



Department of
**Primary Industries and
Regional Development**

***DRAFT MARINE AQUARIUM FISH MANAGED FISHERY
MANAGEMENT PLAN 2017***

RELEASE FOR PUBLIC COMMENT

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1.0 OPPORTUNITY TO COMMENT

INTENTION TO DETERMINE A MANAGEMENT PLAN FOR THE MARINE AQUARIUM FISH 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 12 September 2017 providing notification of the intention to determine a management plan for the Marine Aquarium Fish Managed Fishery and inviting interested persons to comment on the draft management plan.

A copy of the draft management plan is included within this Fisheries Management Paper.

Interested persons seeking to comment on the draft management plan are invited to make representations in writing to the Minister for Fisheries by 4.00 pm, 16 October 2017.

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

Minister for Fisheries
Marine Aquarium Fish Managed Fishery Draft Management Plan 2017
c/- Deputy Director General
Department of Primary Industries and Regional Development Fisheries Division
Locked Bag 39
Cloisters Square
PERTH WA 6850

Alternatively, written submissions may be forwarded electronically to

paula.kalinowski@fish.wa.gov.au.

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

1.1 Next Steps

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

1. Following the end of the consultation period the Department of Primary Industries and Regional Development Fisheries Division (Fisheries) will collate submissions and provide advice to the Minister for Fisheries (the Minister) regarding the written comments received on the draft plan. Note that this may lead to the Management Plan being amended if the Minister considers it appropriate to do so.
2. Following consideration of the submissions received and amendment of the draft management plan as appropriate, the final management plan will be provided to the Minister for his consideration and approval. Subject to the Minister's approval, the new Management Plan will then be published in the *Government Gazette* and come into force.
3. Subject to the Management Plan gaining Ministerial approval and being published in the *Government Gazette*, Fisheries will invite persons meeting the criteria for the grant of a Marine Aquarium Fish Managed Fishery Licence to lodge an application for a licence.
4. Applications for Marine Aquarium Fish Managed Fishery Licences may be lodged over a three-month period, in accordance with the Management Plan.
5. The existing *Marine Aquarium Fish Management Plan 1995* will be revoked following the commencement of the new Management Plan.

If you have any questions regarding the new Management Plan, please contact Paula Kalinowski on (08) 6551 4443 or paula.kalinowski@fish.wa.gov.au.

2.0 BACKGROUND

The commercial Marine Aquarium Fish Fishery (MAF) operates throughout all Western Australia (WA) marine waters. The MAF is a limited entry fishery with 12 licence holders. The existing Management Plan, the *Marine Aquarium Fish Management Plan 1995* (Appendix 2), only provides for the take of finfish. The take of all other marine aquarium specimens is managed through other legislative tools including:

- *Prohibition on Fishing (Coral, 'Live Rock' and Algae) Order 2007* (the Order) (Appendix 3);
- Instrument of Exemption No. 2928 (Appendix 4); and
- Commercial Fishing Licence (CFL) conditions 96, 206 and 207 (Appendix 5).

Species captured within the MAF may only be sold for marine aquarium ornamental display purposes. This includes finfish, coral, tridacnid (giant) clams, syngnathiformes (seahorses and pipefish), invertebrates (including molluscs, crustaceans, echinoderms etc.), algae, seagrass and 'live rock'. There is capacity to target over 950 species within the fishery, however, generally the annual number of species landed ranges between 183 to 288 species. Marine aquarium fish species are generally collected by hand or using hand held tools or nets while wading or diving.

On 4 April 2014, the (then) Minister for Fisheries approved the development of a new management plan for the MAF. The draft *Marine Aquarium Fish Managed Fishery Management Plan 2017* (MAFMP) incorporates the current Management Plan and other subsidiary legislation providing for reduced red tape and more efficient management of the fishery.

Species groups with a high economic and/or conservation value are proposed to be managed under an Individual Transferrable Quota (ITQ) entitlement management system. This includes coral, 'live rock', giant clams and syngnathiformes. The take of all marine aquarium fish species is proposed to be managed in accordance with a formal harvest strategy.

Supporting Documents

An Environmental Risk Assessment (ERA) of the MAF was undertaken in 2014 as a condition of Wildlife Trade Operations (WTO) export approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC). The process involved an initial internal ERA workshop to identify which of the over 800 species landed by the MAF were deemed to be at 'higher risk'. The species identified through the internal workshop were subsequently assessed at an external ERA workshop involving independent expert stakeholders.

The outcome of the external ERA workshop are outlined in the draft *Ecosystem-Based Fisheries Management (EBFM) Risk Assessment of the Marine Aquarium Fish Managed Fishery 2014* report. It was concluded that the MAF posed a negligible to low sustainability risk to all species at current harvest levels. The industry aspiration to double the harvest of

coral species was deemed to make no material difference to the sustainability risk level i.e. it would remain negligible to low risk.

A draft *Marine Aquarium Fish Resource Harvest Strategy 2017-2021* was developed based on the outcomes of the ERA to guide the future management and development of the MAF. The development of the draft harvest strategy was also a condition of WTO export approval under the *EPBC Act*.

The new MAFMP will be complemented by the harvest strategy which outlines acceptable annual harvest levels for all individual species taken by the MAF, as determined through the ERA process.

3.0 KEY ELEMENTS OF THE DRAFT MANAGEMENT PLAN

The key elements of the draft MAFMP are summarised below. The summary is intended to provide an overview of the key elements, but is not a comprehensive description of all aspects of the MAFMP. Interested persons are encouraged to read the draft MAFMP thoroughly to formulate their own view.

The MAF was initially established in 1995, in accordance with Section 32 of the *Fisheries Act 1905*, through the introduction of the *Marine Aquarium Fish Limited Entry Fishery Notice 1995*. The MAF was subsequently transitioned under Schedule 3 of the *Fish Resources Management Act 1994* (FRMA) to a Managed Fishery and the notice became known as the *Marine Aquarium Fish Management Plan 1995*. The draft MAFMP consolidates the existing Management Plan and other relevant subsidiary legislation into a new management plan established in accordance with Part 3 Division 3 of the FRMA.

The draft MAFMP is largely based on the current management arrangements for the MAF, however, existing statutory catch limits for most species will be replaced by a formal ITQ management system for four key species groups. The existing phone based nomination and paper based catch reporting systems are proposed to be replaced by an electronic nomination and catch reporting system; Fish Eye.

Management arrangements under the MAFMP are consistent with the draft *Marine Aquarium Fish Resource Harvest Strategy 2017-2021*, Commonwealth Wildlife Trade Operation export accreditation requirements and minimum effective regulation principles.

The Fishery

The MAFMP declares the MAF as a managed fishery. The MAF includes all Western Australian marine waters (Appendix 6). Specific spatial closures associated with Marine Parks and Marine Reserves will be maintained under the respective legislation. Fish taken under the authority of a MAF Managed Fishery Licence (MFL) can only be used for marine aquarium ornamental display or live aquaria feed purposes.

Commencement of Fishery – Licensing Period

The licensing period for the MAF is currently based on a financial year. To transition the MAF from the existing management plan to the new management plan, it is proposed that fishing under the new MAFMP commence on 1 January 2018 for an initial six-month licensing period. Subsequent licencing periods will then commence on 1 July each year and end on 30 June the following year. For fishing to occur on 1 January 2018, the MAFMP will need to be gazetted and come into operation on 1 December 2017 to allow one month for required licensing procedures (including assessment of applications and granting of licences) before fishing commences.

Managed Fishery Licences

The entry criteria in the draft MAFMP will provide for the grant of new MFLs to the current holders of existing MFLs granted under the *Marine Aquarium Fish Managed Fishery 1995*.

Annual Capacity

Coral, syngnanthiformes, giant clams and ‘live rock’ entitlement will be based on the establishment of an annual Total Allowable Commercial Catch (TACC) divisible into ITQ

units. The capacity of the MAF quota species is defined as the number of kilograms or individuals (as appropriate) that can be taken during the annual licensing period. The proposed capacity of MAF quota species for licence periods 1 July – 30 June is set at:

- 15,000 kilograms of coral;
- 2,000 individual syngnathiformes;
- 2,400 individual giant clams; and
- 60,000 kilograms of ‘live rock’.

Please note that only 50% of the annual TACC will be able to be taken during the initial six month licensing period.

Harvest levels of all individual marine aquarium species (quota and non-quota) will be monitored and managed in accordance with the draft *Marine Aquarium Fish Resource Harvest Strategy 2017-2021*.

Allocation of Entitlement

Entitlement will be allocated upon initial grant of new MFLs under the MAFMP on the following basis:

- **Coral** – 15,000 units (1 unit = 1 kilogram) allocated to MFLs under the MAFMP, proportional to the existing level of coral allocated to each MFL listed in the *Prohibition on Fishing (Coral, ‘Live Rock’ and Algae) Order 2007*.
- **Syngnathiformes** – 2,000 units (1 unit = 1 individual) to be allocated:
 - 35% equally amongst all MAFMP MFLs; and
 - 65% to MAFMP MFLs based on the catch history associated with the relevant existing MFL over the period 2008 to 2013 inclusive.
- **Giant clams** – 2,400 units (1 unit = 1 individual) allocated equally amongst all MAFMP MFLs.
- **‘Live rock’** – 60,000 units (1 unit = 1 kilogram) allocated equally amongst all MAFMP MFLs.

Transfer of Entitlement

Under the MAFMP entitlement will be fully transferrable between licences (for a period ending at the time the licence expires). Permanent and temporary transfers of entitlement will be permitted as outlined under sections 140 and 141 of the FRMA. The draft MAFMP outlines the grounds by which the Chief Executive Officer may refuse to transfer part of an entitlement.

Access Fees

Annual access fees for each MFL will comprise of the follow components:

- a fee per licence for access to non-quota species;
- a fee per coral unit held on a licence;
- a fee per syngnathiformes unit held on a licence;
- a fee per giant clam unit held on a licence; and
- a fee per ‘live rock’ unit held on a licence.

Access fees will be calculated consistent with current government policy for commercial fisheries in WA.

Access fees will be able to be paid as a single payment or in periodic payments consisting of:

- the first periodic payment of 25% plus a 3.13% surcharge;
- the second periodic payment of 25%; and
- the third periodic payment of 50%.

Nominated Operators and Nominated Divers

The holder of a MFL must nominate a person to be a Nominated Operator of a licence and the Nominated Operator may nominate up to three persons to be Nominated Divers. No more than four persons can operate under the authority of a MFL at any one time.

Nominations and Record Keeping

Fish Eye

Fish Eye is the electronic data management system managed by Fisheries for submitting and recording information related to operating in, and the taking of marine aquarium fish from, the MAF. Fish Eye is an internet based system which can operate across platforms (Windows, Android and iOS etc.) on personal computers, smart phones and tablets with internet connectivity.

Notification of Fishing

A Nominated Operator must complete and submit a pre-fishing nomination through Fish Eye prior to *every* day of fishing in the MAF. A pre-fishing nomination can only be submitted from a device that is within network range. If a Nominated Operator wishes to commence a fishing trip from an area which is outside of network range, a pre-fishing nomination can be completed and submitted in advance.

Landing Form

A Nominated Operator must complete and submit a Landing Form within 90 minutes of landing and prior to departing the place of landing.

Daily Catch and Effort Form

A Nominated Operator must complete and submit a detailed Daily Catch and Effort form through Fish Eye within seven (7) days of fishing in the fishery. The Daily Catch and Effort form can only be completed and submitted from a device that is within network range.

Gear Restrictions

A person must not fish in the Fishery by any means other than hand collection and the use of:

- hand held nets; or
- hand held tools; or
- fishing lines; one per person fishing with no more than three baits or lures attached to the line.

Use of Boats and Land Based Fishing

A Nominated Operator can nominate to use one (1) primary vessel and up to two (2) auxiliary vessels at any one time. Auxiliary vessels must remain within five (5) nautical miles of the primary vessel at all times. When operating from shore, Nominated Divers must remain within 500 metres of the Nominated Operator.

Closed Areas

The draft MAFMP prohibits the collection of coral or live rock from Cleaverville Reef.

Other areas may be closed to fishing under other legislation, for example, fishing is not permitted within sanctuary zones within marine parks.

APPENDIX 1 NOTICE OF INTENT

Fish Resources Management Act 1994

Notice of Intention to Determine a Management Plan for the Marine Aquarium Fish Managed Fishery

FD 1257/14 [1191]

I, Dave Kelly MLA, Minister of Fisheries, hereby give notice in accordance with section 64(2) of the *Fish Resources Management Act 1994* that I intend to determine a management plan for the Marine Aquarium Fish Managed Fishery.

A copy of the draft management plan may be obtained from the website of the Department of Primary Industries and Regional Development (<https://dpird.wa.gov.au>).

Interested persons who wish to comment on the draft management plan are invited to make representations in writing to the Minister for Fisheries by 4 pm, Monday 16 October 2017.

Representations may be forwarded to:

Minister for Fisheries
Draft Marine Aquarium Fish Managed Fishery Management Plan 2017
c/- Deputy Director General
Fisheries Division
Department of Primary Industries and Regional Development
140 William Street
Perth WA 6000

Alternatively, written submissions may be forwarded electronically to:
paula.kalinowski@fish.wa.gov.au

Dated 4 of 9 2017



Minister for Fisheries

APPENDIX 2 DRAFT MAF MANAGEMENT PLAN 2017

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Fish Resources Management Act 1994

MARINE AQUARIUM FISH MANAGED FISHERY MANAGEMENT PLAN 2017

FD 1257/14 [1191]

Made by the Minister under section 54.

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08/08/2017 – Consultation draft

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Fish Resources Management Act 1994

MARINE AQUARIUM FISH MANAGED FISHERY MANAGEMENT PLAN 2017

FD 1257/14 [1191]

Made by the Minister under section 54.

PART 1 – PRELIMINARY

1. Citation

This plan is the *Marine Aquarium Fish Managed Fishery Management Plan 2017*.

2. Commencement

This plan will commence on 1 December 2017.

3. Exception

This plan does not apply to the persons described in clause 7(a) prior to 1 January 2018.

4. Interpretation

(1) In this plan, unless the contrary intention appears –

auxiliary boat means a licensed fishing boat used to fish in connection with fishing from a primary boat, the name and licensed fishing boat number of which is specified on a licence;

coral means fish of that common name described by the scientific classification opposite that name in Schedule 7 to the regulations, excluding Order Corallimorpharia and Order Zoantharia;

current entitlement means the usual entitlement conferred by a licence as –

- (a) increased by any entitlement transferred to the licence under section 141(1) of the Act; or
- (b) decreased by any entitlement transferred from the licence under section 141(1) of the Act;

Fishery means the Marine Aquarium Fish Managed Fishery as described in clause 6;

Fish Eye means the electronic data management system managed by the Department for submitting and recording information related to operating in, and the taking of marine aquarium fish from, the Fishery;

land hermit crab means fish of that common name described by the scientific classification *Coenobita spp*;

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

marine aquarium fish means fish taken for marine aquarium display purposes or live aquarium feed, excluding –

- (a) *Tectus niloticus*;
- (b) *Volute*;
- (c) Land hermit crabs;
- (d) *Tridacna gigas*;

nominated diver means a single natural person directed by a nominated operator to fish for marine aquarium fish under the authority of a licence;

nominated operator means a single natural person nominated by the holder of a licence under clause 21 to control a fishing operation;

plan means the *Marine Aquarium Fish Managed Fishery Management Plan 2017*;

pre-fishing nomination means a nomination made by a nominated operator under clause 27(1);

primary boat means a licensed fishing boat that is used to fish under the authority of a licence, the name and licensed fishing boat number of which is specified on the licence;

quota species means coral, giant clam, live rock and syngnathiformes;

syngnathiformes means fish listed under the family name syngnathidae with the common names of pipefish, seahorse or sea dragon;

transferee's licence means the licence to which an entitlement is proposed to be transferred;

transferor's licence means the licence from which an entitlement is proposed to be transferred;

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.

(2) In this plan, the following terms describe fish of that common name described by the scientific classification opposite that name in Schedule 7 to the regulations –

- giant clam**;
- live rock**;
- volute**;
- zoila cowry**.

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5. Procedure before this Plan may be amended or revoked

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

PART 2 – THE FISHERY

6. Identification and declaration of the Fishery

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

(2) The Fishery is a managed fishery, and may be referred to as the Marine Aquarium Fish Managed Fishery.

PART 3 – LICENCES AND FEES

7. Criteria for the grant of a licence

The criteria to be satisfied before the CEO may grant a person a licence to fish in the Fishery are that –

- (a) on 1 December 2017, the applicant was the holder of an authorisation granted in accordance with the *Marine Aquarium Fish Management Plan 1995*; and
- (b) an application for the grant of a licence is made on or prior to 28 February 2018.

8. Duration of a licence

A licence expires on 30 June next following the date of grant or renewal.

9. Matters to be specified on a licence

A licence must specify –

- (a) the name and business address of the holder of the licence;
- (b) the name and licensed fishing boat number of not more than three licensed fishing boats that may be used as primary boats or auxiliary boats under the authority of the licence;
- (c) the licence number;
- (d) the date on which the licence was granted or renewed;
- (e) the date on which the licence expires;
- (f) the name of the Fishery;
- (g) the number of usual units of entitlement for quota species conferred by the licence;
- (h) the number of current units of entitlement for quota species conferred by the licence;
- (i) the unit value;
- (j) the amount of quota species that may be taken (in kilograms or number of individuals) under the authority of the licence; and

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(k) any conditions imposed on the licence by the CEO.

10. Payment of fees by instalments

(1) For the purposes of regulation 137(2) the fee may be paid by instalments as specified in Schedule 3 of this plan if –

- (a) an election to pay by instalments is made by the holder of a licence in accordance with subclause (2); and
- (b) there is no other fee, charge or levy in respect of the licence which has not been paid at the time the election is received at an office of the Department.

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

- (a) made in writing;
- (b) received at an office of the Department on or before 1 July 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.

PART 4 – CAPACITY OF THE FISHERY AND SCHEME OF ENTITLEMENT

11. Capacity of the Fishery

(1) Subject to clause 12, the capacity of the Fishery from 1 December 2017 to 30 June 2018 is –

- (a) 7,500 kg of coral;
- (b) 1,200 individual giant clams;
- (c) 30,000 kg of live rock; and
- (d) 1,003 individual syngnathiformes.

(2) Subject to clause 12, the capacity of the Fishery from 1 July 2018 is –

- (a) 15,000 kg of coral;
- (b) 2,400 individual giant clams;
- (c) 60,000 kg of live rock; and
- (d) 2,000 individual syngnathiformes.

12. Reduction of capacity of the Fishery

(1) The capacity of the Fishery shall be reduced upon –

- (a) the expiry of the 60 day period provided for in section 139(1) 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(1) of the Act;
- (c) the cancellation of a relevant licence under section 223(1) of the Act; or
- (d) the surrender of a relevant licence under section 144(1) of the Act,

such reduction being the equivalent in kilograms or number of individuals of the relevant quota species to the number of usual units of entitlement conferred by the licence.

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(2) The capacity of the Fishery shall be reduced upon the making of an order under section 76(2) of the Act, such reduction being the number of kilograms or number of individuals of the relevant species of quota species corresponding to the units of entitlement fished, or intended to be fished, in excess of the entitlement of the licence.

(3) The CEO must, as soon as practicable following any change in capacity of the Fishery under this clause, publish notice of the change in the *Gazette*.

13. Sum of licence entitlements to equal capacity

The sum of the entitlements to fish for quota species that may be conferred by all the licences authorising fishing in the Fishery is to be equal to the capacity of the Fishery.

14. Licence entitlement to be expressed in terms of units

(1) The entitlement to fish for quota species conferred by a licence is to be –

- (a) expressed in terms of units of entitlement for each class of quota species; and
- (b) determined in accordance with clause 15.

(2) A class C unit confers an entitlement to fish for coral.

(3) A class G unit confers an entitlement to fish for giant clam.

(4) A class L unit confers an entitlement to fish for live rock.

(5) A class S unit confers an entitlement to fish for syngnathiformes.

(6) The maximum number of units conferred by all licences 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 section 139 of the Act; or
- (b) a licence is cancelled; or
- (c) units are forfeited by the operation of the Act.

15. Unit value

The extent of the entitlement to fish in the Fishery arising from time to time from a unit (the unit value) shall be determined in accordance with Schedule 4 and be limited by reference to a number of kilograms or number of individuals of the relevant quota species to which the unit relates.

16. Conferral of entitlement

(1) Where a licence is granted by the CEO under clause 7, the licence will, at the time it is granted, confer the number and class of units of entitlement specified in Schedule 5 in respect of the relevant authorisation.

(2) In subclause (1), *relevant authorisation* means the managed fishery licence referred to in clause 7(a) which was held by the person.

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17. Prohibition on fishing in excess of entitlement

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

- (a) fish under the authority of that licence unless the total quantity of the relevant quota species taken under the authority of the licence is less than or equal to the product of the current entitlement and the relevant unit value for that species;
- (b) have any of the relevant quota species on board a licensed fishing boat specified in a licence unless the total quantity of the relevant quota species taken under the authority of the licence is less than or equal to the product of the current entitlement and the relevant unit value for that species; or
- (c) take, land or sell quota species unless the total quantity of the relevant quota species taken under the authority of a licence is less than or equal to the product of the current entitlement and the relevant unit value for that species.

PART 5 – TRANSFER OF ENTITLEMENT

18. Grounds for refusing to transfer a licence or part of an entitlement

(1) The CEO may refuse to transfer a licence on the grounds that the forms which are required to be submitted under clause 29 and clause 30 in respect of the relevant licences have not been submitted.

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

- (a) the proposed transfer is not of a whole unit or whole number of units;
- (b) the forms which are required to be submitted under clause 29 and clause 30 in respect of the relevant licences have not been submitted; or
- (c) the forms submitted under clause 29 and clause 30 in respect of the transferor's licence establish that the value of the current units of entitlement that would be conferred by that licence after the transfer would be less than the extent to which fishing has been carried out under that licence.

19. Temporary transfer of entitlement

The whole or part of 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 transfer is for a whole number of units;
- (b) the fee to be paid in respect of the renewal of the transferor's licence has been paid; and
- (c) the value of the entitlement conferred by the transferor's licence after the transfer would not be less than the extent to which fishing has been carried out under that licence.

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PART 6 – NOMINATED OPERATORS AND NOMINATED DIVERS

20. Criteria for a person to fish in Fishery

A person must not fish in the Fishery unless that person –
(a) is a nominated operator; or
(b) is a nominated diver.

21. Licence holder to nominate a nominated operator

(1) The holder of a licence must nominate a person as the nominated operator for that licence.

Note: The holder of a licence may nominate more than one person to act as the nominated operator for that licence from time to time. Where the holder of a licence has nominated more than one person to act as the nominated operator, the person who is acting as the nominated operator at the time is taken to be the nominated operator.

(2) The holder makes a nomination under subclause (1) by –
(a) completing the form approved by the CEO for that purpose; and
(b) submitting the form to the Department.

(3) The holder of a licence must not permit a person to act as the nominated operator under that licence until the holder of the licence has complied with subclause (2).

22. Obligations of nominated operators

(1) A nominated operator must not fish in the Fishery under the authority of more than one licence at any time.

Note: A person may be nominated to act as the nominated operator for multiple licences.

(2) A nominated operator must ensure that no more than three nominated divers fish in the Fishery under the authority of a licence at any time.

(3) A nominated operator must ensure that a nominated diver does not fish in the Fishery unless the nominated operator is present and in control of the fishing operation.

23. Nominated divers

A nominated diver must not fish in the Fishery under the authority of more than one licence at any time.

PART 7 – GENERAL REGULATION OF FISHING OPERATION

24. Means of fishing in the Fishery

(1) A person must not fish in the Fishery by any means other than –
(a) hand held nets; or

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- (b) hand held tools; or
- (c) fishing lines.

(2) A person who fishes by use of fishing line must not use more than one fishing line.

(3) A person who fishes by use of fishing line must ensure that no more than three baits or lures are attached to the line.

25. Restrictions on taking marine aquarium fish

(1) A nominated operator must ensure that live rock is not taken under the authority of the relevant licence unless the whole of any rock, substrate or other substance on or in which the live rock is attached or inhabits is taken with the live rock.

(2) A nominated operator must ensure that no more than –
(a) 100 litres per day of fish of the Order Corallimorpharia; and
(b) 100 litres per day of fish of the Order Zoantharia,
is taken under the authority of a licence.

26. Use of boats

A nominated operator must ensure that an auxiliary boat is not used to fish under the authority of a licence unless that auxiliary boat is within 5 nautical miles of the primary boat being used to fish under the authority of the licence.

PART 8 – NOMINATIONS AND FORMS

27. Nominated operator to make pre-fishing nomination

(1) A nominated operator must make a pre-fishing nomination in Fish Eye before operating in the waters of the Fishery to fish on any given day.

(2) Where a nominated operator makes a pre-fishing nomination under subclause (1), the nominated operator must –

- (a) submit a pre-fishing nomination form in Fish Eye; and
- (b) record the receipt number issued by Fish Eye in respect of the nomination.

(3) Where a nominated operator cancels a pre-fishing nomination made under subclause (1), the nominated operator must –

- (a) submit a cancellation of that nomination in Fish Eye; and
- (b) record the receipt number issued by Fish Eye in respect of the cancellation.

(4) Where a nominated operator nominates a primary boat in the pre-fishing nomination form submitted in Fish Eye under subclause (2), the nominated operator must ensure that only the nominated boat is used as the primary boat.

(5) Where a nominated operator has nominated to fish without a boat in the pre-fishing nomination form submitted in Fish Eye under subclause (2), the nominated operator must ensure that any nominated diver fishing for marine aquarium fish under the

CONSULTATION DRAFT

authority of the relevant licence is within 500 metres of the nominated operator at all times.

28. Marking and labelling containers used to hold certain marine aquarium fish

(1) A nominated operator must ensure that any container being used to hold any quota species is marked or labelled with –

- (a) the name of the nominated operator; and
- (b) the relevant licence number.

(2) A nominated operator must ensure that any container being used to hold live rock is –

- (a) clearly and legibly marked or labelled with the accurate maximum internal volume of the container in litres; and
- (b) covered with a lid that is level with the top of the container.

29. Nominated operator's obligations on landing marine aquarium fish

(1) A nominated operator must comply with this clause –

- (a) within 90 minutes of landing marine aquarium fish; and
- (b) prior to allowing any marine aquarium fish to be removed from the place of landing; and
- (c) prior to leaving the place of landing.

(2) A nominated operator must –

- (a) determine the number of individuals of any giant clams or syngnathiformes taken from the Fishery; and
- (b) determine the weight of any live rock taken from the Fishery by multiplying the accurate maximum internal volume of the container as labelled in accordance with clause 28 by 400 grams, regardless of whether the container is full; and
- (c) determine the weight of any coral taken from the Fishery by weighing the coral within one minute of it being taken out of the water.

(3) A nominated operator must –

- (a) round the weights determined under subclause (2)(b) and subclause (2)(c) up to the nearest kilogram; and
- (b) record the weights determined under paragraph (a) and the details determined under subclause (2)(a) in a landing form in Fish Eye; and
- (c) submit the landing form in Fish Eye.

30. Nominated operator to complete catch and effort form

A nominated operator must –

- (a) accurately determine the weight in kilograms, volume in litres or number of individuals of all species of marine aquarium fish taken from the Fishery; and
- (b) enter the details determined under paragraph (a) into a catch and effort form in Fish Eye; and
- (c) submit the catch and effort form in Fish Eye within 7 days of fishing in the Fishery.

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31. Requirement to produce records

(1) In this clause –

landing form means the landing form submitted in Fish Eye by the nominated operator in accordance with clause 29(3)(c).

(2) A nominated operator must –

(a) retain the copy of the landing form sent to the nominated operator by Fish Eye; and

(b) produce the copy of the landing form to a fisheries officer on demand.

(3) When a nominated operator who has submitted a landing form when out of signal range is transporting marine aquarium fish from the place of landing, the nominated operator must –

(a) have the electronic device used to submit a landing form in their actual possession; and

(b) present the electronic device to a fisheries officer on demand and show the fisheries officer the record on that electronic device of the landing form.

PART 9 – PROHIBITIONS AND OFFENCES

32. Persons prohibited from fishing in the Fishery

(1) 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) Subclause (1) does not apply to a person undertaking recreational fishing in accordance with the Act.

33. Prohibition on fishing for coral or live rock in an area of the Fishery

A person must not fish for coral or live rock at any time in the waters described in Schedule 2.

34. Prohibition on selling or dealing with, or attempting to sell or deal with, marine aquarium fish

(1) In this clause –

deal with includes handling, storing, transporting, weighing and recording;

otherwise dealt with includes handled, stored, transported, weighed and recorded.

(2) A person must not sell, purchase or deal with or attempt to sell, purchase or deal with, or be in possession of, any marine aquarium fish taken from the waters of the Fishery, landed or otherwise dealt with in contravention of this plan.

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

35. Prohibition in respect of nominations and forms

A person must not –

- (a) provide any false or misleading information in a nomination or form submitted in Fish Eye;
- (b) permit or assist any person to provide false or misleading information in a nomination or form submitted in Fish Eye;
- (c) act contrary to a pre-fishing nomination submitted in Fish Eye.

36. Prohibition on unauthorised persons accessing Fish Eye

A person must not –

- (a) permit or assist a person who has not been issued a Fish Eye user identification or Fish Eye password to access Fish Eye;
- (b) provide a Fish Eye user identification or Fish Eye password to another person; or
- (c) access or attempt to access Fish Eye or a part of Fish Eye where that person is not authorised to access Fish Eye.

37. Offences

A person who contravenes clause 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of this plan commits an offence.

SCHEDULES

SCHEDULE 1 – Description of the Fishery

[clause 6]

All Western Australian waters.

SCHEDULE 2 – Prohibited area for fishing for coral or live rock

[clause 33]

Cleaverville Beach – the waters of the Indian Ocean bounded by a line commencing at the intersection of the high water mark and 116° 58.607' east longitude; thence north along the meridian to the intersection of 20° 38.984' south latitude and 116° 58.607' east longitude; thence east north east along the geodesic to the intersection of 20° 37.796' south latitude and 117° 02.230' east longitude; thence south along the meridian to the intersection of the high water mark; thence generally in a westerly and south westerly direction along the water mark to the commencement point.

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SCHEDULE 3 – Payment of fees by instalments

[clause 10]

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 1 July;
- (b) the second instalment being 25% of the total fee and due for payment on or before 1 October following the day on which the first instalment is paid; and
- (c) the third instalment being 50% of the total fee and due for payment on or before 1 January following the day on which the first instalment is paid.

SCHEDULE 4 – Unit value

[clause 15]

(1) The extent of entitlement to fish in the Fishery that arises from a unit during the licensing period from 1 December 2017 to 30 June 2018 shall be determined as follows –

Class	Type of fish	Unit value
C	Coral	0.5 kg
G	Giant clam	0.5 individual
L	Live rock	0.5 kg
S	Syngnathiformes	0.5 individual

(2) Where the entitlement determined in accordance with paragraph (1) does not equate to a whole number, then the entitlement is to be rounded up to the nearest whole number.

(3) The extent of entitlement to fish in the Fishery that arises from a unit during a licensing period after 1 July 2018 shall be determined as follows –

Class	Type of fish	Unit value
C	Coral	1 kg
G	Giant clam	1 individual
L	Live rock	1 kg
S	Syngnathiformes	1 individual

SCHEDULE 5 – Conferral of entitlement

[clause 16]

Authorisation number	Class C units (Coral)	Class G units (Giant Clams)	Class L units (Live Rock)	Class S units (Syngnathiformes)
MAFI2567	8,000	200	5,000	127
MAFC2564	0	200	5,000	753
MAFI2565	0	200	5,000	214
MAFI2566	1,000	200	5,000	120
MAFI2568	1,000	200	5,000	343
MAFI2570	0	200	5,000	61
MAFI2571	500	200	5,000	59
MAFI2572	0	200	5,000	58

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MAFI2573	4,000	200	5,000	72
MAFI2576	500	200	5,000	75
MAFI2587	0	200	5,000	60
MAFI2588	0	200	5,000	58

Dated of 2017

Minister for Fisheries

APPENDIX 3 MAF MANAGEMENT PLAN 1995

Please note: the following document is true and correct as of 23 May 2017. For the most up to date document, visit www.fish.wa.gov.au.

FISHERIES ACT 1905

MARINE AQUARIUM FISH LIMITED ENTRY FISHERY NOTICE 1995

Arrangement

Clause

1. Citation
2. Commencement
3. Interpretation
4. Declaration of fishery
5. Prohibition on taking or selling marine aquarium fish
6. Criteria for a person to operate in the Fishery
7. Licences
8. Items that may be specified on a licence
9. Nominated operator
10. Nominated divers
11. Use of a boat in the Fishery
12. Permitted means of operating in the Fishery
13. Grounds for refusal to transfer a licence
14. Replacement of an authorised boat
15. Procedure before amending this Plan
16. Offences

FISHERIES ACT 1905

MARINE AQUARIUM FISH LIMITED ENTRY FISHERY NOTICE 1995

Notice No. 728

376/83

Made by the Minister under section 32.

Citation

1. This notice may be cited as the *Marine Aquarium Fish Management Plan 1995*.

Commencement

2. This notice shall come into operation on 30 September 1995.

Interpretation

3. In this notice unless the contrary intention appears —
"authorised boat" means
 - (a) a licensed fishing boat of which the name, licensed fishing boat number and length are specified on 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 (a);"auxiliary boat" means a licensed fishing boat used in conjunction with a mother boat;

"diving equipment" includes —

- (a) any diving apparatus dependent upon the use of compressed air; and
- (b) any other diving apparatus whatsoever;

"Fishery" means the Marine Aquarium Fish Managed Fishery described under clause 4;

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

"licensed fishing boat" has the meaning provided for in the regulations;

"licensed fishing boat number" has the meaning provided for in the regulations;

"licensee" means the holder of a licence;

"mother boat" means the licensed fishing boat used primarily for or in connection with fishing under the authority of a licence;

"nominated diver" means a person directed by a nominated operator to fish for marine aquarium fish for or on behalf of the relevant licensee;

"marine aquarium fish" means any marine fish of the Class Osteichthyes (all bony fishes) or the Class Chondrichthyes (all cartilaginous fishes);

"measured length" means, in relation to a boat, the length as determined in accordance with regulations made under the *Western Australian Marine Act 1982*, expressed in metres to 1 decimal point (with an amount of 0.05 metres or more being rounded upwards to the next 0.1 of a metre);

"nominated operator" means a single natural person authorized to control all fishing carried out for or on behalf of a licensee and to direct, from time to time, persons to be nominated divers;

"operate" means —

- (a) to search for marine aquarium fish;
- (b) to attempt to take marine aquarium fish;
- (c) to take marine aquarium fish; or
- (d) to engage in any activity that can reasonably be expected to result in the taking of marine aquarium fish;

"regulations" means the *Fish Resources Management Regulations 1995*;

"this Plan" means the *Marine Aquarium Fish Management Plan 1995*.

Declaration of fishery

4. The taking or attempted taking of marine aquarium fish by means of diving equipment, previously declared under the repealed Act to constitute a limited entry fishery in all Western Australian waters below high water mark on the landward side of the 200 metre isobath and taken to be a managed fishery under item 8 of Schedule 3 of the Act, is a managed fishery and may be referred to as the Marine Aquarium Fish Managed Fishery.

Prohibition on taking or selling marine aquarium fish

5. (1) A person, other than a person fishing in accordance with the Act for a non commercial purpose, shall not operate in the Fishery other than in accordance with this Plan.

(2) A person shall not, for gain or reward, sell or otherwise dispose of marine aquarium fish taken from the Fishery in contravention of this Plan.

(3) A person shall not take any fish of the genus *Hippocampus* from the Fishery during the period commencing on 1 January 2013 and ending on 31 December 2013.

Criteria for a person to operate in the Fishery

6. A person shall not operate in the Fishery unless the person holds a commercial fishing licence and —

- (a) is a nominated operator specified on a licence or a nominated diver fishing under the directions of a nominated operator specified on a licence; and
- (b) operates from an authorised boat or is authorised by licence to so operate.

Licences

7. (1) No further licences shall be granted after the day on which the *Marine Aquarium Fish Management Plan Amendment 1999* is published in the *Gazette*.

(2) A licence shall expire on 30 June next following the day on which the licence was granted or last renewed.

Items that may be specified on a licence

8. A licence may specify the —

- (a) the name and address of the licensee;
- (b) the name and address of the nominated operator of the licence;
- (c) the name, licensed fishing boat number and length of one licensed fishing boat that may be used as the mother boat for or in connection with fishing under the authority of the licence;
- (d) the name, licensed fishing boat number and length of not more than two licensed fishing boats that may be used as auxiliary boats for or in connection with fishing from the mother boat;
- (e) the licence number;
- (f) the date of renewal;
- (g) the period for which the licence is valid; and
- (h) any conditions imposed on the licence.

Nominated operator

9. (1) A licensee may authorise a single natural person to be the nominated operator of the relevant licence.

(2) Where a licensee is a single natural person and the licensee has not authorised another single natural person to be the nominated operator of the licence then the licensee shall be the nominated operator of the licence.

(3) A person shall not be a nominated operator of more than one licence.

(4) The nominated operator of a licence must not at any one time give directions to more than two persons to operate as nominated divers.

(5) The nominated operator of a licence must make a contemporaneous written record of any directions given to a nominated diver and of any variation or revocation of those directions, and any such record must be kept and maintained at a safe place and must specify —

- (a) the name, address and commercial fishing licence number of the nominated diver;
- (b) the time and date on which the nominated diver was authorised to commence fishing under the directions of the nominated operator;
- (c) the substance of the directions given to the nominated diver by the nominated operator; and
- (d) the time and date on which the nominated diver ceased to be authorised to fish under the directions of the nominated operator.

Nominated divers

10. (1) A nominated diver must not fish for marine aquarium fish other than in accordance with the directions of the nominated operator of a licence.

(2) Where a nominated diver has been given directions to fish under the authority of a licence, the nominated diver must not accept or act in accordance with any directions of the nominated operator of another licence.

Use of a boat in the fishery

11. (1) A person must not use a fishing boat in the fishery to fish for marine aquarium fish unless the boat is an authorised boat.
- (2) A nominated operator of a licence must not direct the use of more than one auxiliary boat in the fishery at any one time.

Permitted means of operating in the Fishery

12. (1) A person shall not take or attempt to take marine aquarium fish in the Fishery other than by a net or nets held in the hand.

(2) A nominated diver must not operate in the fishery unless the nominated operator of the relevant licence is present and in control of the fishing operation.

(3) At any one time, no more than —

(a) the nominated operator; and

(b) two nominated divers each holding a commercial fishing licence,

may operate in the Fishery pursuant to a licence.

Grounds for refusal to transfer a licence

13. The Executive Director may refuse to transfer a licence if the licence is subject to a condition stating the licence is not transferable.

Replacement of an authorised boat

14. (1) A licensee may apply to the Director to replace an authorised boat with another licensed fishing boat.

(2) If the Director considers it appropriate to do so, the Director may approve an application made under subclause (1) and replace an authorised boat endorsed on a licence with another licensed fishing boat.

(3) Notwithstanding the provisions of subclause (1) and subclause (2) an authorised boat shall not be replaced by a boat which has a measured length of more than 8 metres.

Procedure before amending this Plan

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

Offences

16. A person who contravenes a provision of clause 5, 6, 9, 10, 11 or 12 commits an offence.

Dated this 16th day of September 1995.

MONTY HOUSE, Minister for Fisheries

APPENDIX 4 PROHIBITION ON FISHING ORDER

Please note: the following document is true and correct as of 23 May 2017. For the most up to date document, visit www.fish.wa.gov.au.

FISH RESOURCES MANAGEMENT ACT 1994

PROHIBITION ON FISHING (CORAL, 'LIVE ROCK' AND ALGAE) ORDER 2007

Order No. 11 of 2007

FD 1620/98 [816]

Made by the Minister under section 43.

1. Citation

This order is the *Prohibition on Fishing (Coral, 'Live Rock' and Algae) Order 2007*.

2. Interpretation

In this order –

“algae” means all fish of that common name described by the scientific classifications Phylum Rhodophyta, Phylum Chlorophyta and Phylum Phaeophyta but excluding Family Corallinaceae;

“coral” means all live fish of that common name described by the scientific classifications Class Anthozoa and Class Hydrozoa and including any rock, substrate or other substance on or in which the fish are attached or inhabit;

“ ‘live rock’ ” means –

- (a) all fish of that common name described by the scientific classifications Family Corallinaceae, Class Polychaeta, Class Crinoidea, Class Ascidiacea, Class Ophiuroidea, Phylum Bryozoa and Phylum Porifera; and
- (b) all dead fish of the scientific classifications Class Anthozoa and Class Hydrozoa,

and including any rock, substrate or other substance on or in which the fish are attached or inhabit.

3. Prohibition on fishing for coral, 'live rock' and algae

A person must not fish for any coral, 'live rock' or algae.

4. Exceptions to clause 3

(1) Clause 3 does not apply in respect of the natural persons specified in column 1 of Schedule 1 taking, together and in total in any one calendar year, not more than the quantity of coral or 'live rock' specified directly opposite those persons in column 2 of that Schedule subject to –

- (a) the specified quantity of coral being the weight before it is dried in any way (including by being left out of water);
- (b) not more than 100 kg of coral being taken in any one day;
- (c) no coral of the species provided for in column 1 of Schedule 2 being taken from the waters specified directly opposite those species in column 2 of that Schedule;
- (d) ~~deleted GG182 09/10/2009;~~
- (e) no 'live rock' being taken unless the whole of any rock, substrate or other substance on or in which the 'live rock' is attached or inhabits is taken with the 'live rock';
- (f) coral being taken only by hand or with the use of manually operated and powered fishing gear or tools;
- (g) any nominated diver of a relevant Marine Aquarium Fishery Managed Fishery Licence acting only in the presence of and in accordance with the directions of the nominated operator of the licence;
- (h) the persons fishing only during a voyage that commences from the shore of the mainland or an island and at the times and places in respect of which the persons have given notice by means of a telephone call to 1800 080 288 no more than 6 hours before commencing the voyage;
- (i) no more than the quantity of the species of coral provided for in column 1 of Schedule 3 being taken from the waters specified directly opposite those species in column 2 of that Schedule;

- (j) any container being used to hold ‘live rock’–
 - (i) must be clearly and legibly marked or labelled with the accurate maximum internal volume of the container in litres; and
 - (ii) must be covered with a lid that is level with the top of the container or capable of being covered by a lid that is level with the top of the container; and
 - (k) the specified quantity of ‘live rock’ being the weight determined by multiplying the accurate maximum internal volume of the container as labelled in accordance with subclause (j)(i) by 400 gm, regardless of whether the container is full or not.
- (2) Clause 3 does not apply to the taking of algae by a person for a recreational purpose.

5. Orders revoked

- (1) The *Prohibition on Taking Fish (Coral and Related Fish) Order 2001* is revoked.
- (2) The *Prohibition on Commercial Fishing for Coral and Related Fish (Cleaverville Beach) Order 2003* is revoked.

Schedule 1 – Persons to whom the exception in clause 4 applies

Column 1	Column 2
Item (1). All the persons who, in the relevant calendar year, are a nominated operator or nominated diver under the Marine Aquarium Managed Fishery Licence number 2567.	(a) 4,000 kg of coral; (b) 5,000 kg of ‘live rock’.
Item (2). All the persons who, in the relevant calendar year, are a nominated operator or nominated diver under the Marine Aquarium Managed Fishery Licence number 2573.	(a) 2,000 kg of coral; (b) 5,000 kg of ‘live rock’.
Item (3). All the persons who, in the relevant calendar year, are a nominated operator or nominated diver under the Marine Aquarium Managed Fishery Licence number 2572.	5,000 kg of ‘live rock’.

- Item (4). All the persons who, in the relevant calendar year, are a nominated operator or nominated diver under the Marine Aquarium Managed Fishery Licence number 2571.
- (a) 250 kg of coral;**
 - (b) 5,000 kg of ‘live rock’.**
- Item (5). All the persons who, in the relevant calendar year, are a nominated operator or nominated diver under the Marine Aquarium Managed Fishery Licence number 2566.
- a) 500 kg of coral;**
 - b) 5,000 kg of ‘live rock’.**
- Item (6). All the persons who, in the relevant calendar year, are a nominated operator or nominated diver under the Marine Aquarium Managed Fishery Licence number 2568.
- a) 500 kg of coral;**
 - b) 5,000 kg of ‘live rock’.**
- Item (7). All the persons who, in the relevant calendar year, are a nominated operator or nominated diver under the Marine Aquarium Managed Fishery Licence number 2576.
- a) 250 kg of coral;**
 - b) 5,000 kg of ‘live rock’.**
- Item (8). All the persons who, in the relevant calendar year, are a nominated operator or nominated diver under the Marine Aquarium Managed Fishery Licence number 2565.
- 5,000 kg of ‘live rock’.**
- Item (9). All the persons who, in the relevant calendar year, are a nominated operator or nominated diver under the Marine Aquarium Managed Fishery Licence number 2587.
- 5,000 kg of ‘live rock’.**
- Item (10). All the persons who, in the relevant calendar year, are a nominated operator or nominated diver under the Marine Aquarium Managed Fishery Licence number 2588.
- 5,000 kg of ‘live rock’.**
- Item (11). All the persons who, in the relevant calendar year, are a nominated operator or nominated diver under the Marine Aquarium Managed Fishery Licence number 2564.
- 5,000 kg of ‘live rock’.**
- Item (12). All the persons who, in the relevant calendar year, are a nominated operator or nominated diver under the Marine Aquarium Managed Fishery Licence number 2570.
- 5,000 kg of ‘live rock’.**

Schedule 2 – Species and areas where the exception in clause 4 does not apply

Column 1	Column 2
Coral and ‘live rock’	Cleaverville Beach – the waters of the Indian Ocean bounded by a line commencing at the intersection of the high water mark and 116° 58.607’ east longitude; thence north along the meridian to the intersection of 20° 38.984’ south latitude and 116° 58.607’ east longitude; thence east north east along the geodesic to the intersection of 20° 37.796’ south latitude and 117° 02.230’ east longitude; thence south along the meridian to the intersection of the high water mark; thence generally in a westerly and south westerly direction along the water mark to the commencement point.

Schedule 3 – Species and area where the exception in clause 4(1)(i) is limited

Column 1	Column 2
5 kg of <i>Catalaphyllia jardinei</i> in any one day	Dampier Archipelago region - The north west of the State, or any waters off the north west coast of the State, east of 115° east longitude and west of 118° east longitude.

Dated this 18th day of September 2007.

JON FORD
Minister for Fisheries.

APPENDIX 5 INSTRUMENT OF EXEMPTION 2928

Office use only

EXEMPTION
NUMBER:

2928

Fish Resources Management Act 1994

Section 7(1)

INSTRUMENT OF EXEMPTION

I, Bruno Mezzatesta, Executive Director Regional Services as delegate of the Minister for Fisheries, hereby exempt all persons who are authorised to fish under the Marine Aquarium Fish Managed Fishery Licence (MFL) Numbers specified in **Schedule 1**, from the provisions of *Notice 366, Schedule 2, Part 2 Division 5 of the Fish Resources Management Regulations 1995, Clauses 9(3) of the Marine Aquarium Fish Management Plan 1995* and from the provisions of *Orders No's 3 of 1999; 7 of 2004; 13 of 2005 and 11 of 2007* – which would otherwise prevent the persons in **Schedule 1** from lawfully pursuing the activity specifies in **Schedule 2**, for the period specified in **Schedule 4**, subject to the conditions specified in **Schedule 5**.

Schedule 1 Persons

Persons fishing under the authority of the Managed Fishery Licence listed below:

MAFC2564
MAFI2565
MAFI2566
MAFI2567
MAFI2568
MAFI2570
MAFI2571
MAFI2572
MAFI2573
MAFI2576
MAFI2587
MAFI2588

Schedule 2 Activity

1. To fish for invertebrates, seagrass and algae, of the scientific classification/s and prescribed numbers (where specified) as listed in the Annex to this Exemption.
2. The use of non-powered, hand held tools and collection may be carried out by wading.
3. In respect to Clause 9(3) of the *Marine Aquarium Fish Management Plan 1995*, a person may be the nominated operator of more than one MFL listed in Schedule 1.

**Schedule 3
Area**

All Western Australian waters.

**Schedule 4
Period**

From 1 April 2017 to 31 December 2017

**Schedule 5
Conditions**

1. The licensee or nominated operator specified on the Managed Fishery Licence number listed in Schedule 1 must carry a copy of this Exemption at all times when carrying out the activities provided for under this Exemption.
2. The nominated operator must be present and in control of the fishing operation.
3. A nominated operator is only permitted to fish one Managed Fishery Licence per day.
4. In relation to Ningaloo Marine Park, specimens taken under the authority of this Exemption must only be taken in waters of the Park's General Use Areas that are –
 - a. north of 21°56.300' south latitude; or
 - b. south of 23°7.300' south latitude.
5. Daily logbooks are to be completed by the licensee or nominated operator of the Managed Fishery Licence fished that day in accordance with the licence condition on the Commercial Fishing Licence of the licensee or nominated operator. This includes recording the latitude and longitude coordinates of the catch location from where most of the product was harvested.
6. The species listed in the Annexe must only be collected and sold live for the use for the marine aquarium display purposes or as live aquarium feed. Specimens must not be taken as food for human consumption, as specimen shells or for frozen or dried aquarium food or for any other purpose.
7. For the species listed in the Annexe, each individual licensee may take no more than the limit specified in column 3 (Total number of individuals or volume to be taken per Managed Fishery Licence per calendar year) of the Annexe.
8. Those species in the Annexe that are associated with 'live rock' are to be collected individually or removed from the substrate and the substrate returned to the water. Small holdfasts and minimal substrate associated with Corallimorphs and Zoantharia is acceptable.
9. Female gastropods laying or brooding eggs must not be taken.
10. All fishing activities, other than those being conducted under the authority of this Exemption, shall be carried out in accordance with the Marine Aquarium Fish

Management Plan 1995, including the use of boats, and permitted means of operating in the fishery.

11. All containers that are used to hold categories listed in the Annexe that have a volumetric daily limit in litres must be clearly and legibly marked or labelled with the accurate maximum internal volume of the containers in litres and must be covered with a lid or capable of being covered by a lid that is level with the top of the container.



Bruno Mezzatesta
EXECUTIVE DIRECTOR REGIONAL SERVICES
as delegate of the MINISTER FOR FISHERIES

Dated this 31st day of March . 2017

Annexe to Exemption

Scientific classification	Exceptions	Total number of individuals or volume to be taken (where specified) per Managed Fishery Licence per calendar year
Class Holothuroidea (sea cucumbers)	<i>Holothuria scabra</i> , <i>H.whitmaei</i> , <i>H. nobilis</i> , <i>H. atra</i> , <i>Thelenota ananas</i> , <i>Actinopyga echninitis</i>	3,000
Phylum Mollusca (snails, slugs) excluding <i>Tridacna</i> spp.	All <i>Haliotis</i> species <i>Tectus niloticus</i> Family Volutidae Genus <i>Cypraea</i> (<i>Zoila</i>) and <i>Amoria</i> No bivalve species except Thorny oyster (<i>Spondylus</i> spp.), Flame shell/oyster (<i>Lima</i> spp.)	15,000 with no more than 200 cephalopods (squid, octopus, cuttlefish)
<i>Tridacna maxima</i> and <i>Tridacna squamosa</i>		200 No <i>T. maxima</i> south of 26°S No <i>T. squamosa</i> south of Dampier townsite (20°45'S)
Class Echinoidea (sea urchins)		2,500
Class Crinoidea, (feather stars), Class Asteroidea (sea stars)		4,000
Class Ophiuroidea (brittle stars)		4,000
Class Ascidiacea (ascidians/sea squirts)		4,000
Order Actiniaria (anemones)		5,000 plus 5,000 <i>Actinia tenebrosa</i> (waratah anemones)
Order Decapoda (shrimp, crabs)	Crustaceans within the waters of a fishery where the fishery management arrangements apply to that species of crustacean. Land hermit crabs (<i>Coenobita</i> spp.)	15,000 including no more than 20 Painted/Ornate rock lobsters (<i>Panulirus versicolor</i> and <i>P. ornatus</i>) taken north of 21°44'S
Phylum Porifera (sponges)		3,000
Class Polychaeta		4,000

(worms)		
Class Scyphozoa (jellyfish)/Order		50
Stomatopoda (Mantis shrimp)		50
Algae	No crustose coralline algae associated with 'live rock'	No more than 100 litres per day
Seagrasses		No more than 60 litres per day
Order Corallimorpharia/ Order Zoantharia		No more than 60 litres combined per day

APPENDIX 6 CFL CONDITION 96, 206 & 207

CONDITION 96

1. The holder of this licence shall not take any fish other than fish to be used in marine aquariums.
2. Marine aquarium fish shall not be taken from waters between Point Maud and Tantabiddi Well on the west coast of North West Cape.

CONDITION 206

- 1a. The licence holder must keep a daily logbook when fishing for coral, live rock, algae, seagrass, invertebrates and syngnathids.
- 1b. The daily logbook shall be in a form approved by the Chief Executive Officer.
- 1c. The daily logbook must specify -
 - (i) the managed fishery licence in respect of which the licence holder is the nominated operator;
 - (ii) the licensed fishing boat number and/or vehicle registration number of any relevant fishing boat or vehicle;
 - (iii) the date and time of fishing;
 - (iv) the means of fishing;
 - (iv) the name of any nominated diver;
 - (v) the block number of each fishing location;
 - (vi) the number, weight or volume (as required) of each category of fish taken that day;
 - (vii) the cumulative annual total of fish taken for each category of fish; and
 - (viii) the number and species of any mortalities.
- 1d. The licence holder must ensure that the relevant parts of the logbook are completed either:
 - (i) immediately upon landing and, in any case before departing the point of landing with the catch;
 - (ii) if using a sea based holding site overnight, as soon as fish are placed on the holding site and before leaving the holding site; or
 - (iii) if at sea, before midnight on the day the fish are being taken (whichever is the earliest).
 - (iv) the licence holder must ensure that the original copy of the sheet from the logbook accompanies the catch from the point of landing to its holding facility and then forward the completed form to the place and times as specified in the form.
 - (v) the licence holder must retain the duplicate copy of the completed sheet in the logbook.
- 2a. When fishing for coral, live rock, algae, seagrass and invertebrates, the licence holder must make a contemporaneous written record of any directions given to a nominated diver and of any variation or revocation of those directions.
- 2b. Any such record required to be made under paragraph (a) must specify the name, address, commercial fishing licence number of the nominated diver and the time and date on which the nominated diver was authorised to commence and cease fishing under the directions of the licence holder authorised to commence and cease fishing and the substance of the directions given.
3. The records made in (1) and (2) of this condition must be kept and maintained at a safe and dry place for not less than 7 years from the time of the making of the records.

CONDITION 207

1. The licence holder must not use a fishing boat for or in connection with fishing for, or transporting, any fish that are to be recorded in a daily log book during any fishing trip where recreational fishing has been, is being, or is going to be carried out from that boat or where any recreationally taken fish are in the possession of any person on that boat.

Please note that the above condition relating to the use of a fishing boat applies to those fish that must be recorded in a daily logbook. Accordingly, the above condition does not apply to finfish, except syngnathids.

APPENDIX 7 MAP OF THE MAF

