1. Citation
This instrument is the *West Coast Rock Lobster Managed Fishery Management Plan Amendment 2018*.

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

3. Clause 3 amended
In clause 3, insert in the correct alphabetical position—

> forfeited entitlement means the entitlement that may be reduced by the CEO in accordance with—
> (a) section 76 of the Act; or
> (b) clause 23 of this plan.

4. Clause 7 amended
In clause 7 delete subclauses (3) and (4) and insert—

> (3) Notwithstanding subclause (1), the CEO may grant a person a licence to fish in the Fishery if the CEO is satisfied that—
> (a) immediately upon being granted a licence—
> (i) 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
> (ii) the application will be in respect of a total of not less than one unit; and
> (iii) in the opinion of the CEO there is no arguable ground to refuse to transfer the units of usual entitlement to the licence; or
> (b) the applicant has acquired forfeited entitlement in the manner provided for in clause 23A; and
> (c) in the case of an application made under either paragraph (a) or (b), the person is a fit and proper person to hold a licence.

> (4) For the purposes of subclause (3)(a) a reference to an application to transfer units of entitlement will be taken to include an application made in connection with the surrender of a licence pursuant to clause 22.

Note: Where a licence is granted in accordance with clause 7(3)(a) the fee relating to the units being transferred may be taken to have been paid by the transferor in respect of those units.

5. Clause 16 amended
In clause 16 delete paragraph 16(2)(c) and insert—

> (c) units are forfeited by the operation of the Act and forfeited entitlement is not purchased in accordance with clause 23A.

7. Clause 23A inserted
After clause 23 insert—

> 23A. Sale of forfeited entitlement
> (1) The CEO may sell forfeited entitlement in accordance with this clause.
> (2) The CEO must quantify forfeited entitlement in the form of certificates that represent a specified number of units of forfeited entitlement relating to a Zone of the Fishery.
> (3) Certificates specifying a number of units of forfeited entitlement must be in a form approved by the CEO.
> (4) Where the CEO proposes to sell forfeited entitlement the CEO must publish a notice in the Gazette specifying the matters referred to in subclause (5).
> (5) A notice referred to in subclause (4) must specify—
> (a) the number of units of forfeited entitlement represented by each certificate available for sale; and
> (b) the value of a unit of forfeited entitlement, as determined in accordance with subclause (8); and
> (c) the method by which forfeited entitlement may be sold; and
> (d) any terms of sale as may be required in the circumstance; and
> (e) the date at which forfeited entitlement is to be made available for sale.
(6) The criteria to be satisfied before a person may purchase forfeited entitlement is that the person—
(a) holds a licence; or
(b) has made an application for a licence to the CEO in the approved form, pursuant to clause 7(3)(b).

(7) The CEO may sell forfeited entitlement by means of—
(a) public auction, conducted by a licensed auctioneer; or
(b) invitation to tender issued by the CEO.

(8) The CEO is to calculate the value of a unit of forfeited entitlement, for the purpose of sale, by reference to the value of a unit at the time that the entitlement is forfeited pursuant to—
(a) an order made under section 76(2) of the Act; or
(b) a decision of the CEO made under clause 23,
as the case may be.

(9) Where a person has purchased forfeited entitlement, the CEO, upon receiving certificates evidencing that purchase, is—
(a) in the case of a licence holder, to vary the relevant licence so that it confers the entitlement as specified in the certificates; or
(b) in the case of a person satisfying the criteria in clause 7(3), to grant a licence conferring the entitlement as specified in the certificates.

Note for this clause: An applicant who has purchased forfeited entitlement may not be granted a licence where other criteria for the grant of a licence are not satisfied.

Dated: 17 June 2018.

D. KELLY, Minister for Fisheries.
1. Citation
This instrument is the *Shark Bay Prawn Managed Fishery Management Plan Amendment 2018*.

2. Management plan amended
The amendments in this instrument are to the *Shark Bay Prawn Limited Entry Fishery Notice 1993*.

3. Clause 1 amended
Delete clause 1 and insert—

This plan may be cited as the *Shark Bay Prawn Managed Fishery Management Plan 1993*.

4. Clause 2 amended
(a) In the first sentence, delete " notice " and insert—

plan

(b) Delete the definitions—
area;
boat units;
Code;
eight fathom net;
Joint Trawl Management Advisory Committee;
licence;
nursery;
otters board;
port area;
six fathom net;
streamed;
total fee.

(c) Insert in the correct alphabetical position—

*authorised boat* means the licensed fishing boat used for or in connection with fishing in the Fishery under the authority of a licence, the name and licensed fishing boat number of which is specified on that licence;

*cod end* means that part of an otter trawl net furthest from the boat when the net is being towed, and which forms a pocket and acts as a receptacle for fish;

*closed area* means—

(a) an area of waters described in a notice made in accordance with clause 10(1); or
(b) an area of waters described in Item 2 of the Schedule;

*current entitlement* means the usual entitlement conferred by a licence as—

(a) increased by any entitlement transferred to the licence; or
(b) decreased by any entitlement transferred from the licence;

*fish escape device* means an opening aft of the grid in the top part of a standard net, and within which may be incorporated mesh;

*Fishery* means the Shark Bay Prawn Managed Fishery, declared as a limited entry fishery under clause 3;

*gear trial area* means an area of waters designated as a gear trial area in a notice gazetted pursuant to clause 10(1);

*grid* means a device fitted within a standard net, or any modification made to a trawl net, which assists large marine animals to escape;

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

*otter board* means a board or plate used on an otter trawl net which, while the net is being towed, keeps the mouth of the net open;

*otter trawl net* means a fishing net designed or intended to be towed by a boat and having its mouth or opening controlled by otter boards;

*plan* means the *Shark Bay Prawn Managed Fishery Management Plan 1993*;

*standard net* means an otter trawl net with a headrope length greater than 5 metres;

*stream* means to tow an otter trawl net on the surface of the water with the cod end open;

*usual entitlement* means the entitlement conferred by a licence without regard to any entitlement temporarily transferred to or from the licence;

(d) In the definition "approved directions for use"—

(i) delete " for use "; and
5. **Clause 3 replaced**

Delete clause 3 and insert—

**Declaration of limited entry fishery**

3. (1) It is hereby declared that the taking of prawns from the waters described in Item 1 of the Schedule shall constitute a limited entry fishery to be called the Shark Bay Prawn Managed Fishery.

(2) The Fishery is divided into the areas specified in the Schedule.

6. **Clause 4 replaced**

Delete clause 4 and insert—

**Prohibition on fishing for prawns**

4. (1) A person must not fish for prawns 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 with respect to a person fishing for prawns for a non-commercial purpose and in accordance with the Act.

7. **Clause 5 replaced**

Delete clause 5 and insert—

**Prohibition on selling or dealing with, or attempting to sell or deal with, prawns**

5. (1) In this clause—

deal with includes handling, storing, transporting, weighing and recording;

otherwise dealt with includes handled, stored, transported, weighed and recorded.

(2) A person must not sell, purchase, or deal with, or attempt to sell, purchase, or deal with, any prawns taken from the Fishery, landed, or otherwise dealt with, in contravention of this plan.

(3) A person must not sell, purchase, or deal with, or attempt to sell, purchase, or deal with, any prawns taken from the Fishery unless the prawns are taken and landed by the holder of a commercial fishing licence under the authority of an authorisation.

**Prohibition on transfer of fish**

5A. (1) The master of an authorised boat must not permit any fish taken in the Fishery to be transferred—

(a) to another boat from; or

(b) from another boat to,

the authorised boat.

(2) A person must not transfer fish—

(a) to another boat from; or

(b) from another boat to,

an authorised boat.

(3) A person must not be in possession of fish transferred from one boat to another.

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

8. **Clause 7 replaced**

Delete clause 7 and insert—

**Application for a licence**

7. (1) The owner of a boat which fulfils the criteria in Clause 6 (a) or (b) may apply for a licence authorising the boat to operate in the Fishery.

(2) A person making an application pursuant to subclause (1) must apply on or before 31 July 2018.

9. **Clause 8 replaced**

Delete clause 8 and insert—

**Items that must be specified on a licence**

8. A licence must specify—

(a) the name and 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 date on which the licence was granted or renewed;

(e) the date on which the licence expires;
(f) the name of the Fishery;
(g) the number of usual units of entitlement conferred by the licence;
(h) the number of current units of entitlement conferred by the licence;
(i) any conditions imposed on the licence by the CEO.

10. Clause 9 revoked
Delete clause 9.

11. Clause 10 replaced
Delete clause 10 and insert—

Closure and designation of areas within the Fishery
10. (1) The CEO may, by notice published in the Gazette—
(a) 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, it will provide for sustainable management of the Fishery; and
(b) permit the trialling of gear in the Fishery, or any part of the Fishery, for the period specified in the notice, in an area designated as a gear trial area.
(2) A notice made under subclause (1)—
(a) may only be made after consultation with all licence holders entitled to fish in the Fishery;
(b) must take into account any advice received from the Department's Director Fisheries Science and Resource Assessment; 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 that fishing in the Fishery, or a specified part of the Fishery, has been prohibited by a notice made under subclause (1).
(5) A person must not trial gear in the Fishery, or a specified part of the Fishery, at any time that trialling gear in the Fishery, or a specified part of the Fishery, is not permitted by a notice made under subclause (1).
(6) A person must not fish in a closed area.
(7) The master of an authorised boat must not enter a closed area.
(8) Subclause (7) does not apply—
(a) where a vessel is travelling at a speed of—
(i) less than 1 knot; or
(ii) greater than 5 knots, or
(b) between 0800 hours and 1700 hours.
(9) For the purposes of subclause (8), when determining the speed of a vessel utilising an ALC, the method for calculating speed is—
(a) for each consecutive pair of position reports transmitted, or stored, by the boat's ALC, identify the shortest distance between the pair in a straight line; and
(b) divide the distance (nautical miles) calculated in accordance with paragraph (a) by the time difference (hours) between the two consecutive position reports.

12. Clause 11 amended
Delete clause 11 and insert—

Authorised means of operating in the Fishery
11. (1) A person must not take or attempt to take prawns in the Fishery other than—
(a) as provided for in subclauses (2) and (3); or
(b) as prescribed in a notice issued in accordance with clause 11A.
(2) A person must not fish in the fishery by means of—
(a) more than four standard nets; or
(b) standard nets with a combined headrope length exceeding 58.4 metres; or
(c) more than one try net.
(3) A standard net used in the Fishery—
(a) must not be artificially heightened; and
(b) must have attached to each end of the headrope a single otter board, the measurements of which do not exceed—
(i) a height of 1.1 metre; or
(ii) a surface area of 2.64 square metres,
and having otter board shoes that do not exceed—
(iii) 160 millimetres in width; or
(iv) 37 millimetres in depth, and
(c) must be fitted with a rigid barrier grid comprised of bars extending from the top to the bottom of the grid and attached to the entire circumference of the net, which must guide large animals and fish towards an escape opening, which—

(i) has a maximum spacing of 200 millimetres between bars (measured from inside bar to inside bar); and

(ii) has an opening positioned where the trailing edge of the grid is attached to the net, with minimum measurements (measured when the net is taut) of—

(I) 750 millimetres transversely across the net; and

(II) 500 millimetres from the leading edge that forms the escape opening, when pulled taut at 90 degrees to the trailing edge of the grid, and

(iii) must open outwards, and

(d) must be fitted with a fish escape device which consists of—

(i) a square or rectangular opening not less than 400 millimetres by 300 millimetres; or

(ii) a triangular opening with no side measuring less than 300 millimetres, and which—

(I) where mesh is fitted, has meshes hung perpendicular to the headrope, and which are of a mesh size less than 100 millimetres, as determined in accordance with regulation 64D; and

(II) must not contain netting or any other material or device that may inhibit the escape of fish, other than mesh referred to in sub-subparagraph (I), and

(e) must have attached one ground chain, the links of which do not exceed 10 millimetres in diameter.

(4) The licence holder or master of a boat authorised to be operated in the Fishery must not operate by the use of a boat greater than 24.99 metres in length as specified on the Certificate of Survey.

(5) The licence holder or master of a boat authorised to be operated in the Fishery must not operate in excess of the entitlement conferred by the licence.

Note for clause 11:
The surface area of an otter board is calculated by multiplying the height of the board as measured at its greatest height, by the length of the board as measured at its greatest length.

13. Clause 11A inserted
Following clause 11 insert—

CEO may permit fishing by non-specified means

11A. (1) The CEO may, by notice published in the Gazette, permit persons fishing in the Fishery to fish by means that would otherwise be prohibited by this plan if, in the opinion of the CEO, the use of different means will provide for sustainable management of the Fishery.

(2) A notice made under subclause (1)—

(a) must specify the means that are permitted to be used in the fishery;

(b) may only be made after consultation with all licence holders entitled to fish in the Fishery;

(c) must take into account any advice received from the Department’s Director Fisheries Science and Resource Assessment;

(d) may be made to apply at all times or at any specified time; and

(e) may be revoked or amended.

14. Clause 11B inserted
Following clause 11 insert—

Capacity of the Fishery

11B. (1) In this clause—

capacity means the maximum headrope length that may be used under the authority of all the licences in the Fishery.

(2) The capacity of the Fishery is 729 metres.

(3) The headrope length specified in subclause (2) does not include the headrope length of try nets.

15. Clause 12 replaced
Delete clause 12 and insert—

Conferral of net entitlement

12.(1) On 31 July 2018 the usual entitlement to fish for prawns conferred by a licence will be 81 units of headrope length.

(2) A unit of headrope length consists of 50 centimetres of headrope.

(3) The maximum number of units that may be used by a person fishing from an authorised boat is to be specified on the licence accordingly.
Temporary transfer of entitlement

12A. An entitlement conferred by a licence may be temporarily transferred to another licence for a period ending at the expiry of the licence to which the entitlement is conferred, provided that the transfer is for a whole number of units.

Grounds to refuse a transfer of a licence, entitlement, or part of entitlement

12B. For the purposes of section 140(2) of the Act, the CEO may refuse to transfer a licence, an entitlement, or a part of an entitlement, where—

(a) the proposed transfer is not for a whole number of units; or
(b) the total fee payable with respect to the transferor’s licence has not been paid, notwithstanding clause 21; or
(c) the CEO is of the opinion that the holder of a licence (from which units are to be transferred from or to) may be liable to prosecution for an offence prescribed for the purposes of section 224 of the Act.

Surrender of licence and reallocation of usual entitlement

12C. (1) The criteria to be satisfied before the CEO will increase the usual entitlement conferred by a licence are that—

(a) an application to increase the usual entitlement conferred by a licence is made by the holder of a licence;
(b) an application to increase the usual entitlement conferred by a licence is for no more than 1 unit;
(c) another licence has been surrendered under section 144 of the Act; and
(d) the person who was the holder of the surrendered licence has consented to the application referred to in paragraph (a).

(2) Subclause (1) applies once in connection with the surrender of any licence.

16. Clause 13 replaced

Delete clause 13 and insert—

Gear trialling and stowage

13. (1) In this clause—

fishing season means the dates specified in a Notice made pursuant to clause 10;

pre-season gear trial period means the 14-day period prior to the start of the fishing season.

(2) Otter boards, warp wires and otter trawl nets carried by or attached to any boat must be secured to that boat and kept out of the water—

(a) between 0800 and 1700 hours in the areas of the Fishery that are not closed areas; and
(b) at all times in closed areas.

(3) Subclause (2)(a) does not apply with respect to—

(a) streaming otter trawl nets from a vessel; or
(b) a person operating in accordance with the terms of a Notice gazetted pursuant to clause 10; or
(c) a person operating in the gear trial area during the pre-season gear trial period where—

(i) no fish are held on board, or landed from, the authorised boat; and
(ii) trials are undertaken during daylight hours; or
(d) a person operating in the gear trial area during the fishing season where—

(i) the cod-end is open; and
(ii) trials are undertaken during daylight hours.

17. Clause 13A amended

(a) Delete subclause 13A(3) and insert—

(3) A person must not use an authorised boat in the Fishery unless—

(a) the ALC installed in that boat has been serviced in accordance with the approved directions, by an approved person and at intervals specified by the CEO in the approved directions;
(b) the ALC is used in the manner specified in the approved directions.

(b) In paragraph 13A(4)(b) delete “Executive Director” and insert—

CEO

18. Clause 13B revoked

Delete clause 13B.

19. Clause 14 revoked

Delete clause 14.

20. Clause 15 revoked
Delete clause 15.

21. Clause 16 revoked
Delete clause 16.

22. Clause 17 revoked
Delete clause 17.

23. Clause 18 revoked
Delete clause 18.

24. Clause 19 revoked
Delete clause 19.

25. Clause 21 amended
(a) Delete “the head office” at each place that it occurs and insert—an office
(b) In subclause (1), delete “Item 6” and insert—Item 4

26. Clause 21A replaced
Delete clause 21A and insert—

Offences
21A. A person who contravenes a provision of clause 4, 5, 5A, 10, 11, 13, 13A, or 21 commits an offence.

27. Clause 21B replaced
Delete clause 21B and insert—

Procedure before this Plan may be amended
21B. For the purposes of section 65(1) of the Act, all licence holders are the persons to be consulted before this Plan is amended or revoked.

28. Schedule replaced
Delete the Schedule and insert—

Schedule

Item 1 (The Fishery)
All Western Australian waters bounded by a line commencing at the intersection of 23° 34′ south latitude and 113° 42.50′ east longitude (on the mainland); thence extending due west along the parallel to the intersection of 23° 34′ south latitude and 113° 03.37′ east longitude; thence extending south-westerly along the geodesic to the intersection of 24° 06′ south latitude and 112° 37′ east longitude; thence extending south-westerly along the geodesic to the intersection of 24° 25′ south latitude and 112° 19′ east longitude; thence extending south-easterly along the geodesic to the intersection of 24° 39′ south latitude and 112° 18′ east longitude; thence extending south-easterly along the geodesic to the intersection of 26° 00′ south latitude and 112° 33.25′ east longitude; thence extending due east along the parallel to the intersection of 26° 30′ south latitude and 113° 05.50′ east longitude (on the mainland); thence generally northerly along the high water mark to the commencement point.

Item 2 (Closed Areas)
That area of the Fishery—
(a) south of a line commencing at the intersection of 26° 00.94′ south latitude and 113° 17.97′ east longitude (on the mainland near Cape Bellefin); thence extending due east along the parallel to the intersection of 26° 00.94′ south latitude and 113° 34.52′ east longitude (on Peron Peninsula); and
(b) south and east of a line commencing at the intersection of 25° 30.30′ south latitude and 113° 30.60′ east longitude (at Cape Peron North); thence extending due north along the meridian to the intersection of 25° 30.40′ south latitude and 113° 30.60′ east longitude; thence extending south-easterly along the geodesic to the intersection of 25° 26′ south latitude and 113° 30.60′ east longitude; thence extending south-easterly along the geodesic to the intersection of 25° 26′ south latitude and 113° 30.60′ east longitude; thence extending due east along the parallel to the intersection of 25° 26′ south latitude and 113° 30.60′ east longitude (on the mainland); and
(c) bounded by a line commencing at the intersection of 24° 45.285′ south latitude and 113° 09.593′ east longitude (on Bernier Island near Cape Ronsard); thence extending northerly along the geodesic to the intersection of 24° 44.90′ south latitude and 113° 09.70′ east longitude (near Koks Island); thence extending south-easterly along the geodesic to the intersection of 24° 45.30′ south latitude and 113° 10.50′ east longitude;
thence extending southerly along the geodesic to the intersection of 24° 49′ south latitude and 113° 11′ east longitude; thence extending southerly along the geodesic to the intersection of 24° 52.75′ south latitude and 113° 10.25′ east longitude; thence extending due south along the meridian to the intersection of 24° 56.80′ south latitude and 113° 10.25 east longitude; thence extending south-westerly along the geodesic to the intersection of 24° 58.50′ south latitude and 113° 09′ east longitude; thence extending due south along the meridian to the intersection of 24° 56.80′ south latitude and 113° 10.25′ east longitude; thence extending south-easterly along the geodesic to the intersection of 25° 20.50′ south latitude and 113° 14.50′ east longitude; thence extending southerly along the geodesic to the intersection of 25° 20.25′ south latitude and 113° 16′ east longitude; thence extending south-westerly along the geodesic to the intersection of 25° 22.25′ south latitude and 113° 14′ east longitude; thence extending south-westerly along the geodesic to the intersection of 25° 22.25′ south latitude and 113° 14′ east longitude; thence extending westerly along the geodesic to the intersection of 25° 22.25′ south latitude and 113° 14′ east longitude; thence extending westerly along the geodesic to the intersection of 25° 22.25′ south latitude and 113° 14′ east longitude; thence extending north-westerly along the high water mark to the intersection of 25° 22.25′ south latitude and 113° 14′ east longitude; thence extending south-westerly along the geodesic to the intersection of 24° 59.168′ south latitude and 113° 07.209′ east longitude (on Bernier Island near Cape Couture); thence generally northerly along the high water mark on the eastern side of Bernier Island to the commencement point.

**Item 3 (Payment by Instalments)**

(a) The first instalment is 25% of the total fee and is due for payment on or before 2 March of the year for which the licence is to be granted or renewed.

(b) The second instalment is 25% of the total fee and is due for payment on or before 1 June immediately following the period specified in paragraph (a).

(c) The third instalment is the total fee less the instalments provided for in paragraphs (a) and (b) and is due for payment on or before 1 September immediately following the period specified in paragraph (a).

Dated the 24th day of July 2018.  

D. KELLY, Minister for Fisheries.
1. Citation
This instrument is the Shark Bay Crab Managed Fishery Management Plan Amendment 2018.

2. Management plan amended
The amendments in this instrument are to the Shark Bay Crab Managed Fishery Management Plan 2015.

3. Subclauses 7(1a) and 7(1b) inserted
In clause 7, following subclause 7(1), insert—

(1a) Further to subclause (1) the CEO may grant a person a Class A licence to fish in the Fishery where—

(a) on 30 October 2017 the applicant held Shark Bay Crab Managed Fishery Licence SBCL3025; and

(b) the applicant establishes to the satisfaction of the CEO that an application for renewal of the licence referred to in paragraph (a) was not made, due to the inadvertence of the holder; and

(c) the person applies for a licence before 30 September 2018.

(1b) Where a person makes an application for a licence pursuant to subclause (1a) a fee of $2000 is payable with respect to the costs of administering the Act.

4. Clause 18 replaced
Delete clause 18 and insert—

18. Conferral of entitlement

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

(2) Where a licence is granted in accordance with subclause 7(1a) of this plan, that licence will, at the time it is granted, confer 815 units of usual entitlement.

5. Clause 13 amended
In clause 13 delete “500,000” and insert—

650,000

Dated the 26th day of July 2018.

D. KELLY, Minister for Fisheries.
FI401

FISH RESOURCES MANAGEMENT ACT 1994
MARINE AQUARIUM FISH MANAGED FISHERY MANAGEMENT PLAN 2018

FD 1257/14 [1191]
Made by the Minister under section 54.

PART 1—PRELIMINARY

1. Citation
This plan is the Marine Aquarium Fish Managed Fishery Management Plan 2018.

2. Commencement
This plan comes into operation on 1 October 2018.

3. Exception
This plan does not apply to the persons described in clause 7(a) prior to 1 November 2018.

4. Interpretation
(1) In this plan, unless the contrary intention appears—

auxiliary boat means a licensed fishing boat used to fish in connection with fishing from a primary boat, the name and licensed fishing boat number of which is specified on a licence;
coral means fish of that common name described by the scientific classification opposite that name in Schedule 7 to the regulations, excluding Order Corallimorpharia and Order Zoantharia;
current entitlement means the usual entitlement conferred by a licence as—
(a) increased by any entitlement transferred to the licence under section 141(1) of the Act; or
(b) decreased by any entitlement transferred from the licence under section 141(1) of the Act;
Fishery means the Marine Aquarium Fish Managed Fishery identified in clause 6;
Fish Eye means the electronic data management system managed by the Department for submitting and recording information related to operating in, and the taking of marine aquarium fish from, the Fishery;
land hermit crab means fish of that common name described by the scientific classification Coenobita spp;
licence means a managed fishery licence authorising a person to fish for marine aquarium fish in the Fishery;
manual landing form means a landing form approved by the CEO for use under clause 29(4) where a place of landing is in an area with no internet connection;
marine aquarium fish means fish taken for marine aquarium display purposes or live aquarium feed, excluding—
(a) Tectus niloticus;
(b) Volute;
(c) Land hermit crabs;
(d) Tridacna gigas;
nominated diver means a single natural person directed by a nominated operator to fish for marine aquarium fish under the authority of a licence;
nominated operator means a single natural person nominated by the holder of a licence under clause 21 to control a fishing operation;
plan means the Marine Aquarium Fish Managed Fishery Management Plan 2018;
pre-fishing nomination means a nomination made by a nominated operator under clause 27(1); primary boat means a licensed fishing boat that is used to fish under the authority of a licence, the name and licensed fishing boat number of which is specified on the licence;
quota species means coral, giant clam, live rock and syngnathiformes;
syngnathiformes means fish listed under the family name syngnathidae with the common names of pipefish, seahorse or sea dragon;
transferee’s licence means the licence to which an entitlement is proposed to be transferred;
transferor’s licence means the licence from which an entitlement is proposed to be transferred;
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;

(2) In this plan, the following terms describe fish of that common name described by the scientific classification opposite that name in Schedule 7 to the regulations—

Giant Clam;
Live Rock;
Volute;
Zoila Cowry.

5. Procedure before this Plan may be amended or revoked
For the purposes of section 65 of the Act, all the licence holders 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 marine aquarium fish by any means in the waters described in Schedule 1.
(2) The Fishery is a managed fishery, and may be referred to as the Marine Aquarium Fish Managed Fishery.

PART 3—LICENCES AND FEES

7. 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 1 October 2018, the applicant was the holder of an authorisation granted in accordance with the Marine Aquarium Fish Management Plan 1995; and
   (b) an application for the grant of a licence is made on or prior to 31 January 2018.

8. Duration of a licence
A licence expires on 30 June next following the date of grant or renewal.

9. Matters to 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 not more than three licensed fishing boats that may be used as primary boats or auxiliary boats under the authority of the 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;
   (g) the number of usual units of entitlement for quota species conferred by the licence;
   (h) the number of current units of entitlement for quota species conferred by the licence;
   (i) the unit value;
   (j) the amount of quota species that may be taken (in kilograms or number of individuals) under the authority of the licence; and
   (k) any conditions imposed on the licence by the CEO.

10. Payment of fees by instalments
(1) For the purposes of regulation 137(2) the fee may be paid by instalments as specified in Schedule 3 of this plan 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 an office of the Department.
(2) An election for the purposes of subclause (1) must be—
   (a) made in writing;
   (b) received at an office of the Department on or before 1 July next following the day on which the licence expires; and
   (c) accompanied by the first instalment plus the surcharge.
(3) For the purposes of regulation 137(3) the surcharge will be 3.13% of the total fee.

PART 4—CAPACITY OF THE FISHERY AND SCHEME OF ENTITLEMENT

11. Capacity of the Fishery
(1) Subject to clause 12, the capacity of the Fishery from 1 November 2018 to 30 June 2019 will be comprised of the total quantity that may be taken of each of the quota species, which is—
   (a) 10,502 kg of coral;
   (b) 1,680 individual giant clams;
   (c) 42,000 kg of live rock;
   (d) 1,405 individual syngnathiformes.
(2) Subject to clause 12, the capacity of the Fishery from 1 July 2019 will be comprised of the total quantity that may be taken of each of the quota species, which is—
12. Reduction of capacity of the Fishery

(1) The capacity of the Fishery will be reduced upon—
   (a) the expiry of the 60 day period provided for in section 139(1) 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(1) of the Act;
   (c) the cancellation of a relevant licence under section 223(1) of the Act; or
   (d) the surrender of a relevant licence under section 144(1) of the Act,
   such reduction being the equivalent in kilograms or number of individuals of the relevant quota species to the number of usual units of entitlement conferred by the licence.

(2) The capacity of the Fishery will be reduced upon the making of an order under section 76(2) of the Act, such reduction being the number of kilograms or number of individuals of the relevant species of quota species corresponding to the units of entitlement fished, or intended to be fished, in excess of the entitlement of the licence.

(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.

13. Sum of licence entitlements to equal capacity

The sum of the entitlements to fish for a quota species that may be conferred by all the licences authorising fishing in the Fishery for that quota species is to be equal to the capacity of the Fishery in respect of that quota species.

14. Licence entitlement to be expressed in terms of units

(1) The entitlement to fish for quota species conferred by a licence is to be—
   (a) expressed in terms of units of entitlement for each class of quota species; and
   (b) determined in accordance with clause 15.

(2) A class C unit confers an entitlement to fish for coral.

(3) A class G unit confers an entitlement to fish for giant clam.

(4) A class L unit confers an entitlement to fish for live rock.

(5) A class S unit confers an entitlement to fish for syngnathiformes.

(6) The maximum number of units 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 section 139 of the Act; or
   (b) a licence is cancelled; or
   (c) units are forfeited by the operation of the Act.

15. Unit values

The extent of the entitlement to fish in the Fishery arising from time to time from a unit (the unit value) will be determined in accordance with Schedule 4 and be limited by reference to a number of kilograms or number of individuals of the relevant quota species to which the unit relates.

16. Conferral of entitlement

(1) Where a licence is granted by the CEO under clause 7, the licence will, at the time it is granted, confer the number and class of units of entitlement specified in Schedule 5 in respect of the relevant authorisation.

(2) In subclause (1), relevant authorisation means the managed fishery licence referred to in clause 7(a) which was held by the person.

17. Prohibition on fishing in excess of entitlement

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

(a) fish under the authority of that licence unless the total quantity of the relevant quota species taken under the authority of the licence is less than or equal to the product of the current entitlement and the relevant unit value for that species;

(b) have any of the relevant quota species on board a licensed fishing boat specified in a licence unless the total quantity of the relevant quota species taken under the authority of the licence is less than or equal to the product of the current entitlement and the relevant unit value for that species; or

(c) take, land or sell quota species unless the total quantity of the relevant quota species taken under the authority of a licence is less than or equal to the product of the current entitlement and the relevant unit value for that species.

PART 5—TRANSFER OF ENTITLEMENT

18. Grounds for refusing to transfer a licence or part of an entitlement
(1) The CEO may refuse to transfer a licence on the grounds that the forms which are required to be submitted under clauses 29, 30 and 31 in respect of the relevant licences have not been submitted.

(2) The CEO may refuse to transfer part of an entitlement conferred by the transferor's licence to the transferee's licence on the grounds that—

(a) the proposed transfer is not of a whole unit or whole number of units;
(b) the forms which are required to be submitted under clauses 29, 30 and 31 in respect of the relevant licences have not been submitted; or
(c) the forms submitted under clauses 29, 30 and 31 in respect of the transferor's licence establish that the value of the current units of entitlement that would be conferred by that licence after the transfer would be less than the extent to which fishing has been carried out under that licence.

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

(a) the transfer is for a whole number of units;
(b) the fee to be paid in respect of the renewal of the transferor's licence has been paid; and
(c) the value of the entitlement conferred by the transferor's licence after the transfer would not be less than the extent to which fishing has been carried out under that licence.

PART 6—NOMINATED OPERATORS AND NOMINATED DIVERS

20. Criteria for a person to fish in Fishery
A person must not fish in the Fishery unless that person—

(a) is a nominated operator; or
(b) is a nominated diver.

21. Licence holder to nominate a nominated operator
(1) The holder of a licence must nominate a person as the nominated operator for that licence.

Note: Where the holder of a licence has nominated more than one person to act as the nominated operator, the person who is acting as the nominated operator at any given time is taken to be the nominated operator.

(2) The holder makes a nomination under subclause (1) by—

(a) completing the form approved by the CEO for that purpose; and
(b) submitting the form to the Department.

(3) The holder of a licence must not permit a person to act as the nominated operator under that licence until the holder of the licence has complied with subclause (2).

22. Obligations of nominated operators
(1) A nominated operator must not fish in the Fishery under the authority of more than one licence at any time.

(2) A nominated operator must ensure that no more than three nominated divers fish in the Fishery under the authority of a licence at any time.

(3) A nominated operator must ensure that a nominated diver does not fish in the Fishery unless the nominated operator is present and in control of the fishing operation.

(4) Where a nominated operator has nominated to fish without a boat in the pre-fishing nomination form submitted in Fish Eye under clause 27(2), the nominated operator must ensure that any nominated diver fishing for marine aquarium fish under the authority of the relevant licence is within 500 metres of the nominated operator at all times.

23. Nominated divers
A nominated diver must not fish in the Fishery under the authority of more than one licence at any time.

PART 7—GENERAL REGULATION OF FISHING OPERATION

24. Means of fishing in the Fishery
(1) A person must not fish in the Fishery by any means other than—

(a) hand held nets; or
(b) hand held tools; or
(c) fishing lines.

(2) A person who fishes by use of fishing line must not use more than one fishing line.

(3) A person who fishes by use of fishing line must ensure that no more than three barbless hooks are attached to the line.

25. Restrictions on taking marine aquarium fish
A nominated operator must ensure that live rock is not taken under the authority of the relevant licence unless the whole of any rock, substrate or other substance on or in which the live rock is attached or inhabits is taken with the live rock.

A nominated operator must ensure that no more than—
(a) 100 litres per day of fish of the Order Corallimorpharia; and
(b) 100 litres per day of fish of the Order Zoantharia,
is taken under the authority of a licence.

26. Use of boats

A nominated operator must ensure that an auxiliary boat is not used to fish under the authority of a licence unless that auxiliary boat is within 5 nautical miles of the primary boat being used to fish under the authority of the licence.

PART 8—NOMINATIONS AND FORMS

27. Nominated operator to make pre-fishing nomination

(1) A nominated operator must make a pre-fishing nomination in Fish Eye before fishing in the waters of the Fishery on any given day.

(2) Where a nominated operator makes a pre-fishing nomination under subclause (1), the nominated operator must—
(a) submit a pre-fishing nomination form in Fish Eye; and
(b) record the receipt number issued by Fish Eye in respect of the nomination.

(3) A nominated operator may cancel a pre-fishing nomination made under subclause (1) by—
(a) submitting a cancellation of that nomination in Fish Eye; and
(b) recording the receipt number issued by Fish Eye in respect of the cancellation.

(4) Where a nominated operator nominates a primary boat in the pre-fishing nomination form submitted in Fish Eye under subclause (2), the nominated operator must ensure that only the nominated boat is used as the primary boat.

28. Marking and labelling containers used to hold marine aquarium fish

(1) A nominated operator must ensure that any container being used to hold marine aquarium fish is marked or labelled with—
(a) the name of the nominated operator; and
(b) the relevant licence number.

(2) In addition to subclause (1), a nominated operator must ensure that any container being used to hold live rock is—
(a) clearly and legibly marked or labelled with the accurate maximum internal volume of the container in litres; and
(b) covered with a lid that is level with the top of the container.

29. Nominated operator’s obligations on landing marine aquarium fish

(1) A nominated operator must comply with this clause—
(a) within 90 minutes of landing marine aquarium fish; and
(b) prior to allowing any marine aquarium fish to be removed from the place of landing; and
(c) prior to leaving the place of landing.

(2) A nominated operator must—
(a) determine the number of individual giant clams or syngnathiformes taken from the Fishery; and
(b) determine the weight of any live rock taken from the Fishery by multiplying the accurate maximum internal volume of the container as labelled in accordance with clause 28 by 400 grams, regardless of whether the container is full; and
(c) determine the weight of any coral taken from the Fishery by weighing the coral within one minute of it being taken out of the water; and
(d) round the weights determined under paragraphs (b) and (c) up to the nearest kilogram

(3) Subject to subclause (4), a nominated operator must—
(a) record the number of individuals determined under subclause (2)(a) and the weights determined under subclause (2)(d) in a landing form in Fish Eye; and
(b) submit the landing form in Fish Eye.

(4) If the nominated operator is unable to access Fish Eye as the place of landing is in an area with no internet connection, the nominated operator must record the information required under subclause (3)(a) in a manual landing form.

30. Nominated operator’s obligations in respect of landing forms
(1) Where a nominated operator has submitted a landing form in Fish Eye in accordance with clause 29(3)(b), the nominated operator must—
   (a) retain the copy of the landing form sent to the nominated operator by Fish Eye; and
   (b) produce the copy of the landing form to a fisheries officer on demand.

(2) Where a nominated operator has completed a manual landing form in accordance with clause 29(4), the nominated operator must—
   (a) complete a landing form in Fish Eye that replicates the information recorded on the manual landing form; and
   (b) submit the completed landing form in Fish Eye within 7 days of landing; and
   (c) submit the manual landing form to the Department within 7 days of landing.

31. Nominated operator to complete catch and effort form
A nominated operator must—
   (a) accurately determine the weight in kilograms, volume in litres or number of individuals of all species of marine aquarium fish taken from the Fishery; and
   (b) enter the details determined under paragraph (a) into a catch and effort form in Fish Eye; and
   (c) submit the catch and effort form in Fish Eye within 7 days of fishing in the Fishery.

PART 9—PROHIBITIONS AND OFFENCES

32. 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 undertaking recreational fishing in accordance with the Act.

33. Prohibition on fishing for coral or live rock in an area of the Fishery
A person must not fish for coral or live rock at any time in the waters described in Schedule 2.

34. Prohibitions on selling or dealing with, or attempting to sell or deal with, or possessing, marine aquarium fish
(1) In this clause—
   deal with includes handling, storing, transporting, weighing and recording;
   otherwise dealt with includes handled, stored, transported, weighed and recorded.

(2) A person must not sell, purchase or deal with or attempt to sell, purchase or deal with, or be in possession of, any marine aquarium fish taken from the waters of the Fishery, landed or otherwise dealt with in contravention of this plan.

(3) A person must not sell, purchase or deal with or attempt to sell, purchase or deal with, or be in possession of, any marine aquarium fish unless that marine aquarium fish was taken and landed by the holder of a commercial fishing licence under the authority of a licence.

35. Prohibitions in respect of nominations and forms
A person must not—
   (a) provide any false or misleading information in a nomination or form submitted in Fish Eye;
   (b) permit or assist any person to provide false or misleading information in a nomination or form submitted in Fish Eye;
   (c) act contrary to a pre-fishing nomination submitted in Fish Eye;
   (d) provide any false or misleading information in a manual landing form;
   (e) provide any false or misleading information in a catch and effort form.

36. Prohibition on unauthorised persons accessing Fish Eye
A person must not—
   (a) permit or assist a person who has not been issued a Fish Eye user identification or Fish Eye password to access Fish Eye;
   (b) provide a Fish Eye user identification or Fish Eye password to another person; or
   (c) access or attempt to access Fish Eye or a part of Fish Eye where that person is not authorised to access Fish Eye.

37. Offences
A person who contravenes clause 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of this plan commits an offence.

SCHEDULES

SCHEDULE 1—Description of the Fishery
All Western Australian waters.

SCHEDULE 2—Prohibited area for fishing for coral or live rock

Cleaverville Beach—the waters of the Indian Ocean bounded by a line commencing at the intersection of the high water mark and 116° 58.607′ east longitude; thence north along the meridian to the intersection of 20° 38.984′ south latitude and 116° 58.607′ east longitude; thence east north east along the geodesic to the intersection of 20° 37.796′ south latitude and 117° 02.230′ east longitude; thence south along the meridian to the intersection of the high water mark; thence generally in a westerly and south westerly direction along the water mark to the commencement point.

SCHEDULE 3—Payment of fees by instalments

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

SCHEDULE 4—Unit value

(1) The extent of entitlement to fish in the Fishery that arises from a unit during the licensing period from 1 November 2018 to 30 June 2019 will be determined as follows—

<table>
<thead>
<tr>
<th>Class</th>
<th>Type of fish</th>
<th>Unit value</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>Coral</td>
<td>0.7 kg</td>
</tr>
<tr>
<td>G</td>
<td>Giant clam</td>
<td>0.7 individual</td>
</tr>
<tr>
<td>L</td>
<td>Live rock</td>
<td>0.7 kg</td>
</tr>
<tr>
<td>S</td>
<td>Syngnathiformes</td>
<td>0.7 individual</td>
</tr>
</tbody>
</table>

(2) Where the entitlement determined in accordance with paragraph (1) does not equate to a whole number, then the entitlement is to be rounded up to the nearest whole number.

(3) The extent of entitlement to fish in the Fishery that arises from a unit during a licensing period after 1 July 2019 will be determined as follows—

<table>
<thead>
<tr>
<th>Class</th>
<th>Type of fish</th>
<th>Unit value</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>Coral</td>
<td>1 kg</td>
</tr>
<tr>
<td>G</td>
<td>Giant clam</td>
<td>1 individual</td>
</tr>
<tr>
<td>L</td>
<td>Live rock</td>
<td>1 kg</td>
</tr>
<tr>
<td>S</td>
<td>Syngnathiformes</td>
<td>1 individual</td>
</tr>
</tbody>
</table>

SCHEDULE 5—Conferral of entitlement

Dated the 14th day of July 2018.

D. KELLY, Minister for Fisheries.
1. Citation
This instrument is the *Marine Aquarium Fish Managed Fishery Management Plan Revocation Notice 2018*.

2. Commencement
This instrument comes into operation on 1 November 2018.

3. Management plan revoked
The *Marine Aquarium Fish Managed Fishery Management Plan 1995* is revoked. Dated the 14th day of July 2018.

D. KELLY, Minister for Fisheries.