

The logo for the Western Australian Government Gazette, featuring a large, stylized 'G' with a map of Western Australia inside it.

WESTERN AUSTRALIAN GOVERNMENT Gazette

PERTH, THURSDAY, 27 DECEMBER 1990 No. 164 SPECIAL

PUBLISHED BY AUTHORITY G. L. DUFFIELD, GOVERNMENT PRINTER AT 4.30 PM

PEARLING ACT 1990

**PEARLING (GENERAL)
REGULATIONS 1991**

WESTERN AUSTRALIA

PEARLING ACT 1990

PEARLING (GENERAL) REGULATIONS 1991

Made by His Excellency the Governor in Executive Council.

PART 1—PRELIMINARY

Citation

1. These regulations may be cited as the *Pearling (General) Regulations 1991*.

Commencement

2. These regulations shall come into operation on the day, or the first of the days, as the case requires, fixed under section 2 of the Act.

Interpretation

3. In these regulations, unless the contrary intention appears—
 - “approved” means approved by an inspector;
 - “catcher boat” means boat used to take, or attempt to take, pearl oysters;
 - “designated container” or “panel” means container of a type specified in Schedule 1;
 - “dump”, when used as—
 - (a) a noun, means area of Western Australian waters where pearl oysters are held or placed; or
 - (b) a verb, means place pearl oysters on a dump;
 - “filled”, in relation to a designated container, means filled with the number of pearl oysters prescribed by regulation 5 in respect of containers of the particular type to which the designated container belongs;
 - “fleet master” means master of a boat nominated in a notice of pearling or hatchery activity to be the fleet master of 2 or more boats using the same dump;

2

"holding site" means area of Western Australian waters to which a prohibition or restriction made under section 19 of the Act applies, which prohibition or restriction is expressed to be made for the purposes of this definition;

"licensee" means holder of a pearling licence or hatchery licence;

"notice of pearling or hatchery activity" means notice of pearling or hatchery activity referred to in regulation 12;

"operated pearl oyster dump" means dump—

(a) situated within a holding site; and

(b) used solely for the purpose of dumping pearl oysters which have been seeded in pearl seeding operations;

"operation boat" means boat used for carrying out pearl culture techniques;

"returned pearl oyster dump" means dump—

(a) situated within a holding site; and

(b) used solely for the purpose of dumping pearl oysters which have been subjected to pearl seeding operations but have not been seeded;

"seeding" means specific pearl culture technique of inserting a nucleus into a pearl oyster;

"tag" means pearl oyster identification tag issued under regulation 24 (1);

"tagged designated container" means designated container to which a valid tag has been affixed;

"transport boat" means boat used for transporting pearl oysters.

PART 2—PRESCRIBED MATTERS

Australian Geodetic Datum

4. (1) For the purposes of section 4 (2) of the Act, the Australian Geodetic Datum is defined by an ellipsoid—

(a) having a semi-major axis (equatorial radius) of 6 378 160 metres and a flattening of $\frac{1}{298.25}$;

and

(b) fixed by the position of the origin, being the Johnston Geodetic Station in the Northern Territory of Australia.

(2) The Johnston Geodetic Station referred to in subregulation (1) shall be taken—

(a) to be situated at 25°55'54.551 5" south latitude and at 133°12'30.077 1" east longitude; and

(b) to have a ground level elevation of 571.2 metres above the ellipsoid referred to in that subregulation.

Numbers of pearl oysters prescribed in respect of particular types of containers

5. For the purposes of section 8 (4) of the Act, the number of pearl oysters prescribed in respect of a particular type of container referred to in Schedule 1 is a number equal to the total number of compartments, pockets or slots in a container of that type.

Application fees

6. An applicant under section 22 of the Act for the issue or renewal of—
- (a) a farm lease, or a right conferred on a person by a farm lease, shall pay to the Executive Director an application fee of \$200.00;
 - (b) a pearling licence or pearling permit shall pay to the Executive Director an application fee of \$250.00; or
 - (c) a hatchery licence or hatchery permit shall pay to the Executive Director an application fee of \$250.00.

Retirements prescribed in respect of holders of pearl divers' licences

7. (1) For the purposes of section 26 (2) (a) of the Act, the holding by the holder of a pearl diver's licence of a current certificate from a medical practitioner to the effect that—

- (a) the medical practitioner has examined that holder in accordance with Australian Standard 2299 entitled "Underwater air breathing operations"; and
- (b) in the opinion of the medical practitioner, that holder is fit to work as a professional diver using a diving apparatus involving the use of compressed air for 12 months from the date of that certificate,

while diving is a requirement prescribed in respect of that holder.

(2) That part of the Australian Standard referred to in subregulation (1) (a) which provides that medical examinations for commercial divers are to be carried out at 6 monthly intervals does not apply in respect of examinations carried out for the purposes of this regulation in accordance with that Australian Standard.

(3) In subregulation (1)—

"current certificate" means certificate the date of which is not more than 12 months prior to the date of the diving referred to in that subregulation;
"medical practitioner" means person referred to in paragraph (a) of the definition of "medical practitioner" in section 3 (1) of the *Medical Act 1894*.

Annual fees in respect of certain licences

8. For the purposes of section 27 (1) (b) of the Act, the annual fee in respect of—

- (a) a pearl diver's licence is \$20.00;
- (b) a pearl boat licence is \$80.00; or
- (c) a pearl boat master's licence is \$20.00.

Transfer fees

9. An applicant under section 32 of the Act for the transfer of—

- (a) a farm lease, or a right conferred on a person by a farm lease, shall pay to the Executive Director a transfer fee of \$250.00;
- (b) a pearling licence, or a right (other than a quota referred to in paragraph (d)) conferred on a person by a pearling licence, shall pay to the Executive Director a transfer fee of \$250.00;
- (c) a hatchery licence, or a right (other than a quota referred to in paragraph (d)) conferred on a person by a hatchery licence, shall pay to the Executive Director a transfer fee of \$250.00; or
- (d) part, or all, of a quota referred to in section 32 (5) (a) or (b) of the Act shall pay to the Executive Director a transfer fee calculated at the rate of 25c per pearl oyster forming part of that quota.

**Prescribed manner of sale of seized
pearl oysters or pearl oyster spat**

10. For the purposes of section 55 (1) (a) (ii) and (b) (i) of the Act, the Executive Director may, with the approval in writing of the Minister, sell the relevant pearl oysters or pearl oyster spat—

- (a) at public auction; or
- (b) by tender or by private treaty.

PART 3—PRESCRIBED FORMS

Annual notice of intent

11. A licensee shall, before 31 December in each year, complete an annual notice of intent in the form of Form P1 in the Schedule in respect of the year next following that year and lodge that annual notice of intent with an inspector at Broome or at such other place as may be approved in writing.

Penalty: \$500.

Notice of pearling or hatchery activity

12. A licensee shall not use, or permit or suffer his or her agent, employee or subordinate to use, an aircraft or boat to carry out pearling or hatchery activities unless—

- (a) the licensee has described the pearling or hatchery activities in a notice of pearling or hatchery activity in the form of Form P2 in the Schedule completed by the licensee; and
- (b) the licensee has prior to that use lodged the notice of pearling or hatchery activity referred to in paragraph (a) with an inspector at Broome or at such other place as may be approved in writing.

Penalty: \$2 000.

Pearl oyster fishing daily log sheet

13. (1) Subject to subregulation (2), the master of a catcher boat shall complete for each day on which pearl oysters are taken or attempted to be taken by 2200 hours on that day a pearl oyster fishing daily log sheet in the form of Form P3 in the Schedule.

Penalty: \$2 000.

(2) In completing a pearl oyster fishing daily log sheet under subregulation (1), the master of the relevant catcher boat shall—

- (a) complete the section of Form P3 headed "Dive time" in respect of each dive made from that catcher boat immediately that dive ends;
- (b) complete, subject to regulation 14, the section of Form P3 headed "Pearl oyster taken by diver number" in respect of each dive made from that catcher boat within 20 minutes of the end of that dive; and
- (c) enter the date in the space provided in the top left hand corner of Form P3 at the beginning of each day and, in any event, before the first dive is made from that catcher boat on that day.

Penalty: \$2 000.

Diver's catch record log sheet

14. (1) The master of a catcher boat required by regulation 13 (2) (b) to complete the section of Form P3 headed "Pearl oyster taken by diver number" may, instead of completing that section within 20 minutes of the end of the dive concerned, complete a diver's catch record log sheet in the form of Form P4 in the Schedule in respect of each dive made from the catcher boat.

(2) The master of a catcher boat who completes a diver's catch record log sheet under subregulation (1) shall—

- (a) complete the diver's catch record log sheet within 20 minutes of the end of the dive to which it relates; and
- (b) transfer the information entered in each diver's catch record log sheet completed during the course of a particular day to the pearl oyster fishing daily log sheet completed under regulation 13 in respect of that day by 2200 hours on that day.

Penalty: \$2 000.

Dump record log sheet

15. (1) Subject to this regulation, the master of a boat which is used—

- (a) to take and dump pearl oysters;
- (b) to take pearl oysters which are transferred to a dump boat and dumped; or
- (c) to transport and dump pearl oysters,

shall make a complete record of that dumping for each day of that dumping in a dump record log sheet in the form of Form P5 by 2200 hours on that day.

Penalty: \$2 000.

(2) Subregulation (1) does not apply to or in relation to pearl oysters dumped—

- (a) on a pearl oyster farm; or
- (b) on an operated pearl oyster dump or returned pearl oyster dump.

(3) When 2 or more boats, the masters of which are required by subregulation (1) (a) or (b) to make a complete record of dumping on the same dump, are under the control of a fleet master—

- (a) the fleet master shall comply with subregulation (1) (a) or (b), as the case requires, in respect of both or all of those boats as if the fleet master were the master of each of those boats; and
- (b) the master of each of those boats (other than the fleet master) shall not comply with subregulation (1) (a) or (b), as the case requires, in respect of his or her boat.

Penalty: \$2 000.

(4) The complete record referred to in subregulation (1) shall for the purposes of subregulation (3) be taken to be one copy of Form P5 containing the necessary particulars in respect of both or all of the boats referred to in subregulation (3).

Transport log sheet

16. (1) Subject to subregulation (2)—

- (a) the pilot of an aircraft which is used for transporting pearl oysters; or
- (b) the master of a transport boat,

shall, prior to the transport of pearl oysters, complete a transport log sheet in the form of Form P6 in the Schedule.

Penalty: \$2 000.

6

- (2) Subregulation (1) does not apply to or in relation to pearl oysters—
- (a) transported entirely within the area of a pearl oyster farm;
 - (b) transported directly from a dump to an operation boat situated on a holding site for the purpose of being subjected to pearl seeding operations;
 - (c) held on board a boat actually engaged in taking, or attempting to take, pearl oysters; or
 - (d) transported entirely within a holding site after having been subjected to pearl seeding operations, whether or not they have been seeded, on board an operation boat situated on a holding site.

Transport (seeding) log sheet

17. The master of a boat which is used to transport pearl oysters directly from a dump to an operation boat situated on a holding site for the purpose of being subjected to pearl seeding operations shall—

- (a) prior to that transport, complete a transport (seeding) log sheet in the form of Form P7 in the Schedule in respect of the pearl oysters to be transported; and
- (b) carry the transport (seeding) log sheet referred to in paragraph (a) on that boat during that transport.

Penalty: \$2 000.

Holding site operation log sheet

18. (1) Subject to subregulation (2), the master of an operation boat shall complete a holding site operation log sheet in the form of Form P8 in the Schedule for each day on which—

- (a) pearl oysters are received or held on board the operation boat for the purpose of being subjected to pearl seeding operations; or
 - (b) the operation boat is used for pearl seeding operations,
- by 2200 hours on that day.

Penalty: \$2 000.

(2) Subregulation (1) does not apply to or in relation to pearl oysters which are on a pearl oyster farm.

General requirements in respect of prescribed forms

19. (1) All forms referred to in this Part may be issued in log books instead of loose log sheets to persons required by this Part to complete those forms.

(2) If a log book referred to in subregulation (1) is issued in respect of a particular aircraft or boat, the person completing the forms in that log book shall—

- (a) do so only in respect of that aircraft or boat;
- (b) use those forms in numerical sequence; and
- (c) cause that log book to be retained on board that aircraft or boat until 31 December of the year in which that log book was issued.

Penalty: \$2 000.

(3) The licensee under whose licence an aircraft or boat referred to in subregulation (2) is used shall retain every log book issued in respect of that aircraft or boat for a period of 2 years from 31 December of the year in which that log book was issued.

Penalty: \$1 000.

(4) A person completing a form referred to in this Part shall do so in indelible ink.

Penalty: \$1 000.

(5) Subject to regulation 20, a person required by this Part to complete a form in the form of Form P3, P5, P6 or P8 shall lodge the original of that form with an inspector at Broome or at such other place as may be approved in writing—

- (a) if a notice of pearling or hatchery activity has been lodged under regulation 12 in respect of the period during which that form was completed, within 3 days of the end of the relevant pearling trip; or
- (b) if a notice of pearling or hatchery activity has not been lodged within the meaning of paragraph (a), on demand by an inspector.

Penalty: \$2 000.

(6) In subregulation (5) (a)—

“pearling trip” means duration of use of an aircraft or boat to carry out pearling or hatchery activities described in relation to the aircraft or boat in the relevant notice of pearling or hatchery activity.

Power of inspector to direct delivery of form

20. (1) Notwithstanding anything in these regulations, an inspector may, if he or she considers it necessary to do so, in writing direct a person required by this Part to complete a form referred to in regulation 19 (5) to deliver, or cause to be delivered, that form to such person at such time and place as are specified in that direction instead of lodging that form in accordance with regulation 19 (5).

(2) A person to whom a direction is given under subregulation (1) shall comply with that direction.

Penalty: \$2 000.

PART 4—DESIGNATED CONTAINERS AND TAGS

Pearl oysters to be held in designated containers

21. (1) Subject to this regulation, a person shall not, without the written approval of an inspector, hold pearl oysters otherwise than in a designated container.

Penalty: \$1 000.

(2) Subregulation (1) does not apply to or in relation to a pearl oyster if the pearl oyster—

- (a) is removed from a designated container for the purpose of subjecting the pearl oyster to pearl seeding operations on board an operation boat situated on a holding site;
- (b) is being held on a pearl oyster farm; or
- (c) is being taken by the holder of a pearl diver's licence.

(3) A person shall not, without the written approval of an inspector, hold in a designated container more pearl oysters than the number prescribed by regulation 5 in respect of containers of the type to which the designated container belongs.

Penalty: \$1 000.

Pearl oysters to be placed in tagged designated containers after being taken

22. (1) The master of a catcher boat shall, subject to subregulation (2), ensure that pearl oysters taken by diving from the catcher boat are placed in tagged designated containers within 20 minutes of the end of the dive during which that taking took place.

Penalty: \$1 000.

(2) It is a defence to a charge of committing an offence under subregulation (1) to show that—

- (a) a threat to the safety of the crew of the catcher boat from which the relevant dive was made prevented compliance with that subregulation; or
- (b) the catch of pearl oysters made during the relevant dive was so large that it was not possible to comply with that subregulation in respect of all or any of the pearl oysters in that catch.

Manner in which designated containers to be filled

23. The master of a catcher boat shall, unless an inspector otherwise directs in writing, ensure that the designated containers on board the catcher boat are filled consecutively in such a way that no more than 2 partly filled designated containers are on board the catcher boat at any one time.

Penalty: \$1 000.

Issue and allocation of pearl oyster identification tags

24. (1) An inspector shall, on the application of a licensee—

- (a) who satisfies the inspector that he or she wishes to take any pearl oysters;
 - (b) whose licence is subject to a condition referred to in section 26 (2) (c) or (d) of the Act; and
 - (c) who has lodged an annual notice of intent under regulation 11 for the calendar year during which pearl oysters are to be taken,
- issue to the licensee sufficient pearl oyster identification tags to identify the pearl oysters taken under the licence of the licensee.

(2) A licensee to whom tags have been issued shall allocate sufficient of those tags to each boat used by or on behalf of the licensee for the purposes of his or her licence to enable the crew of that boat to comply with these regulations.

Tag specifications

25. Each tag shall—

- (a) be of a locking type; and
- (b) carry a serial number.

Use and possession of tags

26. (1) A person, other than—

- (a) a licensee to whom particular tags have been issued; or
 - (b) a member of the crew of a boat to which particular tags have been allocated under regulation 24 (2) who uses, or has in his or her possession, those tags on board the boat,
- shall not use or have in his or her possession those tags.

Penalty: \$2 000.

(2) A person who uses any tags shall do so in the order of their serial numbers.

Penalty: \$2 000.

Transfer of tags

27. When particular tags have been allocated to a boat under regulation 24 (2), the licensee who so allocated those tags shall not transfer those tags to another boat unless—

- (a) the other boat is used by or on behalf of that licensee under his or her licence; and
- (b) that licensee has recorded that transfer in the relevant notice of pearling or hatchery activity.

Penalty: \$2 000.

Boat not to be used for taking pearl oysters unless tags allocated to, and on board, boat

28. A person shall not use, or permit or suffer his or her agent, employee or subordinate to use, a boat to take or attempt to take pearl oysters unless—

- (a) tags have been allocated under regulation 24 (2) or transferred in accordance with regulation 27 to, and are on board, the boat; or
- (b) an inspector has in writing exempted the boat from the operation of this regulation.

Penalty: \$2 000.

Affixing of tags

29. (1) Subject to subregulation (2), a person who is placing pearl oysters in a designated container shall, as soon as the designated container is full, affix a tag to the designated container by pulling the locking tail of the tag through the locking head of the tag.

Penalty: \$2 000.

(2) If there are insufficient pearl oysters with which to fill the last designated container in which pearl oysters are placed after the last dive of the day has been made, the person who is placing pearl oysters in that designated container shall affix a tag to that designated container in the manner specified in subregulation (1) as soon as the last pearl oyster has been placed in that designated container.

Penalty: \$2 000.

(3) A person shall not affix a tag to a designated container if another tag is already affixed to the designated container.

Penalty: \$2 000.

Removal of tags

30. (1) A licensee to whom tags have been issued shall ensure that, unless an inspector directs otherwise in writing, all of those tags which have been affixed to designated containers are removed therefrom by midnight on 31 December of the year in which those tags were so affixed.

Penalty: \$1 000.

(2) A person who removes a tag from a designated container shall render the tag incapable of being used again under these regulations.

Penalty: \$1 000.

PART 5—DUMPING OF PEARL OYSTERS

*Division 1—Dumps other than dumps on holding sites***Division 1 not to apply to certain dumps**

- 31.** This Division does not apply to or in relation to a dump made—
- (a) in accordance with—
 - (i) any relevant condition of a licence; or
 - (ii) any written direction given by an inspector, by the holder of a farm lease within his or her pearl oyster farm; or
 - (b) on a holding site with pearl oysters which have been subjected to pearl seeding operations on board an operation boat situated on the holding site.

When dumping of pearl oysters permissible

32. (1) A person shall not dump or attempt to dump, or permit or suffer his or her agent, employee or subordinate to dump or attempt to dump, pearl oysters unless—

- (a) that dump has been identified by a number in a dump record log sheet referred to in regulation 15 before the pearl oysters are dumped;
- (b) that dump is marked by a master buoy consisting of a surface float—
 - (i) which has a diameter of 75 cm or more;
 - (ii) which is branded with the number of that dump as recorded in the dump record log sheet referred to in paragraph (a) preceded by an approved abbreviated reference to the licensee using that dump; and
 - (iii) which has attached to it an aluminium radar reflector with a surface area of not less than 1.5 square metres;
- (c) subject to subregulation (2), those pearl oysters are dumped in tagged designated containers;
- (d) all tagged designated containers referred to in paragraph (c) are when dumped attached to a long line which has surface floats 15 cm in diameter attached to each end of the long line;
- (e) the 2 surface floats referred to in paragraph (d) are branded with the same identifying number, which number is different from the identifying number with which the surface floats attached to any other long line at that dump are branded;
- (f) all long lines at that dump are within a radius of 200 metres of the surface float referred to in paragraph (b) or of a surface float which—
 - (i) has a diameter of 75 cm or more; and
 - (ii) is branded with an approved abbreviated reference to the licensee using that dump;
- (g) all tagged designated containers attached to a long line are capable of holding the number of pearl oysters prescribed by regulation 5 in respect of containers of the type to which those tagged designated containers belong; and
- (h) those pearl oysters were taken under the licence of the licensee using that dump.

Penalty: \$2 000.

(2) Subregulation (1) (c) does not apply to or in relation to pearl oysters dumped—

- (a) on a pearl oyster farm; or
- (b) on a holding site immediately after having been subjected to pearl seeding procedures on board an operation boat situated on the holding site.

Nomination and duties of fleet masters

33. (1) If 2 or more boats are to use the same dump or dumps, the licensee using that dump or those dumps shall in the relevant notice of pearling or hatchery activity completed by that licensee nominate one of the masters of those boats to be the fleet master of those boats at that dump or those dumps.

Penalty: \$2 000.

(2) A fleet master shall ensure that this Division is complied with in respect of the pearl oysters dumped by the boats to which his or her nomination relates.

Penalty: \$2 000.

Map of long lines in relation to master buoy

34. The master of a boat using a dump or, if 2 or more boats are using a dump, the fleet master nominated in respect of the dump, shall—

- (a) subject to paragraph (b), make and retain on board his or her boat an accurate and up to date map showing the identifying numbers referred to in regulation 32 (1) (e) of the long lines on the dump and the disposition of those long lines in relation to the master buoy referred to in regulation 32 (1) (b); and
- (b) if so requested by an inspector, lend to the inspector for a reasonable time the map referred to in paragraph (a) or provide the inspector with a legible copy of that map.

Penalty: \$2 000.

Only one licensee to use particular dump

35. A licensee shall not use, or permit or suffer his or her agent, employee or subordinate to use, a dump which is already used by or on behalf of another licensee.

Penalty: \$2 000.

Division 2—Dumps on holding sites

When operated pearl oyster dumps and returned pearl oyster dumps permissible

36. (1) Subject to subregulation (2), a person shall not dump or attempt to dump, or permit or suffer his or her agent, employee or subordinate to dump or attempt to dump, pearl oysters which have been subjected to pearl seeding operations on a holding site unless—

- (a) the holding site is marked by a master buoy consisting of a surface float—
 - (i) which has a diameter of 75 cm or more;
 - (ii) which is branded with a number identifying that surface float preceded by an approved abbreviated reference to the licensee using the holding site; and
 - (iii) which has attached to it an aluminium radar reflector with a surface area of not less than 1.5 square metres;

- (b) those pearl oysters are dumped in designated containers;
- (c) all designated containers referred to in paragraph (b) are when dumped attached to a long line which has surface floats 15 cm in diameter attached to each end of the long line;
- (d) the 2 surface floats referred to in paragraph (c) are branded with the same identifying number, which number is different from the identifying number with which the surface floats attached to any other long line on the holding site are branded;
- (e) all long lines on the holding site are within a radius of 200 metres of the surface float referred to in paragraph (a) or of a surface float—
 - (i) which has a surface diameter of 75 cm or more; and
 - (ii) which is branded with an approved abbreviated reference to the licensee using the holding site;and
- (f) all designated containers attached to a long line are capable of holding the number of pearl oysters prescribed by regulation 5 in respect of containers of the type to which those designated containers belong.

Penalty: \$2 000.

(2) A person shall not dump or attempt to dump, or permit or suffer his or her agent, employee or subordinate to dump or attempt to dump, in the same dump on a holding site both pearl oysters which have been seeded in pearl seeding operations and pearl oysters which have been subjected to pearl seeding operations but have not been seeded.

Penalty: \$2 000.

Duties of masters of operation boats

37. The master of an operation boat situated on a holding site shall ensure that the Act and these regulations are complied with in respect of the holding site.

Penalty: \$2 000.

Map of long lines in relation to master buoy

38. The master of an operation boat shall—

- (a) subject to paragraph (b), make and retain on board the operation boat an accurate and up to date map showing the identifying numbers referred to in regulation 36 (1) (d) of the long lines on the holding site on which the operation boat is situated and the disposition of those long lines in relation to the master buoy referred to in regulation 36 (1) (a); and
- (b) if so requested by an inspector, lend to the inspector for a reasonable time the map referred to in paragraph (a) or provide the inspector with a legible copy of that map.

Penalty: \$2 000.

PART 6—PEARL SEEDING OPERATIONS ON HOLDING SITES

Pearl seeding operations to be conducted only on farm leases or holding sites

39. A person shall not conduct pearl seeding operations elsewhere than on a farm lease or holding site.

Penalty: \$2 000.

Prior notice of pearl seeding operations to be given

40. A person shall not conduct pearl seeding operations on a holding site unless prior notice of those pearl seeding operations has been given in a notice of pearling or hatchery activity.

Penalty: \$2 000.

Circumstances in which pearl oysters can be held on operation boat

41. The master of an operation boat shall ensure that loose pearl oysters or containers which—

- (a) contain pearl oysters; but
- (b) are not tagged,

are not held on board his or her operation boat unless that operation boat is situated on a holding site and pearl seeding operations are being conducted on that operation boat.

Penalty: \$2 000.

PART 7—TRANSPORTING OF PEARL OYSTERS

When transporting of pearl oysters permissible

42. A person shall not transport or attempt to transport, or permit or suffer his or her agent, employee or subordinate to transport or attempt to transport, pearl oysters by any means on, in, over or from Western Australian waters unless—

- (a) those pearl oysters are in tagged designated containers and prior notice of that transport has been given in a notice of pearling or hatchery activity;
- (b) prior to that transport, those pearl oysters have been—
 - (i) held on a holding site;
 - (ii) subjected to pearl seeding operations on the holding site referred to in subparagraph (i); and
 - (iii) held in designated containers, and an inspector has in writing approved that transport;
- (c) those pearl oysters have been taken by, and are being held on, a catcher boat and the catcher boat is still actually engaged in taking pearl oysters;
- (d) those pearl oysters are transported entirely within a pearl oyster farm;
- (e) those pearl oysters are, on the day on which they are taken by a catcher boat, transported by the catcher boat or a dump boat, in tagged designated containers, directly to the nearest dump (other than a dump on a pearl oyster farm);
- (f) those pearl oysters are—
 - (i) in designated containers;
 - (ii) held on or transported to an operation boat situated on a holding site; and
 - (iii) transported entirely within the holding site referred to in subparagraph (ii); or
- (g) an inspector approves in writing that transport.

Penalty: \$2 000.

Variation of notice of transport

43. (1) Prior notice of transport referred to in regulation 42 (a) may be varied by notice lodged—

- (a) in writing; or
- (b) by facsimile or telex transmission,

with an inspector at Broome or at such other place as may be approved in writing not less than 24 hours before the relevant transport takes place, and prior notice of transport so varied has the same effect as prior notice of transport not so varied.

(2) Notice may be lodged under subregulation (1) by—

- (a) the pilot of the relevant aircraft;
- (b) the master of the relevant boat; or
- (c) the licensee using the relevant aircraft or boat.

Contents of notices

44. Prior notice of transport referred to in regulation 42 (a) or notice lodged under regulation 43 (1) shall state—

- (a) the date of transport;
- (b) the identifying particulars of the aircraft, or the name and number of the boat, to which the relevant notice relates; and
- (c) the source, location, number and destination of the pearl oysters to be transported, and the time and date of arrival of those pearl oysters at that destination,

and, if any of the particulars referred to in paragraph (a), (b) or (c) is omitted from the relevant notice, that notice is deemed not to have been given or lodged, as the case requires.

PART 8—GENERAL**Miscellaneous offences**

45. A person shall not, except with the written approval of the Executive Director or in accordance with a condition imposed on a licence or permit—

- (a) take or attempt to take, or permit or suffer his or her agent, employee or subordinate to take or attempt to take, pearl oysters by any means except by diving and by hand;
- (b) have on board a boat any equipment capable of being used for the taking of pearl oysters, other than pearl diving equipment;
- (c) kill, or permit or suffer his or her agent, employee or subordinate to kill, a pearl oyster except for—
 - (i) pearl seeding operations on a holding site or pearl oyster farm; or
 - (ii) pearl harvesting purposes on a pearl oyster farm;
- (d) have on board a catcher boat any dead pearl oyster; or
- (e) conduct or attempt to conduct, or permit or suffer his or her agent, employee or subordinate to conduct or attempt to conduct, pearl culture techniques except on a holding site or pearl oyster farm.

Penalty: \$2 000.

Sizes of letters and numbers on floats

46. A person who for the purposes of these regulations brands a float with letters or numbers or both shall do so with letters or numbers or both each of which is not less than 6 cm high and 1 cm wide.

Penalty: \$500.

**Persons who may use, or transport
pearl oysters to, holding sites**

47. A person, other than a licensee authorized under section 19 of the Act to use a holding site, shall not—

- (a) use the holding site for pearling or hatchery activities; or
- (b) transport pearl oysters to the holding site, without the written approval of the Executive Director.

Penalty: \$2 000.

Pearl boat licence number

48. (1) A pearl boat licence shall identify the boat in respect of which it is issued by assigning to that boat a number, consisting of letters and numbers or numbers only, which is different from the number assigned to any other boat by another pearl boat licence.

(2) The master of a boat in respect of which a pearl boat licence is issued shall ensure that there is at all times legibly painted—

- (a) in black on a yellow background; and
- (b) in letters and numbers or numbers only, as the case requires, each of which is not less than 30 cm high and 5 cm wide or is of such other dimensions as are approved in writing,

on both sides of the hull of that boat at the turn of the bow the number assigned to that boat by the pearl boat licence.

Penalty: \$500.

(3) A person shall not own, control or use a boat bearing a number referred to in subregulation (2) unless a pearl boat licence is in force in respect of that boat.

Penalty: \$500.

(4) A person who owns or controls a boat bearing a number referred to in subregulation (2) shall not permit or suffer another person to use that boat unless a pearl boat licence is in force in respect of that boat.

Penalty: \$500.

SCHEDULE 1

(Regulations 3 and 5)

DESIGNATED CONTAINERS

| Type | Specification |
|----------------|--|
| 6 pocket panel | The frame of this panel is made of steel, is of a flat, rigid construction with a maximum length of 870 mm and a maximum width of 510 mm and is covered with mesh net. This panel contains 6 mesh net pockets, each of which has a maximum length of 290 mm and a maximum width of 230 mm. |
| 8 pocket panel | The frame of this panel is made of steel, is of a flat, rigid construction with a maximum length of 910 mm and a maximum width of 460 mm and is covered with mesh net. This panel contains 8 mesh net pockets, each of which has a maximum length of 230 mm and a maximum width of 230 mm. |

SCHEDULE 1—*continued*DESIGNATED CONTAINERS—*continued*

| Type | Specification |
|-----------------------|---|
| 9 pocket panel | <p>The frame of this panel is made of steel, is of a flat, rigid construction with a maximum length of 590 mm and a maximum width of 560 mm and is covered with mesh net.</p> <p>This panel contains 9 mesh net pockets, each of which has a maximum length of 230 mm and a maximum width of 230 mm.</p> |
| 10 compartment basket | <p>The frame of this basket is made of steel, is of a rigid, rectangular construction and has a maximum length of 710 mm, a maximum width of 220 mm and a maximum depth of 220 mm.</p> <p>This basket contains 10 compartments, each of which is made of steel, is of a rigid, rectangular construction and has a maximum length of 70 mm, a maximum width of 220 mm and a maximum depth of 220 mm.</p> |

17

SCHEDULE 2

(Regulations 11, 12, 13, 14, 15, 16, 17 & 18)

PRESCRIBED FORMS

WESTERN AUSTRALIA

PEARLING ACT 1990

PEARLING (GENERAL) REGULATIONS 1991

FORM P1

Annual Notice of Intent (pre-season form)

| |
|--------------------------------------|
| Pearling intentions for the year: |
| Licensee: |
| Address: |
| Pearl oyster quota held by licensee: |

| Details of all pearl oysters to be taken by the licensee, including pearl oysters taken on behalf of, or leased from, other licensees. (Tick here if not applicable <input type="checkbox"/>). | | | |
|---|----------|-------------------------|--------------------------------------|
| Number | Licensee | Number of Pearl Oysters | Status (Fished or Fished and Seeded) |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| Total number of pearl oysters to be fished by licensee: | | | |

| Details where all or part of the licensee's pearl oyster quota is to be taken by another licensee. (Tick here if not applicable <input type="checkbox"/>). | | | |
|---|--------------------------------|-------------------------|--------------------------------------|
| Number | Licensee to fish pearl oysters | Number of Pearl Oysters | Status (Fished or Fished and Seeded) |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

| |
|---|
| Details of pearl oyster fishing program. (Tick here if not applicable <input type="checkbox"/>). Include months and location of fishing program. |
| |
| |
| |
| |

18

WESTERN AUSTRALIA
PEARLING ACT 1990
PEARLING (GENERAL) REGULATIONS 1991
FORM P1—continued

| Details of designated pearl oyster containers to be used. (Tick here if not applicable <input type="checkbox"/>). | | | |
|--|-----------------------|---------------------|----------------------|
| Number | Container description | Authorized capacity | Number of containers |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

| Details of boats to be used to take pearl oysters. (Tick here if not applicable <input type="checkbox"/>). | | | |
|---|-----------|-------------|--------|
| Number | Boat name | Boat number | Master |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |

Where more than one boat will use a pearl oyster dump nominate a fleet master to be responsible for all pearl oyster dumping operations. (Tick here if not applicable ☐).

Fleet master Boat name

| Details of dump boats to be used. (Tick here if not applicable <input type="checkbox"/>). | | | |
|--|-----------|-------------|--------|
| Number | Boat name | Boat number | Master |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |

19

WESTERN AUSTRALIA
PEARLING ACT 1990
PEARLING (GENERAL) REGULATIONS 1991
FORM P1—*continued*

Details of proposed pearl oyster transport program. (Tick here if not applicable ☐). Include details of months and location of transport program.

| |
|--|
| |
| |
| |
| |
| |

Details of transport boats to be used. (Tick here if not applicable ☐).

| Number | Boat name | Boat number | Master |
|--------|-----------|-------------|--------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |

Details of proposed pearl oyster seeding operations on holding sites.
(Tick here if not applicable ☐). (When, where, number of pearl oysters, period of operation.)

| |
|--|
| |
| |
| |
| |
| |
| |

Details of pearl oyster operation boats to be used. (Tick here if not applicable ☐).

| Number | Boat name | Boat number | Master |
|--------|-----------|-------------|--------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |

20

WESTERN AUSTRALIA
PEARLING ACT 1990
PEARLING (GENERAL) REGULATIONS 1991
FORM P1—continued

Details of master responsible for pearl seeding and all associated pearling operations on the holding site. (Tick here if not applicable ☐).

Master: Boat name:

Other comments/information

Declaration: I/We Licensee certify that the information contained herein is true and correct.

Signature: Date:

Signature Date:

Signature Date:

21

WESTERN AUSTRALIA
PEARLING ACT 1990
PEARLING (GENERAL) REGULATIONS 1991
FORM P2
NOTICE OF PEARLING OR HATCHERY ACTIVITY
(PRE NEAP FORM)

1.0 LICENSEE (FULL NAME OF LICENSEE) _____

2.0 CATCHER BOAT DETAILS

2.1 DURATION OF NEXT PEARLING TRIP: DATE: FROM TO

2.2 BOAT DETAILS

| BOAT | BOAT NAME | BOAT NO. | MASTER | PORT OF DEPART- URE | DATE OF DEPART- URE | DATE OF RETURN | NO.OF DAYS CATCHING |
|------|-----------|----------|--------|---------------------------|---------------------------|-------------------|------------------------|
| 1. | | | | | | | |
| 2. | | | | | | | |
| 3. | | | | | | | |
| 4. | | | | | | | |
| 5. | | | | | | | |
| 6. | | | | | | | |
| 7. | | | | | | | |
| 8. | | | | | | | |

2.3 WILL ABOVE DUMPING BE UNDER THE CONTROL OF A FLEET MASTER?

YES [] NO []

NOMINATE FLEET MASTER _____
(FULL NAME)

NOMINATE FLEET BOAT NAME: _____

NUMBER: _____

COMMENTS _____

22

WESTERN AUSTRALIA
PEARLING ACT 1990
PEARLING (GENERAL) REGULATIONS 1991
FORM P2—*continued*
NOTICE OF PEARLING OR HATCHERY ACTIVITY
(PRE NEAP FORM)

3.0 DETAILS OF PROPOSED PEARL OYSTER TRANSPORTATION

3.1 PEARL OYSTER TRANSPORTATION DETAILS FOR THE PERIOD

DATE: FROM TO

3.2 TRANSPORT DETAILS

| TRIP | DATE OF TRANS- PORT | BOAT NAME | BOAT NO. | DUMP NO. OR SOURCE OF PEARL OYSTERS TO BE TRANSPORTED | NO. OF PEARL OYSTERS | DESTIN- ATION OF PEARL OYSTERS | ESTIMATED TIME AND DATE OF ARRIVAL |
|------|---------------------------|--------------|-------------|---|----------------------------|---|---|
| 1. | | | | | | | |
| 2. | | | | | | | |
| 3. | | | | | | | |
| 4. | | | | | | | |
| 5. | | | | | | | |
| 6. | | | | | | | |
| 7. | | | | | | | |
| 8. | | | | | | | |
| 9. | | | | | | | |
| 10. | | | | | | | |

COMMENTS _____

23

WESTERN AUSTRALIA
PEARLING ACT 1990
PEARLING (GENERAL) REGULATIONS 1991
FORM P2—*continued*
NOTICE OF PEARLING OR HATCHERY ACTIVITY
(PRE NEAP FORM)

4.0 DETAILS OF PROPOSED PEARL SEEDING OPERATION ON A HOLDING SITE

4.1 PEARL OYSTER SEEDING DETAILS FOR PERIOD: DATE: FROM TO

4.2 DETAILS OF PEARL OYSTER SEEDING OPERATIONS

| NO. | OPERATION BOAT NAME | BOAT NO. | MASTER | NO. OF PEARL OYSTERS | HOLDING SITE TO BE USED | PERIOD OF OPERATION FROM TO |
|-----|------------------------|-------------|--------|----------------------------|----------------------------|-----------------------------------|
| 1. | | | | | | |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |

COMMENTS

5.0. DETAILS OF PEARL OYSTER IDENTIFICATION TAG ALLOCATION

| DATE | ALLOCATED OR RETURNED | BOAT NAME | BOAT NO. | BOAT MASTER | TAG SERIAL NUMBERS FROM TO | TOTAL NO. OF TAGS |
|------|--------------------------|--------------|-------------|----------------|----------------------------------|----------------------|
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| 4 | | | | | | |
| 5 | | | | | | |
| 6 | | | | | | |
| 7 | | | | | | |
| 8 | | | | | | |

24

WESTERN AUSTRALIA
PEARLING ACT 1990
PEARLING (GENERAL) REGULATIONS 1991
FORM P2—*continued*
NOTICE OF PEARLING OR HATCHERY ACTIVITY
(PRE NEAP FORM)

COMMENTS _____

6.0 DETAILS OF OTHER PEARL BOAT ACTIVITY

7.0 DECLARATION

I/WE _____ DECLARE THAT
(LICENSEE NAME)

THE INFORMATION CONTAINED HERE-IN IS TRUE AND CORRECT.

NAME (PRINT) SIGNATURE DATE

POSITION: _____
(MANAGER/DIRECTOR/LICENSEE)

WITNESS: _____
(SIGNATURE) DATE

26

WESTERN AUSTRALIA
PEARLING ACT 1990
PEARLING (GENERAL) REGULATIONS 1991
FORM P4

Form P4

Diver's catch record

| PEARL OYSTER TAKEN BY DIVER | | | | | | | | | | | |
|-----------------------------|---|---|---|---|---|---|---|---|---|----|-------|
| Dive | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | Total |
| 1 | | | | | | | | | | | |
| 2 | | | | | | | | | | | |
| 3 | | | | | | | | | | | |
| 4 | | | | | | | | | | | |
| 5 | | | | | | | | | | | |
| 6 | | | | | | | | | | | |
| 7 | | | | | | | | | | | |
| 8 | | | | | | | | | | | |
| 9 | | | | | | | | | | | |
| 10 | | | | | | | | | | | |
| 11 | | | | | | | | | | | |
| 12 | | | | | | | | | | | |
| 13 | | | | | | | | | | | |
| 14 | | | | | | | | | | | |
| Day's total | | | | | | | | | | | |

Signature _____

Date _____

TRANSPORT LOG SHEET

| DETAILS OF PEARL OYSTERS TO BE TRANSPORTED | | | | | |
|--|----------|----------------------|------------------------|---------------------------|---------------------------|
| Dump no. | Line no. | No. of tagged panels | No. of untagged panels | No. of live pearl oysters | No. of dead pearl oysters |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | Total | | | | |

| TRANSPORT BOAT DETAILS | |
|------------------------|--|
| Boat name | |
| Boat no. | |
| Master's name | |

| TRANSPORTATION DETAILS | |
|--|--|
| Pearl oyster source | |
| Pearl oyster destination | |
| Date and time transportation commenced | |
| Estimated date and time of arrival | |

I certify that the information on this form is true and correct.

Date _____

HOLDING SITE OPERATION LOG SHEET

By His Excellency's Command,

[illegible]

Declaration
 I certify that the information contained herein is true and correct

Signature _____

Date _____

30