

**This compilation incorporates amendments up to and including the *West Coast Deep Sea Crustacean Managed Fishery Management Plan Amendment 2024* published in the Government Gazette on 20 February 2024.**

Fish Resources Management Act 1994

**WEST COAST DEEP SEA CRUSTACEAN MANAGED FISHERY  
MANAGEMENT PLAN 2012**

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MANAGEMENT PLAN 2012**

FD 565/06 [1114]

Made by the Minister under section 54.

**PART 1 – PRELIMINARY**

**1. Citation**

This plan is the *West Coast Deep Sea Crustacean Managed Fishery Management Plan 2012*.

**2. Commencement**

This plan comes into operation on 1 January 2013.

**3. Interpretation**

In this plan, unless the contrary intention appears –

***approved ALC*** means an “approved automatic location communicator”, as defined in regulation 55A;

***approved directions*** has the same meaning as in regulation 55A;

***approved processor*** means a person nominated as an approved processor in accordance with clause 27;

***authorised boat*** means –

- (a) a licensed fishing boat, the name, licensed fishing boat number and length of which are specified in a licence; or
- (b) a boat specified in a written authority under regulation 132 where that boat is to be used in place of a boat described in paragraph (a);

***baitfish*** means fish of the Families Atherinidae, Clupeidae, Engraulidae, Hemirhamphidae and Mugilidae;

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***bycatch*** means any species of fish other than a crustacean or a finfish (other than baitfish) taken by a person fishing in the Fishery under the authority of a licence;

***CDR*** means a Catch and Disposal Record form as approved by the CEO;

***champagne crab*** means a crustacean of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 to the regulations;

***crystal crab*** means a crustacean of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 to the regulations;

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

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

***finfish*** has the same meaning as in regulation 3 of the regulations;

***Fishery*** means the West Coast Deep Sea Crustacean Managed Fishery identified in clause 5;

***fishing boat licence*** has the same meaning as in regulation 3 of the regulations;

***fishing trip*** means the period between when an authorised boat commences travelling through the waters of the Fishery in order to pull pots and when that boat enters a port area to land crustacean;

***giant crab*** means a crustacean of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 to the regulations;

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

***licensed fishing boat number*** has the same meaning as in regulation 3 of the regulations;

***licence period*** means the year commencing on 1 January in any year and ending on 31 December the same year;

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*port area* means an area as described in Schedule 2;

*pull* means, in relation to pots, to bring pots from the seabed to the surface;

*regulations* means the *Fish Resources Management Regulations 1995*;

*rock lobster* means a crustacean of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 to the regulations;

*scampi* means a crustacean of the Family Nephropidae;

*set* means, in relation to pots, to set, position or release pots in the waters of the Fishery, with or without bait;

*unit* means a class A, class B, or class C unit;

*unit value* means the value of a unit in kilograms, as determined in accordance with Schedule 3;

*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;

*white tailed bug* means a crustacean of the genus *Ibacus*.

#### **4. Procedure before this plan may be amended or revoked**

For the purposes of section 65 of the Act, the licence holders of the Fishery are the persons to be consulted before this plan is amended or revoked.

### **PART 2 – THE FISHERY**

#### **5. Identification and declaration of the Fishery**

(1) The Fishery to which this plan relates is the fishing for crustaceans by any means in the waters described in Schedule 1 and may be referred to as the West Coast Deep Sea Crustacean Managed Fishery.

(2) The Fishery is a managed fishery.

### **PART 3 – GENERAL REGULATION OF FISHING**

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## **6. Persons prohibited from fishing in the Fishery**

(1) Subject to subclause (2), 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) This plan does not apply to –

- (a) a person fishing for a recreational purpose;
- (b) a person fishing for rock lobster for a commercial purpose; or
- (c) a person fishing for crustaceans, in any waters of the Fishery that are on the landward side of the 150 metre isobath, for a commercial purpose, in accordance with the Act.

## **7. Closure of areas within the Fishery**

(1) The CEO may, by notice published in the Gazette, prohibit fishing in any part of the Fishery for the period specified in the notice if, in the opinion of the CEO, the prohibition is required in the better interests of the Fishery.

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

- (a) may only be made after consultation with all the licence holders who are entitled to fish in the Fishery;
- (b) must take into account any advice received from the Department's Director of Fisheries Research;
- (c) may apply at all times or at any specified time; and
- (d) revokes any previous notice made under that subclause.

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

(4) The master of an authorised boat must not store or transport any crustaceans on board that boat in any part of the Fishery at a time when fishing in that part of the Fishery has been prohibited by a notice made under subclause (1).

## **8. Prohibited fishing in the Fishery**

A person must not fish in the Fishery under the authority of a licence in any waters of the Fishery that are on the landward side of the 150 metre isobath.

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## **9. Prohibition of fishing activities**

- (1) A person fishing in the Fishery under the authority of a licence must not fish by any means other than by pot.
- (2) A person must not use a pot that has an internal volume which is greater than 0.257 cubic metres.
- (3) A person must not use a pot that does not have 2 escape gaps with each gap being as nearly as practicable rectangular in shape and when measured internally each gap is to be not less than 294 millimetres in length by 54 millimetres in height.
- (4) An escape gap referred to in subclause (3) must be made –
  - (a) of the material specified in clause 4(7) of Part 2 of Schedule 13 to the regulations; or
  - (b) of plastic with a thickness of not less than 3 millimetres and not more than 6 millimetres.
- (4A) An escape gap referred to in subclause (3) must be positioned –
  - (a) on a side of the pot, other than the upper surface or base of the pot; and
  - (b) so that the longer sides of the escape gap are generally parallel to the base of the pot and the lower internal edge of the escape gap is no more than 110 millimetres from the base of the pot.
- (5) A person must not fish in the Fishery under the authority of a licence by means of a pot, or series of pots joined together by a line underwater, unless that pot or series of pots is attached by a line to a surface float that –
  - (a) has a diameter of not less than 150 millimetres; and
  - (b) is branded or stamped with the initial letter and licensed fishing boat number of the boat that is being used to fish in the Fishery and each character of the brand or stamp is legible and measures not less than 60 millimetres in height and 10 millimetres in width.
- (6) The master of an authorised boat must not allow any fishing lines or fishing hooks to be on that boat while it is being used in the Fishery.

### **9A. Requirement to report lost pots**

- (1) The master of an authorised boat must record any lost or irretrievable pots in the CDR completed under clause 26 for that trip.

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- (2) The master of an authorised boat must ensure that an entry on the CDR made under subclause (1) specifies –
  - (a) the quantity and type of lost or irretrievable pots; and
  - (b) the last known location of the lost or irretrievable pots.
- (3) If any pots referred to in subclause (1) are subsequently found, the master of an authorised boat must record the finding of those pots in the CDR completed under clause 26 for that trip.

## **PART 4 – LICENCES**

### **10. Criteria for the grant of a licence**

- (1) The criteria to be satisfied before the CEO may grant a person a licence to fish in the Fishery are that –
  - (a) on 31 December 2012 the person was the holder of an interim managed fishery permit which authorised the person to fish in the West Coast Deep Sea Crustacean Fishery as identified in the *West Coast Deep Sea Crustacean Fishery (Interim) Management Plan 2007*; and
  - (b) the person applies for a licence on or before 31 January 2013.
- (2) 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 an application will be made under section 140 of the Act to transfer units of usual entitlement to the licence, if it is to be granted, from another licence; and
  - (b) the application referred to in paragraph (a) will be in respect of a total of not less than one unit; and
  - (c) in the CEO’s opinion, there is no arguable ground in respect of the application referred to in paragraph (a) to refuse to transfer the units of usual entitlement to the licence; and
  - (d) the person is a fit and proper person to hold a licence.

### **11. Duration of a licence**

A licence expires on 31 December next following the date on which it came into force.

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## **12. Items that must 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 the 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 to which the licence refers;
- (g) the usual entitlement conferred by the licence;
- (h) the current entitlement conferred by the licence;
- (i) the unit value;
- (j) the amount of crystal crab, champagne crab and giant crab (in kilograms) that may be taken under the authority of a licence;
- (k) any conditions imposed on the licence by the CEO.

## **13. Grounds to refuse to transfer a licence**

The CEO may refuse to transfer a licence on the grounds that –

- (a) the total fee has not been paid in respect of the licence to be transferred; or
- (b) the CEO is of the opinion that the holder of the licence (transferor) may be liable to prosecution for an offence which has been prescribed for the purposes of section 224 of the Act.

## **14. Grounds to cancel or suspend a licence**

The CEO may cancel or suspend a licence if the usual unit entitlement conferred by that licence is nil.

## **15. Payment by instalments**

(1) For the purposes of regulation 137(2) of the regulations, the fee for the renewal of a licence may be paid by instalments as specified in Schedule 4 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 –

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- (a) made in writing;
- (b) received at the head office of the Department on 1 January of the year for which the licence is to be renewed; and
- (c) accompanied by the first instalment plus the surcharge.

(3) For the purposes of regulation 137(3) of the regulations, the surcharge shall be 3.13% of the total fee.

(4) The holder of a licence, or a person acting on that person's behalf, must not fish in the Fishery at any time when any fee or surcharge payable in respect of the licence is outstanding.

## **PART 5 – USE OF BOATS**

### **16. Use of boats**

(1) A person must not use a boat to fish in the Fishery unless the boat is an authorised boat.

(2) A person must not be, or act as, the master of an authorised boat unless that person is the holder of the relevant licence or is authorised by the holder of the relevant licence to act on the licence holder's behalf.

(3) The master of an authorised boat must not permit any fish to be transferred –

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

the boat while the boat is at sea in the waters of the Fishery.

(4) The master of an authorised boat which has been used to fish in the Fishery must not allow that boat to leave the waters of the Fishery unless all fish taken with the use of the boat have first been landed at a port area.

(5) The master of an authorised boat must not allow any crystal crab to be on board the boat at any time when the value of the current entitlement of class A units conferred by the licence is less than the total quantity of crystal crab taken or landed from the waters of the Fishery under the authority of that licence.

(6) The master of an authorised boat must not allow any champagne crab to be on board the boat at any time when the value of the current entitlement of class B units conferred by the licence is less than the total quantity of champagne crab taken or landed from the waters of the Fishery under the authority of that licence.

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(7) The master of an authorised boat must not allow any giant crab to be on board the boat at any time when the value of the current entitlement of class C units conferred by the licence is less than the total quantity of giant crab taken or landed from the waters of the Fishery under the authority of that licence.

(8) The master of an authorised boat, when that boat is being used in the Fishery, must not allow any fish to be on board that boat other than crustaceans, bycatch, or baitfish.

(9) Subclause (8) does not apply in respect of finfish for which proof of purchase can be immediately provided.

(10) The master of an authorised boat, when that boat is being used in the Fishery, must not allow any fish to be on board that boat other than whole fish.

(11) The master of an authorised boat must not allow any package, container or receptacle of crustaceans or bycatch landed from that boat to contain more than one species of crustacean or bycatch.

(12) The master of an authorised boat must ensure that any scampi or white tailed bug brought on board the boat in the waters of the Fishery east of 126° 58' east longitude are returned to the water –

- (a) within 5 minutes of being brought onto the boat; and
- (b) before any other pot is pulled.

## **PART 6 – CAPACITY OF THE FISHERY**

### **17. Capacity of the Fishery**

(1) The maximum quantity of crystal crab that may be taken from the Fishery during any licence period is 123,200 kilograms.

(2) The maximum quantity of champagne crab that may be taken from the Fishery during any licence period is 20,020 kilograms.

(3) The maximum quantity of giant crab that may be taken from the Fishery during any licence period is 980 kilograms.

(4) For the purposes of section 59(3) of the Act, before determining a new capacity for crystal crab, champagne crab or giant crab, the Minister -

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- (a) must take into account advice from the Department's Director Fisheries Science and Resource Assessment;
- (b) must consult all the licence holders who are authorised to fish in the Fishery; and
- (c) may consult with any other person, as the Minister considers appropriate.

## PART 7 – SCHEME OF ENTITLEMENT

### 18. Conferral of units of entitlement

(1) The entitlement to fish for crystal crab in the Fishery under the authority of a licence will be expressed as a number of class A units conferring an entitlement to take an amount of crystal crab from the waters of the Fishery.

(2) The entitlement to fish for champagne crab under the authority of a licence is to be expressed as a number of class B units conferring an entitlement to take an amount of champagne crab from the waters of the Fishery.

(3) The entitlement to fish for giant crab under the authority of a licence is to be expressed as a number of class C units conferring an entitlement to take an amount of giant crab from the waters of the Fishery.

### 19. Initial conferral of entitlement

(1) Where a licence is granted in accordance with clause 10 the licence shall, at the time it is granted, confer -

- (a) in the case of a licence conferring entitlement for Class A units, usual units of entitlement for Class A units conferred by the relevant authorisation at the date of gazettal of this plan; and
- (b) in the case of a licence conferring entitlement for Class B units, usual units of entitlement for Class B units conferred by the relevant authorisation at the date of gazettal of this plan.

(2) In this clause –

***relevant authorisation*** means an interim managed fishery permit issued in accordance with the *West Coast Deep Sea Crustacean Fishery (Interim) Management Plan 2007* and which is held by the person to be granted a licence.

### 20. Unit value

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- (1) The sum of the entitlements to fish for crystal crab, champagne crab or giant crab, as the case may be, that may be conferred by all the licences conferring an entitlement to fish for crystal crab, champagne crab, or giant crab respectively, is to be equal to the respective capacity for crystal crab, champagne crab or giant crab, as specified in clause 17(1), 17(2) or 17(3).
- (2) The extent of the entitlement to fish in the Fishery that arises from a unit (the unit value) will be determined in accordance with subclause (4) and is limited by reference to a number of kilograms.
- (4) If, at any time, the capacity of the Fishery is amended, the unit value will be amended in accordance with Schedule 3.
- (5) Where -
  - (a) a licence is not renewed within the period specified in section 139 of the Act; or
  - (b) a licence is cancelled; or
  - (c) the entitlement of a licence is reduced under section 76 of the Act, and the total number of a class of unit is consequently reduced, the unit value for that class of unit, for the remainder of the relevant licence period, is to be determined in accordance with Schedule 3.
- (6) The holder of a licence, or a person acting on that person's behalf, must not fish in the Fishery at any time when the amount of crystal crab taken from the Fishery is equal to or greater than the value of the current entitlement conferred by that licence, with respect to crystal crab.
- (7) The holder of a licence, or a person acting on that person's behalf, must not fish in the Fishery at any time when the amount of champagne crab taken from the Fishery is equal to or greater than the value of the current entitlement conferred by that licence, with respect to champagne crab.
- (8) The holder of a licence, or a person acting on that person's behalf, must not fish in the Fishery at any time when the amount of giant crab taken from the Fishery is equal to or greater than the value of the current entitlement conferred by that licence, with respect to giant crab.

## **21. Defence to section 74 in respect of contravening clause 20(6)**

- (1) It is a defence for an offence against section 74 of the Act in respect of a contravention of clause 20(6), 20(7) or 20(8) for a person to prove that -

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- (a) notice of fishing in excess of the value of the entitlement was given to the CEO, in a manner and in a form approved by the CEO, before the crystal crab, champagne crab or giant crab, as the case may be, was processed or moved from the place where the approved processor weighed the crystal crab, champagne crab or giant crab, whichever is the earlier; and
- (b) the amount of crystal crab, champagne crab or giant crab by which the entitlement under the licence was exceeded is not more than -
  - (i) 100 kilograms of crystal crab; or
  - (ii) 75 kilograms of champagne crab; or
  - (iii) 20 kilograms of giant crab, and
- (c) the licence holder, not more than 21 days after taking the crystal crab, champagne crab or giant crab, paid to the Fisheries Research and Development Fund an amount of money equal to the product of the number of kilograms by which the entitlement was exceeded and the prescribed value (per unit weight) for crystal crab, champagne crab or giant crab respectively, as set out in Schedule 9 to the regulations.

## **22. Grounds for refusal to transfer part of an entitlement**

The CEO may refuse to transfer part of an entitlement from one licence to another licence on the grounds that –

- (a) the proposed transfer is not for a whole number of units;
- (b) the value of the current entitlement of class A, class B or class C units conferred by the licence from which the units are to be transferred would, after the transfer, be less than the amount of crystal crab, champagne crab or giant crab respectively already taken under the authority of the licence during the period for which the licence has been granted or renewed;
- (c) if the transfer were given effect the usual entitlement conferred by the licence from which the units are transferred would be less than one unit;
- (d) the total fee has not been paid in respect of the licence from which the units are to be transferred; or
- (e) the CEO is of the opinion that the holder of the licence (from which the units are to be transferred) may be liable to prosecution for an offence which has been prescribed for the purposes of section 224 of the Act.

## **23. Temporary transfer of entitlement**

A unit of entitlement may be temporarily transferred from one licence to another licence, for a period ending at the time the licence expires, provided that -

- (a) the value of the current entitlement of class A, class B or class C units that would be conferred by the licence after the transfer would not be

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- less than the total amount of crystal crab, champagne crab or giant crab respectively already taken under the authority of the licence during the period for which the licence has been granted or renewed;
- (b) the transfer is for a whole number of units; and
  - (c) the total fee has been paid in respect of the licence from which the units are to be temporarily transferred.

## PART 7A - AUTOMATIC LOCATION COMMUNICATORS AND NOMINATIONS

### 23A. Terms used

In this Part -

***nomination of intention to fish*** means a nomination made by the master of an authorised boat, prior to moving the boat to commence a fishing trip;

***nomination to land*** means a nomination made by the master of an authorised boat prior to entering a port area to conclude a fishing trip;

***nomination to set pots*** means a nomination made by the master of an authorised boat, prior to moving the boat, to set pots only.

### 23B. Requirement for approved ALC to be installed in an authorised boat

A person must not use an authorised boat in the Fishery unless an approved ALC –

- (a) has been installed in that boat, and has been commissioned, installed, maintained, serviced and tested; and
  - (b) is operating effectively; and
  - (c) is being used,
- in accordance with the approved directions.

### 23C. Nominations made under this plan

Where a nomination is required to be made under this plan, the nomination must be made through the use of an approved ALC in accordance with the approved directions.

### 23D. Nomination of intention to fish

- (1) The master of an authorised boat must ensure that a nomination of intention to fish is made -

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- (a) not more than 2 hours prior to moving an authorised boat to commence a fishing trip from a port area in the Fishery; or
  - (b) not more than 2 hours prior to entering the waters of the Fishery where an authorised boat is entering the waters of the Fishery from outside the Fishery.
- (2) Where a nomination of intention to fish is made under subclause (1), the master of the authorised boat must specify -
- (a) the type of nomination (for example, intention to fish);
  - (b) the Fishery in which fishing will occur;
  - (c) the full name of the master of the authorised boat;
  - (d) the licensed fishing boat number of any licensed fishing boat that may be used for or in connection with fishing in the Fishery under the authority of that licence;
  - (e) the number of the licence which authorises fishing to occur;
  - (f) the estimated date and time of arrival of the authorised boat to a port area to land crustacean; and
  - (g) the name of the port area that the authorised boat intends to enter to land crustacean as specified in Schedule 2.
- (3) A nomination of intention to fish made under subclause (2) remains in effect until -
- (a) a subsequent nomination to land is made under clause 23E; or
  - (b) it is cancelled under subclauses (4) and (5).
- (4) Where the master of an authorised boat cancels a nomination of intention to fish, the master of an authorised boat must submit a cancellation of that nomination through the use of an approved ALC.
- (5) Where a nomination to cancel is made in accordance with subclause (4), the master of the authorised boat must specify -
- (a) the type of nomination (for example, nomination to cancel);
  - (b) the Fishery in which fishing was to occur; and
  - (c) the information specified in subclauses (2)(c), (d) and (e).
- (6) The master of an authorised boat must not cancel a nomination of intention to fish at any time after a person on board that boat has commenced pulling pots.
- (7) The master of an authorised boat must not -
- (a) allow any person on board that boat to pull a pot in the Fishery;
- or
- (b) have crustacean on board that boat,
- unless a nomination of intention to fish remains in effect in accordance with this clause.

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### **23E. Nomination to land**

- (1) The master of an authorised boat must ensure that a nomination to land is made prior to entering a port area to conclude a fishing trip.
- (2) Where a nomination of intention to land is made under subclause (1), the master of the authorised boat must specify -
  - (a) the type of nomination (for example, nomination to land);
  - (b) the Fishery in which fishing occurred;
  - (c) the number of the licence which authorised fishing to occur;
  - (d) the date and time of arrival of the authorised boat to a port area to land crustacean, if it is not the same port area as specified in the nomination of intention to fish;
  - (e) the name of the port area, as specified in Schedule 2, that the authorised boat intends to land crustacean, if it is not the same area as specified in the nomination of intention to fish; and
  - (f) the estimated number of containers used to hold crustacean that are to be landed.

### **23F. Nominations to set pots**

- (1) Where the master of an authorised boat intends only to set pots, the master must ensure that a nomination to set pots is made -
  - (a) not more than 2 hours prior to moving an authorised boat to commence setting pots from a port area in the Fishery; or
  - (b) not more than 2 hours prior to entering the waters of the Fishery where an authorised boat is entering the waters of the Fishery from outside the Fishery.
- (2) Where a nomination to set pots is made under subclause (1), the master of the authorised boat must specify -
  - (a) the type of nomination (for example, nomination to set pots);
  - (b) the Fishery in which fishing will occur;
  - (c) the full name of the master of the authorised boat;
  - (d) the licensed fishing boat number of any licensed fishing boat that may be used for or in connection with setting pots in the Fishery under the authority of that licence;
  - (e) the number of the licence which authorises the setting of pots;
  - (f) the estimated date and time of arrival of the authorised boat to a port area; and
  - (g) the name of the port area, as specified in Schedule 2, to which the authorised boat is to return to after setting pots.

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- (3) A nomination to set pots remains in effect until the boat returns to the port area specified in subclause (2)(g).

## **PART 8 – SPECIAL PROVISIONS RELATING TO ROCK LOBSTER AND FINFISH**

### **24. Rock lobster and finfish**

(1) A person, on becoming aware of the taking of a rock lobster or a finfish, must ensure that the rock lobster or finfish is released back to the sea –

- (a) within 5 minutes of being brought onto the boat; and
- (b) before any other pot is pulled.

(2) The master of an authorised boat must ensure that any rock lobster or finfish brought on board the boat is released back to the sea –

- (a) within 5 minutes of being brought onto the boat; and
- (b) before any other pot is pulled.

## **PART 9 – LANDING AND DETERMINATION OF WEIGHT OF CRUSTACEANS AND BYCATCH**

### **25. Landing of crustaceans and bycatch**

The master of an authorised boat must not allow any crustaceans or bycatch to be unloaded from a boat other than in a port area specified in Schedule 2.

### **26. Determination of whole weight and records of fish landed in the Fishery**

(1) A person must not bring ashore from an authorised boat any fish other than whole fish.

(2) The master of an authorised boat must, at the place of landing and within 90 minutes of landing crustaceans or bycatch ashore, accurately determine –

- (a) the number of containers which contain crustaceans or bycatch; and
- (b) the total gross weight of both the container and the crustaceans or bycatch being held in the container.

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(2A) Where crustacean or bycatch is brought into a port area, the master of an authorised boat must ensure that -

- (a) the placing of catch on a weighing device; and
- (b) the weight reading produced by that device,

may both be clearly observed by a fisheries officer from any vantage point outside the place of weighing.

(3) The master of an authorised boat from which crustaceans or bycatch have been landed ashore must, within 90 minutes of landing the crustaceans or bycatch ashore, sign and specify in triplicate in a CDR, accurate details of –

- (a) the place, time and date of the landing of the crustaceans or bycatch;
- (b) the name, licence number and business address of the approved processor to whom any crustaceans or bycatch have been or are to be consigned (as the case may require);
- (c) the species and weight of any crustaceans or bycatch which are being retained for personal use (if any);
- (d) the name and business address of the person who is to transport the crustaceans or bycatch and if they are an employee, agent or acting on behalf of another person;
- (e) the number of containers in which the crustaceans or bycatch are consigned;
- (f) the determination of the net weight of –
  - (i) each species of crustacean; and
  - (ii) each species of bycatch;
- (g) the name of the master of the authorised boat and details of the licence under the authority of which any crustaceans or bycatch were taken; and
- (h) the total individual amount of crystal crab, champagne crab and giant crab taken under the authority of the licence during the period for which it has been granted or renewed, calculated in accordance with paragraph (f).

(4) The master of an authorised boat must not -

- (a) depart the place of landing; or
- (b) allow any crustaceans or bycatch to be removed from the place where the weight of the fish was determined, until subclauses (2), (2A) and (3) have been complied with.

(5) The master of the relevant authorised boat must ensure that any crustacean or bycatch consigned from the place of landing has securely attached to it a duplicate copy of the completed CDR.

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(6) For the purposes of subclause (5), each occasion on which crustaceans or bycatch are transported from the place of landing shall constitute a consignment, and a separate completed CDR must be completed in respect of each such consignment.

(7) The master must ensure that a separate CDR is completed for –  
(a) each species of crustacean; and  
(b) each species of bycatch.

(8) A person to whom subclause (3) applies must retain and keep safe and secure the triplicate copies of the completed consignment note and the CDR referred to in subclause (3), and produce the copies to a Fisheries Officer on demand.

(9) A person to whom subclause (3) applies must, within 48 hours of landing any fish ashore, cause the original of the completed CDR referred to in subclause (5) to be posted to the Department, at the address specified on the CDR.

(10) A person must not make an entry on a CDR or a consignment note that the person knows to be false or misleading.

(11) For the purposes of subclause (3) the master of the boat must use a means of determining the weight which is accurate and, immediately prior to weighing the crustaceans or bycatch, determined to be in proper working condition.

## **27. Approved processors**

(1) A person who has taken any crustacean or bycatch under the authority of a licence must not sell or transfer the crustacean or bycatch to any person other than to an approved processor.

(2) For the purposes of subclause (1) an approved processor is a person nominated by the CEO.

(3) The CEO may nominate a person to be an approved processor in respect of crustaceans or bycatch 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.

(5) A person who has received any crustacean or bycatch taken from the Fishery under the authority of a licence must immediately on receiving the fish, accurately determine the total whole weight of –

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- (a) each species of crustacean; and
- (b) each species of bycatch,

and compare the weight determined with the weight recorded on the CDR which accompanied the consignment.

(6) A person to whom subclause (5) applies must, immediately on determining the weight of the crustacean or bycatch –

- (a) make and maintain in a form approved by the CEO, a written record of that weight; and
- (b) forward the original copy of the form referred to in (a) to an office of the Department within 24 hours of completing the form.

(7) A person who, after determining the weight of a consignment under subclause (5), becomes aware of a discrepancy between the weight received for any species of fish and the weight specified on the accompanying CDR for that species of fish, must immediately notify a fisheries officer of that discrepancy.

(8) A person, after providing a notification in accordance with subclause (7), must comply with any direction given to that person by a fisheries officer.

(9) Subclause (7) does not apply if the discrepancy in the weight determined by the approved processor for a species of fish is less than 10% of the weight specified on the CDR for that species of fish.

## **PART 10 – DETERMINATION OF THE TOTAL WEIGHT OF FISH TAKEN UNDER THE AUTHORITY OF A LICENCE**

### **28. Determination of the total weight of fish taken under the authority of a licence**

For the purposes of clauses 16(5), 16(6) and 16(7) if, at any time there is disparity between the total amount of crystal crab, champagne crab or giant crab that has been taken under the authority of a licence during a licence period as recorded on CDRs and the amount recorded by approved processors in relation to that licence, then the amount that has been determined by the approved processor in accordance with clause 27 together with any amount retained for personal use determined under clause 26(3)(c), if any, shall be taken to be the amount of crystal crab,

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champagne crab or giant crab taken under the authority of that licence for that period.

## **PART 11 – RECORDS**

### **29. Record of directions given**

(1) The holder of a licence must, at any time when any direction is given to a person that the person is, or is not, authorised to fish on the licence holder's behalf, make a record in a form approved by the CEO of the following –

- (a) the full name of the person to whom the direction was given;
- (b) the full business address of the person to whom the direction was given;
- (c) the number of the commercial fishing licence held by the person to whom the direction was given;
- (d) the time and date the direction was given;
- (e) whether the direction was oral or in writing; and
- (f) the terms of the direction.

(2) The holder of a licence must keep safe and secure a record made in accordance with subclause (1) together with a copy of any written direction referred to in that record and must ensure that the record can be immediately provided to a fisheries officer upon request.

## **PART 12 – MISCELLANEOUS**

### **30. Offences**

A person who contravenes a provision of clause 6(1), 7(3), 7(4), 8, 9, 9A, 16, 20(6), 20(7), 20(8), 23B, 23C, 23D, 23E, 23F, 24, 25, 26, 27 or 29 commits an offence.

## **SCHEDULES**

### **Schedule 1**

#### **Description of the waters of the Fishery**

All WA waters of the Indian Ocean and the Timor Sea north of 34° 24' south latitude.

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## **Schedule 2 Port Areas**

### Augusta

All the waters of the Fishery within 3 nautical miles of the intersection of 34° 20.620' south latitude and 115° 10.140' east longitude.

### Beadon Creek, Onslow

All the waters of the Fishery within 3 nautical miles of the intersection of 21° 38.28' south latitude and 115° 07.97' east longitude.

### Broome

All the waters of the Fishery within 3 nautical miles of the intersection of 18° 00.03' south latitude and 122° 13.11' east longitude.

### Bunbury

All the waters of the Fishery within 3 nautical miles of the intersection of 33° 18.740' south latitude and 115° 38.334' east longitude.

### Carnarvon

All the waters of the Fishery within 3 nautical miles of the intersection of 24° 53.934' south latitude and 113° 39.071' east longitude (T jetty, Fishing Boat Harbour)

### Cervantes

All waters bounded by a line commencing at 30° 29.458' south latitude and 115° 04.218' east longitude; then extending north-westerly along the geodesic to a point at 30° 29.28' south latitude and 115° 03.906' east longitude; then south-westerly along the geodesic to a point at 30° 30.08' south latitude and 115° 03.18' east longitude; then due east along the parallel to a point at 30° 30.08' south latitude and 115° 03.65' east longitude until its intersection with the high water mark; then north-easterly along the high water mark to the commencement point.

### Denham

All the waters of the Fishery within 3 nautical miles of the intersection of 25°55.71' south latitude and 113°31.99' east longitude (Service jetty, Denham).

### Eastport Canals (Wannanup)

All waters bounded by a line commencing at 32° 36.588' south latitude and 115° 38.914' east longitude; then extending north-easterly along the high water mark to a point at 32° 36.504' south latitude and 115° 38.961' east longitude; then north-westerly along the geodesic to a point at 32° 36.477' south latitude and 115° 38.916' east longitude; then north-westerly along the high water mark to a point at 32° 36.372' south latitude and 115° 38.703' east longitude; then due west

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along the parallel to a point at 32° 36.372' south latitude and 115° 38.67' east longitude; then generally south-easterly along the high water mark within the canals to a point at 32° 36.559' south latitude and 115° 38.868' east longitude; then south-easterly along the geodesic to the commencement point.

#### Exmouth

All the waters of the Fishery within 3 nautical miles of the intersection of 21° 57.445' south latitude and 114° 08.477' east longitude (Exmouth Marina and associated area).

#### Fremantle

All the waters of the Fishery within 3 nautical miles of the intersection of 32° 03.654' south latitude and 115° 44.611' east longitude.

#### Geraldton

All the waters of the Fishery within 3 nautical miles of the intersection of 28° 46.47' south latitude and 114° 35.298' east longitude.

#### Hamelin Bay

All the waters of the Fishery within 3 nautical miles of the intersection of 34° 13.100' south latitude and 115° 01.700' east longitude.

#### Hillarys Boat Harbour

All waters bounded by a line commencing at 31° 49.442' south latitude and 115° 44.34' east longitude; then extending southerly, then westerly along the high water mark within the harbour to a point at 31° 49.432' south latitude and 115° 43.919' east longitude; then easterly along the geodesic to a point at 31° 49.419' south latitude and 115° 44.012' east longitude; then easterly along the geodesic to the commencement point.

#### Jurien Bay

All the waters of the Fishery within 3 nautical miles of the intersection of 30° 17.268' south latitude and 115° 02.605' east longitude.

#### Kalbarri

All the waters of the Fishery within 3 nautical miles of the intersection of 27° 42.50' south latitude and 114° 09.50' east longitude.

#### Lancelin

All waters bounded by a line commencing at 31° 00.323' south latitude and 115° 19.471' east longitude; then extending westerly along the geodesic to a point at 31° 00.414' south latitude and 115° 19.185' east longitude; then southerly along the geodesic to a point at 31° 01.445' south latitude and 115° 19.475' east longitude; then due east along the parallel to a point at 31° 01.445' south latitude

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and 115° 19.74' east longitude until its intersection with the high water mark; then generally northerly along the high water mark to the commencement point.

#### Mandurah Ocean Marina

All waters bounded by a line commencing at 32° 31.504' south latitude and 115° 42.725' east longitude; then extending easterly, then northerly along the high water mark within the marina to a point at 32° 31.357' south latitude and 115° 42.813' east longitude; then southerly along the geodesic to a point at 32° 31.515' south latitude and 115° 42.871' east longitude; then westerly along the high water mark to a point at 32° 31.529' south latitude and 115° 42.815' east longitude; then westerly along the geodesic to a point at 32° 31.537' south latitude and 115° 42.791' east longitude; then westerly along the high water mark to a point at 32° 31.557' south latitude and 115° 42.747' east longitude; then northerly along the geodesic to the commencement point.

#### Mindarie Keys Marina

All waters bounded by a line commencing at 31° 41.431' south latitude and 115° 42.116' east longitude; then extending southerly, then north-westerly along the high water mark within the marina to a point at 31° 41.345' south latitude and 115° 41.862' east longitude; then south-easterly along the geodesic to a point at 31° 41.388' south latitude and 115° 41.951' east longitude; then south-easterly along the geodesic to the commencement point.

#### Point Quobba (Blowholes)

All the waters of the Fishery within 3 nautical miles of the intersection of 24° 29.22' south latitude and 113° 24.57' east longitude.

#### Port of Dampier

All the waters of the Fishery bounded by a line commencing at the high water mark at the intersection of 116° 39.00' east longitude; thence extending north by west along the geodesic to the high water mark on East Lewis Island at 116° 38.13' east longitude (King Point); thence generally easterly along the high water mark on the southern side of East Lewis Island to the intersection of 116° 39.90' east longitude (Roe Point); thence easterly along the geodesic to the intersection of the high water mark on the coastline at 20° 37.50' south latitude (Phillip Point); thence generally south westerly along the high water mark to the commencement point.

#### Port Denison

All the waters of the Fishery within 3 nautical miles of the intersection of 29° 16.31' south latitude and 114° 55.192' east longitude.

#### Port Geographe Marina

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All waters bounded by a line commencing at 33° 37.88' south latitude and 115° 23.694' east longitude, then extending northerly, then easterly along the high water mark within the marina to a point at 33° 37.871' south latitude and 115° 23.747' east longitude; then northerly along the geodesic to a point at 33° 37.858' south latitude and 115° 23.751' east longitude; then generally westerly along the high water mark to a point at 33° 37.839' south latitude and 115° 23.35' east longitude; then north-westerly along the geodesic to a point at 33° 37.815' south latitude and 115° 23.285' east longitude; then generally southerly along the high water mark to a point at 33° 37.933' south latitude and 115° 23.393' east longitude; then easterly along the geodesic to a point at 33° 37.927' south latitude and 115° 23.673' east longitude; then north-easterly along the geodesic to the commencement point.

#### Port Gregory

All the waters of the Fishery within 3 nautical miles of the intersection of 28° 11.45' south latitude and 114° 14.94' east longitude.

#### Port Hedland

All the waters of the Fishery within 3 nautical miles of the intersection of 20° 18.92' south latitude and 118° 34.62' east longitude.

#### Port Walcott (Point Samson)

All the waters of the Fishery within 3 nautical miles of the intersection of 20° 38.20' south latitude and 117° 11.53' east longitude.

#### Safety Bay

All waters bounded by a line commencing at 32° 18.237' south latitude and 115° 42.10' east longitude; then extending due south along the meridian to a point at 32° 18.58' south latitude and 115° 42.10' east longitude; then due east along the parallel to a point at 32° 18.58' south latitude and 115° 42.907' east longitude; then northerly along the geodesic to a point at 32° 18.318' south latitude and 115° 42.727' east longitude until it intersects with the high water mark; then westerly along the high water mark to the commencement point.

#### Two Rocks Marina

All waters bounded by a line commencing at 31° 29.684' south latitude and 115° 34.787' east longitude; then extending generally south-easterly, then westerly, then northerly along the high water mark within the marina to a point at 31° 29.706' south latitude and 115° 34.826' east longitude; then north-westerly along the geodesic to the commencement point.

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### Schedule 3 Unit value

The extent of the entitlement to fish in the Fishery that arises from a unit will be determined using the following formula –

$$\left( \frac{C}{N} \right) = U$$

Where -

- C is the relevant capacity for a class of unit, as specified in clause 17(1), 17(2) or 17(3);
- N is the sum of all the units of entitlement of crystal crab (class A), champagne crab (class B) and giant crab (class C) as specified in the table below;

Species of crustacean	N (units)
Crystal crab - class A	7000
Champagne crab - class B	1400
Giant crab - class C	140

- U is the value of a unit, rounded to two decimal places.

### Schedule 4 Payment by instalments

- (1) The first instalment is 25% of the total fee and is due for payment on 1 January of the year for which the licence is to be renewed.
- (2) The second instalment is 25% of the total fee and is due for payment on or before 1 April immediately following the period specified in paragraph (1).
- (3) The third instalment is the total fee less the instalments provided for in paragraphs (1) and (2) and is due for payment on or before 1 July immediately following the period specified in paragraph (1).

Dated this 23<sup>rd</sup> day of November 2012.

NORMAN MOORE, Minister for Fisheries.

**DISCLAIMER:**

*This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and any subsequent amendments were published, its accuracy cannot be guaranteed.*

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**This compilation incorporates amendments up to and including the *West Coast Deep Sea Crustacean Managed Fishery Management Plan Amendment 2024* published in the Government Gazette on 20 February 2024.**

*Original Management Plan and Amendment Information:*

*West Coast Deep Sea Crustacean Managed Fishery Management Plan 2012 was first published in Government Gazette No. 217 on 27.11.12. (p.5755-5768).*

*Amendments: West Coast Deep Sea Crustacean Managed Fishery Management Plan Amendment 2015 published in Government Gazette No. 123 on 11.08.15. (p. 3227); West Coast Deep Sea Crustacean Managed Fishery Management Plan Amendment 2018 published in Government Gazette No. 172 on 13.11.18. (p. 4438 - 4443); West Coast Deep Sea Crustacean Managed Fishery Management Plan Amendment 2021 published in the Government Gazette No. 210 on 15.12.21 (p.1); West Coast Deep Sea Crustacean Managed Fishery Management Plan Amendment 2024 published in Government Gazette No. 17 on 20.2.24 (p.225-228).*

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