported immediately upon taking possession of the rock lobster; and
  - (b) subject to paragraph (a), immediately and accurately complete Part B of a registered receiver consignment form in respect of that consignment.
- (8) Where a registered receiver takes possession of a consignment of rock lobster at the registered receiver's premises, the registered receiver must -
- (a) immediately and accurately weigh and determine the gross weight of the rock lobster; and
  - (b) not less than 10 minutes after determining the gross weight of the consignment, accurately weigh and determine the net weight of the rock lobster; and
  - (c) immediately and accurately complete Part C of a registered receiver consignment form in respect of that consignment.
- (9) A registered receiver must, upon removing rock lobster from containers in which they were consigned, immediately weigh those containers and record that weight in Part C of the registered receiver consignment form in respect of that consignment.
- (10) A registered receiver must, within 48 hours of taking possession of a consignment, forward the completed original of the registered receiver consignment form to the Department at the address specified on the form.

### **63. Registered receiver may submit records electronically**

- (1) Notwithstanding clause 62, a registered receiver may seek approval from the CEO to electronically submit the information required in Parts A and C of the registered receiver consignment form.
- (2) The CEO may give approval to a registered receiver to submit records in the electronic form approved by the CEO for that purpose.
- (3) Where the CEO has given approval under subclause (2) and the registered receiver elects to make and submit records electronically with respect to a consignment of rock lobster, the registered receiver must submit all records required under clause 62 in the electronic form approved by the CEO.
- (4) Notwithstanding an approval given under subclause (2), a registered receiver must complete Parts A and B of the registered receiver consignment form where

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taking possession of rock lobster at a place other than at the registered receiver's premises.

(5) Where a registered receiver takes possession of a consignment of rock lobster at the registered receiver's premises, a registered receiver who -

- (a) has received approval under subclause (2), and
- (b) elects to make and submit records electronically with respect to that consignment of rock lobster,

must make a record of the information that is required under clause 62 to be entered in Parts A and C of the registered receiver consignment form.

(6) Electronic records made under this clause must be submitted within 48 hours of the registered receiver taking possession of a consignment of rock lobster.

(7) A registered receiver must retain the duplicate forms in a registered receiver consignment record book and copies of all records made and submitted electronically under this clause for 5 years.

## **PART 11 - PROHIBITIONS AND OFFENCES**

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

(1) Subject to subclause (2), a person must not fish in the Fishery other than -

- (a) in accordance with this plan; and
- (b) under the authority of a licence.

(2) This plan does not apply to a person fishing in accordance with and under the authority of an authorisation issued in respect of the West Coast Deep Sea Crustacean Fishery.

(3) A person fishing in the Fishery under the authority of a licence must not fish in a Zone of the fishery not specified on that licence.

### **65. Prohibition on fishing in particular areas**

(1) A person must not fish at any time in any of the areas of the Fishery described in -

- (a) Schedule 4;
- (b) Schedule 5; or
- (c) Schedule 11.

(2) A person must not fish during the period commencing on 16 January and ending on 14 November in any year, in the area described in Schedule 6.

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(3) A person must not fish during the period commencing on 15 January 2013 and ending on 30 September 2027 in the area described in Schedule 7.

**66. Prohibition on fishing under the authority of more than one licence**

(1) A person must not pull pots or take lobsters in the Fishery under the authority of more than one licence on any trip using the same authorised boat.

(2) A person fishing under the authority of a licence must complete the requirements of clauses 32, 36, 59 and 60 prior to fishing under the authority of a different licence.

(3) A person must not commence fishing under the authority of a licence until all rock lobster taken under the authority of another licence have been removed from the authorised boat in accordance with the plan.

**67. Prohibition on operating in more than one Zone on any trip**

(1) The master of an authorised boat must not permit pots to be set in more than one Zone of the Fishery at any time.

(2) A person must not set pots in the water in more than one Zone of the Fishery at any time.

(3) The master of an authorised boat must not permit a person to pull pots in more than one Zone of the Fishery on any trip.

(4) A person must not pull pots in more than one Zone of the Fishery on any trip.

(5) The master of an authorised boat must not permit a person to land rock lobster taken in more than one Zone of the Fishery on any trip.

(6) A person must not land rock lobster taken in more than one Zone of the Fishery on any trip.

**67B. Transitioning pots between different Zones**

(1) Notwithstanding clause 67, the master of an authorised boat may, with the written approval of a Fisheries Officer, have pots in more than one Zone of the Fishery for the purpose of transferring pots from one Zone to another Zone.

(2) A person must not pull pots from more than one Zone of the Fishery during the period specified in any written approval provided under subclause (1).

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**68. Prohibition on operating with more than the maximum number of pots**

(1) Subject to subclauses (2) and (3), the maximum number of pots that may be operated under the authority of a licence is -

- (a) in Zone A, the sum of -
  - (i) the current entitlement of Zone A units multiplied by 0.05;
  - (ii) the current entitlement of Zone B units multiplied by 0; and
  - (iii) the current entitlement of Zone C units multiplied by 0;
- (b) in Zone B, the sum of -
  - (i) the current entitlement of Zone A units multiplied by 0.028;
  - (ii) the current entitlement of Zone B units multiplied by 0.05; and
  - (iii) the current entitlement of Zone C units multiplied by 0;
- (c) in Zone C, the sum of -
  - (i) the current entitlement of Zone A units multiplied by 0;
  - (ii) the current entitlement of Zone B units multiplied by 0; and
  - (iii) the current entitlement of Zone C units multiplied by 0.05.

(2) For the period 1 November in any year to 30 April in the following year the maximum number of pots that may be operated under the authority of a licence is -

- (a) in Zone A, the sum of -
  - (i) the current entitlement of Zone A units multiplied by 0.1;
  - (ii) the current entitlement of Zone B units multiplied by 0; and
  - (iii) the current entitlement of Zone C units multiplied by 0;
- (b) in Zone B, the sum of -
  - (i) the current entitlement of Zone A units multiplied by 0.056;
  - (ii) the current entitlement of Zone B units multiplied by 0.1; and
  - (iii) the current entitlement of Zone C units multiplied by 0;
- (c) in Zone C, the sum of -
  - (i) the current entitlement of Zone A units multiplied by 0;
  - (ii) the current entitlement of Zone B units multiplied by 0; and
  - (iii) the current entitlement of Zone C units multiplied by 0.1.

(3) Notwithstanding the maximum number of pots that may be operated pursuant to a calculation made in accordance with subclauses (1) or (2), the maximum number of pots that may be operated is 200 -

- (a) for the period ending on 31 October 2020; and
- (b) for the period 1 May 2021 to 30 June 2021.

(4) Subject to subclause (5), a person fishing under the authority of a licence must not operate more than the maximum number of pots provided for in subclauses (1), (2) or (3).

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(5) The Manager Regional Compliance, or a fisheries officer, may, in writing, authorise a person to operate under the authority of a licence with up to twice the maximum number of pots provided for in subclauses (1), (2) or (3), for the purpose of gear replacement.

(6) A person fishing in accordance with an authority provided under subclause (5) must -

- (a) comply with any conditions of that authority; and
- (b) not operate more pots below the surface of the water than the maximum number of pots provided for in subclauses (1), (2) or (3).

**69. Prohibition on taking rock lobster otherwise than by means of pots**

A person shall not take or attempt to take rock lobster in the Fishery otherwise than by means of pots conforming to the specifications set out in Part 2 of Schedule 13 to the regulations.

**70. Prohibition on selling, dealing in, or attempting to deal in rock lobster**

(1) In this clause -

*clipped* means the removal of the bottom half of a segment of the tail fan of a rock lobster;

*deal in* includes handling, storing, transporting, weighing and recording;

*otherwise dealt with* includes handled, stored, transported, weighed and recorded;

*punched* means the punching of a circular hole of not less than 10 millimetres in diameter in a segment of the tail fan of a rock lobster.

(2) A person must not sell, purchase or deal in, or attempt to sell, purchase or deal in, or be in possession of, any rock lobster taken, landed or otherwise dealt with in contravention of this plan.

(3) A person must not sell, purchase or deal in or attempt to sell, purchase or deal in, or be in possession of, any rock lobster unless that rock lobster was taken and landed by the holder of a commercial fishing licence under the authority of a licence.

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(4) Subclause (3) does not apply to rock lobster taken by a person operating under the authority of a managed fishery licence granted with respect to the *South Coast Crustacean Managed Fishery Management Plan 2015*.

(5) A person must not sell, purchase or deal in, or attempt to sell, purchase or deal in, any rock lobster that have had the tail fan clipped or punched in the manner specified in regulation 31.

(6) A person must not store or have in their possession at a place where fish are sold, purchased or otherwise dealt with for a commercial purpose, any rock lobster that have had the tail fan clipped or punched.

## 71. Prohibition on unauthorised persons accessing IVR or Fish Eye

(1) A person must not -

- (a) permit or assist a person who has not been issued a PIN to access IVR;
- (b) permit or assist a person who has not been issued a Fish Eye user identification or Fish Eye password to access Fish Eye; or
- (c) provide a PIN, Fish Eye user identification or Fish Eye password to another person; or
- (d) access or attempt to access IVR where that person has not been issued a PIN or provided a PIN in accordance with clause 33(2); or
- (e) access or attempt to access Fish Eye or a part of Fish Eye where that person is not authorised to access Fish Eye.

(2) Subclause (1) does not apply to the holder of a licence who provides the temporary master PIN issued by IVR to the person nominated as the master of an authorised boat in accordance with clause 33(2).

(3) A person who has been issued a PIN to access IVR, a Fish Eye user identification or a Fish Eye password must keep that PIN, user identification or password secure at all times.

## 72. Prohibition in respect of nominations

A person must not -

- (a) provide any false or misleading information in a nomination; or
- (b) permit or assist any person to provide false or misleading information in a nomination; or
- (c) act contrary to any nomination made under this plan.

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#### 72A. Prohibition in respect of CDR forms and holding over forms

A person must not provide any false or misleading information in a CDR form, holding over form or registered receiver consignment form.

#### 72B. Prohibitions in respect of back of boat lobsters

- (1) A person must not -
  - (a) sell, consign, or attempt to sell or consign, back of boat lobsters to a registered receiver; or
  - (b) receive a consignment of back of boat lobsters in a registered receiver's premise.
- (2) A registered receiver must not purchase back of boat lobsters.
- (3) The master of an authorised boat must not land back of boat lobsters unless a prelanding nomination form is submitted to the Department using Fish Eye, in accordance with clause 35.

#### 73. Designated rock lobster pot storage areas

(deleted)

#### 74. Closure of areas within the Fishery

- (1) The CEO may, by notice published in the Gazette, prohibit fishing in the Fishery, or 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 licences holders who are entitled to fish in the Fishery, or in that part of the Fishery that is the subject of the proposed prohibition;
  - (b) must take into account any advice received from the Department's Director of Fisheries Research;
  - (c) may be made to apply at all times or at any specified time; and
  - (d) revokes any previous notice made under that subclause.
- (3) A person must not fish for rock lobster in the Fishery, or a specified part of the Fishery, at any time when fishing in the Fishery, or that specified part of the Fishery, has been prohibited by a notice made under subclause (1).
- (4) The master of an authorised boat must not operate, or store or transport any rock lobster on board that boat in the Fishery, or a specified part of the Fishery, at any

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time when fishing in the Fishery, or that specified part of the Fishery, has been prohibited by a notice made under subclause (1).

## 75. Offences

A person who contravenes a provision of clause 9, 12, 19, 25, 26, 26A, 27, 28, 30, 31, 31A, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 72A, 72B, or 74 commits an offence.

## SCHEDULES

### SCHEDULE 1 - Description of the Fishery

[clause 5]

The waters situated on the west coast of the State bounded by a line commencing at the intersection of the high water mark and 21°44' south latitude drawn due west to the intersection of 21°44' south latitude and the boundary of the Australian Fishing Zone; thence southwards along the boundary to its intersection with 34° 24' south latitude; thence due east along 34° 24' south latitude to the intersection of 115°08.091' east longitude; thence due north along 115° 08.091' east longitude to the high water mark; thence along the high water mark to the commencing point and divided into Zones as described in Schedule 2.

### SCHEDULE 2 - Zones of the Fishery

[clause 5]

#### *Zone A*

The waters between 21° 44' south latitude and 30° south latitude described as the Abrolhos Islands area.

#### *Zone B*

The waters between 21° 44' south latitude and 30° south latitude excluding the Abrolhos Islands area.

#### *Zone C*

The waters between 30° south latitude and 34° 24' south latitude excluding all waters on the south coast east of 115° 08.091' east longitude.

### SCHEDULE 3 - Abrolhos Islands area

[clause 3]

The whole of the waters bounded by a line commencing from the intersection of 27° 30' south latitude and 112° 50' east longitude and extending in an easterly direction to the intersection of 27° 30' south latitude and 113° 37' east longitude; thence south-easterly to the intersection of 28° 45' south latitude and 114° 9.870' east longitude; thence south-

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easterly to the intersection of 29° 30' south latitude and 114° 30' east longitude; thence west to 112° 50' east longitude; thence north to the starting point.

#### SCHEDULE 4 - Big Bank area

[clause 65]

All of the waters of the Indian Ocean bounded by a line commencing at a point at 27° 14.000' south latitude and 113° 06.046' east longitude, then extending due east along the parallel to a point at 27° 14.000' south latitude and 113° 17.313' east longitude, then southerly to a point at 27° 30.000' south latitude and 113° 21.986' east longitude, then due west along the parallel to a point at 27° 30.000' south latitude and 113° 10.681' east longitude, then generally northerly to the commencement point.

#### SCHEDULE 5 - Rottnest Island and Quobba Point areas

[clause 65]

All that portion of the Indian Ocean within 1600 metres of the high water mark of Rottnest Island, clockwise of a line extending 225° True from the intersection of 32° 01.503' south latitude and 115° 26.987' east longitude to another line extending 180° True from the intersection of 32° 01.594' south latitude and 115° 31.734' east longitude.

All that portion of the Indian Ocean within 800 metres of the high water mark of Rottnest Island, clockwise of a line extending 180° True from the intersection of 32° 01.594' south latitude and 115° 31.734' east longitude to another line extending 225° True from the intersection of 32° 01.503' south latitude and 115° 26.987' east longitude.

All that portion of the Indian Ocean bounded by a line starting from the intersection of 24° 29.461' south latitude and 113° 24.487' east longitude and extending south to south latitude 24° 34'; thence east to the intersection with high water mark; thence generally north-westerly along the high water mark to south latitude 24° 29.461'; and thence west to the starting point.

#### SCHEDULE 6 - Rottnest Island area

[clause 65]

All that portion of the Indian Ocean beyond 800 metres, but within 1600 metres, of the high water mark of Rottnest Island, clockwise of a line extending 180° True from the intersection of 32° 01.594' south latitude and 115° 31.734' east longitude to another line extending 225° True from the intersection of 32° 01.503' south latitude and 115° 26.987' east longitude.

#### SCHEDULE 7 - Closed area

[clause 65]

The waters bounded by a line commencing at the point of intersection of 29° 57.16' south latitude and 114° 31.76' east longitude; then extending east along the geodesic to the intersection of 29° 57.16' south latitude and 114° 34.06' east longitude; then extending south-easterly along the geodesic to the intersection of 30° 02.86' south latitude and 114° 36.28' east longitude; then extending westerly along the geodesic to the intersection of 30°

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02.86° south latitude and 114° 33.98' east longitude; then extending generally north-westerly to the commencement point.

### SCHEDULE 8 - Unit values

[clause 18]

1. The extent of the entitlement to fish in a Zone of the Fishery arising from a unit during a licence period is determined in accordance with the following formula -

$$\left( \frac{A}{B} \right) \times 101.5\% = C$$

Where -

- A is the capacity (whole weight of rock lobster) of the relevant Zone;
- B is -
  - (i) for the licence period ending 30 June 2021- the sum of all of the units conferred for that Zone, as specified on all the relevant licences immediately before the expiry of the relevant licensing period, subject to clause 23;
  - (ii) for any licence period other than as specified in (i) - the figure specified in the Table to this Schedule for that respective Zone;
- C is the value of the unit (incorporating water loss factor).

**Table**

| <b>Zone</b> | <b>Number of Conferred Units</b> |
|-------------|----------------------------------|
| Zone A      | 186,300                          |
| Zone B      | 230,936                          |
| Zone C      | 357,350                          |

2. Where, as a result of the above calculation a result is more than two decimal places, then the fraction ending with 50 or less at the 3<sup>rd</sup> and 4<sup>th</sup> decimal places is rounded down to two decimal places and any fraction ending with 51 or more at the 3<sup>rd</sup> and 4<sup>th</sup> decimal places is rounded up to two decimal places.

### SCHEDULE 9 - Payment of fees by instalments

[clause 12]

The fee payable in respect of the grant or renewal of a licence may be paid in instalments consisting of -

- (a) for the period commencing on 1 July 2021 and ending on 14 January 2023:
  - (i) the first instalment, being 20% of the total fee and due for payment on or before 1 July 2021;
  - (ii) the second instalment, being 50% of the total fee and due for payment on or before 31 March 2022;
  - (iii) the third instalment, being 30% of the total fee and due for payment on or before 30 September 2022.

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- (b) for the period commencing on 15 January 2023 and ending on 30 June 2023:
- (i) the first instalment, being 50% of the total fee and due for payment on or before 15 January 2023;
  - (ii) the second instalment, being 50% of the total fee and due for payment on or before 1 April 2023.
- (c) for any other period:
- (i) the first instalment, being 25% of the total fee and due for payment on or before 1 July in any year;
  - (ii) the second instalment, being 35% of the total fee and due for payment on or before 15 December following the day on which the first instalment is paid;
  - (iii) the third instalment, being 40% of the total fee and due for payment on or before 1 April following the day on which the first instalment is paid.

### SCHEDULE 9A - Fees

[clause 12A]

For the purpose of calculating the total fee, the fee payable (per unit) for the grant or renewal of a licence for the period commencing on 1 July 2024 and ending on 30 June 2025 is –

- (a) for a Zone A unit, \$18.29;
- (b) for a Zone B unit, \$26.23;
- (c) for a Zone C unit, \$26.49.

### SCHEDULE 10 - Method for the determination of certain weights

[clause 3]

- (1) Method for determining container weight –

The container must be weighed immediately after the rock lobster have been removed and be –

- (a) clean and empty immediately prior to being weighed; and
- (b) weighed with all lids and other attachments.

- (2) Method for determining net weight of a consignment of rock lobster –

Net weight is determined by subtracting from the gross weight of the consignment the total weight of all containers in the consignment.

### SCHEDULE 11 - Approved landing areas

[clause 37]

#### Area 1: Carnarvon

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All waters known as the Carnarvon Boat Harbour upstream of a line commencing at the intersection of 24°54.326' south latitude and 113°39.152' east longitude, thence westerly to the intersection of 24°54.326' south latitude and 113°39.035' east longitude.

#### **Area 2: Denham**

All waters bounded by a line commencing at 25°55.675' south latitude and 113°31.975' east longitude, thence to a point at 25°55.731' south latitude and 113°31.939' east longitude, thence to a point at 25°55.777' south latitude and 113°32.025' east longitude, thence to a point at 25°55.717' south latitude and 113°32.062' east longitude, thence along a line to the commencement point.

#### **Area 3: Kalbarri**

All waters bounded by a line commencing at 27°42.526' south latitude and 114°09.480' east longitude, thence along the high water mark to a point at 27°41.962' south latitude and 114°10.164' east longitude, thence to a point at 27°41.823' south latitude and 114°10.027' east longitude, thence along the high water mark to a point at 27°42.403' south latitude and 114°09.772' east longitude, thence along a straight line to the commencement point.

#### **Area 4: Lucky Bay**

All waters bounded by a line commencing at 28°00.829' south latitude and 114°09.326' east longitude, thence to a point at 28°00.829' south latitude and 114°09.188' east longitude, thence to a point at 28°00.974' south latitude and 114°09.227' east longitude, thence to a point at 28°00.974' south latitude and 114°09.397', thence along a line to the commencement point.

#### **Area 5: Port Gregory**

All waters bounded by a line commencing at 28°11.513' south latitude and 114°15.218' east longitude, thence to a point at 28°11.624' south latitude and 114°15.137' east longitude, thence to a point at 28°11.276' south latitude and 114°14.263' east longitude, thence to a point at 28°11.190' south latitude and 114°14.335' east longitude, thence along a line to the commencement point.

#### **Area 6: Little Bay**

All waters bounded by a line commencing at 28°20.500' south latitude and 114°24.526' east longitude, thence to a point at 28°20.500' south latitude and 114°24.343' east longitude, thence to a point at 28°20.830' south latitude and 114°24.343' east longitude, thence to a point at 28°20.830' south latitude and 114°24.507' east longitude, thence along a line to the commencement point.

#### **Area 7: Horrocks**

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All waters bounded by a line commencing at 28°22.680' south latitude and 114°25.720' east longitude, thence to a point at 28°22.680' south latitude and 114°25.577' east longitude, thence to a point at 28°22.980' south latitude and 114°25.687' east longitude, thence to a point at 28°22.980' south latitude and 114°25.800' east longitude, thence along a line to the commencement point.

**Area 8: Coronation Beach**

All waters bounded by a line commencing at 28°33.053' south latitude and 114°33.855' east longitude, thence to a point at 28°33.053' south latitude and 114°33.764' east longitude, thence to a point at 28°33.201' south latitude and 114°33.791' east longitude, thence to a point at 28°33.204' south latitude and 114°33.869' east longitude, thence along a line to the commencement point.

**Area 9: Geraldton**

All waters south of a line commencing at 28°46.209' south latitude and 114°35.519' east longitude and 28°45.866' south latitude and 114°36.609' east longitude, including the waters known as the Batavia Marina and the Geraldton Fishing Boat Harbour.

**Area 18: Flat Rocks**

All waters bounded by a line commencing at 29°01.700' south latitude and 114°47.680' east longitude, thence to a point at 29°01.870' south latitude and 114°47.410' east longitude, thence to a point at 29°02.250' south latitude and 114°47.760' east longitude, thence to a point at 29°02.110' south latitude and 114°47.990' east longitude, thence along a line to the commencement point.

**Area 19: Seven Mile Beach**

All waters bounded by a line commencing at 29°10.000' south latitude and 114°53.350' east longitude, thence to a point at 29°10.000' south latitude and 114°53.000' east longitude, thence to a point at 29°10.500' south latitude and 114°53.000' east longitude, thence to a point at 29°10.500' south latitude and 114°53.480' east longitude, thence along a line to the commencement point.

**Area 20: Port Denison Marina**

All of the waters of the Port Denison Marina bounded by a line commencing at 29°16.374' south latitude and 114°54.846' east longitude, thence to a point at 29°16.349' south latitude and 114°54.914' east longitude, thence along the high water mark of the Port Denison Marina to the commencement point.

**Area 21: North Cliff Head, Cliff Head and South Cliff Head**

All waters bounded by a line commencing at 29°30.500' south latitude and 114°59.890' east longitude, thence to a point at 29°30.500' south latitude and 114°59.658' east longitude, thence to a point at 29°32.000' south latitude and 114°58.995' east longitude,

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thence due east along the geodesic to the intersection with the high water mark, thence generally north along the high water mark to the commencement point.

**Area 22: Big and Little Freshwater**

All waters bounded by a line commencing at 29°36.000' south latitude and 114°58.550' east longitude, thence to a point at 29°36.000' south latitude and 114°58.366' east longitude, thence to a point at 29°37.250' south latitude and 114°58.023' east longitude, thence to a point at 29°37.250' south latitude and 114°58.200' east longitude, thence along a line to the commencement point.

**Area 23: Knobby Head North**

All waters bounded by a line commencing at 29°38.700' south latitude and 114°58.000' east longitude, thence to a point at 29°38.700' south latitude and 114°57.922' east longitude, thence to a point at 29°39.270' south latitude and 114°57.763' east longitude, thence to a point at 29°39.270' south latitude and 114°57.890' east longitude, thence along a line to the commencement point.

**Area 24: Halfway Bay**

All waters bounded by a line commencing at 29°40.500' south latitude and 114°57.570' east longitude, thence to a point at 29°40.501' south latitude and 114°57.451' east longitude, thence to a point at 29°40.900' south latitude and 114°57.430' east longitude, thence to a point at 29°40.900' south latitude and 114°57.530' east longitude, thence along a line to the commencement point.

**Area 25: Sandy Bay / Illawong**

All waters bounded by a line commencing at 29°41.500' south latitude and 114°57.580' east longitude, thence to a point at 29°41.500' south latitude and 114°57.414' east longitude, thence to a point at 29°42.200' south latitude and 114°57.419' east longitude, thence due east along the geodesic to the intersection with the high water mark, thence generally north along the high water mark to the commencement point.

**Area 26: Gum Tree Bay**

All waters bounded by a line commencing at 29°46.800' south latitude and 114°57.780' east longitude, thence to a point at 29°46.800' south latitude and 114°57.640' east longitude, thence to a point at 29°47.260' south latitude and 114°57.651' east longitude, thence due east along the geodesic to the intersection with the high water mark, thence generally north along the high water mark to the commencement point.

**Area 27: Beagle Ridge**

All waters bounded by a line commencing at 29°49.700' south latitude and 114°58.480' east longitude, thence to a point at 29°49.700' south latitude and 114°58.355' east

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longitude, thence to a point at 29°49.900' south latitude and 114°58.360' east longitude, thence due east along the geodesic to the intersection with the high water mark, thence generally north along the high water mark to the commencement point.

**Area 28: Desperate Bay**

All waters bounded by a line commencing at 29°50.970' south latitude and 114°58.888' east longitude, thence to a point at 29°50.970' south latitude and 114°58.728' east longitude, thence to a point at 29°51.370' south latitude and 114°58.710' east longitude, thence due east along the geodesic to the intersection with the high water mark, thence generally north along the high water mark to the commencement point.

**Area 29: Dumper Bay**

All waters bounded by a line commencing at 29°54.500' south latitude and 114°58.940' east longitude, thence to a point at 29°54.500' south latitude and 114°58.765' east longitude, thence to a point at 29°54.730' south latitude and 114°58.761' east longitude, thence due east along the geodesic to the intersection with the high water mark, thence generally north along the high water mark to the commencement point.

**Area 30: Leeman**

All waters bounded by a line commencing at 29°56.130' south latitude and 114°58.770' east longitude, thence to a point at 29°56.130' south latitude and 114°58.668' east longitude, thence to a point at 29°56.683' south latitude and 114°58.340' east longitude, thence to a point at 29°57.200' south latitude and 114°58.311' east longitude, thence due east along the geodesic to the intersection with the high water mark, thence generally north along the high water mark to the commencement point.

**Area 31: Greenhead**

All waters bounded by a line commencing at 30° 4.470' south latitude and 114° 58.180' east longitude thence south-east to a point at 30° 4.540' south latitude and 114° 58.250' east longitude, thence east to a point at 30° 4.540' south latitude and 114° 58.593' east longitude, thence to a point at 30° 4.387' south latitude and 114° 58.605' east longitude thence generally west along the high water mark to the commencement point.

**Area 32: Jurien Marina**

All of the waters of the Jurien Marina bounded by a line commencing at 30°17.322' south latitude and 115°02.370' east longitude, thence to a point at 30°17.294' south latitude and 115°02.445' east longitude, thence along the high water mark of the Jurien Marina to the commencement point.

**Area 33: Cervantes**

All waters bounded by a line commencing at 30°29.458' south latitude and 115°04.218' east longitude, thence to a point at 30°29.280' south latitude and 115°03.906' east

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longitude, thence to a point at 30°30.080' south latitude and 115°03.180' east longitude, thence to a point at 30°30.100' south latitude and 115°03.650' east longitude, thence along a line to the commencement point.

#### **Area 34: Wedge Island**

All waters bounded by a line commencing at 30°48.800' south latitude and 115°11.430' east longitude, thence to a point at 30°48.800' south latitude and 115°10.900' east longitude, thence to a point at 30°49.354' south latitude and 115°10.895' east longitude, thence to a point at 30°49.360' south latitude and 115°11.500' east longitude, thence along a line to the commencement point.

#### **Area 35: Lancelin**

All waters bounded by a line commencing at 31°00.330' south latitude and 115°19.450' east longitude, thence to a point at 31°00.414' south latitude and 115°19.185' east longitude, thence to a point at 31°01.445' south latitude and 115°19.475' east longitude, thence due east along the geodesic to the intersection with the high water mark, thence generally north along the high water mark to the commencement point.

#### **Area 36: Ledge Point**

All waters bounded by a line commencing at 31°06.580' south latitude and 115°22.290' east longitude, thence to a point at 31°06.753' south latitude and 115°22.090' east longitude, thence to a point at 31°07.100' south latitude and 115°22.270' east longitude, thence to a point at 31°06.896' south latitude and 115°22.682' east longitude, thence along a line to the commencement point.

#### **Area 37: Seabird**

All waters bounded by a line commencing at 31°16.328' south latitude and 115°26.379' east longitude, thence to a point at 31°16.452' south latitude and 115°26.088' east longitude, thence to a point at 31°17.024' south latitude and 115°26.434' east longitude, thence to a point at 31°16.900' south latitude and 115°26.650' east longitude, thence along a line to the commencement point.

#### **Area 38: Two Rocks Marina**

All of the waters of the Two Rocks Marina bounded by a line commencing at 31°29.684' south latitude and 115°34.787' east longitude, thence to a point at 31°29.706' south latitude and 115°34.826' east longitude, thence along the high water mark of the Two Rocks Marina to the commencement point.

#### **Area 39: Mindarie Marina**

All of the waters of the Mindarie Marina bounded by a line commencing at 31°41.345' south latitude and 115°41.862' east longitude, thence generally south easterly along the

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high water mark of the Mindarie Marina to a point at 31°41.431' south latitude and 115°42.116' east longitude, thence to a point at 31°41.388' south latitude and 115°41.951' east longitude, thence along a line to the commencement point.

#### **Area 40: Hillarys**

All of the waters of the Hillary's Marina bounded by a line commencing at 31°49.449' south latitude and 115°44.450' east longitude, thence generally westerly along the high water mark of the Hillarys Marina to a point at 31°49.432' south latitude and 115°43.919' east longitude, thence to a point at 31°49.419' south latitude and 115°44.012' east longitude, thence along a line to the commencement point.

#### **Area 41: Fremantle**

All of the waters bounded by a line commencing at 32°03.230' south latitude and 115°43.656' east longitude, thence along the high water mark of the Rous Head Harbour to a point at 32°03.220' south latitude and 115°43.722' east longitude, thence to a point at 32°03.352' south latitude and 115°43.931' east longitude, thence along the high water mark in a generally south easterly direction to a point at 32°03.677' and 115°44.537' east longitude, thence along the high water mark of the Fremantle Fishing Boat Harbour to a point at 32°03.738' south latitude and 115°44.570' east longitude, thence to a point at 32°03.884' south latitude and 115°44.566' east longitude, thence to a point at 32°04.034' south latitude and 115°44.244' east longitude, thence along a line to the commencement point.

#### **Area 412: Port Coogee Marina**

All waters of the Port Coogee Marina bounded by a line commencing at a point at 32° 06.090' south latitude and 115° 45.461' east longitude; then extending due west along the parallel to a point at 32° 06.090' south latitude and 115° 45.408' east longitude; then generally south-easterly, northerly, westerly and southerly along the high water mark of the Port Coogee Marina to the commencement point.

#### **Area 42: Safety Bay**

All waters bounded by a line commencing at 32°18.320' south latitude and 115°42.100' east longitude, thence to a point at 32.18.580' south latitude and 115°42.100' east longitude, thence to a point at 32°18.580' south latitude and 115°42.907' east longitude, thence to a point at 32°18.286' south latitude and 115°42.802' east longitude, thence along a line to the commencement point.

#### **Area 43: Mandurah Ocean Marina**

All of the waters of the Mandurah Ocean Marina bounded by a line commencing at 32°31.517' south latitude and 115°42.730' east longitude, thence generally easterly along the high water mark of the Mandurah Ocean Marina to a point at 32°31.357' south latitude and 115°42.813' east longitude, thence to a point at 32°31.515' south latitude and

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115°42.871' east longitude, thence to a point at 32°31.557 south latitude and 115°42.747' east longitude, thence along a line to the commencement point.

**Area 44: Eastport Canals (Dawesville)**

All of the waters of the Eastport Canals marina bounded by a line commencing at 32°36.588' south latitude and 115°38.914' east longitude, thence to a point at 32°36.499' south latitude and 115°38.953' east longitude, thence to a point at 32°36.477' south latitude and 115°38.916' east longitude, thence along the high water mark in a north westerly direction to a point at 32°36.372 south latitude and 115°38.703, thence to a point at 32°36.371' south latitude and 115°38.673' east longitude, thence along the high water mark to a point at 32°36.559' south latitude and 115°38.868 east longitude, thence to the commencement point.

**Area 45: Bunbury Casuarina Harbour**

All of the waters of the Bunbury Casuarina Harbour bounded by a line commencing at 33°18.688' south latitude and 115°38.561' east longitude, thence to a point at 33°18.601' south latitude and 115°38.432' east longitude, thence along the high water mark of the Bunbury Casuarina Harbour to the commencement point.

**Area 46: Port Geographe**

All of the waters of the Port Geographe marina bounded by a line commencing at 33°37.785' south latitude and 115°23.260' east longitude, thence to a point at 33°37.799' south latitude and 115°23.212' east longitude, thence along the high water mark to a point at 33°37.933' south latitude and 115°23.393' east longitude, thence to a point at 33°37.927 south latitude and 115°23.673' east longitude, thence to a point at 33°37.880' south latitude and 115°23.694, thence along the high water mark to a point at 33°37.870' south latitude and 115°23.747 east longitude, thence to a point at 33°37.860' south latitude and 115°23.751 east longitude, thence along the high water mark to the commencement point.

**Area 47: Quindalup**

All waters bounded by a line commencing at 33°37.598' south latitude and 115°07.497' east longitude; thence to a point at 33°37.050' south latitude and 115°07.960' east longitude, thence to a point at 33°37.470' south latitude and 115°09.200' east longitude, thence to a point at 33°37.950' south latitude and 115°08.900' east longitude, thence along a line to the commencement point.

**Area 48: Canal Rocks**

All waters bounded by a line commencing at 33°40.036' south latitude and 115°00.267' east longitude; thence to a point at 33°39.787' south latitude and 115°00.050' east longitude, thence to a point at 33°40.020' south latitude and 114°59.630' east longitude, thence to a point at 33°40.303' south latitude and 114°59.770' east longitude, thence along a line to the commencement point.

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**Area 49: Cowaramup**

All waters bounded by a line commencing at 33°51.460' south latitude and 114°59.090' east longitude, thence to a point at 33°51.820' south latitude and 114°58.540' east longitude, thence along the high water mark of the bay to the commencement point.

**Area 50: Hamelin Bay**

All waters bounded by a line commencing at 34°12.970' south latitude and 115°02.020' east longitude; thence to a point at 34°12.963' south latitude and 115°01.233' east longitude, thence to a point at 34°13.380' south latitude and 115°01.000' east longitude, thence to a point at 34°13.380' south latitude and 115°01.477' east longitude, thence along a line to the commencement point.

**Area 51: Augusta Marina**

All waters of the Augusta Boat Harbour bounded by a line commencing at a point at 34° 21.144' south latitude and 115° 10.074' east longitude, then south-easterly to a point at 34° 21.176' south latitude and 115° 10.153' east longitude, then generally south-westerly and north-easterly along the high water mark of the Augusta Boat Harbour to the commencement point.

**Area 415: Mangles Bay**

All waters bounded by a line commencing at a point at 32° 16.530' south latitude and 115° 43.670' east longitude, then extending north-westerly to a point at 32° 16.100' south latitude and 115° 43.000' east longitude, then due west along the parallel to a point at 32° 16.100' south latitude and 115° 42.150' east longitude, then south-westerly to a point at 32° 16.450' south latitude and 115° 42.000' east longitude, then generally easterly along the high water mark to the commencement point.

**Area 122: Big Pigeon Island**

All waters bounded by a line commencing at a point at 28° 27.350' south latitude and 113° 43.615' east longitude, then extending south-easterly to a point at 28° 27.425' south latitude and 113° 43.667' east longitude, then northerly to a point at 28° 27.284' south latitude and 113° 43.727' east longitude, then westerly to a point at 28° 27.265' south latitude and 113° 43.686' east longitude, then generally southerly and westerly along the high water mark to the commencement point.

**SCHEDULE 12 - Abrolhos Islands holding area**

[clause 3]

The area of WA waters adjacent to the Abrolhos Islands from the high water mark to the seaward limits of the coastal waters of the State.

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### SCHEDULE 13 - Weighing points

[clause 43]

#### **Lucky Bay**

The weighing point is within 50 metres of the intersection of 28°00.941' south latitude and 114°09.307' east longitude.

#### **Port Gregory**

The weighing point is within 50 metres of the intersection of 28° 11.420' south latitude and 114° 14.964' east longitude.

#### **Little Bay**

The weighing point is within 50 metres of the intersection of 28°20.783' south latitude and 114°24.479' east longitude.

#### **Horrocks**

The weighing point is within 50 metres of the intersection of 28°22.924' south latitude and 114°25.759' east longitude.

#### **Coronation Beach**

The weighing point is within 50 metres of the intersection of 28°33.134' south latitude and 114°33.874' east longitude.

#### **Flat Rocks**

The weighing point is within 50 metres of the intersection of 29°01.870' south latitude and 114°47.790' east longitude.

#### **Seven Mile Beach**

The weighing point is within 50 metres of the intersection of 29°10.178' south latitude and 114°53.322' east longitude.

#### **North Cliff Head**

The weighing point is within 50 metres of the intersection of 29°30.730' south latitude and 114°59.880' east longitude.

#### **Cliff Head**

The weighing point is within 50 metres of the intersection of 29°31.220' south latitude and 114°59.670' east longitude.

#### **South Cliff Head**

The weighing point is within 50 metres of the intersection of 29°31.550' south latitude and 114°59.540' east longitude.

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**Big Freshwater Bay**

The weighing point is within 50 metres of the intersection of 29°36.260' south latitude and 114°58.500' east longitude.

**Little Freshwater Bay**

The weighing point is within 50 metres of the intersection of 29°36.900' south latitude and 114°58.310' east longitude.

**Knobby Head**

The weighing point is within 50 metres of the intersection of 29°39.163' south latitude and 114°57.917' east longitude.

**Halfway Bay**

The weighing point is within 50 metres of the intersection of 29°40.680' south latitude and 114°57.560' east longitude.

**Sandy Bay / Illawong**

The weighing point is within 50 metres of the intersection of 29°41.750' south latitude and 114°57.580' east longitude.

**Gumtree Bay**

The weighing point is within 50 metres of the intersection of 29°47.030' south latitude and 114°57.820' east longitude.

**Beagle Ridge**

The weighing point is within 50 metres of the intersection of 29°49.800' south latitude and 114°58.540' east longitude.

**Desperate Bay**

The weighing point is within 50 metres of the intersection of 29°51.243' south latitude and 114°58.912' east longitude.

**Dumper Bay**

The weighing point is within 50 metres of the intersection of 29°54.677' south latitude and 114°58.980' east longitude.

**Greenhead**

The weighing point is within 50 metres of the intersection of 30° 04.350' south latitude and 114° 58.210' east longitude.

**Jurien Marina****DISCLAIMER:**

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The weighing point is within 50 metres of the intersection of 30°17.226 south latitude and 115°02.632 east longitude.

#### **Cervantes**

The weighing point is within 50 metres of the intersection of -

- a) 30°29.526' south latitude and 115°04.156' east longitude; or
- b) 30°29.947' south latitude and 115°03.758' east longitude.

#### **Wedge Island**

The weighing point is within 50 metres of the intersection of -

- a) 30°49.117' south latitude and 115°11.615' east longitude; or
- b) 30°49.215' south latitude and 115°11.808' east longitude.

#### **Lancelin**

The weighing point is within 50 metres of the intersection of 31°00.884' south latitude and 115°19.769' east longitude.

#### **Ledge Point**

The weighing point is within 50 metres of the intersection of -

- a) 31°06.598' south latitude and 115°22.537' east longitude; or
- b) 31°06.579' south latitude and 115°22.639' east longitude.

#### **Seabird**

The weighing point is within 50 metres of 31°16.614' south latitude and 115°26.520' east longitude.

#### **Two Rocks Marina**

The weighing point is within 50 metres of the intersection of 31°29.717' south latitude and 115°34.932' east longitude.

#### **Safety Bay**

The weighing point is within 50 metres of the intersection of 32°18.326' south latitude and 115°42.466' east longitude.

#### **Mandurah Ocean Marina**

The weighing point is within 50 metres of the intersection of 32°31.465' south latitude and 115°42.758' east longitude.

#### **Mangles Bay**

The weighing point is within 50 metres of the intersection of 32°16.540' south latitude and 115°42.910' east longitude.

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This compilation incorporates amendments up to and including the *West Coast Rock Lobster Managed Fishery Management Plan Amendment 2024* published in Government Gazette No. 56 on 14/5/2024

**Quindalup**

The weighing point is within 50 metres of the intersection of 33°37.734' south latitude and 115°08.253' east longitude.

**Canal Rocks**

The weighing point is within 50 metres of the intersection of 33°40.200' south latitude and 114°59.780' east longitude.

**Cowaramup**

The weighing point is within 50 metres of the intersection of 33°51.530' south latitude and 114°59.250' east longitude.

**Hamelin**

The weighing point is within 50 metres of the intersection of 34°13.240' south latitude and 115°01.660' east longitude.

**Augusta Marina**

The weighing point is within 50 metres of the intersection of 34°21.270' south latitude and 115°10.040' east longitude.

**SCHEDULE 14 - Gear mitigation areas**

(deleted)

Dated 17 of October 2012

NORMAN MOORE  
Minister for Fisheries

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*Original Management Plan and Amendment Information:*

*West Coast Rock Lobster Managed Fishery Management Plan 2012 was first published in Government Gazette No. 187 on 17.10.12. (p. 4983-5014). Amendments: Corrected by Correction Notice published in Government Gazette No. 188 on 19.10.12. (p. 5024); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2013 published in Government Gazette No. 205 on 15.11.13. (p. 5279); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2014 published in Government Gazette No. 77 on 30.05.14. (p. 1702); West Coast Rock Lobster Managed Fishery Management Plan Amendment (No. 2) 2014 published in Government Gazette No. 153 on 30.09.14. (p. 3598-3599); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2015 published in Government Gazette No. 59 on 21.04.15. (p.1429-1433); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2016 published in Government Gazette No. 4 on 15.01.16. (p.56-60); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2016 published in Government Gazette No. 39 on 14.03.16. (Special); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2016 published in Government Gazette No. 82 on 24.05.16); West Coast Rock Lobster Managed Fishery Management Plan Amendment (No.4) 2016 published in Government Gazette No. 183 on 07.10.2016 (p. 4388); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2017 published in Government Gazette No. 185 on 22.09.2017 (p. 4936); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2018 published in Government Gazette No. 101 on 29.06.2018 (p. 2457); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2019 published in Government Gazette No. 164 on 15.11.2019 (p.4038); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2020 published in Government Gazette No.149 on 11.09.2020 (p.2868-2877); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2021 published in Government Gazette No. 88 on 14/05/2021 (p.1777); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2022 published in Government Gazette No. 166 on 22/11/2022 (p.5465); West Coast Rock Lobster Managed Fishery Management Plan Amendment 2024 published in Government Gazette No. 56 on 14/05/2024 (p.1219-1220).*

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