

FI404*

FISH RESOURCES MANAGEMENT ACT 1994
SHARK BAY CRAB MANAGED FISHERY MANAGEMENT PLAN 2015

FD 24/14 [1176]

Made by the Minister under section 54.

PART 1—PRELIMINARY

1. Citation

This plan is the *Shark Bay Crab Managed Fishery Management Plan 2015*.

2. Commencement

This plan comes into operation on the date it is published in the *Gazette*.

3. Exception

This plan does not apply to the persons described in clause 7(1)(a) or 7(2)(a) of this plan prior to 20 November 2015.

4. Interpretation

In this plan, unless the contrary intention appears—

approved landing area means an area described in Schedule 3 of this plan;

authorised boat means—

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

carrier boat means a boat specified on a carrier boat licence;

CDR book means the Catch and Disposal Record book issued by the Department in respect of a licence, for recording information regarding the taking of crab in the Fishery;

CDR form means a Catch and Disposal Record form in a CDR book issued by the Department in respect of a licence, for recording information regarding the taking of crab in the Fishery;

crab means any crab of the Family Portunidae but does not include a mud crab;

crab trap means a device which is specifically designed for the purpose of taking crabs;

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

Fishery means the Shark Bay Crab Managed Fishery as described in clause 6 of this plan;

Gascoyne Demersal Scalefish managed fishery licence means a managed fishery licence granted under the *Gascoyne Demersal Scalefish Managed Fishery Management Plan 2010*;

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

mud crab means fish of the common names Mud (Brown) Crab and Mud (Green) Crab as described by the scientific classification opposite those names in Division 3 of Schedule 7 to the regulations;

plan means the *Shark Bay Crab Managed Fishery Management Plan 2015*;

regulations means the *Fish Resources Management Regulations 1995*;

rock lobster means fish of that common name described by the scientific classification opposite that name in Division 3 of Schedule 7 to the regulations;

Shark Bay Prawn managed fishery licence means a managed fishery licence granted under the *Shark Bay Prawn Managed Fishery Management Plan 1993*;

Shark Bay Scallop managed fishery licence means a managed fishery licence granted under the *Shark Bay Scallop Managed Fishery Management Plan 1994*;

unit value means the value of a unit of entitlement, in terms of kilograms of crab (whole weight) determined in accordance with clause 17 of this plan;

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;

whole weight means the weight of a whole and raw crab.

5. 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

6. Identification and declaration of the Fishery

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

- (2) The Fishery is a managed fishery, and may be referred to as the Shark Bay Crab Managed Fishery.
- (3) The Fishery is divided into zones as described in Schedule 2 of this plan.
- (4) This plan does not apply to—
 - (a) a person fishing under the authority of an authorisation granted under the *Shark Bay Beach Seine and Mesh Net Managed Fishery Management Plan 1992*; or
 - (b) a person fishing for crab for a recreational purpose in accordance with the Act.

PART 3—LICENCES AND FEES

7. Criteria for the grant of a licence

- (1) The criteria to be satisfied before the CEO may grant a person a Class A licence to fish in the Fishery are that—
 - (a) on the date that this plan was published in the *Gazette*, the applicant was the holder of—
 - (i) an authorisation issued in accordance with the *Shark Bay Crab Fishery (Interim) Management Plan 2005* and a fishing boat licence without condition 156 attached; or
 - (ii) an authorisation issued in accordance with the *Shark Bay Prawn Managed Fishery Management Plan 1993*; or
 - (iii) an A class authorisation issued in accordance with the *Shark Bay Scallop Managed Fishery Management Plan 1994*,and
 - (b) an application for the grant of a licence is made on or prior to 29 February 2016.

Note: Where a person satisfies multiple criteria in clause 7(1)(a), that person may apply for the same number of Class A licences as the number of authorisations held by that person that satisfy each of the criteria.

- (2) The criteria to be satisfied before the CEO may grant a person a Class B licence to fish in the Fishery are that—
 - (a) on the date that this plan was published in the *Gazette*, the applicant was the holder of—
 - (i) an authorisation issued in accordance with the *Shark Bay Crab Fishery (Interim) Management Plan 2005*; and
 - (ii) a fishing boat licence with condition 156 attached; and
 - (b) an application for the grant of a licence is made on or prior to 29 February 2016.
- (3) Notwithstanding subclauses (1) and (2), the CEO may grant a person a Class A licence to fish in the Fishery if the CEO is satisfied that—
 - (a) immediately upon being granted a licence, an application will be made under section 140 of the Act to transfer usual units of entitlement to the licence, if it is to be granted, from another licence; and
 - (b) the application referred to in paragraph (a) will be in respect of a total of not less than 100 units; and
 - (c) in the CEO's opinion, there is no arguable ground in respect of the application referred to in paragraph (a) to refuse to transfer the units of usual entitlement to the licence; and
 - (d) the person is a fit and proper person to hold a licence.
- (4) For the purposes of subclause (3) a reference to an application to transfer usual units of entitlement shall be taken to include an application made in connection with the surrender of a licence pursuant to clause 23 of this plan.

Note: Where a licence is granted in accordance with clause 7(3) of this plan, the fee relating to the units being transferred should already have been paid by the transferor in respect of those units. See clause 22(1)(b) of this plan.

8. Duration of a licence

A licence granted or renewed under this plan expires on 31 October next following the date of grant or renewal.

9. Matters to be specified on a licence

- (1) A licence granted or renewed in respect of the Fishery must specify—
 - (a) the name and business address of the holder of the licence;
 - (b) the name and licensed fishing boat number of any 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 Class of the licence;
 - (e) the date on which the licence was granted or renewed;
 - (f) the date on which the licence expires;
 - (g) the name of the Fishery to which the licence relates;
 - (h) the units of usual entitlement conferred by the licence;
 - (i) the units of current entitlement conferred by the licence;

- (j) the unit value;
 - (k) the maximum amount of crab that may be taken under the authority of the licence; and
 - (l) any conditions imposed on the licence by the CEO.
- (2) A person must not fish in the Fishery under the authority of a licence unless the specification in subclause (1)(b) has been made in respect of that licence.
- (3) Where an authorisation referred to in clause 7(1)(a) or 7(2)(a) of this plan is the subject of an application for a licence, any convictions recorded against that authorisation under section 224 of the Act are taken to have been recorded against the licence, if granted.

10. Authority of licence of no effect where usual or current entitlement is less than 1,936 units of entitlement

- (1) The authority conferred by a licence is of no effect at any time when either the usual or the current entitlement of that licence is less than 1,936 units of entitlement.
- (2) Subclause (1) does not apply in regard to a Class A licence where—
- (a) the Class A licence is held by a person who also holds a Shark Bay Prawn managed fishery licence or a Shark Bay Scallop managed fishery licence; and
 - (b) the authorised boat specified on the Class A licence is also specified as the licensed fishing boat on the managed fishery licence in paragraph (a).

11. Grounds to cancel a licence

The CEO may cancel a licence where the licence was granted in accordance with clause 7(3) of this plan and the relevant units of entitlement have not been transferred to the licence.

12. Fees

- (1) Where a licence is granted for a period expiring on 31 October 2016, the fee per unit is \$1.08.
- (2) The fee specified in subclause (1) may be paid by periodic payments of—
- (a) 25% of the total fee to be paid on or before 20 November 2015; and
 - (b) 25% of the total fee to be paid on or before 1 January 2016; and
 - (c) 50% of the total fee to be paid on or before 1 April 2016.
- (3) Where the regulations set out a fee to be paid in respect of the renewal of a licence, then for the purposes of regulation 137(2) the total fee may be paid by instalments as specified in Schedule 4 of this plan if—
- (a) an election to pay by instalments is made by the holder of a licence in accordance with subclause (4); 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.
- (4) An election for the purposes of subclause (3) must be—
- (a) made in writing;
 - (b) received at an office of the Department on or before 1 November next following the day on which the licence expires, and
 - (c) accompanied by the first instalment plus the surcharge.
- (5) For the purposes of regulation 137(3) the surcharge shall be 3.13% of the total fee.
- (6) 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—
- (a) fee; or
 - (b) surcharge,
- in respect of the licence is outstanding.

PART 4—CAPACITY OF THE FISHERY AND SCHEME OF ENTITLEMENT

13. Capacity of the Fishery

Subject to clause 14 of this plan, the capacity of the Fishery is 450,000 kilograms (whole weight) of crab.

14. Change in 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 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 of the Act;
 - (c) the cancellation of a relevant licence under section 223 of the Act; or
 - (d) the surrender of a relevant licence under section 144 of the Act,

such reduction being the equivalent in kilograms of crab to the number of usual units of entitlement conferred by the licence.

- (2) The capacity of the Fishery, as provided for in clause 13 of this plan, shall be reduced upon the making of an order under section 76(2) of the Act, such reduction being the number of kilograms of crab corresponding to the units of entitlement fished, or intended to be fished, in excess of the entitlement of the licence, as determined by clause 16 of this plan.

(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*.

15. Sum of licence entitlements to equal capacity

The sum of the entitlements to fish for crab that may be conferred by all the licences authorising fishing in the Fishery must not exceed the capacity as determined in accordance with clause 13 or 14 of this plan.

16. Licence entitlements to be expressed in terms of units

- (1) The entitlement to fish for crab conferred by a licence must be—
 - (a) expressed in terms of units of entitlement; and
 - (b) determined in accordance with clause 17 of this plan.
- (2) The maximum number of units that may be 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 s.139 of the Act; or
 - (b) a licence is cancelled; or
 - (c) units are forfeited by the operation of the Act.

17. 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 5 of this plan and be limited by reference to a number of kilograms (whole weight) of crab that may be taken.

18. Conferral of entitlement

Where a licence is granted in accordance with clause 7(1) or 7(2) of this plan, that licence shall, at the time it is granted, confer the units of usual entitlement specified in Schedule 6 of this plan.

19. Prohibition on operating in excess of entitlement

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

- (a) operate under the authority of that licence unless the total quantity of crab taken under the authority of the licence is less than the product of the current entitlement and the relevant unit value; or
- (b) have any crab on board an authorised boat unless the total quantity of crab taken under the authority of the licence is less than or equal to the product of the current entitlement and the relevant unit value; or
- (c) take, land, consign or sell crab unless the total quantity of crab taken under the authority of a licence is less than or equal to the product of the current entitlement and the relevant unit value.

20. Defence to s.74(2) of the Act

It is a defence in proceedings for an offence against section 74(2) of the Act in respect of contravening clause 19 of this plan for the person charged to prove that—

- (a) the amount of crab by which the value of the entitlement was exceeded is not more than 100 kilograms whole weight; and
- (b) the licence holder, not more than 21 days after the landing of the crab or being notified by the Department (as the case may be), paid to the Fisheries Research and Development Fund an amount of money equal to the product of the number of kilograms in whole weight by which the value of the entitlement was exceeded and the prescribed value (per unit of weight) of the crab, as specified in Schedule 9 to the regulations.

PART 5—TRANSFER OF ENTITLEMENT

21. Temporary transfer of entitlement

The whole or part of an entitlement conferred by a licence may be temporarily transferred to a licence for a period ending at the time that the licence expires, provided that—

- (a) the value of the current units of entitlement (in kilograms whole weight) that would be conferred by the licence after the transfer would not be less than the total quantity of crab (whole weight) taken under the authority of the licence during the period for which the licence has been granted or renewed; and
- (b) the transfer is of a whole number of units.

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

(1) The CEO may refuse to transfer—

- (a) a licence; or
- (b) an entitlement, or part of an entitlement, conferred by one licence to another licence,

where the total fee in respect of the transferor's licence has not been paid.

(2) The CEO may refuse to transfer an entitlement, or part of an entitlement, conferred by a licence to another licence on the grounds that—

- (a) the usual entitlement of the transferor's licence would, after the transfer, be less than one unit;

- (b) the proposed transfer is not of a whole unit or whole number of units;
- (c) the forms in the CDR books issued in respect of the relevant licences which are required to be completed are not received prior to lodgement of the application for transfer; or
- (d) the forms in the CDR books issued in respect of the licence from which an entitlement is to be transferred establish that the value of the current units of entitlement (in kilograms whole weight) that would be conferred by the licence after the transfer would be less than the total quantity of crab (whole weight) taken under the authority of the licence during the period for which the licence has been granted or renewed.

23. Surrender of licence and reallocation of usual entitlement

- (1) Subject to subclauses (2) and (3), the CEO may increase the usual entitlement conferred by a licence—
- (a) upon the application of the holder of a licence;
 - (b) where another licence has been surrendered under section 144 of the Act; and
 - (c) provided that the person who was the holder of the surrendered licence has consented to the application referred to in paragraph (a).
- (2) The entitlement of a licence must not be increased by more than the usual entitlement in respect of the surrendered licence.
- (3) Subclause (1) applies once in connection with the surrender of any licence.
- (4) For the purposes of subclause (1)(a) a reference to a licence includes a reference to a licence which has been applied for in accordance with clause 7(3) of this plan.

PART 6—GENERAL REGULATION OF FISHING OPERATION

24. 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 fishing under the authority of—
- (a) a Shark Bay Prawn managed fishery licence; or
 - (b) a Shark Bay Scallop managed fishery licence,

where the holder of the relevant managed fishery licence does not hold a Class A licence under this plan.

25. Use of an authorised boat

- (1) A person must not use a boat for or in connection with fishing in the Fishery unless the boat is an authorised boat.
- (2) Subclause (1) does not apply to a person using a boat for or in connection with fishing in the Fishery under the authority of—
- (a) a Shark Bay Prawn managed fishery licence; or
 - (b) a Shark Bay Scallop managed fishery licence,

where the holder of the relevant managed fishery licence does not hold a Class A licence under this plan.

- (3) A person must not use an authorised boat to fish in the Fishery unless—
- (a) the person is the holder of the relevant licence; or
 - (b) the person is acting for or on behalf of the holder of the relevant licence.

26. Means of fishing in Fishery

- (1) A person fishing in the Fishery must not fish by any means other than by crab trap.
- (2) Subclause (1) does not apply to—
- (a) a person fishing under the authority of a Shark Bay Prawn managed fishery licence; or
 - (b) a person fishing under the authority of a Shark Bay Scallop managed fishery licence.

27. Carrying fishing gear other than crab traps on an authorised boat

- (1) The master of an authorised boat fishing in the Fishery under the authority of a licence must ensure that no fishing gear other than crab traps is carried on board the authorised boat.
- (2) Subclause (1) does not apply to the master of an authorised boat fishing in the Fishery where—
- (a) the authorised boat is specified on a Class A licence and is also specified as the licensed fishing boat on—
 - (i) a Gascoyne Demersal Scalefish managed fishery licence;
 - (ii) a Shark Bay Prawn managed fishery licence; or
 - (iii) a Shark Bay Scallop managed fishery licence,
 and
 - (b) the holder of the Class A licence is also the holder of the relevant managed fishery licence under paragraph (a); and

- (c) the master of the authorised boat ensures that any fishing gear other than crab traps is stowed when fishing by crab traps is taking place.
- (3) A person fishing in the Fishery under the authority of a licence must not carry any fishing gear other than crab traps on board an authorised boat.
- (4) Subclause (3) does not apply where a person is fishing in the Fishery on an authorised boat under subclause (2).

28. Use of crab traps

A person fishing in the Fishery must not use a crab trap unless that crab trap is one of a series of crab traps joined together by negatively buoyant rope, and that series of crab traps is attached to a surface float that—

- (a) has a diameter of equal to or more than 150 millimetres if the float is spherical and, in any other case, has a length of equal to or more than 200 millimetres and a width of equal to or more than 100 millimetres; and
- (b) is branded or stamped with the 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 equal to or more than 60 millimetres in height and equal to or more than 10 millimetres in width.

29. Storing or transporting crab

(1) The master of a boat that is not an authorised boat and which is being used for or in connection with fishing for a commercial purpose in the waters of the Fishery must ensure that no crab is stored or transported on board that boat.

(2) The master of an authorised boat that is specified on a Class A licence and is also specified as a licensed fishing boat on—

- (a) a Shark Bay Prawn managed fishery licence; or
- (b) a Shark Bay Scallop managed fishery licence,

must ensure that no crab is stored or transported on that boat.

(3) Subclause (2) does not apply where—

- (a) the authorised boat on which the crab is stored or transported is also specified as a licensed fishing boat on—
 - (i) a Shark Bay Prawn managed fishery licence; or
 - (ii) a Shark Bay Scallop managed fishery licence,and
- (b) the holder of the relevant managed fishery licence under paragraph (a) is also the holder of a Class A licence under this plan; and
- (c) the master of the authorised boat has determined that the crab will not exceed the current entitlement of the Class A licence under paragraph (b).

Note: The provisions of this plan restricting the taking of crab to the current entitlement of the Class A licence apply to crab stored or transported in accordance with this clause.

30. Transfer of crab

(1) The master of an authorised boat must not permit any crab to be transferred—

- (a) to another boat from; or
- (b) from another boat to,

the authorised boat while the authorised boat is in the waters of the Fishery.

(2) A person must not transfer crab—

- (a) to another boat from; or
- (b) from another boat to,

an authorised boat while the authorised boat is in the waters of the Fishery.

(3) A person must not be in possession of crab transferred under subclause (1) or (2).

(4) Subclauses (1), (2) and (3) do not apply in respect of crab transferred to a carrier boat.

31. Mud crab and rock lobster to be released

The master of an authorised boat must ensure that any mud crab or rock lobster brought on board the boat is released to the sea within 5 minutes of being taken.

PART 7—LANDING AND WEIGHING CRAB

32. Master to nominate intent to fish by crab trap

(1) Where—

- (a) the master of an authorised boat is operating under the authority of a Class A licence; and
- (b) the authorised boat is specified on the Class A licence under paragraph (a) and is also specified as the licensed fishing boat on a Shark Bay Prawn managed fishery licence or a Shark Bay Scallop managed fishery licence; and
- (c) the holder of the Class A licence under paragraph (a) is also the holder of the relevant managed fishery licence under paragraph (b),

and the master of the authorised boat intends to use the boat for or in connection with fishing by means of crab trap, the master must make a nomination of intent to fish by crab trap by telephoning the Department on 0417 795 692.

(2) Where the master of an authorised boat makes a nomination under subclause (1), the master must provide details of—

- (a) the relevant licence number;
 - (b) the authorised boat;
 - (c) the master of the authorised boat; and
 - (d) whether the nomination is for the remainder of the fishing season or a specified period.
- (3) The master of an authorised boat may cancel a nomination made under subclause (1) by—
- (a) telephoning the Department on 0417 795 692; and
 - (b) providing details of—
 - (i) the relevant licence number;
 - (ii) the authorised boat;
 - (iii) the master of the authorised boat; and
 - (iv) the time and date on which the authorised boat will cease being used for fishing by means of crab traps.

33. Master to make pre-landing nomination

(1) The master of an authorised boat must, not more than 90 minutes and not less than 30 minutes prior to—

- (a) entering an approved landing area to land crabs; or
- (b) landing crab on a carrier boat,

make a pre-landing nomination by telephoning the Department on 0417 795 692.

(2) Where the master makes a pre-landing nomination under subclause (1)(a), the master must—

- (a) provide details of—
 - (i) the relevant licence number;
 - (ii) the approved landing area that the authorised boat will enter to land crab;
 - (iii) the time at which the authorised boat will enter the approved landing area to land crab; and
 - (iv) the estimated weight of the crab (in kilograms) to be landed;

and

- (b) record the pre-landing confirmation number in respect of the nomination in a CDR form.

(3) Where the master makes a pre-landing nomination under subclause (1)(b), the master must—

- (a) provide details of—
 - (i) the relevant licence number;
 - (ii) the carrier boat licence number relating to the carrier boat on which the crab will be landed; and
 - (iii) the estimated weight of the crab (in kilograms) to be landed;

and

- (b) record the pre-landing confirmation number in respect of the nomination in a CDR form.

34. Determining the weight of crab

The master of an authorised boat must accurately determine the weight of all crab on board that boat—

- (a) not more than 24 hours after landing crab in an approved landing area; or
- (b) prior to landing crab on a carrier boat,

and record the weight of the crab in a CDR form.

35. Consigning crab

(1) Where crab landed under clause 36 or clause 37 of this plan is to be consigned, the master of the authorised boat must, prior to the crab being removed from an approved landing area or landed on a carrier boat—

- (a) complete a CDR form in accordance with clause 38(1) of this plan in respect of each consignment; and
- (b) cause the original copy of the CDR form to accompany the crab from the point of landing to the specified destination by securely attaching the original copy of the CDR form to the container holding the consigned crab.

(2) Where there is more than one container in the consignment under subclause (1), the master of the authorised boat must ensure that each container holding the consigned crab is securely labelled with the CDR form number for that consignment.

(3) For the purposes of subclause (1)(a), each occasion on which crab are transported from an approved landing area shall constitute a consignment.

(4) For the purposes of subclause (1)(a), the landing of crab onto a single carrier boat shall constitute one consignment.

36. Crab landed in an approved landing area

(1) This clause does not apply to the landing of crab on a carrier boat under clause 37 of this plan.

(2) A person must not—

- (a) bring onto land, or attempt to bring onto land; or
- (b) remove from an authorised boat,

any crab, unless it is brought onto land in an approved landing area or removed from the authorised boat in accordance with this plan.

(3) The master of an authorised boat must not permit any crab to be—

- (a) brought onto land; or
- (b) removed from an authorised boat,

unless it is brought onto land in an approved landing area or removed from the authorised boat in accordance with this plan.

(4) The master of an authorised boat must not remove from an approved landing area, or permit any person to remove from an approved landing area, any crab unless—

- (a) the master has weighed the crab in accordance with clause 34 of this plan;
- (b) the master of the authorised boat has completed a CDR form in accordance with clause 38(1) of this plan; and
- (c) where the crab is to be consigned, the master of the authorised boat has complied with clause 35 of this plan.

37. Crab landed on a carrier boat

(1) A person must not remove any crab from an authorised boat outside of an approved landing area unless it is landed onto a carrier boat in accordance with this plan.

(2) The master of an authorised boat must not permit any crab to be removed from an authorised boat outside of an approved landing area unless it is landed onto a carrier boat in accordance with this plan.

(3) The master of an authorised boat must not land, or permit any person to land, crab onto a carrier boat unless—

- (a) the master of the authorised boat has weighed the crab in accordance with clause 34 of this plan; and
- (b) the master of the authorised boat has completed a CDR form in accordance with clause 38(1) of this plan; and
- (c) the master of the authorised boat has complied with clause 35 of this plan.

38. Master to complete CDR form

(1) The master of an authorised boat from which any crab have been landed must, not more than 24 hours after landing crab, sign and specify in triplicate in a CDR form accurate details of—

- (a) the place, time and date of the landing of the crab; and
- (b) the name, licence number and business address of any person to whom any crab have been or are to be consigned (as the case requires); and
- (c) the name of any person retaining any crab which is not being consigned, and the place to which the crab are to be taken (as the case requires); and
- (d) the name of the employer of any person who is to transport the crab; and
- (e) the number of containers in which the crab are consigned; and
- (f) the whole weight of the crab determined in accordance with clause 34 of this plan; and
- (g) the name of the master of the authorised boat, and details of the licence under the authority of which the crab were taken.

(2) A person to whom subclause (1) applies must—

- (a) retain and keep in a safe and secure place the triplicate copies of any CDR form completed in accordance with subclause (1), and produce copies of those documents to a Fisheries Officer on demand; and
- (b) deliver or cause to be delivered the duplicate copy of the completed CDR form to the office of the Department at Carnarvon or Denham—
 - (i) within 7 days of landing any crab in the approved landing area at Geraldton or Fremantle; or
 - (ii) within 72 hours of landing any crab in the approved landing area at Carnarvon, Denham or Monkey Mia; or
 - (iii) where all crab have been landed onto a carrier boat, within 72 hours of entering an approved landing area.

39. Issue of CDR books

- (1) Where a licence is in force, the holder of that licence may request the CEO to issue a CDR book in respect of that licence.
- (2) Where a CDR book issued in accordance with subclause (1) cannot be produced, and the holder of the relevant licence satisfies the CEO of the quantity of crab taken under the authority of that licence, the CEO may issue a replacement CDR book in respect of that licence.
- (3) A CDR book is to be in the form approved from time to time by the CEO.

40. Obligations in respect of CDR books

- (1) The master of an authorised boat must have on board that boat a CDR book in respect of the licence under the authority of which the authorised boat is to be used for fishing.
- (2) The master of an authorised boat that is being used to fish in the Fishery must ensure that all records required to be made under the regulations are completed—
 - (a) on each day of a fishing trip; and
 - (b) prior to the authorised boat being taken out of the waters of the Fishery.
- (3) The master of an authorised boat must—
 - (a) keep the CDR book secure and in good condition at all times; and
 - (b) produce the CDR book to a fisheries officer on demand.
- (4) The master of an authorised boat must return the CDR book to the holder of the licence in respect of which the CDR book has been issued when—
 - (a) the master ceases to be the master in respect of that authorised boat; or
 - (b) the CDR book has been completed.
- (5) The holder of a licence must—
 - (a) retain the CDR book issued in respect of the holder's licence for 7 years from the date of the last entry in that CDR book; and
 - (b) produce the CDR book to a fisheries officer on demand.
- (6) Where the holder of a licence or the master of an authorised boat loses—
 - (a) a CDR book; or
 - (b) a CDR form completed under this plan,

the licence holder or the master, as the case may be, must immediately report the loss of the CDR book or CDR form to the Department.

PART 9—PROHIBITIONS AND OFFENCES

41. Prohibition on fishing in particular areas

A person must not fish for crab at any time in the waters of the areas described in Schedule 7 of this plan.

42. Prohibition on fishing in Zone 2 under the authority of a Class A licence

A person fishing under the authority of a Class A licence must not fish by crab trap in Zone 2.

43. Prohibition on fishing under the authority of more than one licence

A person must not fish in the Fishery under the authority of more than one licence on any trip using the same authorised boat.

44. Prohibition on transporting crab in prohibited areas

- (1) The master of an authorised boat must not store or transport any crab on board that boat in any part of the Fishery where fishing is prohibited.
- (2) Subclause (1) does not apply where—
 - (a) all fishing gear on board the boat is secured; and
 - (b) the boat is being used solely for the purpose of travelling by the most practicable and most direct route to an approved landing area.

45. Prohibition on selling or dealing in crab

A person must not sell, dispose of or otherwise deal with crab taken in contravention of this plan.

46. Prohibition in respect of nominations

A person must not—

- (a) provide any false or misleading information in a nomination; or
- (b) permit or assist any person to provide false or misleading information in a nomination; or
- (c) act contrary to any nomination made under this plan.

47. Prohibition in respect of CDR forms

A person must not make an entry in a CDR form that the person knows to be false or misleading.

48. Closure of areas within the Fishery

(1) The CEO may, by notice published in the *Gazette*, prohibit all fishing in the Fishery, or 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 licence holders who are entitled to fish in the Fishery, or in the zone of the Fishery that is the subject of the proposed prohibition;
- (b) must take into account any advice received from the Department's Executive Director of Research; and
- (c) may be made to apply at all times or at any specified time.

(3) The CEO may by notice published in the *Gazette* revoke a notice made under subclause (1).

(4) A person must not fish in the Fishery, or a specified part of the Fishery, at any time when fishing in the Fishery, or that specified part of the Fishery, has been prohibited by a notice made under subclause (1).

49. Offences

A person who contravenes a provision of clause 9(2), 12(6), 19, 24(1), 25(1), 25(3), 26(1), 27(1), 27(3), 28, 29(1), 29(2), 30(1), 30(2), 30(3), 31, 32(1), 32(2), 33, 34, 35(1), 36(2), 36(3), 36(4), 37, 38, 40, 41, 42, 43, 44(1), 45, 46, 47 or 48(4) commits an offence.

SCHEDULES

SCHEDULE 1—Description of the Fishery

[clause 6]

All Western Australian waters bounded by a line commencing at the intersection of 23° 34' south latitude and 113° 42.60' east longitude; thence extending due west along the parallel to the intersection of 23° 34' south latitude and 113° 08.50' east longitude; thence extending in a south westerly direction to the intersection of 24° 26' south latitude and 112° 34' east longitude; thence extending in a southerly direction to the intersection of 25° 05' south latitude and 112° 22' east longitude; thence extending in a southerly direction to the intersection of 25° 37' south latitude and 112° 23' east longitude; thence extending in a southerly direction to the intersection of 26° 10' south latitude and 112° 32.50' east longitude; thence extending in a south easterly direction to the intersection of 26° 30' south latitude and 112° 50' east longitude; thence extending due east along the parallel to the intersection of 26° 30' south latitude and 113° 24.10' east longitude; thence generally north along the high water mark to the commencement point.

SCHEDULE 2—Zones of the Fishery

[clause 6]

Zone 1

All waters of the Fishery north and west of a line commencing at the intersection of 25° 28.87' south latitude and 113° 56.30' east longitude (on the mainland); thence extending due west along the parallel to the intersection of 25° 28.87' south latitude and 112° 58.35' east longitude (on Dirk Hartog Island at Cape Inscription); thence generally south along the high water mark on the western side of Dirk Hartog Island to the intersection of 26° 08.585' south latitude and 113° 12.70' east longitude; thence extending due west along the parallel to the intersection of 26° 08.585' south latitude and 113° 09.75' east longitude (on the mainland at Steep Point).

Zone 2

All waters of the Fishery south and east of a line commencing at the intersection of 25° 28.87' south latitude and 113° 56.30' east longitude (on the mainland); thence extending due west along the parallel to the intersection of 25° 28.87' south latitude and 112° 58.35' east longitude (on Dirk Hartog Island at Cape Inscription); thence generally south along the high water mark on the eastern side of Dirk Hartog Island to the intersection of 26° 08.585' south latitude and 113° 12.70' east longitude; thence extending due west along the parallel to the intersection of 26° 08.585' south latitude and 113° 09.75' east longitude (on the mainland at Steep Point).

SCHEDULE 3—Approved landing areas

[clause 4]

Carnarvon

All land and water bounded by a line commencing at the intersection of 24° 53.80' south latitude and 113° 39.07' east longitude; thence extending in a south westerly direction to the intersection of 24° 54.03' south latitude and 113° 38.87' east longitude; thence extending in a south easterly direction to the intersection of 24° 54.14' south latitude and 113° 39.02' east longitude; thence extending in a north easterly direction to the intersection of 24° 53.90' south latitude and 113° 39.21' east longitude; thence extending in a north westerly direction to the commencement point.

Denham

All waters of the Fishery bounded by a line commencing at the intersection of 25° 55.66' south latitude and 113° 31.94' east longitude; thence extending in a south westerly direction to the intersection of 25° 55.73' south latitude and 113° 31.90' east longitude; thence extending in a south easterly direction to the intersection of 25° 55.79' south latitude and 113° 32.02' east longitude; thence extending in a north easterly direction to the intersection of 25° 55.71' south latitude and 113° 32.06' east longitude; thence generally north west along the high water mark to the commencement point.

Monkey Mia

All waters of the Fishery bounded by a line commencing at the intersection of 25° 46.576' south latitude and 113° 40.60' east longitude; thence extending due east along the parallel to the intersection of 25° 46.576' south latitude and 113° 45.135' east longitude; thence extending south along the meridian to the intersection of 25° 50.566' south latitude and 113° 45.135' east longitude; thence extending due west along the parallel to the intersection of 25° 50.566' south latitude and 113° 43.26' east longitude; thence generally north west along the high water mark to the commencement point.

Geraldton

All waters of the Port of Geraldton bounded by a line commencing at the intersection of 28° 46.209' south latitude and 114° 35.519' east longitude; thence extending in a easterly direction to the intersection of 28° 45.866' south latitude and 114° 36.609' east longitude; including the waters known as Batavia Marina and the Geraldton Fishing Boat Harbour.

Fremantle

All Western Australian waters and the waters of the Port of Fremantle bounded by a line commencing at the intersection of 32° 03.23' south latitude and 115° 43.656' east longitude; thence generally east along the high water mark of Rous Head Harbour to the intersection of 32° 03.22' south latitude and 115° 43.722' east longitude; thence extending in a south easterly direction to the intersection of 32° 03.352' south latitude and 115° 43.931' east longitude; thence generally south east along the high water mark, including the Fremantle Fishing Boat Harbour, to the intersection of 32° 03.738' south latitude and 115° 44.57' east longitude; thence extending in a southerly direction to the intersection of 32° 03.887' south latitude and 115° 44.566' east longitude; thence extending in a south westerly direction to the intersection of 32° 04.034' south latitude and 115° 44.244' east longitude; thence extending in a north westerly direction to the commencement point.

SCHEDULE 4—Payment of fees by instalments

[clause 12]

The fee payable in respect of the 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 November;
- (b) the second instalment being 25% of the total fee and due for payment on or before 1 February 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 May following the day on which the first instalment is paid.

SCHEDULE 5—Unit value

[clause 17]

The extent of entitlement to fish in the Fishery that arises from a unit during a licensing period shall be determined using the following formula—

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

where—

- A is the capacity of the Fishery as specified in clause 14 of this plan;
- B is the sum of all the units as specified on all the licences authorising fishing in the Fishery immediately before the expiry of the relevant licensing period;
- C is the value of the unit (in kilograms).

Where, as a result of the above calculation a result is more than two decimal places, then the fraction ending with 50 or less at the 3rd and 4th decimal places is rounded down to two decimal places and any fraction ending with 51 or more at the 3rd and 4th decimal places is rounded up to two decimal places.

SCHEDULE 6—Conferral of entitlement

[clause 18]

Authorisation number	Number of units
SBCI2747	8,712
SBCI2748	11,597
SBCI2749	4,840
SBCI2750	19
SBCI2752	3,872
SBPR1003	881
SBPR1008	351
SBPR1009	1,231
SBPR1012	911
SBPR1013	815
SBPR1107	1,428
SBPR1111	662

SBPR1113	587
SBPR1114	545
SBPR1119	1,143
SBPR1120	490
SBPR1121	766
SBPR1122	826
SBPR1130	529
SBPR1131	1,256
SBPR1132	587
SBPR1133	652
SBPR1263	1,213
SBSC2087	8
SBSC2088	8
SBSC2089	8
SBSC2091	8
SBSC2093	8
SBSC2094	8
SBSC2096	8
SBSC2097	8
SBSC2099	8
SBSC2100	8
SBSC2101	8

SCHEDULE 7—Prohibited areas

[clause 41]

Carnarvon

All waters of the Fishery bounded by a line commencing at the intersection of 24° 51.65' south latitude and 113° 37.70' east longitude; thence extending due west along the parallel to the intersection of 24° 51.65' south latitude and 113° 36' east longitude; thence extending due south along the meridian to the intersection of 24° 55.64' south latitude and 113° 36' east longitude; thence extending due east along the parallel to the intersection of 24° 55.64' south latitude and 113° 41' east longitude; thence generally north along the high water mark to the commencement point.

Denham

All waters of the Fishery bounded by a line commencing at the intersection of 25° 53.715' south latitude and 113° 31.55' east longitude; thence extending due west along the parallel to the intersection of 25° 53.715' south latitude and 113° 29.995' east longitude; thence extending due south along the meridian to the intersection of 25° 57.705' south latitude and 113° 29.995' east longitude; thence extending due east along the parallel to the intersection of 25° 57.705' south latitude and 113° 33.56' east longitude; thence generally north along the high water mark to the commencement point.

Monkey Mia

All waters of the Fishery bounded by a line commencing at the intersection of 25° 45.57' south latitude and 113° 39.90' east longitude; thence extending due east along the parallel to the intersection of 25° 45.57' south latitude and 113° 45.135' east longitude; thence extending due south along the meridian to the intersection of 25° 49.56' south latitude and 113° 45.135' east longitude; thence extending due west along the parallel to the intersection of 25° 49.56' south latitude and 113° 43.25' east longitude; thence generally north west along the high water mark to the commencement point.

Quobba Point

All waters of the Fishery bounded by a line commencing at the intersection of 24° 29.077' south latitude and 113° 24.436' east longitude; thence extending due south along the meridian to the intersection of 24° 34' south latitude and 113° 24.436' east longitude; thence due east along the parallel to the intersection of 24° 34' south latitude and 113° 28.93' east longitude; thence generally north west along the high water mark to the commencement point.

Dated the 21st day of October 2015.

K. C. BASTON, Minister for Fisheries.