

**DRAFT MANAGEMENT PLAN
FOR THE WEST COAST ROCK LOBSTER
MANAGED FISHERY**

FISHERIES MANAGEMENT PAPER NO. 257

Department of Fisheries
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Perth WA 6000

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Draft Management Plan
for the
West Coast Rock Lobster Managed Fishery

July 2012

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Government of **Western Australia**
Department of **Fisheries**

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1.0 OPPORTUNITY TO COMMENT

INTENTION TO DETERMINE A MANAGEMENT PLAN FOR THE WEST COAST ROCK LOBSTER 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 13 July 2012 stating that he intends to determine a Management Plan for the West Coast Rock Lobster Managed Fishery and invites interested persons to comment on the Draft Plan.

Interested persons are strongly encouraged to provide a written submission on the Draft Management Plan and representations will be accepted until 4.30 pm, Monday 20 August 2012.

Representations in connection with the Draft Plan may be forwarded to:

Minister for Fisheries
West Coast Rock Lobster Managed Fishery Draft Management Plan 2012
c/- Director General
Department of Fisheries
3rd Floor, The Atrium,
168 St Georges Terrace, Perth

or:

lobster.submissions@fish.wa.gov.au

1.2 Next Steps

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

1. Following the end of the consultation period at 4:30pm on 20 August 2012, the Department will collate and provide advice to the Minister for Fisheries regarding the written comments received on the Draft Plan and the Draft Plan may subsequently be amended if the Minister considers it appropriate to do so.
2. In September 2012 the Minister for Fisheries will approve the new Management Plan. This will then be published in the Government Gazette.

3. Once the new Management Plan has been Gazetted existing West Coast Rock Lobster Managed Fishery Licence holders will be advised in writing of the process to apply for a new West Coast Rock Lobster Managed Fishery Licence.
4. New Licences will then be granted in accordance with the new Plan.
5. On 14 January 2013 the existing Plan will be revoked.
6. On 15 January 2013 the New Plan will come into effect.

After reading the Draft Plan, if you have any questions please call Joanne Kennedy on (08) 9482 7338 or Graeme Baudains on (08) 9482 7369.

2.0 BACKGROUND

West Coast Rock Lobster Managed Fishery licensees target the western rock lobster, *Panulirus Cygnus* using baited pots (traps) on the west coast of Western Australia (WA). The fishery, which has long been one of the most valuable single species fisheries in Australia, extends from North West Cape to Cape Leeuwin in the south, with the main fishing occurring between Shark Bay and Perth.

In response to a series of poor puerulus settlements commencing in 2009, a suite of management changes have been introduced to significantly reduce catch levels to appropriately deal with the expected low levels of recruitment entering the fishery while assisting industry's ability to maximise economic returns from the available catch.

Consequently, since November 2010, the fishery has been transitioning from input controlled management to an output-based management system that uses catch limits as the key management tool.

The primary aim of the Draft Plan contained in this document is to finalise the transition and move the fishery to a full Individual Transferable Quota (ITQ) management framework.

3.0 KEY ELEMENTS OF DRAFT PLAN

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

Licensing and entitlement

- It is proposed that the Plan would come into effect on 15 January 2013 (the old plan would be revoked on 14 January 2013).
- The commercial fishing season for all zones would commence on 15 January and end on 14 January the following year (i.e. no closed period in any zone).
- The number of units in the Fishery would be multiplied by 10 and separate Zone B units would be allocated to Zone A licence holders at a rate of 4.4 Zone B units to each Zone A unit held (rounded to the nearest whole unit).
- The minimum operating holding would be 600 units of usual and current entitlement (noting the 10 x multiplier, this is consistent with the current minimum unit holding), but this could be made up of units from multiple zones.
- The capacity of the fishery would be defined as the number of kilograms (whole weight) of rock lobster that could be taken in each zone during the licensing period.
- In order to be eligible for a licence to be granted under the new Plan, the licence holder would have to either:
 - hold a current licence at the date of gazettal of the new Plan; or
 - have the ability to acquire at least one unit of existing usual entitlement once the new Plan has been gazetted.
- The fee payable in respect of the grant or renewal of a licence would be able to be paid in instalments consisting of:
 - the first instalment payment on or before 15 January (25%);
 - the second instalment payment on or before 15 May (35%); and
 - the third instalment payment on or before 15 September (40%).
- Units from different zones of the Fishery would be able to be placed on one Managed Fishery Licence, but an authorised boat would only be able to fish in one zone of the Fishery per fishing trip.

Quota deduction, containers and weighing

- The Draft Plan proposes that fishers may deduct 500g per container to account for water loss.
- The weight of lobsters that would be deducted from quota would be the higher of the fisher's net weight and registered receiver's net weight.
- The Draft Plan contains clearer definitions around determining the weight of containers and the introduction of a minimum container size.
- The Draft Plan allows the introduction of the "Fisheye" system to allow fishers and registered receivers to provide information previously collected on paper forms to be submitted electronically.

Changes relating to pots

- The Draft Plan provides for a pot usage rate of 0.05 pots per unit.
- Pots could be transported on boats and unbaited pots could be soaked in designated soaking areas at the Abrolhos Islands a week before the start of the licensing period.

Consultation on amending or revoking the Plan

- The Draft Plan proposes that the Western Australian Fishing Industry Council must be consulted before the Plan is amended or revoked

4.0 DRAFT WEST COAST ROCK LOBSTER MANAGED FISHERY MANAGEMENT PLAN 2012

Fish Resources Management Act 1994

WEST COAST ROCK LOBSTER MANAGED FISHERY DRAFT MANAGEMENT PLAN 2012

FD 48/12 [1078]

Made by the Minister under section 54.

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WEST COAST ROCK LOBSTER MANAGED FISHERY MANAGEMENT PLAN 2012

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

This plan comes into operation on 15 January 2013.

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 an area of waters specified in Schedule 12 where rock lobster may be held in accordance with this plan;

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);

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

Big Bank area means the area described in Schedule 4;

carrier boat consignment form means the form in a CDR book relating to the transport of rock lobster by carrier boat;

CDR book means a book containing CDR forms;

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;

consignment means a quantity of rock lobster transferred 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;

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 of the regulations;

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 an 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;

designated rock lobster pot soaking area means an area of water specified in accordance with clause 76;

Fishery means the West Coast Rock Lobster Managed Fishery;

Fisheye means the electronic data management system managed by the Department for recording information related to -

- (a) operating in the Fishery; and
- (b) records;

Fisheye password means -

- (a) the initial password issued by the CEO to a person issued with a Fisheye username; 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 Fisheye;

Fisheye username means a unique identifier issued by the CEO for the purpose of enabling access to Fisheye;

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

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;

holding tag means a tag, for the purpose of holding or storing rock lobster;

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;

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

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

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

licence period means the year commencing on 15 January in any year and ending on 14 January in the next following year;

net weight means -

- (a) where determined by the master of an authorised boat, 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; and
- (b) where determined by a registered receiver, the total weight of all the lobsters in the consignment (in kilograms), determined by the registered receiver to one decimal place;

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 ‘personal identification number’ in respect of an IVR nomination;

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 37;

post-landing nomination form means the form in Fisheye in which the post-landing nomination is recorded and submitted;

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

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 Fisheye in which the pre-fishing nomination is recorded and submitted;

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 Fisheye in which the pre-landing nomination is recorded and submitted;

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
- (b) a person who has received a certificate in accordance with clause 53 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 53;

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 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;

session means, in relation to a period of operation -

- (a) the time elapsed between moving an authorised boat to pull rock lobster pots and making a pre-landing nomination; or
- (b) the time elapsed between moving an authorised boat 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 to pull rock lobster pots and midnight on that same day; or
- (d) the time elapsed between moving an authorised boat 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 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 fee (per unit) specified in the relevant item of Part 3 of Schedule 1 to the regulations and the number of units of usual entitlement specified on the relevant licence;

trip means the time elapsed between moving an authorised boat to pull rock lobster pots and the time that a post-landing nomination is 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 19;

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 Australian Fishing Industry Council (Inc) are the persons 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 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 of the Fishery.

7. 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) the person is a fit and proper person to hold a licence; and
- (b) on the date of gazettal of this plan the applicant was the holder of an authorisation issued in accordance with the *West Coast Rock Lobster Management Plan 1993* in respect of a Zone of the Fishery established by that plan; and
- (c) 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 the *West Coast Rock Lobster Management Plan 1993* in respect of a Zone of the Fishery established by that plan.

(3) Notwithstanding subclause (1), the CEO may grant a person a licence to fish in the Fishery if the CEO is satisfied that immediately upon being granted a licence -

- (a) an application would 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) would be in respect of a total of not less than 1 unit; and
- (c) the person is a fit and proper person to hold a licence; and
- (d) the CEO would, pursuant to the application referred to in paragraph (a), transfer the units of usual entitlement to the licence.

(4) For the purposes of subclause (3) a reference to an application to transfer units of entitlement shall be taken to include an application made in connection with the surrender of a licence pursuant to clause 23.

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

A licence granted or renewed for a period commencing on 15 January in any year expires on 14 January next following the date of grant or renewal.

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 to which the licence relates;
 - (g) the Zone or Zones of the Fishery 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;
 - (k) the amount of rock lobster that may be taken (in kilograms whole weight) under the authority of the licence; 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)(b) 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 600 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 600 units of entitlement.

11. Grounds to cancel a licence

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;
 - (b) received at the head office of the Department on or before 15 January 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 fee or surcharge payable in respect of the licence is outstanding.

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

13. Capacity of the Zones of the Fishery

- (1) Subject to clause 14, the capacity of Zone A of the Fishery is 1,076,000 kilograms of rock lobster.
- (2) Subject to clause 14, the capacity of Zone B of the Fishery 1,921,000 kilograms of rock lobster.
- (3) Subject to clause 14, the capacity of Zone C of the Fishery is 2,557,000 kilograms of rock lobster.

14. Change in Capacity of a Zone of the Fishery

- (1) Each capacity applying to a Zone of the Fishery, 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, for the purposes of section 76 of the Act.
- (2) Each capacity applying to a Zone of the Fishery 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 units which could have been operated under the authority of the licence.
- (3) Each capacity applying to a Zone of the Fishery shall be increased upon the increasing of the entitlement of a relevant licence pursuant to clause 23, 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 of the Fishery in accordance with clauses 13 or 14, publish notice of the change in the Gazette.

16. Licence entitlements to equal capacity

During the period for which each capacity provided for under clause 13 or 14 applies, the aggregate of the entitlements for that Zone of all the relevant licences is equal to that capacity.

17. 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 of the Fishery; and
 - (b) determined in accordance with clause 19.
- (2) The maximum number of units that may be conferred by all licences in respect of a Zone of the fishery 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.

18. 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 the Abrolhos Islands area, 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 to the nearest whole number; 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.

19. Unit values

(1) For the period commencing 15 January 2013 the value of units of entitlement for the respective Zones of the Fishery are specified in the table to Schedule 8.

(2) At any time that subclause (1) does not apply, the extent of the entitlement to fish in a Zone of the Fishery arising from time to time from a unit (the unit value) shall be determined in accordance with Schedule 8 and be limited by reference to a number of kilograms (whole weight) of rock lobster that may be taken.

20. 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 of the Fishery 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 of the Fishery nominated for that trip is less than or equal to the product of the current entitlement for that Zone and the relevant unit value.

21. Defence to s.74 of the Act

It is a defence in proceedings for an offence against section 74 of the Act in respect of contravening clause 20 for the person charged to prove that -

- (a) the amount of rock lobster by which the restriction was exceeded is not more than 30 kilograms; and
- (b) the licence holder, not more than 21 days after the landing of the rock lobster, paid to the Fisheries Research and Development Fund an amount of money equal to the product of the number of kilograms by which the restriction was exceeded and the prescribed value (per unit of weight) for the rock lobster, as specified in Schedule 9 to the regulations.

PART 5 - TRANSFER OF ENTITLEMENT

22. Temporary transfer of entitlement

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.

23. Surrender of licence and reallocation of usual entitlement

- (1) Subject to subclauses (2) and (3), the CEO may 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 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).

24. Reduction of entitlement conferred by a licence

- (1) Where -
 - (a) a person is convicted for an offence against section 74 of the Act relating to exceeding a restriction provided for in clause 20; 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 (2).
- (2) For the purposes of subclauses (1) and (3), 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.
- (3) Where a person is convicted of an offence under clause 38, 39, 40, 42, 44, 51, 60, 61, 62, 72, or 75 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 (2).

25. 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;
- (d) the forms in the CDR books issued in respect of the relevant licences, or in Fisheye, 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 Fisheye 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.

PART 6 - GENERAL REGULATION OF FISHING OPERATION

26. Use of boats

- (1) Subject to clause 27 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.

(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.

(6) The master of a boat other than an authorised boat must ensure that no rock lobster are stored or transported on board that boat except for rock lobster taken by use of that boat under the authority of a recreational fishing licence.

27. 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.

(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.

28. When rock lobster are to be released

(1) 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 released to the sea within 5 minutes of being taken or before any other pot is pulled, whichever is first.

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

29. Bycatch of deep sea crab

(1) 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 is pulled, whichever is first.

(2) Notwithstanding subclause (1) 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.

(3) 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.

(4) 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.

(5) For the purposes of this clause “one day” has the same meaning as in regulation 3.

30. Transporting pots

(1) The master of an authorised boat operating under the authority of a licence where the current entitlement under that licence has been exhausted may transport pots on the authorised boat within 7 days of the start of a new licence period.

(2) The master of an authorised boat operating under the authority of a licence where the current entitlement under that licence has been exhausted may set unbaited pots that have been transported on that boat in accordance with clause 30(1) in designated rock lobster pot soaking areas.

31. 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, after complying with clause 37 of this plan, ensure that -
- (a) where a CDR book was used under clause 61 -
 - a. the original copy of the form of the CDR book applying to the rock lobster is removed from the CDR book, enclosed and sealed in the envelope provided by the Department; and
 - b. the carrier boat consignment form applying to the rock lobster is removed from the CDR book and retained on that boat; or
 - (b) where a post-landing nomination form was submitted in Fisheye, the carrier boat consignment form applying to the rock lobster is removed from the CDR book and is retained on that boat.

32. 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 -
- (a) is held in sealed containers with not more than four landing tags securely attached in respect of those containers; and
 - (b) is accompanied by the carrier boat consignment form in respect of the consignment of rock lobster referred to in paragraph (a).
- (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
 - (b) no rock lobster, other than rock lobster taken under the authority of the licence, are on board the boat.
- (4) The master of a licensed carrier boat must, prior to causing or permitting a consignment of rock lobster from that boat to be delivered to a registered receiver, provide the carrier boat consignment form in respect of that consignment to the registered receiver to whom the lobster have been consigned.

PART 7 - NOMINATIONS

33. Nominations made under this plan

- (1) Where a nomination is required to be made under this plan, the nomination may be made using IVR or Fisheye.
- (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 Fisheye is not validly made until the person making the nomination receives and records the receipt or consignment number issued by Fisheye.
- (4) Where the master of an authorised boat elects to use IVR to make nominations under this plan, the master must not make a nomination using Fisheye for the duration of a trip.
- (5) Where the master of an authorised boat elects to use Fisheye to make nominations under this plan, the master must not make a nomination using IVR for the duration of a trip.
- (6) Notwithstanding subclause (5), where the master of an authorised boat has elected to use Fisheye to make nominations under this plan but is unable to access Fisheye during a trip, the master must make all nominations required to be made under this plan for that trip using IVR and make and submit all records in the CDR book as required under this plan.

34. 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 Fisheye.
- (2) Where the holder of a licence makes a nomination under subclause (1)(a), that person must -
 - (a) obtain and record the temporary master PIN for the nominated master; and
 - (b) acknowledge receipt by IVR of the temporary master PIN issued by IVR; and
 - (c) provide the temporary master PIN to the person nominated.
- (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 37 is outstanding; and
 - (b) no pre-fishing nomination has been made under clause 35.
- (5) The holder of a licence must ensure that only one person nominated as a master in Fisheye 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.

35. 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 in respect of the nomination in Part 1A of the form in a CDR book; and
- (b) acknowledge receipt by IVR of the pre-fishing confirmation number in respect of the nomination; and
- (c) ensure that the crew that will be fishing from the authorised boat during the trip are listed in the Crew List Log Sheet in a CDR book.

(3) Where the master makes a pre-fishing nomination under subclause (1) by Fisheye, the master must -

- (a) submit a pre-fishing nomination form in Fisheye; and
- (b) record the receipt number provided 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 36; 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 provided in respect of the variation, in Part 1A of the form in a CDR book; and
 - (ii) acknowledge receipt by IVR of the receipt number provided in respect of the variation; or
- (b) where varying the nomination by Fisheye -
 - (i) submit a cancellation of that nomination in Fisheye; and
 - (ii) immediately submit a new pre-fishing nomination form in Fisheye; and
 - (iii) record the receipt number provided 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 moving an authorised boat to commence 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 -

(i) record the receipt number provided in respect of the cancellation, in Part 1A of the form in a CDR book; and

(ii) acknowledge receipt by IVR of the receipt number provided in respect of the cancellation; or

(b) where cancelling the nomination by Fisheye,

(i) submit a cancellation of that nomination in Fisheye; and

(ii) record the receipt number provided in respect of the cancellation.

36. 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 in respect of the nomination in Part 1C of the form in a CDR book; and

(b) acknowledge receipt by IVR of the pre-landing confirmation number in respect of the nomination.

(3) Where the master makes a pre-landing nomination under subclause (1) by Fisheye, the master must -

(a) ensure that the crew that are onboard the authorised boat are listed in a pre-landing nomination form in Fisheye; and

(b) submit a pre-landing nomination form in Fisheye; and

(c) record the receipt number provided 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.

37. Master to make post-landing nomination

(1) Where using IVR to make nominations, the master of an authorised boat must make a post-landing nomination by IVR either -

(a) within 10 minutes of weighing the last consignment of rock lobster; or

(b) immediately upon returning to a pen or mooring within the same landing area as the rock lobster were removed from the authorised boat on that trip,

whichever is the earliest.

(2) Where the master makes a post-landing nomination under subclause (1), the master must -

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

(3) Where using Fisheye to make nominations, the master of an authorised boat must make a post-landing nomination by -

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

(4) Where rock lobster has been delivered to a carrier boat by the master of a boat operating in Zone A, the master must immediately -

- (a) make a post-landing nomination by IVR and record the post-landing confirmation number in respect of the nomination on the duplicate of the form in a CDR book; or
- (b) make a post-landing nomination by submitting a post-landing nomination form in Fisheye for each consignment and -
 - (i) record the receipt number in respect of the nomination; and
 - (ii) record the consignment number in respect of each consignment on a carrier boat consignment form.

PART 8 - HOLDING, LANDING AND WEIGHING ROCK LOBSTER

38. 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 -

- (a) unloading rock lobster into a designated holding area; or
- (b) unloading rock lobster onto a licensed carrier boat; or
- (c) consigning rock lobster for personal consumption,

in accordance with this plan.

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

- (a) accurately determine the number of rock lobster on board that boat; or
- (b) 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.

(6) The master of an authorised boat must ensure that all rock lobster 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 37 and 61.

(8) Subclauses (5), (6), and (7) do not apply in respect of a person using an authorized boat as a licensed carrier boat in accordance with clauses 31 and 32.

(9) Subclause (6) does not apply to rock lobster held in an approved landing area under clause 40.

39. 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 personal consumption

in accordance with this plan.

(2) The master of an authorised boat must not -

- (a) remove, or permit to be removed, rock lobster from -
 - (i) a designated holding area; or
 - (ii) an authorised boat, or

(b) consign rock lobster for personal consumption in accordance with this plan, unless clause 61 has been complied with immediately prior to those rock lobster being delivered to a carrier boat or consigned.

40. 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) all rock lobster held have been weighed immediately upon being brought into the approved landing area in accordance with clause 44(1); and
- (b) the master of the authorised boat has -
 - (i) completed Parts 1B, 1C and 1D of the form in a CDR book in respect of the rock lobster held on board; or
 - (ii) completed a post-landing nomination form in Fisheye for each consignment and recorded the consignment number provided by Fisheye for each consignment.

(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 the form in a CDR book in respect of all rock lobster held in the approved landing area.

(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 Fisheye 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.

41. Landing containers

(1) Subject to subclause (2), a person must not use a container to hold rock lobster under this plan unless that container is a minimum size of 600mm long, 400mm wide and 300mm high.

(2) The CEO may give approval to a person to use a container to hold rock lobster under this plan with less than the dimensions specified in subclause (1).

42. 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 use landing tags in a sequential order.

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

(4) The master of an authorised boat must ensure that rock lobster are held in sealed containers with landing tags attached in respect of those containers, in accordance with this clause, before the rock lobster is -

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

(5) The master of an authorised boat must at all times keep safe and secure all landing tags and produce the landing tags to a fisheries officer on demand.

(6) 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.

(7) A person must not -

- (a) remove a landing tag referred to in this clause; or
 - (b) open the container to which a landing tag is attached,
- unless that container is at a registered receiver's premises.

(8) Subclause (7) does not apply to containers of rock lobster retained for personal consumption where a current crew member on the authorised boat removes a landing tag or opens a container to which a landing tag is attached at the address specified at Part 1D of a form in a CDR book or in a post-landing nomination form.

(9) Subclauses (4) and (6) do not apply in respect of rock lobster held in a designated holding area in accordance with this plan.

43. Transporting rock lobster

(1) A person must not transport rock lobster which has had the tail fan clipped or punched in the manner specified under clause 56 or regulation 31 unless -

- (a) 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; or
- (b) the rock lobster has been retained for personal consumption in accordance with clause 56 and the amount of rock lobster being transported does not exceed 24 rock lobsters.

(2) A person must not transport rock lobster that has not had the tail fan clipped or punched in the manner specified under clause 56 or regulation 31 unless the rock lobster was lawfully purchased or obtained in accordance with this plan.

(3) A person transporting rock lobster under subclause (2) must be in possession of a receipt, transport docket or other document regarding the rock lobster which shows that they 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 unless -

- (a) the rock lobster is held in sealed containers with landing tags attached in respect of those containers; and
- (b) the person is not transporting lobsters other than lobsters consigned by masters of authorised boats; and
- (c) a registered receiver consignment form has been completed and is in the possession of the person transporting the rock lobster.

(5) Where the rock lobster being transported under subclause (4) is transported on a licensed carrier boat, the master of the carrier boat must be in possession of the carrier boat consignment form in respect of the rock lobster.

(6) A person must not hold rock lobster consigned by the master of an authorised boat at a place other than a registered receiver's premises, unless the rock lobster is held in sealed containers with landing tags attached in respect of those containers and -

- (a) where the rock lobster were transported on a licensed carrier boat, the carrier boat consignment form for those containers is being held at the premises; or
- (b) a registered receiver consignment form has been completed and is being held at the place where the rock lobster are being held.

(7) Subclause (6) does not apply to containers of rock lobster retained for personal consumption where a current crew member on the authorised boat removes a landing tag or opens a container to which a landing tag is attached at the address specified at Part 1D of a form in a CDR book or in a post-landing nomination form.

44. 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 rock lobster; and
- (b) ensure that any rock lobster that has been consigned or retained for personal consumption is removed from the boat and 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 and in an area where the weighing may be clearly observed by a fisheries officer and is not within a building; or
 - (ii) at a weighing point specified in Schedule 13 bearing the same designation as an approved landing area specified in Schedule 11, and in either case the place of weighing is not a registered receiver's premises.

(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 rock lobster that is to be consigned or retained for personal consumption is weighed before the remainder 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 an Abrolhos Islands holding area; or
- (c) on board an authorised boat in an 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.

(4) For the purposes of subclause (1), where rock lobster is brought into the Seabird, Ledge Point, or Wedge Island approved landing area, the master of the authorised boat must also immediately complete Part 1D of the form in a CDR book in respect of that rock lobster and which relates to the registered receiver's name and identification number.

(5) Where the net weights recorded under clauses 61(4) and 63(9) 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.

(6) Where an error has occurred in the recording of the weight of rock lobster under clauses 61(4) and 63(9), the CEO may permit fishing in excess of the entitlement of a licence 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 CDR form or post-landing nomination form submitted in Fisheye; 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 Fisheye nomination or CDR form, and information on other Fisheye nominations or CDR 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.

(7) Where the CEO permits fishing in excess of the entitlement of a licence under subclause (6), the CEO is to specify in writing the amount of additional rock lobster that may be caught in respect of that licence.

45. 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 40, is not in an approved landing area; or
- (b) is in an 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 Fisheye -

- (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 -

- (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 Fisheye 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 40.

46. Holding rock lobster on a boat in an Abrolhos Islands holding area

(1) The master of an authorised boat being used to hold rock lobster in an 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, records all information required in the original copy of a holding over form; or

(b) where using Fisheye to make nominations under this plan, recorded all session information for that day in a post-landing nomination form in Fisheye;

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.

(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 -

(a) containers; or

(b) holding tanks,

secured with not more than four holding or 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 holding or landing tags in respect of a container or any other storage facility in which rock lobster are held.

(4) A holding or landing tag required to be used under this plan must be attached to a container or any other storage facility used to hold rock lobster in accordance with this plan by passing the tag through the lid of that container and the container itself, or in a manner that secures any cover or opening to any storage facility, 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 or storage facility without breaking one or more holding or landing tags.

(5) A person must use holding tags in a sequential order.

47. 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.

(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 Fisheye to make nominations under this plan, record all session information in a post-landing nomination form in Fisheye.

(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 holding or landing tags; or
- (b) in the case of a pontoon, hold rock lobster within the pontoon -
 - (i) in containers secured with not more than four holding or landing tags securely attached in respect of each container; or
 - (ii) by ensuring that the pontoon is secured by holding tags.

(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; and

(iii) the pontoon is secured by holding tags.

(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.

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

49. 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 produce to a fisheries officer immediately on demand the holding over book issued in respect of the licence specifying that authorised boat.

PART 9 - CONSIGNMENT OF ROCK LOBSTER

50. 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 under clause 46,
- must be consigned simultaneously.

51. Consignment of rock lobster by master

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) a person currently recorded as a crew member on the Crew List-Log Sheet form of a CDR book or in the pre-landing nomination form in Fisheye in respect of the licence who receives rock lobster taken in respect of the trip for personal consumption.

52. 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 rock lobster consigned for personal consumption in accordance with this plan.
- (2) A person must not receive a consignment of rock lobster unless the master of the authorised boat who is consigning the rock lobster provides the relevant licence number and either the CDR number or the consignment number provided by Fisheye.
- (3) The holder of a commercial fishing licence must not act for or on behalf of a registered receiver.

53. 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 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.
- (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.

54. 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.

55. Registered receiver to submit information regarding lobsters received, stored and disposed of

(1) The CEO may request that a registered receiver provide accurate information on all lobsters received, stored and disposed of by the registered receiver during a specified period, and any other information the CEO considers appropriate.

(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 in response to a request made under subclause (1).

56. Rock lobster consigned for personal consumption

(1) In this clause -

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

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 on board an authorised boat must not remove rock lobster from the authorised boat without the authority of the master of that authorised boat.

(3) Where the master of an authorised boat consigns rock lobster for personal consumption the master must, prior to landing any rock lobster, ensure that the second and fourth segments of the tail fan of each rock lobster are clipped or punched.

- (4) A person -
- (a) must not be in possession of any rock lobster consigned for personal consumption unless the tail is clipped or punched in accordance with subclause (3); and
 - (b) must not be in possession of more than 24 clipped or punched rock lobsters.
- (5) A person must not bring any rock lobster onto land in Zone A unless the rock lobster is consigned for personal consumption in accordance with this plan.

PART 10 - CDR AND RECORDS

57. Issue of CDR books and replacements

- (1) 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.
- (2) 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.

58. 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 on demand the CDR book issued in respect of the licence specifying that authorised boat.

59. 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 -
- (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 on demand.
- (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 the Department.

60. Requirement for master to make records

- (1) Where the master of an authorised boat has elected to use IVR to make nominations under this plan, the master must make records in a CDR book as required under this plan.
- (2) Where the master of an authorised boat has elected to use Fisheye, the master must not make records in a CDR book except where the master delivers rock lobster to a carrier boat.
- (3) Where the master of an authorised boat delivers rock lobster to a carrier boat, the master must, immediately upon making a post-landing nomination, complete a carrier boat consignment form and provide that form to the master of the carrier boat delivering the consignment.
- (4) Where the master of an authorised boat has elected to use Fisheye to make nominations under this plan but is unable to access Fisheye during a trip, the master must make all records required to be made under this plan for that trip in a CDR book and make all IVR nominations required under clauses 35, 36 and 37.
- (5) On any day that pots are to be pulled, or rock lobster are to be taken, held, consigned or landed by the use of an authorised boat, the master of an authorised boat must make any records required to be made under this plan in a CDR book or by using Fisheye.
- (6) The master of an authorised boat must accurately record the details of all persons operating under the authority of the licence on the Crew List-Log Sheet form in the CDR book issued in respect of that licence or in the pre-landing nomination form in Fisheye.
- (7) Where the master of an authorised boat elects to make records using Fisheye, the master must keep records of the information provided.

61. Records to be made by master in a CDR book

- (1) This clause does not apply to a master of an authorised boat who elects to make records using Fisheye.
- (2) The master of an authorised boat must, prior to unloading or landing any rock lobster from an authorised boat, complete Part 1B of the form in a CDR book 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 the form in a CDR book 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 the form in the CDR book in respect of all the rock lobster to be consigned, by completing Part 1D of the form in the CDR book in respect of each consignment.

(5) 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 form in a CDR book in respect of all the rock lobster to be consigned.

(6) Where rock lobster are delivered to a carrier boat, the master of the authorised boat must -

- (a) immediately provide to the master of the carrier boat, the completed Carrier Boat Consignment form with respect to that consignment; and
- (b) forward to the Department the original copy of the form in a CDR book in respect of all rock lobster to be consigned.

(7) 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 form in a CDR book 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.

(8) Where rock lobster are consigned for personal consumption to a person nominated at Part 1D of the form in a CDR book in respect of that consignment, the master of the authorised boat must, prior to the rock lobster being removed from the place where they were weighed, seal the original copy of the CDR form in the envelope provided by the Department and immediately forward it to the Department.

62. Obligations of master in regard to the forms in a CDR book

(1) 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.

(2) 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.

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

(1) This clause does not apply to a registered receiver who obtains approval to and submits records electronically under clause 64.

(2) 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 on demand the registered receiver consignment book issued.
- (3) 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 on demand.
- (4) 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.
- (5) A person must not be in possession of a CDR book at a registered receiver's premises.
- (6) 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 provided by Fisheye relating to that consignment.
- (7) 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.
- (8) 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 complete Part B of a registered receiver consignment form in respect of that consignment.
- (9) Where any rock lobster are brought onto a 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 and immediately upon removing landing tags from the containers of rock lobster, accurately weigh and determine the net weight of the rock lobster; and
 - (c) immediately complete Part C of a registered receiver consignment form in respect of that consignment.
- (10) A registered receiver must, upon removing lobsters from containers in which they were consigned, immediately weigh those containers without changing the state of

those containers in any way, and record that weight in Part C of the registered receiver consignment form in respect of that consignment.

(11) 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.

64. Registered receiver may submit records electronically

(1) 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 submitting records in the electronic form approved by the CEO for that purpose.

(3) Where the CEO has approved a request under subclause (2), a registered receiver must submit records 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 taking possession of rock lobster at a place other than at the registered receiver's premises.

(5) Upon a consignment of rock lobster being brought onto a registered receiver's premises, a registered receiver who has received approval under subclause (2) must submit the information required in Parts A and C of the registered receiver consignment form in the electronic form approved by the CEO.

(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

65. 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 must not fish for the period 15 January 2013 to 14 March 2016 in the area described in Schedule 7.

(4) 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.

66. Prohibition on fishing for rock lobster in waters surrounding Rottneest Island and Quobba Point and approved landing areas

(1) A person must not fish at any time in any of the areas described in -
(a) Schedule 5; or
(b) 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.

67. Prohibition on operating in Big Bank area

A person must not operate in the Big Bank area of the Fishery at any time.

68. 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 33, 37, 60 and 61 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.

69. Prohibition on operating in more than one Zone on any trip

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

(2) 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.

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

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

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

(1) The maximum number of pots that may be operated under the authority of a licence is the current entitlement of a licence multiplied by 0.05.

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

(3) A regional manager, compliance manager or fisheries officer may, in writing, authorise fishing under the authority of a licence to operate up to twice the maximum number of pots provided for in subclause (1) for the purpose of gear replacement.

(4) A person fishing in accordance with an authority provided under subclause (3) -
(a) must comply with any conditions of that authority; and
(b) must not operate more pots below the surface of the water than the maximum number of pots provided for in subclause (1).

71. 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.

72. 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;

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;

western rock lobster means fish described by that name in Division 3, Schedule 7 of the regulations.

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

(4) Subclause (3) does not apply to western rock lobster taken by the holder of a commercial fishing licence under the authority of a Windy Harbour-Augusta Rock Lobster managed fishery licence, an Esperance Rock Lobster managed fishery licence, or a licence granted under regulation 126 authorising a person to use rock lobster pots to engage in commercial fishing.

(5) A person must not sell, purchase or deal in, or attempt to sell, purchase or deal in, any western rock lobster that have had the tail fan clipped or punched in the manner specified under clause 56 or regulation 31.

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

73. Prohibition on unauthorised persons accessing IVR or Fisheye

(1) A person must not -

- (a) permit or assist a person who has not been issued a PIN, Fisheye username or Fisheye password to access IVR or Fisheye; or
- (b) provide a PIN, Fisheye username or Fisheye password to another person; or
- (c) provide the Fisheye password they have created in Fisheye to another person; or
- (d) access or attempt to access IVR where that person has not been issued or provided a PIN under subclause (2)(b) or (c); or
- (e) access or attempt to access Fisheye or a part of Fisheye where that person is not authorised to access Fisheye.

(2) This clause 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 34(2).

74. Prohibition in respect of nominations

(1) A person must not -

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

(2) A person must not -

- (a) fail to immediately provide the receipt or consignment number provided by Fisheye in respect of a completed nomination made in Fisheye in accordance with this plan; or
- (b) refuse to immediately provide the receipt or consignment number provided by Fisheye in respect of a completed nomination made in Fisheye in accordance with this plan; or
- (c) fail to provide any records completed in accordance with this plan; to a fisheries officer where requested to do so.

75. Prohibition in respect of records

(1) Any person required under this plan to complete -

- (a) a form or part of a form in a CDR book; or
- (b) a form or part of a form submitted in Fisheye; or
- (c) a form or part of a form in a holding over book; or
- (d) a form or part of a form in a registered receiver consignment record book; or
- (e) a record in the electronic form approved by the CEO under clause 64,

must not -

- (i) fail to complete the forms or parts of a form required to be completed; or

- (ii) provide false or misleading information in a form or part of a form; or
- (iii) fail to forward or submit any form, return or part of a form required to be forwarded or submitted to the Department.

(2) Any person required under this plan to make records must ensure that those records can be immediately provided to a fisheries officer upon request.

76. Designated rock lobster pot soaking areas

(1) The CEO may by notice published in the Gazette approve an area within Zone A as a designated rock lobster pot soaking area for the purposes of this plan.

(2) The CEO may by notice published in the Gazette amend or revoke a notice made under subclause (1).

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

78. Offences

A person who contravenes a provision of clause 12, 20, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, or 77 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-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 67]

All of the waters of the Indian Ocean bounded by a line commencing at the intersection of 27° 30' S latitude and 113° 37' E longitude; thence in a north westerly direction to the intersection of 25° 30' S latitude and 112° 45' E longitude; thence north along 112°45' E longitude to its intersection with 21°44' S latitude; thence due west along 21°44' S latitude to its intersection with the boundary of the Australian Fishing Zone; thence generally in a south easterly direction along that boundary to its intersection with 27°30' S latitude; thence east along 27°30' S latitude to the starting point.

SCHEDULE 5 - Rottneest Island and Quobba Point areas

[clause 66]

All that portion of the Indian Ocean within 1600 metres of the high water mark of Rottneest Island, clockwise of a line extending 225° True from Cape Vlaming to another line extending 180° True from Parker Point.

All that portion of the Indian Ocean within 800 metres of the high water mark of Rottneest Island, clockwise of a line extending 180° True from Parker Point to another line extending 225° True from Cape Vlaming.

All that portion of the Indian Ocean bounded by a line starting from a point on the high water mark situated at the southwestern-most extremity of Quobba Point and extending south to south latitude 24° 34'; thence east to a point on the high water mark; and thence generally north-westerly along the high water mark aforesaid to the starting point.

SCHEDULE 6 - Rottnest Island area

[clause 66]

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 Parker Point to another line extending 225° True from Cape Vlaming.

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

SCHEDULE 8 - Unit values

[clause 19]

(1) Unit values for the period 15 January 2013 to 14 January 2014

Table

Zone	Unit value
A	5.78 kg
B	8.32 kg
C	7.16 kg

(2) At any time that subclause 19(1) does not apply the extent of the entitlement to fish in a Zone of the Fishery that arises from a unit during a licensing period is determined using the following formula -

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

Where -

- A is the capacity of the relevant Zone of the Fishery;
- B is 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;
- C is the value of the unit (in kilograms).

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 3rd and 4th decimal places is rounded down to two decimal

places and any fraction ending with 51 or more at the 3rd and 4th 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) the first instalment being 25% of the total fee and due for payment on or before 15 January;
- (b) the second instalment being 35% of the total fee and due for payment on or before 15 May following the day on which the first instalment is paid;
- (c) the third instalment being 40% of the total fee and due for payment on or before 15 September following the day on which the first instalment is paid.

SCHEDULE 10 - Method for the determination of certain weights

[clause 3]

- (1) Method for determining container weight.

The container and all lids and attachments must be -

- (a) clean and empty immediately prior to being weighed;
- (b) weighed with all lids and other attachments;
- (c) completely submerged in water for 10 minutes;
- (d) removed from the water and placed on a flat draining surface for 10 minutes; and
- (e) inverted and immediately weighed.

- (2) Method for determining net weight of a consignment of rock lobster, in respect of the holder of a licence or person fishing on their behalf.

Net weight is determined by -

- (a) subtracting from the gross weight of the consignment the total weight of all containers in the consignment; then
- (b) subtracting 500 grams per container from the amount determined in paragraph (a).

SCHEDULE 11 - Approved landing areas

[clause 38]

Area 1: Carnarvon

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 latitude, 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

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, 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 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°03.350' south latitude and 114°57.940' east longitude, thence to a point at 30°03.350' south latitude and 114°57.644' east longitude, thence

to a point at 30°03.870' south latitude and 114°57.621' 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 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 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°16.560' south latitude and 115°26.430' east longitude, thence to a point at 31°16.653' south latitude and 115°26.210' 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 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 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 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.

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.

SCHEDULE 12 - Abrolhos Islands holding areas

[clause 3]

Area 1: North Island

All waters bounded by a line commencing at 28°18.136' south latitude and 113°36.158' east longitude, thence to a point at 28°18.177' south latitude and 113°36.446' east longitude, thence to a point at 28°18.370' south latitude and 113°36.519' east longitude, thence to a point at 28°18.776' south latitude and 113°36.478' east longitude, thence to a point at 28°18.774' south latitude and 113°36.177' east longitude, thence to a point at 28°18.485' south latitude and 113°35.993' east longitude, thence to a point at 28°18.294' south latitude and 113°36.071' east longitude, thence along a line to the commencement point.

Area 2: West Wallabi Island

All waters bounded by a line commencing at 28°27.54 south latitude and 113°41.111 east longitude, thence to a point at 28°27.54 south latitude and 113°40.677 east longitude, thence to a point 28°26.43 south latitude and 113°40.677 east longitude, thence to a point 28°26.43 south latitude and 113°41.185 east longitude, thence to a point 28°27.289 south latitude and 113°41.185 east longitude.

Area 3: Pigeon Island

All waters bounded by a line commencing at 28°27.005' south latitude and 113°43.498' east longitude, thence to a point at 28°27.154' south latitude and 113°43.781' east longitude, thence to a point at 28°27.836' south latitude and 113°43.497' east longitude, thence to a point at 28°27.739' south latitude and 113°43.022' east longitude, thence to a point at 28°27.378' south latitude and 113°43.199' east longitude, thence along a line to the commencement point.

Area 4: Beacon Island

All waters bounded by a line commencing at 28°28.497' south latitude and 113°47.320' east longitude, thence to a point at 28°28.436' south latitude and 113°47.145' east longitude, thence to a point at 28°28.436' south latitude and 113°47.069' east longitude, thence to a point at 28°28.081' south latitude and 113°47.350' east longitude, thence along a line to the commencement point.

Area 5: Easter Group

All waters bounded by a line commencing at 28°42.563' south latitude and 113°47.152' east longitude, thence to a point at 28°42.540' south latitude and 113°47.238' east longitude, thence to a point at 28°42.706' south latitude and 113°47.346' east longitude, thence to a point at 28°42.964' south latitude and 113°47.381' east longitude, thence to a point at 28°43.587' south latitude and 113°47.390' east longitude, thence to a point at 28°43.985' south latitude and 113°47.336' east longitude, thence to a point at 28°43.977' south latitude and 113°47.222' east longitude, thence to a point at 28°43.755' south latitude and 113°47.263' east longitude, thence to a point at 28°43.490' south latitude and 113°47.246' east longitude, thence to a point at 28°43.156' south latitude and 113°47.178' east longitude, thence to a point at 28°42.997' south latitude and 113°47.229' east longitude, thence to a point at 28°42.924' south latitude and 113°47.269' east longitude, thence to a point at 28°42.722' south latitude and 113°47.233' east longitude, thence along a line to the commencement point.

Area 6: Leo Island

All waters bounded by a line commencing at 28°40.851' south latitude and 113°51.571' east longitude, thence to a point at 28°40.672' south latitude and 113°51.787' east longitude, thence

to a point at 28°41.173' south latitude and 113°52.052' east longitude, thence to a point at 28°41.287' south latitude and 113°51.693' east longitude, thence to a point at 28°41.175' south latitude and 113°51.563' east longitude, thence along a line to the commencement point.

Area 7: Southern Group West

All waters bounded by a line commencing at 28°51.694' south latitude and 113°58.591' east longitude, thence to a point at 28°51.979' south latitude and 113°58.742' east longitude, thence to a point at 28°52.326' south latitude and 113°58.348' east longitude, thence to a point at 28°52.663' south latitude and 113°57.907' east longitude, thence to a point at 28°52.566' south latitude and 113°57.657' east longitude, thence to a point at 28°52.053' south latitude and 113°57.942' east longitude, thence along a line to the commencement point.

Area 8: Southern Group East

All waters bounded by a line commencing at 28°51.694' south latitude and 113°59.830' east longitude, thence to a point at 28°51.885' south latitude and 114°00.184' east longitude, thence to a point at 28°52.448' south latitude and 114°00.430' east longitude, thence to a point at 28°53.029' south latitude and 114°00.394' east longitude, thence to a point at 28°53.040' south latitude and 114°00.245' east longitude, thence to a point at 28°52.483' south latitude and 114°00.082' east longitude, thence to a point at 28°52.381' south latitude and 113°59.743' east longitude, thence to a point at 28°52.248' south latitude and 113°59.136' east longitude, thence to a point at 28°51.887' south latitude and 113°59.126' east longitude, thence to a point at 28°51.731' south latitude and 113°59.300' east longitude, thence along a line to the commencement point.

SCHEDULE 13 - Weighing points

[clause 44]

Lucky Bay

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

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.

Jurien Marina

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 the intersection of 31°16.804' south latitude and 115°26.610' 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.

Quindalup

