



Ref: 70/14

Mr J McMath  
Chief Executive Officer  
Western Rock Lobster Council  
PO Box 1605  
FREMANTLE WA 6959

Dear John

**CONSULTATION ON PROPOSED AMENDMENTS TO THE WEST COAST ROCK LOBSTER MANAGED FISHERY MANAGEMENT PLAN 2012 AND THE FISH RESOURCES MANAGEMENT REGULATION 1995**

The Department of Fisheries (the Department) is seeking the views of the Western Rock Lobster Council (WRLC), pursuant to s.65(2) of the *Fish Resources Management Act 1994* (FRMA) and clause 4 of the *West Coast Rock Lobster Managed Fishery Management Plan 2012* (the Plan) on a proposal to amend the Plan. Comment is also sought on a proposed amendment to the *Fish Resources Management Regulations 1995* (FRMR).

Since the implementation of the Plan in 2013, the Department has become aware of various elements of the legislation that may now be redundant, are not functioning as intended or do not adequately achieve their objective. In order to address these issues, it is proposed to amend the Plan.

In addition, it is proposed to amend Regulation 61 of the FRMR in order to simplify crate labelling requirements for lobster taken from the West Coast Rock Lobster Managed Fishery.

A detailed outline of the proposed amendments is enclosed for your consideration.

Could you please provide your comments on the proposed amendments by **14 August 2015**. Should you require any further information, please contact me on 9482 7338.

Yours sincerely

Jo Kennedy  
**MANAGER WEST COAST ROCK LOBSTER**

**4 June 2015**

Enc.

Cc: WAFIC

## DEPARTMENT OF FISHERIES

### DETAILED OUTLINE OF PROPOSED AMENDMENTS TO THE WEST COAST ROCK LOBSTER MANAGED FISHERY MANAGEMENT PLAN 2012 AND THE FISH RESOURCES MANAGEMENT REGULATIONS 1995

#### BACKGROUND

The *West Coast Rock Lobster Managed Fishery Management Plan 2012* (the Plan) came into effect on 15 January 2013, meaning it is now in its third year of operation. Through the experience of administering the Plan since 2013, the Department of Fisheries (Department) has become aware of various elements of the legislation that may now be redundant, are not functioning as intended or do not adequately achieve their objective. This paper outlines potential amendments to the Plan to address these issues and also seeks comment on a proposed change to the *Fish Resources Management Regulations 1995* (FRMR) relating to simplification of crate labelling requirements.

#### PROPOSED AMENDMENTS TO THE PLAN

##### **Clause 23 *Reduction of entitlement conferred by a licence***

Currently, the Plan requires that when a person is convicted of certain defined offences (e.g. fishing in excess of quota) the entitlement of the West Coast Rock Lobster Managed Fishery Licence (MFL) must be reduced commensurate with the level of contravention (such as the level of quota over-run). The Department is proposing to amend the Plan so this would only occur when the offence was determined to be intentional or reckless (i.e. falls under section 74(1) of the *Fish Resources Management Act 1994*).

##### **Clause 25 *Use of boats***

Currently, only one Licensed Fishing Boat (LFB) can be operated under an MFL. This means that for some family operations, or in situations where a fisher may want to use a different boat when fishing in certain areas, the MFL needs to be varied throughout the year. In order to provide more flexibility to operators, the Department is proposing to amend the Plan to enable multiple LFB's to be associated with an MFL. However, fishing could only occur using one boat at any time and a nomination system would need to be introduced so that the Department is aware of the specific boat being used on each trip.

##### **Clause 29 *Transporting of pots; and***

##### **Clause 73 *Designated rock lobster pot storage areas***

Clause 29 of the Plan relates to transporting pots on-board boats prior to the commencement of the licensing period and setting unbaited pots in designated pot storage areas (see clause 73).

These provisions are primarily a "hang-over" from input based management, and in particular, closed seasons. There seems to be no reason to retain these elements of the Plan given that fishers have now adapted to the new management framework, so It is proposed to remove them.

##### **Clause 36 *Master to Make Post-Landing Nomination***

There is a discrepancy in how the Plan deals with post-landing nominations made using the Interactive Voice Response (IVR) system and Fish Eye. When using Fish Eye, the nomination must be made immediately upon weighing each consignment of rock lobster. However, when using IVR, the nomination may be made within 10 minutes of weighing the last consignment of rock lobster, or immediately upon returning to a pen or mooring within the landing area in which the lobsters were landed, whichever is the earlier.

It had always been intended that the post-landing nomination be made immediately upon weighing lobster, but changes to the timing of IVR calls were made as reports of congestion at landing points were received when the system was first introduced.

With the fishery now having had time to adjust to management and catch reporting systems, and with Fish Eye now being available, the Department is seeking to revert to the previous requirement that post-landing nominations made using IVR are required immediately upon the last consignment of lobster being weighed.

The above notwithstanding, the Department recognises that at the Abrolhos Islands, telecommunications are not always reliable. When catch is delivered to a carrier boat the compliance risks associated with post-landing nominations being made from fishers' camps are considered to be acceptable.

The Department is therefore proposing to allow masters of authorised boats operating in Zone A of the Fishery who have delivered rock lobster to a carrier boat, up to 30 minutes to make post-landing nominations, whether using Fish Eye or IVR. This should allow masters sufficient time to return to their camps to make the post-landing nomination.

#### **Clause 37 *Landing Areas***

Subclause (6) of this clause requires that all lobsters are removed from an authorised boat immediately upon entering a landing area. The Department is proposing to make a minor amendment to this subclause to ensure it includes all lobsters that are on, or attached to, the boat (e.g. in a holding pot over the side of the boat).

#### **Clause 41 *Use of landing tags***

The Department is proposing to simplify tagging requirements by removing the need to use landing tags in sequential order.

#### **Clause 42 *Transporting rock lobster***

Under subclause (3) of this clause, a person transporting lobster which has not been tail clipped or punched must have in their possession a receipt, transport docket or other document regarding the rock lobster which shows they were lawfully purchased or obtained. To assist compliance officers in verifying the legality of the lobster, it is proposed to include a requirement that the above documentation must include the weight or number of lobster being transported.

#### **Clause 43 *Weighing rock lobster***

The ability for Fisheries and Marine Officers (FMOs) to covertly observe weighing of lobsters is important for maintaining the integrity of the quota system, as a person suspected of misreporting their catch weights is unlikely to do so when they know an FMO is present. It is therefore important that an FMO is able observe weighing activities from a distance.

Under the Plan, lobsters must be weighed within 90 m of the authorised boat or at a designated weighing point.

Currently, when weighing catch within 90 m of the authorised boat, there is a requirement weighing is undertaken in an area where it may be clearly observed by an FMO and which is not within a building. However, there are no such requirements when lobsters are weighted at a prescribed weighing point. As weighing points are not described as absolute locations (i.e. they are described as being within 50 m of a certain point), it is necessary to include the same requirements in terms of visibility of weighing as are in place for weighing within 90 m of the authorised boat.

**Clauses 43 *Weighing rock lobster***

This clause need to be amended to clarify that the higher of the net weights recorded in Fish Eye and by the Registered Receiver is the determination of the quantity of rock lobster taken.

**Clause 50 *Consignment of rock lobster by master; and*  
Clause 51 *Persons who may receive consignment of rock lobster***

The Department is proposing to prohibit a consignment of lobster being left unattended during the transfer from the master to the Registered Receiver. Under these proposed changes, both the master and the Registered Receiver would need to be present when the transfer of the consignment occurs.

**Clause 51 *Persons who may receive consignment of rock lobster***

There are some Commercial Fishing Licence (CFL) holders in the Fishery, who at times work for a Registered Receiver. Under clause 51(3) of the Plan: *the holder of a commercial fishing licence must not act for or on behalf of a registered receiver*. The Department is proposing to amend this subclause to enable holders of CFLs to act for or on behalf of a Registered Receiver provided that they have not operated in the Fishery on the day they worked for the Registered Receiver.

**Clause 59, 60 and 61 *Requirements relating to use of CDRs and IVR when a master has made an election to use Fish Eye, but is unable to complete nominations by this method***

It has always been intended that where a master elects to use Fish Eye, but is unable to complete nominations using this method, they should revert to making all nominations and record requirements for the trip through IVR and CDRs. It is proposed to amend the Plan (by reference to a number of relevant clauses) to ensure that this is clear and that there are no unintended barriers to this process occurring.

**Clause 71 *Prohibition on unauthorised person accessing IVR or Fish Eye***

The Department is proposing to amend clause 71 such that a person issued or operating with an IVR PIN, Fish Eye user identification or password must keep them secure at all times.

**Clause 72 *Prohibition in respect of nominations***

It is proposed to amend clause 72, or include a new clause, to clarify that a person must not provide misleading or false information in holding over and CDR forms.

**Schedule 10 *Method for the determination of certain weights***

In order to provide consistency throughout the Plan, it is proposed to amend Schedule 10(2) to amend the responsibility for determining the net weight of rock lobster to the master of an authorised boat, rather than the licence holder or person acting on behalf of the licence holder as is currently the case.

### **Schedule 11 *Approved Landing Areas***

It is proposed to amend Schedule 11, Area 37 to include a new approved landing area at Seabird. The current approved landing area is eroded and unusable and has been closed by the local council for a number of months. The Department is proposing to amend the schedule to include a new approved landing area at the site. A description of the proposed landing area is provided at **Attachment 1**.

### **Schedule 13 *Weighing Point***

It is proposed to amend Schedule 13 to include a new weighing point at Seabird in line with the proposed new approved landing area as discussed above. A description of the proposed weighing point is provided at **Attachment 1**.

## **PROPOSED AMENDMENT TO THE FRMR**

### **Regulation 61 *Fish for sale etc., labelling requirements for***

The Department is proposing to amend Regulation 61 of the FRMR to simplify requirements relating to labelling containers of lobster taken from the Fishery (note this Regulation does not apply exclusively to the Fishery, but it is not proposed to amend labelling requirements for other fisheries). Under the proposed changes, labels would only be required to include the master's name and the MFL number. The label would be permitted to be attached to any surface of the container, not just the side.

## **DESCRIPTION OF THE PROPOSED LANDING AREA AND WEIGHING POINTS AT SEABIRD**

### **1. Amendment to Schedule 11 – Area 37 – Seabird (Landing Area)**

Area 37: Seabird

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

### **2. Amendment to Schedule 13 – Seabird (Weighing Points)**

Seabird

The weighing point is within 50 metres of –

- a) 31° 16.614' south latitude and 115° 26.520' east longitude



115°25'45"E 115°26'0"E 115°26'15"E 115°26'30"E 115°26'45"E 115°27'0"E

31°16'30"S

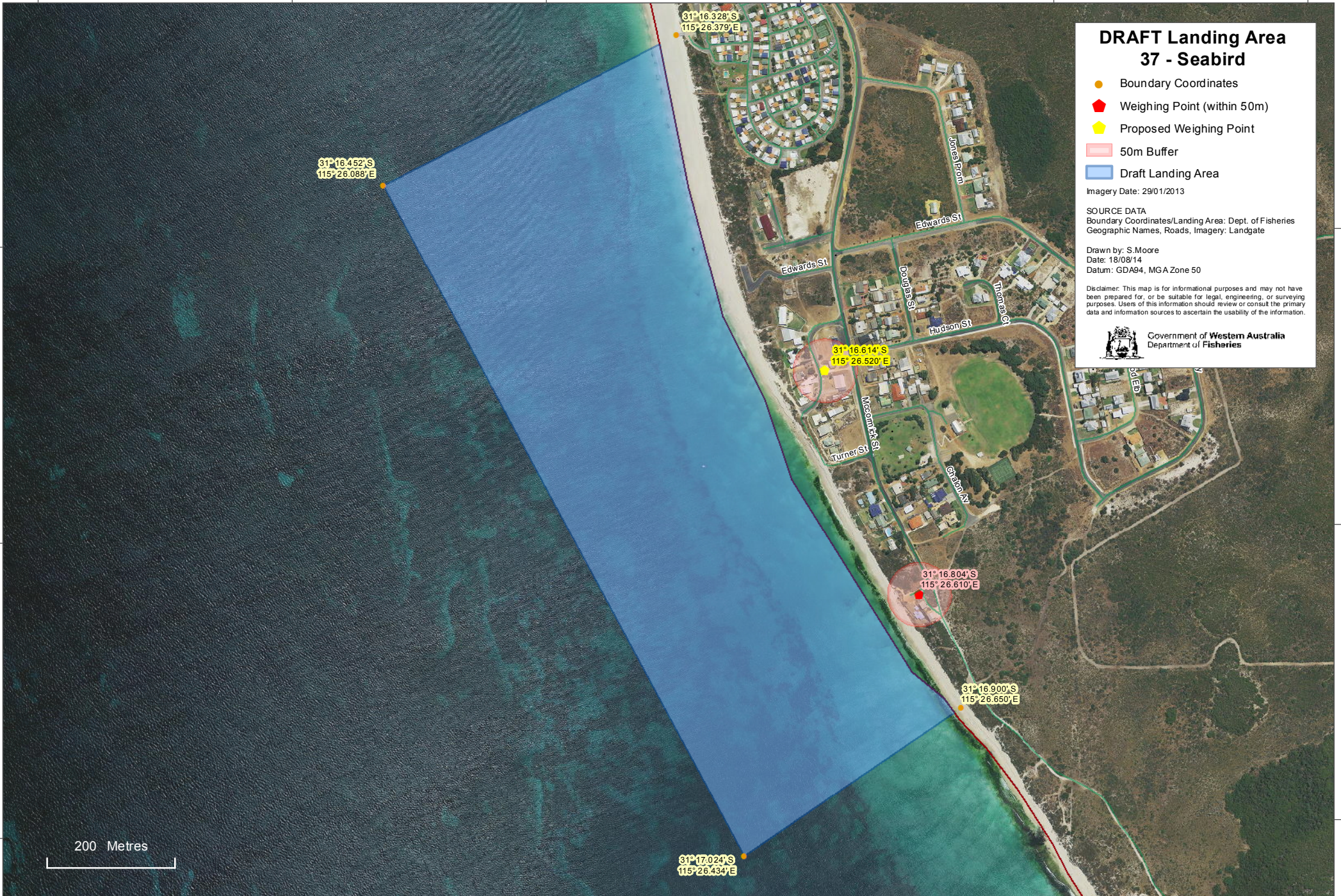
31°16'45"S

31°17'0"S

31°16'30"S

31°16'45"S

31°17'0"S



## DRAFT Landing Area 37 - Seabird

- Boundary Coordinates
- ⬠ Weighing Point (within 50m)
- ⬠ Proposed Weighing Point
- 50m Buffer
- Draft Landing Area

Imagery Date: 29/01/2013

SOURCE DATA  
Boundary Coordinates/Landing Area: Dept. of Fisheries  
Geographic Names, Roads, Imagery: Landgate

Drawn by: S. Moore  
Date: 18/08/14  
Datum: GDA94, MGA Zone 50

Disclaimer: This map is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Government of Western Australia  
Department of Fisheries

200 Metres

115°25'45"E 115°26'0"E 115°26'15"E 115°26'30"E 115°26'45"E 115°27'0"E