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## SHARK BAY CRAB MANAGED FISHERY DRAFT MANAGEMENT PLAN 2015

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# **SHARK BAY CRAB MANAGED FISHERY DRAFT MANAGEMENT PLAN 2015**

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Government of **Western Australia**  
Department of **Fisheries**

Shark Bay Crab Managed Fishery  
Draft Management Plan 2015

August 2015

Fisheries Management Paper No. 275

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## 1.0 OPPORTUNITY TO COMMENT

### **INTENTION TO DETERMINE A MANAGEMENT PLAN FOR THE SHARK BAY CRAB MANAGED FISHERY: DRAFT PLAN OPEN FOR PUBLIC COMMENT**

In accordance with section 64(2) of the *Fish Resources Management Act 1994*, the Minister for Fisheries published a Notice in the *Government Gazette* on 20 August 2015 stating that he intends to determine a management plan for the Shark Bay Crab Managed Fishery and invites interested persons to comment on the draft management plan. A copy of the Notice published in the *Government Gazette* is provided at Appendix 1.

A copy of the draft management plan is included within this Fisheries Management Paper (FMP). Additional copies of the FMP may be obtained from the Head Office of the Department of Fisheries, 3<sup>rd</sup> Floor, The Atrium, 168 St Georges Terrace, Perth or the Department of Fisheries website, [www.fish.wa.gov.au](http://www.fish.wa.gov.au).

Interested persons seeking to comment on the draft management plan are invited to make representations in writing to the Minister for Fisheries by 4.00 pm, 20 September 2015.

Representations in connection with the draft management plan may be forwarded to:

Minister for Fisheries  
Draft Shark Bay Crab Management Plan  
c/- Chief Executive Officer  
Department of Fisheries  
3<sup>rd</sup> Floor, The Atrium,  
168 St Georges Terrace, Perth WA 6000

Alternatively, written submissions may be forwarded electronically to  
[Rebecca.Oliver@fish.wa.gov.au](mailto:Rebecca.Oliver@fish.wa.gov.au)

### 1.1 Next Steps

Below are the series of events following the commencement of the consultation period.

1. Following the end of the consultation period at 4:00 pm on 20 September 2015, the Department of Fisheries (Department) will collate and provide advice to the Minister for Fisheries (the Minister) regarding the written comments received on the draft plan. Note that this may lead to the draft management plan being modified if the Minister considers it appropriate to do so.
2. Following consideration of the submissions received and any modification of the draft plan as appropriate, the final draft management plan will be provided to the Minister for his consideration and approval. Subject to the Minister's approval, the new management plan will then be published in the *Government Gazette* and come into force.

3. Once the new management plan has been gazetted, the Department will accept applications for the grant of a Shark Bay Crab Managed Fishery Licence.
4. Applications for Shark Bay Crab Managed Fishery Licences may be lodged until 29 February 2016, in accordance with the new management plan.
5. The existing *Shark Bay Crab (Interim) Management Plan 2005* will be revoked upon commencement of the new management plan.

After reading the draft management plan, if you have any questions please contact Shane O'Donoghue on (08) 9482 7393 or Rebecca Oliver on (08) 9482 7358.

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## 2.0 BACKGROUND

The Shark Bay blue swimmer crab resource is harvested commercially by the Shark Bay crab trap, Shark Bay prawn trawl and Shark Bay scallop trawl sectors. The resource also supports a small recreational fishery of about 1 tonne per year.

Commercial access to the blue swimmer crab resource in Shark Bay is governed by a series of separate management arrangements provided for under the legislative framework of the *Fish Resources Management Act 1994* (FRMA). Individual fisheries are managed under an input control system, primarily through the regulation of licence and trap numbers or length of trawl net headrope. Supplementary controls cover what species can be retained, associated minimum legal size limits, gear specifications, spatial closures, and seasonal temporal fishing restrictions. The principal management tool employed to ensure adequate breeding stock is setting the minimum legal size limit well above the size at sexual maturity. The statutory minimum legal size limit for blue swimmer crabs (as governed by the *Fish Resources Management Regulations 1995* (FRMR)) is 127 mm carapace width (CW), however commercial operators in Shark Bay voluntarily operate at 135 mm CW. The higher commercial size limit also provides increased opportunity for the recreational sector to access crabs in Shark Bay, noting the recreational sector fish to the legislated 127 mm minimum size.

Since late 2013 a total allowable commercial catch (TACC) with clearly defined stock monitoring and decision points has been used as the key management tool for the blue swimmer crab fishery. Commercial management arrangements are currently based on a notional quota system. The Shark Bay crab resource is allocated across the prawn trawl, scallop trawl and trap sectors in the following manner: trap sector – 66.00%; prawn trawl sector – 33.80%; and scallop trawl sector – 0.20%.

There are five crab trap permits with a combined total of 1500 units of usual entitlement currently with a value of one trap per unit, issued in accordance with the *Shark Bay Crab Fishery (Interim) Management Plan 2005* (SBCIMP). The SBCIMP specifies the number of traps that can be fished, fishery specific closures and other controls. Two permit holders also have a fishing boat licence (FBL) with condition 156 that authorises the use of no more than 200 fish traps to take blue swimmer crabs in the inner gulfs of Shark Bay (fishing block numbers 96022 and 96023). At no time, however, may they each use more than 300 traps in total across all of the waters of Shark Bay.

The prawn and scallop trawl fisheries in Shark bay are excepted from the SBCIMP. There are 29 trawl (18 prawn and 11 Class A scallop) licences able to retain blue swimmer crabs in Shark Bay under the *Shark Bay Prawn Managed Fishery Management Plan 1993* (SBPMP) and *Shark Bay Scallop Managed Fishery Management Plan 1994* (SBSMP).

Recreational fishing for blue swimmer crabs in WA is managed through a series of input and output controls. A minimum legal size limit of 127 mm CW applies in all waters of the State. In addition, the Gascoyne bioregion has a daily bag limit of 20 crabs per person and a boat limit of 40 crabs. Recreational crab fishers mainly use drop nets or scoop nets.

On 27 June 2013, the then Minister for Fisheries approved the development of a Shark Bay Crab Managed Fishery Management Plan (SBCMP) that will incorporate the crab catch of



the prawn and scallop trawl fisheries and the crab trap sector and be based on an Individual Transferable Quota (ITQ) system of entitlement.

A draft SBCMP has now been developed, as outlined in this document.

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### **3.0 KEY ELEMENTS OF THE DRAFT MANAGEMENT PLAN**

The key elements of the draft SBCMP are summarised below. The summary is intended to provide an overview of the key elements, but is not a comprehensive description of all aspects of the management plan. Interested persons are encouraged to read the draft SBCMP thoroughly to formulate their own view.

The Shark Bay Crab Managed Fishery (SBCMF) will be established in accordance with Part 3 Division 3 of the FRMA. The management arrangements for the proposed SBCMF incorporate all commercial fishing for crab of the Family Portunidae but does not include mud crabs. The SBCMF will be based on the establishment of a TACC divisible into ITQ units. The commercial catch of blue swimmer crab will be monitored using a catch and disposal record (CDR) system. Operators will also be required under regulation 64(4) of the FRMR to submit monthly catch and effort records. Seasonal and spatial closures, as well as gear controls including bycatch reduction devices, will apply where appropriate. Management arrangements under the SBCMP will be consistent with, and guided by stock assessment data in accordance with Ecosystem Based Fisheries Management requirements, Commonwealth Wildlife Trade Operation export accreditation requirements, and minimum effective regulation principles.

#### **The Fishery**

The SBCMP declares the fishery as a managed fishery. The SBCMF includes all waters of Shark Bay, including the inner gulfs, and out to the 150 metre isobath adjacent to Shark Bay. A map of the SBCMF is provided at Appendix 2.

The SBCMF is divided into 2 zones:

- Zone 1 - Shark Bay (out to the 150 metre isobath, excluding the waters of the Inner Gulfs), and
- Zone 2 – Inner Gulfs (all the waters of Shark Bay inner gulfs including waters surrounding Monkey Mia and Denham).

Trapping will be permitted in all waters of the fishery except closed waters. When operating by trawl gear, the permitted fishing area will remain the same as the existing permitted fishing grounds within the Shark Bay Prawn and Shark Bay Scallop Managed Fisheries.

#### **Managed Fishery Licences**

The entry criteria in the SBCMP will provide for the grant of licences to:

- all permit holders within the Shark Bay Crab Interim Managed Fishery (SBCIMF);
- two FBL holders with condition 156;
- Shark Bay Prawn Managed Fishery Licence (MFL) holders; and
- Shark Bay Scallop Class A MFL holders.

Once granted, a Shark Bay Crab MFL will be one of two classes:

- Class A – Access to Zone 1 (based on holding a SBCIMF permit and an FBL without condition 156, a Shark Bay Prawn MFL or a Shark Bay Scallop MFL)
- Class B – Access to Zone 1 and Zone 2 (based on holding a SBCIMF permit and an FBL with condition 156).

## **Capacity**

The SBCMP incorporates the harvest of crabs by the prawn trawl, scallop trawl and trap sectors with allocation of entitlement based on the establishment of a TACC divisible into ITQ units. The capacity of the SBCMF is defined as the number of kilograms of crab (whole weight) that can be taken during the licensing period.

The capacity for the first licensing period (20 November 2015 to 31 October 2016) is proposed to be 450,000 kilograms, however this may be reviewed prior to the SBCMP coming into force based on additional research advice.

## **Entitlement**

Entitlement within the SBCMP has been allocated between the commercial sectors on the following basis:

- trap sector – 66.00%;
- prawn trawl sector – 33.80%; and
- scallop trawl sector – 0.20%.

There is a total of 44,000 units of entitlement within the SBCMF. This equates to 29,040 units to be allocated within the trap sector; 14,872 units to be allocated within the prawn trawl sector; and 88 units to be allocated within the scallop trawl sector.

Within each commercial sector, entitlement has been allocated as follows.

### *Trap Sector*

Entitlement for the trap sector is allocated based on the current unit holding proportions in the SBCMF.

### *Prawn Trawl Sector*

Entitlement for the prawn trawl sector is allocated based on a combination of equal allocation per prawn trawl MFL and catch history for the years 2007-2011 amongst the 18 Shark Bay Prawn MFL holders. Entitlement will be allocated based on 25% distributed equally across all Shark Bay Prawn MFL holders and 75% based on blue swimmer crab catch history between 2007 and 2011.

Noting there is a total of 14,872 units allocated to the prawn trawl sector, 11,154 units (75%) have been used for the catch history component of allocation. The remaining 3,718 units (25%) have been used for the equal allocation component.

### *Scallop Trawl Sector*

Entitlement for the scallop trawl sector is allocated on an equal allocation per scallop MFL basis. There are 11 Shark Bay Scallop (Class A) MFLs, thus 8 units will be allocated per Shark Bay Crab MFL.

## **Commencement of Fishery – Licensing Period**

The SBCMP will come into operation on the date of gazettal (anticipated for mid October) to allow one month for the Department to undertake the required licensing procedures (including assessment of applications and granting of licences), prior to commencing for fishing purposes on 20 November 2015.

Despite the first licensing period commencing on 20 November 2015, future licensing periods will commence on 1 November and end on 31 October the following year.

## **Minimum Unit Operating Holding**

A minimum unit operating holding of 3872 units (current and usual) has been included within the SBCMP for the trap sector only. This equates to the existing 200 trap minimum operating requirement within the SBCIMP.

The minimum unit operating holding will not apply to Shark Bay Crab MFL holders who also hold a Shark Bay Prawn or Shark Bay Scallop MFL.

## **Transfer of Entitlement**

Under the SBCMP, Shark Bay Crab MFL holders will be able to apply for a temporary transfer of entitlement between licences (for a period ending at the time the licence expires).

Permanent transfer of entitlement will be permitted as outlined under section 140 of the FRMA. The SBCMP outlines the grounds by which the CEO may refuse to transfer part of an entitlement. Units of entitlement are fully transferrable between the two classes of licence.

Notwithstanding this, the class of licence to which the entitlement is conferred will remain the same regardless of the class of licence from which the entitlement was transferred. For example, a Class B Shark Bay Crab MFL holder may permanently transfer entitlement to a Class A Shark Bay Crab MFL, however the holder of the Class A Shark Bay Crab MFL may still only fish in the areas permitted by a Class A Shark Bay Crab MFL.

## **Creation of new Shark Bay Crab MFL**

After the conclusion of the initial application period, a person may apply for the grant of a new Class A Shark Bay Crab MFL. Applications to grant a new Class A Shark Bay Crab MFL will be considered if the application is in respect of not less than 100 units. Note, these units would need to be transferred from existing authorisation holders within the SBCMF. Note also that the licence cannot be fished unless it has the minimum 3872 units of current and usual entitlement.

## **Gear Restrictions**

The permitted gear to be used within the SBCMF is limited to crab traps unless a person is also fishing under the authority of a Shark Bay Prawn or Shark Bay Scallop MFL, the authorised boat is the same on the both licences and the person is the holder of both licences. In this case, trawl gear may also be used consistent with the provisions of the respective trawl management plans. Notwithstanding this, the SBCMP prohibits the use of crab traps and

trawl gear at the same time. When fishing by either means, the alternative fishing method gear must be securely stowed. A person fishing in the SBCMF must not carry on board an authorised boat any fishing gear other than crab traps, unless they are also the holder of one of the aforementioned trawl MFLs or a Gascoyne Demersal Scalefish MFL.

Under the SBCMP, it is a requirement that operators using trawl gear make a nomination of intent to fish by crab trap. This nomination will need to be made to the Department by the master of the boat, in accordance with the provisions in the SBCMP.

### **Access Fees**

Annual access fees for the SBCMF will be calculated consistent with current government policy for commercial fisheries in WA. This is calculated by determining 5.75% of the gross value of the product over a three year rolling average and dividing that access fee equally across all units of entitlement within the fishery.

The fee per unit is outlined in the SBCMP and the sum of access fees will be able to be paid as a single payment or in periodic payments consisting of:

- the first periodic payment due on or before 20 November 2015 (25%);
- the second periodic payment due on or before 1 February 2016 (25%); and
- the third periodic payment due on or before 1 May 2016 (50%).

For future licensing periods, the Department intends to transition the access fee for the SBCMF into the FRMR, as is done with the majority of other managed fisheries.

### **Closed Areas**

The existing commercial trap fishing closure adjacent to Carnarvon is contained within the SBCMP. In addition, the SBCMP includes two closures of a similar size adjacent to Denham and Monkey Mia town sites.

Under clause 48, the Chief Executive Officer (CEO) also has the power to close part or parts of the fishery if the CEO considers it in the better interests of the fishery.

### **Carrier Boat Provisions**

Provisions have been included within the SBCMP to allow for crab to be landed on a licensed carrier boat. Controls on the use of carrier boats include nomination, weighing and recording requirements.

### **Notification of Landing Crabs**

The SBCMP will require the master of an authorised boat to notify the Department prior to entering an approved landing area to land crabs. This will be carried out by contacting the Department on a phone number created specifically for the SBCMF – the details of which are contained within the SBCMP.

A pre-landing nomination will require the master to advise the place and time of landing and an estimate of the number of kilograms of crab to be landed.

## **Landing Areas**

A Schedule within the SBCMP defines the approved landing areas of Carnarvon, Denham, Monkey Mia, Geraldton and Fremantle.

It should be noted that the Carnarvon landing area includes an area of land. This is to accommodate the close proximity of the processing facilities to the harbour/landing jetty. Crabs will be able to be removed from the jetty and weighed (prior to processing) in accordance with the SBCMP at a processing facility included within the definition of the ‘Carnarvon landing area’.

## **Record Keeping / Weighing Crabs**

### *Logbook*

To comply with regulation 64 of the FRMR, with regard to making and retaining records of commercial fishing activity, the Department will issue all Shark Bay Crab MFL holders with a statutory “trap” daily return book (logbook). This logbook is to be used by all Shark Bay Crab MFL holders whilst using traps. If retaining crabs by trawl, Shark Bay Crab MFL holders will be required to continue completing the crab component of the existing Shark Bay Prawn and Scallop logbooks. It is intended that these logbooks will replace the current statutory return form and must be completed and returned to the Department each month. This information will provide improved spatial and effort data and assist in managing the SBCMF.

### *Catch and Disposal Record (CDR) Forms*

A key mechanism for recording and accounting for catch in the quota system is the CDR form. These are widely used in other quota managed fisheries throughout the state. The SBCMP outlines the requirements of the master with respect to not removing or processing any crabs from the landing area (which in Carnarvon includes more than one processing facility) until it has been accurately weighed.

The SBCMP requires the master of an authorised boat to complete a CDR that will account for, and accompany from the landing area, all crabs landed under the licence. Any crab consigned from the place of landing must have securely attached to it a completed consignment note, including those crabs to be used for personal consumption. The CDR will need to be completed in triplicate within 4 hours of landing and weighing the crabs and a copy provided to the Department of Fisheries office at Carnarvon within 72 hours. The SBCMP clearly defines the requirements around determining the weight of crabs and outlines the information to be completed within a CDR form. The weight of crabs that will be deducted from an individual’s quota will be the weight recorded on the CDR.

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## **4.0 DRAFT MANAGEMENT PLAN**

Fish Resources Management Act 1994

### **SHARK BAY CRAB MANAGED FISHERY MANAGEMENT PLAN 2015**

FD 24/14 [1176]

Made by the Minister under section 54.

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**SHARK BAY CRAB MANAGED FISHERY MANAGEMENT PLAN 2015**

FD 24/14 [1176]

Made by the Minister under section 54.

**PART 1 – PRELIMINARY**

**1. Citation**

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

**2. Commencement**

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

**3. Exception**

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

**4. Interpretation**

In this plan, unless the contrary intention appears –

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

***authorised boat*** means –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**usual entitlement** means the entitlement conferred by a licence without regard to any entitlement temporarily transferred to or from the licence under section 141 of the Act.

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

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

## **PART 2 – THE FISHERY**

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

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

(2) The Fishery is a managed fishery, and may be referred to as the Shark Bay Crab Managed Fishery.

(3) The Fishery is divided into zones as described in Schedule 2 of this plan.

(4) This plan does not apply to –

- (a) a person fishing under the authority of an authorisation granted under the *Shark Bay Beach Seine and Mesh Net Managed Fishery Management Plan 1992*; or
- (b) a person fishing for crab for a recreational purpose in accordance with the Act.

### **PART 3 – LICENCES AND FEES**

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

(1) The criteria to be satisfied before the CEO may grant a person a Class A licence to fish in the Fishery are that –

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

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

(2) The criteria to be satisfied before the CEO may grant a person a Class B licence to fish in the Fishery are that –

- (a) on the date that this plan was published in the *Gazette*, the applicant was the holder of –
  - (i) an authorisation issued in accordance with the *Shark Bay Crab Fishery (Interim) Management Plan 2005*; and
  - (ii) a fishing boat licence with condition 156 attached; and
- (b) an application for the grant of a licence is made on or prior to 29 February 2016.

(3) Notwithstanding subclauses (1) and (2), the CEO may grant a person a Class A licence to fish in the Fishery if the CEO is satisfied that –

- (a) immediately upon being granted a licence an application will be made under section 140 of the Act to transfer usual units of entitlement to the licence, if it is to be granted, from another licence; and

- (b) the application referred to in paragraph (a) will be in respect of a total of not less than 100 units; and
- (c) in the CEO's opinion, there is no arguable ground in respect of the application referred to in paragraph (a) to refuse to transfer the units of usual entitlement to the licence; and
- (d) the person is a fit and proper person to hold a licence.

(4) For the purposes of subclause (3) a reference to an application to transfer usual units of entitlement shall be taken to include an application made in connection with the surrender of a licence pursuant to clause 23 of this plan.

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

## **8. Duration of a licence**

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

## **9. Matters to be specified on a licence**

- (1) A licence granted or renewed in respect of the Fishery must specify –
- (a) the name and business address of the holder of the licence;
  - (b) the name and licensed fishing boat number of any licensed fishing boat which may be used for or in connection with fishing in the Fishery under the authority of that licence;
  - (c) the licence number;
  - (d) the Class of the licence;
  - (e) the date on which the licence was granted or renewed;
  - (f) the date on which the licence expires;
  - (g) the name of the Fishery to which the licence relates;
  - (h) the units of usual entitlement conferred by the licence;
  - (i) the units of current entitlement conferred by the licence;
  - (j) the unit value;
  - (k) the maximum amount of crab that may be taken under the authority of the licence; and
  - (l) any conditions imposed on the licence by the CEO.

(2) A person must not fish in the Fishery under the authority of a licence unless the specification in subclause (1)(b) has been made in respect of that licence.

(3) Where an authorisation referred to in clause 7(1)(a) or 7(2)(a) of this plan is the subject of an application for a licence, any convictions recorded against that authorisation under section 224 of the Act are taken to have been recorded against the licence, if granted.

**10. Authority of licence of no effect where usual or current entitlement is less than 3,872 units of entitlement**

(1) The authority conferred by a licence is of no effect at any time when either the usual or the current entitlement of that licence is less than 3,872 units of entitlement.

(2) Subclause (1) does not apply in regard to a Class A licence where –

- (a) the Class A licence is held by a person who also holds a Shark Bay Prawn managed fishery licence or a Shark Bay Scallop managed fishery licence; and
- (b) the authorised boat specified on the Class A licence is also specified as the licensed fishing boat on the managed fishery licence in paragraph (a).

**11. Grounds to cancel a licence**

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

**12. Fees**

(1) Where a licence is granted for a period expiring on 31 August 2016, the fee per unit is \$1.08.

(2) The fee specified in subclause (1) may be paid by periodic payments of –

- (a) 25% of the total fee to be paid on or before 20 November 2015; and
- (b) 25% of the total fee to be paid on or before 1 February 2016; and
- (c) 50% of the total fee to be paid on or before 1 May 2016.

(3) Where the regulations set out a fee to be paid in respect of the renewal of a licence, then for the purposes of regulation 137(2) the total fee may be paid by instalments as specified in Schedule 4 of this plan if –

- (a) an election to pay by instalments is made by the holder of a licence in accordance with subclause (4); and
- (b) there is no other fee, charge or levy in respect of the licence which has not been paid at the time the election is received at an office of the Department.

(4) An election for the purposes of subclause (3) must be –

- (a) made in writing;
- (b) received at an office of the Department on or before 1 November next following the day on which the licence expires, and
- (c) accompanied by the first instalment plus the surcharge.

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

(6) The holder of a licence, or a person acting on that person's behalf, must not fish in the Fishery at any time when any –

- (a) fee; or
- (b) surcharge,

in respect of the licence is outstanding.

## **PART 4 – CAPACITY OF THE FISHERY AND SCHEME OF ENTITLEMENT**

### **13. Capacity of the Fishery**

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

### **14. Change in capacity of the Fishery**

(1) The capacity of the Fishery shall be reduced upon –  
(a) the expiry of the 60 day period provided for in section 139 of the Act without an application for renewal of a relevant licence having been made;  
(b) the cancellation or non-renewal of a relevant licence under section 143 of the Act;  
(c) the cancellation of a relevant licence under section 223 of the Act; or  
(d) the surrender of a relevant licence under section 144 of the Act,  
such reduction being the equivalent in kilograms of crab to the number of usual units of entitlement conferred by the licence.

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

(3) The CEO must, as soon as practicable following any change in capacity of the Fishery under this clause, publish notice of the change in the *Gazette*.

### **15. Sum of licence entitlements to equal capacity**

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

### **16. Licence entitlements to be expressed in terms of units**

(1) The entitlement to fish for crab conferred by a licence must be –  
(a) expressed in terms of units of entitlement; and  
(b) determined in accordance with clause 17 of this plan.

(2) The maximum number of units that may be conferred by all licences may be reduced from time to time where –  
(a) an application for the renewal of a licence is not received within the period specified by s.139 of the Act; or  
(b) a licence is cancelled; or  
(c) units are forfeited by the operation of the Act.

## **17. Unit value**

The extent of the entitlement to fish in the Fishery arising from time to time from a unit (the unit value) shall be determined in accordance with Schedule 5 of this plan and be limited by reference to a number of kilograms (whole weight) of crab that may be taken.

## **18. Conferral of entitlement**

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

## **19. Prohibition on operating in excess of entitlement**

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

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

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

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

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

## **PART 5 – TRANSFER OF ENTITLEMENT**

### **21. Temporary transfer of entitlement**

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

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

- (b) the transfer is of a whole number of units.

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

- (1) The CEO may refuse to transfer –

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

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

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

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

**23. Surrender of licence and reallocation of usual entitlement**

- (1) Subject to subclauses (2) and (3), the CEO may increase the usual entitlement conferred by a licence –

- (a) upon the application of the holder of a licence;
- (b) where another licence has been surrendered under section 144 of the Act; and
- (c) provided that the person who was the holder of the surrendered licence has consented to the application referred to in paragraph (a).

- (2) The entitlement of a licence must not be increased by more than the usual entitlement in respect of the surrendered licence.

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

- (4) For the purposes of subclause (1)(a) a reference to a licence includes a reference to a licence which has been applied for in accordance with clause 7(3) of this plan.

**PART 6 – GENERAL REGULATION OF FISHING OPERATION**

**24. Persons prohibited from fishing in the Fishery**

- (1) A person must not fish in the Fishery other than –

- (a) in accordance with this plan; and
- (b) under the authority of a licence.



- (2) Subclause (1) does not apply to a person fishing under the authority of –  
    (a) a Shark Bay Prawn managed fishery licence; or  
    (b) a Shark Bay Scallop managed fishery licence,  
where the holder of the relevant managed fishery licence does not hold a Class A licence under this plan.

**25. Use of an authorised boat**

(1) A person must not use a boat for or in connection with fishing in the Fishery unless the boat is an authorised boat.

(2) Subclause (1) does not apply to a person using a boat for or in connection with fishing in the Fishery under the authority of –  
    (a) a Shark Bay Prawn managed fishery licence; or  
    (b) a Shark Bay Scallop managed fishery licence,  
where the holder of the relevant managed fishery licence does not hold a Class A licence under this plan.

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

**26. Means of fishing in Fishery**

(1) A person fishing in the Fishery must not fish by any means other than by crab trap.

(2) Subclause (1) does not apply to –  
    (a) a person fishing under the authority of a Shark Bay Prawn managed fishery licence; or  
    (b) a person fishing under the authority of a Shark Bay Scallop managed fishery licence.

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

(1) The master of an authorised boat fishing in the Fishery under the authority of a licence must ensure that no fishing gear other than crab traps is carried on board the authorised boat.

(2) Subclause (1) does not apply to the master of an authorised boat fishing in the Fishery where –  
    (a) the authorised boat is specified on a Class A licence and is also specified as the licensed fishing boat on –  
        (i) a Gascoyne Demersal Scalefish managed fishery licence;  
        (ii) a Shark Bay Prawn managed fishery licence; or  
        (iii) a Shark Bay Scallop managed fishery licence,  
        and  
    (b) the holder of the Class A licence is also the holder of the relevant managed fishery licence under paragraph (a); and

- (c) the master of the authorised boat ensures that any fishing gear other than crab traps is stowed when fishing by crab traps is taking place.

(3) A person fishing in the Fishery under the authority of a licence must not carry any fishing gear other than crab traps on board an authorised boat.

(4) Subclause (3) does not apply where a person is fishing in the Fishery on an authorised boat under subclause (2).

## **28. Use of crab traps**

A person fishing in the Fishery must not use a crab trap unless that crab trap is one of a series of 20 crab traps joined together by negatively buoyant rope, and that series of crab traps is attached to a surface float that –

- (a) has a diameter of equal to or more than 150 millimetres if the float is spherical and, in any other case, has a length of equal to or more than 200 millimetres and a width of equal to or more than 100 millimetres; and
- (b) is branded or stamped with the licensed fishing boat number of the boat that is being used to fish in the Fishery and each character of the brand or stamp is legible and measures equal to or more than 60 millimetres in height and equal to or more than 10 millimetres in width.

## **29. Storing or transporting crab**

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

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

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

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

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

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

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

### **30. Transfer of crab**

- (1) The master of an authorised boat must not permit any crab to be transferred –
  - (a) to another boat from; or
  - (b) from another boat to,the authorised boat while the authorised boat is in the waters of the Fishery.
- (2) A person must not transfer crab –
  - (a) to another boat from; or
  - (b) from another boat to,an authorised boat while the authorised boat is in the waters of the Fishery.
- (3) A person must not be in possession of crab transferred under subclause (1) or (2).
- (4) Subclauses (1), (2) and (3) do not apply in respect of crab transferred to a carrier boat.

### **31. Mud crab and rock lobster to be released**

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

## **PART 7 – LANDING AND WEIGHING CRAB**

### **32. Master to nominate intent to fish by crab trap**

- (1) Where –
  - (a) the master of an authorised boat is operating under the authority of a Class A licence; and
  - (b) the authorised boat is specified on the Class A licence under paragraph (a) and is also specified as the licensed fishing boat on a Shark Bay Prawn managed fishery licence or a Shark Bay Scallop managed fishery licence; and
  - (c) the holder of the Class A licence under paragraph (a) is also the holder of the relevant managed fishery licence under paragraph (b),and the master of the authorised boat intends to use the boat for or in connection with fishing by means of crab trap, the master must make a nomination of intent to fish by crab trap by telephoning the Department on 0417 795 692.
- (2) Where the master of an authorised boat makes a nomination under subclause (1), the master must provide details of –
  - (i) the relevant licence number;
  - (ii) the authorised boat;
  - (iii) the master of the authorised boat; and
  - (iv) whether the nomination is for the remainder of the fishing season or a specified period.
- (3) The master of an authorised boat may cancel a nomination made under subclause (1) by –
  - (a) telephoning the Department on 0417 795 692; and

- (b) providing details of –
  - (i) the relevant licence number;
  - (ii) the authorised boat;
  - (iii) the master of the authorised boat; and
  - (iv) the time and date on which the authorised boat will cease being used for fishing by means of crab traps.

### **33. Master to make pre-landing nomination**

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

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

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

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

- (a) provide details of –
  - (i) the relevant licence number;
  - (ii) the approved landing area that the authorised boat will enter to land crab;
  - (iii) the time at which the authorised boat will enter the approved landing area to land crab; and
  - (iv) the estimated weight of the crab (in kilograms) to be landed;
 and
- (b) record the pre-landing confirmation number in respect of the nomination in a CDR form.

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

- (a) provide details of –
  - (i) the relevant licence number;
  - (ii) the carrier boat licence number relating to the carrier boat on which the crab will be landed; and
  - (iii) the estimated weight of the crab (in kilograms) to be landed;
 and
- (b) record the pre-landing confirmation number in respect of the nomination in a CDR form.

### **34. Determining the weight of crab**

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

- (a) not more than 240 minutes after entering an approved landing area; or
  - (b) prior to landing crab on a carrier boat,
- and record the weight of the crab in a CDR form.

### **35. Consigning crab**

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

- (a) complete the consignment note section of a CDR form in respect of each consignment; and
- (b) ensure that the consignment note section of a CDR form has been attached to the container holding the consigned crab.

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

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

### **36. Crab landed in an approved landing area**

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

(2) A person must not –

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

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

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

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

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

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

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

### **37. Crab landed on a licensed carrier boat**

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

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

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

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

### **38. Master to complete CDR form**

(1) The master of an authorised boat from which any crab have been landed in the Fishery must, within 240 minutes of landing the crab, sign and specify in triplicate in a CDR form accurate details of –

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

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

- (a) retain and keep in a safe and secure place the triplicate copies of any CDR form completed in accordance with subclause (1), and produce copies of those documents to a Fisheries Officer on demand; and
- (b) deliver or cause to be delivered the original copy of the completed CDR form to the office of the Department at Carnarvon within 72 hours of landing any crab.

## **PART 8 – CDR BOOKS**

### **39. Issue of CDR books**

(1) Where a licence is in force, the holder of that licence may request the CEO to issue a CDR book in respect of that licence.

(2) Where a CDR book issued in accordance with subclause (1) cannot be produced, and the holder of the relevant licence satisfies the CEO of the quantity of crab taken under the authority of that licence, the CEO may issue a replacement CDR book in respect of that licence.

(3) A CDR book is to be in the form approved from time to time by the CEO.

#### **40. Obligations in respect of CDR books**

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

### **PART 9 – PROHIBITIONS AND OFFENCES**

#### **41. Prohibition on fishing in particular areas**

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

#### **42. Prohibition on fishing in zone 2 under the authority of a Class A licence**

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

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

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

**44. Prohibition on transporting crab in prohibited areas**

(1) The master of an authorised boat must not store or transport any crab on board that boat in any part of the Fishery where fishing is prohibited.

(2) Subclause (1) does not apply where –

- (a) all fishing gear on board the boat is secured; and
- (b) the boat is being used solely for the purpose of travelling by the most practicable and most direct route to an approved landing area.

**45. Prohibition on selling or dealing in crab**

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

**46. Prohibition in respect of nominations**

A person must not –

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

**47. Prohibition in respect of CDR forms**

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

**48. Closure of areas within the Fishery**

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

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

- (a) may only be made after consultation with all licence holders who are entitled to fish in the Fishery, or in the zone of the Fishery that is the subject of the proposed prohibition;
- (b) must take into account any advice received from the Department's Executive Director of Research; and
- (c) may be made to apply at all times or at any specified time.

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

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



#### **49. Offences**

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

### **SCHEDULES**

#### **SCHEDULE 1 – Description of the Fishery**

[clause 6]

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

#### **SCHEDULE 2 – Zones of the Fishery**

[clause 6]

##### **Zone 1**

All waters of the Fishery north and west of a line commencing at the intersection of 25° 29.837' south latitude and 113° 57.25' east longitude (on the mainland); thence extending due west along the parallel to the intersection of 25° 29.837' south latitude and 113° 01.31' east longitude (on Dirk Hartog Island at Cape Levillain); thence generally south along the high water mark on the western side of Dirk Hartog Island to the intersection of 26° 08.585' south latitude and 113° 12.70' east longitude; thence extending due west along the parallel to the intersection of 26° 08.585' south latitude and 113° 09.75' east longitude (on the mainland at Steep Point).

##### **Zone 2**

All waters of the Fishery south and east of a line commencing at the intersection of 25° 29.837' south latitude and 113° 57.25' east longitude (on the mainland); thence extending due west along the parallel to the intersection of 25° 29.837' south latitude and 113° 01.31' east longitude (on Dirk Hartog Island at Cape Levillain); thence generally south along the high water mark on the eastern side of Dirk Hartog Island to the intersection of 26° 08.585' south latitude and 113° 12.70' east longitude; thence extending due west along the parallel to the intersection of 26° 08.585' south latitude and 113° 09.75' east longitude (on the mainland at Steep Point).

### **SCHEDULE 3 – Approved landing areas**

[clause 4]

#### **Carnarvon**

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

#### **Denham**

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

#### **Monkey Mia**

All waters of the Fishery bounded by a line commencing at the intersection of 25° 47.59' south latitude and 113° 43.17' east longitude; thence extending due north along the meridian to the intersection of 25° 47.54' south latitude and 113° 43.17' east longitude; thence extending due east along the parallel to the intersection of 25° 47.54' south latitude and 113° 43.24' east longitude; thence extending due south along the meridian to the intersection of 25° 47.58' south latitude and 113° 43.24' east longitude; thence generally west along the high water mark to the commencement point.

#### **Geraldton**

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

#### **Fremantle**

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

#### **SCHEDULE 4 – Payment of fees by instalments**

[clause 12]

The fee payable in respect of the renewal of a licence may be paid in instalments consisting of –

- (a) the first instalment being 25% of the total fee and due for payment on or before 1 November;
- (b) the second instalment being 25% of the total fee and due for payment on or before 1 February following the day on which the first instalment is paid; and
- (c) the third instalment being 50% of the total fee and due for payment on or before 1 May following the day on which the first instalment is paid.

#### **SCHEDULE 5 – Unit value**

[clause 17]

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

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

where –

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

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

**SCHEDULE 6 – Conferral of entitlement**

[clause 18]

<b>Authorisation number</b>	<b>Number of units</b>
SBCI2747	8,712
SBCI2748	11,597
SBCI2749	4,840
SBCI2750	19
SBCI2752	3,872
SBPR1003	881
SBPR1008	351
SBPR1009	1,231
SBPR1012	911
SBPR1013	815
SBPR1107	1,428
SBPR1111	662
SBPR1113	587
SBPR1114	545
SBPR1119	1,143
SBPR1120	490
SBPR1121	766
SBPR1122	826
SBPR1130	529
SBPR1131	1,256
SBPR1132	587
SBPR1133	652
SBPR1263	1,213
SBSC2087	8
SBSC2088	8
SBSC2089	8
SBSC2091	8
SBSC2093	8
SBSC2094	8
SBSC2096	8
SBSC2097	8
SBSC2099	8
SBSC2100	8
SBSC2101	8

## **SCHEDULE 7 – Prohibited areas**

[clause 41]

### **Carnarvon**

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

### **Denham**

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

### **Monkey Mia**



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

### **Quobba Point**

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


## 5.0 APPENDICES

### Appendix 1 – Government Gazette Notice



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**FISH RESOURCES MANAGEMENT ACT 1994  
INTENTION TO DETERMINE A MANAGEMENT PLAN FOR THE  
SHARK BAY CRAB MANAGED FISHERY**

FD 24/14 [1176]

I, Ken Baston MLC, Minister of Fisheries, hereby give notice in accordance with section 64(2) of the *Fish Resources Management Act 1994* that I intend to determine a management plan for the Shark Bay Crab Managed Fishery.

A copy of the draft management plan may be obtained from the Head Office of the Department of Fisheries, 3rd Floor, The Atrium, 168 St Georges Terrace, Perth, or the Department of Fisheries website ([www.fish.wa.gov.au](http://www.fish.wa.gov.au)).

Interested persons who wish to comment on the draft management plan are invited to make representations in writing to the Minister for Fisheries by 4:00pm, 20 September 2015.

Representations may be forwarded to—

Minister for Fisheries  
Draft Shark Bay Crab Managed Fishery Management Plan 2015  
c/- Chief Executive Officer  
Department of Fisheries  
3rd Floor, The Atrium,  
168 St Georges Terrace  
Perth WA 6000

Alternatively, written submissions may be forwarded electronically to [Rebecca.Oliver@fish.wa.gov.au](mailto:Rebecca.Oliver@fish.wa.gov.au)  
Dated 19 August 2015.

K. C. BASTON, Minister for Fisheries.

## Appendix 2 – Map of the Fishery

