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FISH RESOURCES MANAGEMENT ACT 1994

**WEST COAST ROCK LOBSTER
FISHERY MANAGEMENT
PLAN AMENDMENT 2006**

FISH RESOURCES MANAGEMENT ACT 1994**WEST COAST ROCK LOBSTER FISHERY MANAGEMENT PLAN AMENDMENT 2006**

FD 1064/01 [737]

Made by the Minister under section 54.

1. Citation

This instrument may be cited as the *West Coast Rock Lobster Fishery Management Plan Amendment 2006*.

2. Management plan amended

The amendments in this instrument are to the *West Coast Rock Lobster Management Plan 1993**.

3. Clause 2 amended

Clause 2 is amended by deleting the definition of “closure period”.

4. Clause 9B amended

After subclause 9B(3) the following subclause is inserted—

“(4) Subclause (3) does not apply to a person who baits a pot in the waters of Zone C of the Fishery on the last day of any closure time specified in a notice made under subclause (1).”.

5. Clauses 9C, 9D, 9E, 9F, 9G, 9H and 9I replaced

Clauses 9C, 9D, 9E, 9F, 9G, 9H and 9I are repealed and the following clauses are inserted instead—

“Requirement to moor or anchor boat at certain times

9C. (1) The master of a Zone A boat must ensure that the boat is securely moored or anchored within half a nautical mile of the high water mark of the mainland or any of the Abrolhos Islands immediately prior to the commencement of—

- (a) the times to which clauses 9A(1) and 9A(4) apply; and
- (b) where the boat is in the waters of Zone C, the closure times specified in a notice made under clause 9B.

(2) The master of a Zone B boat must ensure that the boat is securely moored or anchored within half a nautical mile of the high water mark of the mainland or any of the Abrolhos Islands immediately prior to the commencement of—

- (a) the times to which clauses 9A(1), 9A(3) and 9A(4) apply; and
- (b) where the boat is in the waters of Zone C, the closure times specified in a notice made under clause 9B.

(3) The master of a Zone C boat must ensure that the boat is securely moored or anchored within half a nautical mile of the high water mark of the mainland or any of the Abrolhos Islands immediately prior to the commencement of—

- (a) the times to which clause 9A(4) applies and any closure times specified in a notice made under clause 9B; and
- (b) where the boat is in the waters of Zone B, the times to which clauses 9A(1), 9A(2) and 9A(3) apply.

Interpretation of clause 9E

9D. In clause 9E “waters that are closed to fishing” means—

- (a) in respect of a Zone A boat—
 - (i) any waters during the times to which clauses 9A(1), 9A(2) and 9A(4) apply; and
 - (ii) the waters of Zone C during any closure time specified in a notice made under clause 9B;
- (b) in respect of a Zone B boat—
 - (i) any waters during the times to which clause 9A applies; and
 - (ii) the waters of Zone C during any closure time specified in a notice made under clause 9B;
- (c) in respect of a Zone C boat—
 - (i) any waters during the times to which clause 9A(4) applies and any closure time specified in a notice made under clause 9B; and
 - (ii) the waters of Zones A and B during the times to which clause 9A applies.

Prohibition on movement of boats through waters that are closed to fishing

9E. (1) The master of an authorised boat must not steam, sail or otherwise move an authorised boat through any waters of the Fishery that are waters that are closed to fishing.

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

- (a) there are no rock lobster or pots on board, or attached in any way to, the boat; and

- (b) not less than 60 minutes before the boat is moved the master has provided verbal notice to the Executive Director by means of a telephone call to 1800 446 801 specifying—
- (i) the master's full name;
 - (ii) the name and licensed fishing boat number of the boat;
 - (iii) the location and intended time of commencement of the voyage;
 - (iv) the number of persons that will be on board the boat;
 - (v) the intended course and duration of the voyage; and
 - (vi) the location and intended time of termination of the voyage.
- (3) The master of an authorised boat must ensure that no rock lobster is—
- (a) brought onto;
 - (b) stored or transported on; or
 - (c) landed or unloaded from,
- the boat at any time when the boat is in waters that are closed to fishing.
- (4) The master of an authorised boat must ensure that no pot is—
- (a) brought onto; or
 - (b) stored or transported on,
- the boat at any time when the boat is in waters that are closed to fishing.

Exception to restrictions on the use of boats—unloading rock lobster

9F. Subclauses 9E(3)(b) and (c) do not apply in respect of—

- (a) a Zone A or B boat during the first 10 hours of any period to which clause 9A applies where the boat is kept securely moored or anchored within half a nautical mile of the mainland or the Abrolhos Islands;
- (b) a Zone C boat during the first 10 hours of any period to which clause 9A(4) applies or of any closure time specified in a notice made under clause 9B where the boat is kept securely moored or anchored within half a nautical mile of the mainland.

Exception to restrictions on the use of boats—rock lobster pots on board a boat that is moored or anchored

9G. Subclause 9E(4) does not apply where the authorised boat is securely moored or anchored within half a nautical mile of the high water mark of the mainland or any of the Abrolhos Islands.

Exception to restrictions on the use of boats—usual port in another zone

9H. (1) Subclauses 9C(2), 9E(3)(b) and (c) and 9E(4) do not apply in respect of a Zone B boat during any closure time specified in a notice made under clause 9B where the boat is moored at a port in Zone C or is being steamed, sailed or otherwise moved through the waters of Zone C to or from a port in Zone C—

- (a) by the shortest practicable and most direct route from or to the place of fishing in Zone B, as the case requires; and
- (b) in accordance with the established and ordinary course of fishing under the relevant licence.

(2) Subclauses 9C(3), 9E(3)(b) and (c) and 9E(4) do not apply in respect of a Zone C boat during any time to which clauses 9A(1), 9A(2) and 9A(3) apply where the boat is moored at a port in Zone B or is being steamed, sailed or otherwise moved through the waters of Zone B to or from a port in Zone B—

- (a) by the shortest practicable and most direct route from or to the place of fishing in Zone C, as the case requires; and
- (b) in accordance with the established and ordinary course of fishing under the relevant licence.

Exception to restrictions on the use of boats—setting pots at certain times

9I. (1) Subclauses 9E(1) and 9E(4) do not apply in respect of a Zone A or B boat on 9 February in any year where the boat is being used to set pots in the waters of Zone B.

(2) Subclauses 9E(1) and 9E(4) do not apply in respect of a Zone C boat on the last day of any closure time specified in a notice made under clause 9B where the boat is being used to set pots in the waters of Zone C.

Exception to restrictions on the use of boats—refuelling or provisioning

9J. (1) Subclauses 9E(1) and 9E(4) do not apply where—

- (a) the authorised boat was secured to a mooring, anchorage, harbour pen, jetty or wharf that is within 1000 metres of a—
 - (i) service jetty or facility;
 - (ii) fuel dolphin; or
 - (iii) port;

- (b) the boat is steamed, sailed or otherwise moved by the shortest practicable and most direct route from the place where it was secured to the—
 - (i) service jetty or facility;
 - (ii) fuel dolphin; or
 - (iii) port; and
 - (c) the steaming, sailing or otherwise moving of the boat is necessary for the purpose of refuelling or provisioning of the boat.
- (2) Subclause 9E(1) and 9E(4) do not apply where—
- (a) the authorised boat has been steamed, sailed or otherwise moved in the circumstances provided for in subclause (1); and
 - (b) the boat has been refuelled or provisioned,
- and the boat is then steamed, sailed or otherwise moved by the shortest practicable and most direct route to the mooring, anchorage, harbour pen, jetty or wharf to which subclause (1)(a) applied.

Exception to restrictions on the use of boats—rescue or emergency

9K. Clause 9E(1) does not apply where the boat is being steamed, sailed or otherwise moved solely for the purposes of a maritime rescue or in connection with an emergency, and the boat is used solely for that purpose. ”.

6. Clause 14 amended

Clause 14 is amended in subclause (1a)(a) by deleting “12 November” and inserting instead—
“1 November”.

7. Clause 21A amended

Clause 21A is amended by inserting after “9C,” the following—
“ 9E, ”.

8. Schedule 8 deleted

Schedule 8 is deleted.

*[*Published in the Gazette of 2 November 1993. For amendments to 12 January 2006 see Notice No. 684 published in the Gazette of 25 November 1994, Notice No. 688 published in the Gazette of 13 December 1994, Notice No. 706 published in the Gazette of 12 May 1995, Notice No. 731 published in the Gazette of 29 September 1995, the West Coast Rock Lobster Management Plan Amendment 1996 published in the Gazette of 5 November 1996, the West Coast Rock Lobster Management Plan Amendment 1997 published in the Gazette of 21 February 1997, the West Coast Rock Lobster Management Plan Amendment (No. 2) 1997 published in the Gazette of 30 September 1997, the West Coast Rock Lobster Management Plan Amendment 1998 published in the Gazette of 13 November 1998, the West Coast Rock Lobster Management Plan Amendment (No. 2) 1999 published in the Gazette 12 November 1999, the West Coast Rock Lobster Management Plan Amendment 2000 published in the Gazette of 29 August 2000, the West Coast Rock Lobster Fishery Management Plan Amendment 2001 published in the Gazette of 10 August 2001, the West Coast Rock Lobster Fishery Management Plan Amendment (No. 2) 2001 published in the Gazette of 12 October 2001, the West Coast Rock Lobster Fishery Management Plan Amendment 2002 published in the Gazette of 22 January 2002, the West Coast Rock Lobster Fishery Management Plan Amendment 2003 published in the Gazette of 11 July 2003, the West Coast Rock Lobster Fishery Management Plan Amendment (No. 3) 2003 published in the Gazette of 21 October 2003, the West Coast Rock Lobster Fishery Management Plan Amendment (No. 2) 2003 published in the Gazette of 28 October 2003, the West Coast Rock Lobster Fishery Management Plan Amendment (No. 4) 2003 published in the Gazette of 7 November 2003, the West Coast Rock Lobster Fishery Management Plan Amendment 2004 published in the Gazette of 22 June 2004; the West Coast Rock Lobster Fishery Management Plan Amendment (No. 2) 2004 published in the Gazette of 19 October 2004 and the West Coast Rock Lobster Fishery Management Plan Amendment 2005 published in the Gazette of 9 November 2005.*

See regulation 183 of the Fish Resources Management Regulations 1995 concerning the citation of notices in force under the Fisheries Act 1905 immediately before the commencement of those Regulations.]

Dated this 13th day of January 2006.

JON FORD, Minister for Fisheries.

