

Office use only

EXEMPTION
NUMBER:

3197

Fish Resources Management Act 1994

Section 7(2)(e)

INSTRUMENT OF EXEMPTION

I, Nathan Harrison, Director, Aquatic Resource Management as delegate of the Minister for Fisheries, HEREBY EXEMPT the class of persons in **Schedule 1** from Clause 70 and Part 4, Part 6, Part 7, Part 8, Part 9 and Part 10 of the *West Coast Rock Lobster Managed Fishery Management Plan 2012* and any other provisions of the *Fish Resources Management Act 1994* and its subsidiary legislation, that would otherwise prevent those persons from carrying out the activities described in **Schedule 2**, for the period in **Schedule 3** for the purposes set out in **Schedule 4**, subject to the conditions set out in **Schedule 5**.

Schedule 1 Persons

- a) Persons operating under a West Coast Rock Lobster Managed Fishery Licence where at least 300 units of current entitlement are held on that licence.
- b) Masters of authorised boats named on a West Coast Rock Lobster Managed Fishery Licence having at least 300 units of current entitlement.
- c) Persons who sell, purchase or deal in rock lobster or are in possession of rock lobster landed or otherwise dealt with by persons described in (a), (b) and (e), except the holders of a Fish Processor's Licence, or persons acting for or on behalf of a holder of a Fish Processor's Licence, selling rock lobster to non-domestic markets.
- d) Masters operating an authorised boat that is licensed as a carrier boat in the West Coast Rock Lobster Managed Fishery.
- e) Holders of a West Coast Rock Lobster Managed Fishery Licence, who have been issued a Rock Lobster Local Lobster Program (LLP) Tag pursuant to this Instrument of Exemption.

Schedule 2 Activity

- a) In the case of persons described in **Schedule 1** (a), (b) (d) and (e), the landing, consigning, possession of, sale, or dealing in rock lobster.
- b) In the case of persons described in **Schedule 1** (c), the sale, purchase, dealing in and possession of rock lobster obtained from persons described in **Schedule 1** (a), (b), (d) and (e).

Schedule 3 Period

This Exemption applies from the 1 December 2018 and ceases 15 May 2019.

Schedule 4 Purpose

An interim mechanism to enhance the supply of rock lobster to the WA community.

Schedule 5 Conditions

- a) This Exemption applies only where a Rock Lobster Local Lobster Program (LLP) Tag supplied for the purpose in **Schedule 4** by the Department of Primary Industries and Regional Development (Fisheries) is securely fastened to one antenna horn of the rock lobster such that the LLP Tag cannot be removed from the lobster without damaging the tag or the lobster.
- b) The classes of persons described in **Schedule 1** (a), (b) and (d) may only be in possession of LLP Tags supplied in respect of the West Coast Rock Lobster Managed Fishery Licence under the authority of which the person is operating.
- c) Classes of persons described in **Schedule 1** (a) and (b) must securely attach LLP Tags to the bottom joint at the base of one (1) antenna horn prior to entering an Approved Landing Area.
- d) Classes of persons described in **Schedule 1** (b) must record the number of lobster to be landed with a LLP Tag attached in the 'comments' field of the Pre-landing Nomination to Fish Eye.
- e) Classes of persons described in **Schedule 1** paragraph (b) and (d) must accurately complete the Record of Western Rock Lobster Local Supply Landing and Sales Form for each rock lobster sold or otherwise disposed of with a LLP Tag attached, within 24 hours of a rock lobster being sold.
- f) Classes of persons described in **Schedule 1** (a), (b) and (e) must return any unused tags to the Department of Primary Industries and Regional Development (Fisheries) by 15 May 2019.
- g) The Record of Western Rock Lobster Local Supply Landing and Sale Form referred to under **Schedule 5** Condition (e) must be returned to the Department of Primary Industries and Regional Development (Fisheries) by the classes of persons described in **Schedule 1** (b) no later than 15 May 2019 or upon use of all of the LLP Tags, whichever occurs first.
- h) Classes of persons described in **Schedule 1** (a) and (b) must ensure all LLP Tags are used in sequential order.
- i) A person must not modify or attempt to modify a LLP Tag for purposes other than as required under this Exemption.
- j) A person must not remove a LLP Tag attached to any rock lobster until that lobster is being prepared for immediate consumption.
- k) A person must not export or attempt to export or hold or prepare for export a western rock lobster with a LLP Tag attached.

- l) A person described in **Schedule 1** must not reuse a LLP Tag.
- m) A person described in **Schedule 1** (a), (b) and (d) must not take or land any LLP Tag lobsters after 30 April 2019.
- n) A person described in **Schedule 1** (a), (b), (d) and (e) must dispose of all rock lobster taken pursuant to this Instrument of Exemption, by way of;
 - a. sale; or
 - b. donation to a charity registered by the Australian Charities and Not-for-profits Commission.
- o) A person described in **Schedule 1** (a), (b), (d) and (e) must not store or have in their possession at their place of residence a rock lobster with a LLP Tag attached.



Nathan Harrison
DIRECTOR, AQUATIC RESOURCE MANAGEMENT
as delegate of the **MINISTER FOR FISHERIES**

Dated this 9 day of November 2018

