

FI401

FISH RESOURCES MANAGEMENT ACT 1994

WEST COAST ROCK LOBSTER MANAGED FISHERY MANAGEMENT PLAN AMENDMENT 2022

FD 3040

Made by the Minister under section 54.

1. Citation

This instrument is the *West Coast Rock Lobster Managed Fishery Management Plan Amendment 2022*.

2. Management plan amended

The amendments in this instrument are to the *West Coast Rock Lobster Managed Fishery Management Plan 2012*.

3. Commencement

These amendments come into operation as follows—

- (a) clauses 1 and 2—on the day on which these amendments are published in the *Gazette*;
- (b) the rest of the clauses—on the day after that day.

4. Clause 3 amended

In clause 3—

- (a) delete the definition “regulations “ and insert—
regulations means regulations made under the *Fish Resources Management Act 1994* or the *Aquatic Resources Management Act 2016*, whichever is in force;
- (b) delete the definition “total fee “ and insert—
total fee means the product of the number of units of usual entitlement specified on the relevant licence and the fee (per unit) as specified in—
 - (a) Schedule 9A of this plan; or
 - (b) at any time that paragraph (a) does not apply, the regulations.

5. Clause 8 replaced

Delete clause 8 and insert—

8. Duration of a licence

- (1) Subject to subclause (2), a licence granted or renewed for a period commencing on 1 July in any year expires on 30 June next following the date of grant or renewal.
- (2) A licence granted or renewed—
 - (a) for a period commencing on 1 July 2021 expires on 14 January 2023; and
 - (b) for a period commencing on 15 January 2023 expires on 30 June 2023.

6. Clause 12 amended

In clause 12 delete subclause (2)(b) and insert—

- (b) received at the head office of the Department—
 - (i) for the licence period commencing on 15 January 2023 and ending on 30 June 2023, on or before 15 January 2023; and
 - (ii) for any other licence period, on or before 1 July next following the day on which the licence expires, and

7. Clause 12A inserted

After clause 12 insert—

12A. Fees payable

The fee (per unit) payable for the grant or renewal of an authorisation is specified in Schedule 9A.

8. Clause 13 replaced

Delete clause 13 and insert—

13. Capacity of the Zones of the Fishery

- (1) The capacity of—
 - (a) Zone A of the Fishery—
 - (i) for the period commencing on 15 January 2023 and ending on 30 June 2023, is 774,000 kilograms (whole weight) of rock lobster; and
 - (ii) for the period commencing on 1 July 2023 and ending on 30 June 2024, is 1,314,000 kilograms (whole weight) of rock lobster;
 - (b) Zone B of the Fishery—
 - (i) for the period commencing on 15 January 2023 and ending on 30 June 2023, is 1,376,000 kilograms (whole weight) of rock lobster; and
 - (ii) for the period commencing on 1 July 2023 and ending on 30 June 2024, is 2,336,000 kilograms (whole weight) of rock lobster;
 - (c) Zone C of the Fishery—

- (i) for the period commencing on 15 January 2023 and ending on 30 June 2023, is 2,150,000 kilograms (whole weight) of rock lobster; and
- (ii) for the period commencing on 1 July 2023 and ending on 30 June 2024, is 3,650,000 kilograms (whole weight) of rock lobster.

(2) The capacity of a Zone of the Fishery is the relevant quantity of rock lobster specified in subclause (1), as varied from time to time under clause 14.

9. Clause 39 amended

In subclause 39(1) delete paragraph (a) and insert—

- (a) in the case of rock lobster consigned to a registered receiver, the master has provided to the registered receiver the relevant licence number and either the CDR number or consignment number provided by Fish Eye in respect of the rock lobster to be consigned, prior to allowing the registered receiver to take possession of the rock lobster; and

10. Clause 62 amended

- (a) In subclause 62(7), delete paragraph (b) and insert—
 - (b) subject to paragraph (a), immediately and accurately complete Part B of a registered receiver consignment form in respect of that consignment.
- (b) In subclause 62(8), delete paragraph (c) and insert—
- (c) immediately and accurately complete Part C of a registered receiver consignment form in respect of that consignment.

11. Clause 65 amended

In clause 65(3) delete “ 14 September 2022 ” and insert—

30 September 2027

12. Clause 72A replaced

Delete clause 72A and insert—

72A. Prohibition in respect of CDR forms, holding over forms and registered receiver consignment forms

A person must not provide any false or misleading information in a CDR form, holding over form or registered receiver consignment form.

13. Schedule 9 replaced

Delete Schedule 9 and insert—

SCHEDULE 9—Payment of fees by instalments

[clause 12]

The fee payable in respect of the grant or renewal of a licence may be paid in instalments consisting of—

- (a) for the period commencing on 1 July 2021 and ending on 14 January 2023—
 - (i) the first instalment, being 20% of the total fee and due for payment on or before 1 July 2021;
 - (ii) the second instalment, being 50% of the total fee and due for payment on or before 31 March 2022;
 - (iii) the third instalment, being 30% of the total fee and due for payment on or before 30 September 2022.
- (b) for the period commencing on 15 January 2023 and ending on 30 June 2023—
 - (i) the first instalment, being 50% of the total fee and due for payment on or before 15 January 2023;
 - (ii) the second instalment, being 50% of the total fee and due for payment on or before 1 April 2023.
- (c) for any other period—
 - (i) the first instalment, being 25% of the total fee and due for payment on or before 1 July in any year;
 - (ii) the second instalment, being 35% of the total fee and due for payment on or before 15 December following the day on which the first instalment is paid;
 - (iii) the third instalment, being 40% of the total fee and due for payment on or before 1 April following the day on which the first instalment is paid.

14. Schedule 9A inserted

After Schedule 9 insert—

SCHEDULE 9A—Fees

[clause 12A]

1. For the purpose of calculating the total fee, the fee payable (per unit) for the grant or renewal of a licence for the period commencing on 15 January 2023 and ending on 30 June 2023 is—

- (a) for a Zone A unit, \$10.69;
- (b) for a Zone B unit, \$15.10;

(c) for a Zone C unit, \$15.25.

2. For the purpose of calculating the total fee, the fee payable (per unit) for the grant or renewal of a licence for the period commencing on 1 July 2023 and ending on 30 June 2024 is—

(a) for a Zone A unit, \$18.96;

(b) for a Zone B unit, \$26.96;

(c) for a Zone C unit, \$27.22.

15. Schedule 11 amended

In Schedule 11, after the description of Area 41: Fremantle insert—

Area 412: Port Coogee Marina

All waters of the Port Coogee Marina bounded by a line commencing at a point at 32° 06.090' south latitude and 115° 45.461' east longitude; then extending due west along the parallel to a point at 32° 06.090' south latitude and 115° 45.408' east longitude; then generally south-easterly, northerly, westerly and southerly along the high water mark of the Port Coogee Marina to the commencement point.

Dated 15 November 2022.

Hon. DON PUNCH, MLA, Minister for Fisheries.