

**FISH RESOURCES MANAGEMENT ACT 1994**

**OCTOPUS INTERIM MANAGED FISHERY MANAGEMENT PLAN AMENDMENT 2023**

A1469

Made by the Minister under section 54.

**1. Citation**

This instrument is the *Octopus Interim Managed Fishery Management Plan Amendment 2023*.

**2. Management plan amended**

The amendments in this instrument are to the *Octopus Interim Managed Fishery Management Plan 2015*.

**3. Clause 4 amended**

In clause 4—

- (a) insert the following definitions in the correct alphabetical position—  
**cradle** means a frame that holds multiple traps;  
**pull** means, in relation to traps, to bring traps from the seabed to the surface;
- (b) replace the definition of **authorised boat** with the following definition—  
**authorised boat** means—
  - (a) a licensed fishing boat, the name and licensed fishing boat number of which is specified in a permit; or
  - (b) a boat specified in a written authority under any regulation providing that a substitute boat may be approved for short term use in place of a boat described in paragraph (a);
  - (c) a boat that is authorised to be used pursuant to clause 20A;
- (c) replace the definition of **passive trap** with the following definition—  
**passive trap** means a trap with one or more unobstructed openings that cannot be accidentally or intentionally closed;

**4. Clause 11 amended**

In clause 11 delete the word " licence " in each place that it appears and insert—  
 permit

**5. Insert Clause 20A**

Following clause 20 insert—

**20A. Use of boat not specified on a permit**

- (1) Notwithstanding any other clause in this Plan, a regional manager or compliance officer may, by notice in writing, authorise the holder of a permit to use, in place of the boat specified on the permit, not more than 3 boats, being boats specified on other permits, for a period not exceeding 10 days.
- (2) An application for an authority under subclause (1) must be made by the holder of a permit on a form approved for that purpose by the CEO.
- (3) A regional manager or compliance officer must not provide an authority under subclause (1) unless satisfied that—
  - (a) the boat specified on the permit cannot be operated;
  - (b) the holder of the permit is unable to apply to vary the permit or seek an authority for short-term use of a substitute boat, as provided for in the regulations, for reasons beyond the person's control;
  - (c) each boat to be used in the place of the boat referred to in paragraph (3)(a) is specified on another permit; and
  - (d) the master of each boat to be used in the place of the boat specified in paragraph (3)(a) has provided written consent to the provision of an authority under this clause and written acknowledgement of subclause (4).
- (4) It is a condition of a permit that, where the boat specified on a permit is also the subject of an authority provided under this clause, the master of that boat must immediately upon taking octopus clearly segregate and label the octopus with the details of the relevant permit under the authority of which the octopus were taken.
- (5) It is a condition of a permit that, where the boat specified on a permit is also the subject of an authority provided under this clause, a person must not use that boat to fish for octopus unless the person who gave written consent for the purposes of subclause (3)(d) is the master of that boat.
- (6) An authority provided under this clause may be given subject to such additional conditions as the regional manager or compliance officer thinks fit, and may be amended from time to time, or revoked by further notice in writing.
- (7) An authority provided under this clause may be surrendered by the delivery to a regional manager or compliance officer of notices in writing surrendering the consent made by the masters of each boat specified in the authority.

## 6. Clause 21 amended

In clause 21 delete subclause (5).

## 7. Clause 22 replaced

Delete clause 22 and insert—

### 22. Use of traps from 1 April to 30 November each year

- (1) In this clause—
  - first surface float* means the surface float that is connected to the trap line;
  - float rig* means the length of rope on the surface of the water that is connected to the first and last surface floats, including any rope extending beyond the last surface float;
  - last surface float* means the surface float that is at the end of a float rig and is only connected to another surface float;
  - longline* means a length of rope with multiple traps or cradles attached, and which is connected to a trap line;
  - trap line* means the length of submerged rope between the first surface float and the point at which the line is attached to a trap or cradle, or to a longline.
- (2) This clause applies to the use of traps, trap lines and float rigs to fish for octopus during the period commencing on 1 April in any year and ending—
  - (a) on 31 October in the same year, in Zones 1 and 2 of the Fishery; and
  - (b) on 30 November in the same year, in Zone 3 of the Fishery.
- (3) The master of an authorised boat must ensure that—
  - (a) the maximum length of the trap line does not exceed twice the depth of the water in which the master is fishing;
  - (b) the top third of the trap line is held as close to vertical as possible in the water column, by the use of weighted rope, or by a weight attached to the trap line;
  - (c) no rope other than the float rig is on the surface of the water; and
  - (d) a float rig does not exceed 9.1 metres in length, and does not have attached—
    - (i) more than 3 surface floats, when used in waters greater than 54.9 metres in depth; or
    - (ii) more than 2 surface floats, when used in waters less than or equal to 54.9 metres in depth.
- (4) The master of an authorised boat must not fish during the period specified in subclause (2) other than by—
  - (a) a longline to which are attached a minimum of 20 traps or cradles; or
  - (b) a single trap line to which are attached—
    - (i) a maximum of 2 traps; or
    - (ii) a maximum of 2 cradles.
- (5) The master of an authorised boat must ensure all traps are pulled from the water—
  - (a) at least once every 30 days, in the case of passive traps; and
  - (b) at least once every 21 days, in the case of active traps.

## 8. Insert Clause 23A

Following clause 23 insert—

### 23A. Requirement to report lost traps

- (1) The master of an authorised boat must report any lost or irretrievable traps in the log sheet for that trip.
- (2) The master of an authorised boat must ensure that a report in the log sheet specifies—
  - (a) the quantity and type of lost or irretrievable traps; and
  - (b) the last known location of the lost or irretrievable traps.
- (3) If any traps referred to in subclause (1) are subsequently found, the master of an authorised boat must report the finding of those traps in the log sheet for that subsequent trip.

## 9. Clause 25 amended

Delete clause 25 and insert—

### 25. Persons prohibited from fishing in the Fishery

- (1) Subject to subclauses (2) and (3), a person must not fish in a zone of the Fishery other than—
  - (a) in accordance with this plan; and
  - (b) under the authority of a permit that authorises fishing in that zone.
- (2) This plan does not apply to a person fishing for octopus for a recreational purpose in accordance with the Act.
- (3) Except as provided for in clause 27, this plan does not apply to a person for whom fishing activity is otherwise authorised under a management plan in force under the Act.

## 10. Clause 27 replaced

Delete clause 27 and insert—

**27. Prohibition on selling or dealing with, or attempting to sell or deal in, or possessing, octopus**

(1) In this clause—

*deal in* includes handling, storing, transporting, weighing and recording;

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

- (2) A person must not sell, purchase, or deal with, or attempt to sell, purchase or deal in, or be in possession of, any octopus taken from the Fishery, landed, or otherwise dealt with in contravention of this plan.
- (3) A person must not sell, purchase, or deal with, or attempt to sell, purchase, or deal in, or be in possession of, any octopus unless that octopus was taken and landed by a person fishing under the authority of a permit.
- (4) This clause does not apply to persons fishing under the authority of an authorisation granted with respect to a management plan specified in Schedule 7.

**11. Clause 29 amended**

In clause 29 delete " 22(2) " and insert—

22

**12. Schedule 1 amended**

Delete Schedule 1 and insert—

**SCHEDULE 1—Description of the Fishery**

[clause 6]

All the waters within the Australian Fishing Zone, and coastal waters, situated on the west and south coasts of the State between 26° 30' south latitude and 129° 00' east longitude; but excluding the waters bounded by a line commencing at a point on the high water mark at the western extremity of the South Mole at the entrance to Fremantle Harbour; thence extending westerly to the southern most rock of the Straggler Rocks; thence south easterly to the high water mark on the northern most point of Mewstone; thence generally southerly along the high water mark on the eastern shore of Mewstone to its southern most point; thence southerly to the high water mark on the northern most point of Carnac Island; thence generally southerly along the high water mark on the eastern shore of that island to its southern most point; thence southerly to the high water mark at Entrance Point on Garden Island; thence generally southerly along the high water mark on the eastern shore of that island to South West Point; thence southerly to the high water mark at John Point on the mainland; thence generally east then north along the high water mark to the commencing point.

**13. Schedule 4 amended**

In Schedule 4—

- (a) delete the Table.
- (b) delete the word " licence " and insert—  
permit

**14. Schedule 7 inserted**

Following Schedule 6 insert—

**Schedule 7—Management plans for which authorisation holders are excepted from the prohibition on selling or dealing**

[Clause 27]

Marine Aquarium Fish Managed Fishery Management Plan 2018

South Coast Crustacean Managed Fishery Management Plan 2015

South-West Trawl Limited Entry Fishery Notice 1989

West Coast Estuarine Managed Fishery Management Plan 2014

West Coast Rock Lobster Managed Fishery Management Plan 2012

Dated 11th of October 2023.

Hon. DON PUNCH, MLA, Minister for Fisheries.