

FI401

**FISH RESOURCES MANAGEMENT ACT 1994**  
**WEST COAST DEEP SEA CRUSTACEAN MANAGED FISHERY**  
**MANAGEMENT PLAN AMENDMENT 2024**

[A4818]

Made by the Minister under section 54(2).

**1. Citation**

This instrument is the *West Coast Deep Sea Crustacean Managed Fishery Management Plan Amendment 2024*.

**2. Management plan amended**

The amendments in this instrument are to the *West Coast Deep Sea Crustacean Managed Fishery Management Plan 2012*.

**3. Commencement**

These amendments come into operation as follows—

- (a) clauses 1 and 2—on the day on which these amendments are published in the *Gazette*;
- (b) the rest of the clauses—on 1 March 2024.

**4. Clause 3 amended**

In clause 3, insert in the correct alphabetical position—

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

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

***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;

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

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

**5. Clause 9 amended**

In clause 9, delete “fish trap” in each place it appears and insert—

pot

**6. Clause 9A amended**

In clause 9A, delete “fish trap” in each place it appears and insert—

pot

**7. Clause 10 amended**

(1) Before “The criteria to be satisfied” insert—

(1)

(2) After subclause (1) insert—

(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.

**8. Clause 16 amended**

In clause 16(12)(b), delete “fish trap” and insert—

pot

**9. Clause 18 amended**

In clause 18, delete subclauses (4), (5) and (6).

**10. Clause 20 amended**

(1) In subclause 20(2), delete “subclauses (3) and (4)” and insert—

subclause (4)

(2) Delete subclause (3).

**11. Part 7A inserted**

After clause 23, insert—

**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—
  - (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.

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

**12. Clause 24 amended**

In clause 24, delete “fish trap” in each place it appears and insert—

pot

**13. Clause 26 amended**

- (1) In clause 26(2), delete “within 90 minutes” and insert—  
at the place of landing and within 90 minutes
- (2) After clause 26(2) insert—
  - (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) In clause 26(3), delete “crustaceans and/or bycatch” in each place it appears and insert—  
crustaceans or bycatch
- (4) Delete clause 26(4) and insert—
  - (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) In clause 26(5)—
  - (a) delete “crustacean and/or bycatch” and insert—  
crustacean or bycatch
  - (b) delete “an original” and insert—  
a duplicate
- (6) In clause 26(6), delete “crustacean and/or bycatch” and insert—  
crustacean or bycatch
- (7) In clause 26(9), delete “delivered to an office of the Department” and insert—  
posted to the Department, at the address specified on the CDR
- (8) In clause 26(11), delete “crustacean and/or bycatch” and insert—  
crustacean or bycatch

**14. Clause 27 amended**

In clauses 27(1) and (6), delete “crustacean and/or bycatch” in each place it appears and insert—  
crustacean or bycatch

**15. Clause 30 replaced**

Delete clause 30 and insert instead—

**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.

**16. Schedule 2 amended**

- (1) Delete the item and area described as “Darwin”.
- (2) Delete the port area name “Port Headland” and insert—  
Port Hedland

**17. Schedule 3 amended**

In Schedule 3, delete “N is the sum of all of the units, pertaining to the respective capacity, as conferred by all the licences at the commencement of the relevant licence period;” and insert—

‘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

Dated 14th of February 2024.

Hon. DON PUNCH, MLA, Minister for Fisheries.