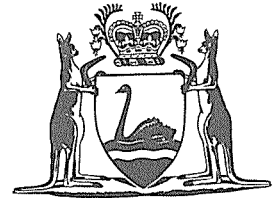


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FISHERIES ACT 1905



**WEST COAST ROCK LOBSTER
FISHERY 1993**

FISHERIES ACT 1905**WEST COAST ROCK LOBSTER (RECREATIONAL FISHING) AMENDMENT NOTICE
1993****Notice No. 619**

FD 145/75

Made by the Minister under Sections 9 and 11.

Citation

1. This notice may be cited as the *West Coast Rock Lobster (Recreational Fishing) Amendment Notice 1993*.

Principal notice

2. In this notice the *West Coast Rock Lobster (Recreational Fishing) Notice No 577** is referred to as the principal notice.

Clause 5 repealed and substituted

3. Clause 5 of the principal notice is repealed and the following clause substituted -

"5. All persons are prohibited from -

(a) pulling a rock lobster pot; or

(b) taking or attempting to take rock lobster by diving,

during the times specified in Schedule 1 in the waters described in Schedule 2. "

Schedule 1 repealed and substituted

4. Schedule 1 of the principal notice is repealed and the following Schedule substituted -

" 1. At any time before 0430 hours or after 1930 hours during the period 15 November of any year to 31 March of the following year.

2. At any time before 0600 hours or after 1800 hours during the period 1 April in any year to 30 June of the same year. "

[*Published in the Gazette of 10 November 1992. For amendments to 31 October 1993 see Notice No. 582 published in the Gazette of 27 November 1992.]

Dated this 2nd day of November 1993.

MONTY HOUSE, Minister for Fisheries.

FISHERIES ACT 1905
WEST COAST ROCK LOBSTER LIMITED ENTRY FISHERY
PROFESSIONAL FISHERMAN'S LICENCES
Directions to Licensing officers
Notice No.622

FD 145/75.

Pursuant to Section 17 I hereby give Licensing Officers the following directions regarding the issue and renewal of all professional fisherman's licences.

Interpretation

1. For the purpose of these directions, unless the contrary intention appears-

"authorised boat" means a boat licensed under regulation 2 of the *Fisheries Regulations 1938** and authorised to be used to take rock lobster in the Fishery;

"Fishery" means the West Coast Rock Lobster Limited Entry Fishery established by Notice under Section 32;

"setose rock lobster" means any female western rock lobster that has fine hair-like filaments (*ovigerous setae*) for the attachment of eggs on the branched structures (*biramous endopodites*) forming part of the swimmerets (*pleopods*) underneath its tail; and

"tarspot rock lobster" means and female western rock lobster which has a black putty-like mass (*spermatophoric mass*) attached to the underside of the carapace (*ventral sternal plate*) between its hindmost (5th) pair of walking legs.

Determination of position by reference to the Australian Geodetic Datum

2. (1) Where, for the purposes of this notice it is necessary to determine a position on the surface of the earth by geographical coordinates, that position shall be determined on the Australian Geodetic Datum which is defined by an ellipsoid having a semi-major axis (equatorial radius) of 6,378,160 metres and a flattening of 1/298.25 and 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 subclause (1) shall be taken to be situated at 25°56'54.5515" south latitude and at 133°12'30.0771" east longitude and to have a ground level elevation of 571.2 metres above the ellipsoid referred to in that subclause.

Conditions on a licence

3. The following conditions shall be placed on every professional fisherman's licence-
"The licence holder shall-

- (a) not have in his or her possession or carry on any boat authorised to be used in the Fishery any setose rock lobster or tarspot rock lobster.
- (b) not bring onto land or consign any setose rock lobster or tarspot rock lobster between 21° 44' south latitude and 34° 24' south latitude, but excluding all land on the south coast east of 115° 08' east longitude;
- (c) ensure that, when operating in the waters of the Fishery from a boat authorised to be used in the Fishery, all setose rock lobster or tarspot rock lobster are released from capture and returned to the sea within 5 minutes of being brought aboard the boat;
- (d) not have in his or her possession or carry on any boat authorised to be used in the Fishery any female western rock lobster with a carapace length greater than 115mm in all waters of the Fishery;
- (e) not bring onto land or consign any female western rock lobster with a carapace length greater than 115mm between 21°44' south latitude and 34°24' south latitude but excluding all land on the south coast east of 115°08' east longitude;
- (f) ensure that, when operating in the waters of the Fishery from a boat authorised to be used in the Fishery, all female western rock lobster with a carapace length greater than 115mm are released from capture and returned to the sea within 5 minutes of being brought aboard the boat;
- (g) not bring on land or consign any female western rock lobster with a carapace length greater than 105mm from any place between 21° 44' south latitude and 30° 48' south latitude on the west coast,
- (h) not, have in his or her possession on any boat, or carry on any boat, any female western rock lobster with a carapace length greater than 105mm, whilst the boat is anchored or moored in the waters of the fishery between 21° 44' south latitude and 30° 48' south latitude on the west coast; and
- (i) not consign western rock lobster from any place between 21° 44' south latitude and 30° 48' south latitude on the west coast, unless, the bag, basket, box or other receptacle containing the rock lobster has securely attached a label, upon which is legible endorsed,
 - (i) the name and place of abode of the person consigning the rock lobsters,
 - (ii) the registered number allotted under regulation 2 of the Fisheries Regulations 1938* to the fishing boat used in the taking of the rock lobsters,
 - (iii) the place of landing of the rock lobster, and
 - (iv) the zone from which the rock lobster were taken."

Revocation

4. Directions to Licensing Officers, Notice No. 579, published in the *Gazette* of 10 November 1992 are cancelled.

For the purposes of these conditions western rock lobster are measured along the mid-dorsal line from the anterior edge of the pronounced ridge which joins the front edges of the rostral horns immediately posterior to the eyestalks, to the posterior margin of the carapace.

*[*Reprinted as at 15 September 1988. For amendments to 31 October 1993 see 1992 Index to Legislation of Western Australia, Table 4, pp. 80-1 and Gazettes of 9 March, 23 April, 28 May, 29 June and 19 October 1993.]*

Dated this 2nd day of November 1993.

MONTY HOUSE, Minister for Fisheries.

FISHERIES ACT 1905
WEST COAST ROCK LOBSTER LIMITED ENTRY FISHERY
FISHING BOAT LICENCES
Directions to Licensing officers
Notice No.621

FD 145/75.

Pursuant to Section 17 I hereby give Licensing Officers the following directions regarding the renewal and transfer of fishing boat licences issued in respect of boats authorised to be used in the Fishery.

Interpretation

1. For the purpose of these directions, unless the contrary intention appears-

"authorised boat" means a boat licensed under regulation 2 of the *Fisheries Regulations 1938** and authorised to be used to take rock lobster in the Fishery;

"Fishery" means the West Coast Rock Lobster Limited Entry Fishery declared by Notice under Section 32;

"setose rock lobster" means any female western rock lobster that has fine hair-like filaments (*ovigerous setae*) for the attachment of eggs on the branched structures (*biramous endopodites*) forming part of the swimmerets (*pleopods*) underneath its tail; and

"Tarspot rock lobster" means any female western rock lobster which has a black putty-like mass (*spermatophoric mass*) attached to the underside of the carapace (*ventral sternal plate*) between its hindmost (5th) pair of walking legs.

Conditions on a licence

2. The following conditions shall be placed on fishing boat licences for all boats authorised to operate in the Fishery-

"The licence holder shall-

- (a) not, nor shall the licence holder allow any other person to, when operating from the boat endorsed on this licence, have in his or her possession any setose or tarspot rock lobster;

- (b) not, nor shall the licence holder allow any other person to, when operating from the boat endorsed on this licence, bring on land or consign any setose rock lobster or tarspot rock lobster between 21° and 44' south latitude and 34 degrees 24' south latitude, but excluding all land on the south coast east of 115° 08' east longitude.
 - (c) ensure that all setose rock lobster or tarspot rock lobster taken by any person operating from the boat endorsed on this licence, are released from capture and returned to the sea within 5 minutes of being brought aboard the boat.
- 2. The licence holder shall-
 - (a) not, nor shall the licence holder allow any other person to, when operating from the boat endorsed on this licence, have in his or her possession any female western rock lobster with a carapace length greater than 115mm;
 - (b) not, nor shall the licence holder allow any other person to, when operating from the boat endorsed on this licence, bring on land or consign any female western rock lobster with a carapace length greater than 115mm between 21 degrees 44' south latitude and 34 degrees 24' minutes south latitude, but excluding all land on the south coast east of 115° 08' east longitude; and
 - (c) ensure that any female western rock lobster of a carapace length greater than 115mm taken by any person operating from the boat endorsed on this licence, are released from capture and returned to the sea within 5 minutes of being brought aboard the boat.
- 3. The licence holder shall-
 - (a) not, nor shall the licence holder allow any other person to, when operating from the boat endorsed on this license, bring on land or consign any female western rock lobster with a carapace length greater than 105mm between 21 degrees 44' south latitude and 30° 48' south latitude on the west coast;
 - (b) not, nor shall the licence holder allow any other person to, when operating from the boat endorsed on this license, have in his or her possession or carry on the boat, any female western rock lobster with a carapace length greater than 105mm, whilst that boat is moored or anchored in the waters of the fishery between 21° 44' south latitude and 30° 48' south latitude on the west coast.
- 4. The licence holder shall-
 - not, nor shall the licence holder allow any other person to, consign western rock lobster from any place between 21° 44' south latitude and 30° 48' south latitude on the west coast, unless, each bag, basket, box or other receptacle containing the rock lobster has securely attached a label, upon which is legibly endorsed,

- (a) the name and place of abode of the person consigning the rock lobsters,
- (b) the registered number allotted under regulation 2 of the Fisheries Regulations 1938* to the fishing boat used in the taking of the rock lobsters,
- (c) the place of landing of the rock lobster, and
- (d) the zone from which the rock lobster were taken."

Revocation

- 4 Direction to Licensing Officer, Notice No. 575, published in the *Gazette* of 10 November 1992 are cancelled.

For the purposes of these directions western rock lobster are measured along the med-dorsal line from the anterior edge of the pronounced ridge which joins the front of the edges of the rostral horns immediately posterior to the eyestalks, to the posterior margin of the carapace.

[*Reprinted as at 15 September 1988. For amendments to 31 October 1993 see 1992 Index to Legislation of Western Australia, Table 4, pp. 80-1 and Gazettes of 9 March 1993, 23 April, 28 May, 29 June and 19 October 1993.]

Dated this 2nd day of November 1993.

MONTY HOUSE, Minister for Fisheries.

FISHERIES ACT 1905
RECREATIONAL FISHERMAN'S LICENCES (TAKING OF ROCK LOBSTER)
Directions to Licensing Officers
Notice No.623

FD 145/75.

Citation

1. Pursuant to Section 17 I hereby give Licensing Officers the following directions regarding the issue and renewal of recreational fisherman's licences issued to permit the holder to take rock lobster.

Interpretation

2. For the purpose of these directions, unless the contrary intention appears-

"setose rock lobster" means any female western rock lobster that has fine hair-like filaments (*ovigerous setae*) for the attachment of eggs on the branched structures (*biramous endopodites*) forming part of the swimmerets (*pleopods*) underneath its tail;

"tarspot rock lobster" means any female western rock lobster which has a black putty-like mass (*spermatophoric mass*) attached to the underside of the carapace (*ventral sternal plate*) between its hindmost (5th) pair of walking legs;

"tail clipping" means the removal of the bottom half of the central segment (telson) of the tail fan by horizontal cut, so that only the upper portion of the telson remains attached to the last (6th) segment of the rock lobster tail;

"tail punching" means the punching of a circular hole of no less than 10mm in diameter in the central segment of the tail fan (telson) of the rock lobster by any effective means; and

"telson" means the median appendage at the end of the sixth abdominal somite of the rock lobster. The telson has no appendages and forms the central segment of the tail fan. The two appendages either side of the telson are known as uropods. The telson and four uropods form the tail fan of the rock lobster.

Determination of position by reference to the Australian Geodetic Datum

3. (1) Where, for the purposes of this notice it is necessary to determine a position on the surface of the earth by geographical coordinates, that position shall be determined on the Australia Geodetic Datum which is defined by an ellipsoid having a semi-major axis (equatorial radius) of 6,378,160 metres and a flattening of 1/298.25 and 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 subclause (1) shall be taken to be situated at 25°56'54.5515" south latitude and at 133°12'30.0771" east longitude and to have a ground level elevation of 571.2 metres above the ellipsoid referred to in that subclause.

Conditions on a licence

5. The following conditions shall be placed on all recreational fisherman's licences which permit the holder to take rock lobster-

"The licence holder shall-

- (1) not have in his or her possession or carry on any boat any setose rock lobster or tarspot rock lobster in all waters specified in the Schedule;
- (2) not bring any setose rock lobster or tarspot rock lobster onto land between 21°44' south latitude and 34°24' south latitude, but excluding all land on the south coast east of Cape Leeuwin (115°08' east longitude);
- (3) ensure that all setose rock lobster or tarspot rock lobster taken from the waters specified in the Schedule are released from capture and returned to the sea within 5 minutes of being -
 - (a) taken by the licence holder when diving; or
 - (b) brought aboard a boat by the licence holder;
- (4) not have in his or her possession or carry on any boat any female western rock lobster with a carapace length greater than 115mm in all waters specified in the Schedule;
- (5) not bring any female western rock lobster with a carapace length greater than 115mm onto land between 21°44' south latitude and 34°24' south latitude; but excluding all land on the south coast east of Cape Leeuwin (115°08' east longitude);
- (6) ensure that all female western rock lobster with a carapace length greater than 115mm taken from the waters specified in the Schedule are released from capture and returned to the sea within 5 minutes of being -
 - (a) taken by the licence holder when diving; or
 - (b) brought aboard a boat by the licence holder;

- (7) not bring any female western rock lobster with a carapace length greater than 105mm onto land, between 21° 44' south latitude and 30° 48' south latitude on the west coast.
- (8) not have in his or her possession on any boat, or carry on any boat, any female western rock lobster with a carapace length greater than 105mm, whilst the boat is anchored or moored in waters of the Indian Ocean between 21° 44' south latitude and 30° 48' south latitude; and
- (9) when operating
 - (a) from a boat using rock lobster pots, ensure that any rock lobster taken is tail clipped or tail punched within 5 minutes of capture.
 - (b) from a boat by diving, ensure that any rock lobster taken are tail clipped or tail punched within 5 minutes of being brought to the boat.
 - (c) from shore, ensure that any rock lobster taken is tail clipped or tail punched within 5 minutes of landing."

Revocation

6 Directions to licensing officers, Notice No 578 published in the *Gazette* of 10 November 1992 are cancelled.

For the purposes of these conditions western rock lobster are measured along the mid-dorsal line from the anterior edge of the pronounced ridge which joins the front edges of the rostral horns immediately posterior to the eyestalks, to the posterior margin of the carapace.

Schedule

All waters of the Indian Ocean between 21°44' south latitude and 34°24' south latitude, but excluding all waters on the south coast east of 115° 08' east longitude.

Dated this 2nd day of November 1993.

MONTY HOUSE, Minister for Fisheries.

WEST COAST ROCK LOBSTER LIMITED ENTRY FISHERY NOTICE 1993

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SCHEDULE 1

THE WEST COAST ROCK LOBSTER LIMITED ENTRY FISHERY

SCHEDULE 2

ZONES

West Coast Rock Lobster Limited Entry Fishery Notice 1993

SCHEDULE 3

ABROLHOS ISLANDS AREA

SCHEDULE 4

BIG BANK AREA

SCHEDULE 5

CAPE INSCRIPTION AREA

SCHEDULE 6

TEMPORARY POT ENTITLEMENT

FISHERIES ACT 1905

WEST COAST ROCK LOBSTER LIMITED ENTRY FISHERY NOTICE
1993

NOTICE No. 620

Made by the Minister under section 32.

Citation

1. This notice may be cited as the *West Coast Rock Lobster Limited Entry Fishery Notice 1993*.

Interpretation

2. In this notice, unless the contrary intention appears —

“**Abrolhos Islands area**” means the area defined in Schedule 3;

“**Big Bank area**” means the area defined in Schedule 4;

“**Cape Inscription area**” means the area of zone B defined in Schedule 5;

“**Fishery**” means the limited entry fishery declared under clause 3;

“**length**” means, in relation to a fishing boat, the length as determined in accordance with regulations made under the *Western Australian Marine Act 1982*, expressed in metres to 1 decimal point (with an amount of 0.05 metres or more being rounded upwards to the next 0.1 of a metre);

“**licence**” means a limited entry fishery licence that authorizes a boat to be operated in the Fishery;

“**normal pot entitlement**” has the meaning given in clause 14 (1);

“**operate**” means operate in connection with the taking of rock lobster, including the baiting, soaking, setting, pulling or carrying of pots;

“**pot**” means rock lobster pot;

“**pull**” means, in relation to a pot, to bring the pot from the seabed to the surface of the sea;

“**registration number**” means the prescribed letters and numbers by means of which a licensed boat is identified;

“**rock lobster**” means fish of any species of the genera *Panulirus* and *Jasus*;

“**season**” means a period referred to in clause 6 (1);

“**set**” means, in relation to a pot, to set, position, release or leave a pot, or to allow a pot to remain, in the waters of the Fishery, with or without bait;

“**soak**” means, in relation to a pot, to immerse an unbaited pot before its use in the taking of rock lobster;

“**surplus pot entitlement**” has the meaning given in clause 14 (3);

“**take**” includes to capture, gather, entrap, enclose, remove, or kill, or to attempt to do any of those things;

“**temporary pot entitlement**” has the meaning given in clause 18;

“total pot entitlement” has the meaning given in clause 14 (2);

“zone” means a zone of the Fishery as defined in Schedule 2.

Declaration of the Fishery

3. It is declared that rock lobster constitute a limited entry fishery, named the West Coast Rock Lobster Limited Entry Fishery, in the waters described in Schedule 1.

Criteria to operate in the Fishery

4. A person shall not operate in the Fishery unless —
- (a) the person holds a professional fisherman’s licence issued under regulations made under the Act; and
 - (b) the person is operating from a boat that, under clause 13, is licensed to be so operated.

Taking rock lobster otherwise than by means of lobster pots prohibited

5. Unless other means are approved by the Minister, a person shall not take rock lobster in the Fishery otherwise than by means of pots.

Rock lobster season

6. (1) Subject to clause 8, a person shall not operate in the Fishery outside the season, which is the period commencing on 15 November of any year and ending on 30 June of the following year.

- (2) A person shall not pull a pot in the Fishery —
- (a) on any day from the commencement of the season to 31 March, at any time before 0430 hours or after 1930 hours; or
 - (b) on any day from 1 April to the end of the season, at any time before 0600 hours or after 1800 hours.

Zones

7. (1) A person shall not operate from a boat in the Fishery outside the zone endorsed on the licence that applies to that boat.

(2) A person who holds a licence may apply to the Director to have the licence endorsed with a zone to replace the zone endorsed on the licence.

- (3) If, after having regard to —
- (a) the number of boats licensed to be operated in each zone; and
 - (b) the number of pots that those boats are licensed to use in each zone,

the Director considers that it is appropriate to do so, the Director may approve the replacement of the zone endorsed on the licence and the endorsement on the licence is to be varied accordingly.

Soaking and baiting outside the season

8. Subject to clause 7 (1), in the November in which a season commences a person may from a boat —

- (a) soak pots from 0430 hours on 9 November to 1930 hours on 13 November; and
- (b) bait the pots referred to in paragraph (a) on 14 November from 0430 hours to 1930 hours.

Operation of zone A boats limited

9. (1) A person shall not, in any season, from a boat licensed to be operated in zone A —

- (a) subject to subclause (2), operate within the Abrolhos Islands area from 15 November to 1930 hours on 14 March of that season; or
- (b) operate outside the Abrolhos Islands area —
 - (i) at any time from 1 March to 14 March of that season in any waters having a depth of less than 36.6 metres that are within 9 nautical miles of the high water mark of the mainland of the State; or
 - (ii) after 1930 hours on 14 March of that season.

(2) A person may from a boat licensed to be operated in zone A —

- (a) soak pots in the Abrolhos Islands area from 0430 hours on 25 February to 1930 hours on 13 March of any season; and
- (b) bait the pots referred to in paragraph (a) on 14 March from 0600 hours to 1930 hours.

Access to the Big Bank area limited

10. (1) A person shall not, in any season, operate from a boat in the Big Bank area at any time before 1000 hours on 10 February of the season unless authorized in writing by the Minister to do so.

(2) A person shall not, in any season, operate from a boat in the Big Bank area at any time from 1000 hours on 10 February to the last day of February of the season (“the Big Bank prohibited period”) unless the boat’s licence is endorsed under this clause.

(3) If a boat’s licence is endorsed under this clause a person shall not, at any time for which the endorsement applies, operate from the boat outside the Big Bank area.

(4) A person who holds a licence for a boat to be operated in Zone A or B may apply to the Director to have the licence endorsed to permit the boat to be operated in the Big Bank area during the Big Bank prohibited period.

(5) An application to have a licence endorsed under this clause for a season can only be made by lodging the application at the Geraldton office of the Fisheries Department after that season commences but before 1000 hours on 10 February of that season.

(6) When an application is lodged under this clause, the applicant shall not withdraw the application after 1000 hours on 10 February without the written authorization of the Director.

(7) If the Director considers that it is appropriate to do so, the Director may approve the endorsement of the licence, or may approve it subject to conditions, in which case the licence is to be endorsed accordingly.

Access to the Cape Inscription area

11. (1) A person shall not, in any season, operate from a boat in the Cape Inscription area at any time from 15 March of the season to the end of the season ("the Cape Inscription prohibited period") unless the boat's licence is endorsed under this clause.

(2) If a boat's licence is endorsed under this clause a person shall not, at any time for which the endorsement applies, operate from the boat outside the Cape Inscription area.

(3) A person who holds a licence for a boat to be operated in Zone B may apply to the Director to have the licence endorsed to permit the boat to be operated in the Cape Inscription area during the Cape Inscription prohibited period.

(4) An application to have a licence endorsed under this clause for a season can only be made by lodging the application at the Geraldton office of the Fisheries Department after that season commences but before 1630 hours on 14 March of that season.

(5) Subject to subclause (6), if the Director considers that it is appropriate to do so, the Director may approve the endorsement of the licence, or may approve it subject to conditions, in which case the licence is to be endorsed accordingly.

(6) The Director is not to approve the endorsement of more than 3 licences for a season.

(7) If more than 3 applications for endorsement are lodged under this clause, the Director is to take into account the time when each application was lodged when deciding which endorsement to approve.

(8) If a person who holds a licence endorsed under this clause applies to the Director, the Director may cancel the endorsement in which case it ceases to have effect from the time that it is cancelled.

(9) If the Director cancels an endorsement, the Director may give approval for another boat's licence to be endorsed under this clause in which case the licence is to be endorsed accordingly.

Prohibition on selling rock lobster

12. A person shall not, for gain or reward, sell or otherwise dispose of rock lobster taken contrary to this notice.

Licences

13. (1) A licence expires on 30 September of the year following the year in which it was last renewed.

(2) A person may apply to the Director for the renewal of a licence at any time after the licence expires.

(3) If the Director considers that it is appropriate to do so, the Director may approve the renewal of a licence.

(4) A licence may be renewed subject to conditions that are to be endorsed on it.

(5) When a licence is renewed, the licence shall be endorsed to show —

- (a) the name and address of the person who holds the licence;
- (b) the registration number and name, if any, of the licensed boat;
- (c) the licence number;
- (d) the date of renewal;
- (e) the date on which the licence expires;
- (f) the zone in which the licence authorizes the boat to be operated;
- (g) the normal pot entitlement;
- (h) the temporary pot entitlement; and
- (i) any other conditions to which the licence is subject.

(6) On the application of the licence holder, the Director may transfer a licence from the licence holder to another person.

Normal pot entitlement, surplus pot entitlement and total pot entitlement

14. (1) The normal pot entitlement under a licence is the number of pots, as endorsed on the licence, that may be operated in the Fishery from the licensed boat and cannot, in any event, exceed the number obtained by multiplying the length of the boat by 10.

(2) The total pot entitlement under a licence is the number of pots under that licence, including the number of pots (if any) in excess of the number that can, in accordance with subclause (1), be included in the normal pot entitlement.

(3) The surplus pot entitlement, if any, under a licence is the surplus of the total pot entitlement over the normal pot entitlement, and it does not authorize the operation in the Fishery of any further pots than those that become part of the normal pot entitlement for a boat in accordance with subclause (1).

Transfer of pot entitlement

15. (1) A person who holds a licence (“the transferor”) may apply to the Director for the transfer of a number of the pots of the total pot entitlement under that licence to the licence of another person (“the transferee”).

(2) If the Director considers that it is appropriate to do so, the Director may transfer that number of pots of the transferor’s total pot entitlement to the transferee’s licence.

(3) Unless the Director approves otherwise the transferor shall not, by the transfer of a number of pots under this clause, reduce the total pot entitlement under the transferor’s licence to less than the greater of —

- (a) 63; or
- (b) 7 multiplied by the length of the boat to which the licence applies.

(4) If the result of the multiplication in subclause (3) (b) is not a whole number, any fraction of, or greater than, half is rounded upwards, and any other fraction is rounded downwards, to a whole number.

(5) If the Director approves the transfer of the total pot entitlement under the transferor's licence, that licence is cancelled.

(6) The transferee shall not have pots transferred to the transferee's licence that increase the total pot entitlement under the licence to more than 150.

Replacement of the licensed boat

16. (1) A person who holds a licence may apply to the Director to replace the boat to which the licence applies ("the licensed boat") with another boat ("the replacement boat").

(2) If the Director considers that it is appropriate to do so, the Director may approve the replacement of the boat.

(3) Subject to subclause (4), the replacement boat shall not have a length that is —

(a) greater than "P" divided by 7; or

(b) less than "P" divided by 10,

where "P" is the number of pots in the total pot entitlement under the licence that applies to the licensed boat.

(4) Despite the result of the division referred to in subclause (3) (a) being less than 10, the replacement boat may have a maximum length of 10 metres.

(5) If the result of a division referred to in subclause (3) is not a whole number of metres, any fraction of a metre of, or greater than, half a metre is rounded upwards, and any other fraction of a metre is rounded downwards, to a whole number.

Adjustment of total pot entitlement when licensed boat replaced

17. (1) Subject to subclause (4), when a boat to which a licence applies is replaced under clause 16, the total pot entitlement that applies to that licence shall be adjusted in accordance with this clause.

(2) The adjusted total pot entitlement is the result of multiplying the total number of pots that may be operated under the licence referred to in subclause (1) by 0.95.

(3) If the result of the multiplication referred to in subclause (2) is not a whole number, any fraction of, or greater than, a half is rounded upwards, and any other fraction is rounded downwards, to a whole number.

(4) If the Director is satisfied that a boat that is replaced under clause 16 has been declared a constructive total loss, the Director may waive the adjustment of the total pot entitlement

(5) In this clause —

"boat" means a boat that is less than 6 years old when its age is calculated from the date of its first survey certificate issued under the *Western Australian Marine Act 1982*; and

"constructive total loss" has the same meaning as in section 61 of the *Marine Insurance Act 1907*.

Temporary pot entitlement

18. (1) The temporary pot entitlement under a licence is calculated by reducing the total pot entitlement under that licence by 18% in accordance with Schedule 6.

(2) The normal pot entitlement for a boat only applies in a period during which a temporary pot entitlement applies if it is less than the temporary pot entitlement.

(3) A person shall not operate from a boat in the Fishery, during the seasons referred to in subclause (4), more pots than permitted by the temporary pot entitlement endorsed on the licence for that boat.

(4) The temporary pot entitlement applies for the seasons commencing in 1993 and 1994.

(5) The normal pot entitlement or, if it is less than the normal pot entitlement, the temporary pot entitlement, shall be displayed in figures —

- (a) on both sides of the wheelhouse of the licensed boat to which the temporary pot entitlement applies; or
- (b) if the licensed boat does not have a wheelhouse, on both sides of the boat's hull immediately before the registration number.

(6) The figures referred to in subclause (5) shall be black on a white background and not less than 150 millimetres in height and not less than 25 millimetres in width.

Applications and prescribed fees

19. An application to the Director under this notice shall be —

- (a) made on the form approved by the Director;
- (b) lodged, subject to any directions in this notice, in accordance with the directions on the form; and
- (c) accompanied with the prescribed fee, if any.

How the Director may give notice

20. The Director may, by letter, or by notice published in *The West Australian* newspaper or in the *Western Fisheries* magazine published by the Fisheries Department, give notice of the names and addresses of the persons who hold licences to engage in the Fishery and the zones to which those licences apply.

Determination of position by reference to Australian Geodetic Datum

21. (1) If, for the purposes of this notice, it is necessary to determine a position on the surface of the Earth by geographical co-ordinates, that position shall be determined on the Australian Geodetic Datum, which is defined by an ellipsoid having a semi-major axis (equatorial radius) of 6 378 160 metres and a flattening of 1/298.25 and fixed by the position of the origin being the Johnston Geodetic Station in the Northern Territory of Australia.

(2) The Johnston Geodetic Station shall be taken to be situated at 25° 56' 54.5515'' south latitude and at 133° 12' 30.0771'' east longitude and to have a ground elevation of 571.2 metres above the ellipsoid referred to in subclause (1).

Revocation

22. *The West Coast Rock Lobster Limited Entry Fishery Notice 1987 is revoked.*

SCHEDULE 1

[clause 3]

THE WEST COAST ROCK LOBSTER LIMITED ENTRY FISHERY

The waters situated on the west coast of the State bounded by a line commencing at the intersection of the high water mark and 21° 44' south latitude drawn due west to the intersection of 21° 44' south latitude and the boundary of the Australian Fishing Zone; thence southwards along the boundary to its intersection with 34° 24' south latitude; thence due east along 34° 24' south latitude to the intersection of 115° 8' east longitude; thence due north along 115° 8' east longitude to the high water mark; thence along the high water mark to the commencing point and divided into zones as described in Schedule 2.

SCHEDULE 2

[clause 2]

ZONES*Zone A*

The whole of the waters between 21° 44' south latitude and 30° south latitude including the Abrolhos Islands area.

Zone B

The whole of the waters between 21° 44' south latitude and 30° south latitude excluding the Abrolhos Islands area.

Zone C

The whole of the waters between 30° south latitude and 34° 24' south latitude excluding all waters on the south coast east of 115° 8' east longitude.

SCHEDULE 3

[clause 2]

ABROLHOS ISLANDS AREA

The whole of the waters bounded by a line commencing from the intersection of 27° 30' south latitude and 112° 50' east longitude and extending in an easterly direction to the intersection of 27° 30' south latitude and 113° 37' east longitude; thence south-easterly to the intersection of 28° 45' south latitude and 114° 9' 52.18'' east longitude; thence south-easterly to the intersection of 29° 30' south latitude and 114° 30' east longitude; thence west to 112° 50' east longitude; thence north to the starting point.

SCHEDULE 4

[clause 2]

BIG BANK AREA

The whole of the waters of the Indian Ocean bounded by a line commencing at the intersection of 27° 30' south latitude and 113° 37' east longitude; thence in a north-westerly direction to the intersection of 25° 30' south latitude and 112° 45' east longitude; thence due east along 25° 30' south latitude to its intersection with the high water mark on the mainland of the State; thence north along the high water mark on the mainland to its intersection with 21° 44' south latitude; thence due west along 21° 44' south latitude to its intersection with the boundary of the Australian Fishing Zone; thence generally in a south-easterly direction along that boundary to its intersection with 27° 30' south latitude; thence east along 27° 30' south latitude to the starting point.

SCHEDULE 5

[clause 2]

CAPE INSCRIPTION AREA

The whole of the waters of the Fishery north of 25° 30' south latitude.

SCHEDULE 6

[clause 18 (1)]

TEMPORARY POT ENTITLEMENT

Total pot entitlement	Temporary pot entitlement	Total pot entitlement	Temporary pot entitlement
50	41	126	103
51	42	127	104
52	43	128	105
53	43	129	106
54	44	130	107
55	45	131	107
56	46	132	108
57	47	133	109
58	48	134	110
59	48	135	111
60	49	136	112
61	50	137	112
62	51	138	113
63	52	139	114
64	52	140	115
65	53	141	116
66	54	142	116
67	55	143	117
68	56	144	118
69	57	145	119
70	57	146	120
71	58	147	121
72	59	148	121
73	60	149	122
74	61	150	123
75	61	151	124
76	62	152	125
77	63	153	125
78	64	154	126
79	65	155	127
80	66	156	128
81	66	157	129
82	67	158	130

83	68	159	130
84	69	160	131
85	70	161	132
86	71	162	133
87	71	163	134
88	72	164	134
89	73	165	135
90	74	166	136
91	75	167	137
92	75	168	138
93	76	169	139
94	77	170	139
95	78	171	140
96	79	172	141
97	80	173	142
98	80	174	143
99	81	175	143
100	82	176	144
101	83	177	145
102	84	178	146
103	84	179	147
104	85	180	148
105	86	181	148
106	87	182	149
107	88	183	150
108	89	184	151
109	89	185	152
110	90	186	153
111	91	187	153
112	92	188	154
113	93	189	155
114	93	190	156
115	94	191	157
116	95	192	157
117	96	193	158
118	97	194	159
119	98	195	160
120	98	196	161

121	99	197	162
122	100	198	162
123	101	199	163
124	102	200	164
125	102		

Dated this 2nd day of November 1993.

MONTY HOUSE, Minister for Fisheries.

FISHERIES ACT 1905
FISHERIES NOTICE NO. 614

Made by the Minister under section 25.

Citation

1. This notice may be cited as the *Fisheries Notice No. 614*.

Commencement

2. This notice comes into operation on 15 November 1993.

Second Schedule amended

3. The Second Schedule to the *Fisheries Act 1905* is amended under the heading "CRUSTACEANS" in the item commencing "Rock Lobster, Western" by deleting "76" and substituting the following —

" 77 "

Dated this 2nd day of November 1993.

MONTY HOUSE, Minister for Fisheries.

