

This compilation was prepared taking into account amendments up to and including the *Cockburn Sound Crab Fishery Management Plan Amendment 2012* published in *Government Gazette No. 233 on 14/12/2012*

Fisheries Act 1905

COCKBURN SOUND (CRAB) LIMITED ENTRY FISHERY NOTICE 1995
Arrangement

- Clause 1. Citation
2. Commencement
3. Interpretation
4. Declaration of Fishery
5. Prohibition on taking or selling crabs
6. Criteria for a person to operate in the Fishery
7. Criteria for issue of a licence
8. Duration of a licence
8A. Items that must be specified on a licence
8B. Repealed 01/12/2009
9. Repealed 01/12/2009
10. Closures within the Fishery
11. Authorised person to control operations within the Fishery
12. Prohibitions on fishing
12A. Class A licences - entitlements
12B. Repealed 01/12/2009
13. Boat replacement
13A. Repealed 01/12/2009
13B. Ground to refuse to transfer a licence or part of an entitlement
16. Minimum size
17. Revocation
18. Procedure before this plan may be amended or revoked
19. Offences and major provisions
Schedule 1
Schedule 2
Schedule 3 Repealed 01/12/2009

Fisheries Act 1905

COCKBURN SOUND (CRAB) LIMITED ENTRY FISHERY NOTICE 1995
Notice No. 663

FD 968/85

Made by the Minister under Section 32.

Citation

1. This Notice, being a management plan under the Act, may be cited as the *Cockburn Sound Crab Fishery Management Plan 1995* and hereafter in this management plan is referred to as "this plan".

Commencement

2. This plan shall commence operation on 1 March 1995.

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

This compilation was prepared taking into account amendments up to and including the *Cockburn Sound Crab Fishery Management Plan Amendment 2012* published in *Government Gazette No. 233 on 14/12/2012*

Interpretation

3. In this plan unless the contrary intention appears —
- "authorization" means any managed fishery licence issued or renewed pursuant to a management plan including this plan in respect of Cockburn Sound or any of the waters of the Indian Ocean between the mouth of the Moore River and Tim's Thicket;
 - "authorized boat" means a licensed fishing boat in respect of which a licence is issued pursuant to this plan;
 - (a) "authorised person" means the licence holder or a person acting for or on behalf of the holder;
 - "class A licence" means a managed fishery licence issued or renewed pursuant to this plan, that is endorsed as a "class A licence" and that authorizes a person to use a licensed fishing boat to operate in the Fishery;
 - "Cockburn Sound" means the area of water described in Schedule 1;
 - "crab pot" means a device which is baited for the purpose of taking crabs;
 - "crabs" means any crab of the species *Portunus pelagicus* or *Ovalipes Australiensis*;
 - "Fishery" means the Cockburn Sound Crab Managed Fishery declared under clause 4;
 - "licence" means any managed fishery licence issued or renewed pursuant to this plan that authorizes a person to operate in the Fishery or any part of the Fishery;
 - "licensed fishing boat" has the same meaning as in the regulations;
 - "licensed fishing boat number" has the same meaning as provided for in the regulations;
 - "measured length" means the measured length of the boat as defined by and determined in accordance with the Department of Transport Instruction to Surveyors notice 7/87 (reworked September 1994) effective from 21 September 1994, as reworked or superseded from time to time;
 - "operate" means —
 - (a) to search for crabs;
 - (b) to attempt to take crabs;
 - (c) to take crabs; or
 - (d) to engage in any other activity that can reasonably be expected to result in the taking of crabs;
 - "regulations" means the *Fish Resources Management Regulations 1995*;
 - "undersize" includes being of a size less than the size provided for in clause 16.

Declaration of fishery

4. The taking of crabs or otherwise operating from the waters described in Schedule 1, previously declared under the repealed Act to constitute a limited entry fishery and taken to be a managed fishery under item 8 of Schedule 3 of the Act, is a managed fishery and may be referred to as the Cockburn Sound Crab Managed Fishery.

Prohibition on taking or selling crabs

5. (1) A person, other than a person fishing for a non commercial purpose in accordance with the Act, must not fish by any means in the Fishery other than in accordance with this plan.
- (2) A person shall not sell, dispose of or otherwise deal with or attempt to sell, dispose of or otherwise deal with crabs taken in contravention of this plan.

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

This compilation was prepared taking into account amendments up to and including the Cockburn Sound Crab Fishery Management Plan Amendment 2012 published in Government Gazette No. 233 on 14/12/2012

Criteria for a person to operate in the Fishery

6. A person, other than a person fishing for a non-commercial purpose in accordance with the Act, must not fish in the Fishery unless —
- (a) the person holds a commercial fishing licence issued pursuant to the regulations; and
 - (b) the person operates from an authorized boat.

Criteria for issue of a licence

7. (1) The criteria that shall be applied to determine whether a class A licence may be issued in relation to a licensed fishing boat, are that —
- (a) the boat was used in Cockburn Sound —
 - (i) to take at least 3000 kilograms of crabs in each year from 1 May 1982 to 30 April 1985;
 - (ii) to fish for crabs in 1984 and during 1985 prior to 30 April 1985;
 - (iii) to take at least 1000 kilograms of crabs in at least two months in the period 1 January 1984 to 31 December 1984;
 - (iv) to take at least 1000 kilograms of crabs from 1 January 1985 to 30 April 1985; and
 - (v) to take at least 1000 kilograms of crabs each year in at least three years of the four year periods from 1 May 1985 to 30 April 1989; or
 - (b) the boat has replaced a boat to which paragraph (a) applies.
- (2) deleted 01/12/2009
- (3) In this clause, "year" means the period from 1 May in any year to 30 April in the following year.

Duration of a Licence

8. A licence expires on 31 December of the year for which it is granted or renewed.

Items that must be specified on a licence

- 8A. A licence must specify—
- (a) the name and address of the holder of the licence;
 - (b) the fishing boat licence number, licensed fishing boat number, name and length of the boat which may be used for fishing under the authority of the licence;
 - (c) the licence number;
 - (d) the date of issue or renewal;
 - (e) the period for which the licence is issued;
 - (f) the class of the licence;
 - (g) the units of entitlement conferred by the licence;
 - (h) any conditions imposed on the licence by the CEO.

8B. Repealed 01/12/2009

9. Repealed 01/12/2009

Closures within the Fishery

10. (1) A person must not operate in the waters of the Fishery at any time during the period commencing on 16 June and ending on 14 December in any year.
- (2) A person must not set or pull a crab pot in the waters of the Fishery at any time other than between 0300 and 1500 hours on any day.
- (3) A person must not operate by means of a crab pot at any time in the waters described in Schedule 2.

Authorised person to control operations within the Fishery

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

11. An authorised person must —
- (a) when the authorized boat is in the waters of the Fishery, be on board the authorized boat;
 - (b) when the authorized boat is being used to operate in the waters of the Fishery, be in control of or in charge of those activities; and
 - (c) when the authorized boat is being used to operate in the waters of the Fishery, ensure that any undersize crabs and female spawning crabs taken are returned to the waters of the Fishery within 5 minutes of being brought aboard the authorised boat.

Prohibitions on fishing

12. (1) A person must not fish in the Fishery other than by means of a crab pot.
- (2) An authorised person must not pull, or permit to be pulled from an authorised boat, any one crab pot more than once in any twenty four hour period (commencing at midnight).
- (3) A person must not use a crab pot in the Fishery unless—
- (a) the crab pot has two rings each being of a diameter of not more than 1.16 metres;
 - (b) the crab pot when set has a height between the rings of not more than 450 millimetres;
 - (c) the crab pot has securely fastened to it a tag which is not more than 15 centimetres in length and not more than 6 centimetres in height and which clearly displays (in black lettering not less than 6 centimetres in height) the licensed fishing boat number of the authorised boat from which the crab pot was used; and
 - (d) the crab pot, or another crab pot attached to the first crab pot by means of not less than 20 metres of negatively buoyant rope, has attached to it a negatively buoyant rope to which is attached one float having a diameter of not less than 190 millimetres and which float clearly displays in characters not less than 80 millimetres in height and 15 millimetres in width the licensed fishing boat number of the authorised boat from which the crab pot is being used.
- (4) A person must not pull a crab pot in the Fishery from an authorised boat unless the crab pot was set from that boat and the tag and float referred to in subclause (3) specify the licensed fishing boat number of that boat.
- (5) A person must not use two or more crab pots which are joined together unless the tags and float referred to subclause (3) specify the same details.

Class A licences—entitlements

- 12A. (1) The entitlement to fish for crabs under the authority of a class A licence shall be expressed in terms of units of entitlement.
- (2) A unit of entitlement has the unit value of 0.80 crab pot.
 - (3) deleted 01/12/2009.
 - (4) deleted 01/12/2009
 - (5) The authority conferred by a class A licence is of no effect at any time when the extent of the entitlement conferred by the licence is less than 40 units.
 - (6) The authorised person of a class A licence must not fish or permit any fishing to be carried on in the Fishery by means of a number of crab pots which exceeds the aggregate value of the units of entitlement conferred by the licence.

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

- (7) For the purposes of this plan, where the aggregate value of the units of entitlement conferred by a licence, obtained by multiplying the number of units conferred by the licence with the unit value provided for in subclause (2), is not a whole number then any fraction equal to or greater than 0.5 is to be rounded up to the next whole number and any other fraction is to be rounded down to a whole number.

12B. Repealed 01/12/2009.

Boat replacement

13. (1) An authorized boat may only be replaced by another licensed fishing boat with the prior written approval of the Director.
- (2) An authorized boat —
- (a) which is less than 5.5 metres measured length; and
 - (b) in respect of which no authorisation other than a licence is in force, may be replaced on application made to the Director by another licensed fishing boat which is not more than 5.5 metres measured length.
- (3) An authorized boat to which subclause (2) does not apply may only be replaced on application made to the Director by another licensed fishing boat of measured length less than or equal to that of the authorized boat.
- (4) The measured length of a boat shall, in the case of any disagreement or where otherwise necessary, be determined by an officer of the Department of Transport nominated in writing by the Director and appointed in writing by the licensee of the boat at the licensee's cost.
- (5) Any change effected to the measured length of an authorized boat shall be, for the purposes of this Notice, taken to be a replacement of the authorized boat.
- (6) Where an authorized boat is replaced other than in accordance with this clause, the replacement boat shall not be an authorized boat for the purposes of this Notice.

Ground to suspend licence

13A. Repealed 01/12/2009

Ground to refuse to transfer a licence or part of an entitlement

- 13B The CEO may refuse to transfer —
- (a) a licence, or
 - (b) a part of an entitlement to the licence from another licence, on the ground that the CEO has proposed to suspend the licence.

Minimum size

16. The holder of a licence or a person acting on that person's behalf must not take from the waters of the Fishery or be in possession of:
- (a) any male crab which measures less than 130mm; or
 - (b) any female crab which measures less than 130mm, when measured from tip to tip of the posterior carapace spikes.

Revocation

17. The following notices are cancelled —
- (a) No. 426 published in the *Gazette* on 1 December 1989;
 - (b) No. 464 published in the *Gazette* on 30 November 1990; and
 - (c) No. 516 published in the *Gazette* on 8 November 1991.

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

This compilation was prepared taking into account amendments up to and including the Cockburn Sound Crab Fishery Management Plan Amendment 2012 published in Government Gazette No. 233 on 14/12/2012

Procedure before this plan may be amended or revoked

18. For the purposes of section 65(1) of the Act the holders of the licences are the persons to be consulted before this plan is amended or revoked.

Offences and major provisions.

19. A person who contravenes a provision of -
(a) clause 5, 6, 10, 11, 12 or 12A; or
(b) clause 16,
commits an offence and for the purposes of section 75 of the Act the provisions specified in paragraph (a) are major provisions.

**Schedule 1
(Clauses 3 and 4)**

The waters of the Indian Ocean bounded by a line commencing at a point on the high water mark at the western extremity of the South Mole at the entrance to Fremantle Harbour and extending westerly to the southern most rock of the Straggler Rocks; thence south easterly to the high water mark on the northern most point of Mewstone; thence generally southerly along the high water mark on the eastern shore of Mewstone to its southern most point; thence southerly to the high water mark on the northern most point of Carnac Island; thence generally southerly along the high water mark on the eastern shore of that island to its southern most point; thence southerly to the high water mark at Entrance Point on Garden Island; thence generally southerly along the high water mark on the eastern shore of that island to south west point; thence southerly to the high water mark at John Point on the mainland; thence along the high water mark to the commencing point.

**Schedule 2
(clause 10)**

Item 1. Coogee Beach

All that portion of the Indian Ocean bounded by a line commencing from a point on the high water mark situated in prolongation westerly of the mid line of Beach Road, Coogee and extending generally southerly along the high water mark to an east west line passing through a point situated 460 metres south of the commencing point; thence west 400 metres; thence north 920 metres; thence east to the high water mark of the Indian Ocean and thence generally southerly along the high water mark to the commencing point.

Item 2. Cockburn Sound and Garden Island

All that portion of Cockburn Sound bounded by a line commencing at the easternmost extremity of Colpoys Point on Garden Island and extending east for 400 metres; thence south westerly to a point situated 400 metres east of the eastern most extremity of Collie Head; thence west to that point and thence generally northeasterly along the foreshore of Cockburn Sound and Careening Bay to the commencing point.

Item 3. South Beach

All that portion of the Indian Ocean adjacent to South Beach, Fremantle bounded by a line commencing from a point on the intersection of the prolongation westerly of the midline of Douro Road with the high water mark of the Indian Ocean and extending generally southerly along that high water mark to a point situated in prolongation westerly of the mid line of Island Street, thence westerly 150 metres along that prolongation; thence generally northerly parallel to and 150 metres from the high water mark to a point situated in prolongation westerly of the midline of Douro Road and thence easterly to the commencing point.

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

This compilation was prepared taking into account amendments up to and including the Cockburn Sound Crab Fishery Management Plan Amendment 2012 published in Government Gazette No. 233 on 14/12/2012

Schedule 3 - (clause 12)

Repealed 01/12/2009

Dated this 17th day of February 1995.

MONTY HOUSE,
Minister for Fisheries

Note:

This consolidated plan contains the Original Plan published in GG No.25 of 24.02.95 and the following subsequent amendments - Amendment (No.2) 1996 published in GG 188 of 29.11.96; Amendment (No.1) 1998 published in GG 233 of 27.11.98; Amendment (No.1) 1999 published in GG 246 of 24.12.99; Amendment (No.1) 2000 published in GG 112 of 16.06.00; Amendment (No.1) 2001 published in GG 70 of 03.04.01; Amendment (No.1) 2004 published in GG 1 of 02.01.04; Amendment (No. 1) 2009 published in GG 218 on 01.12.09, Amendment 2010 published in GG No. 234 on 10.12.2010; Amendment 2011 published in GG No. 232 on 02.12.201; Amendment 2012 published in GG No. 233 on 14.12.2012.

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

DISCLAIMER:

This is not an official version. Although this document has been carefully collated from each of the relevant issues of the Government Gazettes in which the principal notice and subsequent amendments were published, its accuracy cannot be guaranteed.

Accordingly - (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.