

From: [REDACTED]
Sent: Tuesday, 13 November 2018 5:02 PM
To: [REDACTED]
Subject: Update on Fisheries State legislation

Importance: High

Hi [REDACTED]

I write to you to inform you that an 11th hour decision has been made to delay the commencement the *Aquatic Resources Management Act 2016* (ARMA).

As a bit of back story, during the process of finalising ARMA implementation, staff became aware of an issue with the structure of the ARMA which calls into question the ability to implement fishing zones and associated fishing entitlement. As you may know, zones are an essential fisheries management tool. To put the matter beyond doubt and to provide certainty for Government and stakeholders, the WA Minister for Fisheries has approved a deferral of ARMA to allow for an Act amendment to be progressed.

Given these circumstances, we are proposing that we pick the original Ordinances back up and progress their implementation given that we were so close. My understanding is that the drafting was finalised and that the briefing notes to the Minister were very close to completion.

Please advise me on what items are outstanding from my end and what the potential timeframe would be. Please do not hesitate to contact me for any further clarification.

Regards,

[REDACTED] | Fisheries Management Officer (IOT Project Coordinator)
Fisheries and Agricultural Resource Division
Sustainability and Biosecurity
Department of Primary Industries and Regional Development
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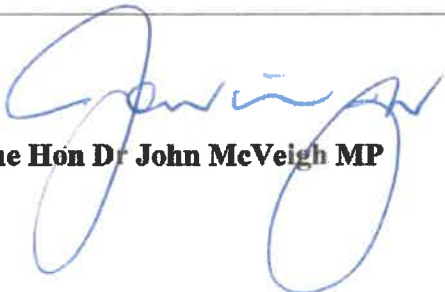
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UNCLASSIFIED

DEPARTMENT OF INFRASTRUCTURE, REGIONAL DEVELOPMENT AND CITIES

PDR ID: MS18-000194

To: The Hon Dr John McVeigh MP (for decision)**cc:** The Hon Barnaby Joyce MP**cc:** Dr Steven Kennedy PSM, Secretary**cc:** Ms Judith Zielke, Deputy Secretary**NEW RECREATIONAL FISHING RULES ON CHRISTMAS ISLAND AND THE COCOS (KEELING) ISLANDS****Timing:** Routine

Recommendations:	
<p>1. That you agree to provide policy approval for new Recreational Fishing Rules (proposed Rules) on Christmas Island (CI) and the Cocos (Keeling) Islands (CKI), which reflect cultural and environmental sensitivities.</p>	<p>Agreed / Not Agreed</p>
<p>2. That you note the Department of Infrastructure, Regional Development and Cities briefed the former Minister with responsibility for territories in 2016 about further consultation needed with the CI and CKI communities on the proposed Rules (refer MS16-000351), and the outcomes of this consultation as contained in this brief.</p>	<p>Noted / Please Discuss</p>
<p>Signatory:</p> <p></p> <p>The Hon Dr John McVeigh MP</p>	<p>Date: 16/4/18</p>
<p>Comments:</p>	

Key Points:

1. The *Christmas Island Act 1958* and the *Cocos (Keeling) Islands Act 1955* (the Acts) apply the laws of WA as the laws of CI and the CKI as a modern system of state-level law to support good governance and the provision of services to CI and the CKI. The Acts provide you, as Minister with responsibility for territories, with all state-level Ministerial and administrative powers. The Acts provide for Ordinances to be made to amend, repeal or suspend the applied laws where they are not consistent with Australian Government policy and to make new laws to meet the particular needs of CI and the CKI.
2. The Department is seeking your policy approval for the proposed Rules for CI at **Attachment A** and the CKI at **Attachment B**, including exemptions for the CKI at **Attachment C**. Subject to your approval, the proposed Rules will be introduced into law via Ordinances (the Fisheries Ordinances) to amend existing applied WA Fisheries legislation.

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3. At present, CI and the CKI do not have island-specific restrictions for recreational fishing. While WA Fisheries legislation is applied, it does not meet the needs of the islands and has not been rigidly enforced. WA Fisheries advises that the absence of island-specific restrictions has adversely impacted the local marine environment and that current levels of recreational fishing are not sustainable.
 - The Fisheries Division of the WA Department of Primary Industries and Regional Development (WA Fisheries) is responsible for fisheries management through a Service Delivery Arrangement with the Department.
4. The proposed Rules address environmental concerns and place restrictions on recreational fishing by creating bag limits, identifying protected species, controlling the use of certain fishing gear and packaging practices, and restricting the export of fish from the islands (refer Attachment A and Attachment B).
5. WA Fisheries has worked with the CI and the CKI communities to develop the proposed Rules and has reached consensus with both communities on the need for exemptions. Exemptions for the CKI reflect cultural sensitivities and allow community members to fish over the bag limits to cater for religious and culturally significant events, apply bag limits for coral trout, and allow for the commercial sale of recreationally caught fish on CKI (refer Attachment C). Consultation with the CI community found that no exemptions were required.

Legal Impacts:

6. Should you provide policy approval, the Office of Parliamentary Counsel will provide Fisheries Ordinances to amend the applied *Fish Resources Management Regulations 1995* (WA) to make the proposed Rules into law.
7. WA Fisheries has advised that the *Aquatic Resources Management Act 2016* (WA) (ARMA) will come into effect on 1 January 2019, replacing the *Fish Resources Management Act 1994* (WA). New Ordinances to amend the ARMA regulations may be required in early 2019. Notwithstanding this, WA Fisheries has asked that the proposed Rules be implemented to manage community expectations built through extended community consultation.

Administrator's Views:

8. The Administrator, Mrs Natasha Griggs, supports the normalisation of recreational fishing arrangements in the Indian Ocean Territories, consistent with arrangements in mainland Australia. Mrs Griggs is supportive of the exemptions that WA Fisheries has negotiated to recognise local cultural practices on CKI, but notes her discussions with community representatives point to expected resistance to the new rules from some parts of the Cocos Malay community. Mrs Griggs has suggested that WA Fisheries returns to CKI for further community consultation on Home Island once the Ordinances have been drafted.

Stakeholder Implications:


9. In 2016, the Cocos Malay community, which traditionally requires large quantities of fish for religious and cultural events, expressed concern to the former Minister for Local Government and Territories that the proposed Rules were culturally insensitive and unsuitable. The former Minister agreed that the implementation of the Rules be delayed until exemptions that recognised the cultural needs of the community were developed (MS16-000351 refers).

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10. WA Fisheries consulted extensively with the CI and CKI communities to develop exemptions that recognise cultural requirements and, in late 2016, achieved consensus with the two communities. Further on-island consultations about the implementation of the proposed arrangements were held in March and April 2017. The proposed exemptions and next steps were subsequently finalised by WA Fisheries.
- WA Fisheries received written support for the proposed arrangements from the CKI Islamic Association, CKI Cultural Association and the CKI Senior's Group (October 2016).
11. Community views will be tested again through public consultation on the draft Fisheries Ordinances.
12. The absence of any on-island restrictions on recreational fishing in the long-term could result in the depletion of fish stocks and cause significant damage to the marine ecosystem. This would impact cultural and recreational enjoyment, as well as future economic diversification through ecotourism.

Action to Follow:

13. Subject to your agreement, the Department will:
- request that the Office of Parliamentary Counsel prepare exposure drafts of the Fisheries Ordinances for your approval
 - consult with the CI and CKI communities on the draft Fisheries Ordinances
 - subject to consultation, seek your agreement to obtain Executive Council approval and lodge the Fisheries Ordinances with the Federal Register of Legislation

Karly Pidgeon
General Manager
Indian Ocean Territories Branch
Ph: 02 6274 7988
Mob: 
20/02/2018



Attachments:

- A: Summary of proposed Recreational Fishing Rules for CI
B: Summary of proposed Recreational Fishing Rules for the CKI
C: Summary of proposed Exemptions for the CKI



Government of Western Australia
Department of Fisheries



Australian Government
Department of Infrastructure
and Regional Development

Proposed rules for sustainable fishing

Christmas Island



Published November 2015

Fish for the future

What's new?

The Department of Fisheries has entered into a new Service Delivery Arrangement with the Commonwealth for the period 2015 to 2019, and will be focusing on introducing recreational fishing rules.

New legislation that establishes special rules to ensure sustainable recreational fishing on Christmas Island has been drafted, and will be provided to the Commonwealth Minister for consideration.

A Fisheries and Marine Officer, Wade Kingsley, will be visiting Christmas Island to explain the rules and to make sure the community understands their importance for the future of fishing on the Island.

Wade will be happy to answer any questions you may have about the fishing rules, and is looking forward to meeting members of the Christmas Island community. Please feel free to say "Hi" and have a chat when you see him on the island.

Fish for the future

The Western Australian Department of Fisheries is responsible for managing fisheries in the Indian Ocean Territories under an agreement with the Commonwealth Government.

The Department's role is to ensure that fish stocks at Christmas Island remain sustainable so that the Christmas Island community can continue to enjoy recreational fishing into the future.

The proposed recreational fishing rules take community views into account and have been developed in consultation with island community members.

The fish populations in island waters are limited in size, and depend for their abundance on local breeding populations or the irregular migration of adult fish and drifting eggs and larvae from populations elsewhere in the Indian and Pacific oceans. Some fish and eggs follow ocean currents many thousands of kilometres to reach the island, and only the lucky and the toughest survive the journey. In some years none survive, while in others some may make the journey successfully.

The Department believes that the trust and support of the island community for the rules is essential if recreational fishing at Christmas Island is to have a bright future. These rules aim to manage the amount of fish that can be taken by individuals at any one time or transported off the island.

If the island's fish stocks are overfished, it may take many decades for the fish populations to recover – if at all.

The proposed recreational fishing rules are set out in this brochure. Keep a copy of this brochure in your fishing bag, tackle box or car as a handy reference. Remember – the future of recreational fishing is in your hands.

Proposed fishing rules

The proposed recreational fishing rules include:

- Bag limits
- Protected species
- Filleting at sea
- Fishing gear controls
- Export possession limits

Bag limits

A 'bag limit' is the amount of fish that one person may catch and keep in one day (a 24-hour period, from midnight to midnight).

Bag limits are grouped (combined) to apply to different types of fish, according to their life history and place in the oceanic web of life. For example, surface-dwelling fish that are free-swimming and often migratory are known as 'pelagic' species. These fish are generally caught by trolling or surface fishing using lures or floating baits. They include fish such as wahoo, tuna, and marlin.

Bottom-dwelling fish such as cod, snappers and trevally are known as 'demersal' species. These fish are usually resident and tend to live in a limited area. They are generally caught using heavy sinkers and pater-noster ('dropper') rigs with bait or soft plastics.

Bag limits may apply to a combined group of fish or a single species within a group.

For example, there will be a combined daily bag limit of four pelagic fish, which could be made up of a maximum of one dogtooth tuna plus three other pelagic fish (e.g. two wahoo and one mahi mahi).

Crustaceans will be considered as a separate group.

There is no limit for species not listed in the tables.

PELAGIC SPECIES

SPECIES	SCIENTIFIC NAME	SPECIES BAG LIMIT	COMBINED BAG LIMIT 4
Wahoo	<i>Acanthocybium solandri</i>		
Tuna (excluding dogtooth tuna)	<i>Thunnus</i> sp		
Dogtooth tuna	<i>Gymnosarda unicolour</i>	1	
Mahi Mahi (Dolphinfish)	<i>Coryphaena</i> spp.		
Billfish (including sailfish and marlin) and Swordfish	Families Istiophoridae and Xiphiidae		
Barracuda	Family Sphyraenidae		

DEMERSAL SPECIES

SPECIES	SCIENTIFIC NAME	COMBINED BAG LIMIT 16
Cod combined (excluding coral trout and other protected species)	Family Epinephelidae	
Snappers and emperors	Family Lutjanidae and Family Lethrinidae	
Sepat, red and black	Family Berycidae and Family Bramidae	
Trevally	Family Carangidae	

CRUSTACEAN SPECIES

SPECIES	SCIENTIFIC NAME	SPECIES BAG LIMIT
Lobsters	<i>Panulirus</i> spp.	4

Totally protected species

PROTECTED SPECIES

Protected species may not be taken, and if caught will need to be released back into the water immediately.

SPECIES	SCIENTIFIC NAME
Coral trout	<i>Plectropomus</i> spp.
Humpheaded maori wrasse	<i>Cheilinus undulates</i>
Humpheaded parrotfish	<i>Bolbometopon muricatum</i>
White banded cod	<i>Anyperodon leucogrammicus</i>
Clams	<i>Tridacna</i> spp.
Sharks and rays	Class Chondrichthyes
Whale sharks	<i>Rhiniodon typus</i>
Potato cod	<i>Epinephelus tukula</i>
Queensland groper	<i>Epinephelus lanceolatus</i>
Coral and live rock	Order Scleractinia
Berried (egg-carrying) crabs and lobster	Subphylum Crustacea

Filleting at sea

You will be able to carry fish at sea and land it:

- whole (can be gutted and gilled);
- trunked (i.e. with head and tail removed), with skin and scale on; or
- filleted, with skin and scale on.

The fish will need to be packaged so that it is easily accessible for identification. If frozen, it will also need to be packaged so that it can be identified without being thawed. This will not apply if you are on a boat and the fish is being consumed or being prepared for immediate consumption.



NOTE: Two fillets are considered to be equal to one whole fish for the purpose of bag limits.

Fishing gear controls

No set or haul net fishing

Set and haul net fishing will be prohibited at Christmas Island.

Landing net

Recreational fishers will be permitted to use a hand-held landing net (often used to collect flying fish) with a hoop or ring up to 1 m in diameter.

Throw (or cast) nets

Recreational fishers will be permitted to use a throw (or cast) net. The throw (or cast) net must be no more than 3 m in radius, and have a mesh size of no more than 25 mm.

Rods and lines

Shore-based recreational fishers will be able to use a maximum of two fishing lines. Rods and lines must be attended.

Fishing for lobster

Fishers will be permitted to take lobster. However, they will not be allowed to use pointed instruments (e.g. gidgies, spearguns, fish hooks) to catch them.

Other prohibited fishing gear

Recreational fishers will not be able to:

- use fish traps;
- use dredges;
- obstruct any bay, inlet or any waters so that fish are enclosed, left stranded, destroyed or wasted;

- be in possession of explosives or noxious substances on the waters of Christmas Island; or
- attach fish hooks to anchors, anchor lines or moorings.

Spearfishing

Spearfishing with the use of compressed air (such as scuba) will be prohibited in the waters around Christmas Island because spearfishing is a highly selective fishing method that can have a major impact on the sustainability of resident reef species.

All spearfishing is already prohibited in the waters of the Christmas Island National Park.

All spearfishing will also be prohibited in the waters of Flying Fish Cove from the jetty to Smith Point.

Export possession limits – Christmas Island airport

The most important management goal is to ensure that fish stocks at Christmas Island remain sustainable. Exporting fish to other places results in enormous pressure on the limited stocks available. A limit on the type and quantity of seafood that can be taken off Christmas Island will help to keep fishing pressure at a reasonable level and ensure that the benefits from island fish stocks are enjoyed by those on Christmas Island.

The type and quantity of fish and seafood that a person may have in their possession at Christmas Island airport will be limited.

Type of seafood – tuna and wahoo only

While in the area of the Christmas Island airport the only type of seafood that a person will be allowed to have in their possession is tuna and wahoo.

You will not be permitted to have any other type of seafood including lobsters, crabs, snapper or any other types of fish.

Quantity of seafood

A person will not be allowed to have more than a total of 5 kg of tuna and wahoo combined in their possession at the airport.

When in the airport area, the fish must:

- have the skin attached;
- be packaged flat;

- be packaged so it is easily accessible for identification; and
- if frozen, be identifiable without being thawed.

! Note: These restrictions will not apply to fish caught by a licensed commercial fisher (you will need to show proof of purchase such as a receipt), aquacultured fish, and fish taken under an authority to fish for scientific purposes.

Transporting of unaccompanied fish

Recreationally caught fish cannot be transported by commercial couriers or freight. If your recreationally caught fish is being moved by land, sea or air you must accompany your fish.

Possession limits – Christmas Island (other than the airport)

The same possession limits that are in place on mainland Western Australia will also apply to the Indian Ocean Territories.

The maximum quantity of finfish – either whole or in pieces – that each person will be allowed to have in their possession (control/ownership) on Christmas Island (except at the airport) is:

- 20 kg of fillets of finfish; or
- 10 kg of fillets of finfish and one day's bag limit of whole fish or fish trunks; or
- two days' bag limit of whole fish or fish trunks.

This possession limit will not apply to commercially purchased fish (although you may be asked for proof of purchase).

Recreationally caught fish may not be sold

You may not sell or barter fish to restaurants or other people unless you have a valid commercial fishing licence.

At Christmas Island there are three commercial fishers who have obtained a licence from the Department and have invested in commercial fishing boats.

There are arrangements in place, such as limits on their catch and reporting of their catch, to ensure the commercial catch at Christmas Island is within sustainable limits.

Sanctuary areas for resident fish – a conversation for the future

The Department will be talking to the community about the need for closed areas to further protect demersal species at Christmas Island.

No size limits, boat limits or licences

In recognition of the unique deep-water nature of Christmas Island fishing, and the need for island-specific recreational fishing management arrangements, no size limits for fish will apply at Christmas Island. However, the Department continues to strongly encourage fishers to release small-sized fish taken in shallow water so they can grow and reproduce before they are taken.

There will be no boat limits when fishing at Christmas Island, but each fisher must remain within their daily bag limit.

Fishing licences will not be required for recreational fishing in the territorial waters of Christmas Island.

Further information

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Fish for the future

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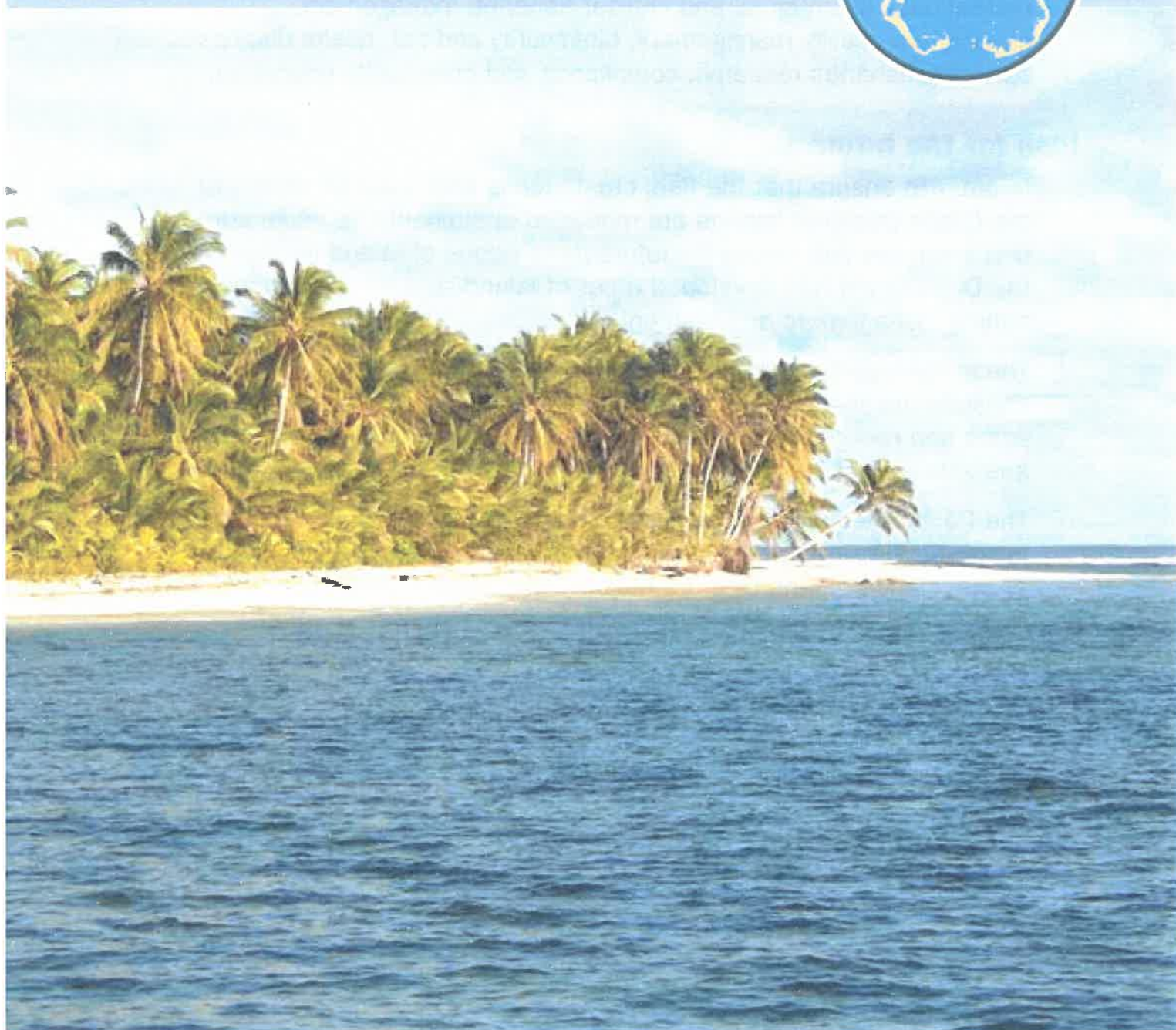
Government of Western Australia
Department of Fisheries



Australian Government
Department of Infrastructure
and Regional Development

Proposed rules for sustainable fishing

Cocos (Keeling) Islands



Published February 2016

Fish for the future

The purpose of this document is to provide the Cocos (Keeling) Islands community with information on the proposed new island-specific recreational fishing rules for the Cocos (Keeling) Islands.

Background

Since 2002, the Western Australian Department of Fisheries has been responsible for the delivery of fisheries management services at the Cocos (Keeling) Islands on behalf of the Commonwealth Government, under a Service Delivery Arrangement.

The Western Australian Department of Fisheries provides fisheries management services at the Cocos (Keeling) Islands including recreational, commercial and charter fisheries management, aquaculture activity management, biosecurity and fish health diagnostic services, fisheries research, compliance and community education.

Fish for the future

In order to ensure that the fish, crustaceans and shellfish stocks at the Cocos (Keeling) Islands are managed sustainably (to make sure that there are fish stocks for future generations of island residents), the Department has developed a set of island-specific recreational fishing management arrangements.

These management arrangements have been developed following consultation with on-island community members over several years and recognise community views as well as concerns for the sustainability of fish, crustacean and shellfish stocks.

The Cocos (Keeling) Islands are isolated reefs in the Indian Ocean, located approximately 2,750km north-west of Perth. The isolation of the islands means that the majority of marine species that live on the reefs and lagoons have come to settle there from other remote locations. Due to the isolation of the islands, many of the fish, crustaceans and shellfish species are mainly self-recruiting at Cocos – meaning that it is important that these marine species are not overfished, because if there are not enough fish, crustaceans or molluscs left to produce young, these creatures might not exist at Cocos in the future.

The fish, crustacean and shellfish stocks at the Cocos (Keeling) Islands are also more at risk of overfishing due to the limited size of both the shallow waters around the islands and the habitat available, as the small reefs and lagoon can only sustain limited numbers of these species.

The primary goal of the new recreational fishing management arrangements is to make sure there are fish for the future at the Cocos (Keeling) Islands.

Staged approach

The new recreational fisheries management arrangements for the Cocos (Keeling) Islands are to be broken into two implementation steps.

Step One

The first step includes the introduction of island-specific recreational fishing bag limits, controls on the amount and type of fish that will be able to be taken off the islands, gear restrictions, and area closures based on social values of sites (e.g. for swimming, surfing or diving).

Following consultation with community members/stakeholders it was determined that initially generous bag limits and the continued use of electric-powered fishing reels was supported. However in order to enable more generous bag limits and ensure that the fish stocks are fished sustainably, there is a need to increase protection to demersal (bottom-living) fish species through other management tools such as demersal fishing area closures.

Step Two

The second step will involve the Department of Fisheries undertaking further community consultation on the boundaries of demersal fishing area closure(s) to ensure increased protection for demersal species at the Cocos (Keeling) Islands.

No size limits

In recognition of the unique deep water nature of the Cocos (Keeling) Islands fishing, and the need for island-specific recreational fishing management arrangements, no size limits for fish are to apply at the Cocos (Keeling) Islands. Despite the lack of size limits, the Western Australian Department of Fisheries continues to strongly encourage fishers to release small-sized fish, when alive and in shallow water, to enable them to grow and produce young before they are taken.

No recreational fishing licences

Fishing licences will not be required for recreational fishing in the territorial waters of the Cocos (Keeling) Islands.

Bag limits

A bag limit is the amount of fish, crustaceans or shellfish that one person can take in one day (any 24-hour period commencing at midnight) when fishing. If you catch more than your bag limit, you should carefully return the excess fish, crustaceans or shellfish to the water immediately to ensure that there are fish, crustaceans and shellfish for the future at the Cocos (Keeling) Islands.

The species bag limit is the maximum number of a particular fish, crustacean, or shellfish that one person will be able to take in a day when fishing, within the combined bag limit. The combined bag limit is the combined number of the types of fish that one person will be able to take in a day when fishing. For example, there will be a combined daily bag limit of four pelagic fish, which could be made up of, say a maximum of one dogtooth tuna plus three other pelagic fish (say, two wahoo and one mahi mahi).

DEMERSAL SPECIES			
SPECIES	SCIENTIFIC NAME	SPECIES BAG LIMIT	COMBINED BAG LIMIT 16
Humpheaded Maori Wrasse and	<i>Cheilinus undulatus</i>	1	
Humpheaded Parrotfish	<i>Bolbometopon muricatum</i>	1	
Bonefish	<i>Albula</i> spp.	4	
Coronation trout	<i>Variola</i> spp.	4	
Trevally	Family Carangidae		
Cod	Family Epinephelidae		
Parrotfish (excluding humpheaded parrotfish)	Family Labridae, Tribe Scarini excluding <i>Bolbometopon muricatum</i>)		
Snappers and emperors	Family Lethrinidae and Family Lutjanidae		
Sepat, red and black	Family Berycidae and Family Bramidae		

CRUSTACEANS AND SHELLFISH		
SPECIES	SCIENTIFIC NAME	SPECIES BAG LIMIT
Gong gong (spider shell)	<i>Lambis</i> spp. and <i>Harpago chiragra</i>	20
Clams (excluding giant clam)	<i>Tridacna</i> spp. (excluding <i>Tridacna gigas</i>)	10
Mud crabs	<i>Scylla</i> spp.	2
Lobsters	<i>Panulirus</i> spp.	4

PELAGIC SPECIES			
SPECIES	SCIENTIFIC NAME	SPECIES BAG LIMIT	COMBINED BAG LIMIT 4
Wahoo	<i>Acanthocybium solandri</i>		
Tuna (excluding dogtooth tuna)	<i>Thunnus</i> sp.		
Dogtooth tuna	<i>Gymnosarda unicolour</i>	1	
Mahi Mahi (Dolphinfish)	<i>Coryphaena</i> spp.		
Billfish (including sailfish and marlin) and Swordfish	Families Istiophoridae and Xiphiidae		
Barracuda	Family Sphyraenidae		

LAGOON SPECIES		
SPECIES	SCIENTIFIC NAME	COMBINED BAG LIMIT 40
Mullet, sea	<i>Mugil cephalus</i>	
Mullet, diamond scale	<i>Liza vaigiensis</i>	
Silveries	<i>Gerres</i> sp.	
Milkfish	<i>Chanos chanos</i>	

PROTECTED SPECIES	
Protected species may not be taken, and if caught will need to be released back into the water immediately.	
SPECIES	SCIENTIFIC NAME
Coral trout*	<i>Plectropomus</i> spp.
White banded cod	<i>Anyperodon leucogrammicus</i>
Giant clams	<i>Tridacna gigas</i>
Sharks and rays	Class Chondrichthyes
Whale sharks	<i>Rhincodon typus</i>
Potato cod	<i>Epinephelus tukula</i>
Queensland groper	<i>Epinephelus lanceolatus</i>
Coral and live rock	Order Scleractinia
Berried (egg-carrying) crabs and lobster	Subphylum Crustacea

***NOTE:** A bag limit for passionfruit coral trout (*Plectropomus areolatus*) is being considered.

Possession limits Cocos (Keeling) Islands Airport

Given the isolated nature, limited habitat and concern for the sustainability of fish stocks at the Cocos (Keeling) Islands, there is a need to limit the amount and types of fish, shellfish and crustaceans being exported off the island.

In order to restrict the amount of fish, crustaceans and shellfish being taken off Cocos and ensure that the fish resources are managed for the benefit of the on-island community, there will be a limit of the type and amount of fish a person can have in their possession in the area of the Cocos (Keeling) Islands Airport (and therefore be able to transport off-island).

While in the area of the Cocos (Keeling) Islands Airport, one person will be able to have in their possession no more than 5 kg of tuna or wahoo only. A person will not be able to have any additional/other fish, crustacean or shellfish species in their possession when in the area of the airport.

When in the airport area, the fish making up the possession limit of up to 5kg of tuna or wahoo species (trunk or fillet) will be required:

- to have the skin attached;
- to be packaged flat;
- to be packaged so it is easily accessible for identification; and
- where frozen, to be identified without being thawed.

Possession Limits – Cocos (Keeling) Islands (other than the airport)

The maximum quantity of finfish – either whole or in pieces – that you will be able to have in your possession (control/ownership) at the Cocos (Keeling) Islands (except the airport) is:

- 20 kg of fillets of finfish; or
- 10 kg of fillets of finfish and one day's bag limit of whole fish or fish trunks; or
- two day's bag limit of whole fish or fish trunks.

This possession limit will not apply to commercially purchased fish (although you may be asked for proof of purchase).

Filleting at sea

You will be able to carry fish at sea and land it:

- whole (can be gutted and gilled);
- trunked (i.e. with head and tail removed), with skin and scale on; or
- filleted, with skin and scale on.

The fish will need to be packaged so that it is easily accessible for identification, and if frozen, so that it can be identified without being thawed. This will not apply if you are on a boat and the fish is being consumed or being prepared for immediate consumption.

! NOTE: Two fillets are considered to be equal to one whole fish for the purpose of bag limits.

! NOTE: Molluscs (such as gong gong and clams) will be able to be 'shucked' (meat taken out of the shell), however for the purpose of bag limits one piece of mollusc meat will be considered as one mollusc (i.e. one piece of gong gong is considered to be equal to one whole gong gong).

Legal fishing gear

Rods, lines and hooks

Shore-based recreational fishers will be able to use a maximum of two fishing lines. Rods and lines will be required to be attended.

Fishing for mud crabs and lobster

Mud crabs and lobster will be able to be taken at the Cocos (Keeling) Islands, however fishers will be prohibited from using pointed instruments to catch them.

Spearfishing on compressed air

Spearfishing on compressed air (such as scuba) will be prohibited at the Cocos (Keeling) Islands, as spearfishing is a highly selective fishing method that can have a major impact on the sustainability of resident reef species.

Net Fishing

Net fishing is an effective fishing method for catching lagoon species such as mullet and silveries, but if used inappropriately nets can result in high and unsustainable catches of a number of species. The lagoon is a nursery area for fish and it is important that it is treated with respect.

Net fishing at the Cocos (Keeling) Islands will be permitted, under the following rules:

- nets must be attended at all times (within 100 metres of the nearest part of the net);
- nets must be removed from the water and all fish must be removed from the net at least once every hour;
- nets used for fishing must be no more than 60 metres in total length;
- a fishing net must not be set within 50 metres of any other net that is set;
- net drop must be no more than 25 meshes;
- net mesh size must be no more than 114 mm and no less than 63 mm;
- net fishing is prohibited in channels between islands, leading in and out of the lagoon; and
- net fishing is prohibited in the waters of the northern lagoon on West Island.

Other Prohibited Fishing Gear

Recreational fishers will not be able to:

- use fish traps;
- use dredges;
- obstruct any bay, inlet or any waters so that fish are enclosed, left stranded, destroyed or wasted;
- be in possession of explosives or noxious substances on the waters of Cocos (Keeling) Islands; and
- attach fish hooks to anchors, anchor lines or moorings.

Areas closed to fishing

A number of areas around the Cocos (Keeling) Islands will be closed to fishing due to their value to the island community for swimming, diving, snorkelling, and surfing.

No fishing will be permitted in the waters locally known as Trannies Beach, Pulu Maria, the Surf Shack, the Surf Spot, the 'Rip' at Direction Island and south east of the Jetty at Direction Island (however you may fish by rod or handline from the Direction Island jetty).

No fishing for demersal species (bottom-living species such as humpheaded maori wrasse, humpheaded parrotfish, bonefish, coronation trout, trevally, cod, snapper, seaperch, emperor, etc) will be permitted within 150 metres radius of the dive site moorings locally known as Cologne Gardens, Rose Wall, Cabbage Patch and Aquarium Wall.

Further information

NORTHERN REGIONAL OFFICE & BROOME DISTRICT OFFICE

Port of Pearls House, 401 Port Drive

Broome WA 6725

T: (08) 9193 8600

IndianOceanTerritories@fish.wa.gov.au

www.fish.wa.gov.au/IOTs

Fish for the future

Cover photo © Andrew Cribb



SUMMARY OF PROPOSED EXEMPTIONS FOR THE COCOS (KEELING) ISLANDS

The Western Australian Department of Primary Industries and Regional Development's Fisheries Division (WA Fisheries) is proposing the following three Exemptions to be implemented alongside the proposed Recreational Fishing Ordinance for the Cocos (Keeling) Islands (CKI):

- 1) Cocos Malay cultural fishing arrangements;
- 2) Coral trout – bag limit of 2 fish per person per day; and
- 3) Cocos Malay artisan fishers – sale of recreationally caught fish.

To reflect cultural sensitivities, it is proposed that the activities outlined below are permitted via Instruments of Exemption. An Instrument of Exemption would be approved by the Australian Government Minister responsible for Territories or their delegate. Activities permitted by Instruments of Exemption may be amended more easily than Ordinances to allow for changes over time.

1. Proposed cultural fishing arrangements for the Cocos Malay community

During the development of the proposed Rules, a number of Cocos Malay community members advised that the proposed Rules would not accommodate the long-standing custom and practice of catching larger quantities of fish for religious and cultural events. WA Fisheries engaged with the Cocos Malay community and developed a set of arrangements that provide for increased fishing for key cultural and religious events. The Exemptions will be managed by the community.

To respect and recognise the Cocos Malay community's religious and cultural needs, the Exemption permits Cocos Malay residents to fish in excess of the bag limits, for the following occasions:

- during the Ceremony of Death month (prior to the start of Ramadan);
- 1 week before Hari Raya Day;
- 1 week before Muhammad's birthday;
- 1 week before Islamic New Year;
- 2 months before a Cocos Malay community wedding;
- 1 week before the celebration of a Cocos Malay community member's circumcision;
- during the week following a Cocos Malay community member's funeral;
- after a Cocos Malay community member's funeral, 1 day prior to the celebration at day 40, day 100, 1st anniversary, 2nd anniversary and day 1000; and
- 1 week before the celebration of the birth of a child (40 days after birth).

It is important to note that during these times, all other proposed rules would still apply.

For weddings, births and circumcisions, it is proposed that a nominated person or position in the Home Island community would inform the CKI Fisheries and Marine Officer by email at least one month (where possible) before the event. Notification of a funeral would also be made to the Fisheries and Marine Officer as soon as the arrangements are known. The proposed arrangements will be administered by the Cocos Malay community in partnership with WA Fisheries.

2. Coral Trout - bag limit of 2 per person per day

The proposed Rules provide that coral trout (*Plectropomus* spp.) are 'totally protected fish' and may not be caught and kept by recreational or commercial fishers. This is due to the very low historical abundance of coral trout at the CKI.

The abundance of coral trout has been subject to large variation at the CKI. In the 1970s, there were three species of coral trout abundant at the islands. Over the last 15 years, scientific surveys have

reported only one remaining species, passionfruit coral trout (*Plectropomus areolatus*), which between 2001 to 2010 were found in extremely low abundance levels.

However, since 2014, passionfruit coral trout have returned to the CKI in large numbers and the population appears to have recovered. Since their return, passionfruit coral trout have been the subject of recreational fishing pressure; they are highly prized by the Cocos Malay community and residents of West Island. The magnitude of the recreational catch is not known. Given the current high abundance of passionfruit coral trout, it is highly likely that they will continue to be caught by recreational fishers. There is a high level of community support for the continued take of this species.

It is proposed to provide for a bag limit for passionfruit coral trout via an Instrument of Exemption to maintain the flexibility to quickly respond to potential changing stock conditions in the future. A daily bag limit of two passionfruit coral trout per person is proposed. This would likely be a sustainable limit and is deemed appropriate as it gives consideration to uncertainty around population size and resilience.

The proposed exemption includes passionfruit coral trout within the demersal (bottom-dwelling) combined species bag limit of sixteen fish. That is, if a person caught two passionfruit coral trout in one day, they would then only be able to take an additional fourteen other demersal fish.

3. Cocos Malay artisan fishers – sale of recreationally caught fish

There is a long-standing historical reliance on fish as a key part of the Cocos Malay community diet. This includes a low number of Cocos Malays regularly selling small quantities of their recreational catch within the CKI. The sale of recreationally caught fish is not permitted under the applied legislation.

The proposed new arrangement recognises the longstanding and ongoing trade, barter and exchange of low quantities of recreationally caught fish (primarily lagoonal species) undertaken by eight Cocos Malay community members. WA Fisheries supports the continuation of these fishing activities by up to eight Cocos Malay fishers at any one time.

It is proposed that up to eight Cocos Malay community members would be exempt from the need to hold commercial fishing licences, subject to:

- all recreational fishing rules being complied with, including no take of protected species, recreational gear restrictions applying, and no fishing in closed areas;
- the amount of fish taken being restricted to recreational bag limits;
- fish taken only being able to be sold locally on the CKI; and
- fishers being required to complete and submit records of all catch, via a Logbook.

Fish species may be caught and sold under this arrangement. The expectation is that the focus of fishing effort will reflect historical practices and focus on lagoonal finfish.

An Exemption is proposed as the most appropriate instrument to implement the arrangement, noting that the persons approved to sell fish may change from time to time.

From: [REDACTED]
Sent: Monday, 10 December 2018 2:58 PM
To: [REDACTED]
Subject: RE: Fisheries legislation [SEC=UNCLASSIFIED]

H [REDACTED]

Let's book in a time to talk, as I feel like we will keep playing phone tag! How does tomorrow afternoon look for you?

Regarding the GPS, my understanding is that this was ironed out. We were happy to go with OPCs preferences and I have even had the maps printed out accordingly.

From: [REDACTED]
Sent: Wednesday, 5 December 2018 11:36 AM
To: [REDACTED]
Subject: RE: Fisheries legislation [SEC=UNCLASSIFIED]

Hello [REDACTED]

Just tried to call – will try again later but best to send a brief email reply for now.

Yes - we are of the same mind as to timing. It is my intention to try to have done by March – but there are a few things to do.

First I have to redo the brief and confirm policy approval from Minister (previous approval is around 9 months old and different minister) – this I am aiming to **do and get back before** Christmas.

There are drafts from OPC to revisit and it seems a **couple of issues** in the drafts to be ironed out.

One of which involves the GPS coordinates used in WA legislation which is slightly different to datum used by OPC. This is an issue I will discuss further with you.

I will be in touch.

Regards

[REDACTED]
 Assistant Director
 Indian Ocean Territories Policy Section
 Department of Infrastructure, Regional Development and Cities
 GPO Box 594, Canberra ACT 2601

w www.infrastructure.gov.au

From: [REDACTED]
Sent: Wednesday, 5 December 2018 12:45 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Fisheries legislation

Hi [REDACTED]

How are you? It seems like we keep playing phone tag, so I figured that I should email you.

When we spoke last, you mentioned that you would talk to [REDACTED] and try to determine where we are at and what is required to get the Ordinances up to the Minister. I have been trying to touch base to obtain an update on where you are at with that. Noting the caretaker period will likely be from March next year, it would be best to get it all up before then to avoid any more substantial delays if possible.

Looking forward to hearing from you.

[REDACTED] Fisheries Management Officer (IOT Project Coordinator)
Fisheries and Agricultural Resource Division
Sustainability and Biosecurity
Department of Primary Industries and Regional Development
140 Williams Street | Perth WA 6000
[REDACTED] | w dpird.wa.gov.au



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From: [REDACTED]
Sent: Tuesday, 11 December 2018 2:09 PM
To: [REDACTED]
Subject: FW: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018 [DLM=Sensitive:Legal] [DLM=For-Official-Use-Only]
Attachments: BAH-CI Ordinance draft.v22.doc; BAH-CKI Ordinance.v23.doc

Hi [REDACTED]

As discussed, I have consulted with our GIS team and have received the attached comments. As mentioned, we have our suggestions, however we are not going to 'die in a ditch' if OPC have strong preferences that are contrary to them. It seems like they are very minor differences and it won't change the intent of the compliance management on the ground.

Once we have the confirmed coordinates, we will update our maps.

Regards,

[REDACTED] Fisheries Management Officer (IOT Project Coordinator)
 Fisheries and Agricultural Resource Division
 Sustainability and Biosecurity
 Department of Primary Industries and Regional Development
 140 Williams Street | Perth WA 6000
 [REDACTED] | w dpird.wa.gov.au

From: [REDACTED]
Sent: Wednesday, 11 July 2018 3:59 PM
To: [REDACTED]
Subject: RE: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018 [DLM=Sensitive:Legal] [DLM=For-Official-Use-Only]

Hi [REDACTED]

Some suggested changes as discussed in both documents. Just look for the parts highlighted in yellow.

Happy to discuss if you have any questions.

Regards,

[REDACTED] Manager, Geospatial Services
 Geographic Information Services
 Strategy and Capability
 Department of Primary Industries and Regional Development

From: [REDACTED]

Sent: Tuesday, 3 July 2018 1:51 PM

To: [REDACTED]

Subject: FW: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018
[DLM=Sensitive:Legal] [DLM=For-Official-Use-Only]

Hi [REDACTED]

I thought I sent this to you the day I got this and was about to follow up – but I see I never sent it!!

Following on from the emails (attached) in November last year, the Commonwealth were delayed as Geoscience was reviewing the standards re: mapping. As such, they have decided to not go with the suggestions we provided (also attached) and have drafted the Ordinances as seen in document named 'CI Ordinance draft.v22' and 'CKI Ordinance v.23'.

Could you [REDACTED] review these to make sure they are correct (noting it will be different to what was suggested).

Please let me know when would be a suitable time to expect your feedback and I will plan my response accordingly.

Thank you.

From: [REDACTED]

Sent: Tuesday, 19 June 2018 1:10 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018
[DLM=Sensitive:Legal] [DLM=For-Official-Use-Only]

Hi [REDACTED]

Thanks for the call this morning. As discussed, please see the attached draft Fisheries Ordinances and [REDACTED]'s email below (noting that these are drafts for internal circulation only at this stage, as we will need the Commonwealth Minister's approval to release for consultation with the community).

If you have any feedback on the changes please let me know.

Thanks!

Legal Policy Officer | Indian Ocean Territories Policy Section
Department of Infrastructure, Regional Development and Cities
GPO Box 594, Canberra ACT 2601

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From: [REDACTED]

Sent: Tuesday, 29 May 2018 5:52 PM

To: [REDACTED]

Cc: [REDACTED]

< [REDACTED]; [REDACTED]

Subject: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018
[DLM=Sensitive:Legal]

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s42

[REDACTED]

[REDACTED]



[OPCTRM:PC:BE13/153,BE13/291]

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From: [REDACTED]
Sent: Friday, 11 January 2019 6:46 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018 [DLM=Sensitive:Legal] [DLM=For-Official-Use-Only] [SEC=UNCLASSIFIED]

Hi [REDACTED]

Sure thing, here is some information for you regarding the delay.

The *Aquatic Resources Management Act 2016* (ARMA) is the new principal fisheries legislation which is to replace the *Fish Resources Management Act 1994* (FRMA) and *Pearling Act 1990* (Pearling Act).

Significant progress was been made for the scheduled commencement of ARMA on 1 January 2019. However, during the process of finalising ARMA implementation, staff became aware of an issue with the structure of the ARMA which calls into question the ability to implement fishing zones and associated fishing entitlement. As you may know, zones are an essential fisheries management tool. To put the matter beyond doubt and to provide certainty for Government and stakeholders, the WA Minister for Fisheries has approved a deferral of ARMA to allow for an Act amendment to be progressed.

The deferral of ARMA will also provide an opportunity for the Department to refine necessary systems, policies and processes ahead of the future implementation. Given the length of time it generally takes to draft and administer Act amendments through parliament, implementation is expected to be delayed by a period of at least 12 months.

I hope that helps.

One other thing that I wanted to talk to you about is the potential during the consultation period to remove the prohibition on sharks, however that need not delay this process.

From: [REDACTED]
Sent: Wednesday, 9 January 2019 12:12 PM
To: [REDACTED]
Subject: RE: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018 [DLM=Sensitive:Legal] [DLM=For-Official-Use-Only] [SEC=UNCLASSIFIED]

Hello [REDACTED]

The brief seeking policy approval is with my supervisor prior to going to the Minister.

Potentially may get questions from Minister's office as to the decision to delay the ARMA and why we have to proceed with our amendments. I had been working on basis that delay may well be years and extend past 2021 but realise that I only really had the information 2nd hand from [REDACTED]. Can you confirm please.

Thank you

From: [REDACTED]
Sent: Monday, 7 January 2019 12:28 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018 [DLM=Sensitive:Legal] [DLM=For-Official-Use-Only]

Goof morning [REDACTED]

I hope this email finds you well and you had a great festive break.

I was hoping you could provide an update on where this is at and if it is progressing, noting we were intending on having it signed off before the care taker period.

Regards,

From: [REDACTED]
Sent: Tuesday, 11 December 2018 11:09 AM
To: [REDACTED]
Subject: FW: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018 [DLM=Sensitive:Legal] [DLM=For-Official-Use-Only]

H [REDACTED]

As discussed, I have consulted with our GIS team and have received the attached comments. As mentioned, we have our suggestions, however we are not going to 'die in a ditch' if OPC have strong preferences that are contrary to them. It seems like they are very minor differences and it won't change the intent of the compliance management on the ground.

Once we have the confirmed coordinates, we will update our maps.

Regards,

[REDACTED] | Fisheries Management Officer (IOT Project Coordinator)
Fisheries and Agricultural Resource Division
Sustainability and Biosecurity
Department of Primary Industries and Regional Development
140 Williams Street | Perth WA 6000
w dpird.wa.gov.au

From: [REDACTED]
Sent: Wednesday, 11 July 2018 3:59 PM
To: [REDACTED]

Subject: RE: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018
[DLM=Sensitive:Legal] [DLM=For-Official-Use-Only]

Hi [REDACTED]

Some suggested changes as discussed in both documents. Just look for the parts highlighted in yellow.

Happy to discuss if you have any questions.

Regards,

[REDACTED]
[REDACTED] | Manager, Geospatial Services
Geographic Information Services
Strategy and Capability
Department of Primary Industries and Regional Development
L19 140 William Street | Perth WA 6000
[REDACTED] w dpird.wa.gov.au

From: [REDACTED]

Sent: Tuesday, 3 July 2018 1:51 PM

To: [REDACTED]

Subject: FW: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018
[DLM=Sensitive:Legal] [DLM=For-Official-Use-Only]

Hi [REDACTED]

I thought I sent this to you the day I got this and was about to follow up – but I see I never sent it!!

Following on from the emails (attached) in November last year, the Commonwealth were delayed as Geoscience was reviewing the standards re: mapping. As such, they have decided to not go with the suggestions we provided (also attached) and have drafted the Ordinances as seen in document named 'CI Ordinance draft.v22' and 'CKI Ordinance v.23'.

Could you/[REDACTED] review these to make sure they are correct (noting it will be different to what was suggested).

Please let me know when would be a suitable time to expect your feedback and I will plan my response accordingly.

Thank you.

Paula

From: [REDACTED]

Sent: Tuesday, 19 June 2018 1:10 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018
[DLM=Sensitive:Legal] [DLM=For-Official-Use-Only]

Hi [REDACTED]

Thanks for the call this morning. As discussed, please see the attached draft Fisheries Ordinances and Trevor's email below (noting that these are drafts for internal circulation only at this stage, as we will need the Commonwealth Minister's approval to release for consultation with the community).

If you have any feedback on the changes please let me know.

Thanks!

[Redacted]
Legal Policy Officer | Indian Ocean Territories Policy Section
Department of Infrastructure, Regional Development and Cities
GPO Box 594, Canberra ACT 2601

www.infrastructure.gov.au

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From: [Redacted]
Sent: Tuesday, 29 May 2018 5:52 PM
To: [Redacted]
Cc: [Redacted]
Subject: Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2018 [DLM=Sensitive:Legal]

This e-mail and/or its attachments have been classified by OPC as Sensitive:Legal

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[OPCTRIM:PC:BE13/153,BE13/291]

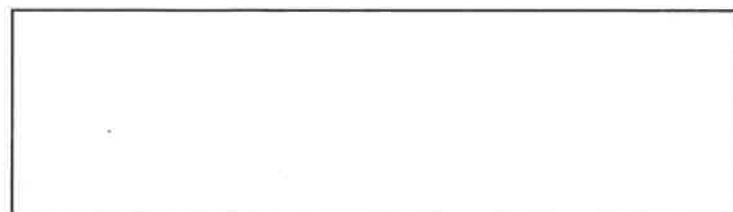
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Australian Government

Department of Infrastructure, Regional Development and Cities

Ref: MS18-003198

To: The Hon Sussan Ley MP (for decision)

cc: The Hon Michael McCormack MP

cc: Dr Steven Kennedy PSM, Secretary

cc: Dr Rachel Bacon, Deputy Secretary

cc: Ms Christine Dacey, Executive Director

New recreational fishing rules on Christmas Island and the Cocos (Keeling) Islands

Action required by: 1 April 2019.

Reason: To commence drafting the proposed Fisheries Ordinances.

Recommendation:

1. That you **agree** to provide policy approval for new Recreational Fishing Rules (proposed Rules) on Christmas Island (CI) and the Cocos (Keeling) Islands (CKI), which reflect local cultural and environmental sensitivities.

Agreed / Not Agreed

The Hon Sussan Ley MP

Date:

1/4/19

Comments:

Key Points:

1. The Department of Infrastructure, Regional Development and Cities is seeking policy approval for the proposed Rules for CI at **Attachment A** and the CKI at **Attachment B**, including the exemptions for the CKI listed at **Attachment C**. Subject to your approval, ordinances will be prepared (the Fisheries Ordinances) to amend existing applied WA Fisheries legislation to introduce the proposed Rules into law.
2. At present, CI and the CKI do not have island-specific restrictions for recreational fishing. While WA Fisheries legislation is applied, it does not deal with the particular needs of the islands, such as the limited fish population in island waters, and has not been rigidly enforced.
3. The Fisheries Division of the WA Department of Primary Industries and Regional Development (WA Fisheries) is responsible for fisheries management through a Service Delivery Arrangement with the Department. WA Fisheries advises that the absence of island-specific restrictions has adversely impacted the local marine environment and that current levels of recreational fishing are not sustainable.

4. The proposed Rules, at Attachment A and Attachment B, address environmental concerns and place restrictions on recreational fishing by creating bag limits, identifying protected species, controlling the use of certain fishing gear and packaging practices, and restricting the export of fish from the islands.
5. WA Fisheries has worked with the CI and the CKI communities to develop the proposed Rules and has reached consensus with both communities on the need for exemptions. Exemptions for the CKI reflect cultural sensitivities and allow community members to fish over the bag limits to cater for religious and culturally significant events, apply bag limits for coral trout, and allow for the commercial sale of recreationally caught fish on CKI, refer Attachment C.

Legal impacts:


6. Should you provide policy approval, the Office of Parliamentary Counsel will prepare Fisheries Ordinances to amend the applied *Fish Resources Management Regulations 1995* (WA) to make the proposed Rules into law.

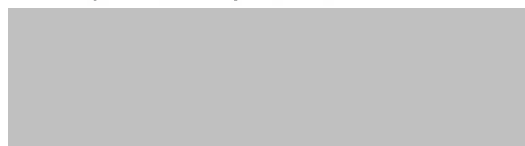
Stakeholder Implications:

7. The Cocos Malay community, which traditionally requires large quantities of fish for religious and cultural events initially expressed concern about fishing restrictions. As a result WA Fisheries consulted extensively with the CI and CKI communities to develop exemptions that recognise cultural requirements and achieve consensus with the two communities.
8. Community views will be tested again through public consultation on the draft Fisheries Ordinances.
9. Mrs Natasha Griggs, the Administrator of CI and CKI supports the normalisation of recreational fishing arrangements in the Indian Ocean Territories, and is supportive of the exemptions that WA Fisheries has negotiated to recognise local cultural practices on CKI.

Action to Follow:

10. Subject to your agreement, the Department will:
 - a. request that the Office of Parliamentary Counsel prepare exposure drafts of the Fisheries Ordinances for your approval;
 - b. consult with the CI and CKI communities on the draft Fisheries Ordinances; and
 - c. subject to consultation, seek your agreement to obtain Executive Council approval and lodge the Fisheries Ordinances with the Federal Register of Legislation.

Name: Claire Howlett
Position: General Manager
Indian Ocean Territories Branch
Ph: 02 6274 7988
Mob: 
19/03/19



Attachments:

- A: Summary of proposed Recreational Fishing Rules for CI
- B: Summary of proposed Recreational Fishing Rules for the CKI
- C: Summary of proposed Exemptions for the CKI


Australian Government
**Department of Infrastructure, Transport,
Cities and Regional Development**

Ref: MS19-001065

To: The Hon Nola Marino MP (for decision)

cc: The Hon Michael McCormack MP
cc: Dr Steven Kennedy PSM, Secretary
cc: Dr Rachel Bacon, Deputy Secretary
cc: Ms Christine Dacey, Executive Director
Christmas Island and Cocos (Keeling) Islands Fisheries Ordinances Exposure Drafts
Action required by: 2 August 2019
Reason: To enable consultation on Exposure Drafts of the proposed Ordinances prior to approval from the Executive Council.

Recommendation:	
1. That you agree to release Exposure Drafts of the proposed Fisheries Ordinances for Christmas Island and the Cocos (Keeling) Islands for public consultation.	
<input checked="checked" type="radio"/> Agreed <input type="radio"/> Not Agreed	
The Hon Nola Marino MP <i>N. Marino</i> Comments:	Date: <i>24/7/19</i>

Key Points:

1. The *Christmas Island Act 1958* and the *Cocos (Keeling) Islands Act 1955* (the Acts) apply the laws of Western Australia (WA) as the laws of Christmas Island (CI) and the Cocos (Keeling) Islands (CKI), providing a modern system of state-level law to support good governance and the provision of services. The Acts provide you, as Minister with responsibility for Territories, with all state-level Ministerial and administrative powers. The Acts provide for Ordinances to amend, repeal or suspend the applied laws where they are not consistent with Australian Government policy and to make new laws to meet the particular needs of CI and the CKI.
2. The Department of Infrastructure, Transport, Cities and Regional Development is seeking approval to release, for public consultation, Exposure Drafts of the *Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2019* at **Attachment A** and the *Cocos (Keeling) Islands Applied Laws Amendment (Fish Resources Management) Ordinance 2019* at **Attachment B**.
3. At present, CI and the CKI do not have island-specific restrictions for recreational fishing. While WA Fisheries legislation is applied, it does not meet the needs of the islands and has not been rigidly enforced. The Fisheries Division of the WA Department of Primary Industries and Regional Development (WA Fisheries) advises that the absence of island-specific restrictions has adversely impacted the local marine environment and that current levels of recreational fishing are not sustainable.
 - WA Fisheries is responsible for fisheries management through a Service Delivery Arrangement with the Department.

4. The proposed Ordinances address environmental concerns and place restrictions on recreational fishing by creating bag limits, identifying protected species, controlling the use of certain fishing gear and packaging practices, and restricting the export of fish from the islands. WA Fisheries has worked extensively with the CI and the CKI communities to develop the proposed Ordinances and agree the new arrangements.
5. In consultation with the community, exemptions to the new arrangements for the CKI have ^{been} agreed. These exemptions reflect cultural sensitivities and allow community members to fish over the bag limits to cater for religious and culturally significant events, apply bag limits for coral trout, and allow for the commercial sale of recreationally caught fish on the CKI. Consultation with the CI community found that no exemptions were required.
6. After receiving policy approval from the former Minister with responsibility for Territories, the Hon Sussan Ley MP, on 1 April 2019 (MS18-003198 at **Attachment C** refers) the Department instructed the Office of Parliamentary Counsel to prepare Exposure Drafts of the Fisheries Ordinances for consultation.
7. Consultation with the CI and the CKI communities will be via a Community Bulletin from Mrs Natasha Griggs, Administrator of Christmas Island and the Cocos (Keeling) Islands, seeking comments on the Exposure Drafts, copies of which will also be made available on the Department's website.
8. The Exposure Drafts will also be provided to WA Fisheries for further comment.

Stakeholder Implications:

9. Community views will be tested again through public consultation on the Exposure Drafts.
10. Mrs Griggs supports the normalisation of recreational fishing arrangements in the Indian Ocean Territories, consistent with arrangements in mainland Australia. Mrs Griggs is supportive of the exemptions that WA Fisheries has negotiated to recognise local cultural practices on the CKI.
11. The absence of any on-island restrictions on recreational fishing in the long-term could result in the depletion of fish stocks and cause significant damage to the marine ecosystem. This would impact cultural and recreational enjoyment, and tourism.

Name: Claire Howlett
Position: General Manager
Indian Ocean Territories Branch
Ph: 08 9164 7901 x8504
Mob: [REDACTED]
Date: 18/7/2019



Attachments:

- A: *Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2019*
- B: *Cocos (Keeling) Islands Applied Laws Amendment (Fish Resources Management) Ordinance 2019*
- C: Brief giving policy approval to the new arrangements (MS18-003198)
- D: Draft Community Bulletin

EXPOSURE DRAFT



EXPOSURE DRAFT

Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2019

Ordinance No. , 2019

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 2019

Peter Cosgrove
Governor-General

By His Excellency's Command

Nola Marino **[DRAFT ONLY—NOT FOR SIGNATURE]**
Assistant Minister for Regional Development and Territories
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development

EXPOSURE DRAFT

EXPOSURE DRAFT

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EXPOSURE DRAFT

1 Name

This Ordinance is the *Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2019*.

2 Commencement

- (1) Each provision of this Ordinance specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Ordinance	The day after this Ordinance is registered.	

Note: This table relates only to the provisions of this Ordinance as originally made. It will not be amended to deal with any later amendments of this Ordinance.

- (2) Any information in column 3 of the table is not part of this Ordinance. Information may be inserted in this column, or information in it may be edited, in any published version of this Ordinance.

3 Authority

This Ordinance is made under the *Christmas Island Act 1958*.

4 Schedules

Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

EXPOSURE DRAFT

Schedule 1 Amendments

Schedule 1—Amendments

Christmas Island Applied Laws Ordinance 1992

1 After Part 14 of Schedule 1

Insert:

Part 15—Fish Resources Management Regulations 1995 (WA) (CI)

1 Subregulation 3(1) (definition of *one day*)

Repeal the definition, substitute:

one day means a period of 24 hours commencing at midnight;

2 Regulations 14A and 14

Repeal the regulations, substitute:

14 Finfish to be landed as whole fish, or as fish trunks or fillets

(1) A person must not be in possession of a finfish on a boat or bring a finfish onto land unless it is:

- (a) a whole fish; or
- (b) a fish trunk that has the skin and scales attached; or
- (c) a fillet that:
 - (i) has the skin and scales attached; and
 - (ii) is packaged flat; and
 - (iii) is packaged so that it is easily accessible for identification; and
 - (iv) if the fish is frozen—can be measured and identified without being thawed.

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

(2) Subregulation (1) does not apply to:

- (a) finfish taken for a commercial purpose in accordance with an authorisation;
or
- (b) finfish on a boat if the finfish is:
 - (i) being consumed; or
 - (ii) prepared, or being prepared, for immediate consumption by persons on the boat.

3 Subregulation 16D(1)

Omit “in circumstances other than those to which regulation 16E(2) or (3) applies”.

4 Regulations 16E, 16GA and 16GE

Repeal the regulations.

5 Subregulation 22(5) (definition of *day trip*)

Repeal the definition, substitute:

day trip means a voyage undertaken by a person on a boat, except a voyage which has taken place over more than one day;

6 Subregulations 31(1) and (3)

Repeal the subregulations.

7 Subregulation 31(4)

Omit “or (3)”.

8 Paragraphs 32(1)(b) and (c)

Repeal the paragraphs, substitute:

- (b) in the case of a pot set or pulled from a licensed fishing boat—is marked by branding or stamping with legible characters not less than 60 mm high and not less than 10 mm wide showing the licensed fishing boat number of the boat.

9 Paragraph 36(1)(b)

Repeal the paragraph.

10 Regulation 37

Repeal the regulation, substitute:

37 Offences against r.36, defences for

In any proceedings for an offence against regulation 36(1)(c), it is a defence for the person charged to prove that the person did not know and could not reasonably have known that 6 rock lobster pots had already been pulled by persons on board the boat in the relevant period.

11 Regulation 42

Repeal the regulation.

12 Regulation 64AA

Repeal the regulation.

13 At the end of Division 8 of Part 4

Add:

64AB Fish at Christmas Island Airport

- (1) The following requirements apply to the possession of fish by a person in the area of Christmas Island Airport:
 - (a) the maximum quantity of fish that a person may possess is 5 kg;
 - (b) the fish must be wahoo or tuna (all species);
 - (c) the fish must:
 - (i) have the skin attached; and

EXPOSURE DRAFT

Schedule 1 Amendments

- (ii) be packaged flat; and
 - (iii) be packaged so that it is easily accessible for identification;
 - (d) if the fish is frozen, it must be able to be identified without being thawed.
- (2) A person in the area of Christmas Island Airport must not have any fish in his or her possession that does not meet the requirements of subregulation (1).

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.
- (3) It is a defence in proceedings for an offence against subregulation (2) for the person charged to prove that:
 - (a) the fish were taken for a commercial purpose in accordance with an authorisation; or
 - (b) the fish were kept, bred, hatched, cultured or harvested in accordance with an aquaculture licence; or
 - (c) the fish were taken under an authority to fish for scientific purposes issued under regulation 178.
- (4) In this regulation:

area of Christmas Island Airport means lot 598 on Deposited Plan 37939.

14 Subregulation 64E(3)

Repeal the subregulation (not including the penalty).

15 Subregulations 64F(1) and (2)

Repeal the subregulations, substitute:

- (1) A person must not fish by means of using a fishing net, unless the person uses only one net at any one time and the net is:
 - (a) a throw net that:
 - (i) has a length not exceeding 3 m measured from the centre retrieval line to the lead line; and
 - (ii) has a mesh of not more than 25 mm; or
 - (b) a hand-held landing net with a hoop or ring not exceeding 1 m in diameter.

16 At the end of Division 2 of Part 4A

Add:

64LA Spearfishing using breathing apparatus prohibited

A person must not fish with a spear or spear gun while using compressed air breathing apparatus.

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

17 At the end of Division 4 of Part 4A

Add:

64U Spearfishing prohibited in area of Flying Fish Cove

- (1) A person must not fish with a spear gun, harpoon, Hawaiian sling or other pointed instrument in the waters of the area described in subregulation (2).

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

- (2) The area is bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area where spearfishing prohibited—Flying Fish Cove	
Item	Description
1	The northernmost point of the Port of Christmas Island jetty
2	Westerly along the geodesic towards the point 10°25.690'S, 105°39.895'E to its intersection by the high water line
3	Generally easterly along that high water line to its intersection by the eastern side of the jetty
4	Generally northerly along the eastern side of the jetty to the starting point

18 Subparagraph 64W(b)(ii)

Omit “land;”, substitute “land.”.

19 Paragraph 64W(b)

Omit “or” (last occurring).

20 Paragraph 64W(c)

Repeal the paragraph.

21 Regulation 64X

Repeal the regulation, substitute:

64X Counting pieces of fish for bag limits

For the purpose of determining the number of fish in relation to a bag limit:

- (a) 2 pieces of finfish are taken to be equivalent to one whole finfish; and
- (b) a piece of clam meat is taken to be equivalent to a whole clam; and
- (c) a piece of gong gong meat is taken to be equivalent to a whole gong gong.

22 Division 2 of Part 4B

Repeal the Division, substitute:

Division 2—Bag limits for Territory

64Y Territory bag limits

For section 50 of the Act, the quantity of fish appearing under the heading “Species, or group of species, bag limit” in a Part of Schedule 3 is the bag limit in respect of fish of that species or group of species in the Territory.

EXPOSURE DRAFT

Schedule 1 Amendments

23 Subregulation 117(1)

After “current fishing boat licence”, insert “granted under regulation 118 as it applies in the Territory”.

24 At the end of subregulation 121(1)

Add “granted under regulation 122 as it applies in the Territory”.

25 Division 2 of Part 11

Repeal the Division.

26 Regulation 156 (table)

After “64AA(2),”, insert “64AB, 64LA, 64U,”.

27 Part 1 of Schedule 2

Omit:

Billfish (marlins, sailfish and spearfish).

28 Part 1 of Schedule 2

Omit “and Rays, other than sharks or rays that are totally protected fish”.

29 Part 2 of Schedule 2

Repeal the Part, substitute:

Part 2—Totally protected fish

Division 1—Certain reproducing crustaceans

Totally protected fish—reproducing crustaceans	
Item	Description of totally protected fish
1	Female crab with eggs or spawn attached beneath its body
2	Female rock lobster with eggs or spawn attached beneath its body

Division 2—Miscellaneous

Totally protected fish—miscellaneous	
Item	Description of totally protected fish
1	Clams
2	Cod, Potato
3	Cod, White Banded
4	Coral and Live Rock
5	Coral Trout
6	Groper, Queensland
7	Parrotfish, Humphead
8	Rays

Totally protected fish—miscellaneous

Item Description of totally protected fish

9	Wrasse, Humphead Maori
---	------------------------

30 Part 3 of Schedule 2

Repeal the Part, substitute:

Part 3—Recreationally protected fish

Note: This Part is reserved for future use.

31 Schedule 3

Repeal the Schedule, substitute:

Schedule 3—Bag limits

Note: See regulation 64Y.

Part 1—Pelagic species

Bag limits for pelagic species

Item	Fish	Species, or group of species, bag limit
1	Barracuda	4
2	Billfish and Swordfish	4
3	Dolphinfish (Mahi Mahi)	4
4	Tuna (all species except Dogtooth Tuna)	4
5	Tuna, Dogtooth	1
6	Wahoo	4
7	All species in items 1 to 6, combined	4

Part 2—Demersal species

Bag limits for demersal species

Item	Fish	Species, or group of species, bag limit
1	All of the following: (a) Cod (except totally protected species); (b) Emperors; (c) Sepat, Red and Black; (d) Snappers; (e) Trevally	16

EXPOSURE DRAFT

Schedule 1 Amendments

Part 3—Crustaceans and molluscs

Bag limits for crustaceans and molluscs

Item	Fish	Species, or group of species, bag limit
1	Rock Lobster	4

32 Schedule 4

Repeal the Schedule, substitute:

Schedule 4—Categories of Fish

Note: See regulation 180.

Part 1—Category 1 fish

Category 1 fish

Item	Type of fish
1	Billfish
2	Bonefish
3	Clams
4	Cod, Potato
5	Cod, White Banded
6	Coral
7	Coral Trout
8	Coronation Trout
9	Crab, Mud
10	Dolphinfish (Mahi Mahi)
11	Gong Gong
12	Groper, Queensland
13	Live Rock
14	Parrotfish, Humphead
15	Rays
16	Rock Lobster
17	Sharks
18	Swordfish
19	Tuna (all species)
20	Wahoo
21	Wrasse, Humphead Maori

Part 2—Category 2 fish

Category 2 fish

Item	Type of fish
1	Cod (except species listed as category 1 fish)

EXPOSURE DRAFT

Amendments Schedule 1

Category 2 fish

Item	Type of fish
------	--------------

2	Emperors
3	Parrotfish (except Humphead Parrotfish)
4	Sepat, Red and Black
5	Snappers
6	Trevally

Part 3—Category 3 fish

Category 3 fish

Item	Type of fish
------	--------------

1	Milkfish
2	Mullet, Diamond Scale
3	Mullet, Sea
4	Silveries

Part 4—Category 4 fish

Category 4 fish

Item	Type of fish
------	--------------

1	Any species of fish not specified in this Schedule to be category 1 fish, category 2 fish or category 3 fish
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33 Schedule 7

Repeal the Schedule, substitute:

Schedule 7—List of common and scientific names

Note: See subregulation 3(2).

Common and scientific names of fish

Item	Common name	Scientific name
1	Barracuda	<i>Sphyraena</i> spp.
2	Billfish	Family Istiophoridae
3	Bonefish	<i>Albula</i> spp.
4	Clam, Giant	<i>Tridacna gigas</i>
5	Clams	<i>Tridacna</i> spp.
6	Cod	Family Epinephelidae
7	Cod, Potato	<i>Epinephelus tukula</i>
8	Cod, White Banded	<i>Amyperodon leucogrammicus</i>
9	Coral	Class Anthozoa and Class Hydrozoa
10	Coral Trout	<i>Plectropomus</i> spp.
11	Coronation Trout	<i>Variola</i> spp.

EXPOSURE DRAFT

Schedule 1 Amendments

Common and scientific names of fish		
Item	Common name	Scientific name
12	Crab, Mud	<i>Scylla</i> spp.
13	Dolphinfish (Mahi Mahi)	<i>Coryphaena</i> spp.
14	Emperors	Family Lethrinidae
15	Gong Gong	<i>Lambis</i> spp. and <i>Harpago chiragra</i>
16	Groper, Queensland	<i>Epinephelus lanceolatus</i>
17	Live Rock	Family Corallinaceae, Class Polychaeta, Class Crinoidea, Class Ascidiacea, Class Ophiuroidea, Phylum Bryozoa and Phylum Porifera and dead fish of Class Anthozoa and Class Hydrozoa
18	Milkfish	<i>Chanos chanos</i>
19	Mullet, Diamond Scale	<i>Liza vaigiensis</i>
20	Mullet, Sea	<i>Mugil cephalus</i>
21	Parrotfish	Subfamily Scarinae
22	Parrotfish, Humphead	<i>Bolbometopon muricatum</i>
23	Rays	Superorder Batoidea
24	Rock Lobster	<i>Panulirus</i> spp.
25	Sepat, Red and Black	Families Berycidae and Bramidae
26	Sharks	Orders Squatiniformes, Pristiophoriformes, Squaliformes, Hexanchiformes, Carcharhiniformes, Lamniformes, Orectolobiformes and Heterodontiformes
27	Shark, Whale	<i>Rhincodon typus</i>
28	Silveries	<i>Gerres</i> spp.
29	Snappers	Family Lutjanidae
30	Swordfish	Family Xiphiidae
31	Trevally	Family Carangidae
32	Tuna, Albacore	<i>Thunnus alalunga</i>
33	Tuna, Bigeye	<i>Thunnus obesus</i>
34	Tuna, Dogtooth	<i>Gymnosarda unicolor</i>
35	Tuna, Longtail	<i>Thunnus tonggol</i>
36	Tuna, Skipjack	<i>Katsuwonus pelamis</i>
37	Tuna, Southern Bluefin	<i>Thunnus maccoyii</i>
38	Tuna, Yellowfin	<i>Thunnus albacares</i>
39	Wahoo	<i>Acanthocybium solandri</i>
40	Wrasse, Humphead Maori	<i>Cheilinus undulatus</i>

34 Schedule 9

Repeal the Schedule, substitute:

Schedule 9—Determining the value of fish

Note: See regulation 157.

EXPOSURE DRAFT

Amendments Schedule 1

Value of fish species			
Item	Species of fish	Value per unit of weight (\$/kg)	Value per fish (\$)
1	Barracuda	2.00	10.00
2	Billfish	2.00	100.00
3	Bonefish	8.00	24.00
4	Clam, Giant	10.00	100.00
5	Clams (except Giant Clam) (shucked)	60.00	5.00
6	Clams (except Giant Clam) (whole)	25.00	5.00
7	Cod (except species listed separately)	9.50	38.00
8	Cod, Potato	10.00	100.00
9	Cod, White Banded	10.00	100.00
10	Coral and Live Rock	80.00	-
11	Coral Trout	10.00	100.00
12	Coronation Trout	8.00	24.00
13	Crab, Mud	25.00	14.00
14	Dolphinfish (Mahi Mahi)	2.00	4.00
15	Emperors	8.00	24.00
16	Gong Gong (shucked)	60.00	3.00
17	Gong Gong (whole)	25.00	3.00
18	Groper, Queensland	10.00	100.00
19	Milkfish	4.50	3.00
20	Mullet, Diamond Scale	4.50	3.00
21	Mullet, Sea	4.50	3.00
22	Parrotfish (except Humphead Parrotfish)	6.00	12.00
23	Parrotfish, Humphead	25.00	100.00
24	Rock Lobster	30.00	15.00
25	Sepat, Red and Black	8.00	24.00
26	Sharks and rays (except Whale Shark)	6.00	90.00
27	Shark, Whale	10.00	500.00
28	Silveries	4.50	3.00
29	Snappers	8.00	24.00
30	Swordfish	2.00	100.00
31	Trevally	3.50	8.00
32	Tuna, Dogtooth	5.00	25.00
33	Tuna (except Dogtooth Tuna)	2.00	20.00
34	Wahoo	7.00	28.00

EXPOSURE DRAFT

EXPOSURE DRAFT

Schedule 1 Amendments

Value of fish species			
Item	Species of fish	Value per unit of weight (\$/kg)	Value per fish (\$)
35	Wrasse, Humphead Maori	25.00	100.00
36	All fish not otherwise listed in this Schedule	1.00	1.00

35 Schedule 12 (table headed “Part 2—Regulations”, item 4)

After “64E,”, insert “64LA,”.

36 Schedule 12 (table headed “Part 2—Regulations”, item 4)

After “64P,”, insert “64U,”.

37 At the end of Schedule 15

Add:

5 Zone 5: Christmas Island

The Territory

EXPOSURE DRAFT



EXPOSURE DRAFT

Cocos (Keeling) Islands Applied Laws Amendment (Fish Resources Management) Ordinance 2019

Ordinance No. , 2019

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 2019

Peter Cosgrove
Governor-General

By His Excellency's Command

Nola Marino **[DRAFT ONLY—NOT FOR SIGNATURE]**
Assistant Minister for Regional Development and Territories
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development

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EXPOSURE DRAFT

1 Name

This Ordinance is the *Cocos (Keeling) Islands Applied Laws Amendment (Fish Resources Management) Ordinance 2019*.

2 Commencement

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3 Authority

This Ordinance is made under the *Cocos (Keeling) Islands Act 1955*.

4 Schedules

Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

EXPOSURE DRAFT

Schedule 1 Amendments

Schedule 1—Amendments

Cocos (Keeling) Islands Applied Laws Ordinance 1992

1 After Part 14 of Schedule 1

Insert:

Part 15—Fish Resources Management Regulations 1995 (WA) (CKI)

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2 Regulations 14A and 14

Repeal the regulations, substitute:

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- (1) A person must not be in possession of a finfish on a boat or bring a finfish onto land unless it is:

- (a) a whole fish; or
- (b) a fish trunk that has the skin and scales attached; or
- (c) a fillet that:
 - (i) has the skin and scales attached; and
 - (ii) is packaged flat; and
 - (iii) is packaged so that it is easily accessible for identification; and
 - (iv) if the fish is frozen—can be measured and identified without being thawed.

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

- (2) Subregulation (1) does not apply to:

- (a) finfish taken for a commercial purpose in accordance with an authorisation; or
- (b) finfish on a boat if the finfish is:
 - (i) being consumed; or
 - (ii) prepared, or being prepared, for immediate consumption by persons on the boat.

3 Subregulation 16D(1)

Omit “in circumstances other than those to which regulation 16E(2) or (3) applies”.

4 Regulations 16E, 16GA and 16GE

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Repeal the subregulations.

7 Subregulation 31(4)

Omit “or (3)”.

8 Paragraphs 32(1)(b) and (c)

Repeal the paragraphs, substitute:

- (b) in the case of a pot set or pulled from a licensed fishing boat—is marked by branding or stamping with legible characters not less than 60 mm high and not less than 10 mm wide showing the licensed fishing boat number of the boat.

9 Paragraph 36(1)(b)

Repeal the paragraph.

10 Regulation 37

Repeal the regulation, substitute:

37 Offences against r.36, defences for

In any proceedings for an offence against regulation 36(1)(c), it is a defence for the person charged to prove that the person did not know and could not reasonably have known that 6 rock lobster pots had already been pulled by persons on board the boat in the relevant period.

11 Regulation 42

Repeal the regulation.

12 At the end of Division 6 of Part 4

Add:

46 Areas of Cocos (Keeling) Islands closed to fishing

- (1) A person must not fish in:
 - (a) the waters in the area off Trannies Beach described in clause 1 of Schedule 2A; or
 - (b) the waters in the area to the south and west of Pulu Maraya described in clause 2 of Schedule 2A; or
 - (c) the waters in the area near The Surf Shack described in clause 3 of Schedule 2A; or
 - (d) the waters in the area near The Surf Spot described in clause 4 of Schedule 2A; or

EXPOSURE DRAFT

Schedule 1 Amendments

-
- (e) the waters in the area south east of the jetty on Direction Island described in clause 5 of Schedule 2A; or
 - (f) the waters in the area south of Direction Island known as The Rip described in clause 6 of Schedule 2A.

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

- (2) Subregulation (1) does not apply to a person who fishes from the jetty on Direction Island with a rod and reel or with a handline.

47 Areas of Cocos (Keeling) Islands where fishing restricted to certain pelagic species

- (1) A person must not take fish within 150 metres of:
 - (a) 12°04.981'S, 096°49.983'E (the Cologne Gardens dive site mooring); or
 - (b) 12°05.539'S, 096°50.487'E (the Rose Wall dive site mooring); or
 - (c) 12°05.680'S, 096°50.519'E (the Cabbage Patch dive site mooring); or
 - (d) 12°05.864'S, 096°50.356'E (the Aquarium Wall dive site mooring).

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

- (2) Subregulation (1) does not apply to a person who takes any of the following kinds of fish:
 - (a) barracuda;
 - (b) billfish;
 - (c) dolphinfish (mahi mahi);
 - (d) swordfish;
 - (e) tuna (all species);
 - (f) wahoo.

13 Regulation 64AA

Repeal the regulation.

14 At the end of Division 8 of Part 4

Add:

64AB Fish at Cocos (Keeling) Islands Airport

- (1) The following requirements apply to the possession of fish by a person in the area of Cocos (Keeling) Islands Airport:
 - (a) the maximum quantity of fish that a person may possess is 5 kg;
 - (b) the fish must be wahoo or tuna (all species);
 - (c) the fish must:
 - (i) have the skin attached; and
 - (ii) be packaged flat; and
 - (iii) be packaged so that it is easily accessible for identification;
 - (d) if the fish is frozen, it must be able to be identified without being thawed.
- (2) A person in the area of Cocos (Keeling) Islands Airport must not have any fish in his or her possession that does not meet the requirements of subregulation (1).

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

- (3) It is a defence in proceedings for an offence against subregulation (2) for the person charged to prove that:
- (a) the fish were taken for a commercial purpose in accordance with an authorisation; or
 - (b) the fish were kept, bred, hatched, cultured or harvested in accordance with an aquaculture licence; or
 - (c) the fish were taken under an authority to fish for scientific purposes issued under regulation 178.
- (4) In this regulation:

area of Cocos (Keeling) Islands Airport means lots 341 and 348 on Deposited Plan 42274.

15 Subregulation 64E(3)

Repeal the subregulation (not including the penalty).

16 Subparagraph 64F(1)(b)(iv)

Repeal the subparagraph.

17 Subregulation 64F(2)

Repeal the subregulation, substitute:

- (2) The mesh of a fishing net referred to in subregulation (1)(b)(v) must be not less than 63 mm or more than 114 mm.

18 At the end of Division 2 of Part 4A

Add:

64LA Spearfishing using breathing apparatus prohibited

A person must not fish with a spear or spear gun while using compressed air breathing apparatus.

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

19 At the end of Division 4 of Part 4A

Add:

64U Set and haul net fishing prohibited in certain areas

A person must not set a net or use a haul net in the following waters:

- (a) the Northern Lagoon of West Island, inside of a line drawn between 12°10.756'S, 096°49.803'E and 12°10.435'S, 096°49.917'E;
- (b) the area around Prison Island and between Prison Island and Home Island described in clause 7 of Schedule 2A;
- (c) the area between Home Island and South Island described in clause 8 of Schedule 2A;

EXPOSURE DRAFT

Schedule 1 Amendments

- (d) the area between South Island and West Island described in clause 9 of Schedule 2A.

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

20 Subparagraph 64W(b)(ii)

Omit “land;”, substitute “land.”.

21 Paragraph 64W(b)

Omit “or” (last occurring).

22 Paragraph 64W(c)

Repeal the paragraph.

23 Regulation 64X

Repeal the regulation, substitute:

64X Counting pieces of fish for bag limits

For the purpose of determining the number of fish in relation to a bag limit:

- (a) 2 pieces of finfish are taken to be equivalent to one whole finfish; and
- (b) a piece of clam meat is taken to be equivalent to a whole clam; and
- (c) a piece of gong gong meat is taken to be equivalent to a whole gong gong.

24 Division 2 of Part 4B

Repeal the Division, substitute:

Division 2—Bag limits for Territory

64Y Territory bag limits

For section 50 of the Act, the quantity of fish appearing under the heading “Species, or group of species, bag limit” in a Part of Schedule 3 is the bag limit in respect of fish of that species or group of species in the Territory.

25 Subregulation 117(1)

After “current fishing boat licence”, insert “granted under regulation 118 as it applies in the Territory”.

26 At the end of subregulation 121(1)

Add “granted under regulation 122 as it applies in the Territory”.

27 Division 2 of Part 11

Repeal the Division.

28 Regulation 156 (table)

After “45(2),”, insert “46(1), 47(1),”.

29 Regulation 156 (table)

After “64AA(2),”, insert “64AB, 64LA, 64U,”.

30 Part 1 of Schedule 2

Omit:

Billfish (marlins, sailfish and spearfish).

31 Part 1 of Schedule 2

Omit “and Rays, other than sharks or rays that are totally protected fish”.

32 Part 2 of Schedule 2

Repeal the Part, substitute:

Part 2—Totally protected fish

Division 1—Certain reproducing crustaceans

Totally protected fish—reproducing crustaceans

Item	Description of totally protected fish
1	Female crab with eggs or spawn attached beneath its body
2	Female rock lobster with eggs or spawn attached beneath its body

Division 2—Miscellaneous

Totally protected fish—miscellaneous

Item	Description of totally protected fish
1	Clam, Giant
2	Cod, Potato
3	Cod, White Banded
4	Coral and Live Rock
5	Coral Trout
6	Groper, Queensland
7	Rays

33 Part 3 of Schedule 2

Repeal the Part, substitute:

Part 3—Recreationally protected fish

Note: This Part is reserved for future use.

34 After Schedule 2

Insert:

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Schedule 1 Amendments

Schedule 2A—Cocos (Keeling) Islands areas

Note: See regulations 46 and 64U.

1 Area off Trannies Beach

The area of waters closed to fishing is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area closed to fishing—area off Trannies Beach	
Item	Description
1	The intersection of the high water line on the west coast of West Island (Pulu Panjang) by the parallel of latitude 12°08.414'S
2	West along that parallel to the point 12°08.414'S, 096°48.976'E
3	South-westerly along the geodesic to the point 12°08.533'S, 096°48.937'E
4	East along the parallel of latitude 12°08.533'S to its intersection by the high water line on the west coast of West Island
5	Generally northerly along that high water line to the starting point

2 Area to south and west of Pulu Maraya

The area of waters closed to fishing is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area closed to fishing—area to south and west of Pulu Maraya	
Item	Description
1	The intersection of the high water line on the west coast of the island Pulu Maraya by the geodesic between the points 12°11.967'S, 096°51.926'E and 12°12.006'S, 096°51.932'E
2	Southerly along the geodesic to the point 12°12.006'S, 096°51.932'E
3	Southerly along the geodesic to the point 12°12.031'S, 096°51.942'E
4	South-easterly along the geodesic to the point 12°12.051'S, 096°51.964'E
5	Easterly along the geodesic to the point 12°12.047'S, 096°52.002'E
6	North-easterly along the geodesic to the point 12°12.012'S, 096°52.021'E
7	West along the parallel of latitude 12°12.012'S to its intersection by the higher water line on Pulu Maraya.
8	Generally westerly and north-westerly along that high water line to the starting point

3 Area near The Surf Shack

The area of waters closed to fishing is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

EXPOSURE DRAFT

Amendments Schedule 1

Area closed to fishing—area near The Surf Shack

Item	Description
1	The intersection of the high water line on the west coast of West Island (Pulu Panjang) by the parallel of latitude 12°10.381'S
2	West along that parallel to the point 12°10.381'S, 096°49'E
3	Southerly along the geodesic to the point 12°10.55'S, 096°48.957'E
4	East along the parallel of latitude 12°10.55'S to its intersection by the high water line on the west coast of West Island
5	Generally northerly along that high water line to the starting point

4 Area near The Surf Spot

The area of waters closed to fishing is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area closed to fishing—area near The Surf Spot

Item	Description
1	The intersection of the high water line on the west coast of West Island (Pulu Panjang) by the parallel of latitude 12°09.925'S
2	West along that parallel to the point 12°09.925'S, 096°49.147'E
3	Southerly along the geodesic to the point 12°10.000'S, 096°49.136'E
4	East along the parallel of latitude 12°10.000'S to its intersection by the high water line on the west coast of West Island
5	Generally northerly along that high water line to the starting point

5 Area south east of jetty on Direction Island

The area of waters closed to fishing is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area closed to fishing—area south east of jetty on Direction Island

Item	Description
1	The intersection of the high water line on the west coast of Direction Island (Pulu Tikus) by the geodesic between the points 12°05.414'S, 096°53.055'E and 12°05.477'S, 096°53.012'E
2	South-westerly along the geodesic to the point 12°05.477'S, 096°53.012'E
3	Southerly along the geodesic to the point 12°05.627'S, 096°53.036'E
4	Easterly along the geodesic to the southernmost point of Direction Island at high water
5	Generally northerly along the high water line on the west coast of Direction Island to the starting point

EXPOSURE DRAFT

Schedule 1 Amendments

6 Area of The Rip

The area of waters closed to fishing is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area closed to fishing—area of The Rip	
Item	Description
1	The southernmost point of Direction Island (Pulu Tikus) at high water
2	North-easterly along the geodesic to the point 12°05.606'S, 096°53.304'E
3	South along the meridian of longitude 096°53.304'E to its intersection by the parallel of latitude 12°05.790'S
4	Westerly along the geodesic to the point 12°05.759'S, 096°53.003'E
5	Northerly along the geodesic to the point 12°05.627'S, 096°53.036'E
6	Easterly along the geodesic to the starting point.

7 Area around Prison Island and between Prison Island and Home Island

The area of waters where set and haul net fishing is prohibited is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area where set and haul net fishing prohibited—area around Prison Island and between Prison Island and Home Island	
Item	Description
1	The point 12°06.150'S, 096°53.338'E
2	West along the parallel of latitude 12°06.150'S to its intersection by the meridian of longitude 096°53.136'E
3	Southerly along the geodesic to the point 12°06.430'S, 096°53.208'E
4	East along the parallel of latitude 12°06.430'S to its intersection by the high water line on north-west coast of Home Island
5	Generally easterly along that high water line to its intersection by the parallel of latitude 12°06.430'S on the north-east coast of Home Island
6	East along that parallel to its intersection by the meridian of longitude 096°53.444'E
7	Northerly along the geodesic to the starting point

8 Area between Home Island and South Island

The area of waters where set and haul net fishing is prohibited is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area where set and haul net fishing prohibited—area between Home Island and South Island	
Item	Description
1	The point 12°07.238'S, 096°54.445'E
2	South-westerly along the geodesic to the intersection of the parallel of latitude 12°07.308'S

EXPOSURE DRAFT

Amendments Schedule 1

Area where set and haul net fishing prohibited—area between Home Island and South Island	
Item	Description
	by the high water line on the east coast of Home Island
3	Generally south-easterly, south-westerly and north-westerly along that high water line to its intersection by the parallel of latitude 12°07.374'S
4	South-westerly along the geodesic to the point 12°07.385'S, 096°54.160'E
5	South-easterly along the geodesic to the point 12°09.560'S, 096°54.800'E
6	East along the parallel of latitude 12°09.560'S to its intersection by the high water line on the north-west coast of South Island (Pulu Atas)
7	Generally easterly along that high water line to its intersection by the parallel of latitude 12°09.560'S on the north-east coast of South Island
8	East along that parallel to its intersection by the meridian of longitude 096°55.420'E
9	Northerly along the geodesic to the point 12°08.350'S, 096°55.477'E
10	North-westerly along the geodesic to the starting point

9 Area between South Island and West Island

The area of waters where set and haul net fishing is prohibited is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area where set and haul net fishing prohibited—area between South Island and West Island	
Item	Description
1	The point 12°11.550'S, 096°53.181'E
2	West along the parallel of latitude 12°11.550'S to its intersection by the high water line on the east coast of West Island (Pulu Panjang)
3	Generally south-easterly, southerly and south-westerly along that high water line to its intersection by the meridian of longitude 096°51.530'E
4	South along that meridian to its intersection by the parallel of latitude 12°12.640'S
5	East along that parallel to its intersection by the meridian of longitude 096°53.181'E
6	North along that meridian to its intersection by the high water line on the south-west coast of South Island (Pulu Atas)
7	Generally northerly along that high water line to its intersection by the meridian of longitude 096°53.181'E on the north-west coast of South Island
8	North along that meridian to the starting point

35 Schedule 3

Repeal the Schedule, substitute:

Schedule 3—Bag limits

Note: See regulation 64Y.

EXPOSURE DRAFT

Schedule 1 Amendments

Part 1—Pelagic species

Bag limits for pelagic species		
Item	Fish	Species, or group of species, bag limit
1	Barracuda	4
2	Billfish and Swordfish	4
3	Dolphinfish (Mahi Mahi)	4
4	Tuna (all species except Dogtooth Tuna)	4
5	Tuna, Dogtooth	1
6	Wahoo	4
7	All species in items 1 to 6, combined	4

Part 2—Demersal species

Bag limits for demersal species		
Item	Fish	Species, or group of species, bag limit
1	Bonefish	4
2	Cod (except totally protected species)	16
3	Coronation Trout	4
4	Parrotfish (except Humphead Parrotfish)	16
5	Parrotfish, Humphead	1
6	Sepat, Red and Black	16
7	Snappers and Emperors	16
8	Trevally	16
9	Wrasse, Humphead Maori	1
10	All species in items 1 to 9, combined	16

Part 3—Lagoon species

Bag limits for lagoon species		
Item	Fish	Species, or group of species, bag limit
1	All of the following: (a) Milkfish; (b) Mullet, Diamond Scale; (c) Mullet, Sea; (d) Silveries	40

Part 4—Crustaceans and molluscs

Bag limits for crustaceans and molluscs		
Item	Fish	Species, or group of species, bag limit
1	Clams (except Giant Clam)	10
2	Crab, Mud	2

EXPOSURE DRAFT

Amendments Schedule 1

Bag limits for crustaceans and molluscs

Item	Fish	Species, or group of species, bag limit
3	Gong Gong	20
4	Rock Lobster	4

36 Schedule 4

Repeal the Schedule, substitute:

Schedule 4—Categories of Fish

Note: See regulation 180.

Part 1—Category 1 fish

Category 1 fish

Item	Type of fish
1	Billfish
2	Bonefish
3	Clams
4	Cod, Potato
5	Cod, White Banded
6	Coral
7	Coral Trout
8	Coronation Trout
9	Crab, Mud
10	Dolphinfish (Mahi Mahi)
11	Gong Gong
12	Groper, Queensland
13	Live Rock
14	Parrotfish, Humphead
15	Rays
16	Rock Lobster
17	Sharks
18	Swordfish
19	Tuna (all species)
20	Wahoo
21	Wrasse, Humphead Maori

Part 2—Category 2 fish

Category 2 fish

Item	Type of fish
1	Cod (except species listed as category 1 fish)
2	Emperors

EXPOSURE DRAFT

Schedule 1 Amendments

Category 2 fish

Item	Type of fish
3	Parrotfish (except Humphead Parrotfish)
4	Sepat, Red and Black
5	Snappers
6	Trevally

Part 3—Category 3 fish

Category 3 fish

Item	Type of fish
1	Milkfish
2	Mullet, Diamond Scale
3	Mullet, Sea
4	Silveries

Part 4—Category 4 fish

Category 4 fish

Item	Type of fish
1	Any species of fish not specified in this Schedule to be category 1 fish, category 2 fish or category 3 fish

37 Schedule 7

Repeal the Schedule, substitute:

Schedule 7—List of common and scientific names

Note: See subregulation 3(2).

Common and scientific names of fish		
Item	Common name	Scientific name
1	Barracuda	<i>Sphyraena</i> spp.
2	Billfish	Family Istiophoridae
3	Bonefish	<i>Albula</i> spp.
4	Clam, Giant	<i>Tridacna gigas</i>
5	Clams	<i>Tridacna</i> spp.
6	Cod	Family Epinephelidae
7	Cod, Potato	<i>Epinephelus tukula</i>
8	Cod, White Banded	<i>Amyrperodon leucogrammicus</i>
9	Coral	Class Anthozoa and Class Hydrozoa
10	Coral Trout	<i>Plectropomus</i> spp.
11	Coronation Trout	<i>Variola</i> spp.
12	Crab, Mud	<i>Scylla</i> spp.

EXPOSURE DRAFT

Amendments **Schedule 1**

Common and scientific names of fish		
Item	Common name	Scientific name
13	Dolphinfish (Mahi Mahi)	<i>Coryphaena</i> spp.
14	Emperors	Family Lethrinidae
15	Gong Gong	<i>Lambis</i> spp. and <i>Harpago chiragra</i>
16	Groper, Queensland	<i>Epinephelus lanceolatus</i>
17	Live Rock	Family Corallinaceae, Class Polychaeta, Class Crinoidea, Class Ascidiacea, Class Ophiuroidea, Phylum Bryozoa and Phylum Porifera and dead fish of Class Anthozoa and Class Hydrozoa
18	Milkfish	<i>Chanos chanos</i>
19	Mullet, Diamond Scale	<i>Liza vaigiensis</i>
20	Mullet, Sea	<i>Mugil cephalus</i>
21	Parrotfish	Subfamily Scarinae
22	Parrotfish, Humphead	<i>Bolbometopon muricatum</i>
23	Rays	Superorder Batoidea
24	Rock Lobster	<i>Panulirus</i> spp.
25	Sepat, Red and Black	Families Berycidae and Bramidae
26	Sharks	Orders Squatiniformes, Pristiophoriformes, Squaliformes, Hexanchiformes, Carcharhiniformes, Lamniformes, Orectolobiformes and Heterodontiformes
27	Shark, Whale	<i>Rhincodon typus</i>
28	Silveries	<i>Gerres</i> spp.
29	Snappers	Family Lutjanidae
30	Swordfish	Family Xiphiidae
31	Trevally	Family Carangidae
32	Tuna, Albacore	<i>Thunnus alalunga</i>
33	Tuna, Bigeye	<i>Thunnus obesus</i>
34	Tuna, Dogtooth	<i>Gymnosarda unicolor</i>
35	Tuna, Longtail	<i>Thunnus tonggol</i>
36	Tuna, Skipjack	<i>Katsuwonus pelamis</i>
37	Tuna, Southern Bluefin	<i>Thunnus maccoyii</i>
38	Tuna, Yellowfin	<i>Thunnus albacares</i>
39	Wahoo	<i>Acanthocybium solandri</i>
40	Wrasse, Humphead Maori	<i>Cheilinus undulatus</i>

38 Schedule 9

Repeal the Schedule, substitute:

Schedule 9—Determining the value of fish

Note: See regulation 157.

EXPOSURE DRAFT

Schedule 1 Amendments

Value of fish species			
Item	Species of fish	Value per unit of weight (\$/kg)	Value per fish (\$)
1	Barracuda	2.00	10.00
2	Billfish	2.00	100.00
3	Bonefish	8.00	24.00
4	Clam, Giant	10.00	100.00
5	Clams (except Giant Clam) (shucked)	60.00	5.00
6	Clams (except Giant Clam) (whole)	25.00	5.00
7	Cod (except species listed separately)	9.50	38.00
8	Cod, Potato	10.00	100.00
9	Cod, White Banded	10.00	100.00
10	Coral and Live Rock	80.00	-
11	Coral Trout	10.00	100.00
12	Coronation Trout	8.00	24.00
13	Crab, Mud	25.00	14.00
14	Dolphinfish (Mahi Mahi)	2.00	4.00
15	Emperors	8.00	24.00
16	Gong Gong (shucked)	60.00	3.00
17	Gong Gong (whole)	25.00	3.00
18	Groper, Queensland	10.00	100.00
19	Milkfish	4.50	3.00
20	Mullet, Diamond Scale	4.50	3.00
21	Mullet, Sea	4.50	3.00
22	Parrotfish (except Humphead Parrotfish)	6.00	12.00
23	Parrotfish, Humphead	25.00	100.00
24	Rock Lobster	30.00	15.00
25	Sepat, Red and Black	8.00	24.00
26	Sharks and Rays (except Whale Shark)	6.00	90.00
27	Shark, Whale	10.00	500.00
28	Silveries	4.50	3.00
29	Snappers	8.00	24.00
30	Swordfish	2.00	100.00
31	Trevally	3.50	8.00
32	Tuna, Dogtooth	5.00	25.00
33	Tuna (except Dogtooth Tuna)	2.00	20.00
34	Wahoo	7.00	28.00

EXPOSURE DRAFT

Amendments Schedule 1

Value of fish species			
Item	Species of fish	Value per unit of weight (\$/kg)	Value per fish (\$)
35	Wrasse, Humphead Maori	25.00	100.00
36	All fish not otherwise listed in this Schedule	1.00	1.00

39 Schedule 12 (table headed “Part 2—Regulations”, item 4)

After “41,”, insert “46, 47,”.

40 Schedule 12 (table headed “Part 2—Regulations”, item 4)

After “64E,”, insert “64LA,”.

41 Schedule 12 (table headed “Part 2—Regulations”, item 4)

After “64P,”, insert “64U,”.

42 At the end of Schedule 15

Add:

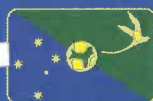
5 Zone 5: Cocos (Keeling)

The Territory



Natasha Griggs

Administrator of Christmas Island
Administrator of the Cocos (Keeling) Islands



Community Bulletin

Christmas Island and Cocos (Keeling) Islands Fisheries Ordinances

Number: XXXX/XX

Date: 5 August 2019

The Australian Government is proposing new recreational fishing legislation for Christmas Island and the Cocos (Keeling) Islands to ensure the Territories fish stocks are managed sustainably for future generations to enjoy and benefit from.

The *Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2019* and *Cocos (Keeling) Islands Applied Laws Amendment (Fish Resources Management) Ordinance* address environmental concerns and place restrictions on recreational fishing by creating bag limits, identifying protected species, controlling the use of certain fishing gear and restricting the export of fish from the islands.

Importantly, the Department of Infrastructure, Transport, Cities and Regional Development has ensured the Ordinances also contain exemptions that recognise the religious and cultural importance of recreational fishing to the Christmas Island and Cocos (Keeling) Islands community.

The Government recognises the significance of fishing to our communities in the Indian Ocean Territories (IOT). Fishing has been identified in both the *Our Christmas Island 2030 Strategic Plan*, and the *Our Cocos (Keeling) Islands 2030 Strategic Plan* as a much-loved activity, a major strength as part of the IOT's pristine marine environments and a significant opportunity for tourism growth and economic diversification.

Both plans call for the maintenance of a sustainable fishing resource to achieve the communities' vision by 2030.

The proposed Fisheries Ordinances can be viewed on the Department's website at: <http://regional.gov.au/territories/publications> and we welcome the views of you, the community.

Comments or feedback on the proposed Ordinances should be emailed to IOTLegalPolicy@infrastructure.gov.au by close of business on Friday 23 August 2019.

I look forward to progressing this important initiative.

Natasha Griggs
Administrator Christmas Island and the Cocos (Keeling) Islands

From: [REDACTED]
Sent: Monday, 8 July 2019 3:56 PM
To: [REDACTED]
Subject: RE: Fisheries Ordinances update [DLM=Sensitive:Legal]
Attachments: CI Fisheries Ordinance Exposure Draft.pdf; CKI Fisheries Ordinance Exposure Draft.pdf

This material contains information that may be subject to legal professional privilege.

Hello [REDACTED]

We have received the Exposure Drafts from OPC (copies attached for your perusal).
 The brief seeking approval to release the drafts for consultation is on its way to the Minister.
 The plan is to confine consultation to placing the drafts on the Department's website and providing 2 weeks to receive comments.
 And then commencing EXCO process.

Regards,

[REDACTED]
 Assistant Director
 Indian Ocean Territories Policy Section
 Department of Infrastructure, Transport, Cities and Regional Development
 GPO Box 594, Canberra ACT 2601

www.infrastructure.gov.au



This material contains information that may be subject to legal professional privilege.

From: [REDACTED]
Sent: Friday, 5 July 2019 4:55 PM
To: [REDACTED]
Subject: Fisheries Ordinances update

Hi [REDACTED]

How are you?

I have returned from my leave and I was wondering if you had any update on the Ordinances? ☺

Regards,

Fisheries Management Officer (IOT Project Coordinator)

Fisheries and Agricultural Resource Division

Sustainability and Biosecurity

Department of Primary Industries and Regional Development

140 William Street | Perth WA 6000

w dpiird.wa.gov.au



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From: [REDACTED]
Sent: Monday, 19 August 2019 1:27 PM
To: [REDACTED]
Subject: FW: Fish Management Ordinance [SEC=UNCLASSIFIED]
Attachments: CKI Community information regarding draft Ordinance.docx

[REDACTED]
 Ag General Manager | Indian Ocean Territories Branch
 Territories Division
 Department of Infrastructure, Transport, Cities and Regional Development
 GPO Box 594, Canberra ACT 2601

www.infrastructure.gov.au

Great Cities. Strong Regions. Connecting Australians.

From: [REDACTED]
Sent: Friday, 16 August 2019 6:32 PM
To: HOWLETT Claire <Claire.HOWLETT@infrastructure.gov.au>
Cc: [REDACTED]
Subject: RE: Fish Management Ordinance [SEC=UNCLASSIFIED]

Dear Claire

We have just received the attached response from Fisheries. Is it your preference that we go with this as a response to the release of the Ordinance or would you prefer we publish our own? For what it's worth I think it better that we use the attached because it brings Fisheries back into the process, and it keeps the Department at arm's length.

Indian Ocean Territories | Perth Office

Department of Infrastructure, Transport, Cities and Regional Development
 Post: PO Box 75048 PERTH WA 6831 | Address: 226 Adelaide Terrace PERTH WA 6000

From: [REDACTED]
Sent: Thursday, 15 August 2019 2:35 PM
To: HOWLETT Claire <Claire.HOWLETT@infrastructure.gov.au>
Cc: [REDACTED]
Subject: RE: Fish Management Ordinance [SEC=UNCLASSIFIED]

Dear Claire

Fisheries has been contacted and will provide us with information about exemptions, and the fish on the restricted list. We hope to have this information soon and we will work with [REDACTED] to develop a comms release.

Regards

Indian Ocean Territories | Perth Office

Department of Infrastructure, Transport, Cities and Regional Development
Post: PO Box Z5048 PERTH WA 6831 | Address: 226 Adelaide Terrace PERTH WA 6000

From: HOWLETT Claire <Claire.HOWLETT@infrastructure.gov.au>

Sent: Thursday, 15 August 2019 1:17 PM

To:
Cc:

; Andrea Selvey <ceo@cocos.wa.gov.au>

Subject: FW: Fish Management Ordinance [SEC=UNCLASSIFIED]

Can you please liaise with WA Fisheries to get some appropriate comms out.

Thx c

From:

Sent: Thursday, 15 August 2019 11:08 AM

To: HOWLETT Claire <Claire.HOWLETT@infrastructure.gov.au>

Cc: GRIGGS Natasha <Natasha.Griggs@infrastructure.gov.au>

Subject: FW: Fish Management Ordinance [SEC=UNCLASSIFIED]

Dear Claire,

Your advice please.

I see that JCR has started an on-line petition.

From:

Sent: Thursday, 15 August 2019 11:06 AM

To:

Cc:

Subject: Fish Management Ordinance

Dear

Unfortunately the draft Fish Resource Management Ordinance is causing a lot of ill-feeling on Cocos and from my discussions with Fisheries, this ill-feeling is unnecessary. A simple explanation of the exceptions would, I think, clarify much of the mis-understanding that is causing the community angst.

I would like to suggest that a FAQ or similar is issued sooner rather than later to address the issues raised in the initial consultations over the past 10 years such as cultural and religious considerations and of course, the one that seems completely strange, the inclusion of coral trout on the restricted list.

While fishing may seem like a non-issue in Canberra, I don't think I need to tell you how important it is on Cocos. And it seems such a shame that years of goodwill is being eroded by a simple mis-understanding and creating a them and us mentality on Cocos.

The Shire has had some pressure put on us to start a petition – I have flatly refused as I believe we (the Commonwealth and the Shire) are partners and in this together so I hope this advice will be taken in that spirit.

Thanks,



[REDACTED]
Chief Executive Officer

t. [REDACTED]
e. [REDACTED]

a. PO Box 1094, Cocos (Keeling) Islands
Indian Ocean, WA 6799

Fishing rules at CKI

The release of the Fisheries Ordinance on CKI has attracted significant comment on the application on the proposed new rules. Working with the community on CKI is important and we value your feedback on the draft Ordinance. We would encourage any community members who have an interest in the management of the fish stocks around CKI to provide your feedback on the draft Ordinance. Any feedback will be considered prior to the finalisation of the new rules.

To assist the community in providing informed feedback during this consultation process, the following information has been prepared to provide more context on the Ordinance that has been released.

The development of the management framework and subsequent drafting of the Ordinance began over 10 years ago following community consultation. However, we appreciate that over time community attitudes and values change, as do the abundance of different fish species that are found in the waters around CKI.

The intent of the Ordinance is to create fisheries specific rules are tailored to the CKI. In the absence of these rules, the alternative would be that the *Fish Resource Management Regulations 1995 (CKI)* be applied on the islands would mirror the rules of Western Australia.

Ordinances are a legislative tool that allows for adjustments to be made to the regulations to ensure they are more relevant and appropriate for CKI. Along with the Ordinance, commercial and recreational fisheries on CKI can be managed through licences, management plans, subsidiary legislation, or exemptions. Different management tools will be used depending on its appropriateness in addressing an issue.

Taking into account more recent consultation with the community on CKI, as part of the management framework to implement recreational fishing rules, it is proposed that the Ordinances be accompanied by the following exemptions:

1. **Take of passionfruit coral trout** – permitting a small number of coral trout to be taken.
2. **Cultural allowances** – as negotiated with the community on Home Island, there will be an Exemption put in place that will allow for increased bag limits for times of cultural significance.
3. **Community fishers** – Recognising historic fishing practices, it is also proposed that up to eight Cocos Malay community members would be able to apply and be exempted from the need to hold commercial fishing licences, subject to conditions such as:
 - a. all recreational fishing rules are complied with, including recreational gear restrictions, no take of protected species, and no fishing in closed areas;
 - b. the amount of fish taken would be restricted to recreational bag limits;
 - c. fish taken would only be able to be sold locally at the Cocos (Keeling) Islands; and
 - d. fishers would be required to complete and submit records of all catch.

Why manage things through exemption?

Exemptions are generally used for short term management. Administratively, they are quicker to adjust, refine or amend compared to other legislation. It was considered appropriate to use an exemption to manage coral trout as a precautionary approach. Due to the historical low numbers, and relatively recent recovery, the intent was to allow for a small number to be harvested by way of exemption until such a time when we had longer term data to before we made a more permanent decision.

Cultural allowances and permitting community fishers is unique to CKI and has never been done before on the mainland. As such, after implementation these may need to be adjusted or refined as we learn more about how the framework works in practice.

Totally protected species

Due to the remoteness of the islands and the limited information available, most of the management decisions are based on a risk based approach. That is, fish that are generally considered at higher risk (due to its biology, history, movement or fishing pressure) will have a more precautionary daily bag limit or be listed as totally protected.

Notwithstanding this, there are two listed fish that have been subject to further consideration sharks and coral trout.

When the Ordinances were originally drafted, the number of coral trout were low in abundance and virtually non-existent in the lagoon environment. We acknowledge that this has changed in the last 5 years. Based on current levels of abundance a limited daily bag limit may be more appropriate than total protection and an exemption.

The proposed protection of sharks was for social reasons. During initial consultation, it was requested by community members that sharks be protected to assist with a draw card for dive tourism. No concerns were raised by the community during the subsequent community consultation. Should the community submit disparate views, it will be taken into consideration prior to finalising the Ordinance.

Community members that have any questions prior to their submission are encouraged to contact the WA Department of Primary Industries and Regional Development on IndianOceanTerritories@dpird.wa.gov.au.

From: [REDACTED]
Sent: Thursday, 22 August 2019 9:20 AM
To: [REDACTED]
Subject: FW: FOR CLEARANCE: Fishing Ordinances TPs [SEC=UNOFFICIAL]
Attachments: 1908XX Talking Points - IOT Fisheries Ordinances.docx

For info....

From: HOWLETT Claire <Claire.HOWLETT@infrastructure.gov.au>
Sent: Wednesday, 21 August 2019 5:44 PM
To: [REDACTED]
Cc: [REDACTED]

Subject: FW: FOR CLEARANCE: Fishing Ordinances TPs [SEC=UNOFFICIAL]

Cleared by me.

Please ensure final is shared with Tash and Rachel ahead of next week.

Thx c

From: [REDACTED]
Sent: Wednesday, 21 August 2019 2:25 PM
To: HOWLETT Claire <Claire.HOWLETT@infrastructure.gov.au>
Cc: [REDACTED]
Subject: FOR CLEARANCE: Fishing Ordinances TPs [SEC=UNOFFICIAL]

Hi Claire

TPs on this issue attached for your clearance, seen by [REDACTED]

I'm still waiting on Tash's clearance of the CB. [REDACTED] said he'd remind her earlier today.

Cheers

[REDACTED]
 Director, Communications
 Territories Division
 Department of Infrastructure, Transport, Cities and Regional Development
 GPO Box z5048, Perth WA 6831

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From [REDACTED]
Sent: Tuesday, 20 August 2019 4:39 PM
To [REDACTED]
Subject: Fishing Ordinances TPs [SEC=UNOFFICIAL]

[REDACTED]
Communications and Media Officer
Indian Ocean Territories Branch | Territories Division

Department of Infrastructure, Transport, Cities and Regional Development
Territories Office Perth
[REDACTED]

W www.infrastructure.gov.au

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INDIAN OCEAN TERRITORIES FISHERIES DRAFT ORDINANCES

Issue:

- High level of community interest in Draft Fisheries Ordinances (open for public comment between 6 and 23 August 2019, and now extended to 1 September 2019) to introduce a recreational fishing management framework for Christmas Island (CI) and Cocos (Keeling) Islands (CKI).
- The ordinances were drafted following more than 10 years of research and community consultation and balance the need to protect the fishery with community expectations.
- The Australian Government, through the Department of Infrastructure, Transport, Cities and Regional Development, funds Western Australian (WA) Fisheries (part of the WA Department of Primary Industries and Regional Development) to provide services in the Indian Ocean Territories (IOT). This has included extensive community consultation on the proposed ordinances.
- The current public comment period has resulted in some negative commentary on local closed group Facebook pages (CI Blackboard and CKI Buy Swap and Sell), including that the Australian Government has not taken on community concerns/ideas despite extensive consultation, questioning suggested changes to ordinances, and questioning Government response to plastic marine debris threat to fish stocks.
- The Department received 10 comments (via email) during the first two weeks of consultation. Five of the comments are supportive of the changes, five raise concerns. The majority of comments received concern the CKI, and in particular the total prohibition on coral trout, which is addressed by way of the exemption allowing two coral trout per person per day in the CKI.

Talking points:

- The ordinances are in draft form only and the community can make comments up until Sunday 1 September 2019.
- It is important to understand that all community feedback will be considered prior to the finalisation of the new rules. I encourage members of the community to provide their comments to the Department for consideration.
- Information has been made available in Community Bulletins distributed via the Administrator's office.
- There has been extensive community consultation on this matter, beginning in 2005 and including visits to meet with key stakeholders, public meetings and the regular dissemination of information.
- The focus of the proposed ordinances is on sustainable management of fish resources for the benefit of on island communities taking into account the unique marine ecosystem and cultural history and customs of the local communities. It is important that we find this balance, so that residents can continue fishing for many years to come.

- Following the release of additional information to the community about exempt fish and totally protected species, the community now has further opportunity to consult until Sunday 1 September 2019.

If asked – how have cultural needs of CKI community been accommodated?

- Following the feedback that has been received, exemptions have been drafted to meet the cultural needs of the CKI community.
- Cultural exemptions allow the Cocos Malay community to take larger quantities of fish for religious and cultural events and designated Cocos Malay artisan fishers to sell recreationally caught fish.
- A separate exemption relaxes the total prohibition on coral trout to allow a bag limit of two per person per day for the CKI.

Background:

Ordinances

- WA Fisheries has consulted extensively with the CI and CKI communities since 2005. This consultation has included visits to meet with key stakeholders, public meetings and the regular dissemination of information.
- Recent Visits include:
 - o Nov 2018, CI & CKI - Community Education & Compliance,
 - o Nov/Dec 2018, CI & CKI - Research & Equipment Maintenance,
 - o Mar/Apr 2019, CI & CKI - Community Education & Compliance, and
 - o May 2019, CI - Research.
- The publication of the exposure drafts ensure that members of the CI and CKI communities will be able to again provide feedback on the proposed changes.
- Draft Fisheries Ordinances contain rules to address environmental concerns by placing restrictions on recreational fishing while providing exceptions to preserve cultural practices on CKI.

Exemptions and totally protected species

- Along with the ordinance, commercial and recreational fisheries can be managed through licences, management plans, subsidiary legislation, or exemptions.
- Different management tools will be used depending on an issue.
- In consultation with the community, exemptions to the new arrangements for the CKI have been agreed.
- These exemptions reflect cultural sensitivities, allow community members to fish over the bag limits to cater for religious and culturally significant events, and allow for designated Cocos Malay artisan fishers to sell recreationally caught fish.
- A separate exemption relaxes the current total prohibition on coral trout to allow a bag limit of two per person per day for the CKI. The Ordinance provides that coral trout are 'totally protected fish' and may not be caught. This is due to the low historical abundance of coral trout in the CKI. However, WA Fisheries have

recommended a daily bag limit of two coral trout per person as a sustainable limit that gives consideration to uncertainty around population size and resilience.

- The bag limit for coral trout will be implemented via an Instrument of Exemption, rather than in the Ordinance, to enable a rapid response to any change in stock conditions.
- Consultation with the CI community found that no exemptions were required.

Why manage things through exemption?

- Exemptions are generally used for short term management.
- Administratively, they are quicker to adjust, refine or amend compared to other legislation.
- It was considered appropriate to use an exemption to manage coral trout as a precautionary approach.
- The number of passionfruit coral trout has been low in the past.
- However due to the apparent recovery in fish numbers, the intent is to allow for a small number to be harvested by way of exemption until longer term data is available to inform a more permanent solution.
- Cultural allowances and permitting community fishers is a unique proposal and has never been done before on the mainland. As such, these may need to be adjusted or refined as we learn more about how the framework works in practice.

Totally protected species

- Due to remoteness and the limited information available, decisions about fish management are risk-based.
- That is, fish that are generally considered at higher risk (due to biology, history, movement or fishing pressure) will have a more precautionary daily bag limit, or be listed as totally protected.
- Notwithstanding this, there are two listed fish that have been subject to further consideration – sharks (identified by the community as important to dive tourism) and coral trout (as above).
- Community members who have any questions prior to making their submission are encouraged to contact WA Fisheries (via the Department of Primary Industries and Regional Development) by emailing IndianOceanTerritories@dpird.wa.gov.au

Plastic marine debris

- Marine debris from Southeast Asia is affecting the environmental and community wellbeing of the IOT.
- The Australian Government, through the Departments of the Environment and Energy, and Foreign Affairs and Trade, is addressing the issue through international initiatives and engagement. More information is available on their websites.

- In the meantime, a citizen science venture funded by the Australian Government is gathering critical data from IOT marine debris with a view to stemming the tide of plastics arriving from offshore sources.
- The Indian Ocean Territories Marine Debris Project began in 2017 and brings together teams of local people, self-funded off-island volunteers, and partners to collect and audit marine debris at beach sites on the islands, and submit data to the Australian Marine Debris Initiative database
- The department provides funding to the Western Australian Department of Water and Environmental Regulation, and Keep Australia Beautiful Council, who work in partnership with local people and schools to collect data on the amount, type and origin of marine debris that washes up on IOT beaches with a view to stopping it at its source.

CLEARED BY



Director IOT Government Arrangements
Director, Communications, Territories Division
Director, IOT Policy

21 August 2019

From: Natasha Griggs <Natasha.Griggs@infrastructure.gov.au> on behalf of
Natasha Griggs <Natasha.Griggs@infrastructure.gov.au>
Sent: Thursday, 22 August 2019 4:49 PM
To: [REDACTED]
Subject: Community consultation extended on proposals to change fishing rules



Australian Government



Natasha Griggs

Administrator of Christmas Island
and Cocos (Keeling) Islands

Community Bulletin



Number: A63/2019. Date: 22 August 2019

Community consultation extended on proposals to change fishing rules

The Australian Government is extending the consultation period on proposed new recreational fishing legislation for Christmas Island (CI) and the Cocos (Keeling) Islands (CKI) until Sunday 1 September 2019, in response to significant community interest in the changes.

The [Exposure Draft: Christmas Island Applied Laws Amendment \(Fish Resources Management\) Ordinance 2019](#) and [Exposure Draft: Cocos \(Keeling\) Islands Applied Laws Amendment \(Fish Resources Management\) Ordinance 2019](#) address environmental concerns and propose placing restrictions on recreational fishing by creating bag limits, identifying protected species, controlling the use of certain fishing gear, and restricting the export of fish from the islands.

The Australian Government, through the Department of Infrastructure, Transport, Cities and Regional Development, funds Western Australian (WA) Fisheries (part of the WA Department of Primary Industries and Regional Development) to provide services in the Indian Ocean Territories (IOT).

The ordinances were drafted following more than 10 years of research and community consultation and balance the need to protect the fishery with community expectations.

WA Fisheries has provided the following further information on the draft fisheries ordinances:

Exemptions and totally protected species

Along with the ordinance, commercial and recreational fisheries can be managed through licences, management plans, subsidiary legislation, or exemptions. Different management tools will be used depending on an issue. Taking into account recent consultation with the community, it is proposed that the ordinance may be accompanied by the following exemptions:

1. **Take of passionfruit coral trout** – Permitting a small number of coral trout to be taken.
2. **Cultural allowances** – Subject to negotiation exemptions could be put in place that will allow for increased bag limits for times of cultural significance.
3. **Community fishers** – In recognition of historic fishing practices, community members would be able to apply and be exempted from the need to hold commercial fishing licences, subject to conditions such as:
 - a) All recreational fishing rules are complied with, including recreational gear restrictions, no take of protected species, and no fishing in closed areas;
 - b) The amount of fish taken would be restricted to recreational bag limits;
 - c) Fish taken would only be able to be sold locally; and
 - d) Fishers would be required to complete and submit records of all catches.

Why manage things through exemption?

Exemptions are generally used for short term management. Administratively, they are quicker to adjust, refine or amend compared to other legislation. It was considered appropriate to use an exemption to manage coral trout as a precautionary approach. The number of passionfruit coral trout have been low in the past. However due to the apparent recovery in fish numbers, the intent is to allow for a small number to be harvested by way of exemption until longer term data is available to inform a more permanent solution. Cultural allowances and permitting community fishers is a unique proposal and has never been done before on the mainland. As such, these may need to be

adjusted or refined as we learn more about how the framework works in practice.

Totally protected species

Due to remoteness and the limited information available, decisions about fish management are risk-based. That is, fish that are generally considered at higher risk (due to biology, history, movement or fishing pressure) will have a more precautionary daily bag limit, or be listed as totally protected.

Notwithstanding this, there are two listed fish that have been subject to further consideration – sharks (identified by the community as important to dive tourism) and coral trout (as above).

Community members who have any questions prior to making their submission are encouraged to contact WA Fisheries (via the Department of Primary Industries and Regional Development) by emailing IndianOceanTerritories@dpird.wa.gov.au

The proposed Fisheries ordinances can be viewed on the Department of Infrastructure, Transport, Cities and Regional Development's website at: <http://regional.gov.au/territories/publications> and all views are welcomed.

Comments or feedback on the proposed ordinances should be emailed to IOTLegalPolicy@infrastructure.gov.au by midnight on Sunday 1 September 2019. All community feedback received via this channel will be considered prior to finalisation of the new rules.



Mrs Natasha Griggs

Administrator of Christmas Island and the Cocos (Keeling) Islands

[REDACTED]

From: [REDACTED]
Sent: Saturday, 31 August 2019 5:53 PM
To: [REDACTED] HOWLETT Claire; [REDACTED]
Subject: Re: CCC Letter to Minister of 22.8.2019 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Definitely, if we can teleconference early next week with [REDACTED] and internal stakeholders and then meet fishos on Wednesday to hone our message with a further meeting with fishos the following week prior to them travelling.

Regards

[REDACTED]

UNCLASSIFIED

From: [REDACTED]
Date: Saturday, 31 August 2019 at 1:08:56 pm
To: [REDACTED] "HOWLETT Claire"
<Claire.HOWLETT@infrastructure.gov.au>.
[REDACTED]
Subject: RE: CCC Letter to Minister of 22.8.2019 [SEC=UNCLASSIFIED]

Will do, but we would like to be involved in the messaging.

[REDACTED]

From: [REDACTED]
Sent: Friday, 30 August 2019 6:18 PM
To: HOWLETT Claire <Claire.HOWLETT@infrastructure.gov.au>; [REDACTED]
[REDACTED]
Subject: Fwd: CCC Letter to Minister of 22.8.2019 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Afternoon all

Fisheries have agreed to visit CKI 13-20 September.

I have agreed to Fisheries two requests.

[REDACTED] and I will coordinate [REDACTED] next week if [REDACTED] you could have [REDACTED] provide all community comments on Monday.

Regards

[REDACTED]

UNCLASSIFIED

From: [REDACTED]

Date: Friday, 30 August 2019 at 4:02:24 pm

To: [REDACTED]

Subject: FW: CCC Letter to Minister of 22.8.2019 [SEC=UNCLASSIFIED]

Hi [REDACTED]

Confirmed with Fisheries at today's meeting for the proposed trip to CKI ahead of the MinVisit.
Any chance we can get the below details/conditions confirmed early next week to greenlight the trip?

Thanks

[REDACTED]
Contract Manager | Infrastructure | [REDACTED]

From: [REDACTED]

Sent: Friday, 30 August 2019 3:53 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: CCC Letter to Minister of 22.8.2019 [SEC=UNCLASSIFIED]

Importance: High

Hi [REDACTED]

[REDACTED] and I have discussed this at length. We are supportive of assisting and I could potentially attend CKI and hold community presentations and stakeholder engagement from 13 -20 September. Noting the short timeframe, [REDACTED] is unable to join me for this trip. As such, due to the level of contention surrounding this matter, my attendance will only be approved provided that:

- we are provided with the submissions from CKI no later than Wednesday 4 September to allow for adequate preparation; and
- I am joined by a representative from your Department in a supportive role during the presentations and stakeholder engagement.

Please advise as soon as possible if these two conditions are accepted and agreed on by DITCRD.

Regards,

[REDACTED] | Fisheries Management Officer (IOT Project Coordinator)
Fisheries and Agricultural Resource Division
Sustainability and Biosecurity
Department of Primary Industries and Regional Development
140 William Street | Perth WA 6000
[REDACTED] w dpird.wa.gov.au

From: [REDACTED]

Sent: Wednesday, 28 August 2019 11:59 AM

To: [REDACTED]

Subject: RE: CCC Letter to Minister of 22.8.2019 [SEC=UNCLASSIFIED]

Hi [REDACTED]

Thank you again for the information on IOT fisheries management consultation.

As discussed my Executive believe it would be beneficial to conduct an on-island visit following the close of the consultation period (1st Sept) and prior to the Assistant Ministers planned visit to Cocos (est 20th Sept). The consultation would be supported by any information the Department receives from the communities via the Ordinances feedback.

I understand this request is at short notice and not part of the existing work plan, so appreciate your consideration of this in response to the high level of community interest.

If you need anything else from me to get this moving please let me know.

Kind regards

Contract Manager | Infrastructure

From: [REDACTED]
Sent: Tuesday, 27 August 2019 3:05 PM
To: [REDACTED]
Subject: RE: CCC Letter to Minister of 22.8.2019 [SEC=UNCLASSIFIED]
Importance: High

Hi [REDACTED]

As requested, please see the attached documents outlining the consultation chronology the undertaken with the IOT communities regarding the proposed recreational fishing rules.

It is really important that these documents are considered within the context of the other community engagement programs and activities delivered by the Department of Primary Industries and Regional Development (Department). Since 2008, the research teams have regularly held community presentations and released publications on the IOT research and priorities. These provide context on the data gathered and how that may influence management decisions.

The formal schools and community education program was initiated in 2010. This has included public presentations, curriculum-linked school education programs and a number of interactive and engaging activities and community events. Messaging was targeted at promoting sustainable fishing practices and marine stewardship. Programs have highlighted components of the proposed recreational rules such as bag limits or protected species to demonstrate the importance of these fisheries management tools to ensure sustainable fisheries.

In June 2015, the compliance awareness program was initiated with the first IOT specific Fisheries and Marine Officer (FMO) ahead of the predicted 2016 implementation of the recreational rules. Introducing the FMO at this stage was part planning to not only assist in planning the training process of airport staff, but to engage with the community and promote the awareness and understanding of the proposed recreational rules before they are in force and enforced.

The Department does not consider each of the outlined programs as separate consultation, but integral parts of the holistic approach to engage with the various community members on both islands.

Please let me know if you would like me to expand on any of the information provided.

Regards,

From: [REDACTED]
Sent: Friday, 23 August 2019 4:02 PM
To: [REDACTED]
Subject: RE: CCC Letter to Minister of 22.8.2019 [SEC=UNCLASSIFIED]

Hi [REDACTED]

As just mentioned on the phone, the CCC letters have made their way from the AS Min Office back through my Dept and my Exec are now chasing a chronology of the community consultation in relation to the Fisheries Ordinances. If you could supply something along these lines once you are able, that would be greatly appreciated.

If you have any questions please let me know.

Kind regards
[REDACTED]
[REDACTED]

Contract Manager | Infrastructure [REDACTED]

From: [REDACTED]
Sent: Friday, 23 August 2019 3:16 PM
To: [REDACTED]
Subject: FW: CCC Letter to Minister of 22.8.2019

As discussed.

From: [REDACTED]
Sent: Friday, 23 August 2019 2:55 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: CCC Letter to Minister of 22.8.2019

Hi [REDACTED]

Thank you for your email and passing on the documents.

As you know, fisheries management is, compared to the mainland, new to Christmas Island (CI). Due to the remoteness of the island and the limited information available, most of the management decisions are based on a risk based approach. That is, fish that are generally considered at higher risk (due to its biology, movement or targeting) will have a more precautionary daily bag limit. Is there particular information, species or issue that you are after more information?

The intent of the Ordinance is to create fisheries specific rules are tailored to the CI. It is important to note that in the absence of the proposed rules, the alternative would be that the *Fish Resource Management Regulations 1995 (CI)* be applied on the islands would mirror the rules of Western Australia (WA). WA recreational rules are generally more stringent than those proposed for CI.

The development of the management framework and subsequent drafting of the Ordinance began over 10 years ago following community consultation. However, we appreciate that over time community attitudes and values change, as do the abundance of different fish species that are found in the waters around CI.

I thank the CCC for their suggestions for locations for future consultation, we are always keen to seek feedback on the best way to engage with the community.

[redacted] Fisheries Management Officer (IOT Project Coordinator)
Fisheries and Agricultural Resource Division
Sustainability and Biosecurity
Department of Primary Industries and Regional Development
140 William Street | Perth WA 6000
[redacted] w dpird.wa.gov.au

From: [redacted]
Sent: Friday, 23 August 2019 1:32 PM
To: [redacted]
Subject: CCC Letter to Minister of 22.8.2019

H [redacted]

CC'd is the CCC Chairperson Shire President [redacted]

Attached is a copy of the letter to the Minister that the CCC resolved to write following its meeting on the 21st August 2019.

One of the resolutions passed was also to write to Fisheries and request a copy of data and other evidence used to prepare the 2019 Exposure Draft Ordinance for Christmas Island.

Could you please provide a copy of the studies used to create the Exposure Draft. Attached for your records too is the copy of the Fisheries Petition started 20th August and presented to the CCC meeting on the 21st August. 124 had signed it to the meeting time, but I am told that more have signed it since.

Thanks



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From: Natasha Griggs <Natasha.Griggs@infrastructure.gov.au> on behalf of
Natasha Griggs <Natasha.Griggs@infrastructure.gov.au>
Sent: Monday, 9 September 2019 3:46 PM
To: [REDACTED]
Subject: Information sessions on proposal to change Cocos (Keeling) Islands fishing rules



Australian Government



Natasha Griggs

Administrator of Christmas Island
and Cocos (Keeling) Islands

Community Bulletin

Number: A64/2019. Date: 9 September 2019

Information sessions on proposal to change Cocos (Keeling) Islands fishing rules

Following ongoing community interest, further information sessions on the proposed new recreational fishing legislation will take place on the Cocos (Keeling) Islands (CKI) next week.

The changes address environmental concerns and propose placing restrictions on recreational fishing by creating bag limits, identifying protected species, controlling the use of certain fishing gear, and restricting the export of fish from the islands.

The ordinance was drafted following more than 10 years of research and community consultation by WA Fisheries, and in conjunction with proposed exemptions, balances the need to protect the aquatic environment with community expectations. A consultation period on the draft laws closed on 1 September.

The Australian Government, through the Department of Infrastructure, Transport, Cities and Regional Development, funds WA Fisheries (part of the Western Australian Department of Primary Industries and Regional Development) to provide services in the Indian Ocean Territories (IOT).

WA Fisheries will hold further information sessions on CKI as follows:

Home Island

Date: Wednesday 18th September, 2019

Time: 5 – 8 pm (with a break for prayers)

Location: Cyclone Shelter

West Island

Date: Thursday 19th September 2019

Time: 4 – 6pm

Location: Community Resource Centre

The Department's [REDACTED], Director of Indian Ocean Territories Government Arrangements, will attend with WA Fisheries.

For more information please contact [REDACTED] on [REDACTED]



Mrs Natasha Griggs


Administrator of Christmas Island and the Cocos (Keeling) Islands


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(Keeling) Islands

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From: [REDACTED]
Sent: Tuesday, 17 September 2019 4:40 PM
To: [REDACTED]
Subject: FW: IOT Fish rules - community consultation [SEC=UNCLASSIFIED]
Attachments: IOT Consultation summary.xlsx; Consultation summary - Cultural fishing arrangements.docx

Importance: High

Here you go....just working through my emails

From: [REDACTED]
Sent: Tuesday, 17 September 2019 2:56 PM
To: [REDACTED]
Cc: HOWLETT Claire <Claire.HOWLETT@infrastructure.gov.au>
Subject: IOT Fish rules - community consultation [SEC=UNCLASSIFIED]
Importance: High

Dear [REDACTED]

An initial assessment of fish species at risk of over exploitation and recreational fishing practices in the IOT commenced in 2003-4. In March 2005 a draft Recreational Fishing Strategy (CKI) was open for public comment and sent to all island residents together with a feedback questionnaire. Community meetings were held in December 2006 to discuss the key elements of the *Recreational Fishing Guide - Cocos (Keeling) Islands* and included bag limits, clams as protected species, minimum size limits for some species, closed areas to fishing, restrictions on nets used and ban on spearfishing whilst on scuba.

Fisheries met annually with key organisations between May 2007 and February 2019. The most recent community consultation occurred between 18 and 19 September 2019 to provide community feedback following the release of draft Fisheries Ordinances (CKI).

Regards

Indian Ocean Territories | Perth Office

Department of Infrastructure, Transport, Cities and Regional Development
 Post: PO Box 75048 PERTH WA 6831 | Address: 226 Adelaide Terrace PERTH WA 6000

From: [REDACTED]
Sent: Wednesday, 28 August 2019 9:54 AM
To: [REDACTED]
Subject: FW: DPIRD-Fisheries / Consultation Process chronology, Malay Fisheries notes - and overarching statement of clarification. [SEC=UNCLASSIFIED]
Importance: High

FYI.

[REDACTED]

From [REDACTED]

Sent: Tuesday, 27 August 2019 3:26 PM

To [REDACTED]

Subject: DPIRD-Fisheries / Consultation Process chronology, Malay Fisheries notes - and overarching statement of clarification. [SEC=UNCLASSIFIED]

Importance: High

Hi [REDACTED]

[REDACTED] of DPIRD-Fisheries has pulled together the attached IOT Consultation Summary, Notes on the proposed Cocos Malay fisheries arrangements, and provided the comments below to summarise the overarching intent of the consultation, education and processes undertaken.

RE: DPIRD-Fisheries IOT Community Consultation – Fisheries Management, 2003 – Present:

Attachments:

- IOT Consultation, and
- Cocos Specific Consultation – ‘Cultural Fishing arrangements’.

these documents should be considered within the context of the other community engagement programs and activities delivered by the Department of Primary Industries and Regional Development (Department). Since 2008, the research teams have regularly held community presentations and released publications on the IOT research and priorities. These provide context on the data gathered and how that may influence management decisions.

The formal schools and community education program was initiated in 2010. This has included public presentations, curriculum-linked school education programs and a number of interactive and engaging activities and community events. Messaging was targeted at promoting sustainable fishing practices and marine stewardship. Programs have highlighted components of the proposed recreational rules such as bag limits or protected species to demonstrate the importance of these fisheries management tools to ensure sustainable fisheries.

In June 2015, the compliance awareness program was initiated with the first IOT specific Fisheries and Marine Officer (FMO) ahead of the predicted 2016 implementation of the recreational rules. Introducing the FMO at this stage was part planning to not only assist in planning the training process of airport staff, but to engage with the community and promote the awareness and understanding of the proposed recreational rules before they are in force and enforced.

The Department does not consider each of the outlined programs as separate consultation, but integral parts of the holistic approach to engage with the various community members on both islands.

If you need anything else please let me know.

Kind regards
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 27 August 2019 3:05 PM
To: [REDACTED]
Subject: RE: CCC Letter to Minister of 22.8.2019 [SEC=UNCLASSIFIED]
Importance: High

Hi [REDACTED]

As requested, please see the attached documents outlining the consultation chronology the undertaken with the IOT communities regarding the proposed recreational fishing rules.

It is really important that these documents are considered within the context of the other community engagement programs and activities delivered by the Department of Primary Industries and Regional Development (Department). Since 2008, the research teams have regularly held community presentations and released publications on the IOT research and priorities. These provide context on the data gathered and how that may influence management decisions.

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The Department does not consider each of the outlined programs as separate consultation, but integral parts of the holistic approach to engage with the various community members on both islands.

Please let me know if you would like me to expand on any of the information provided.

Regards,

[REDACTED]

Cocos Malay Cultural Fishing Arrangements

Consultation Summary – WA Department of Primary Industries and Regional Development

Background

The Department of Primary Industries, formally Department of Fisheries, (Department) had been consulting with the Cocos (Keeling) Islands (CKI) community for a number of years regarding the development of recreational fishing rules (see separate spreadsheet detailing consultation 2003 – 2019). In those discussions it had been raised that the proposed rules may negatively impact on long standing fishing customs in the lead up to significant cultural events. The Department had previously indicated a willingness to discuss/develop an arrangement with the Cocos Malay community to provide for additional fishing to meet these on-going customs and practices, however by 2015 the Department had not finalised discussions with the community regarding cultural fishing arrangements.

When the Department briefed the Shire Council in early 2016 to advise that the rules were now ready to be finalised, concerns were raised that agreement with the community had not been reached regarding suitable cultural fishing arrangements.

February 2016

_____ and _____ (WA Department of Fisheries) visited Cocos (Keeling) Islands (CKI) to attend the Shire of CKI meeting. The officers provided the shire council with powerpoint presentation outlining recreational and commercial fishing issues and current status. The feedback from the councillors and the council staff present included concern that the proposed recreational fishing rules did not provide for larger quantities of fish (in excess of the proposed bag limits) to be caught at culturally significant times for the Cocos Malay community, such as prior to Ramadan, prior to Hari Raya or prior to weddings.

Following the presentation at the Shire meeting _____ and _____ met with _____ to discuss commercial and cultural fishing by the Home island community. _____ expressed his opinion that he felt the Department had not followed through with previous undertakings to provide for the take of fish for culturally important events outside of the proposed recreational fishing rules. _____ identified leaders in the Cocos Malay community for further discussion of these issues including _____ and _____

_____ indicated that Shire Council would be writing to the Commonwealth Minister regarding the proposed recreational fishing rules, providing support for the proposed airport possession limit but raising concerns regarding the operation of the bag limits.

_____ provided further information regarding his views of the proposed recreational fishing rules, and noted his concern as to how they could negatively impact on the existing cultural fishing practices of the Cocos Malay community. _____ suggested a permit system controlled by a person on island to allow for bag limits to be exceeded during specific times. _____ was advised that this was already under consideration. _____ advised that he had written to the Commonwealth Minister expressing his views.

On this trip meetings were also held with the _____ and _____ to discuss the proposed bag limits and the customary fishing practices of the Cocos Malay community.

In summary, significant concerns were raised by a number of stakeholders that the application of the proposed recreational bag limits, particularly ahead of culturally important events for the Cocos Malay community, would unduly restrict long standing fishing customs. Two letters were sent to the Commonwealth Minister expressing concerns post visit.

The key action arising from the visit was that *The Department committed to develop a resolution to the issue that would provide for existing fishing customs related to culturally significant events for the Cocos Malay Home Island community.*

March 2016

DIRD briefed the Commonwealth Minister (with supporting text provided by Department of Fisheries) regarding the need for recreational fishing rules at IOT's and seeking ministerial policy approval for the Ordinance. Given the feedback the Minister had recently received on the issue the Minister supported the introduction of Island specific recreational fishing rules, but directed the Department of Fisheries to come up with revised arrangement to address the concerns of the Cocos Malay community, primarily in relation to the application of the bag limits at culturally significant times.

Through phone consultation with Cocos Malay leaders, the Department developed a proposed revised arrangement, whereby the bag limits would not apply to members of the Cocos Malay community in the lead up to an agreed list of religious and cultural events. All other elements of the recreational fishing rules (including importantly the airport possession limit) would apply however, and sit alongside these arrangements.

May 2016

[REDACTED] (DIRD) visited Cocos (Keeling) Islands and held a public meeting on Home Island to discuss the new proposal for Cocos Malay cultural fishing arrangements (i.e. no bag limits in the lead up to key events). A letter drop / door knock all houses at Home Island was completed to advise them of the proposal and to invite community members to the public meeting.

Consultation with the Cocos Malay community on Home Island regarding the proposed recreational fishing rules and proposed cultural fishing arrangements highlighted the communities desire to maintain long standing fishing customs adopted by Home Islanders. Meetings with stakeholders and the broader Home Island community resulted in the Department revising the proposed cultural events celebrated by the Cocos Malay community and the timings during which increased fishing activity can be expected. The attachment outlines the agreed events and the timings associated with increased fishing activity.

Three community groups; the Islamic Association (the PIPC), the Cultural Association (the PKPK) and the Cocos Malay Senior's Group were identified as the appropriate groups for [REDACTED] to write to seeking approval for the proposed arrangements and to help identify a suitable person or group to coordinate the arrangements (i.e. advise the Department of the date of an upcoming wedding, birth, circumcision or funeral).

The following stakeholders were also met with on this trip to discuss the cultural fishing arrangements; [REDACTED] and [REDACTED]

June – December 2016

Department of Fisheries wrote to the Islamic Association (the PIPC), the Cultural Association (the PKPK) and the Senior's Group in June 2016 seeking support for the proposed arrangements and seeking help with identifying a person to advise the Department of the dates of an upcoming wedding, birth, circumcision or funeral. Written support from the three organisations for the proposed arrangements was received by October 2016.

_____ was eventually identified as a person willing to notify the Department of key dates, and the three organisations provided support for _____ to take on this role¹. However _____ spends part of the year in Malaysia and a 'back up' person for _____ is required during times he is off island.

April 2017

_____ visited CKI and attended the Shire of Cocos (Keeling) Island meeting to update them on progress of the Cocos Malay arrangements and to try to confirm back up person for _____. Positive feedback was received from the Cocos Malay leaders and the Shire councillors regarding Cocos Malay arrangements. In regards to identifying a back up person, the three key organisations indicated support for _____ to be the back up person. Final written confirmation accepting Haji Adam as the back-up role was received from _____ 16 June 2017.

On this trip meetings were also held with _____

October 2017

_____ visited CKI and Ms Kalinowski was introduced to _____. _____ confirmed with _____ the proposed roles they would play in advising the Department of events of cultural significance. A draft form for registering events was provided for feedback.

¹ Note that if the Cocos Malay cultural fishing arrangements are contained in the Ordinance, then there will need to be administrative flexibility to allow for the Home Island contact person to be changed as required.

: Recreational Fishing Rules consultation summary - 2003 -2019

Cocos (Keeling) Islands

Date	Consultation Method and audience	Comment / Outcome
2003 - 2004	Initial assessment of recreational fishing practices on island and species at risk of over-exploitation	
Mar-05	Release of Draft recreational Fishing Strategy for Cocos (Keeling) Islands. Draft strategy open for public comment for 3 months; copy sent to all island residents along with feedback questionnaire.	
Dec-06	Release of <i>Recreational Fishing Guide - Cocos (Keeling) Islands</i> (brochure). Community meetings held.	Key elements included bag limits, clams as protected species, minimum size limits for some species, closed areas to fishing, restrictions on nets used and ban on spearfishing whilst on scuba.
May-07	Meetings with key organisations including Shire staff, Cocos Congress, Cocos Dive, Tourism Association and Cocos Youth Council	Feedback obtained and considered on proposed recreational arrangements
Jun-07	Meetings with key organisations including Shire staff, Cocos Congress, Cocos Malay Seniors, Parks Australia and Cocos Youth Council to discuss recreational fishing proposals	
Mar-08	Meetings with AFP re fisheries compliance, meeting with Shire staff re recreational fishing arrangements, consultation with Parks Australia, Tourism Association & Cocos Co-Operative	
Aug-08	Public meetings and presentation on recreational fishing arrangements held at West Island and Home Island. Stakeholder meetings held with AFP, Port Manager, Parks Australia and Cocos Malay fishers.	Poor attendance at Home Island community meeting. Department undertook to develop summary leaflet of recreational fishing arrangements to be distributed and identified need to engage with smaller stakeholder groups.
	Meetings held with Cocos Youth Council. Presentation made to Cocos Congress. Meeting with [redacted] Meeting with Home Island Seniors Group. Meetings with Shire President. Public Meeting held at West Island. Meeting with Younger fishers, Home Island.	Support from Youth Council for revised bag limits and export prohibition. Cocos Congress supported bag limits, some members did not support gong gong bag limit and a complete prohibition on exporting fish. Pak Jamal supported the revised bag limits and gear restrictions. Seniors group supported the revised bag limits, however some mixed support for gong gong bag limits. Shire CEO expressed support for revised recreational fishing arrangements. West Island public meeting resulted in additional locations for closed areas to fishing and strong support for export prohibition. Home Island Younger fishers provided support for revised bag limits and export prohibition, support for netting restrictions, requested that the use of electric reels be permitted.
Sep-08		
Oct-08	Written feedback from Cocos Congress on recreational fishing rules received.	Revised proposal to allow for a bag limit for clams (rather than totally protected); discussion around recreational netting gear and areas.

Mar-10	Meeting with key stakeholders (Parks Australia, charter operators, shire employees, AFP).	Update key stakeholders on progression of recreational fishing arrangements into legislation.
Aug-10	Public Information session held at Home Island and West Island, to update community on services and activities undertaken by the Department of Fisheries	General support for recreational fishing arrangements expressed Revision to proposals to take into account community feedback; for example, remove proposal to prohibit the use of electric reels.
Nov-10	Release of brochure "Future Island-Specific Recreational Fishing Rules - Cocos (Keeling) Islands" Stakeholder consultation (Shire CEO, Cocos Congress, Cocos Youth Council, Cocos Malay keen fishers group, AFP, Port manager) and public information sessions held at Home Island and West Island regarding recreational fishing arrangements	
Dec-11	Public Information Sessions held by management staff and research scientists presenting latest findings. Meetings held at West Island, Home Island, and targeted meeting with Cocos Malay Seniors. Stakeholder meetings with Parks Australia, AFP and Shire CEO.	Support for legislation and compliance of recreational fishing arrangements
May-12	Meetings with key stakeholders; AFP to discuss fisheries compliance, presentation to Cocos Shire Council, Port manager and Parks Australia	
Aug-13	Meetings with key stakeholders; Shire CEO, Cocos Congress, AFP and Parks Australia	
Oct-13	Meeting with Cocos Malay Senior group to discuss education program and recreational fishing rules	General support for the recreational fishing rules expressed
Jun-14	Meeting with Shire CEO, Shire President and Cocos Malay Senior's group	
Jun-15	Meetings with key stakeholders including Shire CEO, Cocos Congress, Cocos Co-operative, Parks Australia and AFP. Public information session held at West Island. Meeting held with Cocos Malay Seniors.	Return of Coral trout in large numbers noted. Feedback from community that bag limit for coral trout should be considered. Seniors group provided general support for recreational rules, with some objections to the gong gong bag limit.
Feb-16	<i>Please refer to attachment for more information pertaining to the cultural allowance consultation</i>	
Mar-16		
May-16		
Jun-16		
Apr-17		
Oct-17		
Oct-17		Discussions were had regarding the potential to set up a fisheries reference group on CKI. [REDACTED] advised that the Department would be very supportive of that initiative. The proposed meeting with the Cocos Malay Senior's Group was cancelled last minute due to illness within the community.

Jun-18	<p>██████████ met with the Cocos Malay Senior's Group to provide an update on the proposed recreational fishing rules. Meetings were also held with ██████████</p> <p>Malay fishers, Parks Australia and other CKI stakeholders.</p>	<p>██████████ advised that there was an unknown delay in the implementation of the revised recreational rules, however confirmed that the proposed arrangements would remain as previously advised and will continue to include the cultural allowances and coral trout allowance by way of exemption. Stakeholders were advised that the IOT Commercial Fishing Policy Statement was finalised and available. Stakeholders were thanked for their contribution. Concerns over shark numbers within the lagoon were expressed the Department advised that numbers haven't increased but behaviour has changed due to changed in fishing patterns by locals. Fly fishing has become quite popular on the islands with potential commercial opportunities for locals.</p>
Feb-19	<p>██████████ held two open community presentations to the CKI community; one on Home Island at the at the Cocos Malay Senior's Centre and the other on West Island at the Community Resource Centre.</p>	<p>Questions regarding the protection of sharks given large numbers were expressed. The Department would consider if a protection was still appropriate given changes in community values. Presentations were an overview of what has been learned about the CKI stocks so far and why bag limits on certain species were more stringent than others. Explanations on the risk based approach that was applied too all areas (including the Mainland WA) when resources are limited. The Department is of the mind that a staged approach would be best for the community - introduce bag limits and restrictions to exports, then assess and see if further management is required. An update was provided on the timeframe for the rules along with assurance that the community will be made aware of when the rules are in force and enforced before it occurs. General acceptance on the proposed rules were expressed.</p>