

FI401*

FISH RESOURCES MANAGEMENT ACT 1994

WEST COAST ROCK LOBSTER MANAGEMENT PLAN AMENDMENT 2012

FD 1064/01 [1077]

Made by the Minister under section 54.

1. Citation

This instrument is the *West Coast Rock Lobster Management Plan Amendment 2012*.

2. Management plan amended

The amendments in this instrument are to the *West Coast Rock Lobster Management Plan 1993*.

3. Clause 9 replaced

Delete clause 9 and insert—

Operation of zone A boats limited

9. (1) Subject to subclauses (2) and (3) a person must not operate from a zone A boat—

- (a) within the Abrolhos Islands Area during the period commencing 15 November in any season and ending on 14 March in any season; or
- (b) within the Abrolhos Islands Area during the period commencing 1 October in any season and ending on 14 November in any season; or
- (c) outside the Abrolhos Islands Area during the period commencing at 1930 hours on 15 March in any season and ending on 14 November in any season.

(2) Subclause (1)(c) does not apply in regard to the period 1 July to 30 September in any year where a person elects that fishing under the authority of a specified licence is to occur in zone A or zone B in accordance with clauses 23B and 23C, as required.

(3) Where an election is made in accordance with subclause (2) that fishing under the authority of a specified licence is to occur in zone B, a person must not fish under the authority of that licence in zone A until 15 March in the year next following the date of election.

(4) Subclause (1)(a) does not apply, in the circumstances specified in subclause (5), to—

- (a) soaking a pot in a designated rock lobster pot soaking area in the Abrolhos Islands area during the period commencing on 25 February and ending on 14 March in any year; or
- (b) pulling a soaked pot in a designated rock lobster pot soaking area in the Abrolhos Islands area from 0430 hours to 1930 hours on 13 March or 14 March of any year; or
- (c) baiting a pot on 13 March or 14 March of any year; or
- (d) setting a pot from 0600 hours to 1930 hours on 14 March of any year; or
- (e) leaving or allowing a pot to remain in the Abrolhos Islands area after 0600 hours on 14 March of any year.

(5) The circumstances in which subclause (4) applies are that—

- (a) no operating of any pot is being carried out in the waters of zone B under the relevant zone A licence, other than the transporting of pots to the Abrolhos Islands area; and
- (b) no rock lobster is on board, or attached in any way, to the authorised boat; and
- (c) the total number of pots being operated does not exceed the product of the current entitlement of the licence and the zone A unit value at that time.

6. Clause 9Q amended

Delete clause 9Q(2) and insert—

(2) Where the holder of a licence, or a person acting on behalf of a licence holder, seeks to hold rock lobster in a designated holding area, the licence holder must nominate a designated holding area or areas, to a maximum of two, by forwarding the original page or pages of a holding over book to the Department, prior to storing any rock lobster in either of those areas.

7. Clause 13C inserted

After Clause 13B insert—

Fishing under the authority of more than one licence

13C.(1) A person must not fish in the Fishery under the authority of more than one licence at any given time.

(2) A person fishing under the authority of a licence must, at the end of a fishing trip, complete the requirements of clause 15G prior to fishing under the authority of a different licence.

8. Clause 14L amended

In clause 14L(b) delete '10' and insert—

30

9. Clause 15 amended

In clause 15(2)(f) delete " less " and insert—

greater

10. Clause 15AA inserted

After clause 15 insert—

Grounds for refusing to temporarily transfer an entitlement, or part of an entitlement

15AA. The CEO may refuse to transfer an entitlement, or part of an entitlement, conferred by one licence to another licence, where the forms in the CDR book issued in respect of the licence from which an entitlement, or part of an entitlement, is to be temporarily transferred establish that the value of the units to be transferred would be greater than the entitlement conferred by the licence.

11. Clause 21A amended

In clause 21A delete “ 9A, 9C, 9E ” .

12. Schedule 8 amended

In Schedule 8, Item 2, column 3 delete “ June ” and insert—

September

Dated this 2nd day of April 2012.

NORMAN MOORE, Minister for Fisheries.