

FI401*

FISH RESOURCES MANAGEMENT ACT 1994
ABALONE MANAGEMENT PLAN AMENDMENT 2013

FD 686/01 [1126]

Made by the Minister under section 54.

1. Citation

This instrument is the *Abalone Management Plan Amendment 2013*.

2. Management plan amended

The amendment in this instrument is to the *Abalone Management Plan 1992*.

3. Clause 2 amended

(a) In subclause (1), insert in the appropriate alphabetical position—

“**consignment number**” means the consignment number generated by Fish Eye in respect of each consignment of abalone reported by a nominated operator;

“**Fish Eye**” means the electronic data management system managed by the Department for recording information related to operating in the Fishery;

“**receipt number**” means the number generated by Fish Eye to confirm that the information submitted by the nominated operator or approved fish processor has been received by Fish Eye;

(b) In subclause (1), delete “Executive Director” in each place where it appears and insert—
CEO

4. Clause 7 amended

Delete “Executive Director” in each place where it appears and insert—
CEO

5. Clause 10 amended

In subclause (5), delete “Executive Director” and insert—
CEO

6. Clause 11 amended

Delete “Executive Director” in each place where it appears and insert—
CEO

7. Clause 14A amended

Delete “Executive Director” and insert—
CEO

8. Clause 14C amended

Delete “Executive Director” and insert—
CEO

9. Clause 14D amended

Delete “Executive Director” and insert—
CEO

10. Clause 16 amended

In subclause (1), delete “Executive Director” in each place where it appears and insert—
CEO

11. Clause 17 amended

Delete subclauses (1) and (2) and insert—

A nominated operator must not fish for abalone or permit, authorise or allow any fishing for abalone to be carried out under the authority of the relevant licence unless the nominated operator—

(a) has first established and secured, at the place where any abalone taken are to be landed, a means of accurately determining the weight of any abalone that may be landed ashore; and

(b) is in possession of a Catch and Disposal Record Book or an electronic device that has been enabled to use Fish Eye.

12. Clause 17B amended

In paragraph (a), delete “Executive Director” in each place where it appears and insert—
CEO

13. Clause 18 amended

Delete “Executive Director” in each place where it appears and insert—

CEO

14. Clause 19 amended

- (a) Delete subclauses (3) to (5).
- (b) In subclause (6), delete “(6)” and insert—
(3)
- (c) In subclause (7), delete “(7)” and insert—
(4)

15. Clause 19A amended

Delete subclause (2) and insert—

- (2) A nominated operator who chooses to use Fish Eye under clause 20A to record and submit information in respect of each consignment of abalone must provide the person receiving the abalone with the relevant consignment number.
- (3) A person who receives any abalone from a nominated operator must immediately upon taking possession of the abalone accurately determine the weight of the abalone and make and maintain a record of the measured weight.
- (4) An approved fish processor who receives abalone may choose to use Fish Eye to make a record of the measured weight determined under subclause (3).
- (5) An approved fish processor who has chosen to use Fish Eye must—
 - (a) submit the measured weight determined under subclause (3) using Fish Eye; and
 - (b) record the receipt number issued in respect of the information provided in paragraph (a).
- (6) Where the abalone received under this clause have been accompanied by a consignment note from a Catch and Disposal Record Book, an approved fish processor who has chosen to use Fish Eye must—
 - (a) submit the consignment note number using Fish Eye; and
 - (b) record the receipt number issued in respect of the information submitted in paragraph (a) on the consignment note; and
 - (c) forward the consignment note to the office of the Department as specified on the consignment note or as otherwise specified in writing by the CEO.
- (7) An approved fish processor who has chosen to use Fish Eye must not submit any information in Fish Eye that the person knows to be false or misleading.
- (8) An approved fish processor who has chosen to use Fish Eye must—
 - (a) keep records of the information submitted to and received from Fish Eye for a period of 5 years; and
 - (b) immediately report to a fisheries officer—
 - (i) the loss of any records required to be kept under this plan; and
 - (ii) the loss of, or damage to, any device used to store records required to be kept under this plan.

16. Clause 20 amended

- (a) In subclause (1)(a), delete paragraph (viii).
- (b) In subclause (2), delete “the senior fisheries officer of the Department at Esperance, Albany or Fremantle” and insert—
the office of the Department as specified on the consignment note or as otherwise specified in writing by the CEO
- (c) After subclause (3) insert—
 - (4) A nominated operator who chooses to record and submit information by Fish Eye under clause 20A is not required to record and submit information in a consignment note in a Catch and Disposal Record Book under this clause.

17. Clause 20A inserted

After clause 20, insert—

Returns made by Fish Eye

- 20A.** (1) A nominated operator may choose to record and submit information by Fish Eye.
- (2) Within 90 minutes of landing the abalone or before removing or permitting the abalone to be removed from the place of landing, whichever is the earlier, a nominated operator who has chosen to use Fish Eye must—
 - (a) submit the details of each consignment of abalone using Fish Eye;
 - (b) record the relevant consignment number in respect of each consignment of abalone; and
 - (c) record the relevant consignment number on an approved label and securely attach the label to the container containing the abalone in respect of that consignment.
 - (3) A nominated operator who has submitted information under subclause (2)(a) when out of signal range must not allow another person to transport any abalone consigned by the nominated operator from the place of landing.

- (4) When a nominated operator who has submitted information under subclause (2)(a) when out of signal range is transporting abalone from the place of landing, the nominated operator must—
- (a) have the electronic device used to submit information under subclause (2)(a) 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 information submitted under subclause (2)(a).
- (5) A nominated operator who has submitted information under subclause (2)(a) when out of signal range must record the receipt number in respect of that information immediately after that receipt number is received from Fish Eye.
- (6) A nominated operator who has chosen to use Fish Eye must not submit any information in Fish Eye that the person knows to be false or misleading.
- (7) A nominated operator who has chosen to use Fish Eye must—
- (a) keep records of the information submitted to and received from Fish Eye for a period of 5 years; and
 - (b) immediately report to a fisheries officer—
 - (i) the loss of any records required to be kept under this plan; or
 - (ii) the loss of, or damage to, any device used to store records required to be kept under this plan.

18. Clause 22A amended

- (a) In subclause (1), after “recorded in accordance with clause 20” insert—
or clause 20A
- (b) In subclause (1), delete “in the relevant consignment note” and insert—
in accordance with clause 19A

19. Clause 23A amended

Delete clause 23A and insert—

- 23A.** A person who contravenes a provision of clause 4, 5, 10(2), 10(6), 10(7), 10(8), 15, 16, 16A, 17, 17A, 18, 19, 19A, 19B, 20, 20A, 21 or 23(4) commits an offence.

Dated this 29th day of January 2013.

NORMAN MOORE, Minister for Fisheries.