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**FISH RESOURCES MANAGEMENT ACT 1994**

**WEST COAST ROCK LOBSTER MANAGEMENT PLAN AMENDMENT (NO. 3) 2009**

FD 1064/01 [898, 900]

Made by the Minister under section 54.

**1. Citation**

This instrument is the *West Coast Rock Lobster Management Plan Amendment (No. 3) 2009*.

**2. Management plan amended**

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

**3. Clause 9 amended**

Clause 9 is amended—

(a) by deleting subclause (2) and inserting instead—

“(2) Subclause (1)(a) does not apply to—

- (a) soaking a pot in a designated rock lobster pot soaking area in the Abrolhos Islands area during the period commencing on 25 February and ending on 14 March in any season; or
- or
- (b) pulling a soaked pot in a designated rock lobster pot soaking area in the Abrolhos Islands area from 0430 hours to 1930 hours on 13 March or 14 March of any season; or
- (c) baiting a pot on 13 March or 14 March of any season; or
- (d) setting a pot from 0600 hours to 1930 hours on 14 March of any season.”; and

(b) by inserting after subclause (2) the following subclauses—

“(3) In subclause (2), “designated rock lobster pot soaking area” means an area of waters within the Abrolhos Islands area that is approved under subclause (4).

(4) The CEO may by notice published in the *Gazette* approve an area as a designated rock lobster pot soaking area for the purposes of this clause.

(5) The CEO may by notice published in the *Gazette* amend or revoke a notice under subclause (4).”.

**4. Clause 9A replaced**

Clause 9A is deleted and the following clause is inserted instead—

**“Restrictions on fishing**

9A.(1)(a) A person must not set or pull a pot in the waters of Zone A of the Fishery on any Sunday during the period commencing on 1 April and ending on 30 June in any year.

(b) A person must not set or pull a pot in the waters of Zone B or Zone C of the Fishery on any Sunday during the relevant season.

(c) A person must not set or pull a pot in the waters of the Fishery on any Saturday or Monday prior to 30 June 2009.

(d) A person must not set or pull a pot in the waters of Zone A of the Fishery on any Sunday in March 2009.

(2) Subclause (1) does not apply to—

(a) leaving a pot or allowing a pot to remain in the waters of the Fishery on any Saturday, Sunday or Monday to which subclause (1) applies where that pot was already set prior to the commencement of that day; or

(b) baiting a pot or setting a baited pot in the waters of the Fishery after 0600 hours on any Monday to which subclause (1)(c) applies; or

(c) pulling a soaked pot in a designated rock lobster pot soaking area under clause 9 on 16 March 2009.

(3) A person must not operate in the waters of Zone B of the Fishery at any time during the period commencing on 15 January and ending on 9 February in any year.

- (4) Subclause (3) does not apply to—
- (a) soaking a pot during the period commencing on 6 February and ending on 9 February in any year; or
  - (b) pulling a soaked pot or baiting a pot on 9 February in any year; or
  - (c) setting a baited pot between 0600 hours and 1930 hours on 9 February in any year.
- (5) A person must not set or pull a pot in the Fishery on 25 December or 1 January in any year.
- (6) Subclause (5) does not apply to leaving a pot or allowing a pot to remain in the waters of the Fishery on 25 December or 1 January in any year where that pot was already set prior to the commencement of that day.”.

#### 5. Clause 9B deleted

Clause 9B is deleted.

#### 6. Clause 9C replaced

Clause 9C is deleted and the following clause is inserted instead—

##### “Requirement to moor or anchor boat at certain times

9C. The master of an authorised boat that is in the waters of a zone of the Fishery 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 those times to which clauses 9A(1), 9A(3) or 9A(5) apply and that are relevant to that zone.”.

#### 7. Clause 9D replaced

Clause 9D is deleted and the following clause is inserted instead—

##### “Interpretation of clause 9E

9D. In clause 9E “waters that are closed to fishing” means the waters of a zone during the times to which clauses 9A(1), 9A(3) and 9A(5) apply in respect of that zone.”.

#### 8. Clause 9F replaced

Clause 9F is deleted and the following clause is inserted instead—

##### “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 boat during the first 10 hours of any period to which clauses 9A(3) and 9A(5) apply where the boat is kept securely moored or anchored within half a nautical mile of the mainland or the Abrolhos Islands;
- (b) a Zone A boat during any period to which clause 9A(1) applies where the boat is kept securely moored or anchored within half a nautical mile of the mainland or the Abrolhos Islands;
- (c) a Zone B or C boat during the first 10 hours of any period to which clauses 9A(1), 9A(3) or 9A(5) apply where the boat is kept securely moored or anchored within half a nautical mile of the mainland.”.

#### 9. Clause 9H replaced

Clause 9H is deleted and the following clause is inserted instead—

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

9H. Subclauses 9C, 9E(3)(b) and (c) and 9E(4) do not apply in respect of a Zone C boat during any time to which clause 9A(3) applies 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.”.

#### 10. Clause 9I amended

Clause 9I is amended by deleting subclauses (2) and (3) and inserting instead—

“(2) Subclauses 9E(1) and 9E(4) do not apply in respect of a boat in the waters of the Fishery on any Monday where the boat is being used to set pots after 0600 hours on that day.”.

#### 11. Clause 21A amended

Clause 21A is amended—

- (a) before “A person” by inserting the subclause designation “(1)”; and
- (b) by deleting “9,” and “9B,”; and
- (c) by inserting at the end of the clause the following subclause—

“(2) A person who contravenes a provision of clause 9 commits an offence and for the purposes of Section 75 of the Act clause 9 is a major provision except in respect of the soaking of a pot in an area that is not a designated rock lobster pot soaking area.”.

Dated this 3rd day of March 2009.

NORMAN MOORE, Minister for Fisheries.