

**SOUTH COAST CRUSTACEAN MANAGED FISHERY
DRAFT MANAGEMENT PLAN 2015**

FISHERIES MANAGEMENT PAPER NO. 269

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South Coast Crustacean Managed Fishery
Draft Management Plan 2015

March 2015

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CONTENTS

| | | |
|------------|---|-----------|
| 1.0 | OPPORTUNITY TO COMMENT..... | 1 |
| 2.0 | BACKGROUND | 3 |
| 3.0 | KEY ELEMENTS OF THE DRAFT MANAGEMENT PLAN. | 4 |
| 4.0 | DRAFT MANAGEMENT PLAN..... | 9 |
| 5.0 | APPENDICES | 28 |
| | APPENDIX 1 – GOVERNMENT GAZETTE NOTICE..... | 28 |
| | APPENDIX 2 – MAP OF THE FISHERY | 29 |
| | APPENDIX 3 – MAP OF SLED ZONES..... | 29 |

1.0 OPPORTUNITY TO COMMENT

Intention to Determine a Management Plan for the South Coast Crustacean Managed Fishery:

DRAFT PLAN OPEN FOR PUBLIC COMMENT

In accordance with section 64(2) of the *Fish Resources Management Act 1994*, the Minister for Fisheries published a Notice in the Government Gazette on 27 February 2015 stating that he intends to determine a management plan for the South Coast Crustacean Managed Fishery and invites interested persons to comment on the draft plan.

A copy of the draft management plan may be obtained from the Head Office of the Department of Fisheries, 3rd Floor, The Atrium, 168 St Georges Terrace, Perth or the Department of Fisheries website, www.fish.wa.gov.au.

Interested persons seeking to comment on the draft management plan are invited to make representations in writing to the Minister for Fisheries by 4.30 pm, Friday 3 April 2015.

Representations in connection with the draft management plan may be forwarded to:

Minister for Fisheries
Draft South Coast Crustacean Management Plan
c/- Chief Executive Officer
Department of Fisheries
3rd Floor, The Atrium,
168 St Georges Terrace, Perth WA 6000

Alternatively, written submissions may be forwarded electronically to Rebecca.Oliver@fish.wa.gov.au

A copy of the Notice published in the Government Gazette is provided at Appendix 1.

1.1 Next Steps

Below are the series of events following the commencement of the consultation period:

1. Following the end of the consultation period at 4:30 pm on Friday 3 April 2015, the Department will collate and provide advice to the Minister for Fisheries (Minister) regarding the written comments received on the draft plan. Note that this may lead to the plan being amended if the Minister considers it appropriate to do so;
2. Following consideration of the submissions received and amendment of the draft plan as appropriate, it is expected that the final plan will be provided to the Minister in late April for his consideration and approval. Subject to the

Minister's approval, the new management plan will then be published in the Government Gazette.

3. Once the new management plan has been gazetted, the Department will invite persons meeting the criteria for the grant of a 'South Coast Crustacean Managed Fishery' Managed Fishery Licence to apply.
4. From 1 June 2015 until 31 August 2015, the Department will grant Managed Fishery Licences in accordance with the new management plan.
5. On 1 July 2015, the South Coast Crustacean Managed Fishery Management Plan 2015 will come into effect.

After reading the draft plan, if you have any questions please contact Rebecca Oliver on (08) 9482 7356 or Graeme Baudains on (08) 9482 7369.

2.0 BACKGROUND

Four commercial fisheries currently operate using pots to target crustaceans including deep sea crabs and rock lobsters on the south coast between Cape Leeuwin and the South Australian border. The four fisheries include, two managed fisheries; the Windy Harbour-Augusta Rock Lobster Managed Fishery (WHARLF) and Esperance Rock Lobster Managed Fishery (ERLF), the Southern Rock Lobster pot licence (SRL) fishery operating under Regulation 125 of the *Fish Resources Management Regulations 1995* (FRMR) and the deep sea crab fishery operating under Fishing Boat Licence (FBL) Condition 105. Noting the multiple and different management arrangements in place to manage these fisheries and the rock lobster and deep sea crab resources of the south coast, Fisheries Management Paper 232, *'The South Coast Crustacean Fishery: A Discussion Paper'* (FMP 232) was developed, and defined a set of proposals for the future management of the fisheries.

On 25 September 2009, the (then) Minister, approved the recommendations for the Fishery outlined in FMP 232, including that the management arrangements for the four fisheries be consolidated into a single management plan to form the South Coast Crustacean Managed Fishery (Fishery). Amalgamating the fisheries into a single entity will provide a more flexible, cost efficient and consistent set of arrangements, strengthen the access rights of those in the Fishery and provide the means to reduce the significant latent effort in some areas of the Fishery by reducing pot numbers.

Another of the recommendations of FMP 232 was that an independent panel be formed to provide recommendations regarding access to the Fishery and the allocation of entitlement. The Panel's recommendations which are outlined in the *Report of the South Coast Crustacean Fishery Independent Access and Allocation Advisory Panel* (Panel's Report) were then combined with the recommendations of FMP 232, and provided to the (then) Minister together with the Department's position on each proposal. In 2013, the (then) Minister subsequently approved in-principle the revised management arrangements and approved the release of the Panel's Report to authorisation holders

A draft South Coast Crustacean Managed Fishery Management Plan (the Plan) has now been developed, as outlined in this document.

3.0 KEY ELEMENTS OF THE DRAFT MANAGEMENT PLAN

Below are some of the key components of the Plan. This summary is intended to provide an overview of the main elements, but is not a comprehensive description of all aspects of the Plan. Interested persons are encouraged to read the Plan thoroughly to formulate their own view and inform their submission.

Under the Plan, the Fishery will be managed through limited entry, input controls (including limiting the number of pots that can be used), size limits and seasonal and spatial closures. All current authorisation holders will have access to the new Fishery but access will be limited to the zones in which operators currently hold an authorisation (i.e. effort will not be able to be transferred between zones).

The Fishery

The Plan declares the Fishery as a managed fishery, as opposed to an interim managed fishery. This is to preserve the access rights of those fishers currently operating under existing managed fisheries, which will be incorporated into the new Plan.

The Fishery extends along the south coast of WA and is divided into 5 zones:

- Zone 1 – Augusta (same boundaries as Windy Harbour-Augusta Rock Lobster Fishery);
- Zone 2 – Albany;
- Zone 3 – Esperance (same boundaries as Esperance Rock Lobster Fishery);
- Zone 4 – Inshore Bight; and
- Zone 5 – Offshore Bight.

A map of the Fishery is provided at Appendix 2.

South Coast Crustacean Managed Fishery Licence (SCCMFL) holders will have access to specific zones based on the authorisation that they held prior to the Plan commencing. The entitlement granted on SCCMFL may only be used in the zone/s to which it refers, however in Zones 1, 2, 3 and 4, the pots used will be entitled to take both rock lobsters and deep sea crabs in Zones 1-4, provided it is within the permitted fishing season. In Zone 5, only deep sea crabs may be taken.

Managed Fishery Licences

There are currently 61 authorisations which permit fishing for crustaceans to varying degrees along the south coast. Based on the criteria to grant a SCCMFL outlined in the Plan, a SCCMFL may be granted for each current authorisation, thus resulting in a potential total of 61 SCCMFLs in the Fishery. Notwithstanding this, it is anticipated that persons currently holding multiple authorisations will consolidate their entitlement onto a single SCCMFL. This may be achieved through either the temporary or permanent transfer of entitlement. Additionally, the Department will encourage the consolidation of SCCMFLs at the time of granting new licences, and will put in place administrative processes to facilitate this.

Capacity

A key aspect of the Plan which has undergone significant consultation is the capacity (maximum fishing effort - in this case in terms of maximum number of pots) of each zone in the Fishery. The current level of harvest of crustaceans from the Fishery is considered to be sustainable, however noting there is considerable latent effort in the Albany and Bight (both Inshore and Offshore) zones, a recommendation of FMP 232 was that the capacity for each of these zones be reduced by at least 50 percent due to the considerable latent effort in these zones.

In order to reduce the capacity of these zones, the Department determined the mean maximum number of pots used over a 13 year period (the same period used to calculate the entitlement for each authorisation) in each zone. These numbers were then set as the capacity of each zone.

The capacity (in terms of pots) of each zone of the Fishery is outlined in the Plan as follows;

- Zone 1 – 350 pots
- Zone 2 – 653 pots
- Zone 3 – 544 pots
- Zone 4 – 430 pots

It is important to note that the capacity of the Augusta (Zone 1) and Esperance (Zone 3) zones (formerly the WHARLF and ERLF respectively) will remain the same under the new Plan as currently in place under their respective management plans, as both have previously undergone assessment of their capacities, and are considered sustainable.

Entitlement

Noting that the capacity for the Augusta (Zone 1) and Esperance (Zone 3) zones will not change with the introduction of the Plan, entitlement will also remain the same for each SCCMFL holder in these zones. In order to accurately carry entitlement from the current Managed Fishery Licence to the new SCCMFLs, a freeze on transfers will need to be implemented two months prior to the Plan commencing.

In regard to the Albany (Zone 2) and Inshore Bight (Zone 4) zones, on 13 August 2013 the (then) Minister approved in-principle the criteria for access and allocation developed by the Panel, noting that the Department would undertake further consultation with authorisation holders regarding the allocation of entitlement in the Albany Zone in order to simplify future management and compliance arrangements. The revised formula, allowing every fisher in the Albany zone to retain both deep sea crabs and rock lobsters during the rock lobster season, differs from the Panel's recommendation to grant entitlement in the form of separate rock lobster pots and deep sea crab pots. The revised formula was supported by all respondents and hence adopted for the Albany zone, creating consistency across zones 1-4 (i.e. every pot in these zones is entitled to take both rock lobsters and deep sea crabs, season dependent).

Entitlement for both the Albany and Inshore Bight zones has been calculated by dividing 10% of the available entitlement, being the total number of units (pots) allocated for each zone, equally among all persons meeting the criteria to be granted

access in that zone. The remaining 90% of entitlement (units) for each zone have been allocated based on catch history as approved by the (then) Minister.

All current authorisation holders were notified of their expected entitlement under the Plan by letter on 11 August 2014, with further explanation of the allocation principles and process provided at the Annual Management Meeting (AMM) on 19 August 2014. Following discussion at the AMM, the Department has received no objections regarding entitlement.

Transfer of Entitlement

Under the Plan, SCCMFL holders will be able to apply for a temporary transfer of entitlement between licences (for a period ending at the time the licence expires).

Permanent transfer of entitlement will be permitted as outlined under section 140 of the *Fish Resources Management Act 1994*. The Plan outlines the grounds by which the CEO may refuse to transfer part of an entitlement.

Transfers of entitlement (both temporary and permanent) are only permitted from one SCCMFL to another on like-for-like terms by zone.

Fishing Season

The Plan provides for seasonal and spatial closures specific to each zone, as follows:

- all crustaceans may be retained between 15 November and 30 June from Zones 1-4;
- deep sea crabs may be retained all year round from Zones 1, 2, 4 and 5;
- no fishing will be permitted for any species of crustacean between 1 July and 14 November in Zone 3, as requested by the current authorisation holders; and
- no rock lobsters may be retained in Zone 5 at any time.

Offshore Bight Zone

Although considerable effort has been made to develop consistent management arrangements across the Fishery, the Plan outlines a unique set of arrangements for the Offshore Bight zone (Zone 5). Critically, the zone will remain un-unitised to allow for fishery development as the fishing potential in this area has not yet been explored. Despite this, the Plan limits each licence holder to fish with a maximum of 200 pots in this zone. This number may be increased in the future if a greater number of pots are required to make it viable to explore this area.

Fishing in this zone will be permitted all year round, however only deep sea crabs may be retained.

Noting the remote location of the Offshore Bight zone, boats accessing this area will be required to have an approved Automatic Location Communicator (ALC) installed. This will allow the Department's satellite-based Vessel Monitoring System to monitor fishing in this area and assist with compliance given the number of pots that may be used.

The Plan outlines a process that must be followed before a person embarks on a fishing trip to the Offshore Bight zone including making a nomination prior to entering the Fishery for the purpose of fishing in the Offshore Bight zone and providing notification before leaving the zone.

Sea Lion Exclusion Devices

Under the Plan, sea lion exclusion devices (SLEDs) will be required to be implemented in specific areas surrounding known Australian sea lion colonies in order to meet the conditions (as an approved wildlife trade operation under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999*) placed on the Fishery (Appendix 3). These areas have been confirmed by the Commonwealth Department of the Environment (DotE) as having extant colonies of Australian sea lions as outlined in the *Issues Paper for Australian Sea Lion (Neophoca cinerea)*, released in 2013. The Department has undertaken considerable consultation with DotE and industry to negotiate the extent of the areas where SLEDs are to be used.

The Plan also describes the design of SLEDs, which is consistent with that required in the West Coast Rock Lobster Managed Fishery.

Fees

Annual access fees for the Fishery will be calculated for each zone consistent with current government policy for commercial fisheries in WA. This is calculated by determining 5.75% of the gross value of the product (GVP) for each zone over a three year rolling average. A SCCMFL holder possessing units of entitlement in a particular zone will pay a proportion of the access fees for that zone based on the number of units they hold.

The fee payable in respect of the renewal of a licence will be able to be paid as a single payment or in instalments consisting of:

- the first instalment payment due on or before 1 July (50%); and
- the second instalment payment due on or before 15 December (50%).

For the first licensing period (1 July 2015 to 30 June 2016), licence fees will not be due until 30 November 2015. Noting this, payment by instalments will not be permitted until the second licensing period commencing July 2016.

Following the commencement of the Fishery, the fees for each zone will be included in the FRMR.

Logbook

To comply with regulation 64 of the FRMR, with regard to making and retaining records of commercial fishing activity, the Department will issue all SCCMFL holders with a daily statutory return book (logbook). It is intended that this logbook will replace the current statutory return form and must be completed and returned to the Department each month. This information will provide improved spatial and effort data and assist in managing the Fishery.

Revocation

With the introduction of the new Plan, the revocation of the two current management plans, regulation licence and FBL condition, will be required. Any other legislation that formally referred to these documents may also need to be revoked and/or amended, such as the FRMR.

4.0 DRAFT MANAGEMENT PLAN

Fish Resources Management Act 1994

SOUTH COAST CRUSTACEAN MANAGED FISHERY MANAGEMENT PLAN 2015

FD 1767/14 [1198]

Made by the Minister under section 54.

PART 1 - PRELIMINARY

1. Citation
2. Commencement
3. Exception
4. Interpretation
5. Procedure before this Plan may be amended or revoked

PART 2 - THE FISHERY

6. Identification and declaration of the Fishery

PART 3 - LICENCES AND FEES

7. Licences
8. Criteria for the grant of a licence
9. Duration of a licence
10. Matters to be specified on a licence
11. Grounds to refuse to transfer a licence
12. Payment of fees by instalments

PART 4 - CAPACITY OF THE FISHERY

13. Capacity of the Zones of the Fishery

PART 5 – SCHEME OF ENTITLEMENT

14. Licence entitlements to be expressed in terms of units
15. Conferral of entitlement
16. Unit values
17. Prohibition on operating in excess of entitlement

PART 6 - TRANSFER OF ENTITLEMENT

18. Grounds for refusal to transfer part of an entitlement
19. Temporary transfer of entitlement

PART 7 – USE OF BOATS

20. Use of boats

PART 8 – AUTOMATIC LOCATION COMMUNICATORS AND NOMINATIONS

21. Requirement for approved ALC to be installed in an authorised boat
22. Nomination of intention to fish
23. Notification prior to authorised boat leaving Zone 5 of the Fishery

PART 9 – GENERAL REGULATION OF FISHING

24. Persons prohibited from fishing in the Fishery
25. Closure of areas within the Fishery
26. Requirement for a sea lion exclusion device to be installed in a pot used in a SLED zone of the Fishery
27. Prohibition of fishing activities
28. Prohibition on fishing in certain areas
29. Labelling requirements
30. Prohibition on selling, purchasing or dealing in crustaceans
31. Requirement to report lost pots
32. Offences

SCHEDULES

SCHEDULE 1 - Description of the Fishery

SCHEDULE 2 - Zones of the Fishery

SCHEDULE 3 – Offshore Bight Zone

SCHEDULE 4 – Sea lion exclusion device zones (SLED zones)

SCHEDULE 5 - Payment of fees by instalments

SCHEDULE 6 – Units of entitlement

SCHEDULE 7 – Conferral of entitlement

Fish Resources Management Act 1994

**SOUTH COAST CRUSTACEAN MANAGED FISHERY
MANAGEMENT PLAN 2015**

FD 1767/14 [1198]

Made by the Minister under section 54.

PART 1 - PRELIMINARY

1. Citation

This plan is the South Coast Crustacean Managed Fishery Management Plan 2015.

2. Commencement

This plan comes into operation on 1 June 2015.

3. Exception

This plan does not apply to the persons described in clause 8(1)(a) prior to 1 July 2015.

4. Interpretation

In this plan, unless the contrary intention appears -

approved ALC means an “approved automatic location communicator” as defined in regulation 55C;

approved directions has the same meaning as in regulation 55A;

crustacean means deep sea crabs and rock lobsters;

current entitlement means the usual units of 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;

Department means the Department of Fisheries;

Fishery means the South Coast Crustacean Managed Fishery;

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

fishing session means a period of time during a fishing trip when gear is being used in the waters of the Fishery, including any times when gear is being pulled from the water and any part of that gear remains in the water;

fishing trip means a period between when a boat commences travelling through the waters of the Fishery with gear on board for the purposes of undertaking a fishing session and when that boat ceases travelling through the waters of the Fishery with that gear on board after undertaking, or attempting to undertake, a fishing session;

licence means a managed fishery licence authorising a person to fish for crustaceans in the Fishery;

licence period means the period provided for in clause 9;

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

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

offshore bight zone means the waters described in Schedule 3;

plan means the South Coast Crustacean Managed Fishery Management Plan 2015;

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

regulations means the Fish Resources Management Regulations 1995;

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;

SLED zone means a sea lion exclusion device zone as described in Schedule 4;

south coast means the waters described in Schedule 1;

total fee means the fee relating to licences as specified in Part 3 of Schedule 1 of the regulations [???];

unit value means the value of a unit of entitlement, in terms of pots, determined in accordance with Schedule 6;

usual units of 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 Schedules 2 and 3.

5. Procedure before this Plan may be amended or revoked

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

PART 2 - THE FISHERY

6. Identification and declaration of the Fishery

- (1) The Fishery to which this plan relates is the fishing for crustacean by any means in the waters described in Schedule 1.
- (2) The Fishery is a managed fishery, and may be referred to as the South Coast Crustacean Managed Fishery.
- (3) The Fishery is divided into Zones as described in Schedules 2 and 3.

PART 3 - LICENCES AND FEES

7. Licences

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

8. Criteria for the grant of a licence

- (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 commencement of this plan the applicant was -
 - (i) the holder of an authorisation issued in accordance with the Windy Harbour-Augusta Rock Lobster Managed Fishery Management Plan 1987; or
 - (ii) the holder of an authorisation issued in accordance with the Esperance Rock Lobster Managed Fishery Management Plan 1987; or
 - (iii) the holder of a Fishing Boat Licence that authorised fishing for deep sea crabs along the south coast outside of the 200 metre depth contour, with the exception of Zone 3; or
 - (iv) the holder of a Southern Rock Lobster Pot Licence issued in accordance with regulations 125 and 126, and
 - (b) an application for the grant of a licence is made on or prior to 31 August 2015.
- (2) 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 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
 - (b) the application referred to in paragraph (a) will be in respect of a total of not less than one unit; and

- (c) the CEO will, pursuant to the application referred to in paragraph (a), transfer the usual units of entitlement to the licence; and
- (d) the person is a fit and proper person to hold a licence.

Note: Where a licence is granted in accordance with clause 7(2) the fee relating to the units being transferred may be taken to have been paid by the transferor in respect of those units.

9. Duration of a licence

A licence expires on 30 June next following the date on which it came into force.

10. Matters to be specified on a licence

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 crustaceans is authorised;
- (h) the usual units of entitlement conferred by the licence in each zone;
- (i) the current units of entitlement conferred by the licence in each zone; and
- (j) any conditions imposed on the licence by the CEO.

11. Grounds to refuse to transfer a licence

The CEO may refuse to transfer a licence on the grounds that –

- (a) the total fee has not been paid in respect of the licence to be transferred; or
- (b) the CEO is of the opinion that the holder of the licence (transferor) or the proposed transferee may be liable to prosecution for an offence which has been prescribed for the purposes of section 224 of the Act.

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 5 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 an office of the Department.

- (2) An election for the purposes of subclause (1) must be -
 - (a) made in writing;
 - (b) received at an office of the Department on or before 1 July of the year for which the licence is to be renewed, 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.
- (5) This clause does not apply prior to 1 July 2016.

PART 4 - CAPACITY OF THE ZONES OF THE FISHERY

13. Capacity of the Zones of the Fishery

- (1) The maximum number of pots that may be used in Zone 1 of the Fishery during any licence period is 350 pots.
- (2) The maximum number of pots that may be used in Zone 2 of the Fishery during any licence period is 653 pots.
- (3) The maximum number of pots that may be used in Zone 3 of the Fishery during any licence period is 544 pots.
- (4) The maximum number of pots that may be used in Zone 4 of the Fishery during any licence period is 430 pots.

PART 5 – SCHEME OF ENTITLEMENT

14. Licence entitlements to be expressed in terms of units

- (1) The entitlement to fish for crustaceans conferred by a licence is to be expressed in terms of units of entitlement in respect of a Zone or Zones in accordance with clause 16.
- (2) The sum of the entitlements to fish for crustaceans that may be conferred by all the licences is to be equal to the capacity for the Fishery as determined in accordance with clause 13.

15. Conferral of entitlement

- (1) Where a licence is granted in accordance with subclause 8(1) the licence shall, at the time it is granted, confer –
 - (a) in the case of a licence conferring entitlement for Zone 1 of the Fishery, usual units of entitlement for Zone 1 conferred by the relevant authorisation at the date of gazettal of this plan;
 - (b) in the case of a licence conferring entitlement for Zone 2 of the Fishery, usual units of entitlement for Zone 2 as specified in Schedule 7;
 - (c) in the case of a licence conferring entitlement for Zone 3 of the Fishery, usual units of entitlement for Zone 3 conferred by the relevant authorisation at the date of gazettal of this plan;
 - (d) in the case of a licence conferring entitlement for Zone 4 of the Fishery, usual units of entitlement for Zone 4 as specified in Schedule 7.

- (2) In subclause (1)(a), **relevant authorisation** means a relevant managed fishery licence issued in accordance with the *Windy Harbour-Augusta Rock Lobster Management Plan 1987* and which is held by the person to be granted a licence.

- (3) In subclause (1)(c), **relevant authorisation** means a relevant managed fishery licence issued in accordance with the *Esperance Rock Lobster Management Plan 1987* and which is held by the person to be granted a licence.

16. Unit value

The extent of the entitlement that arises from a unit, to be known as the unit value, shall be determined in accordance with Schedule 6 and limited by reference to a number of pots that may be used.

17. Prohibition on operating in excess of entitlement

The holder of a licence or a person acting on that person's behalf must not fish in a zone of the Fishery at any time unless the number of pots used under the authority of that licence is less than or equal to the current entitlement to take crustaceans conferred by that licence for that zone.

PART 6 - TRANSFER OF ENTITLEMENT

18. Grounds for refusal to transfer part of an entitlement

The CEO may refuse to transfer any part of an entitlement from one licence to another licence on the grounds that –

- (a) the proposed transfer is not for a whole number of units; or
- (b) if the transfer were given effect then the usual units of entitlement conferred by a licence would be less than one unit; or
- (c) the total fee has not been paid in respect of the licence from which the units are to be transferred; or

- (d) the CEO is of the opinion that the holder of the licence (from which the units are to be transferred from or to) may be liable to prosecution for an offence which has been prescribed for the purposes of section 224 of the Act.

19. Temporary transfer of entitlement

A unit of entitlement may be temporarily transferred from one licence to another for a period ending at the time the licence expires, provided that –

- (a) the unit of entitlement that is being transferred from one licence to another relates to the same zone of the Fishery ; and
- (b) the total fee has been paid in respect of the licence from which the units are to be temporarily transferred.

PART 7 – USE OF BOATS

20. Use of boats

- (1) 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 crustaceans 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 crustaceans 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 crustaceans -
 - (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.
- (4) A person must not be in possession of crustaceans transferred under subclause (2) or (3).

PART 8 - AUTOMATIC LOCATION COMMUNICATORS AND NOMINATIONS

21. Requirement for approved ALC to be installed in an authorised boat

- (1) A person must not use an authorised boat in the offshore bight zone of the Fishery unless an approved ALC has been installed in that boat in accordance with the approved directions.

(2) A person must not use an authorised boat in the offshore bight zone of the Fishery unless the approved ALC installed in that boat has been tested, and is being used, in accordance with the approved directions.

(3) A person must not use an authorised boat in the offshore bight zone of the Fishery unless regulations 55C and 55D are complied with at all times.

22. Nomination of intention to fish

- (1) The master of an authorised boat in the Fishery must not –
 - (a) allow that boat to enter the offshore bight zone ; or
 - (b) allow any pots to be on that boat in the waters of the offshore bight zone, unless a nomination of an intention to fish has been given in respect of that boat.
- (2) A nomination made under subclause (1) must specify –
 - (a) the Fishery in which the fishing will occur;
 - (b) the number of the licence which authorises fishing to occur;
 - (c) the zone of the Fishery in which the fishing will occur;
 - (d) the location from which the authorised boat shall depart;
 - (e) the location in which the authorised boat shall land any crustaceans at the conclusion of a fishing trip;
 - (f) the number of pots which will be on board the boat; and
 - (g) the name of the master of the authorised boat.
- (3) A nomination made under subclause (1) must be made –
 - (a) no more than 2 hours prior to the boat commencing a fishing trip to the offshore bight zone of the Fishery; and
 - (b) by the master of an authorised boat through the use of an approved ALC in accordance with the approved directions.

23. Notification prior to authorised boat leaving offshore bight zone of the Fishery

- (1) The master of an authorised boat in the offshore bight zone of the Fishery must not cause or permit that boat to depart from the waters of the offshore bight zone of the Fishery unless the master has given notification to the CEO, in a manner and form approved by the CEO, of that departure.
- (2) A notification made under subclause (1) must –
 - (a) be given prior to the time of departing the offshore bight zone; and
 - (b) specify the estimated time of arrival to the landing destination; and
 - (c) specify the location at which the authorised boat is to land any crustaceans at the conclusion of a fishing trip; and
 - (d) be made by the master of an authorised boat through the use of an approved ALC in accordance with the approved directions.

PART 9 – GENERAL REGULATION OF FISHING

24. 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 one licence at any one time.
- (2) This plan does not apply to a person fishing for a recreational purpose.
- (3) A person fishing in the Fishery under the authority of a licence must not fish in any Zone of the Fishery not specified on that licence.
- (4) A person must not fish in the Fishery during the licensing period ending on 30 June 2016 if full payment of the fee for that period has not been paid prior to 30 November 2015.

25. 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 licence 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 crustaceans 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 crustaceans on board that boat 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).

26. Requirement for a Sea Lion Exclusion Device to be installed in a pot used in a SLED zone of the Fishery

- (1) A person must not use a pot in a SLED zone of the Fishery unless a sea lion exclusion device has been installed in that pot in accordance with this clause.
- (2) A person must not use a pot in a SLED zone of the Fishery unless the pot is constructed with, or has fitted to it, a device (a sea lion exclusion device) that –

- (a) prevents a spherical object with a diameter of 132 mm being able to enter the pot through the neck; and
 - (b) complies with subclause (3).
- (3) A sea lion exclusion device complies with this subclause if –
- (a) it is made of non-flexible material; and
 - (b) it is –
 - (i) constructed; and
 - (ii) secured to the pot, in such a way that it is unlikely that it could be bent, broken, pushed aside or removed by a sea lion; and
 - (c) it does not have any sharp points, spikes or sharp edges; and
 - (d) in the case of an internal sea lion exclusion device, at every point along the device (but not including any bracket or other thing used to secure the rod to the base of the pot) –
 - (i) the shortest cross-sectional measurement is not less than 10 mm; and
 - (ii) the longest cross-sectional measurement is not more than 30 mm.

27. Prohibition of fishing activities

- (1) A person fishing in the Fishery must not fish by any means other than by pots.
- (2) A person must not use a pot in the Fishery -
 - (a) that does not have at least one escape gap which conforms to the specifications in Part 3 of Schedule 13 to the regulations;
 - (b) that does not have one entrance located on the upper surface of the pot that is no less than 160 millimetres in diameter; and
 - (c) that has dimensions greater than 0.5 metres in height, 1 metre in length and 1 metre in width.
- (3) A person fishing in the offshore bight zone of the Fishery must not use more than 200 pots.
- (4) A person must not use a float in the Fishery that is not branded or stamped in accordance with regulation 32.
- (5) Subject to subclause (7), the master of an authorised boat in a zone of the Fishery must not carry more pots on board that boat than the current entitlement confers unless approval has been given by the Department in respect of that boat.
- (6) An approval sought under subclause (5) must be made –
 - (a) by request in writing or by telephone; and
 - (b) be made to a regional manager, compliance manager or fisheries officer at the local fisheries office.
- (7) Notwithstanding subclause (5), the master of an authorised boat may carry on board that boat a maximum of 2 additional unrigged spare pots to be used to replace any lost or damaged pots.

28. Prohibition on fishing in certain areas

- (1) A person fishing in the Fishery under the authority of a managed fishery licence must not –
 - (a) fish for rock lobster in any zone of the Fishery during the period commencing on 1 July and ending on 14 November in any year; or
 - (b) fish for crustaceans in Zone 3 of the Fishery during the period commencing on 1 July and ending on 14 November in any year; or
 - (c) fish for rock lobster in the offshore bight zone of the Fishery at any time.
- (2) The master of an authorised boat must ensure that any rock lobster brought on board the boat during the period specified in subclauses (1)(a) and (1)(c) are released to the sea within 5 minutes of being taken or before any other pot is pulled, whichever is first.

29. Labelling requirements

- (1) The master of an authorised boat must store all crustaceans on that boat in a container with a label attached in respect of that container in accordance with this clause.
- (2) The label referred to in subclause (1) must be –
 - (a) durable and made of plastic, wood or metal; and
 - (b) securely attached to the exterior side surface of any container containing crustaceans; and
 - (c) rectangular in shape and not less than 75 mm in length and not less than 55 mm in width.
- (3) The label referred to in subclause (2) must clearly identify –
 - (a) the name and principal place of residence of the master of any licensed fishing boat which was used to fish for crustacean; and
 - (b) the licensed fishing boat number of any licensed fishing boat which was used to fish for crustacean; and
 - (c) the zone of the Fishery from which the crustacean was taken.
- (4) A person must not remove any crustacean from an authorised boat unless that crustacean is held in a container with a label attached in respect of that container in accordance with this clause.

30. Prohibition on selling, purchasing or dealing in crustaceans

A person must not -

- (a) sell, purchase, or deal in, or attempt to sell, purchase, or deal in, any crustaceans taken from the Fishery in contravention of this plan; or
- (b) sell, purchase, or deal in, or attempt to sell, purchase, or deal in, any crustaceans taken from the Fishery, unless the crustaceans were taken by a person who holds a commercial fishing licence, and the crustaceans were taken under the authority of a licence issued in accordance with this plan.

31. Requirement to report lost pots

- (1) The master of an authorised boat must report any lost pots to the Department immediately.
- (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.
- (3) A report to the Department must be made –
 - (a) to the Compliance Manager at the Southern Regional Office; and
 - (b) in writing by the master of the authorised boat; and
 - (c) within 48 hours of concluding a fishing trip or prior to the commencement of the next fishing trip.

32. Offences

A person who contravenes a provision of clause 12, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 or 31 commits an offence.

SCHEDULES

SCHEDULE 1

Description of the Fishery

[clause 6]

The waters situated on the south coast of the State bounded by a line commencing at the intersection of high water mark and 115°08.091' east longitude (Cape Leeuwin) extending south to the intersection of 115°08.091' east longitude and 34°24' south latitude; thence west along 34°24' south latitude to the outer limit of the Australian Fishing Zone; thence generally east along that boundary to its intersection with 129° east longitude; thence north along 129° east longitude to the high water mark; thence generally west along the high water mark to the commencing point.

SCHEDULE 2

Zones of the Fishery

[clause 6]

Zone 1 – Augusta

The waters situated on the south coast of the State bounded by a line commencing at the intersection of high water mark and 115°08.091' east longitude (Cape Leeuwin) extending south to the intersection of 115°08.091' east longitude and 34°24' south latitude; thence west along 34°24' south latitude to the outer limit of the Australian Fishing Zone; thence generally east along that boundary to its intersection with 116° east longitude; thence north along 116° east longitude to the high water mark; thence generally north west along the high water mark to the commencing point.

Zone 2 – Albany

The waters situated on the south coast of the State bounded by a line commencing at the intersection of high water mark and 116° east longitude; thence south along 116° east longitude to the outer limit of the Australian Fishing Zone; thence generally east along that boundary to its intersection with 120° east longitude; thence north along 120° east longitude to the high water mark; thence generally west along the high water mark to the commencing point.

Zone 3 – Esperance

The waters situated on the south coast of the State bounded by a line commencing at the intersection of high water mark and 120° east longitude; thence south along 120° east longitude to the outer limit of the Australian Fishing Zone; thence generally east along that boundary to its intersection with 125° east longitude; thence north along 125° east longitude to the high water mark; thence generally west along the high water mark to the commencing point.

Zone 4 – Inshore Bight Zone

The waters situated on the south coast of the State bounded by a line commencing at the intersection of high water mark and 125° east longitude; thence south along 125° east longitude to the intersection of 34°03.030' south latitude and 125° east longitude; thence in a north easterly direction to the intersection of 33°49.178' south latitude and 125°32.114' east longitude; thence in a north easterly direction to the intersection of 33°15.516' south latitude and 126°13.975' east longitude; thence in a easterly direction to the intersection of 33°13.046' south latitude and 126°42.932' east longitude; thence in a easterly direction to the intersection of 33°17.332' south latitude and 127°38.134' east longitude; thence in a easterly direction to the intersection of 33°15.373' south latitude and 128°27.894' east longitude; thence in a easterly direction to the intersection of 33°21.937' south latitude and 129° east longitude; thence north along 129° east longitude to the high water mark; thence generally west along the high water mark to the commencing point.

SCHEDULE 3 Offshore Bight Zone

The waters situated on the south coast of the State bounded by a line commencing at the intersection of 34°03.030' south latitude and 125° east longitude; thence in a north easterly direction to the intersection of 33°49.178' south latitude and 125°32.114' east longitude; thence in a north easterly direction to the intersection of 33°15.516' south latitude and 126°13.975' east longitude; thence in a easterly direction to the intersection of 33°13.046' south latitude and 126°42.932' east longitude; thence in a easterly direction to the intersection of 33°17.332' south latitude and 127°38.134' east longitude; thence in a easterly direction to the intersection of 33°15.373' south latitude and 128°27.894' east longitude; thence in a easterly direction to the intersection of 33°21.937' south latitude and 129° east longitude; thence south along 129° east longitude to the outer limit of the Australian Fishing Zone; thence generally west along that boundary to its intersection with 125° east longitude; thence north along 125° east longitude to the commencing point.

SCHEDULE 4

Sea lion exclusion device zones

[clause 26]

(1) The waters situated on the south coast of the State bounded by a line commencing at the intersection of 118° 25.687' east longitude and 34° 53.915' south latitude; thence in a south easterly direction to the intersection of 118° 40.233' east longitude and 35° 05.216' south latitude; thence in a north easterly direction to the intersection of 119° 07.634' east longitude and 34° 41.915' south latitude; thence in a north westerly direction to the intersection of 118° 52.755' east longitude and 34° 30.025' south latitude; thence generally south west along the high water mark to the commencing point.

(2) The waters situated on the south coast of the State bounded by a line commencing at the intersection of 119° 16.726' east longitude and 34° 28.649' south latitude; thence in a south easterly direction to the intersection of 119° 31.434' east longitude and 34° 42.231' south latitude; thence in a north easterly direction to the intersection of 120° 02.042' east longitude and 34° 21.039' south latitude; thence in an easterly direction to the intersection of 121° 29.595' east longitude and 34° 16.909' south latitude; thence in an easterly direction to the intersection of 121° 52.982' east longitude and 34° 19.871' south latitude; thence in a south easterly direction to the intersection of 121° 59.782' east longitude and 34° 28.919' south latitude; thence in a north easterly direction to the intersection of 122° 08.907' east longitude and 34° 23.497' south latitude; thence in an easterly direction to the intersection of 123° 05.882' east longitude and 34° 21.982' south latitude; thence in a north easterly direction to the intersection of 123° 19.282' east longitude and 34° 12.371' south latitude; thence in a south easterly direction to the intersection of 123° 31.515' east longitude and 34° 24.454' south latitude; thence in an easterly direction to the intersection of 124° 03.857' east longitude and 34° 21.096' south latitude; thence in a north easterly direction to the intersection of 124° 32.763' east longitude and 33° 44.803' south latitude; thence in a north westerly direction to the intersection of 124° 02.088' east longitude and 33° 20.282' south latitude; thence generally south west along the high water mark to the commencing point.

(3) The waters situated on the south coast of the State bounded by a line commencing at the intersection of 125° 43.966' east longitude and 32° 24.674' south latitude; thence in a southerly direction to the intersection of 125° 47.113' east longitude and 32° 37.215' south latitude; thence in a north easterly direction to the intersection of 126° 22.983' east longitude and 32° 28.213' south latitude; thence in a northerly direction to the intersection of 126° 19.836' east longitude and 32° 15.672' south latitude; thence generally west along the high water mark to the commencing point.

SCHEDULE 5

Payment by instalments

[clause 12]

- (1) The first instalment is 50% of the total fee and is due for payment on or before 1 July of the year for which the licence is to be granted or renewed.
- (2) The second instalment is the total fee less the instalments provided for in paragraph (1) and is due for payment on or before 15 December immediately following the period specified in paragraph (1).

SCHEDULE 6
Units of entitlement

[clause 14]

Calculation of unit value

- (a) The extent of the entitlement arising from a unit shall be determined in accordance with the formula:

$$\frac{C}{N} = U$$

Where –

‘C’ is the capacity of a zone of the Fishery;

‘N’ is the total number of units conferred by all the licences conferring an entitlement to fish in the relevant zone at the relevant time;

‘U’ is the value of a unit.

- (b) Where the value of a unit resulting from a determination made in accordance with paragraph (a) is not a whole number any fraction greater than 5/1000 is rounded upwards, and any other fraction is rounded downwards, to the second decimal place.

SCHEDULE 7
Conferral of entitlement

[clause 15]

| Authorisation number | Zone 2 units | Zone 4 units |
|-----------------------------|---------------------|---------------------|
| WHRL1951 | 0 | 0 |
| WHRL1983 | 0 | 0 |
| ESP1957 | 0 | 0 |
| ESP1958 | 0 | 0 |
| ESP1959 | 0 | 0 |
| ESP1961 | 0 | 0 |
| ESP1962 | 0 | 0 |
| ESP1963 | 0 | 0 |
| ESP1964 | 0 | 0 |
| ESP1965 | 0 | 0 |
| SRL-1001 | 1 | 16 |
| SRL-1008 | 6 | 2 |
| SRL-1015 | 18 | 8 |
| SRL-1038 | 13 | 2 |

| | | |
|----------|-----|-----|
| SRL-1043 | 22 | 2 |
| SRL-1048 | 1 | 16 |
| SRL-1050 | 5 | 3 |
| SRL-1051 | 26 | 2 |
| SRL-1055 | 1 | 31 |
| SRL-1081 | 5 | 4 |
| SRL-1088 | 16 | 7 |
| SRL-1091 | 34 | 2 |
| SRL-1101 | 28 | 2 |
| SRL-1109 | 5 | 16 |
| SRL-1112 | 8 | 2 |
| SRL-1114 | 2 | 5 |
| SRL-1118 | 17 | 2 |
| SRL-1119 | 8 | 3 |
| SRL-1131 | 4 | 2 |
| SRL-1133 | 2 | 49 |
| SRL-1139 | 19 | 10 |
| SRL-1140 | 3 | 2 |
| SRL-1144 | 2 | 78 |
| SRL-1145 | 1 | 32 |
| SRL-1147 | 1 | 118 |
| SRL-1170 | 2 | 8 |
| SRL-1173 | 14 | 3 |
| SRL-1174 | 83 | 3 |
| FBL1933 | 3 | 0 |
| FBL1038 | 21 | 0 |
| FBL1294 | 6 | 0 |
| FBL1300 | 12 | 0 |
| FBL1340 | 3 | 0 |
| FBL1427 | 2 | 0 |
| FBL1932 | 110 | 0 |
| FBL1451 | 10 | 0 |
| FBL3084 | 1 | 0 |
| FBL1960 | 23 | 0 |
| FBL1442 | 5 | 0 |
| FBL1102 | 25 | 0 |
| FBL2330 | 23 | 0 |
| FBL1301 | 4 | 0 |
| FBL1832 | 2 | 0 |
| FBL1043 | 6 | 0 |
| FBL1962 | 24 | 0 |
| FBL1303 | 17 | 0 |
| FBL 1295 | 1 | 0 |
| FBL3112 | 5 | 0 |

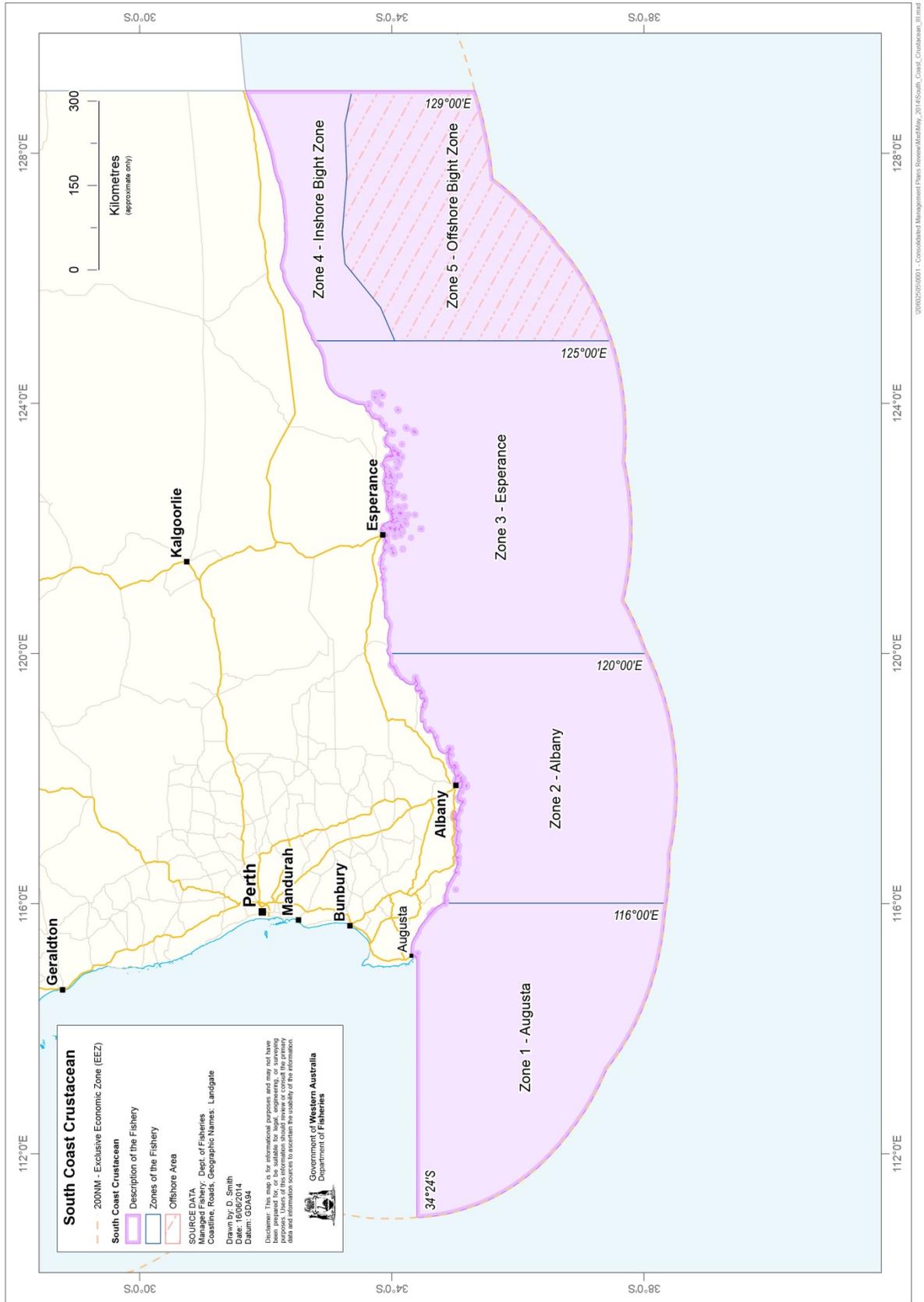
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|---------|-----|-----|
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| FBL2450 | 1 | 0 |
| FBL2168 | 1 | 0 |
| TOTALS | 653 | 430 |

5.0 APPENDICES

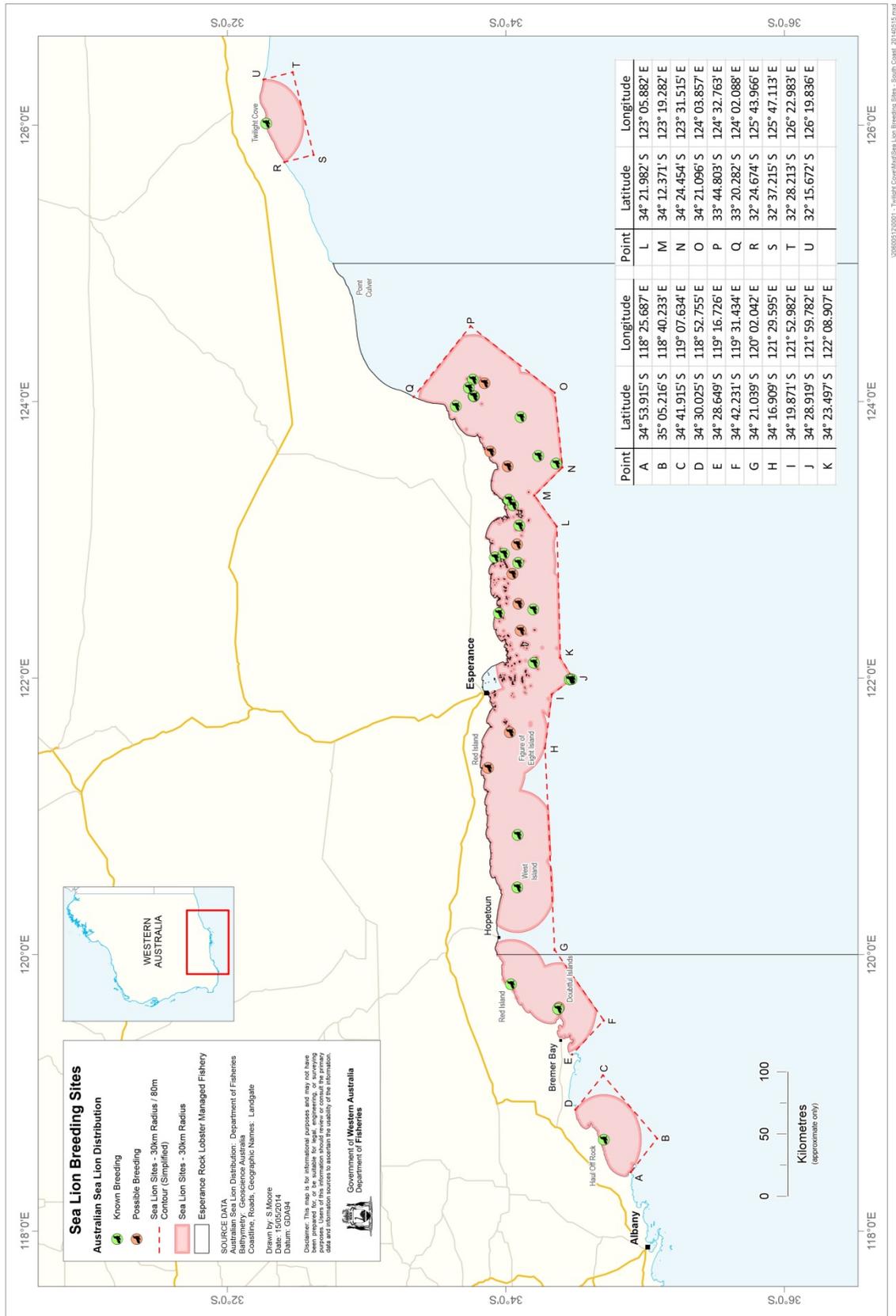
Appendix 1 – Government Gazette Notice

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| PERTH, FRIDAY, 27 FEBRUARY 2015 | | No. 31 |
| PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.00 NOON © STATE OF WESTERN AUSTRALIA | | |
| FISHERIES | | |
| FI402* | | |
| FISH RESOURCES MANAGEMENT ACT 1994 | | |
| INTENTION TO DETERMINE A MANAGEMENT PLAN | | |
| South Coast Crustacean Managed Fishery | | |
| FD 1767/14 [1198] | | |
| I, Ken Baston MLC, Minister for Fisheries, hereby give notice in accordance with section 64(2) of the <i>Fish Resources Management Act 1994</i> that I intend to determine a management plan for the South Coast Crustacean Managed Fishery. | | |
| A copy of the draft management plan may be obtained from the Head Office of the Department of Fisheries, 3rd Floor, The Atrium, 168 St Georges Terrace, Perth or the Department of Fisheries website (www.fish.wa.gov.au). | | |
| Interested persons seeking to comment on the draft management plan are invited to make representations in writing to the Minister for Fisheries by 4.30 pm, Friday 3 April 2015. | | |
| Written submissions in connection with the draft management plan may be forwarded to— | | |
| Minister for Fisheries Draft South Coast Crustacean Management Plan c/- Chief Executive Officer Department of Fisheries 3rd Floor, The Atrium, 168 St Georges Terrace, Perth | | |
| Alternatively, written submissions may be forwarded electronically to Rebecca.Oliver@fish.wa.gov.au | | |
| Dated: 24 February 2015. | | |
| KEN BASTON MLC, Minister for Fisheries. | | |

Appendix 2 – Map of the Fishery



Appendix 3 – Map of SLED Zones



U00605120001 - Twilight Coverage/Sea Lion Breeding Sites - South Coast_20140515.mxd

