

**WEST COAST DEEP SEA CRUSTACEAN
MANAGED FISHERY
DRAFT MANAGEMENT PLAN 2012**

FISHERIES MANAGEMENT PAPER NO. 259

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West Coast Deep Sea Crustacean Managed Fishery
Draft Management Plan 2012

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1.0 OPPORTUNITY TO COMMENT

Intention to Determine a Management Plan for the West Coast Deep Sea Crustacean Managed Fishery:

DRAFT PLAN OPEN FOR PUBLIC COMMENT

In accordance with section 64(2) of the *Fish Resources Management Act 1994*, the Minister for Fisheries published a Notice in the Government Gazette on 12 October 2012 stating that he intends to determine a Management Plan for the West Coast Deep Sea Crustacean Managed Fishery and invites interested persons to comment on the Draft Plan.

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

Interested persons who wish to comment on the draft management plan are invited to make representations in writing to the Minister for Fisheries by 4.30 pm, Friday 26 October 2012.

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

Minister for Fisheries
Draft West Coast Deep Sea Crustacean Management Plan
c/- Director General
Department of Fisheries
3rd Floor, The Atrium,
168 St Georges Terrace, Perth WA 6000

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 4.30 pm on Friday 26 October 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 November 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 Deep Sea Crustacean (Interim) Managed Fishery Permit holders will be advised in writing of the process to apply for a West Coast Deep Sea Crustacean Managed Fishery Licence.
4. The Licences will then be granted in accordance with the new Plan.
5. On 1 January 2012 the West Coast Deep Sea Crustacean Managed Fishery Management Plan will come into effect.

After reading the Draft Plan, if you have any questions please call Kim Nardi on (08) 99216800.

2.0 BACKGROUND

The *West Coast Deep Sea Crustacean (Interim) Management Plan 2007* took effect on 1 January 2008 and expires on 31 December 2012. The Interim Plan provides the management framework for the West Coast Deep Sea Crustacean (Interim) Managed Fishery (WCDSCIMF).

The WCDSCIMF is a trap fishery targeting Crystal, Champagne and Giant crabs. There are seven permit holders in the fishery that collectively are entitled to take an annual quota of 140 tonnes of Crystal Crabs and 14 tonnes (combined) of Champagne and Giant Crabs. All three species are easily identifiable and are sold locally and exported, mainly to Asia. The area of the WCDSCIMF includes all Western Australian waters of the Indian Ocean and the Timor Sea north of 34° 24' south latitude with fishing activity only in very deep waters (150m-1200m).

The WCDSCIMF has been operating as an interim managed fishery for four years and has developed to a stage that warrants its transition to a managed fishery. The Draft Plan transitions the West Coast Deep Sea Crustacean (Interim) Managed Fishery to managed fishery status.

FISH RESOURCES MANAGEMENT ACT 1994

West Coast Deep Sea Crustacean managed Fishery Management Plan 2012

FD 565/06 [1114]

Made by the Minister under section 54.

PART 1 – PRELIMINARY

1. Citation

This plan is the *West Coast Deep Sea Crustacean Managed Fishery Management Plan 2012*.

2. Commencement

This plan comes into operation on 1 January 2013.

3. Interpretation

In this plan, unless the contrary intention appears –

approved processor means a person nominated as an approved processor in accordance with clause 27;

authorised boat means –

- (a) a licensed fishing boat, the name, licensed fishing boat number and length of which are 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);

baitfish means fish of the Families Atherinidae, Clupeidae, Engraulidae, Hemirhamphidae and Mugilidae;

bycatch means any species of fish other than a crustacean or a finfish (other than baitfish) taken by a person fishing in the Fishery under the authority of a licence;

CDR means a Catch and Disposal Record form as approved by the CEO;

champagne crab means a crustacean of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 to the regulations;

crystal crab means a crustacean of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 to the regulations;

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

finfish has the same meaning as in regulation 3 of the regulations;

Fishery means the West Coast Deep Sea Crustacean Managed Fishery identified in clause 5;

fishing boat licence has the same meaning as in regulation 3 of the regulations;

giant crab means a crustacean of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 to the regulations;

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

licensed fishing boat number has the same meaning as in regulation 3 of the regulations;

licence period means the year commencing on 1 January in any year and ending on 31 December the same year;

port area means an area as described in Schedule 2;

regulations means the *Fish Resources Management Regulations 1995*;

rock lobster means a crustacean of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 to the regulations;

scampi means a crustacean of the Family Nephropidae;

the Department means the Department of Fisheries, Western Australia;

unit means a class A unit or a class B unit;

unit value means the value of a –

- (a) class A unit in terms of kilograms of crystal crab as determined in accordance with subclause (1) of Schedule 4; or
- (b) class B unit in terms of kilograms of champagne and giant crab as determined in accordance with subclause (2) of Schedule 4;

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;

white tailed bug means a crustacean of the genus *Ibacus*.

4. Procedure before this plan may be amended or revoked

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

PART 2 – THE FISHERY

5. Identification and declaration of the Fishery

- (1) The Fishery to which this plan relates is the fishing for crustaceans by any means in the waters described in Schedule 1 and may be referred to as the West Coast Deep Sea Crustacean Managed Fishery.
- (2) The Fishery is a managed fishery.

PART 3 – GENERAL REGULATION OF FISHING

6. 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) a person fishing for a recreational purpose; or
 - (b) a person fishing for rock lobster for a commercial purpose, in accordance with the Act.

7. Closure of areas within the Fishery

- (1) The CEO may, by notice published in the Gazette, prohibit fishing in 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 under subclause (1) –

- (a) may only be made after consultation with all the licence holders who are entitled to fish in the Fishery;
 - (b) must take into account any advice received from the Department's Director of Fisheries Research;
 - (c) may apply at all times or at any specified time; and
 - (d) revokes any previous notice made under that subclause.
- (3) A person must not fish for crustaceans in any part of the Fishery at a time when fishing in that part of the Fishery has been prohibited by a notice made under subclause (1).
 - (4) The master of an authorised boat must not store or transport any crustaceans on board that boat in any part of the Fishery at a time when fishing in that part of the Fishery has been prohibited by a notice made under subclause (1).

8. Prohibited fishing in the Fishery

A person must not fish in the Fishery under the authority of a licence in any waters of the Fishery that are on the landward side of the 150 metre isobath.

9. Prohibition of fishing activities

- (1) A person fishing in the Fishery under the authority of a licence must not fish by any means other than by fish trap.
- (2) A person must not use a fish trap that has an internal volume which is greater than 0.257 cubic metres.
- (3) A person must not use a fish trap that does not have 2 escape gaps with each gap being as nearly as practicable rectangular in shape and when measured internally each gap is to be not less than 294 millimetres in length by 54 millimetres in height.
- (4) An escape gap referred to in subclause (3) must be made –
 - (a) of the material specified in clause 4(7) of Part 2 of Schedule 13 to the regulations; or
 - (b) of plastic with a thickness of not less than 3 millimetres and not more than 6 millimetres.
- (5) A person must not fish in the Fishery under the authority of a licence by means of a fish trap, or series of fish traps joined together by a line underwater, unless that fish trap or series of fish traps is attached by a line to a surface float that –
 - (a) has a diameter of not less than 150 millimetres; and
 - (b) is branded or stamped with the initial letter and licensed fishing boat number of the boat that is being used to fish in the Fishery and each character of the brand or stamp is legible and measures not less than 60 millimetres in height and 10 millimetres in width.
- (6) The master of an authorised boat must not allow any fishing lines or fishing hooks to be on that boat while it is being used in the Fishery.

PART 4 – LICENCES

10. 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 31 December 2012 the person was the holder of an interim managed fishery permit which authorised the person to fish in the West Coast Deep Sea Crustacean Fishery as identified in the *West Coast Deep Sea Crustacean Fishery (Interim) Management Plan 2007*; and
- (b) the person applies for a licence on or before 31 January 2013.

11. Duration of a licence

A licence expires on 31 December next following the date on which it came into force.

12. Fees

The fee set out in Schedule 3 is the fee to be paid in respect of the renewal of a licence.

13. Items that must 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 the 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 refers;
- (g) the usual entitlement conferred by the licence;
- (h) the current entitlement conferred by the licence;
- (i) the unit value;
- (j) the amount of crystal crab (in kilograms whole weight) that may be taken under the authority of the licence;
- (k) the amount of champagne and giant crab combined (in kilograms whole weight) that may be taken under the authority of the licence;
- (l) any conditions imposed on the licence by the CEO.

14. Grounds to refuse to transfer a licence

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

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

15. Grounds to cancel or suspend a licence

The CEO may cancel or suspend a licence if the usual unit entitlement conferred by that licence is nil.

16. Payment by instalments

For the purposes of regulation 137(2) of the regulations, the fee for the renewal of a licence may be paid by instalments as specified in Schedule 5 if –

- (a) an election to pay by instalments is made by the holder of a licence in accordance with subclause (2); and

- (b) there is no other fee, charge or levy in respect of the licence which has not been paid at the time the election is received at the head office of the Department.
- (1) An election for the purposes of subclause (1) must be –
 - (a) made in writing;
 - (b) received at the head office of the Department on 1 January of the year for which the licence is to be renewed; and
 - (c) accompanied by the first instalment plus a surcharge.
- (3) For the purposes of regulation 137(3) of the regulations, the surcharge shall be 3.13 per cent 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 5 – USE OF BOATS

17. Use of boats

- (1) A person must not use a boat to fish in the Fishery unless the boat is an authorised boat.
- (2) A person must not be, or act as, the master of an authorised boat unless that person is the holder of the relevant licence or is authorised by the holder of the relevant licence to act on the licence holder's behalf.
- (3) The master of an authorised boat must not permit any fish to be transferred –
 - (a) to another boat from; or
 - (b) from another boat to,
 the boat while the boat is at sea in the waters of the Fishery.
- (4) The master of an authorised boat which has been used to fish in the Fishery must not allow that boat to leave the waters of the Fishery unless all fish taken with the use of the boat have first been landed at a port area.
- (5) The master of an authorised boat must not allow any crystal crab to be on board the boat at any time when the value of the current entitlement of class A units conferred by the relevant licence is less than the total quantity of crystal crab (whole weight) taken or landed from the waters of the Fishery under the authority of that licence.
- (6) The master of an authorised boat, when that boat is being used in the Fishery, must not allow any fish to be on board that boat other than crustaceans, bycatch and/or baitfish.
- (6a) Subclause (6) does not apply in respect of finfish for which proof of purchase can be immediately provided.
- (7) The master of an authorised boat, when that boat is being used in the Fishery, must not allow any fish to be on board that boat other than whole fish.
- (8) The master of an authorised boat must not allow any champagne or giant crab to be on board the boat at any time when the value of the current entitlement of class B units conferred by the relevant licence is less than the total quantity of champagne and giant crab (combined whole weight) taken or landed from the waters of the Fishery under the authority of that licence.
- (9) The master of an authorised boat must not allow any package, container or

receptacle of crustaceans or bycatch landed from that boat to contain more than one species of crustacean or bycatch.

- (10) The master of an authorised boat, when that boat is in the waters of the Fishery that are east of 126° 58' east longitude, must ensure that any scampi or white tailed bug brought on board the boat is released back to the sea -
- (a) within 5 minutes of being brought onto the boat; and
 - (b) before any other fish trap is pulled.

PART 6 – CAPACITY OF THE FISHERY

18. Capacity of the Fishery

- (1) The maximum quantity of crystal crab that may be taken from the Fishery during any licence period is 140,000 kilograms whole weight.
- (1a) The maximum quantity of champagne crab and giant crab combined that may be taken from the Fishery during any licence period is 14,000 kilograms whole weight.
- (2) For the purposes of section 59(3) of the Act, before determining a new capacity for crystal crab or champagne and giant crab combined the Minister –
 - (a) must obtain and take into account advice from the Department's Director of Fisheries Research;
 - (b) must consult all the licence holders who are authorised to fish in the Fishery; and
 - (c) may consult with such other person, if any, that the Minister considers appropriate.

PART 7 – SCHEME OF ENTITLEMENT

19. Entitlement – allocation of units

- (1) The entitlement to fish for crystal crab in the Fishery under the authority of a licence shall be expressed as a number of class A units.
- (2) A class A unit shall confer an entitlement to take an amount of crystal crab from the waters of the Fishery.
- (3) The entitlement to fish for champagne crab and giant crab under the authority of a licence shall be expressed as a number of class B units.
- (4) A class B unit shall confer an entitlement to take an amount of champagne crab and giant crab from the waters of the Fishery.
- (5) On 1 January of any year the number of class A units that will be specified on a licence as the usual entitlement of class A units shall be equal to the number of crystal crab units that was specified on the licence as the usual entitlement of crystal crab units as at the close of business on 31 December of the preceding year.
- (6) On 1 January of any year the number of class B units that will be specified on a licence as the usual entitlement of class B units shall be 100 units.

20. Unit value

- (1) The sum of the entitlements to fish for crystal crabs that may be conferred by all the licences is to be equal to the capacity for the Fishery as determined in accordance with clause 18.

- (2) The extent of the entitlement to fish in the Fishery that arises from a class A unit (the unit value) shall be determined in accordance with subclauses (3) and (4) and is limited by reference to a number of kilograms (whole weight) of crystal crabs.
- (3) Subject to subclause (4), the unit value of a class A unit is 20 kilograms of crystal crabs.
- (4) If, at any time, the capacity of the Fishery is amended in accordance with clause 18, the unit value of a class A unit shall be amended in accordance with the formula specified in subclause (1) of Schedule 4.
- (5) Where –
 - (a) a licence is not renewed within the period specified in section 139 of the Act; or
 - (b) a licence is cancelled; or
 - (c) the entitlement of a licence is reduced under section 76 of the Act, and the total number of class A units for the Fishery is consequently reduced then the unit value for a class A unit for the remainder of the relevant licence period is to be redetermined in accordance with the formula specified in subclause (1) of Schedule 4.
- (6) The sum of the entitlements to fish for champagne crabs and giant crabs combined that may be conferred by all the licences is to be equal to the capacity for the Fishery as determined in accordance with clause 18.
- (7) The extent of the entitlement to fish in the Fishery that arises from a class B unit (the unit value) shall be determined in accordance with subclauses (8) and (9) and is limited by reference to a number of kilograms (whole weight) of champagne crabs and giant crabs.
- (8) Subject to subclause (9) the unit value of a class B unit is 20 kilograms.
- (9) If at anytime the capacity of the Fishery is amended in accordance with clause 18, the unit value of a class B unit shall be amended in accordance with the formula specified in subclause (2) of Schedule 4.
- (10) Where –
 - (a) a licence is not renewed within the period specified in section 139 of the Act; or
 - (b) a licence is cancelled; or
 - (c) the entitlement of a licence is reduced under section 76 of the Act, and the total number of class B units for the Fishery is consequently reduced then the unit value for a class B unit for the remainder of the relevant licence period is to be redetermined in accordance with the formula specified in subclause (2) of Schedule 4.
- (11) The holder of a licence or a person acting on that person's behalf must not fish in the Fishery at any time when the amount of crystal crab taken from the Fishery under the authority of a licence during the period for which the licence has been granted or renewed is equal to or greater than the value of the current entitlement to take crystal crabs conferred by that licence.
- (12) The holder of a licence or person acting on that person's behalf must not fish in the Fishery at any time when the amount of champagne and giant crab combined taken from the Fishery under the authority of a licence during the period for which that licence has been granted or renewed is equal to or greater than the value of the current entitlement to take champagne and giant crabs conferred by that licence.

21. Defence to section 74 in respect of contravening clause 20(11) or clause 20(12)

- (1) It is a defence for an offence against section 74 of the Act in respect of a contravention of clause 20(11) for a person to prove that –
 - (a) notice of the fishing in excess of the value of the entitlement was given to the CEO, in a manner and in a form approved by the CEO, before the crystal crab was processed or moved from the place where the approved processor weighed the crystal crab, whichever is the earlier; and
 - (b) the amount of crystal crab by which the entitlement under the licence was exceeded is not more than 100 kilograms; and
 - (c) the licence holder, not more than 14 days after taking the crystal crab, pays to the Fisheries Research and Development Fund an amount of money equal to the product of the number of kilograms (whole weight) by which the entitlement was exceeded and the prescribed value (per unit weight) for crystal crab set out in Schedule 9 to the regulations.
- (2) It is a defence for an offence against section 74 of the Act in respect of a contravention of clause 20(12) for a person to prove that –
 - (a) notice of the fishing in excess of the value of the entitlement was given to the CEO, in a manner and in a form approved by the CEO, before the champagne or giant crab were processed or moved from the place where the approved processor weighed the champagne or giant crab, whichever is the earlier; and
 - (b) the amount of champagne or giant crab by which the entitlement under the licence was exceeded is not more than 75 kilograms; and
 - (c) the licence holder, not more than 14 days after taking the champagne and giant crab, pays to the Fisheries Research and Development Fund an amount of money equal to the product of the number of kilograms (whole weight) by which the entitlement was exceeded and the prescribed value (per unit weight) for champagne and giant crab (whichever the case may be) set out in Schedule 9 to the regulations.

22. Units – grounds for refusal to transfer part of an entitlement

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

- (a) the proposed transfer is not for a whole number of units;
- (b) the sum of the unit values of the current entitlement of class A units or class B units conferred by the licence from which the units are to be transferred would, after the transfer, be less than the amount of crystal crab or champagne and giant crab already taken under the authority of the licence during the period for which the licence was issued;
- (c) if the transfer were given effect then the normal entitlement conferred by a licence would be less than one unit;
- (d) the total fee has not been paid in respect of the licence from which the units are to be transferred; or
- (e) the CEO is of the opinion that the holder of the licence (from which the units are to be transferred) may be liable to prosecution for an offence which has been prescribed for the purposes of section 224 of the Act.

23. Units – temporary transfer

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

- (a) the sum of the unit values of the current entitlement of class A units or class B units that would be conferred by the licence after the transfer would not be less than the total amount of crystal crab or champagne and giant crab already taken under the authority of the licence during the period for which the licence has been granted or renewed;
- (b) the transfer is of a whole number of units; and
- (c) the total fee has been paid in respect of the licence from which the units are to be temporarily transferred.

PART 8 – SPECIAL PROVISIONS RELATING TO ROCK LOBSTER AND FINFISH

24. Rock lobster and finfish

- (1) A person, on becoming aware of the taking of a rock lobster or a finfish, must ensure that the rock lobster or finfish is released back to the sea –
 - (a) within 5 minutes of being brought onto the boat; and
 - (b) before any other fish trap is pulled.
- (2) The master of an authorised boat must ensure that any rock lobster or finfish brought on board the boat is released back to the sea –
 - (a) within 5 minutes of being brought onto the boat; and
 - (b) before any other fish trap is pulled.

PART 9 – LANDING AND DETERMINATION OF WEIGHT OF CRUSTACEANS AND BYCATCH

25. Landing of crustaceans and bycatch

The master of an authorised boat must not allow any crustaceans or bycatch to be unloaded from a boat other than in a port area specified in Schedule 2.

26. Determination of whole weight and records of fish landed in the Fishery

- (1) A person must not bring ashore from an authorised boat any fish other than whole fish.
- (2) The master of an authorised boat must, within 90 minutes of landing crustaceans or bycatch ashore, accurately determine -
 - (a) the number of containers which contain crustaceans or bycatch; and
 - (b) the total weight of each container containing crustaceans or bycatch.
- (3) The master of an authorised boat from which crustaceans and/or bycatch have been landed ashore must, within 90 minutes of landing the crustaceans and/or bycatch ashore, sign and specify in triplicate in a CDR, accurate details of –
 - (a) the place, time and date of the landing of the crustaceans and/or bycatch;
 - (b) the name, licence number and business address of the approved processor to whom any crustaceans and/or bycatch have been or are to be consigned (as the case may require);
 - (c) the species and weight of any crustaceans or bycatch which are being retained for personal use (if any);

- (d) the name and business address of the person who is to transport the crustaceans and/or bycatch and if they are an employee, agent or acting on behalf of another person;
 - (e) the number of containers in which the crustaceans and/or bycatch are consigned;
 - (f) the determination of the net weight of -
 - (i) each species of crustacean; and
 - (ii) each species of bycatch;
 - (g) the name of the master of the authorised boat and details of the licence under the authority of which any crustaceans and/or bycatch were taken; and
 - (h) the total individual amount of crystal crab, champagne crab and giant crab taken under the authority of the licence during the period for which it has been granted or renewed, calculated in accordance with paragraph (f).
- (4) The master of an authorised boat must not depart, and must not licence any crustacean and/or bycatch to be removed, from the place where the weight of the fish was determined until subclauses (2) and (3) have been complied with.
 - (5) The master of the relevant authorised boat must ensure that any crustacean and/or bycatch consigned from the place of landing has securely attached to it an original copy of the completed CDR.
 - (6) For the purposes of subclause (5), each occasion on which crustaceans and/or bycatch are transported from the place of landing shall constitute a consignment, and a separate completed CDR must be completed in respect of each such consignment.
 - (7) The master must ensure that a separate CDR is completed for –
 - (a) each species of crustacean; and
 - (b) each species of bycatch.
 - (8) A person to whom subclause (3) applies must retain and keep safe and secure the triplicate copies of the completed consignment note and the Catch and Disposal Record form referred to in subclause (3), and produce the copies to a Fisheries Officer on demand.
 - (9) A person to whom subclause (3) applies must, within 48 hours of landing any fish ashore, cause the original of the completed CDR referred to in subclause (5) to be delivered to an office of the Department.
 - (10) A person must not make an entry on a CDR or a consignment note that the person knows to be false or misleading.
 - (11) For the purposes of subclause (3) the master of the boat must use a means of determining the weight which is accurate and, immediately prior to weighing the crustaceans and/or bycatch, determined to be in proper working condition.

27. Approved fish processors

- (1) A person who has taken any crustacean and/or bycatch under the authority of a licence must not sell or transfer the crustacean and/or bycatch to any person other than to an approved fish processor.
- (2) For the purposes of subclause (1) an approved fish processor is a person nominated by the CEO.
- (3) The CEO may nominate a person to be an approved fish processor in respect of

- crustaceans or bycatch by publishing a notice to that effect in the Gazette.
- (4) A notice published in the Gazette may be amended or revoked by further notice published in the Gazette.
 - (5) A person who has received any crustacean or bycatch taken from the Fishery under the authority of a licence must immediately on receiving the fish, accurately determine the total whole weight of -
 - (a) each species of crustacean; and
 - (b) each species of bycatch,and compare the weight determined with the weight recorded on the CDR which accompanied the consignment.
 - (6) A person to whom subclause (5) applies must, immediately on determining the weight of the crustacean and/or bycatch -
 - (a) make and maintain in a form approved by the CEO, a written record of that weight; and
 - (b) forward the original copy of the form referred to in (a) to an office of the Department within 24 hours of completing the form.
 - (7) A person who, after determining the weight of a consignment under subclause (5), becomes aware of a discrepancy between the weight received for any species of fish and the weight specified on the accompanying CDR for that species of fish, must immediately notify a Fisheries officer of that discrepancy.
 - (8) A person, after providing a notification in accordance with subclause (7), must comply with any direction given to that person by a fisheries officer.
 - (9) Subclause (7) does not apply if the discrepancy in the weight determined by the approved processor for a species of fish is less than 10 per cent of the weight specified on the CDR for that species of fish.

PART 10 – DETERMINATION OF THE TOTAL WEIGHT OF FISH TAKEN UNDER THE AUTHORITY OF A LICENCE

28. Determination of the total weight of fish taken under the authority of a licence

For the purposes of clauses 17(5), 17(8) and 20(6) if, at any time there is disparity between the total amount of crystal crab, champagne crab or giant crab that has been taken under the authority of a licence during a licence period as recorded on CDRs and the amount recorded by approved processors in relation to that licence, then the amount that has been determined by the approved processor in accordance with clause 27 together with any amount retained for personal use determined under clause 26(3)(c), if any, shall be taken to be the amount of crystal crab, champagne crab or giant crab taken under the authority of that licence for that period.

PART 11 – RECORDS

29. Record of directions given

- (1) The holder of a licence must, at any time when any direction is given to a person that the person is, or is not, authorised to fish on the licence holder's behalf, make a record in a form approved by the CEO of the following -
 - (a) the full name of the person to whom the direction was given;

- (b) the full business address of the person to whom the direction was given;
 - (c) the number of the commercial fishing licence held by the person to whom the direction was given;
 - (d) the time and date the direction was given;
 - (e) whether the direction was oral or in writing; and
 - (f) the terms of the direction.
- (2) The holder of a licence must keep safe and secure a record made in accordance with subclause (1) together with a copy of any written direction referred to in that record.

PART 12 – MISCELLANEOUS

30. Offences

A person who contravenes a provision of clause 6(1), 7(3), 7(4), 8, 9, 17, 20(11), 20(12), 24, 25, 26, 27 or 29 commits an offence.

SCHEDULES

SCHEDULE 1 – Description of the waters of the Fishery

All WA waters of the Indian Ocean and the Timor Sea north of 34° 24' south latitude.

SCHEDULE 2 – Port Areas

Darwin

All the waters of the Port of Darwin south of a line drawn from the intersection of 12° 26.30' south latitude and 130° 45.90' east longitude; thence north by east along the geodesic to the intersection of 12° 24.87' south latitude and 130° 49.07' east longitude.

Broome

All the waters of the Fishery within 3 nautical miles of the intersection of 18° 00.03' south latitude and 122° 13.11' east longitude.

Port Headland

All the waters of the Fishery within 3 nautical miles of the intersection of 20° 18.92' south latitude and 118° 34.62' east longitude.

Port Walcott (Point Samson)

All the waters of the Fishery within 3 nautical miles of the intersection of 20° 38.20' south latitude and 117° 11.53' east longitude.

Port of Dampier

All the waters of the Fishery bounded by a line commencing at the high water mark at the intersection of 116° 39.00' east longitude; thence extending north by west along the geodesic to the high water mark on East Lewis Island at 116° 38.13' east longitude (King Point); thence generally easterly along the high water mark on the southern side of East Lewis Island to the intersection of 116° 39.90' east longitude (Roe Point); thence easterly along the geodesic to the intersection of the high water mark on the coastline at 20° 37.50' south latitude (Phillip Point); thence generally south westerly along the high water mark to the commencement point.

Beadon Creek, Onslow

All the waters of the Fishery within 3 nautical miles of the intersection of 21° 38.28' south latitude and 115° 07.97' east longitude.

Exmouth

All the waters of the Fishery within 3 nautical miles of the intersection of 21° 57.445' south latitude and 114° 08.477' east longitude (Exmouth Marina and associated area).

Point Quobba (Blowholes)

All the waters of the Fishery within 3 nautical miles of the intersection of 24° 29.22' south latitude and 113° 24.57' east longitude.

Carnarvon

All the waters of the Fishery within 3 nautical miles of the intersection of 24° 53.934' south latitude and 113° 39.071' east longitude (T jetty, Fishing Boat Harbour)

Denham

All the waters of the Fishery within 3 nautical miles of the intersection of 25° 55.71' south latitude and 113° 31.99' east longitude (Service jetty, Denham).

Kalbarri

All the waters of the Fishery within 3 nautical miles of the intersection of 27° 42.50' south latitude and 114° 09.50' east longitude.

Port Gregory

All the waters of the Fishery within 3 nautical miles of the intersection of 28° 11.45' south latitude and 114° 14.94' east longitude.

Geraldton

All the waters of the Fishery within 3 nautical miles of the intersection of 28° 46.47' south latitude and 114° 35.298' east longitude.

Port Denison

All the waters of the Fishery within 3 nautical miles of the intersection of 29° 16.31' south latitude and 114° 55.192' east longitude.

Jurien Bay

All the waters of the Fishery within 3 nautical miles of the intersection of 30° 17.268' south latitude and 115° 02.605' east longitude.

Bunbury

All the waters of the Fishery within 3 nautical miles of the intersection of 33° 18.740' south latitude and 115° 38.334' east longitude.

Fremantle

All the waters of the Fishery within 3 nautical miles of the intersection of 32° 03.654' south latitude and 115° 44.611' east longitude.

Hamelin Bay

All the waters of the Fishery within 3 nautical miles of the intersection of 34° 13.100' south latitude and 115° 01.700' east longitude.

Augusta

All the waters of the Fishery within 3 nautical miles of the intersection of 34° 20.620' south latitude and 115° 10.140' east longitude.

SCHEDULE 3 – Fees

The fee payable for the grant of a licence that expires on 31 December 2013 is the sum obtained by multiplying the number of units of entitlement conferred by the licence by the fee for each unit as follows –

- | | |
|------------------|---------|
| (a) Class A unit | \$14.44 |
| (b) Class B unit | \$3.15 |

SCHEDULE 4 – Unit value

- (1) The extent of the entitlement to fish for crystal crab in the Fishery that arises from a unit shall be determined using the following formula –

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

B

Where –

A is the capacity of crystal crab as specified in clause 18(1);

B is the sum of all the class A units specified on all the licences;

C is the value of a class A unit.

- (2) The extent of the entitlement to fish for champagne and giant crab in the Fishery that arises from a unit shall be determined using the following formula –

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

B

Where –

A is the capacity of champagne and giant crabs as specified in clause 18(1a);

B is the sum of all the class B units specified on all the licences;

C is the value of a class B unit.

SCHEDULE 5 – Payment by instalments

- (1) The first instalment is 25 per cent of the total fee and is due for payment on 1 January of the year for which the licence is to be renewed.
- (2) The second instalment is 25 per cent of the total fee and is due for payment on or before 1 April immediately following the period specified in paragraph (1).
- (3) The third instalment is the total fee less the instalments provided for in paragraphs (1) and (2) and is due for payment on or before 1 July immediately following the period specified in paragraph (1).

Dated this day of 2012.

Minister for Fisheries.