

FISHERIES ACT 1905

ABALONE LIMITED ENTRY FISHERY NOTICE 1992

Arrangement

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FISHERIES ACT 1905

ABALONE LIMITED ENTRY FISHERY NOTICE 1992

Notice No. 542

FD 145/75.

Made by the Minister under section 32.

Citation

1. This Notice, being a management plan under the Act, may be cited as the *Abalone Management Plan 1992* and hereafter in this management plan is referred to as "this plan".

Interpretation

2. (1) In this plan unless the contrary intention appears —

"**approved fish processor**" means the holder of a fish processor's licence nominated by the CEO in accordance with clause 18;

"**Area Catch**" means the total quantity of a specified species of abalone that may be taken from a specified Area of the fishery in any year commencing on 1 April, as provide for in clause 11;

"**Catch and Disposal Record Book**" means a book of triplicate consignment notes in a form approved for the purpose of clause 20 by the CEO;

"**Committee**" means the advisory committee established by the Minister to provide information and advice on matters relating to the Fishery;

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

"**Fishery**" means the Abalone Managed Fishery declared under clause 3;

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

"**licence**" means a managed fishery licence which authorises a person to fish for abalone in the Fishery;

"**meat weight**" means the drained weight of the adductor muscle or foot of the abalone;

"**nominated diver**" means a person authorised to fish for abalone under the authority of a licence in accordance with clause 10;

"**nominated operator**" means a nominated diver authorised to control fishing under the authority of a licence in accordance with clause 10;

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

"**total fee**" means the fee as specified in item 3(1) of Part 3 of Schedule 1 of the regulations;

"**shell size**" means the length of an abalone measured from edge to edge across the longest diameter of its shell;

"**shuck**" means to remove the adductor muscle or foot of the abalone from the shell;

"**whole weight**" means the weight of a whole abalone in its shell;

- (2) In this plan unless the contrary intention appears the following words have the meanings provided for in the regulations -

"abalone";

"Brownlip abalone";

"fishing boat licence";

"Greenlip abalone";

"licensed fishing boat"; and

"Roe's abalone".

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- (3) A reference in this plan to an Area shall be a reference to an Area provided for in Clause 6.

Declaration of Fishery

3. (1) The taking of abalone from all waters of the Southern Ocean, the Indian Ocean and the Timor Sea, previously declared under the repealed Act to constitute a limited entry fishery and taken to be a managed fishery under item 8 of Schedule 3 of the Act, is a managed fishery and may be referred to as the Abalone Managed Fishery.

Prohibition on fishing for abalone

4. (1) Subject to subclause (2), a person shall not fish for abalone in the Fishery other than –
 (a) in accordance with this plan; and
 (b) under the authority of a licence.
 (2) A person fishing in accordance with the Act for a non commercial purpose may fish for abalone in the waters described in Schedule 1.

Prohibition on selling or dealing

5. (1) A person shall not sell, purchase or deal in, or attempt to sell, purchase or deal in, abalone taken from the Fishery in contravention of this plan.
 (2) A person shall not sell, purchase or deal in, or attempt to sell, purchase or deal in, abalone unless those abalone were taken by the holder of a commercial fishing licence while operating in accordance with the provisions of a licence.

Areas of the Fishery

6. The Fishery is divided into the 8 areas specified in Schedule 1.

Criteria for grant of licences

7. (1) The criteria to be satisfied by a person applying for the grant of a licence authorising fishing for Roe's abalone are that –
 (a) the person was, on 31 March 1999, the holder of a licence that authorised fishing for Greenlip, Brownlip and Roe's abalone; or
 (b) the person satisfies the CEO that –
 (i) immediately upon the grant of the licence an application would be made under section 140 of the Act to transfer Roe's units of entitlement to the licence from another licence;
 (ii) the application referred to in paragraph (i) would be in respect of not be less than 800 Roe's units; and
 (iii) immediately upon receipt of the application referred to in paragraph (i) the CEO would transfer the Roe's units to the licence (if it had been granted).
 (2) The criteria to be satisfied by a person applying for the grant of a licence authorising fishing for Greenlip, Brownlip or Greenlip and Brownlip abalone are that the person satisfies the CEO that -
 (a) immediately upon the grant of the licence an application would be made under section 140 of the Act to transfer Greenlip and/or Brownlip (as the case may require) units of entitlement to the licence from another licence;
 (b) the application referred to in paragraph (a) would be in respect of not less than 450 Greenlip and/or Brownlip units; and
 (c) immediately upon receipt of the application referred to in paragraph (a) the CEO would transfer the Greenlip and/or Brownlip units to the licence (if it had been granted).

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Details on licence

8. A licence may specify —
- (a) The name and address of the holder of the licence;
 - (b) the name and address of any nominated diver;
 - (c) the name and licensed fishing boat number of the boat, or boats, if any, which are authorised to be used in the Fishery;
 - (d) the licence number;
 - (e) the date of issue;
 - (f) the period for which the licence is valid;
 - (g) the units of entitlement conferred by the licence, the Areas to which those units relate and the maximum quantities of abalone that may be taken from each Area of the Fishery;
 - (h) the species of abalone that may be taken under the authority of the licence; and
 - (i) any conditions imposed on the licence.

Authority and duration of licences

9. (1) A licence must authorise fishing for either –
- (a) Roe's abalone; or
 - (b) Greenlip, Brownlip or Greenlip and Brownlip abalone.
- (2) A licence that prior to 31 March 1999 authorised fishing for Greenlip, Brownlip and Roe's abalone shall, upon renewal, be a licence which authorises fishing for Greenlip and Brownlip abalone.
- (3) A licence expires on 31 March in any year.

Nominated divers

10. (1) A licence may specify the names of not more than two natural persons who may fish for abalone under the authority of the licence.
- (2) A person, including the holder of a licence, must not fish under the authority of a licence unless that person's name is specified on the licence as a nominated diver
- (3) Subject to subclause (4), the nominated diver first named on an instrument of a licence shall be taken to be the nominated operator of the licence and to have the control of any fishing operation carried out or to be carried out under the authority of the licence.
- (4) At any time when the holder of a licence and two nominated divers of the licence have given written notice to a fisheries officer to the effect that the second named nominated diver of the licence is to have the control of all fishing to be carried out under the authority of the licence, the second named nominated diver and not the first named nominated diver shall be taken to be the nominated operator of the licence and to have that control until the notice is revoked in the same manner in which it was given or the licence is varied by removing the name of the second named nominated diver.
- (5) A notice given under subclause (4) must be in a form approved by the CEO.
- (6) The holder of a licence must make and keep safe at the holder's business address a written record of the details of all authorities given, together with a true and legible copy of every written notice given under this clause.
- (7) A nominated diver must not fish for abalone other than in accordance with the directions of the nominated operator of the relevant licence.

Area Catch (Maximum quantity of abalone that may be taken)

11. (1) The maximum quantity of -
- (a) Roe's abalone (measured in kilograms whole weight) that may be taken from the waters of each of Areas 1, 2, 5, 6, 7, and 8 of the Fishery; and
 - (b) Greenlip and Brownlip abalone (measured in kilograms meat weight) that may be taken from the waters of Areas 1, 2, 3, and 4 of the Fishery, during any

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- period for which licences are to be or have been granted or renewed, as the case may require, shall be determined in accordance with this clause.
- (2) During the year commencing on 1 April 1999 the maximum quantities of abalone that may be taken from the waters of an Area of the Fishery shall be the quantities provided for in Schedule 2.
 - (3) On or before 1 March in any calendar year after 1999 the CEO is to determine the maximum quantity of Roe's abalone (measured in kilograms whole weight) and Greenlip and Brownlip abalone (measure in kilograms meat weight), that may be taken from the waters of the relevant Areas of the Fishery specified in Schedule 1 during the year commencing on 1 April in that calendar year.
 - (3a) During any period for which licences have been granted or renewed, and having regard for the quantity of abalone taken during that period, the CEO may make a revised determination for the purposes of this clause if the CEO is satisfied that it is in the better interests of the Fishery to do so.
 - (3b) Where the CEO has not made a determination in respect of a year in accordance with subclause (3), the determination under subclause (3) or (3a) which was last Gazetted in accordance with subclause (5) shall apply as a determination under subclause (3) in respect of that year.
 - (4) Each determination made under subclause (3) or (3a) shall be made -
 - (a) after taking such advice with respect to the state of the stock of abalone and the long term sustainability of the stock as the CEO thinks fit;
 - (b) after taking into account any advice of the Committee that is properly referred to him by the Committee; and
 - (c) by reference to the maximum quantity and species of abalone, measured in kilograms (whole weight or meat weight as the case may require), which in the CEO's opinion may be taken without compromising the long term sustainability of the stock of abalone.
 - (5) Each determination made under subclause (3) or (3a) -
 - (a) shall be expressed in terms of an Area Catch, a species of abalone and an Area of the fishery;
 - (b) must be published in the Gazette within 14 days of the making of the determination; and
 - (c) revokes the previous determination.

Scheme of entitlements that may be conferred by licences

12. (1) The aggregate of the entitlements to fish for Roe's, Greenlip and Brownlip abalone in any Area of the Fishery that may be conferred by all the licences is equal to the Area Catch for that species and Area as determined in accordance with clause 11 and expressed in kilograms
- (2) The entitlement to fish for abalone conferred by a licence shall be expressed in terms of units of entitlement.
- (3) The extent of the entitlement to fish for abalone that arises from a unit, to be known as the unit value, shall be determined in accordance with clause 13 and -
 - (i) designated by reference to a species of abalone;
 - (ii) designated by reference to an Area from which the abalone may be taken; and
 - (iii) limited by reference to a quantity of abalone (measured in kilograms of whole or meat weight).
- 4) The units of entitlement that are conferred by a licence when it is renewed on or before 30 May 1999, or granted pursuant to the satisfaction of the criteria specified in clause 7(1)(a), shall be the number and type of units of entitlement provided for in clause 14.

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Unit value

13. For the purposes of subclause 12(3)(iii), the quantity of abalone shall from time to time be equal to the quotient of the Area Catch (for the relevant species and the relevant Area) and N (where N for the year commencing 1 April 1999 is the number specified in Schedule 3 in respect of the relevant species and Area, and in any subsequent year is the number of relevant units conferred by all the licences immediately before they last expired).

Initial allocation of units

14. (1) The extent and type of the units of entitlement that shall be conferred by a licence that is renewed on or before 30 May 1999 shall be the number and type of units specified in Schedule 4.
- (2) The extent and the type of units of entitlement that shall be conferred by a licence that is granted pursuant to the satisfaction of the criteria specified in clause 7(1)(a) shall be the number and type of the units specified in Schedule 4.

Grounds to refuse transfer of licence or entitlement

- 14A. For the purposes of section 140(2) of the Act each of the following is a ground on which the CEO may refuse to transfer a licence or any part of an entitlement under a licence -
- that if the application were given effect, then the number of units conferred by a licence, disregarding any temporary transfers of units to or from the licence, would be less than 800 Roe's units or 450 Greenlip/Brownlip units (as the case may require);
 - that the value of the units (including units temporarily transferred to the licence and excluding units temporarily transferred from the licence) that would be conferred by the licence after the transfer would be less than the total amount of abalone already taken under the authority of the licence during the period for which the licence has been granted;
 - that the transfer is not of a whole number of units;
 - that the total fee has not been paid in respect of the licence from which the units are being transferred; or
 - that the licence does not authorise fishing for the species of abalone to which the units relate.

Temporary transfer of a unit of entitlement

- 14B. A unit conferred under a licence may be temporarily transferred to another licence which authorises fishing for the species of abalone to which the unit relates, for a period ending at the time that the licence expires, provided that -
- the value of the units (including units temporarily transferred to the licence and excluding units temporarily transferred from the licence) that would be conferred by the licence after the transfer would not be less than the total amount of abalone already taken under the authority of the licence during the period for which the licence has been granted or renewed; and
 - the transfer is of a whole number or units.

Suspension or non renewal of licence – minimum holdings of entitlement

- 14C. For the purposes of section 143 of the Act each of the following is a ground on which the CEO may suspend or not renew a licence-
- that the number of units conferred by the licence, disregarding any temporary transfers of units to or from the licence, is less than 800 Roe's units; or
 - that the number of units conferred by the licence, disregarding any temporary transfers of units to or from the licence, is less than 450 Greenlip and/or Brownlip units.

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Cancellation of licence – minimum holdings of entitlement

- 14D.** For the purposes of section 143 of the Act each of the following is a ground on which the CEO may cancel a licence-
- (a) that the licence was granted pursuant to the satisfaction of the criteria specified in clause 7(1)(b) or 7(2) and the relevant transfer application was not made or approved within 7 days of the day on which the licence was granted;
 - (b) that all the units of entitlement have been transferred from the licence; and
 - (c) that the number of units conferred by the licence, disregarding any temporary transfers of units to or from the licence, is less than 800 Roe's units or 450 Greenlip and/or Brownlip units (as the case may be).

Restrictions on fishing - general

- 15.** (1) A nominated diver must not, when operating in the waters on the west coast of the state lying between the northern sea wall of Hillarys Boat Harbour and Cape Bouvard -
- (a) stand or remain on any reef top while fishing for abalone; or
 - (b) fish for abalone other than from a boat authorised to be used in the Fishery.
- (2) A nominated diver must not take any Roe's abalone from the waters on the west coast of the state lying between the north mole at Fremantle and Trigg Island.
 - (3) A nominated diver must not fish for abalone in the waters of Area 7 on any Saturday, Sunday or public holiday.
 - (4) A nominated diver of a licence must not fish for Roe's abalone in the waters of Area 7 before 1 July 1999 unless the quantity of Roe's abalone taken by the nominated divers of the licence after 31 March 1999 is less than 1000 kilograms.

Closures within the fishery

- 16.** (1) The CEO may, by notice published in the Gazette, prohibit for the period specified in the notice fishing in any part of the Fishery if, in the opinion of the CEO, the prohibition is required in the better interests of the Fishery.
- (2) A person must not fish in any waters of the Fishery at a time when fishing in those waters has been prohibited by a notice made under subclause (1).

Minimum Sizes

- 16A.** (1) A nominated diver must not take from the waters of an Area specified in Schedule 5 any abalone which has a shell size which is less than the length specified in Schedule 5.
- (2) In this clause, a measurement of length means a measurement made in accordance with the method specified in respect of abalone in Schedule 8 to the regulations.

Obligations of nominated operators

- 17.** (1) A nominated operator must not fish in the Fishery under the authority of more than one licence at any time.
- (2) Where a nominated operator is named on more than one licence, the nominated operator must make a pre-fishing nomination to the Department by calling 1800 199 914 –
 - (a) prior to commencing fishing; and
 - (b) each time fishing is to be undertaken under a different licence.
 - (3) A nomination made under subclause (2) must specify –
 - (a) the name of the nominated operator;
 - (b) the relevant licence number;
 - (c) the launching location;
 - (d) the fishing location; and
 - (e) the landing location.

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- (4) A nominated operator must not fish for abalone or permit, authorise or allow any fishing for abalone to be carried out under the authority of the relevant licence unless the nominated operator –
- (a) has first established and secured, at the place where any abalone taken are to be landed, a means of accurately determining the weight of any abalone that may be landed ashore; and
 - (b) is in possession of a Catch and Disposal Record Book or an electronic device that has been enabled to use Fish Eye.

Nominated diver not to fish in excess of unit value

- 17A** (1) A nominated diver must not fish for any Roe's abalone in an Area of the Fishery unless the whole weight of Roe's abalone, determined in accordance with clauses 22 and 22A as the case may require, taken from the Area by the nominated divers of the relevant licence during the period for which the licence has been granted or renewed is less than the sum of the unit values of the units conferred by the licence that relate to that Area and species of abalone.
- (2) A nominated diver must not fish for any Greenlip or Brownlip abalone in an Area of the Fishery unless the meat weight of Greenlip or Brownlip abalone, determined in accordance with clauses 22 and 22A as the case may require, taken from the Area by the nominated divers of the relevant licence during the period for which the relevant licence has been granted or renewed is less than the sum of the unit values of the units conferred by the licence that relate to that Area and species of abalone.
- (3) A nominated diver of a licence must not fish in the Fishery for a species of abalone unless the licence authorizes fishing for that species of abalone and the licence confers units of entitlement that relate to that species.
- (4) Where the entitlement conferred by a licence to fish for a species of abalone in an Area of the Fishery has been exceeded then a nominated diver of the licence must not further fish for abalone in that Area until after the licence has been renewed.

Defence to section 74 of the Act

17B. It is a defence in proceedings for an offence against section 74(2) of the Act, in respect of contravening clause 17A, for the person charged to prove that -

- (a) the amount of abalone by which the entitlement conferred by the licence was exceeded is not more than 20 kilograms meat weight or 60 kilograms whole weight; and
- (b) not more than 28 days after being notified by the Department of having exceeded entitlement the licence holder paid to the Fisheries Research and Development Fund a monetary sum derived by multiplying the number of kilograms by which the entitlement was exceeded by the prescribed value (per unit of weight) for that species of abalone as set out in Schedule 9 of the regulations.

Sale or transfer of abalone

- 18.** (1) A person who has taken any abalone under the authority of a licence must not sell or transfer the abalone other than to an approved fish processor or the holder of an aquaculture licence who is authorised to process or aquaculture that species of abalone (as the case may be).
- (2) For the purposes of subclause (1) an approved fish processor is a person nominated by the CEO.
- (3) The CEO may nominate a person to be an approved fish processor in respect of a species of abalone by publishing a notice to that effect in the Gazette.
- (4) A notice published in the Gazette may be amended or revoked by further notice published in the Gazette.

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Weighing abalone

19. (1) Where any abalone taken by a person who is a nominated diver of a licence is landed ashore, the nominated operator of the relevant licence must within 90 minutes of landing the abalone or before removing or permitting the abalone to be removed from the place of landing, whichever is the earlier-
- (a) accurately determine the weight of the abalone; and
 - (b) in the case of Greenlip and Brownlip abalone, accurately determine the number of the abalone.
- (2) For the purposes of subclause (1) the nominated operator must use a means of determining the weight of the abalone which the nominated operator has, immediately before weighing the abalone, determined to be in proper operating condition.
- (3) A nominated operator must not remove, or permit to be removed, any abalone from the place where the abalone were landed ashore unless this clause has been complied with.
- (4) A nominated operator must not remove, or permit to be removed, any abalone from the place where the abalone were landed ashore unless the abalone are in the condition (whole or shucked) in which they were in when the determination of the weight of the abalone was made in accordance with this clause.

Handling of abalone after weighing

- 19A. (1) A nominated operator must not give up possession of any abalone taken under the authority of the relevant licence other than for the purpose of consigning the abalone to an approved fish processor or to the holder of an aquaculture licence as provided for in clause 18.
- (2) A nominated operator who chooses to use Fish Eye under clause 20A to record and submit information in respect of each consignment of abalone must provide the person receiving the abalone with the relevant consignment number.
 - (3) A person who receives any abalone from a nominated operator must immediately upon taking possession of the abalone accurately determine the weight of the abalone and make and maintain a record of the measured weight.
 - (4) An approved fish processor who receives abalone may choose to use Fish Eye to make a record of the measured weight determined under subclause (3).
 - (5) An approved fish processor who has chosen to use Fish Eye must -
 - (a) submit the measured weight determined under subclause (3) using Fish Eye; and
 - (b) record the receipt number issued in respect of the information provided in paragraph (a).
 - (6) Where the abalone received under this clause have been accompanied by a consignment note from a Catch and Disposal Record Book, an approved fish processor who has chosen to use Fish Eye must -
 - (a) submit the consignment note number using Fish Eye; and
 - (b) record the receipt number issued in respect of the information submitted in paragraph (a) on the consignment note; and
 - (c) forward the consignment note to the office of the Department as specified on the consignment note or as otherwise specified in writing by the CEO.
 - (7) An approved fish processor who has chosen to use Fish Eye must not submit any information in Fish Eye that the person knows to be false or misleading.
 - (8) An approved fish processor who has chosen to use Fish Eye must -
 - (a) keep records of the information submitted to and received from Fish Eye for a period of 5 years; and
 - (b) immediately report to a fisheries officer –
 - (i) the loss of any records required to be kept under this plan; and

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- (ii) the loss of, or damage to, any device used to store records required to be kept under this plan.

Holding of abalone shell

- 19B.** (1) Where a nominated operator consigns any Greenlip or Brownlip abalone which have been shucked, the nominated operator must keep in a safe and secure place the shell of the Greenlip or Brownlip abalone until the consignment of abalone has been received by the consignee of the abalone.
- (2) Where an approved fish processor shucks any abalone, the approved fish processor must keep in a safe and secure place and for a period of 24 hours the shell of the abalone.
- (3) Where Roe's abalone has been shucked, the nominated operator must keep in a safe and secure place the shell of the Roe's abalone until fishing and diving operations for the day have been completed.

Returns

- 20.** (1) The person who is the nominated operator of a licence at the time when any abalone is landed ashore must -
- (a) within 90 minutes of landing the abalone or before removing or permitting the abalone to be removed from the place of landing, whichever is the earlier, sign and specify in triplicate in a separate unused consignment note in a Catch and Disposal Record Book for each separate consignment of abalone and for any quantity of abalone not consigned, accurate details of -
 - (i) the place, time and date of the landing of the abalone;
 - (ii) the Area of the Fishery from where the abalone were taken;
 - (iii) the name and commercial fishing licence numbers of the nominated divers who took the abalone;
 - (iv) the name, licence number and business address of any approved fish processor or aquaculture licence holder to whom the abalone have been or are to be consigned (if applicable);
 - (v) the name of the nominated operator retaining any abalone which is not being consigned and the place to which the abalone are to be taken (if applicable);
 - (vi) the name of the employer of any person who is to transport the abalone to a consignee;
 - (vii) the number of containers in which the abalone are contained;
 - (viii) the determination of the weight and number of each species of abalone, as determined in accordance with clause 19, and whether the weight is of whole or shucked abalone;
 - (ix) the name of the nominated operator and the licence under the authority of which the abalone were taken; and
 - (x) the total amount of abalone taken under the authority of the licence during the period for which it has been granted or renewed, calculated in accordance with clauses 22 and 22A.
 - (b) within 90 minutes of landing the abalone or before removing or permitting the abalone to be removed from the place of landing, whichever is the earlier, complete in duplicate in the consignment note used for the purposes of paragraph (a) details of -
 - (i) the name and grid reference of the Area from where the abalone were taken; and
 - (ii) the time spent diving for the abalone that were taken;

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- (c) not depart, and not permit the abalone to be removed, from the place where the abalone were landed ashore until paragraphs (a) and (b) have been complied with;
 - (d) cause the original copy of the completed consignment note from the Catch and Disposal Record Book to accompany the abalone from the point of landing to the specified destination by sealing the consignment note inside a waterproof bag and securely attaching the consignment note to the container containing the abalone (and where there is more than one container ensuring that each container is securely labelled with the consignment note number); and
 - (e) retain the triplicate copy of the completed consignment note in the Catch and Disposal Record Book, and at all times keep safe and secure the Catch and Disposal Record Book and all consignment notes (used or unused inside it), and produce the Catch and Disposal Record Book to a Fisheries Officer on demand.
- (2) A nominated operator to whom subclause (1) applies shall, within 24 hours of landing any abalone ashore, forward the duplicate copy of the completed consignment note referred to in subclause (1) to the office of the Department as specified on the consignment note or as otherwise specified in writing by the CEO.
 - (3) A nominated operator must not make an entry in accordance with subclause (1) that the person knows to be false or misleading.
 - (4) A nominated operator who chooses to record and submit information by Fish Eye under clause 20A is not required to record and submit information in a consignment note in a Catch and Disposal Record Book under this clause.

Returns made by Fish Eye

- 20A.**
- (1) A nominated operator may choose to record and submit information by Fish Eye.
 - (2) Within 90 minutes of landing the abalone or before removing or permitting the abalone to be removed from the place of landing, whichever is the earlier, a nominated operator who has chosen to use Fish Eye must -
 - (a) submit the details of each consignment of abalone using Fish Eye;
 - (b) record the relevant consignment number in respect of each consignment of abalone; and
 - (c) record the relevant consignment number on an approved label and securely attach the label to the container containing the abalone in respect of that consignment.
 - (3) A nominated operator who has submitted information under subclause (2)(a) when out of signal range must not allow another person to transport any abalone consigned by the nominated operator from the place of landing.
 - (4) When a nominated operator who has submitted information under subclause (2)(a) when out of signal range is transporting abalone from the place of landing, the nominated operator must -
 - (a) have the electronic device used to submit information under subclause (2)(a) in their actual possession; and
 - (b) present the electronic device to a fisheries officer on demand, and show the fisheries officer the record on that electronic device of the information submitted under subclause (2)(a).
 - (5) A nominated operator who has submitted information under subclause (2)(a) when out of signal range must record the receipt number in respect of that information immediately after that receipt number is received from Fish Eye.
 - (6) A nominated operator who has chosen to use Fish Eye must not submit any information in Fish Eye that the person knows to be false or misleading.
 - (7) A nominated operator who has chosen to use Fish Eye must -

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- (a) keep records of the information submitted to and received from Fish Eye for a period of 5 years; and
- (b) immediately report to a fisheries officer -
 - (i) the loss of any records required to be kept under this plan; or
 - (ii) the loss of, or damage to, any device used to store records required to be kept under this plan.

Use of boats

- 21.** A nominated diver must not –
- (a) use a boat within the Fishery unless the name and licensed fishing boat number of the boat is specified on a licence; or
 - (b) use more than one boat at any one time.

Whole weight of abalone

- 22.** (1) For the purposes of this plan, where a quantity of Roe’s abalone is expressed in terms of a whole weight, the weight shall be taken to be -
- (a) where the abalone is whole when it is weighed, that weight of abalone measured in kilograms; or
 - (b) where the abalone is not whole when it is weighed, including where part or all of the abalone has been separated from the shell, that weight of abalone measured in kilograms multiplied by the relevant conversion factor.
- (2) For the purposes of this plan, where a quantity of Greenlip or Brownlip abalone is expressed in terms of a meat weight, the weight shall be taken to be –
- (a) where the abalone is whole when it is weighed, that weight of abalone measured in kilograms multiplied by the relevant conversion factor; or
 - (b) where the abalone is not whole when it is weighed, including where part or all of the abalone has been separated from the shell, that weight of the abalone measured in kilograms.
- (3) In this clause –
 “relevant conversion factor” means the conversion factor specified in Schedule 6 that corresponds to the species of abalone and the Area from which the abalone was taken.

Calculating quantity of abalone that has been taken

- 22A** (1) For the purposes of clause 17A, where a determination of the weight of a quantity of abalone taken under the authority of a licence has been made in accordance with clause 19 and recorded in accordance with clause 20 or clause 20A, that determination shall be used for the purpose of calculating the total amount of abalone that has been taken under the authority of the relevant licence, provided that where any abalone has been delivered to an approved fish processor and a determination of the weight of abalone has been made by that person and recorded in accordance with clause 19A and in accordance with the fish processor’s licence and the Act, then the weight determined and recorded by that person may be used in the calculation.
- (2) At any time when a determination of the weight of a quantity of abalone taken under the authority of a licence has been made in accordance with clause 19 and the abalone has been consigned to an approved fish processor but not weighed by the holder of the fish processor’s licence then, subject to subsection (3), a conservative estimate based on reasonable grounds of the weight that the abalone will have when it is weighed by the holder of the fish processors licence may be used in the calculation.
- (3) Nothing in this clause authorises a nominated diver to take a quantity of abalone, the weight of which is to be determined in accordance with subclause (1), that is in excess of the sum of the unit values of the units under the relevant licence that relate to the species of abalone and the Area from which they were taken.

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Payment by instalments

23. (1) For the purposes of regulation 137(2) of the regulations, the total fee may be paid by instalments as specified in Schedule 7 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 the head office of the Department.
- (2) An election for the purposes of subclause (1) must be -
- (a) made in writing;
 - (b) received at the head office of the Department prior to the commencement of the licensing period to which the election relates;
 - (c) accompanied by the first instalment plus the surcharge.
- (3) For the purposes of regulation 137(3) of the regulations, the surcharge shall be -
- (a) where the total fee is specified to be in respect of a period of 6 months 1.25% of the total fee; and
 - (b) in any case not provided for in paragraph (a), 3.13% of the total fee.
- (4) The holder of a licence, or a person acting on that persons behalf, must not fish in the Fishery at any time when any fee or surcharge payable in respect of the licence is outstanding;
- (5) For the purposes of this clause, regulation 137(2) of the regulations and item 3 of Part 3 of Schedule 1 of the regulations, a licence being renewed for a period ending on or before 31 March 2000 and authorising a person to fish for -
- (a) Greenlip and Brownlip abalone in Areas 1 and 2 of the Fishery shall be taken to be a licence for zone 1;
 - (b) Greenlip and Brownlip abalone in Area 3 of the Fishery shall be taken to be a licence for zone 2; and
 - (c) Roe's abalone in Areas 1, 2, 5, 6, 7 and 8 shall be taken to be a licence for zone 3.

Offences and major provisions

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

Procedure before this Plan may be amended or revoked

- 23B. For the purposes of section 65(1) of the Act the holders of the licences are the persons to be consulted before this plan is amended or revoked.

Revocation

24. The notice made under section 32 relating to the Abalone Fishery published in the *Government Gazette* of 17 September, 1976 is revoked.

Schedule 1 – Areas of the Fishery

- Area 1 – South Australian /Western Australian border to Point Culver
- Area 2 – Point Culver to Shoal Cape
- Area 3 – Shoal Cape to Busselton Jetty
- Area 4 – Busselton Jetty to Northern Territory/Western Australian border
- Area 5 – Shoal Cape to Cape Leeuwin
- Area 6 – Cape Leeuwin to Cape Bouvard
- Area 7 – Cape Bouvard to Moore River
- Area 8 – Moore River to the Northern Territory/Western Australian border

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Schedule 2 – Initial Area Catches

Area 1

9,900 kilograms Roe's (whole weight)
3,000 kilograms Greenlip (meat weight)
0 kilograms Brownlip (meat weight)

Area 2

18,000 kilograms Roe's (whole weight)
30,000 kilograms Greenlip (meat weight)
7,200 kilograms Brownlip (meat weight)

Area 3

36,000 kilograms Greenlip (meat weight)
4,000 kilograms Brownlip (meat weight)

Area 4

0 kilograms Greenlip (meat weight)
0 kilograms Brownlip (meat weight)

Area 5

20,000 kilograms Roe's (whole weight)

Area 6

12,000 kilograms Roe's (whole weight)

Area 7

36,000 kilograms Roe's (whole weight)

Area 8

30,000 kilograms Roe's (whole weight)

Schedule 3 – Total Number of Units

Area 1 Greenlip units – N = 600

Area 2 Greenlip units – N = 6,000

Area 3 Greenlip units – N = 7,200

Area 4 Greenlip units – N = 0

Area 1 Brownlip units – N = 60

Area 2 Brownlip units – N = 1,440

Area 3 Brownlip units – N = 800

Area 4 Brownlip units – N = 0

Area 1 Roe's units – N = 1,980

Area 2 Roe's units – N = 3,600

Area 5 Roe's units – N = 4,000

Area 6 Roe's units – N = 2,400

Area 7 Roe's units – N = 7,200

Area 8 Roe's units – N = 6,000

Schedule 4 – Units Conferred by Licences

The licences numbered 1021, 1242, 1243, 1244, 1306 and 1859 and renewed on or before 30 May 1999 shall each confer the following units of entitlement –

100 Area 1 Greenlip units

1,000 Area 2 Greenlip units

10 Area 1 Brownlip units

240 Area 2 Brownlip units

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The licences numbered 1015, 1022, 1208, 1238, 1241, 1245, 1246 and 1877 and renewed on or before 30 May 1999 shall each confer the following units of entitlement –

900 Area 3 Greenlip units
 0 Area 4 Greenlip units
 100 Area 3 Brownlip units
 0 Area 4 Brownlip units

The licences numbered 1023, 1024, 1209, 1210, 1239 1240, 1250, 1251, 1252, 1876, 1878 and 1881 and renewed before 31 May 1999 shall each confer the following units of entitlement –

100 Area 1 Roe's units
 200 Area 2 Roe's units
 200 Area 5 Roe's units
 200 Area 6 Roe's units
 600 Area 7 Roe's units
 500 Area 8 Roe's units

Licences granted pursuant to clause 7(1)(a) –

- (a) where the grantee of the licence held a licence to fish in the waters of Areas 1 and 2 (previously Zone 1) of the Fishery prior to 31 March 1999- 130 Area 1 Roe's units and 200 Area 2 Roe's units; and
- (b) where the grantee of the licence held a licence to fish in the waters of Area 5 (previously Zone 2) of the Fishery prior to 31 March 1999 – 200 Area 5 Roe's units.

Schedule 5 – Minimum Abalone Lengths

Roe's abalone (Area 1) – 75 mm
 Roe's abalone (Area 7) – 70 mm
 Greenlip abalone (Area 2) – 145mm
 Brownlip abalone (Area 2) – 145mm
 Greenlip abalone (Area 3) – 150mm
 Brownlip abalone (Area 3) – 150mm

Schedule 6 – Relevant Conversion Factors

Area 1 – Roe's	- 2.67
Area 1 – Greenlip	- 0.375
Area 1 – Brownlip	- 0.4
Area 2 – Roe's	- 2.67
Area 2 – Greenlip	- 0.375
Area 2 – Brownlip	- 0.4
Area 3 – Greenlip	- 0.375
Area 3 – Brownlip	- 0.4
Area 4 – Greenlip	- n/a
Area 4 – Brownlip	- n/a
Area 5 – Roe's	- 2.67
Area 6 – Roe's	- 2.67
Area 7 – Roe's	- 3
Area 8 – Roe's	- 2.67.

Schedule 7 – Payments by Instalments

The first instalment is 25% of the total fee and is due for payment on or before 1 April of the year for which the licence is to be granted or renewed.

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

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

Dated this 3rd day of August 1992.

G. HILL, Minister for Fisheries.

Original Management Plan and Amendment Information:

Abalone Management Plan 1992 was first published in Government Gazette No. 117 on 14.08.92. (p.4030-4036).

Amendments: Abalone Limited Entry Fishery Amendment Notice 1993 published in Government Gazette No. 128 on 17.09.93. (p. 5062-5063); Abalone Limited Entry Fishery Amendment Notice (No. 2) 1993 published in Government Gazette No.156 on 19.11.93. (p.6260-6261); Abalone Limited Entry Fishery Amendment Notice (No. 3) 1993 published in Government Gazette No.169 on 17.12.93. (p.6691); Abalone Limited Entry Fishery Amendment Notice 1994 published in Government Gazette No.67 on 20.05.94. (p.2107); Abalone Limited Entry Fishery Amendment Notice (No. 2) 1994 published in Government Gazette No.107 on 22.07.94. (p.3731); Abalone Limited Entry Fishery Amendment Notice (No. 3) 1994 published in Government Gazette No.129 on 06.09.94. (p.4623); Abalone Limited Entry Fishery Amendment Notice (No. 4) 1994 published in Government Gazette No.142 on 07.10.94. (p.5076-5077); Abalone Limited Entry Fishery Amendment Notice (No. 5) 1994 published in Government Gazette No.178 on 20.12.94. (p.6880-6881); Abalone Limited Entry Fishery Amendment Notice 1995 published in Government Gazette No.53 on 28.04.95. (p.1461); Abalone Limited Entry Fishery Amendment Notice (No. 2) 1995 published in Government Gazette No.71 on 06.06.95. (p.2223); Printers Correction to Abalone Limited Entry Fishery Amendment Notice (No. 2) 1995 published in Government Gazette No.99 on 28.07.95. (p.3223); Abalone Limited Entry Fishery Amendment Notice (No. 3) 1995 published in Government Gazette No.129 on 22.09.95. (p.4441-4442); Abalone Management Plan Amendment Plan 1995 Amendment Plan No. 1 published in Government Gazette No. 161 on 28.11.95. (p. 5494-5495); Abalone Management Plan Amendment 1996 published in Government Gazette No. 82 on 21.06.96. (p. 2639); Abalone Management Plan Amendment (No. 2)1996 published in Government Gazette No. 126 on 06.09.96. (p. 4420); Abalone Management Plan Amendment (No. 3)1996 published in Government Gazette No. 147 on 08.10.96. (p. 5301); Abalone Management Plan Amendment (No. 4)1996 published in Government Gazette No. 156 on 22.10.96. (p.5603); Abalone Management Plan Amendment 1997 published in Government Gazette No. 39 on 14.03.97. (p.1494-1496); Abalone Management Plan Amendment (No. 3) 1997 published in Government Gazette No. 111 on 04.07.97. (p.3479); Abalone Management Plan Amendment (No. 2) 1997 published in Government Gazette No. 164 on 30.09.97. (p.5419-5422); Abalone Management Plan Amendment (No. 4) 1997 published in Government Gazette No. 164 on 30.09.97. (p.5423-5424); Abalone Management Plan Amendment (No. 5) 1997 published in Government Gazette No. 201 on 14.11.97. (p.6415-6416); Abalone Management Plan Amendment 1998 published in Government Gazette No. 56 on 20.03.98. (p.1523-1524); Abalone Management Plan Amendment (No. 2)1998 published in Government Gazette No. 193 on 25.09.98. (p.5300-5302); Abalone Management Plan Amendment 1999 published in Government Gazette No. 50 on 30.03.99. (p.1336-1347); Abalone Management Plan Amendment (No. 2)1999 published in Government Gazette No. 95 on 04.06.99. (p.2282-2283); Abalone Management Plan Amendment (No. 3)1999 published in Government Gazette No. 196 on 19.10.99. (p.4919); Abalone Management Plan Amendment 2000 published in Government Gazette No. 142 on 21.07.00. (p.3894); Abalone Management Plan Amendment 2001 published in Government Gazette No. 251 on 21.12.01. (p.6558-6559); Abalone Management Plan Amendment 2008 published in Government Gazette No. 45 on 18.03.08. (p.870-871); Abalone Management Plan

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Amendment 2011 published in Government Gazette No. 176 on 16.09.11. (p.377); Abalone Management Plan Amendment 2013 published in Government Gazette No. 27 on 08.02.13. (p.873-876); Abalone Management Plan Amendment 2015 published in Government Gazette No. 36 on 10.03.15. (p.841); Abalone Management Plan Amendment 2017 published in Government Gazette No. 6 on 12.01.18. (p.120-121); Abalone Managed Fishery Management Plan Amendment 2018 published in Government Gazette No. 153 on 9.10.18. (p.4038).

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