



Western Australia

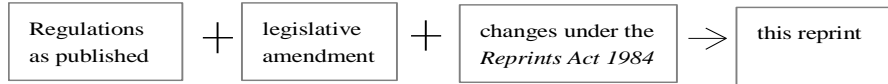
Fish Resources Management Act 1994

Fish Resources Management Regulations 1995

Reprint 4: The regulations as at 14 November 2003

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Fish Resources Management Regulations 1995

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at 14 November 2003

Western Australia

Fish Resources Management Act 1994

Fish Resources Management Regulations 1995

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Fish Resources Management Regulations 1995*¹.

2. Commencement

These regulations come into operation on the day on which the *Fish Resources Management Act 1994* comes into operation¹.

3. Interpretation

- (1) In these regulations, unless the contrary intention appears —
- “**aircraft**” includes a float plane and an air cushioned craft;
 - “**bag limit**” has the same meaning as in section 50 of the Act;
 - “**carrier boat licence**” means a licence referred to in regulation 119;
 - “**commercial fishing licence**” means a licence referred to in regulation 121;
 - “**disease**” means any disease of fish;

“eastern gulf land area” means the land adjacent to the waters of the Shark Bay eastern gulf;

“fillet” in respect of fish —

- (a) when used as a noun, means any part or piece of the fish, other than the head or tail of the fish or a product of gilling or gutting the fish; and
- (b) when used as a verb, does not include to gill or gut the fish;

“finfish” means fish of the Class Elasmobranchii (Chondrichthyes) or Osteichthyes;

“fish processor’s licence” means a licence granted under section 83 of the Act;

“fishing boat licence” means a licence referred to in regulation 117;

“fishing net” means any fishing net other than —

- (a) a hand scoop or hand dip net;
- (b) a prawn hand trawl net; or
- (c) a drop net which has a diameter not exceeding 1.5 metres;

“form” followed by a number means the form of that number in Schedule 14;

“Freycinet Estuary” means the waters of Shark Bay western gulf south of 26° 13' south latitude, excluding the waters of Useless Inlet and Blind Inlet;

“Gascoyne Region” means —

- (a) all land in the State; and
 - (b) all WA waters,
- that are north of 27° 00' south latitude, excluding the Pilbara and Kimberley Region;

“gear identification number” of a person means —

- (a) any letters and numbers allocated under regulation 124(2)(b) in respect of a recreational fishing licence held by the person; or
- (b) where the person is an Aboriginal person who does not hold a recreational fishing licence, the letter “A” followed by the day, month and year of the birth of the person in numbers (ie. A 29/3/59);

“licensed carrier boat” means a boat in respect of which a carrier boat licence is held;

“licensed carrier boat number” in respect of a licensed carrier boat means the number allocated under regulation 120(3) in respect of the boat;

“licensed fishing boat” means a boat in respect of which a fishing boat licence is held;

“licensed fishing boat number” in respect of a licensed fishing boat means the letter and number allocated under regulation 118(3) in respect of the boat;

“marron drop net” has the same meaning as in regulation 38G;

“marron pole snare” has the same meaning as in regulation 38G;

“marron scope net” has the same meaning as in regulation 38G;

“mollusc” does not include pearl oyster, as defined in the *Pearling Act 1990*;

“Ningaloo Marine Park” means all waters of the Indian Ocean and Exmouth Gulf within the boundaries of the Ningaloo Marine Park Reserve No. 2 shown on Department of Conservation and Land Management Plan No. 1735;

“one day” means a period of 24 hours commencing at midnight, other than in relation to fishing for marron or prawns or fishing by means of a fishing net, where it means a period of 24 hours commencing at midday;

“oyster fishing licence” means a licence referred to in regulation 127;

“Pilbara and Kimberley Region” means —

- (a) all land in the State; and
- (b) all WA waters,

that are east of 114° 50' east longitude and north of 21° 46' south latitude;

“prawn hand trawl net” means a net —

- (a) of not more than 4 metres in length; and
- (b) with a mesh of not less than 16 millimetres;

“principal place of residence” in respect of a person, does not include —

- (a) a tent, vehicle or boat;
- (b) a caravan, within the meaning of the *Caravan Parks and Camping Grounds Act 1995*, unless the caravan is the person's principal place of residence;
- (c) premises where fish are processed or stored for a commercial purpose; or
- (d) premises where fish are sold or purchased;

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

“recreational fishing licence” means a licence referred to in regulation 123;

“Region” means any of the following areas of the State —

- (a) the Gascoyne Region;
- (b) the Pilbara and Kimberley Region;
- (c) the South Coast Region;
- (d) the West Coast Region;

“rock lobster pot” means any fishing gear, other than a hand held instrument, that is capable of being used to fish for rock lobster;

“rock lobster pot licence” means a licence referred to in regulation 125;

“rock lobster tail” means the whole or part of the abdomen of a rock lobster at any time after that abdomen or part of that abdomen has been severed from the carapace;

“set” in respect of a net or any other fishing gear, means to fix the net or fishing gear in place so that it remains stationary;

“single-sided fillet” means a fillet that is taken from one side only of a fish;

“South Coast Region” means —

- (a) all WA waters off the southern coast of WA east of 115° 30' east longitude; and
- (b) all land and all WA waters east of 115° 30' east longitude and in any of the following local government districts designated under the *Local Government Act 1995* —
 - (i) the Cities of Albany and Kalgoorlie-Boulder; and
 - (ii) the Shires of Boyup Brook, Bridgetown-Greenbushes, Broomehill, Coolgardie, Cranbrook, Denmark, Dumbleyung, Dundas, Esperance, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Kondinin, Kulin, Lake Grace, Manjimup, Nannup, Plantagenet, Ravensthorpe, Tambellup and Woodanilling;

“sunrise” and **“sunset”** mean the times provided by the Perth Astronomical Observatory for sunrise and sunset on the relevant day;

“waters of Shark Bay” means the waters of Shark Bay lying south of a line drawn from Cape Inscription on Dirk Hartog Island due east to the mainland;

“waters of the Shark Bay eastern gulf” means the waters of Shark Bay south and east of a line commencing at the high

water mark of the northernmost point of Cape Peron, from there due north to the intersection with a line drawn due east from the high water mark of the southernmost point of Cape St Cricq, and from there due east to the mainland, but not including the waters of Denham Sound nor the Freycinet Estuary;

“waters of the Shark Bay western gulf” means the waters of Shark Bay (including the waters of Denham Sound and Freycinet Estuary) bounded by a line commencing at the high water mark at the intersection of $25^{\circ} 35.125'$ south latitude and $113^{\circ} 01.227'$ east longitude (Withnell Point); thence extending east along the parallel to the intersection with $113^{\circ} 15'$ east longitude; thence north along the meridian to the intersection of $25^{\circ} 30.200'$ south latitude; thence east along the parallel to the high water mark of Cape Peron at the intersection of $25^{\circ} 30.200'$ south latitude and $113^{\circ} 30.600'$ east longitude; thence generally in a southerly direction along the high water mark on the western side of Peron Peninsula; thence continuing westerly then northerly along the high water mark on the western side of Edel Land Peninsula; thence following the high water mark around Heirisson Prong and Bellefin Prong to the intersection of $26^{\circ} 08.674'$ south latitude and $113^{\circ} 09.517'$ east longitude (Steep Point); thence north easterly along the geodesic to the intersection of $26^{\circ} 07.475'$ south latitude and $113^{\circ} 10.817'$ east longitude (Surf Point); thence generally northerly along the high water mark on the eastern side of Dirk Hartog Island to the commencement point;

“West Coast Region” means —

- (a) all land in the State; and
- (b) all WA waters,

that are south of $27^{\circ} 00'$ south latitude, excluding the South Coast Region;

“whole fish” means a fish that is —

- (a) entire; or
 - (b) entire except that it has been gilled or gutted, or both.
- (2) Where in these regulations fish is referred to by only a common name set out in column 1 of Schedule 7 the fish referred to is the fish described by the scientific classification set out in column 2 of that Schedule opposite that common name.

[Regulation 3 amended in Gazette 29 Jun 2001 p. 3163; 28 Feb 2003 p. 660-1; 7 Mar 2003 p. 743-4; 1 Oct 2003 p. 4281-4.]

3A. Two fillets of fish to be taken to be one fish

For the purposes of these regulations, 2 single-sided fillets of fish are to be taken to be one fish.

[Regulation 3A inserted in Gazette 1 Oct 2003 p. 4285.]

4. Peak industry body

The Western Australian Fishing Industry Council (Inc.) is the body prescribed for the purposes of the definition of “peak industry body” in section 4(1) of the Act.

5. Process — prescribed class

Rock lobster and marron are fish of a prescribed class for the purpose of the definition of “process” in section 4(1) of the Act.

6. Exemptions

The fee that is to accompany an application for an exemption under section 7(4) of the Act is as set out in item 1 of Part 1 of Schedule 1.

7. Return of exemption

- (1) The Executive Director may, by notice in writing given to the holder of an exemption, require the person to return the

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exemption to the Executive Director within a period specified in the notice if —

- (a) the exemption has expired or has been revoked; or
 - (b) the Minister or the Executive Director has exercised a power under section 7(6)(b) of the Act to delete, vary or add to any conditions imposed in relation to the exemption.
- (2) A person must not, without reasonable excuse, refuse or fail to comply with a requirement made under subregulation (1).

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000.

Part 2 — Administration

8. Use and custody of common seal

The common seal of the Minister for Fisheries is to be kept in safe custody by the Executive Director, and is not to be affixed to any document except by the Minister in the presence of the Executive Director, or a person appointed by the Executive Director for that purpose, who is to —

- (a) sign their name as witness to the affixing of the seal; and
- (b) print on the document their name and the date on which, and the place where, the seal was affixed to the document.

Part 3 — Advisory committees

9. Procedure for certain persons to be appointed by Minister

The prescribed procedure in respect of the appointment of persons by the Minister for the purposes of sections 29(2)(c), 33(2)(b) and 37(2)(b) of the Act is that the Minister is to —

- (a) arrange for there to be published in a newspaper circulating daily in the State a notice to the effect that a person is, or persons are, required under the relevant section of the Act and that interested persons may, within the time specified in the notice, apply to the Minister with details of relevant qualifications and experience for appointment under the relevant section of the Act;
- (b) after the expiry of the time specified in the notice, consider all of the applications and the qualifications and experience of each applicant and of such other persons as the Minister thinks fit; and
- (c) appoint the required number of persons in accordance with the relevant section of the Act.

Part 4 — General regulation of fishing

Division 1 — Protected fish

10. Protected fish — sections 46 and 47

For the purposes of the Act, the classes of fish listed —

- (a) in Part 1 of Schedule 2 are commercially protected fish;
and
- (b) in Part 2 of Schedule 2 are totally protected fish.

*[Regulation 10 amended in Gazette 14 Nov 2001 p. 5977-8;
1 Oct 2003 p. 4285.]*

11. Defences

- (1) For the purposes of section 48(b) of the Act all fish the subject of an aquaculture licence are fish of a prescribed class.
- (2) For the purposes of section 48(c) of the Act the following defences are prescribed —
 - (a) that the fish were taken by a person acting under an authority to fish for fish for scientific purposes issued under regulation 178;
 - (b) that the person is a person to whom section 90 of the Act does not apply to, or in relation to, due to the operation of section 91 of the Act.

12. Totally protected rock lobsters and crabs to be released to the sea

- (1) Any person who takes from the sea any totally protected fish that is a rock lobster must ensure that the rock lobster is —
 - (a) released to the sea within 5 minutes of being taken; and
 - (b) if taken by means of a rock lobster pot, is released to the sea before any other rock lobster pot is pulled.

- (2) The master of a boat must ensure that any totally protected fish that is a rock lobster taken from the sea and brought on board the boat —
- (a) is released to the sea within 5 minutes of being taken; and
 - (b) if taken by means of a rock lobster pot, is released to the sea before any other rock lobster pot is pulled.
- (3) Any person, other than the holder of a commercial fishing licence, who takes any totally protected fish that is a crab must —
- (a) ensure that the crab is released to the waters from which it was taken within 5 minutes of being taken; and
 - (b) not pull any drop net before the crab is released to the waters from which it was taken.

Penalty: In the case of an individual, \$3 000 or, in the case of a body corporate, \$6 000.

13. Possession of mutilated protected fish

A person must not, without reasonable excuse, be in possession of, or sell, any fish which has been altered, mutilated or disfigured so that it is not possible to readily identify whether or not the fish is a protected fish.

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000.

Division 2 — Filleting of fish at sea

[Heading inserted in Gazette 1 Oct 2003 p. 4285.]

14. Person on a boat not to be in possession of filleted fish — recreational fishing

- (1) A person —
- (a) on a boat must not be in possession of a fish other than a whole fish; or
 - (b) must not bring ashore a fish other than a whole fish.

(2) For the purposes of subregulation (1), the master of a boat on which there is a fish other than a whole fish is, in the absence of proof to the contrary, to be taken to be in possession of that fish.

(3) Subregulation (1) —

(a) does not apply to, and in respect of, fish taken for a commercial purpose in accordance with an authorisation; and

(b) is subject to regulations 15, 16, 16A, and 16B.

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

[Regulation 14 inserted in Gazette 1 Oct 2003 p. 4285-6.]

15. Exception to regulation 14 — mackerel and tuna

Despite regulation 14, a person may be in possession of, or bring ashore, a fillet of mackerel or tuna of the Family Scombridae if —

(a) each fillet is taken from one side only of the fish; and

(b) the skin and pectoral fin are intact and attached to each fillet.

[Regulation 15 inserted in Gazette 1 Oct 2003 p. 4286.]

16. Exception to regulation 14 — shark

Despite regulation 14, a person may be in possession of, or bring ashore —

(a) a shark that —

(i) has been gutted;

(ii) has had its head, fins or tail removed; or

(iii) has been gutted and had its head, fins and tail, or any of those parts, removed;

or

- (b) parts of a shark, but only if —
 - (i) all the parts of the shark; or
 - (ii) all the parts of the shark other than a part that may be removed under paragraph (a),are kept together and brought ashore together.

[Regulation 16 inserted in Gazette 1 Oct 2003 p. 4286-7.]

16A. Exception to regulation 14 — consumption of fish at sea

Despite regulation 14, a person may be in possession of a fillet of fish in a boat in WA waters if the fish is being prepared for immediate consumption on that boat.

[Regulation 16A inserted in Gazette 1 Oct 2003 p. 4287.]

16B. Exception to regulation 14 — extended trips

- (1) Despite regulation 14, a person may be in possession of, or bring ashore, a fillet of fish in a boat in WA waters if —
 - (a) the person has been at sea, or on any island within WA waters, continuously for at least 48 hours without returning to the mainland;
 - (b) the skin and scales are attached to each fillet;
 - (c) each fillet is at least 300 mm in length;
 - (d) each fillet is individually packaged flat;
 - (e) each fillet is packaged so that it is easily accessible for measurement and identification; and
 - (f) where the fish is frozen, it can be measured and identified without being thawed.
- (2) For the purposes of subregulation (1)(a), a person on a boat is to be taken to have been at sea, or on any island within WA waters, continuously for less than 48 hours without returning to the mainland in the absence of proof to the contrary.

- (3) A person who undertakes a sea voyage referred to in subregulation (1)(a) and fishes while on that voyage is to keep a record of that voyage including details of —
- (a) the place and time that the voyage commences;
 - (b) the period of time the boat is at sea without returning to the mainland;
 - (c) the route taken on the voyage;
 - (d) the places where the boat has stopped, and the dates of each stop and the length of time each stop has taken; and
 - (e) the place and time that the voyage ends.
- (4) A person who undertakes a sea voyage referred to in subregulation (1)(a) must —
- (a) record the details referred to in subregulation (3) during the sea voyage;
 - (b) keep a record made under this regulation for a period of 6 months after the voyage has ended; and
 - (c) not make an entry or statement that is false or misleading in a material particular in a record kept under this regulation.

Penalty: \$5 000.

[Regulation 16B inserted in Gazette 1 Oct 2003 p. 4287-8.]

16C. Filleting of sharks — commercial fishing

- (1) A master of a fishing boat must not be in possession, on the boat, of any shark other than whole shark.
- (2) A person must not bring ashore any shark other than whole shark.
- (3) Despite subregulations (1) and (2), a person may bring ashore, and the master of a fishing boat may be in possession on the boat of —
- (a) a shark that has been gutted;

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- (b) a shark that has had its head removed; or
 - (c) parts of a shark, but only if —
 - (i) all the parts of the shark; or
 - (ii) all the parts of the shark other than a part that may be removed under paragraph (a) or (b),
are on the boat or brought ashore together.
- (4) For the purposes of subregulation (1), the master of a boat on which a shark is held or transported or is brought ashore is to be taken to be in possession of the shark.
- (5) Subregulation (2) applies only to, and in respect of, sharks taken for a commercial purpose in accordance with an authorisation.
- Penalty: \$10 000.

[Regulation 16C inserted in Gazette 1 Oct 2003 p. 4288-9.]

Division 3 — Possession limits

[Heading inserted in Gazette 1 Oct 2003 p. 4289.]

Subdivision 1 — Possession limits State wide

[Heading inserted in Gazette 1 Oct 2003 p. 4289.]

16D. Possession limits generally for finfish — recreational fishing

- (1) For the purposes of section 51(1) of the Act, the maximum quantity of finfish that a person may be in possession of, other than at the person's principal place of residence is —
- (a) 20 kg of fillets of fish;
 - (b) 10 kg of fillets of fish and one day's bag limit of whole fish; or
 - (c) 2 days' bag limit of whole fish.
- (2) This regulation is subject to regulations 16E(1), 16G, 16H, 16I, 16J, 16K and 16M.

[Regulation 16D inserted in Gazette 1 Oct 2003 p. 4289-90.]

16E. Possession limits — on a boat

- (1) For the purposes of section 51(1) of the Act, the maximum quantity of finfish that a person on a boat (unless the boat has been at sea, or on any island within WA waters, continuously for at least 48 hours without returning to the mainland) may be in possession of is one day's bag limit of fish.
- (2) For the purposes of section 51(1) of the Act, the maximum quantity of fish of the species referred to in this subregulation that a master of a boat may be in possession of on that boat where it is being used by 2 or more persons for taking fish is —
 - (a) twice the bag limit of blue manna crabs;
 - (b) twice the bag limit of cuttlefish, octopus or squid;
 - (c) twice the bag limit of rock lobster; and
 - (d) twice the bag limit of brownlip or greenlip abalone.
- (3) For the purposes of subregulation (2), the master of the boat on which fish are present is to be taken to be in possession of those fish.
- (4) In any proceedings for an offence under section 51(2) of the Act in the circumstances referred to in subregulation (2) it is a defence for the person charged to prove that the person was the master of a commercial passenger boat not used for fishing.

[Regulation 16E inserted in Gazette 1 Oct 2003 p. 4290.]

Subdivision 2 — Possession limits for Regions

[Heading inserted in Gazette 1 Oct 2003 p. 4291.]

16F. Possession limits — on a boat for the Gascoyne Region and the West Coast Region

- (1) For the purposes of section 51(1) of the Act, the maximum quantity of green or brown mud crabs that a master of a boat may be in possession of on that boat in the Gascoyne Region or the West Coast Region where it is being used by 2 or more

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persons for taking fish is twice the bag limit of green or brown mud crabs.

- (2) For the purposes of subregulation (1), the master of the boat on which a crab is present is to be taken to be in possession of that crab.
- (3) In any proceedings for an offence under section 51(2) of the Act in the circumstances referred to in this subregulation it is a defence for the person charged to prove that the person was the master of a commercial passenger boat not used for fishing.

[Regulation 16F inserted in Gazette 1 Oct 2003 p. 4291.]

Subdivision 3 — Possession limits — pink snapper at Shark Bay

[Heading inserted in Gazette 1 Oct 2003 p. 4291.]

16G. Interpretation

In this Subdivision —

“fishing year” means —

- (a) the period beginning on the coming into operation of the *Fish Resources Management Amendment Regulations (No. 4) 2003* and ending on 31 December 2003; or
- (b) the period of 12 months beginning on 1 January in 2004 or any other calendar year,

excluding the period beginning on 15 August and ending on 30 September in any year;

“Freycinet Estuary area” means —

- (a) the waters of the Freycinet Estuary; and
- (b) land that is within 50 metres of the high water mark of the Freycinet Estuary.

[Regulation 16G inserted in Gazette 1 Oct 2003 p. 4291-2.]

16H. Possession of pink snapper in Freycinet Estuary area

- (1) A person in or on the Freycinet Estuary must not have any pink snapper in his or her possession.
- (2) It is a defence in proceedings against a person under section 51(2) of the Act in respect of the possession of a pink snapper in or on the Freycinet Estuary area that the person had possession of not more than one pink snapper and that the pink snapper —
 - (a) was at least 500 mm and not more than 700 mm in length; and
 - (b) had a current tag issued to the person under regulation 16I and marked with the date on which the pink snapper was taken attached to it in accordance with subregulation (3).
- (3) For the purposes of subregulation (2)(b) a tag must be attached to a pink snapper as follows —
 - (a) in the case of a whole fish, by being secured through the unsevered jaw of the pink snapper and out through one of its gills in such a manner that the tag is locked and intact and cannot be reused;
 - (b) in the case of single-sided fillets, by being cut in half and packed with the 2 fillets in a container that does not contain any other fish.

[Regulation 16H inserted in Gazette 1 Oct 2003 p. 4292.]

16I. Tags authorising the possession of pink snapper in the Freycinet Estuary area

- (1) A person may apply to the Executive Director for the issue of up to 2 tags authorising the person to possess one pink snapper per tag in the Freycinet Estuary area.
- (2) An application may be made —
 - (a) by written application presented in person by the applicant at the office of the Department in Denham;

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- (b) by written application presented in person by the applicant at the office of the Department in Carnarvon;
 - (c) by written application presented in person by the applicant at the head office of the Department in Perth; or
 - (d) by electronic or written application in the manner, and during the period, approved by the Executive Director.
- (3) An application is to be made in the form approved by the Executive Director.
- (4) No person is to be issued with more than 2 tags in any one month.
- (5) If —
 - (a) a person presents an application in person under subregulation (1);
 - (b) the Executive Director has not issued more than 400 tags in the fishing year pursuant to applications presented in person; and
 - (c) the fee set out in Schedule 1 Part 3 item 7 is paid,the Executive Director may issue a tag to the person.
- (6) If —
 - (a) a person makes a written or electronic application under subregulation (1) during the period approved under subregulation (2)(d);
 - (b) that person has not made any other written or electronic application under subregulation (1) during that period;
 - (c) the Executive Director has not issued more than 500 tags pursuant to written or electronic application during that period;
 - (d) the Executive Director determines by ballot conducted in a manner approved by the Executive Director that the person is eligible to be issued with a tag; and

- (e) the fee set out in Schedule 1 Part 3 item 7 is paid,
the Executive Director may issue a tag to the person.
- (7) When a tag is issued to a person the Executive Director is to record the name of the person on the tag.
- (8) A tag is current for the fishing year in which it is issued.
[Regulation 16I inserted in Gazette 1 Oct 2003 p. 4293-4.]

16J. Form of a tag

A tag issued under regulation 16I —

- (a) is to be in a form approved by the Executive Director;
- (b) is to specify —
- (i) the fishing year for which the tag is current; and
 - (ii) a distinguishing letter and number (tag serial number) allocated in respect of the tag.

[Regulation 16J inserted in Gazette 1 Oct 2003 p. 4294.]

Subdivision 4 — Possession limits in certain other areas

[Heading inserted in Gazette 1 Oct 2003 p. 4295.]

16K. Possession limits — principal place of residence at Exmouth townsite or Ningaloo Marine Park Land Zone

- (1) For the purposes of section 51(1) of the Act, the maximum quantity of finfish that a person who has his or her principal place of residence in —
- (a) the Exmouth townsite; or
 - (b) the Ningaloo Marine Park Land Zone,
- may have at that place of residence is —
- (c) 20 kg of fillets of fish;
 - (d) 10 kg of fillets of fish and one day's bag limit of whole fish; or

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(e) 2 days' bag limit of whole fish.

(2) In this regulation —

“Exmouth townsite” means the area of land described in the notice under section 10 of the *Land Act 1933*² published in the *Gazette* of 18 October 1968, p. 3116-17, as amended by notices in the *Gazette* of 24 December 1971, p. 5384, 26 August 1977, p. 2984, 11 May 1979, p. 1227, and 15 February 1991, p. 691;

“Ningaloo Marine Park Land Zone” means all land —

- (a) between 23° 34' south latitude (Amherst Point) and 21° 53' south latitude and west of the Minglya-Learmonth and Murat Roads, but excluding the Exmouth townsite; and
- (b) on North West Cape, north of 21° 53' south latitude.

[Regulation 16K inserted in Gazette 1 Oct 2003 p. 4295.]

16L. Possession limits — rock lobster at Ningaloo and Exmouth townsite

For the purposes of section 51(1) of the Act, the maximum quantity of rock lobster that a person may be in possession of —

- (a) in the Ningaloo Marine Park;
- (b) in the Ningaloo Marine Park Land Zone, as referred to in regulation 16K(2); or
- (c) in the Exmouth townsite, as referred to in regulation 16K(2),

is 8 rock lobsters.

[Regulation 16L inserted in Gazette 1 Oct 2003 p. 4296.]

16M. Possession limit — barramundi in the Ord River area

- (1) For the purposes of section 51(1) of the Act, the maximum quantity of barramundi that a person may be in possession of, other than at the person's principal place of residence —
 - (a) in the Ord River area is one barramundi; and
 - (b) other than in the Ord River area is 2 barramundi.
- (2) In this regulation —

“Ord River area” has the same meaning as in regulation 64ZF.
[Regulation 16M inserted in Gazette 1 Oct 2003 p. 4296.]

16N. Possession limit — marron in the Harvey Weir

For the purposes of section 51(1) of the Act, the maximum quantity of marron that a person may be in possession of on the Harvey Weir, or within 500 m of the Harvey Weir high water mark, is 5 marron.

[Regulation 16N inserted in Gazette 1 Oct 2003 p. 4296.]

17. Possession limit — abalone

- (1) For the purposes of section 51(1) of the Act the maximum quantity of abalone that a person may be in possession of, other than at the person's principal place of residence, is —
 - (a) 20 abalone that are other than prescribed abalone; and
 - (b) 10 prescribed abalone.
- (1a) For the purposes of section 51(1) of the Act, the maximum quantity of abalone that a person may have at the person's principal place of residence is —
 - (a) 80 abalone that are other than prescribed abalone; and
 - (b) 20 prescribed abalone.

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(2) In this regulation —

“prescribed abalone” means brownlip abalone, greenlip abalone or any combination of those 2 species of abalone.

[Regulation 17 amended in Gazette 1 Oct 2003 p. 4297.]

18. Possession limit — commercial fishing

(1) The maximum quantity of fish of a type specified in an item of the Table to this regulation that a master of a fishing boat may be in possession of on that boat is as set out opposite that item in column 2 of that Table.

(2) For the purposes of subregulation (1), the master of the fishing boat on which the fish are held or transported is to be taken to be in possession of the fish.

(3) This regulation does not apply —

(a) to fish taken in accordance with a Fishing Permit or Statutory Fishing Right granted under the Commonwealth Act; or

(b) where all the fish held or transported on the fishing boat were taken solely for a non-commercial purpose.

(3a) The master of a fishing boat must not be in possession of more fish on that boat than is specified in accordance with this regulation.

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000.

Table

1.	Billfish (marlins, sailfish and spearfish) and swordfish Tuna, southern bluefin and northern bluefin	0
2.	Tuna, yellowfin and bigeye	2

3. Mackerel, jack, Peruvian jack, yellowtail jack and blue 10
Tuna, albacore, longtail and skipjack
Redbait
Fish of the Family Bramidae when taken in WA
waters outside the 200 metre isobath

*[Regulation 18 amended in Gazette 12 Sep 1997 p. 5152;
1 Oct 2003 p. 4297 and 4344.]*

[19. Repealed in Gazette 1 Oct 2003 p. 4297.]

20. Defence in relation to offences under section 51(2)

- (1) It is a defence in proceedings for an offence against section 51(2) of the Act that the person was acting in accordance with an authority to fish for fish for scientific purposes issued under regulation 178.
- (2) It is a defence in proceedings for an offence against section 51(2) of the Act for the person charged to prove that the fish are of the Family Atherinidae, Clupeidae, Engraulidae or Hemirhamphidae.

*[Regulation 20 amended in Gazette 30 Aug 1996 p. 4319;
4 Jul 1997 p. 3475; 30 Sep 1997 p. 5417; 1 Oct 2003
p. 4297-8.]*

21. Presumptions regarding possession

- (1) In any proceedings for an offence against section 51 of the Act, in the absence of proof to the contrary —
- (a) subject to subregulation (2), a person using, or in control of, a vehicle in which fish are found is taken to be in possession of the fish; and
 - (b) a person using or in control of a refrigerator, freezer, icebox, or other storage device in which fish are found is taken to be in possession of the fish.
- (2) In any proceedings for an offence against section 51 of the Act, a person who provides payment to a courier business in

consideration for the transportation of fish, is to be taken to be in possession of the fish until the fish are actually in the possession of the person to whom the fish are being transported.

(3) In this regulation —

“**courier business**” means a business that —

- (a) has an established place of business; and
- (b) carries on the business of transporting freight.

[Regulation 21 inserted in Gazette 1 Oct 2003 p. 4298-9.]

Division 4 — Labelling of fish

[Heading inserted in Gazette 1 Oct 2003 p. 4299.]

22. Labelling of fish

(1) A person who packages or stores fish —

- (a) other than at the person’s principal place of residence; or
- (b) at the person’s principal place of residence if that place is in —
 - (i) the Exmouth townsite, as referred to in regulation 16K(2); or
 - (ii) Ningaloo Marine Park Land Zone, as referred to in regulation 16K(2),

must ensure that a label, as described in subregulation (2), is securely attached to each package containing fish and to each fish that is stored other than in a package.

Penalty: \$5 000 and the penalty provided in section 222 of the Act.

(2) For the purposes of subregulation (1) a label must —

- (a) be not less than 75 millimetres in length and 25 millimetres in width;
- (b) have legibly written on it the full name of the owner of the fish or package to which the label is attached; and

- (c) be attached to the fish or package in such a manner that it is clearly visible for inspection.
- (3) Subregulation (1) does not apply to, and in respect of —
 - (a) fish taken for a commercial purpose by a person in accordance with an authorisation;
 - (b) fish kept, bred, hatched or cultured by the person in accordance with an aquaculture licence; or
 - (c) fish of the Family Atherinidae, Clupeidae, Engraulidae or Hemirhamphidae.
- (4) For the purposes of subregulation (1), a person using or having control of —
 - (a) a vehicle in which fish is present; or
 - (b) a refrigerator, freezer, icebox, or other storage container in which fish is present,

is, in the absence of proof to the contrary, to be taken to have packaged or stored the fish.

- (5) In this regulation —

“package” means any type of wrapping, package, or container;

“store”, in relation to fish, includes the act of placing in a refrigerator, freezer, icebox, or other storage container.

[Regulation 22 inserted in Gazette 1 Oct 2003 p. 4299-300.]

[23-29. Repealed in Gazette 1 Oct 2003 p. 4299.]

[Division 3A (r. 29A-29C) repealed in Gazette 1 Oct 2003 p. 4299.]

[30. Repealed in Gazette 1 Oct 2003 p. 4299.]

[Division 4A (r. 30A, 30B) repealed in Gazette 1 Oct 2003 p. 4299.]

[Division 4B (r. 30BA, 30C, 30E-30EC) repealed in Gazette 1 Oct 2003 p. 4299; r. 30D repealed in Gazette 28 Feb 2003 p. 661.]

*[Division 4C-4F (r. 30F-30M) repealed in Gazette 1 Oct 2003
p. 4299.]*

Division 5 — Requirements regarding rock lobsters

31. Fishing for rock lobster

- (1) A person, other than the holder of a commercial fishing licence, must not fish for rock lobster other than —
 - (a) by hand —
 - (i) without the use of an instrument; or
 - (ii) using an instrument which is not capable of piercing a rock lobster,
and without piercing or damaging the rock lobster; or
 - (b) by means of using or submerging at any one time not more than 2 rock lobster pots which —
 - (i) are attached to a surface float which conforms to the requirements of regulation 32; and
 - (ii) are pulled from the water by the holder of the licence personally.
- (2) A person, other than the holder of a commercial fishing licence, who takes and keeps any rock lobster must tail clip or tail punch the rock lobster —
 - (a) where a boat is used in connection with the taking of the rock lobster, within 5 minutes of bringing the rock lobster to the boat; or
 - (b) where no boat is used in connection with the taking of the rock lobster, within 5 minutes of bringing the rock lobster ashore.
- (3) In this regulation —

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

“tail punch” means the punching of a circular hole of no less than 10 millimetres in diameter in the central segment of the tail fan (telson) of a rock lobster by any means.

Penalty: \$5 000 and the penalty provided in section 222 of the Act.

31A. Certain bait not to be used, or carried on a boat, to fish for rock lobster

- (1) A person must not fish for rock lobster using as bait —
- (a) any bovine material other than gelatine or tallow;
 - (b) any skin or hide;
 - (c) anything to which any mammal skin or hide is attached;
or
 - (d) any lobster material.

Penalty: \$10 000 and the penalty provided in section 222 of the Act.

- (2) The master of a boat used or intended to be used to fish for rock lobster must not cause or permit to be carried on the boat —
- (a) any bovine material other than gelatine or tallow;
 - (b) any skin or hide;
 - (c) anything to which any mammal skin or hide is attached;
or
 - (d) any lobster material,

for use as bait.

Penalty: \$10 000.

- (3) Subregulations (1)(b) and (2)(b) do not apply to the skin of any fish other than rock lobster.
- (4) It is a defence in proceedings for an offence against subregulation (2) that the bovine material or skin or hide —
- (a) was food intended for human consumption; or

- (b) was human clothing intended to be used as human clothing.

[Regulation 31A inserted in Gazette 29 Nov 2002 p. 5654-5.]

32. Identification of rock lobster pots by floats

- (1) A person must not use a rock lobster pot to fish for rock lobster unless the rock lobster pot is attached to a surface float that —
 - (a) has a diameter of not less than 150 millimetres if the float is spherical and, in any other case, has a length of not less than 200 millimetres and a width of not less than 100 millimetres; and
 - (b) is marked by branding or stamping with legible characters not less than 60 millimetres high and not less than 10 millimetres wide showing —
 - (i) in the case of a pot used by a person who is the holder of a commercial fishing licence, the licensed fishing boat number of the boat that is used to set or pull the pot; or
 - (ii) in the case of a pot used by a person who is not the holder of a commercial fishing licence, the gear identification number of that person setting or pulling the pot;and
 - (c) is marked with only one of the numbers referred to in paragraph (b).

Penalty: \$5 000.

- (2) A fisheries officer may seize a rock lobster pot and all floats and ropes if —
 - (a) the pot is not attached to a surface float; or
 - (b) the surface float to which the pot is attached does not comply with subregulation (1).

33. Fishing for rock lobster in the waters surrounding Rottnest Island

A person who is the holder of a commercial fishing licence must not fish for rock lobsters —

- (a) at any time in either of the areas described in Table 1 and Table 2 to this regulation; or
- (b) during the period commencing on 16 January and ending on 14 November in any year, in the area described in Table 3 to this regulation.

Penalty: \$5 000 and the penalty provided in section 222 of the Act.

Table 1

All that portion of the Indian Ocean within 1600 metres of the high water mark of Rottnest Island, clockwise of a line extending 225° True from Cape Vlaming to another line extending 180° True from Parker Point.

Table 2

All that portion of the Indian Ocean within 800 metres of the high water mark of Rottnest Island, clockwise of a line extending 180° True from Parker Point to another line extending 225° True from Cape Vlaming.

Table 3

All that portion of the Indian Ocean beyond 800 metres, but within 1600 metres, of the high water mark of Rottnest Island, clockwise of a line extending 180° True from Parker Point to another line extending 225° True from Cape Vlaming.

[Regulation 33 amended in Gazette 25 Sep 1998 p. 5298.]

34. Fishing for rock lobster in the waters surrounding Quobba Point

A person who is the holder of a commercial fishing licence must not fish for rock lobsters at any time in the area described in the Table to this regulation.

Penalty: \$5 000 and the penalty provided in section 222 of the Act.

Table

All that portion of the Indian Ocean bounded by a line starting from a point on the high water mark situate at the southwestern-most extremity of Quobba Point and extending south to south latitude 24° 34'; thence east to a point on the high water mark; and thence generally northwesterly along the high water mark aforesaid to the starting point.

35. Possession of rock lobster flesh

A person must not possess or sell a part only of a rock lobster unless —

- (a) authorised to do so under a fish processor's licence and the part is a part of a whole rock lobster which was processed at the place specified in the licence as the place at which fish are to be processed;
- (b) the part was purchased from the place specified in a fish processor's licence as the place at which rock lobster is to be processed and the person has a receipt detailing that purchase; or
- (c) the part is being prepared for immediate consumption.

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000 and in either case, the penalty provided in section 222 of the Act.

36. Use of boats for fishing for rock lobsters

- (1) The master of a boat, other than a fishing boat, must not cause or permit —
- (a) more than 4 rock lobster pots to be carried on the boat at any time;
 - (b) a person on board the boat to pull a rock lobster pot unless that person is the holder of a recreational fishing licence specifying that the holder may fish for rock lobsters; or
 - (c) more than 4 rock lobster pots to be pulled by persons on board the boat in any one day.
- (2) The master of a fishing boat must not cause or permit any person on board the boat to pull a rock lobster pot unless —
- (a) the use of that pot is authorised under an authorisation granted under section 66 of the Act; or
 - (b) the use of that pot is authorised under a rock lobster pot licence.

Penalty: \$5 000.

37. Defences to alleged offence under regulation 36

In any proceedings for an offence referred to in paragraph (a) or (b), it is a defence for the person charged to prove that the person did not know and could not reasonably have known that —

- (a) in the case of an alleged offence against regulation 36(1)(b), the person who pulled the rock lobster pot did not hold a recreational fishing licence specifying that the holder may fish for rock lobsters; or
- (b) in the case of an alleged offence against regulation 36(1)(c), 4 rock lobster pots had already been pulled by persons on board the boat in the relevant period.

38. Specifications for rock lobster pots

A person must not use a rock lobster pot to fish for rock lobster —

- (a) in the waters north of 21° 44' south latitude, unless the pot conforms to the specifications set out in Part 1 of Schedule 13;
- (b) in the waters between 21° 44' south latitude and 34° 24' south latitude, but excluding the waters off the south coast east of 115° 08.091' east longitude, unless the pot conforms to the specifications set out in Part 2 of Schedule 13; and
- (c) in all waters other than those referred to in paragraphs (a) and (b), unless the pot conforms to the specifications set out in Part 3 of Schedule 13.

Penalty: \$5 000.

[Regulation 38 amended in Gazette 31 Oct 2003 p. 4562.]

Division 5A — Requirements regarding deep sea crabs

[Heading inserted in Gazette 21 Dec 1999 p. 6407.]

38A. Interpretation

In this Division —

“**deep sea crab**” means a giant (king) crab, a snow crab or a spiny crab.

[Regulation 38A inserted in Gazette 21 Dec 1999 p. 6407.]

38B. Possession or sale of parts of deep sea crabs

A person must not possess or sell a part only of a deep sea crab unless —

- (a) authorised to do so under a fish processor’s licence, and the part is a part of a whole deep sea crab which was processed at the place specified in the licence as the place at which fish are to be processed;

(b) the part was purchased from the place specified in a fish processor's licence as the place at which deep sea crabs are to be processed, and the person has a receipt detailing that purchase; or

(c) the part is being prepared for immediate consumption.

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000 and, in either case, the penalty provided in section 222 of the Act.

[Regulation 38B inserted in Gazette 21 Dec 1999 p. 6407.]

38C. Bringing ashore parts of deep sea crabs

A person must not bring ashore, or attempt to bring ashore, a part only of a deep sea crab.

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000 and, in either case, the penalty provided in section 222 of the Act.

[Regulation 38C inserted in Gazette 21 Dec 1999 p. 6407.]

Division 5B — Requirements regarding abalone

[Heading inserted in Gazette 1 Oct 2003 p. 4301.]

38D. Abalone

(1) In this clause —

“**Abalone Zone**” followed by a number, means the zone of that number described in Schedule 16.

(2) A person, other than the holder of a managed fishery licence that authorises abalone to be taken, must not fish for abalone —

(a) in Abalone Zone 1 at any time other than between 7 a.m. and 8.30 a.m. on any of the 6 consecutive Sundays in any year commencing with the first Sunday in November in that year;

- (b) in Abalone Zone 2 at any time other than during the period beginning on 1 October in any year and ending on 15 May in the next following year; or
- (c) in Abalone Zone 3 at any time other than during the period beginning on 1 October in any year and ending on 15 May in the next following year.

[Regulation 38D inserted in Gazette 1 Oct 2003 p. 4301.]

[38E, 38F. Repealed in Gazette 1 Oct 2003 p. 4301.]

Division 5C — Requirements regarding marron

[Heading inserted in Gazette 29 Dec 2000 p. 7968.]

Subdivision 1 — Interpretation

[Heading inserted in Gazette 29 Dec 2000 p. 7968.]

38G. Interpretation

In this Division —

“closed season” means —

- (a) in 2003, all of the year other than the period commencing midday 24 January and ending midday 9 February; and
- (b) in any other year, all of that year, other than the period commencing midday on the first Saturday after 3 January of that year, and ending midday on the last day of February in that year;

“marron drop net” means a net that —

- (a) has a base ring and top ring that have a diameter of not less than 400 mm and not more than 650 mm;
- (b) has within the base ring an internal rigid rectangular mesh —
 - (i) constructed of material that has a diameter of not more than 5 mm; and

- (ii) with spaces that have a width of not less than 32 mm and a length of not less than 80 mm;

and

- (c) does not have anything attached to it or placed in it that —
 - (i) restricts the movement of marron through the mesh; or
 - (ii) reduces the size of the spaces of the mesh;

“marron pole snare” means a snare that —

- (a) is constructed of a pole to one end of which is attached a noose that, when the pole is used to take a marron, operates by closing under the weight of the marron; and
- (b) does not have anything attached to the pole that enables a person to open or close the noose;

“marron scoop net” means a net that —

- (a) is generally hemispherical and has a mesh —
 - (i) constructed of wire with a diameter of not more than 5 mm;
 - (ii) that does not have more than 75 spaces; and
 - (iii) that does not have more than 6 support wires radiating from the centre of the base to the top rim;
- (b) has a circular top ring with an internal diameter that does not exceed 375 mm;
- (c) has an internal depth that, measured from the plane of the rim, is not more than 210 mm;
- (d) does not have anything attached to it or placed in it that restricts the movement of marron through the mesh; and

- (e) is fitted with a handle that is not more than 1 400 mm in length.

[Regulation 38G inserted in Gazette 29 Dec 2000 p. 7968-9; amended in Gazette 13 Dec 2002 p. 5796-7.]

Subdivision 2 — General restrictions on fishing for marron

[Heading inserted in Gazette 29 Dec 2000 p. 7969.]

38H. Use of certain nets or snare to fish for marron

Subject to regulation 38I, a person must not fish for marron by using anything except —

- (a) not more than 6 marron drop nets;
- (b) a single marron pole snare; or
- (c) a single marron scoop net.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

[Regulation 38H inserted in Gazette 22 Jan 2002 p. 359; amended in Gazette 1 Oct 2003 p. 4301.]

38I. Use of marron pole snare only to fish for marron in certain waters

- (1) A person must not fish for marron in the waters to which subregulation (2) applies by using anything except a single marron pole snare.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

- (2) This subregulation applies to the waters —
 - (a) of the Shannon River downstream of the Shannon River Dam;
 - (b) of the Warren River within the Warren National Park;

- (c) of the Harvey River, including its tributaries, upstream of the Harvey Falls;
- (d) of Harvey Weir and the Harvey River upstream of the Harvey Weir wall and downstream of the Stirling Dam wall, including the tributaries flowing into those waters;
- (e) upstream of the Wellington Dam wall, including the tributaries flowing into those waters but not including the waters of the Collie River upstream of the Mungilup Road Bridge;
- (f) upstream of the Samson Dam wall, including the tributaries flowing into those waters; and
- (g) subject to regulation 38J, of the Margaret River, including its tributaries.

[Regulation 38I inserted in Gazette 29 Dec 2000 p. 7970-1.]

38J. Fishing for marron in certain Margaret River waters

A person must not fish for marron in —

- (a) the Margaret River within the area that begins 50 m upstream of the Bussell Highway Bridge and ends 50 m downstream of that bridge;
- (b) the Margaret River upstream of the Ten Mile Brook junction; or
- (c) the tributaries flowing into the part of the river described in paragraph (b).

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

[Regulation 38J inserted in Gazette 29 Dec 2000 p. 7971; amended in Gazette 13 Dec 2002 p. 5797.]

38K. Fishing for marron by use of boats or by swimming or diving

A person must not fish for marron —

- (a) by using a boat; or
- (b) by swimming, or diving, while using a face mask, goggles, a snorkel, flippers or similar gear.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

[Regulation 38K inserted in Gazette 29 Dec 2000 p. 7971.]

38L. Use of boats to transport marron nets

A person must not use a boat in WA waters to transport a marron drop net or marron scoop net.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

[Regulation 38L inserted in Gazette 29 Dec 2000 p. 7971.]

Subdivision 3 — Closed season restrictions relating to marron

[Heading inserted in Gazette 29 Dec 2000 p. 7972.]

38M. Closed season for fishing for marron

A person must not fish for marron during the closed season.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

[Regulation 38M inserted in Gazette 29 Dec 2000 p. 7972.]

38N. Removal of marron during closed season from private land

- (1) A person must not —
 - (a) remove any marron; or

- (b) cause or permit any marron to be removed,

during the closed season from private land owned or occupied by the person.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

- (2) It is a defence in proceedings for an offence against subregulation (1) for the person charged to prove that the marron removed from private land owned or occupied by the person —

- (a) had been sold by retail to the public; or
(b) had been kept, bred, hatched or cultured in accordance with an aquaculture licence.

[Regulation 38N inserted in Gazette 29 Dec 2000 p. 7972.]

38O. Possession of marron during closed season

- (1) A person must not be in possession of any marron during the closed season except on private land owned or occupied by the person.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

- (2) It is a defence in proceedings for an offence against subregulation (1) for the person charged to prove that the marron in his or her possession —

- (a) had been sold by retail to the public, or were at any place for the purpose of being sold by retail to the public, or served as meals to the public, in, on or from the place;
(b) were being, or had been, kept, bred, hatched or cultured in accordance with an aquaculture licence; or

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- (c) were at a place specified in a fish processor's licence under section 83(2) of the Act for the purpose of being processed in accordance with the licence.

[Regulation 380 inserted in Gazette 29 Dec 2000 p. 7973.]

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39. Fishing for prawns by a person other than the holder of a commercial fishing licence

- (1) A person, other than a person who is the holder of a commercial fishing licence, must not fish for prawns by means of using any fishing gear other than —
 - (a) a single hand dip net;
 - (b) subject to subregulation (2), a single prawn hand trawl net; or
 - (c) a single hand scoop net.
- (2) A person fishing for prawn using a prawn hand trawl net must not —
 - (a) attach that net to a boat; or
 - (b) set the net.

Penalty: \$3 000.

[Regulation 39 amended in Gazette 1 Oct 2003 p. 4301-2.]

40. Fishing for cherabin

A person must not fish for cherabin by means of using any fishing gear other than —

- (a) not more than 6 drop nets;
- (b) a single pole snare; or
- (c) a single hand scoop net,

at any one time.

Penalty: \$2 000.

41. Shucking of abalone by a person other than the holder of a commercial fishing licence

- (1) Subject to subregulation (2), a person, other than the holder of a commercial fishing licence, must not —
- (a) on the seaward side of the high water mark, or within 200 metres of, and on the landward side of, the high water mark —
 - (i) remove the shell, or cause or permit the shell to be removed, from an abalone; or
 - (ii) be in possession of an abalone from which the shell has been removed;
 - or
 - (b) bring ashore, or attempt to bring ashore, an abalone from which the shell has been removed.

Penalty: \$5 000 and the penalty provided in section 222 of the Act.

- (2) Subregulation (1)(a) does not apply to a person if that person —
- (a) removes an abalone from its shell, or permits an abalone to be removed from its shell, within an area described in the Table to this regulation; and
 - (b) immediately takes the abalone from which the shell has been removed from that area to an area which is more than 200 metres on the landward side of the high water mark.

Table

The fish cleaning facility situated approximately 40 metres in an easterly direction from the intersection of Wharton Road and Road No. 17027 (access road to the Duke of Orleans Caravan Park) at the Duke of Orleans Bay.

[Regulation 41 amended in Gazette 19 Jun 1998 p. 3263.]

42. Shucking of molluscs by person other than the holder of a commercial fishing licence

- (1) A person, other than a person who is the holder of a commercial fishing licence or an aquaculture licence, must not —
- (a) on the seaward side of the high water mark, or within 200 metres of, and on the landward side of, the high water mark —
 - (i) remove the shell, or cause or permit the shell to be removed, from a cockle, ark shell, venus clam or other species of edible mollusc; or
 - (ii) be in possession of a cockle, ark shell, venus clam or other species of edible mollusc from which the shell has been removed;
 - or
 - (b) bring ashore, or attempt to bring ashore, a cockle, ark shell, a venus clam or any other edible mollusc from which the shell has been removed.
- (2) Subregulation (1)(a) does not apply to a person who removes the shell, or causes or permits the shell to be removed, from a cockle (ark shell), venus clam or any other edible mollusc for the purpose of immediately consuming the mollusc or using it as bait.
- (3) This regulation does not apply in respect of abalone or oyster.
Penalty: \$2 000.

[Regulation 42 amended in Gazette 1 Oct 2003 p. 4302.]

43. Obstruction or interference with trout

Unless authorised to do so under an authorisation, a person must not —

- (a) obstruct or attempt to obstruct the free movement of trout in any waters by means of any fixed implement or device; or

- (b) interfere with or disturb trout when spawning or when on or near their spawning beds.

Penalty: \$2 000.

44. Fishing for barramundi, brown or rainbow trout, freshwater cobbler or redfin perch

Unless the person is authorised to do so under an authorisation, a person must not fish for —

- (a) barramundi;
- (b) brown trout;
- (c) freshwater cobbler;
- (d) rainbow trout; or
- (e) redfin perch,

otherwise than by means of a single rod, reel and line or a single line held in the hand.

Penalty: \$2 000.

44A. Fishing at Lake Navarino (Waroona Dam) and Logue Brook Dam

- (1) A person must not fish in the waters of Lake Navarino (Waroona Dam) or Logue Brook Dam or any of their respective tributaries using as a bait or lure anything other than an artificial lure.

Penalty: \$2 000.

- (2) In subregulation (1) —
“**artificial lure**” includes —

- (a) a lure that is made of feather, fur, wool or any other material and that is known as an artificial fly; and
- (b) a lure that incorporates a spinning device or another device that causes the lure to move.

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- (3) A person must not fish in the waters of Lake Navarino (Waroona Dam) or Logue Brook Dam or any of their respective tributaries during the period beginning on 1 May in any year and ending on 31 August in that year.

Penalty: \$2 000.

[Regulation 44A inserted in Gazette 1 Oct 2003 p. 4302-3.]

[Division 7 (r. 45-54) repealed in Gazette 1 Oct 2003 p. 4303; r. 55 repealed in Gazette 11 Feb 2003 p. 412.]

Division 7A — Requirements relating to automatic location communicators

[Heading inserted in Gazette 2 Jan 1998 p. 25.]

55A. Interpretation

In this Division —

“**approved**” means approved by the Executive Director;

“**approved person**” includes a person who is a member of an approved class of persons;

“**automatic location communicator**” means —

- (a) a device the make and model of which identify it as one of the following —
- (i) Trimble Navigation TNL 7001;
 - (ii) Thrane & Thrane TT 3020B Capsat Maritime Inmarsat — C/GPS; or
 - (iii) Thrane & Thrane TT 3022D Inmarsat — C/GPS Fishery Capsat;
- and
- (b) a computer (including software) conforming to approved specifications that is capable of facilitating the operation of that device;

“licence holder” means the holder of a fishing boat licence.

[Regulation 55A inserted in Gazette 2 Jan 1998 p. 25-6.]

55B. Automatic location communicator to be installed and serviced

- (1) The Executive Director may, by notice in writing given to a licence holder, require the licence holder —
 - (a) to have installed in the fishing boat in respect of which the licence is held —
 - (i) in accordance with approved procedures; and
 - (ii) by an approved person,
an automatic location communicator that is capable of transmitting to the Executive Director at any time accurate information as to the geographical position, course and speed of the fishing boat; and
 - (b) to have the automatic location communicator serviced —
 - (i) in accordance with approved procedures;
 - (ii) by an approved person; and
 - (iii) at intervals specified by the Executive Director in the notice or any further notice in writing given to the licence holder.
- (2) If notice is given to a licence holder under subregulation (1), it is a condition of the fishing boat licence that the licence holder must comply with the notice.

[Regulation 55B inserted in Gazette 2 Jan 1998 p. 26.]

55C. Master of fishing boat to ensure effective operation, etc., of automatic location communicator

- (1) In this regulation —
“an ALC fishing boat” means a fishing boat in which an automatic location communicator has been installed in accordance with regulation 55B or a management plan.

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- (2) The master of an ALC fishing boat must ensure that the automatic location communicator is operating effectively at all times or, if the automatic location communicator stops operating effectively, must ensure that —
- (a) the Executive Director is notified accordingly;
 - (b) all fishing undertaken from the fishing boat stops and all fishing gear is stowed until the Executive Director authorises fishing to continue; and
 - (c) any directions given by the Executive Director (such as a direction that the fishing boat go to a port specified in the direction) are complied with.

Penalty: \$10 000.

- (3) The master of an ALC fishing boat must ensure that the automatic location communicator is tested in the manner and at the times specified by the Executive Director by notice in writing given to the master.

Penalty: \$10 000.

- (4) The master of an ALC fishing boat must ensure —
- (a) that there is on board the fishing boat a means of communication that is capable of providing communication between the master of the fishing boat and the Executive Director at all times; and
 - (b) that the Executive Director is notified of the appropriate form of identification (such as a radio call sign) that enables the master of the fishing boat to be contacted by that means of communication.

Penalty: \$10 000.

[Regulation 55C inserted in Gazette 2 Jan 1998 p. 26-7.]

55D. Interfering, etc., with automatic location communicator or approved seal

- (1) Subject to subregulation (2), a person must not wilfully interfere with, damage, destroy or remove —
- (a) an automatic location communicator installed in accordance with regulation 55B or a management plan; or
 - (b) a seal of the Department that has been attached in an approved manner to the automatic location communicator.

Penalty: \$10 000.

- (2) Subregulation (1) does not apply to an approved person installing or servicing an automatic location communicator in accordance with approved procedures for the purposes of regulation 55B.

[Regulation 55D inserted in Gazette 2 Jan 1998 p. 27.]

[Division 7B (r. 55E-55L) repealed in Gazette 1 Oct 2003 p. 4303.]

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56. Documents to be carried on board

- (1) The master of a licensed fishing boat must cause to be kept on board the boat the following documents, or legible copies of those documents —
- (a) the fishing boat licence;
 - (b) the commercial fishing licence of each member of the crew required to hold that licence; and
 - (c) any other authorisation relating to the boat or crew required to be held under the Act.

Penalty: \$1 000.

- (2) Where the Executive Director considers that it would be impractical to require a person to comply with subregulation (1), the Executive Director may exempt that person in relation to a boat or class of boats from that subregulation.

56A. Prohibition on fishing with hooks attached to rock lobster pot, float lines, moorings, anchors etc.

A person must not fish using a fish hook attached to —

- (a) a rock lobster pot;
- (b) a float or float line attached to a rock lobster pot;
- (c) a boat mooring or mooring line; or
- (d) a boat anchor or anchor line.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

[Regulation 56A inserted in Gazette 29 Nov 2002 p. 5655; amended in Gazette 11 Feb 2003 p. 412.]

57. Restrictions on fishing and transportation of fish in Shark Bay region

- (1) A person, other than a person who is the holder of a commercial fishing licence, must not, in the waters between 23° 30' south latitude and 26° 30' south latitude or in the waters of Shark Bay south of 26° 30' south latitude fish for snapper of the genus *Pagrus* by means of any fishing gear other than —
 - (a) one line to which not more than 3 hooks or gangs of hooks are attached; or
 - (b) one pointed instrument.

[(2)-(4) repealed]

Penalty: \$3 000.

[Regulation 57 amended in Gazette 28 Feb 2003 p. 661; 1 Oct 2003 p. 4303.]

[58. Repealed in Gazette 1 Oct 2003 p. 4303.]

59. Authorised trade names

- (1) The authorised trade name of a species of fish set out in column 1 of Schedule 11 is the name set out opposite that species in column 2 of that Schedule.
- (2) A person must not sell fish of any species under an authorised trade name unless the fish is of the species to which the authorised trade name applies.
Penalty: \$5 000.

60. Packaging and carrying of rock lobster

- (1) A person responsible for packaging rock lobster must ensure that no package, container or receptacle which contains rock lobster exceeds 45 kilograms in weight.
- (2) A person must not possess a bag which contains live rock lobsters if the bag measures more than one metre in depth and 600 millimetres in width when empty.
Penalty: \$1 000.

61. Labelling of packages of fish

- (1) A person who sells any fish to another person, other than on a retail basis, must ensure that a label, as specified in this regulation, is attached in respect of that fish.
- (2) The master of a licensed fishing boat which has been used to take rock lobster must ensure that a label, as specified in this regulation and in the form approved by the Executive Director, is attached in respect of that rock lobster before it is removed from the boat or sold to another person.
- (3) The label referred to in subregulations (1) and (2) must be —
 - (a) durable and made of plastic, wood or metal;
 - (b) securely attached to the fish or the exterior of any package, container or receptacle containing the fish; and

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- (c) rectangular in shape and not less than 75 millimetres in length and not less than 55 millimetres in width.
- (3a) In relation to rock lobster, the reference in subregulation (3)(b) to the exterior of any package, container or receptacle (“**the package**”) is a reference to an exterior side surface of the package and does not include a reference to the exterior upper or lower surface of the package.
- (4) Subject to subregulation (4a), the label referred to in subregulation (1) must specify the name and principal place of residence of the person selling the fish.
- (4a) If —
- (a) a person referred to in subregulation (1) is a nominated operator, as defined in the *Abalone Management Plan 1992*; and
 - (b) the fish referred to in that subregulation are abalone,
- the label referred to in subregulation (1) must specify —
- (c) the name of the person and the town or suburb where the person’s principal place of residence is located;
 - (d) the number of the managed fishery licence that authorised the abalone to be taken; and
 - (e) if a licensed fishing boat was used to take the abalone, the licensed fishing boat number.
- (5) The label referred to in subregulation (2) must clearly identify —
- (a) the name and principal place of residence of the master of any licensed fishing boat which was used to fish for the fish;
 - (b) the licensed fishing boat number of any licensed fishing boat which was used to fish for the fish; and
 - (c) the fishery, and if applicable the area or zone of the fishery, from which the fish were taken.

- (6) A person must not purchase any fish unless the fish is labelled in accordance with this regulation.
- (7) A person must not remove rock lobster from a package, container or receptacle labelled in accordance with this regulation before it is received by the purchaser of the rock lobster or until the rock lobster consigned for processing at a place specified in a fish processor's licence is received at that place.

Penalty: \$3 000.

*[Regulation 61 amended in Gazette 8 Sep 2000 p. 5186-7;
11 Feb 2003 p. 412.]*

62. Deposit of refuse or waste in certain waters prohibited

Subject to Part 9, a person must not deposit, or cause or permit to be deposited, any refuse or waste —

- (a) in any waters; or
- (b) in any place that might result in the pollution of any waters,

where fish are or are likely to be.

Penalty: \$10 000.

63. Persons not to have certain fishing gear

- (1) Where, under the Act, it is prohibited for a person to use any fishing gear in any waters the person must not —
 - (a) possess that gear on, or in, those waters or any land adjacent to those waters; or
 - (b) carry that gear on any boat of which the person is master,unless in accordance with the written approval of a fisheries officer.

Penalty: \$5 000.

- (2) If the fishing gear was securely stowed and did not contain any fish, it is a defence in proceedings for an offence against subregulation (1) for the person charged to prove that —
- (a) in respect of all boats —
 - (i) the person had no reasonable alternative than to carry the fishing gear through the waters; and
 - (ii) the boat was being used solely for the purpose of travelling by the shortest practicable and most direct route through the waters to, or from, the nearest boat launching facility to waters where the fishing gear could be lawfully used;
 - (b) the person was the master of a licensed fishing boat and had a reasonable excuse —
 - (i) to be alongside a service jetty or wharf, or on a mooring in a recognised anchorage within the waters; or
 - (ii) to travel to, or from, a service jetty, wharf or anchorage within the waters by the shortest practicable and most direct route, to waters where the fishing gear could lawfully be used;
- or
- (c) due to the person's particular circumstances, the person had no reasonable alternative but to be on the land adjacent to the waters with the fishing gear.

64. Certain records to be kept and returns submitted to the Department

- (1) A person engaged for a commercial purpose in any activity referred to in subregulation (2) must keep records relevant to that activity relating to the following matters and must retain those records for a period of not less than 7 years —
- (a) the catch of fish;
 - (b) sales of fish or fish products;
 - (c) output of fish or fish products;

- (d) purchases of fish or fish products;
 - (e) receipts of fish or fish products;
 - (f) fishing gear or equipment bought, sold or used;
 - (g) times and places of fishing, or carrying out the relevant business of the person;
 - (h) stocks of live fish and live fish production.
- (2) For the purposes of subregulation (1), the activities are —
- (a) taking fish for sale;
 - (b) taking any species of fish for use as bait by persons engaged in commercial fishing;
 - (c) taking for any purpose not prohibited under section 47 of the Act any commercially protected fish;
 - (d) dealing in or purchasing for resale, or exporting or importing, live fish or their products;
 - (e) aquaculture;
 - (f) selling fish at a market or at an establishment at which fish are sold that have not passed through a market;
 - (g) processing fish;
 - (h) transporting fish or fish products;
 - (i) purchasing or receiving fish;
 - (j) operating a charter boat;
 - (k) conducting a fishing tour.
- (3) A person who is the holder of a fishing boat licence or carrier boat licence must keep a record in a form approved by the Executive Director of the name, address and details of any commercial fishing licence held by a person who for any period is the master, or has the day to day control, of the boat in respect of which the licence is held.
- (4) Subject to subregulation (6), a person who is to keep records under this regulation must submit a return to the Department

regarding the activity each month and, where the Executive Director has approved a form for that activity, must —

- (a) use the relevant form approved by the Executive Director; and
 - (b) send the return relating to each month —
 - (i) to the head office of the Department in Perth; or
 - (ii) if another office of the Department is specified in the relevant form, to that office,to arrive —
 - (iii) not later than the 15th day of the following month; or
 - (iv) if a later day is specified in the relevant form, not later than that day.
- (5) A person who purchases or receives any fish must ensure that the record to be kept under this regulation —
- (a) exists or is made at the time that the fish is purchased or received;
 - (b) specifies —
 - (i) the quantity and species of the fish purchased or received;
 - (ii) the date of that purchase or receipt; and
 - (iii) the name and address of the person from whom the fish were purchased or received;and
 - (c) is kept at the place where the fish are purchased or received.
- (6) The Executive Director may exempt a person who is to keep records under this regulation from submitting a monthly return under subregulation (4) for the period of time, or in respect of the activities, specified in writing and sent to the person who is to be exempt.

- (6a) A person who has conducted a fishing tour on a boat must complete the records referred to in subregulation (1) before any participant in the tour leaves the boat.
- (7) A person must not make an entry or statement that is false or misleading in a material particular in a record kept or a return submitted under this regulation.

Penalty: In the case of an individual \$5 000 or, in the case of a body corporate, \$10 000 and in either case in relation to an offence under subregulation (5), the penalty provided in section 222 of the Act.

[Regulation 64 amended in Gazette 15 Jan 1999 p. 113; 13 Aug 1999 p. 3826; 29 Jun 2001 p. 3164; 27 Jun 2003 p. 2389.]

Part 4A — Requirements regarding fishing gear

[Heading inserted in Gazette 1 Oct 2003 p. 4304.]

Division 1 — Preliminary

[Heading inserted in Gazette 1 Oct 2003 p. 4304.]

64A. Divisions 3 and 4 prevail over Division 2

If there is conflict or inconsistency between the provisions of Division 2, 3 or 4 then, to the extent of the conflict or inconsistency —

- (a) the provisions of Division 3 prevail over the provisions of Division 2; and
- (b) the provisions of Division 4 prevail over the provisions of Divisions 2 and 3.

[Regulation 64A inserted in Gazette 1 Oct 2003 p. 4304.]

64B. Interpretation

In this Part —

“**attend**” in respect of a line, means to be within 10 metres of the line.

[Regulation 64B inserted in Gazette 1 Oct 2003 p. 4304.]

Division 2 — State wide requirements regarding fishing gear

[Heading inserted in Gazette 1 Oct 2003 p. 4304.]

64C. Lines must be attended

- (1) A person who fishes using a line must attend that line.
Penalty: \$2 000.
- (2) Subregulation (1) does not apply to or in relation to a person fishing for a commercial purpose in accordance with an authorisation.

[Regulation 64C inserted in Gazette 1 Oct 2003 p. 4304.]

64D. Determining the length, depth or mesh of nets

- (1) For the purposes of these regulations —
 - (a) the length of a fishing net is determined by measuring the net along the cork line on which the net is hung;
 - (b) the depth of a fishing net is determined by counting the number of meshes between opposite points on the cork and lead lines; and
 - (c) subject to subregulation (3), the size of the mesh of a fishing net is determined by measuring from knot to knot on the inside of the mesh when lightly stretched so that the opposite knots on the alternate corners are in contact.
- (2) If there is any dispute in relation to the determination of the size of the mesh of a fishing net, a 225 gram weight is to be attached to one knot of the mesh to be measured and the space between that and the opposite knot measured.
- (3) If the fishing net is dry and is not constructed of single monofilament material, it is to be soaked in water for at least 10 minutes before the size of the mesh is determined in accordance with this regulation.

[Regulation 64D inserted in Gazette 1 Oct 2003 p. 4305.]

64E. Lines used for recreational fishing

- (1) Unless otherwise specified in the Act or these regulations and subject to subregulation (2), a person must not use more than 2 rods, reels and lines or single lines held in the hand at any one time when fishing.
- (2) Subregulation (1) does not apply to —
 - (a) the holder of a commercial fishing licence; or
 - (b) a person fishing from a boat.

- (3) A person, other than the holder of a commercial fishing licence, when fishing WA waters may not use a line with more than 3 hooks or gangs of hooks attached.

Penalty: \$2 000.

[Regulation 64E inserted in Gazette 1 Oct 2003 p. 4305-6.]

64F. Persons authorised to use fishing nets

- (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 —
- (a) where the net is a throw net, it —
 - (i) has a length not exceeding 3 metres measured from the centre retrieval line to the lead line; and
 - (ii) has a mesh of not more than 25 millimetres;
 - or
 - (b) where the fishing net is not a throw net, it —
 - (i) has a length not exceeding 60 metres;
 - (ii) is not more than 25 meshes in depth;
 - (iii) does not have a bag or pocket;
 - (iv) has end floats with a diameter of not less than 150 millimetres on each of which is marked, in legible characters not less than 60 millimetres high and 10 millimetres wide, the gear identification number of that person;
 - (v) has a mesh in accordance with subregulation (2);
 - (vi) where the fishing net is a haul net —
 - (I) does not have attached to it a rope exceeding 25 metres in length; and
 - (II) is not hauled other than by hand;
 - (vii) where the fishing net is a set net, has at all times one edge floating on the surface of the water in which it is set; and

- (viii) is made of a material which is not less than 0.35 millimetres in diameter.
- (2) The mesh of a fishing net referred to in subregulation (1)(b)(v) is to be not less than —
- (a) 63 millimetres or more than 87 millimetres, where the net is used in the waters of any estuary, river or inlet, or in the entrance of any of those waters;
 - (b) 51 millimetres or more than 114 millimetres, where the net is not set in any waters other than those referred to in paragraph (a); or
 - (c) 75 millimetres or more than 114 millimetres, where the net is set in any waters other than those referred to in paragraph (a).
- (3) This regulation does not apply —
- (a) to a person using a fishing net under the authority of a commercial fishing licence or an aquaculture licence; or
 - (b) to the taking of cherabin, crab, marron, freshwater crayfish or prawn.

Penalty: \$2 000.

[Regulation 64F inserted in Gazette 1 Oct 2003 p. 4306-7.]

64G. Minimum distance between set fishing nets

A person must not in any waters set a fishing net within 50 metres of any other fishing net that is set.

Penalty: \$1 000.

[Regulation 64G inserted in Gazette 1 Oct 2003 p. 4307.]

64H. Fishing nets to be drawn so as to protect protected fish

A person must not in any waters draw a fishing net on shore or on board a boat in such a manner that any protected fish in the net are, or may be, killed.

Penalty: \$1 000.

[Regulation 64H inserted in Gazette 1 Oct 2003 p. 4308.]

64I. Priority rights for commercial net fishing

(1) Priority between holders of commercial fishing licences engaged in fishing by the use of fishing nets in the same area is to be determined in accordance with this regulation.

(2) In this regulation —

“**bona fide**” means a licensed fishing boat marked with its licensed fishing boat number, with a fishing crew who hold commercial fishing licences;

“**ground**” means —

- (a) any portion of a beach not longer than 800 metres and the waters adjacent to that beach to a distance of 800 metres measured rectangularly from that beach;
- (b) any area of water that is 400 metres square; or
- (c) in subregulation (4), a rectangular area of water measuring 50 metres out from, and at right angles to, both sides of a set net, along the length of the net.

(3) The priority rights for using fishing nets, other than set fishing nets are —

- (a) the first turn belongs to the master of the first bona fide fishing boat to arrive on the ground with a net, which complies with the requirements of this Act, ready for shooting and hauling;
- (b) the next turns belong, in order of arrival on the ground, to the masters of the next bona fide fishing boats to

- arrive on the ground with nets, which comply with the requirements of this Act, ready for shooting and hauling;
- (c) during a particular master's turn, the master has —
 - (i) exclusive right to fish the ground as long as a fishing net is ready to be shot; and
 - (ii) the right to use more than one fishing net where a school of fish is being shot;
 - (d) a turn ends when —
 - (i) the net, or nets, have been shot and hauled or, in the case of a ground that includes a beach, hauled ashore;
 - (ii) the master whose turn it was leaves the ground; or
 - (iii) 12 hours have elapsed since the time the master next in turn arrived on the ground, or where the ground includes a beach, 24 hours have elapsed since the time the master next in turn arrived on the ground;
- and
- (e) a master is not to have a second turn until all other masters on the ground have had a first turn.
- (4) The priority rights for using set fishing nets are—
- (a) the first turn belongs to the master of the first bona fide fishing boat to arrive on the ground with a net which complies with the requirements of this Act, ready to set;
 - (b) the next turns belong, in order of arrival on the ground, to the masters of the next bona fide fishing boats to arrive on the ground with nets which comply with the requirements of this Act, ready to set;
 - (c) during a particular master's turn, the master has —
 - (i) exclusive right to fish the ground as long as a fishing net is ready to be set; and
 - (ii) the right to use more than one set fishing net;

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- (d) a turn ends when —
 - (i) the net, or nets, have been set and hauled;
 - (ii) the master whose turn it was leaves the ground without setting a fishing net; or
 - (iii) 24 hours have elapsed since the time the master next in turn arrived on the ground;and
 - (e) a master is not to have a second turn until all other masters on the ground have had a first turn.
- (5) While a person is having a turn under this regulation, another person must not —
- (a) wilfully disturb or frighten fish on, or in the vicinity of, the ground;
 - (b) obstruct the person having a turn; or
 - (c) set or place fishing nets so as to prevent fish getting to the ground.

Penalty: \$2 000.

- (6) The holder of a commercial fishing licence who suffers loss due to a contravention of this regulation may, with the written approval of the Minister, take legal proceedings at that person's own expense.

[Regulation 64I inserted in Gazette 1 Oct 2003 p. 4308-11.]

64J. Restrictions on the use of fishing nets

A person, other than the holder of a commercial fishing licence, must not —

- (a) set a fishing net in any ocean waters outside 800 metres of the low water mark of any part of the State or any island within WA waters;
- (b) use a metal stake in connection with the setting of a fishing net;

- (c) leave a stake which was used in connection with the setting of a fishing net after the net is retrieved; or
- (d) in the waters of Shark Bay lying south of a line drawn from Cape Inscription on Dirk Hartog Island due east to the mainland —
 - (i) use any stake in connection with the setting of a fishing net; or
 - (ii) set or leave a set fishing net within the period beginning 1½ hours after sunrise and ending 1½ hours before sunset on any one day.

Penalty: \$2 000.

[Regulation 64J inserted in Gazette 1 Oct 2003 p. 4311.]

64K. Use of fishing nets in certain waters

A person, other than the holder of a commercial fishing licence, must not use a fishing net that is a hauling net in the waters of any estuary, river or inlet or in the entrance to any of those waters.

Penalty: \$2 000.

[Regulation 64K inserted in Gazette 1 Oct 2003 p. 4311-12.]

64L. Nets used to fish for crabs

- (1) A person, other than the holder of a commercial fishing licence, must not fish for crabs other than —
 - (a) by hand;
 - (b) by using not more than 10 drop nets, each with a diameter not exceeding 1.5 metres;
 - (c) by using a hand scoop net that complies with subregulation (3); or
 - (d) by using a wire hook which is not capable of piercing a crab and is held in the hand.

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- (2) The master of a boat which is not a licensed fishing boat must not use, cause or permit to be carried on the boat, more than 10 drop nets in any one day.
- (3) A hand scoop net must —
- (a) be generally hemispherical;
 - (b) be hollow;
 - (c) have a circular top rim with an internal diameter not exceeding 375 millimetres;
 - (d) have a maximum internal depth measured from the plane of that rim not exceeding 210 millimetres; and
 - (e) be constructed of material that is —
 - (i) inflexible; and
 - (ii) not capable of ensnaring or entangling a crab.

Penalty: \$1 000.

[Regulation 64L inserted in Gazette 1 Oct 2003 p. 4312.]

Division 3 — Requirements regarding fishing gear in the West Coast Region

[Heading inserted in Gazette 1 Oct 2003 p. 4313.]

64M. Interpretation

In this Division —

“**attend**”, in respect of a net, means to be within 100 metres of the net.

[Regulation 64M inserted in Gazette 1 Oct 2003 p. 4313.]

64N. Application

This Division does not apply to a person fishing for a commercial purpose in accordance with an authorisation.

[Regulation 64N inserted in Gazette 1 Oct 2003 p. 4313.]

64O. Set nets in the West Coast Region

- (1) A person must not set a fishing net in any waters of the West Coast Region other than in the waters of —
 - (a) the Peel Inlet and Harvey Estuary;
 - (b) the Leschenault Estuary; or
 - (c) the Hardy Inlet.

- (2) A person who fishes using a set fishing net in the West Coast Region must —
 - (a) attend that net;
 - (b) if the net is set in the waters referred to in subregulation (1)(b) or (c) remove the net from the water and clear it of fish at intervals of not more than one hour; and
 - (c) not set the net within the period beginning 1½ hours after sunrise and ending 1½ hours before sunset on any one day.

Penalty: \$2 000.

[Regulation 64O inserted in Gazette 1 Oct 2003 p. 4313.]

Division 4 — Requirements regarding fishing gear in certain other areas

[Heading inserted in Gazette 1 Oct 2003 p. 4314.]

64P. Prawn trawl nets in the Swan River and the Leschenault Estuary

A person must not use, or leave unattended, a prawn hand trawl net in the waters of —

- (a) the Leschenault Estuary; or
- (b) the Swan River —
 - (i) within 100 metres of any part of the Pelican Point Nature Reserve (Reserve No. 40891); or

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- (ii) within 100 metres of any part of the Milyu Nature Reserve (Reserve No. 33803).

Penalty: \$2 000.

[Regulation 64P inserted in Gazette 1 Oct 2003 p. 4314.]

64Q. Requirements relating to unattended fishing nets in certain fisheries

A person who holds a commercial fishing licence must not use, or leave unattended, in the waters of a fishery listed in the Table to this regulation —

- (a) any surface fishing net, unless the net has end floats at least 150 millimetres in diameter clearly marked with the licensed fishing boat number of any boat used in connection with the net; or
- (b) any fishing net, unless the net has —
 - (i) every tenth lead weight marked clearly with lettering at least 4 millimetres high showing the licensed fishing boat number referred to in paragraph (a); or
 - (ii) every tenth net float marked clearly with lettering at least 10 millimetres high showing the licensed fishing boat number referred to in paragraph (a).

Penalty: \$2 000.

Table

1. Hardy Inlet Estuarine Fishery, being the commercial fishing by fishing nets for all fish in the waters of Hardy Inlet and its tributaries.
2. Mandurah Estuarine Fishery, being the commercial fishing by fishing nets for all fish in the waters of the Peel Inlet and Harvey Estuary and the Murray, Serpentine and Dandalup rivers, and all their tributaries and all waters of the Indian Ocean lying within a radius of 800 metres from the northern extremity of the western groyne at the mouth of the Dawesville

Channel entrance to the Peel Inlet and the waters of the Dawesville Channel.

3. Shark Bay Beach Seine and Mesh Net Managed Fishery.
4. South Coast Estuarine Fishery, being the commercial fishing by fishing net for all fish in the waters of all estuaries on the south coast of the State between Cape Beaufort and the 129° meridian of longitude, including Princess Royal Harbour and Oyster Harbour.
5. Swan/Canning Estuarine Fishery, being the commercial fishing by fishing net for all fish in the waters of the Swan River and Canning River.
6. Lake Argyle Fishery, being the commercial fishing by fishing net for fish in the waters of Lake Argyle.

[Regulation 64Q inserted in Gazette 1 Oct 2003 p. 4314-15.]

[64R. Repealed in Gazette 31 Oct 2003 p. 4561.]

64S. Restriction on possession of fishing gear in certain waters

- (1) Subject to regulation 64U, a person referred to in subregulation (2) must not be in possession of anything capable of taking fish other than —
 - (a) a single marron scoop net or a single marron pole snare or not more than 6 marron drop nets;
 - (b) a single rod, reel and line or a single hand-held line; and
 - (c) a landing net, in accordance with regulation 64T.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

- (2) Subregulation (1) applies to a person who is in or on, or within 50 m of, the waters of —
 - (a) Lake Navarino (Waroona Dam), Drakes Brook Dam, Logue Brook Dam, Glen Mervyn Dam or Big Brook Dam;

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- (b) Stirling Dam and the Harvey River upstream of the Stirling Dam wall and downstream of the Harvey Falls, including the tributaries flowing into those waters;
 - (c) the Blackwood River upstream of the Alexandra Bridge, the Donnelly River or, subject to subregulation (4)(b), the Warren River, including the tributaries flowing into those waters;
 - (d) Hutt River, Moore River and Murray River, upstream of the Pinjarra Weir, including the tributaries flowing into those waters;
 - (e) Deep River, upstream of the Deep River Bridge, including the tributaries flowing into that part of the river; or
 - (f) Gardner River including the tributaries flowing into that part of the river.
- (3) A person referred to in subregulation (4) must not be in possession of anything capable of taking fish other than —
- (a) a single marron pole snare;
 - (b) a single rod, reel and line or a single hand-held line; and
 - (c) a landing net, in accordance with regulation 64T.
- Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000.
- (4) Subregulation (3) applies to a person who is in or on, or within 50 m of, the waters —
- (a) of the Shannon River downstream of the Shannon River Dam;
 - (b) of the Warren River within the Warren National Park;
 - (c) of the Harvey River, including its tributaries, upstream of the Harvey Falls;
 - (d) of Harvey Weir and the Harvey River upstream of the Harvey Weir wall and downstream of the Stirling Dam wall, including the tributaries flowing into those waters;

- (e) upstream of the Wellington Dam wall, including the tributaries flowing into those waters but not including the waters of the Collie River upstream of the Mungilup Road Bridge;
 - (f) upstream of the Samson Dam wall, including the tributaries flowing into those waters; or
 - (g) of the Margaret River, including its tributaries but not including the waters referred to in subregulation (5).
- (5) Subregulation (4)(g) applies to the waters of the Margaret River within the area that begins 50 m upstream of the Bussell Highway Bridge and ends 50 m downstream of that bridge.
- [Regulation 64S inserted in Gazette 1 Oct 2003 p. 4316-18.]*

64T. Landing net

A person is not to use a landing net in any of the waters referred to in regulation 64S(2), (4) or (5) unless the net —

- (a) has a handle that is not more than 500 mm in length; and
- (b) is used only for the purpose of landing teleost fish taken by means of a single rod, reel and line or a single hand-held line.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

[Regulation 64T inserted in Gazette 1 Oct 2003 p. 4318.]

64U. Restriction on possession of fishing gear at certain dams

- (1) A person referred to in subregulation (2) must not be in possession of anything capable of taking fish other than —
- (a) a single marron pole snare;
 - (b) a single rod, reel and line or a single hand-held line; and
 - (c) a landing net, in accordance with regulation 64T.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

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- (2) Subregulation (1) applies to a person who is in or on, or within 50 m of, the waters of —
- (a) Big Brook Dam;
 - (b) Drakes Brook Dam;
 - (c) Glen Mervyn Dam;
 - (d) Logue Brook Dam;
 - (e) Lake Navarino (Waroona Dam).

[Regulation 64U inserted in Gazette 1 Oct 2003 p. 4318-19.]

Part 4B — Bag limits

[Heading inserted in Gazette 1 Oct 2003 p. 4319.]

Division 1 — Preliminary

[Heading inserted in Gazette 1 Oct 2003 p. 4319.]

64V. Bag limits for regions subject to more specific bag limits

To the extent that a bag limit applies for an area of a region under Division 3, the bag limit for that region under Division 2 does not apply.

[Regulation 64V inserted in Gazette 1 Oct 2003 p. 4319.]

64W. Defence in relation to offences under section 50(3)

It is a defence in proceedings for an offence against section 50(3) of the Act that the person was acting in accordance with an authority to fish for fish for scientific purposes issued under regulation 178.

[Regulation 64W inserted in Gazette 1 Oct 2003 p. 4319.]

64X. Bag limit for area applies to area where fish taken, landed or brought into WA waters

A person must not —

- (a) take more fish than the bag limit prescribed for a region or other area of the State in that region or area;
- (b) bring onto land in a region or other area of the State more fish than the bag limit prescribed for that region or area; or
- (c) bring into any WA waters in a region or other area of the State more fish than the bag limit prescribed for that region or area.

[Regulation 64X inserted in Gazette 1 Oct 2003 p. 4320.]

Division 2 — Bag limits for Regions

[Heading inserted in Gazette 1 Oct 2003 p. 4320.]

Subdivision 1 — Bag limits for the Gascoyne Region

[Heading inserted in Gazette 1 Oct 2003 p. 4320.]

64Y. Bag limits — Gascoyne Region

- (1) The bag limits prescribed by subregulation (1) and subregulation (2) both apply in respect of a person in the Gascoyne Region.
- (2) For the purposes of section 50 of the Act, the quantity of fish appearing in column 2 of Schedule 3 Part 1 directly opposite the class or classes of fish specified in the first column of that Part is the bag limit in respect of fish of that class or classes.
- (3) For the purposes of section 50 of the Act, the quantity of fish appearing under the heading commencing “Grouped bag limit” in Schedule 3 Part 1 Division 1, 2 or 3 is the bag limit in respect of fish of the class or classes specified in that Division.

[Regulation 64Y inserted in Gazette 1 Oct 2003 p. 4320.]

Subdivision 2 — Bag limits for the Pilbara and Kimberley Region and the South Coast Region

[Heading inserted in Gazette 1 Oct 2003 p. 4321.]

64Z. Bag limits — Pilbara and Kimberley Region and the South Coast Region

- (1) The bag limits prescribed by subregulation (1) and subregulation (2) both apply in respect of a person in the Pilbara and Kimberley Region and the South Coast Region.
- (2) For the purposes of section 50 of the Act, the quantity of fish appearing in column 2 of Schedule 3 Part 2 directly opposite the class or classes of fish specified in the first column of that Part is the bag limit in respect of fish of that class or classes.

- (3) For the purposes of section 50 of the Act, the quantity of fish appearing under the heading commencing “Grouped bag limit” in Schedule 3 Part 2 Division 2 is the bag limit in respect of fish of the class or classes specified in that Division.

[Regulation 64Z inserted in Gazette 1 Oct 2003 p. 4321.]

Subdivision 3 — Bag limits for the West Coast Region

[Heading inserted in Gazette 1 Oct 2003 p. 4321.]

64ZA. Bag limits — West Coast Region

- (1) The bag limits prescribed by subregulation (1) and subregulation (2) both apply in respect of a person in the West Coast Region.
- (2) For the purposes of section 50 of the Act, the quantity of fish appearing in column 2 of Schedule 3 Part 3 directly opposite the class or classes of fish specified in the first column of that Part is the bag limit in respect of fish of that class or classes.
- (3) For the purposes of section 50 of the Act, the quantity of fish appearing under the heading commencing “Grouped bag limit” in Schedule 3 Part 3 Division 1, 2 or 3 is the bag limit in respect of fish of the class or classes specified in that Division.

[Regulation 64ZA inserted in Gazette 1 Oct 2003 p. 4321-2.]

Division 3 — Bag limits for certain other areas

[Heading inserted in Gazette 1 Oct 2003 p. 4322.]

Subdivision 1 — Bag limits for rock lobsters in the Dampier Archipelago

[Heading inserted in Gazette 1 Oct 2003 p. 4322.]

64ZB. Interpretation

In this Subdivision —

“**Dampier Archipelago land area**” means the land adjacent to the Dampier Archipelago waters;

“Dampier Archipelago waters” means the waters of the Indian Ocean bounded by a line commencing at the high water mark at the northernmost point of Cape Preston, from there north to the intersection of the 200 metre isobath, from there generally north-easterly along the 200 metre isobath to the intersection of 117° 10' east longitude, from there south to the intersection of the high water mark on the mainland (Cape Lambert), and from there in a generally south-westerly direction along the high water mark on the mainland back to the commencement point;

“rock lobster” means whole rock lobster or part of a rock lobster.

[Regulation 64ZB inserted in Gazette 1 Oct 2003 p. 4322.]

64ZC. Bag limits for rock lobsters in the Dampier Archipelago

For the purposes of section 50 of the Act, the bag limit in respect of rock lobsters taken from Dampier Archipelago waters or brought onto land in the Dampier Archipelago land area is 4 rock lobsters.

[Regulation 64ZC inserted in Gazette 1 Oct 2003 p. 4322.]

64ZD. Boats used for fishing for rock lobsters in Dampier Archipelago waters

- (1) A boat used within the Dampier Archipelago waters to fish for rock lobsters must not be used to hold or transport more than 8 rock lobsters in any one day unless —
 - (a) the boat is a licensed fishing boat; and
 - (b) the rock lobsters are taken in accordance with an authorisation granted under section 66 of the Act or a rock lobster pot licence.

- (2) The master of a boat that is used contrary to subregulation (1) commits an offence.

Penalty: \$5 000.

[Regulation 64ZD inserted in Gazette 1 Oct 2003 p. 4323.]

Subdivision 2 — Bag limits for the West Coast Purse Seine Managed Fishery

[Heading inserted in Gazette 1 Oct 2003 p. 4323.]

64ZE. Bag limits in relation to West Coast Purse Seine Managed Fishery

(1) In this regulation —

“**management plan**” means the *West Coast Purse Seine Management Plan 1989* (published in the *Gazette* of 8 September 1989 at p. 3181-4);

“**net**” means a lampara net or a purse seine net, as those terms are defined in the management plan;

“**West Coast Purse Seine Managed Fishery boat**” means a boat which is licensed to operate in the West Coast Purse Seine Managed Fishery under the management plan and which is in the waters of that fishery with a net on, or attached, to it.

(2) The bag limits prescribed by this regulation apply in respect of a person on a West Coast Purse Seine Managed Fishery boat.

(3) For the purposes of section 50 of the Act, the bag limit appearing directly opposite an item in Schedule 3 Part 4 is the bag limit in respect of fish of the species referred to in that item.

[Regulation 64ZE inserted in Gazette 1 Oct 2003 p. 4323-4.]

Subdivision 3 — Bag limit for barramundi in the Ord River area

[Heading inserted in Gazette 1 Oct 2003 p. 4324.]

64ZF. Interpretation

In this subdivision —

“**Ord River area**” means the area bounded by a line starting from the intersection of Victoria Highway and Ivanhoe Road, then heading in a generally north-north-westerly direction along Research Station Road to its intersection

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r. 64ZF

with Stock Route Road, then in a generally easterly direction following Stock Route Road to its intersection with Weaber Plains Road, along Weaber Plains Road in a generally northerly direction to its intersection with Carlton Hill Station Road, then in a generally west-north-westerly direction along Carlton Hill Station Road to the Carlton Hill Station homestead, then in the direction of 281° for 9.5 kilometres to the Old Dip Yard, then in a generally northerly direction following the eastern boundary fence of the No. 7 Bore paddock for 14.4 kilometres to where the fence abuts the Onslow Hills, then due north for 7.2 kilometres, then due west for 5.3 kilometres to the point where the northern boundary fence of Buffalo Tank paddock abuts the Onslow Hills, then generally westerly and north-westerly along the northern boundary fence of Buffalo Tank paddock for 15 kilometres to the point where the fence ends in mud flats, then in the direction of 290° for 5 kilometres to Mount Connection, then from there along a straight line to the point where an east-west line passing through Scott Point on Adolphus Island intersects with the high water mark on the eastern side of the Ord River, then due west to the high water mark on the western side of the East Arm of Cambridge Gulf, then from there along a straight line to Limpet Hill, then due south for 20.5 kilometres to Wedge Hill, then in the direction of 130° for 10.7 kilometres to the western boundary fence of Goose Hill Station, then generally in a southerly direction along the western boundary fence of Goose Hill Station for 6.7 kilometres to Parry Creek, Kununurra Road, then in a generally north-easterly direction along the southern boundary fence of Goose Hill Station parallel to Parry Creek, Kununurra Road for 2 kilometres to the main access road gate for Goose Hill Station, then due south for 9.8 kilometres, then due east to Parry Creek, Kununurra Road, then along Parry Creek, Kununurra Road in a southerly direction to its intersection with the Victoria

Highway, then from there to the starting point at the intersection of Victoria Highway and Ivanhoe Road;

“**Ord River area waters**” means any waters within the Ord River area.

[Regulation 64ZF inserted in Gazette 1 Oct 2003 p. 4324-5.]

64ZG. Bag limit for barramundi in the Ord River area waters

For the purposes of section 50 of the Act, the bag limit in respect of barramundi taken from the Ord River area waters is one barramundi.

[Regulation 64ZG inserted in Gazette 1 Oct 2003 p. 4325.]

Subdivision 4 — Bag limit for marron in the Harvey Weir

[Heading inserted in Gazette 1 Oct 2003 p. 4326.]

64ZH. Bag limit for marron in the Harvey Weir

For the purposes of section 50 of the Act, the bag limit in respect of marron taken from the Harvey Weir is 5 marron.

[Regulation 64ZH inserted in Gazette 1 Oct 2003 p. 4326.]

Subdivision 5 — Bag limit for trout in Lake Navarino (Waroona Dam) and Logue Brook Dam

[Heading inserted in Gazette 1 Oct 2003 p. 4326.]

64ZI. Bag limit for trout in Lake Navarino (Waroona Dam) and Logue Brook Dam

For the purposes of section 50 of the Act, the bag limit in respect of —

- (a) brown trout;
- (b) rainbow trout; or

(c) a combination of brown trout and rainbow trout, taken from the waters of Lake Navarino (Waroona Dam) or Logue Brook Dam or any of their respective tributaries is 2 trout.

[Regulation 64ZI inserted in Gazette 1 Oct 2003 p. 4326.]

Subdivision 6 — Bag limit for barramundi in the Broome area

[Heading inserted in Gazette 1 Oct 2003 p. 4326.]

64ZJ. Interpretation

In this Subdivision —

“**Broome area**” means all land and waters and the waters off the coast of Western Australia west of 123° 08.23' east longitude passing through Cunningham Point and north of 19° south latitude;

“**Broome area waters**” means any waters within the Broome area.

[Regulation 64ZJ inserted in Gazette 1 Oct 2003 p. 4326; amended in Gazette 31 Oct 2003 p. 4562.]

64ZK. Bag limit for barramundi in Broome area waters

For the purposes of section 50 of the Act, the bag limit in respect of barramundi taken from the Broome area waters is one barramundi.

[Regulation 64ZK inserted in Gazette 1 Oct 2003 p. 4327.]

Part 5 — Fish processing

65. Section 82(2)(a) — prescribed class of fish

For the purposes of section 82(2)(a) of the Act fish of a prescribed class are —

- (a) rock lobsters;
- (b) prawns; and
- (c) scallops.

66. Conditions of fish processor's licence

A fish processor's licence is subject to the following conditions —

- (a) the holder of the licence —
 - (i) must not receive or purchase marron;
 - (ii) must ensure that marron is not brought onto the place specified in the licence as the place at which the fish are to be processed under the licence,

unless the licence authorises the processing of marron and the marron are sold by the holder of an aquaculture licence and the consignment note referred to in regulation 69(c) is securely attached to the marron or to the receptacle, container or package containing the marron;

- (b) the holder of the licence is to ensure that a consignment note referred to in paragraph (a) is retained at the place at which fish are to be processed under the licence;
- (c) the holder of the licence must not purchase fish (other than fish lawfully taken outside WA waters) to process from any person other than the holder of a commercial fishing licence, a fish processor's licence, or an aquaculture licence;

- (d) the holder of the licence must notify the Executive Director in writing within 24 hours of becoming aware, or suspecting, that any fish at the place where fish processing is carried on under the licence is or may be affected by —
 - (i) any disease specified in Schedule 1 of the *Enzootic Diseases Regulations 1970*; or
 - (ii) any disease or condition that the person cannot identify;
- (e) the holder of the licence must notify the Executive Director in writing within 14 days of becoming aware, or suspecting, that any fish at the place where fish processing is carried on under the licence is or may be affected by any disease or condition other than one referred to in paragraph (d) if, within those 14 days, the holder of the licence has not eradicated the disease or condition by taking all reasonable steps to do so;
- (f) the holder of the licence must take all reasonable precautions to prevent the spread of any disease or condition in fish at the place where fish processing is carried on under the licence;
- (g) where the holder of the licence is aware or suspects that fish at the place where fish processing is carried on under the licence are affected by any disease or condition, that person must ensure that no water is discharged from the place to a natural waterway without the prior written approval of the Executive Director;
- (h) the holder of the licence must cause to be kept, at the place specified in the licence as the place at which fish may be processed under the licence, written records of all fish processed at the place and of the business carried on at that place.

Part 6 — Aquaculture

67. Application for aquaculture lease

- (1) An application for the grant or renewal of an aquaculture lease must be —
 - (a) made to the Minister in a form approved for that purpose by the Executive Director;
 - (b) accompanied by the fee set out in item 10 of Part 2 of Schedule 1; and
 - (c) accompanied by any information that the Minister reasonably requires for a proper consideration of the application.
- (2) An applicant must provide the Minister with any further information that the Minister by notice in writing requires the applicant to provide in respect of an application.
- (3) An applicant must, if required to do so by the Minister, verify by statutory declaration any information contained in, or given in connection with, an application.
- (4) The Minister may refuse to consider an application if the application does not conform to a provision of this regulation or if the applicant has failed to comply with a provision of this regulation.

68. Exceptions prescribed under section 91

- (1) Fish of the following specified classes for the following specified purposes or areas are prescribed for the purpose of section 91(a) of the Act —
 - (a) all fish in respect of all non-commercial purposes;
 - (b) all fish, excluding marron, in respect of display or ornamental hobby purposes;
 - (c) all fish in respect of display or ornamental purposes in retail establishments; and

- (d) all fish in respect of displaying the fish in a public aquarium or oceanarium.
- (2) The following are prescribed for the purposes of section 91(d) of the Act in relation to a dam or lake on private land —
 - (a) in the area described in Schedule 6: yabbie (common and white), koonac and gilgie; and
 - (b) in any area of the State: black bream.

[Regulation 68 amended in Gazette 25 Sep 1998 p. 5299.]

69. Conditions of aquaculture licence

An aquaculture licence is subject to the following conditions —

- (a) the holder of the licence must ensure that fish is not sold under the authority of the licence unless it is packed in the manner specified by the Executive Director;
- (b) where marron is sold on a retail basis, the holder of the licence who is selling the marron, must provide to the purchaser a receipt specifying —
 - (i) the names of the holder of the licence and the purchaser;
 - (ii) the number and type of fish; and
 - (iii) the value and date of the sale;
- (c) where marron is sold on other than a retail basis, the holder of the licence who is selling the marron, must prepare a consignment note in triplicate in a form approved by the Executive Director and must —
 - (i) securely attach the original of the consignment note to the marron or to the receptacle, container or package containing the fish;
 - (ii) send the duplicate copy of the consignment note —
 - (I) to the head office of the Department at Perth; or

- (II) if another office of the Department is specified in the approved form of the consignment note, to that office,
to arrive —
 - (III) within 7 days after the sale; or
 - (IV) if a greater period is specified in the approved form, within that period;
- and
- (iii) retain the triplicate copy at the place where aquaculture is carried out under the licence;
- (d) the holder of the licence must notify the Executive Director in writing within 24 hours of becoming aware, or suspecting, that any fish at the place where aquaculture is carried on under the licence is or may be affected by —
 - (i) any disease specified in Schedule 1 of the *Enzootic Diseases Regulations 1970*; or
 - (ii) any disease or condition that the person cannot identify;
- (e) the holder of the licence must notify the Executive Director in writing within 14 days of becoming aware, or suspecting, that any fish at the place where aquaculture is carried on under the licence is or may be affected by any disease or condition other than one referred to in paragraph (d) if, within those 14 days, the holder of the licence has not eradicated the disease or condition by taking all reasonable steps to do so;
- (f) the holder of the licence must take all reasonable precautions to prevent the spread of any disease or condition in fish at the place where aquaculture is carried on under the licence;
- (g) where the holder of the licence is aware or suspects that fish at the place where aquaculture is carried on under the licence are affected by any disease or condition, that

person must ensure that no water is discharged from the place to a natural waterway without the prior written approval of the Executive Director; and

- (h) the holder of the licence must ensure that fish at the place where aquaculture is carried on under the licence which the holder of the licence is aware, or suspects, is diseased or contaminated is not removed from the place without the prior written permission of the Executive Director.

[Regulation 69 amended in Gazette 13 Aug 1999 p. 3826.]

Part 7 — Noxious fish

70. Noxious fish

The species of fish listed in Schedule 5 are prescribed under section 103 of the Act to be noxious fish for the purposes of the Act.

Part 8 — Designated fishing zones

71. Notice given by fisheries officer

- (1) A fisheries officer may, by notice in writing given to a person, prohibit the person from —
 - (a) being in a designated fishing zone for a specified period of time, or at all;
 - (b) engaging in a specified activity in a designated fishing zone; or
 - (c) having a specified thing or class of things in a designated fishing zone.
- (2) A fisheries officer may by further notice in writing given to a person vary or revoke a notice given under subregulation (1).
- (3) A person who contravenes a notice in writing given by a fisheries officer under this regulation commits an offence.
Penalty: \$10 000.

Part 9 — Abrolhos Islands reserve

Division 1 — Interpretation and application of Part

72. Interpretation

In this Part, unless the contrary intention appears —

“**approved**” means approved by the Executive Director;

“**associated camp**” means a camp, including any associated jetty, in the reserve which is allocated to an operator by virtue of a rock lobster licence;

“**camp**” includes all structures on or adjoining any island or on a jetty in the reserve which are associated with a rock lobster licence;

“**jetty**” means a jetty which is attached to and leads onto land within the reserve or is situated within waters adjacent to the reserve;

“**licensed boat**” means a boat operated under a rock lobster licence;

“**mooring**” means any gear (including an anchor or stake) set out on the seabed in a permanent manner to which a boat or other floating structure may be secured by a chain, cable, wire or rope;

“**operator**” means the master of a licensed boat;

“**reserve**” means the Abrolhos Islands reserve;

“**rock lobster licence**” means a managed fishery licence granted in respect of the West Coast Rock Lobster Managed Fishery, declared under the *West Coast Rock Lobster Management Plan 1993*, to fish for rock lobster from Zone A of that fishery;

“**share arrangement**” means a valid written agreement to share facilities under regulation 92.

73. Application

This Part applies to and in respect to all land and waters within and adjacent to the reserve.

Division 2 — Jetties

74. Construction and modification of jetties and moorings

- (1) A person who wishes to construct or modify a jetty or mooring must first apply to the Executive Director in the approved form.
- (2) If the Executive Director gives approval following an application under subregulation (1), that approval may be subject to such conditions as the Executive Director considers are necessary in the particular case and endorses on the approval.
- (3) A person referred to in subregulation (1) must not commence construction or modification of a jetty or mooring unless the written approval of the Executive Director has been obtained.
- (4) A person must comply with a condition endorsed on an approval given under this regulation.
Penalty for an offence under subregulation (3) or (4): Not less than \$500 or more than \$2 000.
- (5) A fisheries officer may, by notice in writing given to a person to whom approval was granted under this regulation, order that work specified in the notice be carried out within the time specified in the notice on a jetty or mooring that the fisheries officer believes is insecure or unsafe.
- (6) A person must comply with an order given under subregulation (5) within the time specified in the order.
Penalty: \$1 000.

75. Unauthorised use of jetties and moorings

- (1) A person, other than —
- (a) the owner of;
 - (b) a person who is a party to a share arrangement in relation to; or
 - (c) the person responsible for,

a jetty or mooring, must not use that jetty or mooring without the written permission, in the approved manner, of a person set out in paragraph (a), (b) or (c).

Penalty: Not less than \$100 or more than \$1 000.

- (2) Where written permission has been obtained in accordance with subregulation (1) —
- (a) a copy of the written permission must be filed with the Geraldton or Dongara office of the Department before the jetty or mooring is used by the person obtaining that permission; and
 - (b) a copy of the written permission must be retained on board the appropriate boat and presented to a fisheries officer on demand.

- (3) Subject to subregulations (1) and (2), a person must not cause a boat, other than a licensed boat or an approved boat, to tie up to a jetty or mooring overnight.

Penalty: Not less than \$100 or more than \$1 000.

- (4) This regulation does not apply to —
- (a) an emergency situation; or
 - (b) a jetty which is an approved public use jetty.

Division 3 — Buildings and facilities

76. Executive Director may waive requirements

- (1) The Executive Director may waive or vary any of the requirements in this Division, on a case-by-case basis, if the circumstances are considered to be exceptional, or of sufficient public or heritage interest to do so.
- (2) Any waiver or variation must be in writing, and must specify to whom or what it applies, and under what circumstances.

77. Transfer of facilities

- (1) The holder of a rock lobster licence who applies to —
 - (a) transfer that licence;
 - (b) redistribute an entitlement on that licence; or
 - (c) acquire a further rock lobster licence and amalgamate that licence with another rock lobster licence,must, at the same time, apply in the approved manner to either transfer or remove the associated camp (as the case requires).
- (2) If the Executive Director considers it appropriate, the Executive Director may approve an application, made under subregulation (1), to transfer or remove an associated camp, and the Executive Director may make that approval subject to conditions which must be endorsed on the approval.
- (3) A person who does not comply with the conditions endorsed on an approval to transfer or remove an associated camp commits an offence.
Penalty: Not less than \$100 or more than \$1 000.
- (4) A rock lobster licence holder may apply, in the approved manner, to relocate from a former camp to another associated camp.
- (5) If the Executive Director considers it appropriate, the Executive Director may approve an application, made under

subregulation (4), to relocate, and the Executive Director may make that approval subject to conditions which must be endorsed on the approval.

- (6) A person must comply with the conditions endorsed on an approval to relocate.

Penalty: Not less than \$100 or more than \$1 000.

- (7) An operator must not operate from more than one camp at any one time during any single rock lobster season, but the crew may live aboard the boat during any period away from the camp.

Penalty: Not less than \$100 or more than \$1 000.

[Regulation 77 amended in Gazette 14 Nov 2001 p. 5978.]

78. Camp may become unauthorised structure

- (1) Where a person —
- (a) does not comply with the conditions endorsed on an approval under regulation 77(2); or
 - (b) purports to transfer a camp without the approval of the Executive Director,

the camp is an unauthorised structure for the purposes of Division 5.

- (2) An amount determined by the Executive Director from time to time must be paid by the owner of the camp prior to an application for —
- (a) a transfer, a redistribution of an entitlement or a further acquisition referred to in regulation 77(1); or
 - (b) a relocation referred to in regulation 77(4),

being approved and that amount must —

- (c) be returned to the owner (at the time of the application) of the camp upon compliance with the conditions of any approval issued by the Executive Director; or

- (d) be used to defray the actual costs, including the administrative costs, involved in removing part or all of a camp that becomes an unauthorised structure under subregulation (1).

[Regulation 78 amended in Gazette 14 Nov 2001 p. 5978.]

79. Buildings — general

- (1) The owner of a building which is to be constructed in the reserve must ensure that all work to be undertaken on that building complies with the written laws of the State relating to the control of building works.
- (2) Where, in the opinion of a fisheries officer, the owner of a building in the reserve fails to adequately maintain that building to an acceptable standard (other than a standard relating to structural soundness), the officer may order the owner to undertake, or cause to be undertaken, remedial work which —
 - (a) is sufficient to bring the building up to an acceptable standard; and
 - (b) must be completed within the time period set out in the order.
- (3) Where a fisheries officer suspects that a building in the reserve does not meet the appropriate standard relating to structural soundness, a fisheries officer may order the owner to obtain, and produce to a fisheries officer, a report from a registered builder stating whether or not that building complies with the written laws of the State relating to the minimum structural requirements for that type of building.
- (4) If a report obtained under subregulation (3) states that a building does not meet the minimum structural requirements for that type of building, a fisheries officer may order the owner to undertake, or cause to be undertaken, remedial work which —
 - (a) is sufficient in the opinion of a registered builder to bring the building up to the minimum standards; and

(b) must be completed within the time period set out in the order.

(5) A person who does not comply with an order under subregulation (2), (3) or (4) commits an offence.

Penalty: Not less than \$100 or more than \$1 000.

80. Buildings — minor changes

(1) The owner of a building in the reserve who wishes to make any minor structural change to the building —

- (a) must, if required by a fisheries officer, obtain and produce a written report of a registered builder stating that the changes will be safe and structurally sound;
- (b) must file plans of the change, together with the report obtained under paragraph (a), with the Department; and
- (c) must not allow work to commence until the Executive Director has given approval.

Penalty: Not less than \$100 or more than \$1 000.

(2) For the purposes of this regulation, a minor structural change is a modification or alteration to the building which does not increase or modify the floor space or height of the building (including the addition of shade-cloth, pergolas, verandahs and similar weather protection), but does not include —

- (a) re-roofing that involves re-pitching that roof;
- (b) internal work that involves the installation of split-level living areas or the like; or
- (c) re-cladding of walls that increases the external dimensions or floorspace of the building.

81. Buildings — major changes and new buildings

(1) The owner of an existing building or the person proposing to construct a new building in the reserve must, prior to commencing any major change to an existing building or

commencing the construction of a new building, as the case requires —

- (a) obtain and provide full structural plans approved by a registered builder;
 - (b) endeavour to obtain the written opinions of the operators with associated camps adjacent to the building or proposed building for the consideration of the Executive Director prior to the Executive Director giving or withholding approval; and
 - (c) obtain the written approval of the Executive Director.
- (2) Approval under subregulation (1) is subject to such conditions that the Executive Director considers are necessary in the particular case.
- (3) For the purposes of subregulation (1), the requisite opinions must be obtained after each relevant operator, referred to in subregulation (1)(b), is informed of (as a minimum) the proposed common access areas, pathways, drains, power plants and other like infrastructure.
- (4) For the purposes of this regulation a major change is any modification or alteration to a building which increases or modifies the floor space or height of that building.
- (5) A new camp or a camp being set up through the transfer of camp facilities under regulation 77 made up of more than —
 - (a) 3 living dwellings;
 - (b) one store shed;
 - (c) one ablution block;
 - (d) the approved number of generator sheds for that camp;
or
 - (e) the approved number of jetties for that camp,(not including on-jetty storage facilities) will not be approved.

- (6) A building which is, or is being, constructed without complying with this regulation is an unauthorised structure for the purposes of Division 5, unless the Executive Director exempts the building, in writing, from compliance with the specific building provisions with which it does not comply.
- (7) A person must comply with the approval of the Executive Director obtained under subregulation (1).

Penalty: Not less than \$500 or more than \$2 000.

[Regulation 81 amended in Gazette 15 Jan 1999 p. 113.]

Division 4 — Power and maintenance

82. Electrical power and wiring

- (1) This regulation does not apply to 12 volt wiring.
- (2) An operator must ensure that any power facilities in the operator's associated camp conform to the Standards Association of Australia (SAA)³ wiring rules for 240 volts.
- (3) A person who installs or replaces any electrical wiring must comply with such safe working standards as are prescribed for electrical wiring work under the *Electricity Act 1945*.
- (4) A person must, before installing wiring for a new camp site, present a circuit diagram (single line diagram) to the Electricity Corporation and obtain the Corporation's approval for the wiring in that diagram, and must file a copy of the diagram and the approval with the Department.
- (5) A person must not undertake any electrical wiring work unless that person is authorised to carry out that type of work under the *Electricity Act 1945*.
- (6) In this regulation —
“**Electricity Corporation**” means the Electricity Corporation⁴ established under section 4 of the *Electricity Corporation Act 1994*.

Penalty: \$1 000.

83. Gas

- (1) An operator must ensure that all gas cylinders, tanks, regulators and fittings in that operator's associated camp comply with the relevant provisions of the *Gas Standards Regulations 1983*⁵.
- (2) In addition to complying with subregulation (1), an operator must ensure that any gas cylinders are installed on flat and level ground, or on flat, level concrete or concrete slabs, and secured in an approved manner.
- (3) A person must not undertake gas fitting work unless —
 - (a) the person holds a certificate of competency or a permit endorsed for class C and class D work in gas fitting under the *Gas Standards Regulations 1983*⁵; and
 - (b) the work is done in accordance with the requirements of the *Gas Standards Regulations 1983*⁵.

Penalty: \$1 000.

84. Water tank maintenance

Where the water supply to any premises which is intended for human consumption is drawn, or partly drawn, from a water tank, the occupier of the premises must —

- (a) maintain the roof forming the catchment for the tank, together with the spouting and downpipes appurtenant to the roof in a clean and functional state;
- (b) at least once a year, during the months of April and May thoroughly check any water tank, the water from which is used for human consumption for any sludge or detritus buildup, and, where necessary, clean the tank;
- (c) ensure that every water tank on the premises containing water for human consumption is fitted with a tight fitting, light-proof, water-proof and secure cover; and
- (d) when ordered to do so by a fisheries officer, empty, cleanse and disinfect any water tank on the premises.

Penalty: \$500.

85. Generators

- (1) A person must, before installing a generator —
- (a) obtain the opinion in writing of the majority of operators likely to be affected by the noise emitted by that generator for the consideration of the Executive Director prior to the Executive Director giving or withholding approval; and
 - (b) obtain the written approval of the Executive Director.

Penalty: \$500.

- (2) Subject to regulation 86, a person who installs a generator must ensure that the generator is sound-proofed and silenced to ensure that noise emissions do not exceed those set out in regulation 104.

Penalty: \$500.

86. Machinery noise

- (1) Where undue noise is being emitted by any machinery, a fisheries officer may, in writing, order the owner of, or person in charge of, the machinery to undertake work to ensure that the machinery noise level is reduced so that noise emissions do not exceed those set out in regulation 104.
- (2) A person to whom an order is given under subregulation (1) must comply with that order within the time specified in that order.

Penalty: \$500.

Division 5 — Unauthorised structures and termination of tenancy

87. Interpretation

In this Division —

“**structure**” means any building, jetty, mooring, power plant, or any other like facility;

“unauthorised structure” means a structure that —

- (a) has been erected without approval, abandoned, or is unsafe or is not secure, or in respect of which an order under regulation 74(5) has not been complied with within the time specified in the order, or does not conform with this Division, or becomes an unauthorised structure as a result of the operation of regulation 78 or 81(6); and
- (b) has not been claimed by the Crown for its use or for specific community purpose use.

88. Notice by Executive Director

- (1) The Executive Director may, by written notice served in accordance with regulation 89 and identifying the unauthorised structure to which it relates, direct a person in occupation or control of an unauthorised structure to remove it, together with its contents.
- (2) A copy of the notice referred to in subregulation (1) must be affixed (where practicable) to the unauthorised structure, and must be published —
 - (a) in the *Gazette*; and
 - (b) in one or more newspapers circulating daily in Geraldton and the Mid-West area.

89. Service of notice

- (1) A notice under regulation 88(1) may be served on the owner of, the occupier of or the person in control of, an unauthorised structure (or all of them, as the case may be) —
 - (a) in person; or
 - (b) by post,

in accordance with sections 75 and 76 of the *Interpretation Act 1984*.

- (2) Despite subregulation (1), where the owner, occupier or person in control of an unauthorised structure is unknown, or known to be absent from the State, the notice may be served by using the procedure in regulation 88(2), and, when the person to whom it is to be addressed is unknown, the notice may be addressed to “the person in or in control of” the unauthorised structure (identifying it) to which the notice refers, without further name or description.
- (3) If more than one person is in apparent occupation or control of an unauthorised structure, it is sufficient to serve the notice on one of them and address it to that one with the addition of the words “and others” or “and another” as the case requires.
- (4) Non-service on the person in apparent control of the unauthorised structure does not affect the validity of service on the person in apparent occupation of the unauthorised structure, and non-service on the person in apparent occupation of the unauthorised structure does not affect the validity of service on the person in apparent control of the unauthorised structure.

90. Non-compliance with notice

Where a person fails to comply with a notice under regulation 88 within a period of 2 months from the time of service, and the Executive Director is satisfied —

- (a) that the structure is an unauthorised structure;
- (b) that the notice has been properly served; and
- (c) that the person has not complied with the notice within the period,

the Executive Director may, in writing —

- (d) authorise a fisheries officer to arrange for the removal of the unauthorised structure and its contents;
- (e) authorise the destruction or sale of the unauthorised structure, or part of that structure, or its contents, or both the structure and its contents;

- (f) authorise the sale of the unauthorised structure or its contents or both on condition that it or they are removed upon sale;
- (g) authorise the recovery of costs, incurred in the removal, destruction or sale of the unauthorised structure, from the owner, occupier or person in control of that structure; or
- (h) where the unauthorised structure or its contents are offered for sale under paragraph (e) or (f) and —
 - (i) have not been sold; or
 - (ii) do not raise a sufficient amount at sale to defray the cost of removal, destruction or sale of that unauthorised structure or its contents,authorise the recovery of costs, or of the unsatisfied balance of the costs, from the person, or occupier, in control of the unauthorised structure or the owner, or both.

91. Site of unauthorised structure to be cleared completely

A person who is directed to remove an unauthorised structure under regulation 88(1) must clear the site of residual materials and rubbish.

Penalty: \$2 000.

Division 6 — Share arrangements and dispute procedure

92. Documentation of share arrangement

- (1) Where it is agreed between 2 or more parties to share camp facilities, jetties, moorings, power outlets or lighting plants, the parties to that agreement must sign a written agreement in the approved form, together with illustrative diagrams relating to that agreement (if appropriate).

- (2) A written agreement under subregulation (1) is not valid unless a copy of the signed, written agreement is filed with the Department.
- (3) A written agreement cannot be amended without the written approval of the Executive Director.

93. Dispute over use of shared buildings, facilities, etc.

- (1) If a dispute arises which relates to the use of a building, structure or facility in the reserve, and which is the subject of a share arrangement, the following procedure may be used to resolve the dispute —
 - (a) a party to the dispute may write to the Minister advising of the existence of the dispute and may seek invocation of the dispute procedure set out in this Division; and
 - (b) where the Minister is of the opinion that it is justified, the Minister may invoke this dispute procedure and appoint an independent arbitrator to deal with the dispute.
- (2) The Executive Director may appoint an independent arbitrator to deal with disputes that have been running for longer than 6 months without signs of resolution.

94. Duties of independent arbitrator

- (1) An independent arbitrator must —
 - (a) write to the parties known to be involved in the dispute seeking, from each of them, a written statement of the grounds of the dispute; and
 - (b) upon receipt of the grounds requested in paragraph (a), or after a reasonable time if either or both do not reply, inform each party of the known grounds of dispute.
- (2) After obtaining advice, if required, from the Executive Director or other relevant person, and allowing sufficient time to enable each party to put their side of the dispute, and following due

consideration, the independent arbitrator must make a determination.

95. Determination to be referred to Minister

- (1) A determination under regulation 94(2) must be referred by the independent arbitrator to the Minister who may decide to accept or reject the determination, and who must inform the parties of the decision.
- (2) The decision of the Minister is binding upon the parties.

Division 7 — Disposal of waste

96. General prohibition of waste disposal

- (1) A person must not dump or dispose of any waste, other than in accordance with this Division.
Penalty: \$2 000.
- (2) A person who contravenes subregulation (1) is liable for any cost incurred if the waste is removed at the request of the Executive Director, in addition to the penalty specified for contravention of that subregulation.

97. Food waste

- (1) A person must dispose of food waste —
 - (a) by dumping that waste at sea; or
 - (b) by incinerating the waste in an incinerator.
- (2) Where any unburnt residue remains after incineration of waste under subregulation (1), the person incinerating the waste must ensure that the residue is returned to the mainland for disposal, or disposed of at an approved dumping site.
Penalty: \$1 000.

98. Paper, plastic, cardboard, bait bags, etc.

- (1) A person must not dispose of paper, plastic, cardboard, bait bags, or other combustible materials by dumping them at sea.
Penalty: \$1 000.
- (2) A person must dispose of paper, plastic, cardboard, bait bags and other combustible items of a like nature —
 - (a) by returning these items to the mainland for recycling or disposal; or
 - (b) by incinerating these items in an incinerator.
- (3) Where any unburnt residue remains after incineration under subregulation (2), the person incinerating the items must ensure that the residue is disposed of by —
 - (a) returning it to the mainland for disposal; or
 - (b) by bagging, or otherwise containing, it in non-hazardous natural and non-combustible material and dumping it at an approved refuse dumping site.

Penalty: \$1 000.

99. Non-hazardous and non-combustible waste

- (1) A person may dispose of non-hazardous and non-combustible materials, including cray-pots, water tanks, household and building materials —
 - (a) by returning those materials to the mainland for recycling or disposal; or
 - (b) by dumping those materials at an approved refuse dumping site.
- (2) A person who disposes of the material referred to in subregulation (1) by dumping them in an area other than the mainland or an approved refuse disposal site commits an offence.

Penalty: \$1 000.

100. Hazardous waste including oil, fuel, filters, batteries etc.

A person must not dispose of any oil, fuel, engine filter or battery other than by returning it to the mainland.

Penalty: \$2 000.

101. Campsite waste

- (1) The operator must provide an associated camp with fly-proof and vermin-proof waste receptacles which may be used for the disposal of putrescible material.
- (2) An operator who establishes, or is in control of an associated camp is responsible for keeping that camp, and any associated jetty or foreshore areas, free from waste.
- (3) A fisheries officer may, in writing, order the operator of a camp to remove waste from any part of a camp or adjacent foreshore areas.
- (4) An operator who does not comply with an order under subregulation (3) commits an offence and in addition to any penalty to which that operator is liable, will be liable for any cost incurred if the waste is removed at the request of the Executive Director.

Penalty: \$500, and a daily penalty of \$50.

102. Sewage

A person must not dispose of sewage in any manner other than —

- (a) where practicable, by use of a saltwater flushing outfall pipe feeding directly into the sea;
- (b) through a septic tank disposal system; or
- (c) by use of an approved sewage disposal system at an approved site.

Penalty: \$500.

103. Incinerators

- (1) An incinerator for the disposal of waste —
 - (a) must be constructed in a manner which allows combustion to occur in an efficient manner;
 - (b) if constructed wholly or partly of mesh, must be made using a mesh of not more than 50 millimetres; and
 - (c) must be sited —
 - (i) in an area approved in writing by a fisheries officer; and
 - (ii) so that correct use does not cause smoke to become a nuisance.
- (2) An operator who uses an incinerator must ensure —
 - (a) that the incinerator is cleaned after use to avoid leaving unburnt residues to remain or smoulder; and
 - (b) that the incinerator is not used before noon, or such other time as is determined by a fisheries officer.

Penalty: \$500.

Division 8 — Miscellaneous

104. Control of noise

- (1) A resident or visitor must ensure that the noise emissions from premises or motors in the reserve (other than boats), under the person's control, do not exceed the following levels —
 - (a) 50dB(A), between the hours of 6.00 a.m. and 7.00 p.m., on any day; or
 - (b) 40dB(A), between the hours of 7.00 p.m. on any day and 6.00 a.m. on the following day,and must ensure that tonal noise or impulses of noise which are unreasonably loud are not emitted.
- (2) If a fisheries officer receives a complaint alleging that a person is responsible for noise in excess of the levels set out in

subregulation (1), a fisheries officer may investigate that complaint and, if appropriate, request the person to undertake reasonable measures to lower the level of noise to comply with subregulation (1).

- (3) A person must not, without a lawful excuse, refuse to carry out a request under subregulation (2).

Penalty: \$500.

- (4) For the purposes of this regulation, “**dB(A)**” means the reading in decibels on a sound level meter or other sound level measuring equipment using the A-weighting network specified for sound level meters in Part I or Part II, whichever is applicable to the measuring equipment in question, of Australian Standard AS 1259 of 1976.

105. Vehicles

- (1) A person must not bring a vehicle into the reserve unless the Executive Director has given written approval in which it is specified the conditions under which the vehicle may be in the reserve.

Penalty: \$1 000.

- (2) Conditions under subregulation (1) may include, but are not limited to, restrictions on —

- (a) the time of day that the specified vehicle may be used;
- (b) the person or persons that are allowed to use that vehicle;
- (c) the period for which the approval is valid; and
- (d) the purposes for which that vehicle can be used.

- (3) A person must not use a vehicle in the reserve in contravention of a condition imposed under this regulation.

Penalty: \$500.

[105A. Inserted in Gazette 26 Mar 1999 p. 1279-80. Disallowed in Gazette 25 Jun 1999 p. 2742.]

106. No domestic pets allowed

A person must not —

- (a) keep a domestic pet in the reserve;
- (b) allow or cause a boat with a domestic animal on board to secure to or come alongside any jetty in the reserve; or
- (c) allow or cause any domestic animal to be landed onto any island in the reserve.

Penalty: \$1 000.

107. Introduction of flora and fauna not allowed

A person must not introduce any species of flora or fauna to the reserve, unless that person has first obtained the written approval of the Executive Director and the Department of Conservation and Land Management.

Penalty: \$2 000.

108. Control of noxious or introduced plants, pests, vermin, etc.

- (1) When carrying out measures for noxious or introduced plant control in the reserve, a person must use only approved preventive and control methods.

Penalty: \$250.

- (2) A person must not carry out noxious or introduced plant control in an area that has not been approved by a fisheries officer.

Penalty: \$250.

- (3) When carrying out measures to control rodents, cockroaches, mosquitos or flies, a person must only use approved preventive and control methods.

Penalty: \$250.

- (4) A person must not carry out any rodent or pest baiting programme in the reserve unless the person has first obtained the approval of the Executive Director.

Penalty: \$250.

109. Behaviour of persons when in the reserve

- (1) A person, while in the reserve, must not engage in behaviour which falls short of normal community standards and a fisheries officer may direct a person to leave the reserve if, in the opinion of both a fisheries officer and a majority of residents in the area, that standard of behaviour is not maintained by that person.

- (2) A person must comply with a direction under subregulation (1) within 24 hours of that direction being given.

Penalty: \$500.

110. Chlorine tarping

- (1) A person must not carry out chlorine tarping on a boat unless —
- (a) the boat is secured to a mooring or is anchored; and
 - (b) it is carried out when there are no rock lobsters in holding crates within 50 metres of the boat.

Penalty: \$1 000.

- (2) In this regulation “**chlorine tarping**” means the enclosing of a boat’s hull by a cover, such as a tarpaulin, and the adding of chlorine to the water enclosed between the boat and the cover.

111. Off-season notification

- (1) The master of a boat must not travel to the reserve between 15 July in any year and 20 February in the next following year unless the Department’s Geraldton office has been given written notice which includes the following details —

- (a) the length of stay proposed;

- (b) the name, description and (where applicable) any distinguishing number allocated in respect of the boat under these regulations;
 - (c) the number of persons on the boat;
 - (d) details of the particular areas of the reserve it is proposed to visit; and
 - (e) a radio call signal on which the boat can be contacted.
- (2) The master of a boat must not anchor, moor or berth that boat at a mooring or jetty at the time referred to in subregulation (1) unless the notice referred to in that subregulation has been given.

Penalty: \$500.

112. No weapons in the reserve

A person must not bring into the reserve or possess in the reserve, any weapon, including any firearm.

Penalty: \$500.

113. No open fires in the reserve

A person must not light an open fire in the reserve.

Penalty: \$500.

Part 10 — Register

114. Register

- (1) The register is available for public inspection between the hours of 8.30 a.m. and 4.30 p.m. on Monday to Friday, other than public holidays at —

The Fisheries Department⁶
King Street Arcade
Ground Floor, SGIO Atrium
168-170 St. George's Tce.
PERTH WA 6000.

- (2) On payment of the fee set out —
- (a) in item 2 of Part 1 of Schedule 1, a person may obtain a copy of an entry in, or an extract from, the register; and
 - (b) in item 3 of Part 1 of Schedule 1, a person may have access to the register in electronic form for such period of time as is specified by the Registrar.

[Regulation 114 amended in Gazette 7 Jul 1998 p. 3614.]

115. Other information to be included on register

The following details are prescribed under section 126(e) of the Act as additional details to be set out on the register —

- (a) the date the authorisation or exemption was granted or renewed and the date it expires;
- (b) the authorisation or exemption number specified on each authorisation or exemption;
- (c) any conditions imposed on the authorisation or exemption by the Minister or Executive Director, either in full, abbreviated or by reference to another text;
- (d) any period during which the authorisation is suspended;
- (e) the nature of any entitlement conferred by the authorisation; and

- (f) details of any boat specified in the authorisation.

116. Notation of security interest on register

The following details are prescribed under section 128(2)(c) of the Act as additional details in respect of the notation of a security interest on the register —

- (a) the date of the creation of the interest;
- (b) the date of notation of the interest; and
- (c) any entitlement affected by the interest.

Part 11 — Authorisations

Division 1 — Commercial fishing

[Heading inserted in Gazette 29 Jun 2001 p. 3164.]

117. Fishing boats

- (1) A person having the day to day control of any boat used or intended to be used for or in connection with commercial fishing, must ensure that a current fishing boat licence is in force in respect of the boat.

Penalty: \$10 000.

- (2) The holder of a fishing boat licence must ensure that the name of the boat in respect of which the licence is in force is not changed without the written approval of the Executive Director.

Penalty: \$5 000.

- (3) Subregulation (2) applies whether or not there has been a change in the ownership of the boat or in the licensed fishing boat number of the boat.

- (4) The holder of a fishing boat licence must ensure that there is legibly painted on both sides of the hull at the turn of the bow of the boat in respect of which that licence is held, the letters “L.F.B.” followed by the licensed fishing boat number of the boat.

Penalty: \$1 000.

- (5) The letters and figures to be painted under subregulation (4) are to be painted in black on a yellow background and are to be not less than 300 millimetres in height and not less than 50 millimetres in width, except where the boat is one propelled solely by oars in which case those letters and figures may be less than 150 millimetres but not less than 120 millimetres in height.

- (6) A person must not —
- (a) use a boat bearing a licensed fishing boat number, or a number that purports to be such a number; or
 - (b) permit or suffer a person to use a boat bearing a licensed fishing boat number, or a number which purports to be such a number,

unless a current fishing boat licence is in force in respect of that boat and the number painted on the boat is the number allocated in respect of the boat.

Penalty: \$5 000.

- (7) The master of a fishing boat must not permit or suffer any person aboard the boat in respect of which the licence is held to engage in fishing unless that person —
- (a) holds a commercial fishing licence; or
 - (b) is a participant in a fishing tour on or from a boat.

Penalty: \$1 000.

[Regulation 117 amended in Gazette 29 Jun 2001 p. 3164; 27 Jun 2003 p. 2390.]

118. Grant of fishing boat licence

- (1) If a person applies to the Executive Director for the grant of a fishing boat licence authorising a person to use a boat for commercial fishing and the Executive Director is satisfied that —
- (a) the person is a fit and proper person to hold the licence;
 - (b) it is in the better interests of the fishing industry to grant the licence;
 - (c) a Certificate of Survey has been issued in respect of that boat in accordance with the *W.A. Marine (Surveys and Certificates of Survey) Regulations 1983*; and

- (d) the boat does not have the same name as any other licensed fishing boat,

the Executive Director may grant to the person a fishing boat licence.

- (2) Nothing in subregulation (1) prevents the Executive Director from granting another fishing boat licence to a person who held a fishing boat licence which was cancelled under section 143, 223 or 224 of the Act.
- (3) A fishing boat licence is to specify a distinguishing letter and number (licensed fishing boat number) allocated in respect of the boat.

118A. Authority conferred by fishing boat licence of no effect if managed fishery licence authorises use of same boat

- (1) At any time when a managed fishery licence —
 - (a) has been granted in respect of the West Coast Rock Lobster Managed Fishery declared under the *West Coast Rock Lobster Management Plan 1993*;
 - (b) authorises the use in that fishery of the same boat in respect of which a fishing boat licence is in force; and
 - (c) confers a current entitlement, or a usual entitlement, of less than 63 units,

the authority conferred by the fishing boat licence referred to in paragraph (b) is of no effect.

- (2) In subregulation (1) —
 - “**current entitlement**” means the entitlement conferred by a managed fishery licence as —
 - (a) increased by any entitlement transferred to the licence under section 141 of the Act; or
 - (b) decreased by any entitlement transferred from the licence under section 141 of the Act;

“usual entitlement” means the entitlement conferred by a managed fishery licence without regard to any entitlement transferred to or from the licence under section 141 of the Act.

[Regulation 118A inserted in Gazette 8 Sep 2000 p. 5187; amended in Gazette 14 Nov 2001 p. 5978-9.]

119. Carrier boat licence

(1) In this regulation and regulation 120 —

“carrier boat” means a boat used or intended to be used for transporting fish for commercial purposes that have been taken with the use of another boat but does not include a tender dinghy to a licensed fishing boat which —

- (a) does not exceed 6 metres in length; and
- (b) is used for carrying fish taken by that boat.

(2) The person having the day to day control of a carrier boat must ensure that a current carrier boat licence is in force in respect of the boat.

Penalty: \$10 000.

(3) The holder of a carrier boat licence must ensure that there is legibly painted on both sides of the hull at the turn of the bow of the boat in respect of which the licence is in force, the letters “L.C.B.” followed by the licensed carrier boat number of the boat.

Penalty: \$1 000.

(4) The letters and figures to be painted under subregulation (3) are to be painted in black on a yellow background and are to be not less than 300 millimetres in height and not less than 50 millimetres in width.

(5) Where a boat is licensed under both this regulation and regulation 117, subregulation (3) need not be complied with.

- (6) A person must not —
- (a) use a boat bearing a licensed carrier boat number, or a number which purports to be such a number; or
 - (b) permit or suffer a person to use a boat bearing a licensed carrier boat number, or a number which purports to be such a number,

unless a current carrier boat licence is in force in respect of that boat and the number painted on the boat is the number allocated in respect of the boat.

Penalty: \$5 000.

[Regulation 119 amended in Gazette 15 Jan 1999 p. 113.]

120. Grant of carrier boat licence

- (1) If a person applies to the Executive Director for the grant of a carrier boat licence authorising that person to use a boat as a carrier boat and the Executive Director is satisfied that —
- (a) the person is a fit and proper person to hold the licence; and
 - (b) it is in the better interests of the fishing industry to grant the licence,

the Executive Director may grant to the person a carrier boat licence.

- (2) Nothing in subregulation (1) prevents the Executive Director from granting another carrier boat licence to a person who held a carrier boat licence which was cancelled under section 143, 223 or 224 of the Act.
- (3) A carrier boat licence is to specify a distinguishing number (licensed carrier boat number) allocated in respect of the boat.

121. Commercial fishing licence

- (1) A person, other than a person referred to in section 91(d) of the Act, who engages in commercial fishing must hold a commercial fishing licence.
- (2) A person, other than a person referred to in section 91(d) of the Act, who takes fish or assists in taking fish must not directly or indirectly sell that fish unless it is taken under a commercial fishing licence by the holder of that licence.

Penalty: \$5 000 and the penalty provided in section 222 of the Act.

122. Grant of commercial fishing licence

If a person applies to the Executive Director for the grant of a commercial fishing licence authorising that person to engage in commercial fishing and the Executive Director is satisfied that it is in the better interests of the fishing industry to grant the licence the Executive Director may do so.

Division 2 — Recreational fishing

[Heading inserted in Gazette 29 Jun 2001 p. 3164.]

123. Recreational fishing licence

- (1) Subject to subregulation (3), a person who carries out any activity set out in the Table to regulation 124 must hold a recreational fishing licence specifying that the person may engage in the activity unless —
 - (a) the activity is carried out for a commercial purpose; or
 - (b) the person is an Aboriginal person not required to hold a recreational fishing licence under section 6 of the Act.

Penalty: \$2 000.

- (2) The holder of a commercial fishing licence must not hold a recreational fishing licence for any activity other than the activities set out in items 2 and 4 of the Table to regulation 124

and a recreational fishing licence granted to the holder of a commercial fishing licence specifying that the holder may engage in any other activity is not valid insofar as it relates to that other activity.

Penalty: \$1 000.

- (3) A person who is under the age of 16 years is not required to hold a recreational fishing licence to carry out the activity set out in item 4 of the Table to regulation 124.

124. Grant of recreational fishing licence

- (1) If a person applies to the Executive Director for the grant of a recreational fishing licence authorising that person to engage in an activity by way of recreational fishing the Executive Director may grant to the person a recreational fishing licence to engage in the activity.
- (2) A recreational fishing licence is to —
- (a) specify that the person who holds the licence may engage in one or more of the activities set out in the Table to this regulation; and
 - (b) specify any letters and numbers (gear identification number) allocated in respect of the licence, where the licence specifies that the licence holder may fish for rock lobster or fish by means of a fishing net.

Table

<u>Item</u>	<u>Activities</u>
1.	Fishing for rock lobster
2.	Fishing for marron
3.	Fishing for abalone
4.	Fishing for all freshwater fish (other than crustaceans) in waters south of 29° south latitude above the tidal influence including all lakes, dams, rivers and their tributaries
5.	Fishing by means of a fishing net

Division 3 — Specific fish or specific methods of fishing

[Heading inserted in Gazette 29 Jun 2001 p. 3164.]

125. Rock lobster pot licence

- (1) A person who uses one or more rock lobster pots to engage in the commercial fishing of rock lobster must hold a rock lobster pot licence.
Penalty: \$5 000.
- (2) A person who holds a rock lobster pot licence must not use any rock lobster pots in excess of the number specified in that licence as being the number authorised to be used under the licence.
Penalty: \$5 000.
- (3) This regulation does not apply to a person using a rock lobster pot in a managed fishery in accordance with an authorisation granted in respect of that fishery.

126. Grant of rock lobster pot licence

If a person applies to the Executive Director for the grant of a rock lobster pot licence authorising that person to engage in the commercial fishing of rock lobster and the Executive Director is satisfied that —

- (a) the person is a fit and proper person to hold the licence;
and
- (b) it is in the better interests of the fishing industry to grant the licence,

the Executive Director may grant to the person a rock lobster pot licence.

127. Oyster fishing licence

- (1) Subject to subregulation (2), a person who fishes for oysters in public waters must hold an oyster fishing licence.
Penalty: \$1 000.

- (2) Subregulation (1) does not apply to a person who takes oysters for the purpose of personal consumption.
- (3) In this regulation and in regulation 128 —
- “**oyster**” means all oysters other than any pearl oyster, as defined in the *Pearling Act 1990*;
- “**public waters**” means all WA waters other than —
- (a) waters on private land;
 - (b) waters where aquaculture is carried on under an aquaculture licence; or
 - (c) waters specified as a pearl oyster farm in a farm lease under the *Pearling Act 1990*.

128. Grant of oyster fishing licence

If a person applies to the Executive Director for the grant of an oyster fishing licence authorising that person to engage in fishing for oysters in public waters and the Executive Director is satisfied that it is in the better interests of the fishing industry to grant the licence the Executive Director may grant to the person an oyster fishing licence.

Division 4 — Aquatic eco-tourism operators

[Heading inserted in Gazette 29 Jun 2001 p. 3165.]

128A. Aquatic eco-tourism operator’s licence

- (1) Subject to subregulations (2) and (3), a person who engages in aquatic eco-tourism for a commercial purpose in a zone set out in Schedule 15 must hold an aquatic eco-tourism operator’s licence for that zone.

Penalty: \$10 000.

- (2) Subregulation (1) does not apply if —
- (a) a person who engages in eco-tourism for a commercial purpose has a licence to do so issued under, or who is otherwise authorised to do so under, the *Conservation*

and Land Management Act 1984 or regulations made under that Act; and

- (b) the eco-tourism operation is conducted wholly within a marine reserve as defined in section 3 of the *Conservation and Land Management Act 1984*.
- (3) Subregulation (1) does not apply if a person who engages in eco-tourism for a commercial purpose has a fishing tour operator's licence or a restricted fishing tour operator's licence.

[Regulation 128A inserted in Gazette 29 Jun 2001 p. 3165; amended in Gazette 27 Jun 2003 p. 2390.]

128B. Grant of aquatic eco-tourism operator's licence

- (1) If a person applies to the Executive Director for the grant of an aquatic eco-tourism operator's licence to engage in aquatic eco-tourism for a commercial purpose in a zone set out in Schedule 15 and the Executive Director is satisfied that —
 - (a) the person is a fit and proper person to hold the licence; and
 - (b) it is in the interests of the management of aquatic eco-tourism to grant the licence,the Executive Director may grant to the person an aquatic eco-tourism operator's licence for that zone.
- (2) An aquatic eco-tourism operator's licence is to —
 - (a) specify the name and business address of the holder of the licence;
 - (b) specify the licence number;
 - (c) specify the period for which the licence has been granted;
 - (d) specify the zone in which an aquatic eco-tour may be conducted under the licence;
 - (e) specify whether the tour may be conducted using one or more of the following —
 - (i) a boat;

- (ii) a vehicle;
- (iii) an aircraft;
- (f) specify any conditions that the Executive Director has imposed in relation to the grant of the licence;
- (g) specify the name of any boat that may be used for or in connection with a tour conducted under the licence, its length, licence number (if it has one), and its surveyed passenger carrying capacity; and
- (h) specify details of the identity of any vehicle or aircraft which may be used for or in connection with a tour conducted under the licence.

[Regulation 128B inserted in Gazette 29 Jun 2001 p. 3165-7; amended in Gazette 27 Jun 2003 p. 2390.]

[128C. Repealed in Gazette 27 Jun 2003 p. 2390.]

128D. Documents to be carried by master or person in charge of a boat, vehicle or aircraft

- (1) The master or person in charge of a boat, vehicle or aircraft used in connection with an aquatic eco-tour must unless regulation 128A(2) applies to the tour cause to be kept on board the boat, vehicle or aircraft —
 - (a) the aquatic eco-tourism operator's licence or the fishing tour operator's licence, as the case may be, of the person conducting the tour; and
 - (b) any other authorisation relating to the boat or its crew, vehicle or aircraft required to be held under the Act,

or legible copies of those documents.

Penalty: \$2 000.

- (2) Where the Executive Director considers that it would be impractical to require a person to comply with subregulation (1), the Executive Director may in writing exempt

that person from that subregulation in relation to a boat, vehicle or aircraft or class of boats, vehicles or aircraft.

- (3) The master or person in charge of a boat, vehicle or aircraft used in connection with an aquatic eco-tour must cause the exemption or a legible copy of it to be kept on board the boat, vehicle or aircraft.

Penalty: \$500.

[Regulation 128D inserted in Gazette 29 Jun 2001 p. 3167-8.]

128E. Certain records to be kept and returns submitted to the Department

- (1) The holder of an aquatic eco-tourism operator's licence must keep records relevant to operations conducted under that licence relating to the times and places of carrying out aquatic eco-tourism for a commercial purpose and must retain those records for a period of not less than 7 years.
- (2) Subject to subregulation (5), a person who must keep records under this regulation must submit a return to the Department regarding the operations each month and, where there have been no operations in the month, the return must be marked "Nil".
- (3) If the Executive Director has approved a form for that return, a person who must submit a return must use the relevant form approved by the Executive Director.
- (4) A person who must submit a return must send the return relating to each month to the head office of the Department in Perth to arrive not later than the 15th day of the next month.
- (5) The Executive Director may in writing exempt a person who must keep records under this regulation from submitting a monthly return under subregulation (2) for the period of time, or in respect of the operation, specified in writing and sent to the person who is to be exempt.

- (6) A person must not make an entry or statement that is false or misleading in a material particular in a record kept or a return submitted under this regulation.

Penalty: In the case of an individual \$5 000 or, in the case of a body corporate, \$10 000.

[Regulation 128E inserted in Gazette 29 Jun 2001 p. 3168-9; amended in Gazette 27 Jun 2003 p. 2390.]

[128F. Repealed in Gazette 27 Jun 2003 p. 2390.]

128G. Fishing on an aquatic eco-tour

- (1) The master of a boat used for an aquatic eco-tourism trip must not allow a participant in the tour to —
- (a) take any fish while on the boat;
 - (b) keep any fish on the boat; or
 - (c) bring ashore any fish from the boat.

Penalty: \$2 000.

- (2) The person in charge of any boat, vehicle or aircraft being used for an aquatic eco-tourism trip must not —
- (a) commence the tour with any fish on the boat, vehicle or aircraft; or
 - (b) allow any fish to remain on the boat at the end of the tour.

Penalty: \$10 000.

[(3) repealed]

- (4) It is a defence in proceedings for an offence against subregulation (2)(a) or (2)(b) for the person charged to prove that the fish was purchased from a person other than a participant in the tour for the purpose of providing meals for participants in a tour on the boat.

[Regulation 128G inserted in Gazette 29 Jun 2001 p. 3169-70; amended in Gazette 27 Jun 2003 p. 2390-1.]

128H. Boat not to be used for both commercial fishing and an aquatic eco-tour during a single trip

A person who uses a licensed fishing boat that is specified in an aquatic eco-tourism operator's licence for or in connection with commercial fishing and an aquatic eco-tour in the course of a single trip commits an offence.

Penalty: \$5 000.

[Regulation 128H inserted in Gazette 27 Jun 2003 p. 2391.]

Division 5 — Fishing tour operators

[Heading inserted in Gazette 29 Jun 2001 p. 3171.]

128I. Fishing tour operator's licence

A person who conducts a fishing tour for a commercial purpose in a zone set out in Schedule 15 must hold a fishing tour operator's licence or a restricted fishing tour operator's licence for that zone.

Penalty: \$10 000.

[Regulation 128I inserted in Gazette 29 Jun 2001 p. 3171; amended in Gazette 27 Jun 2003 p. 2391.]

128J. Grant of fishing tour operator's licence

- (1) If a person applies to the Executive Director for the grant of a fishing tour operator's licence to conduct a fishing tour for a commercial purpose in a zone set out in Schedule 15 and the Executive Director is satisfied that —
 - (a) the person is a fit and proper person to hold the licence; and
 - (b) it is in the interests of the management of commercial and recreational fishing to grant the licence,

the Executive Director may grant to the person a fishing tour operator's licence for that zone.

- (1a) If a person applies to the Executive Director for the grant of a restricted fishing tour operator's licence to conduct a fishing tour for a commercial purpose in a zone set out in Schedule 15 and the Executive Director is satisfied that —
- (a) the person is a fit and proper person to hold the licence; and
 - (b) it is in the interests of the management of commercial and recreational fishing to grant the licence,

the Executive Director may grant to the person a restricted fishing tour operator's licence for that zone.

- (2) A fishing tour operator's licence or a restricted fishing tour operator's licence is to —
- (a) specify the name and business address of the holder of the licence;
 - (b) specify the licence number;
 - (c) specify the period for which the licence has been granted;
 - (d) specify the zone or a part of a zone in which a fishing tour may be conducted under the licence;
 - (e) specify whether the tour may be conducted using one or more of the following —
 - (i) a boat;
 - (ii) a vehicle;
 - (iii) an aircraft;
 - (f) specify any conditions that the Executive Director has imposed in relation to the grant of the licence;
 - (g) specify the name of any boat that may be used for or in connection with a tour conducted under the licence, its length, licence number (if it has one), and its surveyed passenger carrying capacity; and

- (h) specify details of the identity of any vehicle or aircraft which may be used for or in connection with a tour conducted under the licence.

[Regulation 128J inserted in Gazette 29 Jun 2001 p. 3171-2; amended in Gazette 27 Jun 2003 p. 2391.]

128K. Duty of master to give notice of commercial fishing trip by a boat

If a boat that is authorised to be used on a fishing tour is also a licensed fishing boat, the master of the boat must, before taking the boat from the port to fish for a commercial purpose or to conduct a fishing tour for a commercial purpose, give notice of the trip in a manner and form approved by the Executive Director to the office of the Department nearest to that port.

Penalty: \$2 000.

[Regulation 128K inserted in Gazette 29 Jun 2001 p. 3172; amended in Gazette 27 Jun 2003 p. 2392.]

128L. Documents to be carried by master or person in charge of a boat, vehicle or aircraft

- (1) The master or person in charge of a boat, vehicle or aircraft used for or in connection with a fishing tour must cause to be kept on board the boat, vehicle or aircraft —
 - (a) the fishing tour operator's licence or the restricted fishing tour operator's licence of the person conducting the tour; and
 - (b) any other authorisation relating to the boat or its crew, vehicle or aircraft required to be held under the Act,

or legible copies of those documents.

Penalty: \$2 000.

- (2) Where the Executive Director considers that it would be impractical to require a person to comply with subregulation (1), the Executive Director may in writing exempt

that person from that subregulation in relation to a boat, vehicle or aircraft or class of boats, vehicles or aircraft.

- (3) The master or person in charge of a boat, vehicle or aircraft used in connection with a fishing tour must cause the exemption or a legible copy of it to be kept on board the boat, vehicle or aircraft.

Penalty: \$500.

[Regulation 128L inserted in Gazette 29 Jun 2001 p. 3172-3; amended in Gazette 27 Jun 2003 p. 2392.]

128M. Participants in a fishing tour to be required to comply with written law applicable to recreational fishing

A person who holds a fishing tour operator's licence or a restricted fishing tour operator's licence or a person who is in charge of a fishing tour trip must not permit or suffer any person participating in a fishing tour trip to engage in fishing in a manner contrary to the provisions of the Act applicable to recreational fishing.

Penalty: \$2 000.

[Regulation 128M inserted in Gazette 29 Jun 2001 p. 3173; amended in Gazette 27 Jun 2003 p. 2392.]

128N. Participants in a fishing tour to be required to fish holding one line or one rod and line

Subject to regulation 128Q, a person who holds a fishing tour operator's licence or a restricted fishing tour operator's licence or a person who is in charge of a fishing tour trip must not permit or suffer any person participating in a fishing tour trip to fish during the trip other than by holding one line or one rod and line.

Penalty: \$2 000.

[Regulation 128N inserted in Gazette 27 Jun 2003 p. 2392.]

128O. Prohibition on sale of fish taken on a fishing tour

A person who holds a fishing tour operator's licence or a restricted fishing tour operator's licence or a person acting on a licence holder's behalf must not sell any fish taken on a tour conducted under the licence.

Penalty: \$10 000.

[Regulation 128O inserted in Gazette 29 Jun 2001 p. 3174; amended in Gazette 27 Jun 2003 p. 2392.]

128P. Boat not to be used for both commercial fishing and a fishing tour during a single trip

A person who uses a licensed fishing boat that is specified in a fishing tour operator's licence or a restricted fishing tour operator's licence for or in connection with commercial fishing and a fishing tour in the course of a single trip commits an offence.

Penalty: \$5 000.

[Regulation 128P inserted in Gazette 27 Jun 2003 p. 2393.]

128Q. Participants in certain fishing tours not to fish from the boat other than by holding one line

A person participating in a fishing tour on a boat specified in a restricted fishing tour operator's licence must not fish from the boat other than by holding one line.

Penalty: \$2 000.

[Regulation 128Q inserted in Gazette 27 Jun 2003 p. 2393.]

128R. Person in charge of restricted fishing tour not to permit rod on boat

A person in charge of a fishing tour conducted by virtue of a restricted fishing tour operator's licence must not permit a rod

to be kept on board a boat during any period that the boat is being used for the tour.

Penalty: \$5 000.

[Regulation 128R inserted in Gazette 27 Jun 2003 p. 2393.]

128S. Limit on fishing on a restricted fishing tour

(1) In this regulation —

“**restricted fishing tour**” means a fishing tour conducted by virtue of a restricted tour operator’s licence.

(2) The master of a boat used for a restricted fishing tour must not allow a participant on the tour to bring ashore any fish from the boat.

Penalty: \$5 000.

(3) The master of a boat being used for a restricted fishing tour must not —

(a) commence the tour with any fish on the boat; or

(b) allow any fish to remain on the boat at the end of the tour.

Penalty: \$10 000.

(4) A person in charge of a restricted fishing tour must not allow participants on the tour to take more than a reasonable quantity of fish for a meal for those on the boat at the time the fish is taken.

Penalty: \$5 000.

(5) It is a defence in proceedings for an offence against subregulation (3) for the person charged to prove that the fish was purchased from a person other than a participant on the tour for the purpose of providing meals for participants on a tour on the boat.

[Regulation 128S inserted in Gazette 27 Jun 2003 p. 2393-4.]

Division 6 — General

[Heading inserted in Gazette 29 Jun 2001 p. 3174.]

129. Replacement for lost, damaged or destroyed authorisation

- (1) The holder of an authorisation that has been lost, damaged or destroyed may apply to the Executive Director for a replacement for the authorisation.
- (2) An application —
 - (a) must be made as if it were an application to which section 135 of the Act applies; and
 - (b) must be accompanied by the fee set out in item 5 of Part 1 of Schedule 1.

130. Conditions of licences

- (1) A licence granted under this Part is subject to any conditions imposed in writing by the Executive Director.
- (2) A licence may be granted or renewed under this Part or transferred subject to such conditions as the Executive Director thinks fit and specifies in the licence.
- (3) The Executive Director may at any time, by notice in writing given to the licence holder, delete or vary any condition on a licence imposed under this regulation or add a new condition to the licence.
- (4) A person must not contravene a condition of a licence granted under this Part.

Penalty: \$5 000 and the penalty provided in section 222 of the Act.

130A. Identification of boat used for aquatic eco-tourism or a fishing tour

The holder of an aquatic eco-tour operator's licence, a fishing tour operator's licence or a restricted fishing tour operator's

licence must ensure that a boat or vehicle used for or in connection with an aquatic eco-tour or a fishing tour, as the case may be, is identified in such manner as the Executive Director specifies in a written notice given to the holder of the licence.

Penalty: \$2 000.

[Regulation 130A inserted in Gazette 29 Jun 2001 p. 3174-5; amended in Gazette 27 Jun 2003 p. 2394 .]

131. Transfers

The Executive Director may, under section 140(2)(b) of the Act, refuse to transfer an authorisation or part of an entitlement under an authorisation on the grounds that —

- (a) the proposed transferor or transferee has not provided information, or further information, required by the Executive Director for a proper consideration of the application, or has refused to verify such information by statutory declaration;
- (b) where the authorisation is held in respect of a boat, the boat is unseaworthy, lost or destroyed;
- (ba) where the holder has 2 or more authorisations and all of those authorisations are not simultaneously being transferred to the same transferee, in the opinion of the Executive Director, it is not in the best interests of the fishery to transfer the authorisation;
- (c) the holder has not used the authorisation in the previous 2 years;
- (d) the holder has been convicted of an offence against —
 - (i) the Act or these regulations;
 - (ii) a written law other than this Act if the offence relates to the fishing industry; or
 - (iii) a law of the Commonwealth, or of another State or Territory, relating to the management or regulation of fish resources;

- (e) in the opinion of the Executive Director, a condition of the authorisation has been contravened;
- (f) the authorisation was obtained by fraud or misrepresentation;
- (g) the holder has —
 - (i) failed to keep any record, or submit any return, that is required to be kept or submitted under this Act; or
 - (ii) made an entry or statement in such a record or return that is false or misleading in a material particular;
- (h) a fee, charge or levy payable in respect of the authorisation has not been paid when it became due; or
- (i) the transfer would contravene a condition of the authorisation or be contrary to a provision of a management plan.

[Regulation 131 amended in Gazette 29 Jun 2001 p. 3175.]

132. Short term use of a boat other than the boat in respect of which a fishing boat licence is held

- (1) Despite regulations 117 and 119, where a fishing boat or a carrier boat licence has been granted in respect of a boat and —
 - (a) the boat is unseaworthy, lost or destroyed; or
 - (b) the Certificate of Survey, as required under regulation 118(1)(c), for the boat has expired or is cancelled,

the Executive Director may, on application by the holder of the licence, authorise by notice in writing, the holder to use a boat other than the boat in respect of which the licence was granted.

- (2) An application for an authority under subregulation (1) —
 - (a) is to be made to the Executive Director in a form approved for that purpose by the Executive Director; and

- (b) is to be accompanied by the fee set out in item 6 of Part 2 of Schedule 1.
- (3) An authority under this regulation —
 - (a) must specify the boat to which the authority relates and the period for which the boat may be used under the licence, being a period not exceeding 28 days; and
 - (b) is subject to any conditions specified in the authority by the Executive Director.
- (4) The Executive Director may vary or cancel a condition imposed on an authority under this regulation by notice in writing given to the holder of the authority.
- (5) The Executive Director may vary or cancel an authority under this regulation by notice in writing given to the holder of the authority.
- (6) A person to whom an authority has been granted under this regulation must not contravene that authority while it is in force.
Penalty: \$5 000.

133. Duration of licences

Except as otherwise provided in the Act or in the licence, a licence granted under this Part remains in force for a period of 12 months from the day on which it is granted or renewed.

134. Renewal of licences

If a person applies to the Executive Director for the renewal of a licence granted under this Part, the Executive Director is, subject to section 143 of the Act, to renew the licence.

135. Application fees

A fee set out in Part 2 of Schedule 1 opposite a particular type of application is the fee to be paid to make that application.

136. Some people may pay only half the applicable fee

Where a recreational fishing licence is applied for by —

- (a) a person under the age of 16 years;
 - (b) a person receiving —
 - (i) under the *Social Security Act 1991* of the Commonwealth, an age, disability support or widows pension or allowance;
 - (ii) a pension under the *Coal Industry Superannuation Act 1989*;
 - (iii) under the *Veterans Entitlements Act 1986* of the Commonwealth, a pension as a widow of a member of the forces, a service pension or the special rate of pension as a person who is totally and permanently incapacitated;
 - (c) a person who is the spouse, widow or widower of a person referred to in paragraph (b);
 - (ca) a person who —
 - (i) is the de facto partner of a person referred to in paragraph (b); or
 - (ii) if the person referred to in paragraph (b) has died, was the de facto partner of that person immediately before the death of that person;
- or
- (d) a person who is the holder of a Seniors' Card issued by the Office of Seniors Interests,

only one half of the fee otherwise applicable is payable.

[Regulation 136 amended in Gazette 30 Jun 2003 p. 2603.]

137. Fees for grant or renewal of authorisation

- (1) A fee set out in Part 3 of Schedule 1 opposite a particular type of authorisation is the fee to be paid in respect of the grant or renewal of the authorisation.

- (2) If the relevant management plan provides for the payment by instalments of a fee set out in item 3 of Part 3 of Schedule 1, the fee may be paid in 2 or 3 instalments in accordance with the relevant management plan.
- (3) If a fee referred to in subregulation (2) is to be paid by instalments, a surcharge of —
- (a) 10% of that fee; or
 - (b) any lesser percentage of that fee, if such a percentage is specified in the relevant management plan,
- is payable with the first instalment.
- (4) If an instalment of a fee, including the surcharge if payable with that instalment, is not paid on or before the day specified in the relevant management plan (“**the due date**”) —
- (a) the full amount outstanding of the fee becomes immediately payable; and
 - (b) the authority conferred by the authorisation to which the fee applies is of no effect during the period from the due date until the day on which the full amount outstanding of the fee is paid.
- (5) In subregulation (4) —
- “the full amount outstanding of the fee”** includes the surcharge payable under subregulation (3).

[Regulation 137 amended in Gazette 24 Dec 1996 p. 7114.]

138. Temporary transfer of entitlements

Part of an entitlement under an authorisation may not be transferred under section 141 of the Act for a period ending on a day after the authorisation would expire, if it were not renewed.

139. Executive Director to be notified of change of name or address

If a person who holds an exemption, authorisation, aquaculture lease or exclusive licence changes name or address, the person

must within 7 days after the change notify the Executive Director in writing of the person's new name or address and provide details of each exemption, authorisation, aquaculture lease or exclusive licence held by the person.

Penalty: \$200.

Part 12 — Objections

140. Fee for objection to proposal under section 149

- (1) A fee as set out in item 4 of Part 1 of Schedule 1 is payable on lodging an objection to a proposal under section 149 of the Act.
- (2) Subject to any order the tribunal may make for costs under section 156 of the Act, if an objection under Division 1 of Part 14 of the Act is successful one half of the fee referred to in subregulation (1) is to be refunded to the applicant.

[Regulation 140 amended in Gazette 12 Sep 1997 p. 5153.]

141. Documents signed by a tribunal

A document bearing the signature of —

- (a) each member of a tribunal; or
- (b) a person authorised in writing by each member of the tribunal to sign documents on behalf of the tribunal,

is to be taken to be signed by the tribunal.

142. Summons under section 158

- (1) A summons under section 158 of the Act is to be in the form of Form 1.
- (2) A summons under section 158 of the Act is to be served by —
 - (a) delivering the summons to the person; or
 - (b) leaving the summons at the person's usual or last known place of abode with a person who is, or appears to the person serving the summons, over the age of 16 years.
- (3) A summons remains in force from the date that it is issued until the conclusion of the hearing at which the attendance of the person served with the summons is required or until the person is excused by the tribunal.

143. Decision and orders of a tribunal

- (1) The Executive Director or a person or persons in whose favour a tribunal has made an order for costs may recover the amount of the costs in any court of competent jurisdiction as a debt due from the person against whom they are awarded.
- (2) A tribunal is to give notice of its decision and of the reasons for the decision, in writing, to the Executive Director.

Part 13 — Miscellaneous offences

144. Passage of fish not to be impeded etc.

- (1) A person must not set any fishing gear or any other thing across or within any bay, inlet, river, creek or any tidal or inland waters so that fish are enclosed, left stranded, destroyed or wasted.
- (2) A person must not place, set or use in inland waters, a trap or device enclosed with wire, or wire netting with wings attached so as to impede the free passage of fish on either side of the trap or device.

Penalty: \$1 000.

145. Explosive or noxious substances

- (1) A person must not in WA waters carry on, or in, a boat any explosive or noxious substance unless so authorised under subregulation (2).

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000.

- (2) A fisheries officer may, in writing, authorise a person to carry any explosive or noxious substance on a boat referred to in subregulation (1) and in that authority must specify —
 - (a) the type and amount that may be carried;
 - (b) the purpose for which it may be carried;
 - (c) the period of time within which it must be carried; and
 - (d) the boat on, or in, which it may be carried.

146. Persons in possession of explosive or noxious substance

- (1) Where any explosive or noxious substance has been used in WA waters without lawful excuse, resulting in the taking of fish and a person is found in possession of any explosive or noxious substance that person, in the absence of evidence to the contrary, is to be presumed to be the person who used the explosive or noxious substance.

- (2) For the purpose of this regulation, the master of a boat on which is found any explosive or noxious substance is to be taken to be in possession of that explosive or noxious substance.

Part 14 — Fisheries officers

147. Warrant under section 187

A warrant under section 187 of the Act is to be in the form of Form 2.

148. Disposing of seized fish

For the purposes of section 194(2) of the Act, fish seized under the Act may be —

- (a) given to the Department for its use or transferred, with or without charge, to any other department of the State or Commonwealth;
- (b) sold at public auction, by tender or by private contract;
- (c) donated to needy persons, or an institution operated for the benefit of needy persons; or
- (d) destroyed where a fisheries officer is of the opinion that the fish is not fit for human consumption or it is not practical to release, sell or donate the fish.

149. Proceeds of sale of fish under section 194(2)

For the purposes of section 194(3) of the Act proceeds of the sale of any fish under section 194(2) of the Act are to be paid to the credit of —

- (a) the Fisheries Research and Development Fund continued under section 238 of the Act, where the fish was the subject of an offence, or suspected offence, relating to aquaculture, aquatic eco-tourism, commercial fishing, or processing; and
- (b) the Recreational Fishing Fund established under section 239 of the Act in all other cases.

150. Application for compensation under section 197(3)

- (1) An application to the Executive Director for compensation under section 197(3) of the Act must be made in writing.

- (2) An application for compensation may contain information regarding the following matters —
- (a) why compensation is claimed;
 - (b) when the boat or vehicle was used and by whom;
 - (c) what use was made of the boat or vehicle;
 - (d) how the applicant was affected by the use of the boat or vehicle.

Part 15 — Legal proceedings

151. Determination of characteristics of fish

The method prescribed under section 214 of the Act to determine —

- (a) the length of a whole fish listed in column 1 of Part 1 of Schedule 8 is as set out opposite the name of the fish in column 2;
- (b) the volume of fish, other than oysters, is as set out in Part 2 of Schedule 8; and
- (c) the weight of fish that is packaged and frozen, is by weighing the fish together with any packaging and liquid that is not easily removable from the fish.

[Regulation 151 amended in Gazette 1 Oct 2003 p. 4327.]

152. Geocentric Datum of Australia

- (1) The Geocentric Datum of Australia (“**the GDA**”) is the prescribed Australian datum for the purposes of section 216 of the Act.
- (2) The reference ellipsoid for the GDA is the Geodetic Reference System 1980 (“**GRS80**”) ellipsoid with a semi-major axis of 6 378 137 m exactly and an inverse flattening (1/f) of 298.257 222 101.
- (3) The reference frame for the GDA is realised by the coordinates of the following Australian Fiducial Network geodetic stations referred to the GRS80 ellipsoid determined within the International Earth Rotation Service Terrestrial Reference Frame 1992 (ITRF92) at the epoch of 1994.0 —

No.	Name	South Latitude	East Longitude	Ellipsoidal Height
AU 012	Alice Springs	23° 40' 12.44592"	133° 53' 07.84757"	603.358 m
AU 013	Karratha	20° 58' 53.17004"	117° 05' 49.87255"	109.246 m

No.	Name	South Latitude	East Longitude	Ellipsoidal Height
AU 014	Darwin	12° 50' 37.35839"	131° 07' 57.84838"	125.197 m
AU 015	Townsville	19° 20' 50.42839"	146° 46' 30.79057"	587.077 m
AU 016	Hobart	42° 48' 16.98506"	147° 26' 19.43548"	41.126 m
AU 017	Tidbinbilla	35° 23' 57.15627"	148° 58' 47.98425"	665.440 m
AU 019	Ceduna	31° 52' 00.01664"	133° 48' 35.37527"	144.802 m
AU 029	Yaragadee	29° 02' 47.61687"	115° 20' 49.10049"	241.291 m

[Regulation 152 inserted in Gazette 19 Aug 2003 p. 3715.]

153. Notice given by Executive Director under section 219(1)

The way prescribed for the Executive Director to give notice under section 219(1) of the Act is by a notice describing the thing seized to be displayed for at least 30 days in a prominent position on a notice board which is clearly visible from outside the office of the Department nearest to where the thing was seized.

154. Disposing of any thing forfeited to the Crown

- (1) Any thing (other than fish) forfeited to the Crown under the Act is —
 - (a) to be given to the Department for its use or transferred, with or without charge, to any other department of the State or Commonwealth;
 - (b) to be sold at public auction, by tender or by private contract; or
 - (c) to be destroyed, as specified by the Executive Director.
- (2) Fish forfeited to the Crown under the Act are to be dealt with as specified in regulation 148 in respect of fish seized under the Act.
- (3) The Executive Director is to specify which method referred to in subregulation (1) or regulation 148 is to apply in respect of a particular thing forfeited to the Crown.

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155. Proceeds of sale of forfeited things to be credited to certain funds

For the purposes of section 221(2) of the Act, proceeds of the sale of any thing forfeited to the Crown under the Act are to be paid to the credit of —

- (a) the Fisheries Research and Development Fund continued under section 238 of the Act, where the thing was forfeited in respect of an offence relating to aquaculture, aquatic eco-tourism, commercial fishing, or processing; or
- (b) the Recreational Fishing Fund established under section 239 of the Act in all other cases.

156. Additional penalty under section 222

For the purposes of section 222(1) of the Act, the provisions of the regulations referred to in the Table to this regulation are prescribed provisions.

Table

Regulations 14, 22, 31, 31A(1), 33, 34, 35, 38B, 38C, 38H, 38I(1), 38J, 38K, 38M, 38N(1), 38O(1), 41, 56A, 64(7), 121, 128G(1), 128G(2), 128O and 130.

[Regulation 156 amended in Gazette 21 Dec 1999 p. 6408; 29 Dec 2000 p. 7979; 29 Jun 2001 p. 3175; 14 Nov 2001 p. 5979; 29 Nov 2002 p. 5655; 1 Oct 2003 p. 4327.]

157. Determining the value of fish

For the purposes of —

- (a) section 222(4)(a) of the Act, the value per unit of weight (in kilograms) for the fish listed in column 1 of Schedule 9 is set out in column 2 opposite the name of the fish; and
- (b) section 222(4)(b) of the Act, the value per fish for the fish listed in column 1 of Schedule 9 is set out in column 3 opposite the name of the fish.

158. Prescribed offences under section 224(1)(a)

An offence against a provision referred to in the Table to this regulation is a prescribed offence under section 224(1)(a) of the Act.

Table

Provisions of the Act

Sections 43(3), 46, 47, 49, 77, 82(1), 86, 88, 96, 112, 170(1), 171(1), 172, 173(1), 174(1), 175(1), 176, 189(2), 190(2), 191(5), 199, 200, 225(4) and (5) and 255(3).

Section 74, where the provision of the management plan contravened is designated in the plan as a major provision.

Provision of these regulations

Regulations 13, 18, 31A(1), 31A(2), 32(1), 33, 34, 35, 38, 63, 64, 64Q, 71(3), 117(1), 119(2), 125(2), 128G(1), 128G(2), 128O, 128P, 130(4), 130A, 145(1) and 176.

[Regulation 158 amended in Gazette 29 Jun 2001 p. 3175; 14 Nov 2001 p. 5979; 29 Nov 2002 p. 5655; 11 Feb 2003 p. 412; 1 Oct 2003 p. 4328; 31 Oct 2003 p. 4562.]

159. Prescribed offences under section 228(1)

An offence against a provision set out in column 1 of Schedule 12 is a prescribed offence under section 228(1) of the Act.

160. Form of infringement notice

An infringement notice under section 229(1) of the Act is to be in the form of Form 3.

161. Form of notice of withdrawal of infringement notice

A notice to be served under section 231(1) of the Act is to be in the form of Form 4.

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162. Modified penalties

The modified penalty set out in column 2 of Schedule 12 opposite an offence referred to in column 1 is the prescribed modified penalty for that offence for the purposes of section 229(2) of the Act.

Part 16 — Financial provisions

163. Times for special purpose audits

The times for a special purpose audit to be carried out under section 240(6)(b) of the Act are within 2 months after the end of any financial year in which —

- (a) any money was paid to the industry body under section 240(5) of the Act; or
- (b) any moneys paid to the industry body under section 240(5) of the Act were expended by the body.

Part 17 — Miscellaneous

Division 1 — Guidelines

164. Publication of guidelines

- (1) The Executive Director is to publish guidelines under section 246 or 247 of the Act by publishing notice in the *Gazette* or in a newspaper circulating daily in the State that the guidelines have been issued, amended or revoked and published by the Department and that copies are available to the public free of charge at the offices of the Department.
- (2) The Executive Director is to make copies of published guidelines available to the public free of charge at the offices of the Department.

165. Form of notice given by appointed person

A notice under section 249(3)(a) of the Act is to be in the form of Form 5.

Division 2 — Exclusive licences

166. Exclusive licences

- (1) An application for the grant or renewal of an exclusive licence must be —
 - (a) made to the Minister in a form approved for that purpose by the Executive Director;
 - (b) accompanied by the fee set out in item 14 of Part 2 of Schedule 1; and
 - (c) accompanied by any information that the Minister reasonably requires for a proper consideration of the application.
- (2) An applicant must provide the Minister with any further information that the Minister by notice in writing requires the applicant to provide in respect of an application.

- (3) An applicant must, if required to do so by the Minister, verify by statutory declaration any information contained in, or given in connection with, an application.
- (4) The Minister may refuse to consider an application if the application does not conform to a provision of this regulation or if the applicant has failed to comply with a provision of this regulation.

167. Effect of exclusive licences

- (1) An exclusive licence is granted and has effect subject to the Act and does not authorise the doing of anything in contravention of the Act.
- (2) The authority conferred by an exclusive licence is of no effect at any time when any of its conditions are being contravened.

168. Form of exclusive licences

An exclusive licence is to be in a form approved by the Executive Director.

169. Renewal after expiry

Section 139 of the Act applies in respect of the renewal of an exclusive licence as if that licence were an authorisation referred to in that section, except that the application is to be made to the Minister.

170. Some draft exclusive licences to go before Parliament

An exclusive licence is not to be granted in respect of an area that has a foreshore with a length greater than 120 kilometres until 14 sitting days after a draft of the licence has been laid before each House of Parliament.

171. Conditions of exclusive licences

Subject to any terms or conditions to which an exclusive licence is subject under section 251(3) of the Act, every exclusive licence is subject to the following conditions —

- (a) that the fees or royalties (if any) that the licence holder is required to pay in relation to the licence are paid at the head office of the Department in Perth in the manner provided in the licence;
- (b) that if —
 - (i) any fees or royalties that the licence holder is required to pay in relation to the licence remain unpaid for 21 days after they become due;
 - (ii) the licence holder fails to comply with any of these conditions or with any other terms or conditions relating to the licence to which the licence holder is subject; or
 - (iii) the Minister considers that it is in the public interest to do so,

the Minister may revoke the licence and, on the licence being revoked, all the interest of the licence holder, or any person claiming under the licence holder, in the licence terminates.

172. Only authorised persons to fish in areas the subject of exclusive licences

- (1) Subject to subregulation (2), a person must not engage in fishing in an area that is the subject of an exclusive licence unless the person is authorised by the licence to do so.

Penalty: \$3 000.

- (2) Subregulation (1) does not apply to a person who takes fish for the purpose of personal consumption.

Division 3 — Prohibition of activities that pollute waters

173. Form of notices that prohibit activities that pollute waters

A notice to be given by the Minister under section 255(1) of the Act is to be in the form of Form 6.

174. Form of notices that vary or revoke a notice under regulation 173

A notice to be given by the Minister under section 255(2)(c) of the Act is to be in the form of Form 7.

175. Appeals to the Minister for the Environment against giving of notice

- (1) An appeal under section 255(5) of the Act is to be made —
 - (a) within 21 days after the person aggrieved by a notice given to the person under section 255 of the Act receives the notice;
 - (b) in the form set out in Form 8, setting out the grounds of the appeal; and
 - (c) by sending the completed appeal form to the Executive Director at the head office of the Department in Perth.
- (2) The Executive Director is to submit an appeal received under subregulation (1)(c) to the Minister for the Environment, as defined in section 255(8) of the Act.

Division 4 — General

176. Control of fish not endemic

- (1) A person must not bring into the State, or a particular area of the State, a live fish of a species not endemic to the State, or that area of the State, other than in accordance with —
 - (a) the written approval of the Executive Director;
 - (b) the written authority of the Executive Director under subregulation (2); or

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- (c) an aquaculture licence.
- (2) An application for an authority under subregulation (1)(b) —
 - (a) is to be made to the Executive Director in a form approved for that purpose by the Executive Director; and
 - (b) is to be accompanied by the fee set out in item 16 of Part 2 of Schedule 1.
- (3) An approval or authority under subregulation (1) is subject to any conditions specified in the approval or authority by the Executive Director.
- (4) The Executive Director may vary or cancel a condition specified in an approval or authority under subregulation (1) by notice in writing given to the holder of the approval or authority.
- (5) The Executive Director may vary or cancel an approval or authority under subregulation (1) at any time by notice in writing given to the holder of the approval or authority.
- (6) A person must not contravene an approval or authority issued under subregulation (1).
- (7) A person who is in possession of a fish of any species of fish not endemic to the State, or the area of the State where the person is in possession of the fish, must destroy the fish if the fish is found to be infected with any disease, unless otherwise approved in writing by the Executive Director.
- (8) The species of fish listed in Schedule 10 are to be taken to be not endemic to the State for the purposes of the Act, but Schedule 10 is not a conclusive list of species of fish which are not endemic to the State for the purposes of the Act.

Penalty: \$10 000.

177. Disease control

- (1) A fisheries officer who has reasonable grounds to suspect that any fish at a place where fish processing or aquaculture is being carried on are diseased may, by notice in writing given to the holder of the relevant licence, require that person to carry out the treatment specified in the notice within the time specified in the notice.
- (2) A fisheries officer who has reasonable grounds to suspect that fish at a place where aquaculture is being carried on are affected by —
 - (a) a disease specified in Schedule 1 of the *Enzootic Diseases Regulations 1970*;
 - (b) any disease which cannot be effectively treated at the place where the fish are; or
 - (c) a disease of such a nature that the officer's urgent action is required to prevent the spread of the disease,may take, or require the holder of the relevant licence to take, such action as the officer thinks fit to destroy the fish affected and to eradicate the disease from the place.
- (3) Any costs incurred as a result of action taken by a fisheries officer under subsection (2) may be recovered by the Executive Director from the holder of the licence as a debt due.
- (4) The Executive Director may, by notice in writing given to the holder of an aquaculture licence, require that person to carry out such action as is specified in the notice for the prevention of any disease in fish at the place where aquaculture is carried out under the licence within the time specified in the notice.
- (5) A person must —
 - (a) comply with a notice given to the person under subregulation (1);
 - (b) carry out any action required by a fisheries officer to be carried out by that person under subregulation (2); and

- (c) comply with a notice given by the Executive Director under subregulation (4).

Penalty: \$10 000.

178. Taking of fish for scientific purposes

- (1) Despite anything else in these regulations, a person may fish for fish for scientific purposes if that person has a written authority to do so issued by the Executive Director.
- (2) An application for an authority under subregulation (1) —
 - (a) is to be made to the Executive Director in a form approved for that purpose by the Executive Director; and
 - (b) is to be accompanied by the fee set out in item 15 of Part 2 of Schedule 1.
- (3) An authority under subregulation (1) is subject to any conditions specified in the authority by the Executive Director.
- (4) The Executive Director may vary or cancel a condition specified in an authority under subregulation (1) by notice in writing given to the holder of the authority.
- (5) The Executive Director may vary or cancel an authority at any time by notice in writing given to the holder of the authority.
- (6) A person must not contravene an authority issued under subregulation (1).

Penalty: \$3 000.

179. Taking or handling of fish for genetic or chemical extraction or analysis

- (1) A person must not engage in any activity referred to in subregulation (2) other than in accordance with —
 - (a) the written approval of the Executive Director; or
 - (b) the written authority of the Executive Director under subregulation (3).

- (2) For the purposes of subregulation (1) the activities are —
 - (a) the taking of fish for genetic or chemical extraction or analysis; or
 - (b) the handling, delivering, receiving, storing, packaging, purchasing or selling of fish which the person has reasonable grounds to believe are to be used for genetic or chemical extraction or analysis.
- (3) An application for an authority under subregulation (1)(b) —
 - (a) is to be made to the Executive Director in a form approved for that purpose by the Executive Director; and
 - (b) is to be accompanied by the fee set out in item 19 of Part 2 of Schedule 1.
- (4) An approval or authority under subregulation (1) is subject to any conditions specified in the approval or authority by the Executive Director.
- (5) The Executive Director may vary or cancel a condition specified in an approval or authority under subregulation (1) by notice in writing given to the holder of the approval or authority.
- (6) The Executive Director may vary or cancel an approval or authority under subregulation (1) at any time by notice in writing given to the holder of the approval or authority.
- (7) A person must not contravene an approval or authority issued under subregulation (1).
Penalty: \$10 000.

180. Categories of fish

- (1) For the purposes of the Act, a species of fish referred to in Schedule 4 is a species of fish of the category referred to in the heading below which it appears.

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- (2) A fillet of fish the species of which is not readily identifiable is to be taken to be from a category 1 fish in the absence of proof to the contrary.

[Regulation 180 amended in Gazette 1 Oct 2003 p. 4328.]

181. Reduction and waiver of fees and charges

The Executive Director may authorise the reduction, waiver or refund, in whole or in part, of any fee or charge provided for in these regulations or in a management plan if the Executive Director considers it appropriate to do so.

[Regulation 181 amended in Gazette 26 Mar 1999 p. 1280 (disallowed in Gazette 25 Jun 1999 p. 2742); amended in Gazette 13 Aug 1999 p. 3827.]

Part 18 — Savings and transitional provisions

182. Limited entry fisheries under the repealed Act

- (1) For the purposes of section 74 of the Act, a provision of a notice under section 32 of the repealed Act continued in effect under clause 9 of Schedule 3 of the Act as if it were a management plan which requires a person —
 - (a) to do; or
 - (b) not to do,a specified thing is to be taken to be a provision the contravention of which is specified in the notice to be an offence.
- (2) Section 32(3) of the repealed Act continues to have effect in relation to the prescription of fees in relation to a licence, or endorsement, continued in force under clause 10 of Schedule 3 of the Act as if it were a managed fishery licence as if a reference in section 32(3) —
 - (a) to a limited entry fishery were a reference to a managed fishery; and
 - (b) to a licence, or an endorsement on a licence, in respect of a limited entry fishery were a reference to a managed fishery licence.

183. Citation of notices

- (1) Each notice made under section 32 of the repealed Act referred to in column 1 of the Table to this regulation may be cited using the citation set out opposite the item in column 2 of that Table.
- (2) Those notices in force under section 32 of the repealed Act immediately before the commencement of these regulations not set out in column 1 of the Table to this regulation may be cited as if the words “Limited Entry Fishery Notice” were deleted from their citation and the word “Management Plan” were substituted.

Table

<i>South Coast Salmon Fishery Notice 1982</i>	<i>South Coast Salmon Management Plan 1982</i>
<i>South-West Coast Salmon Fishery Notice 1982</i>	<i>South-West Coast Salmon Management Plan 1982</i>

184. Licences under the *Public Oyster Fishing Regulations 1919* continued in force

A licence in force under the *Public Oyster Fishing Regulations 1919* immediately before the commencement of these regulations continues in force on that commencement as if it were an oyster fishing licence granted under regulation 128.

185. Rock lobster pot licences continued in force

A rock lobster pot licence in force under the repealed Act immediately before the commencement of these regulations continues in force on that commencement as if it were a rock lobster pot licence granted under regulation 126.

186. Certain notices under the repealed Act continued as orders under section 43

A notice under section 9, 10, 11 or 38 of the repealed Act in force immediately before the commencement of these regulations continues in force on that commencement, and may be amended or revoked, as if the notice were an order made under section 43 of the Act and as if any reference in the notice to the Director were a reference to the Executive Director.

Schedule 1

Fees

Part 1 — General fees

Fees	\$
1. Application for an exemption under section 7(4) of the Act (reg. 6)	105.00
2. Copy of entry on, or extract from, the register (reg. 114(2)(a))	26.00
3. Access to the register in electronic form (reg. 114(2)(b))	26.00
4. Fee for objection under section 149 of the Act (reg. 140)	365.00
5. Application for replacement authorisation (reg. 129)	16.00

Part 2 — Application fees

[reg. 135]

Fees	\$
1. Fishing boat licence, grant or renewal (reg. 118)	67.00
For transfer	375.00
For variation	375.00
2. Carrier boat licence, grant or renewal (reg. 120)	67.00
For transfer	375.00
For variation	375.00
3. Commercial fishing licence, grant or renewal (reg. 122)	67.00
4. Recreational fishing licence, grant, variation or renewal (reg. 124) —	
(a) Fishing for rock lobster	31.00
(b) Fishing for marron	21.00
(c) Fishing for abalone	36.00
(d) Fishing for all freshwater fish (other than crustaceans) in waters south of 29 degrees south latitude above the tidal influence including all lakes, dams, rivers and their tributaries	21.00
(e) Fishing by means of a fishing net	26.00
(f) All the activities specified in paragraphs (a) to (e) endorsed on one licence	72.00
5. Rock lobster pot licence, grant or renewal (reg. 126)	67.00
For transfer	255.00
6. Application for authority to use another boat (reg. 132)	375.00
7. Grant of permit under section 80 of the Act	365.00

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Schedule 1 Fees

	Fees	\$
8.	Fish processor's licence under section 83 of the Act	365.00
	For renewal	72.00
	For transfer	425.00
	For variation (other than as set out in item 9)	425.00
9.	Variation of fish processor's licence to change place at which fish may be processed under the licence	425.00
10.	Aquaculture lease, grant or renewal (reg. 67)	1 910.00
11.	Aquaculture licence under section 92 of the Act —	
	In respect of freehold land	135.00
	In respect of non-freehold land	600.00
	For renewal	67.00
	For transfer (freehold land)	135.00
	For transfer (non-freehold land)	440.00
	For variation (freehold land)	135.00
	For variation (non-freehold land)	440.00
12.	Authorisation under section 66 of the Act	255.00
	For renewal	67.00
	For transfer	375.00
	For variation	375.00
13.	Oyster fishing licence (reg. 128)	255.00
	For renewal	67.00
14.	Exclusive licence, grant or renewal (reg. 166)	600.00
15.	Authority to take fish for scientific purposes (reg. 178)	67.00
16.	Authority to bring in non-endemic fish (reg. 176)	120.00
17.	Temporary transfer of part entitlements under section 141 of the Act	120.00
18.	Register — notation under section 127 of the Act	120.00
	Register — variation under section 131 of the Act	120.00
	Register — removal of record under section 131 of the Act ...	120.00
19.	Authority to take or handle fish for genetic or chemical extraction or analysis (reg. 179)	600.00
20.	Aquatic eco-tourism operator's licence (reg. 128B) or restricted fishing tour operator's licence (reg. 128J)	52.00
	For renewal	57.00
	For transfer	320.00
	For variation	320.00
21.	Fishing tour operator's licence (reg. 128J)	52.00
	For renewal	57.00
	For transfer	320.00
	For variation	320.00

Part 3 — Fees for the grant or renewal of authorisations

[reg. 137]

Fees	\$
1. Fish processor's licence	
Types of processing establishments —	
(a) processing establishment that is erected on land and that is used for processing either rock lobsters or prawns	670.00
(b) processing establishment that is erected on land and that is used for processing both rock lobsters and prawns	1 335.00
(c) processing establishment that is erected on land and that is used for processing any fish including rock lobsters and prawns	1 655.00
(d) processing establishment that is erected on land and that is used for processing any fish including either rock lobsters or prawns	995.00
(e) processing establishment that is erected on land and that is used for processing any fish other than rock lobsters and prawns	325.00
(f) seagoing processing establishment that is used solely for processing fish including rock lobsters and prawns taken by it	325.00
(g) seagoing processing establishment that is used solely for processing fish including rock lobsters and prawns taken by other boats	325.00
2. Aquaculture licence	
(a) any licence other than a licence referred to in paragraph (b)	280.00
(b) a licence that authorises the aquaculture of marron only and is subject to the condition that the sale of the marron is prohibited unless the marron —	
(i) are of a length not less than 76 mm; and	
(ii) are sold to a person who holds an aquaculture licence or fish processor's licence	No fee

Schedule 1 Fees

Fees	\$
3. Managed fishery licence fees	
(1) Abalone Managed Fishery (as defined in the <i>Abalone Management Plan 1992</i>), the sum obtained by multiplying the number of units of entitlement (as defined in that management plan) conferred by the licence by the fee for each unit, as follows —	
(a) for each Greenlip unit	46.91
(b) for each Brownlip unit	46.91
(c) for each Roe's unit	12.99
(2) Arolhos Islands and Mid West Trawl Managed Fishery per gear unit (as defined in the <i>Arolhos Islands and Mid West Trawl Management Plan 1993</i>)	1 924.00
(2a) Broome Prawn Managed Fishery (as defined in the <i>Broome Prawn Managed Fishery Management Plan 1999</i>)	10 360.00
(3) Cockburn Sound (Crab) Managed Fishery (per pot) (as defined in the <i>Cockburn Sound (Crab) Management Plan 1995</i>)	36.38
(4) Cockburn Sound (Fish Net) Managed Fishery (as defined in the <i>Cockburn Sound (Fish Net) Management Plan 1995</i>)	1 067.00
(5) Cockburn Sound (Line and Pot) Managed Fishery (as defined in the <i>Cockburn Sound (Line and Pot) Management Plan 1995</i>)	83.81
(6) Cockburn Sound (Mussel) Managed Fishery (as defined in the <i>Cockburn Sound (Mussel) Management Plan 1995</i>)	113.00
(7) Esperance Rock Lobster Managed Fishery (per pot) (as defined in the <i>Esperance Rock Lobster Management Plan 1987</i>)	53.61
(8) Exmouth Gulf Prawn Managed Fishery (as defined in the <i>Exmouth Gulf Prawn Management Plan 1989</i>)	24 459.00
(9) Kimberley Gillnet and Barramundi Managed Fishery (per boat) (as defined in the <i>Kimberley Gillnet and Barramundi Management Plan 1989</i>)	2 972.00
(10) Kimberley Prawn Managed Fishery (as defined in the <i>Kimberley Prawn Management Plan 1993</i>) —	
(a) for a Class 1 licence	1 015.00
(b) for a Class 2 licence	1 015.00
(c) for a Class 3 licence	5 000.00

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Fees Schedule 1

Fees	\$
(11) Marine Aquarium Fish Managed Fishery (as defined in the <i>Marine Aquarium Fish Management Plan 1995</i>) —	
(a) for an individual	882.00
(b) for a body corporate	882.00
(12) Nickol Bay Prawn Managed Fishery (as defined in the <i>Nickol Bay Prawn Management Plan 1991</i>)	6 148.00
(12a) Northern Demersal Scalefish Fishery (as defined in the <i>Northern Demersal Scalefish Fishery Management Plan 2000</i>) —	
(a) for an “A” class licence	56.25
(b) for a “B” class licence (per unit of entitlement) .	47.55
(13) Onslow Prawn Managed Fishery (as defined in the <i>Onslow Prawn Management Plan 1991</i>) —	
(a) for an “A” class licence	6 978.00
(b) for a “B” class licence	2 221.00
(c) for a “C” class licence	113.00
(d) for a “D” class licence	113.00
(13a) Pilbara Fish Trawl Interim Managed Fishery per fish trawl unit (as defined in the <i>Pilbara Fish Trawl Interim Managed Fishery Management Plan 1997</i>) ..	6.18
	(12 months)
	3.01
	(6 months)
(14) Pilbara Trap Managed Fishery (per trap unit) (as defined in the <i>Pilbara Trap Management Plan 1992</i>) ..	6.37
(15) Shark Bay Beach Seine and Mesh Net Managed Fishery per fishing unit (as defined in the <i>Shark Bay Beach Seine and Mesh Net Management Plan 1992</i>) ...	2 150.00
(16) Shark Bay Prawn Managed Fishery (as defined in the <i>Shark Bay Prawn Management Plan 1993</i>)	30 126.00
(17) Shark Bay Scallop Managed Fishery (as defined in the <i>Shark Bay Scallop Management Plan 1994</i>) —	
(a) for a class A boat (per boat)	8 934.00
(b) for a class B boat (per boat)	1 158.00
(18) Shark Bay Snapper Managed Fishery (per unit) (as defined in the <i>Shark Bay Snapper Management Plan 1994</i>)	13.40
(19) Specimen Shell Managed Fishery (as defined in the <i>Specimen Shell Management Plan 1995</i>)	954.00

Schedule 1 Fees

Fees	\$
(20) South Coast Purse Seine Managed Fishery (as defined in the <i>South Coast Purse Seine Management Plan 1994</i>), the sum obtained by multiplying the number of tonnes of fish that may be taken in accordance with the appropriate managed fishery licence by —	
(a) for zone 1	8.20
(b) for zone 2	8.20
(c) for zone 3	8.20
(d) for zone 4	8.20
(21) South Coast Salmon Managed Fishery (as defined in the <i>South Coast Salmon Management Plan 1982</i>) (per team)	1 476.00
(22) South-West Coast Salmon Managed Fishery (as defined in the <i>South-West Coast Salmon Management Plan 1982</i>) (per team)	200.00
(23) South West Trawl Managed Fishery (as defined in the <i>South West Trawl Management Plan 1989</i>) —	
(a) for zone A	882.00
(b) for zone B	882.00
(c) for zone A and B	882.00
(d) for zone B and C	882.00
(e) for zone B and D	882.00
(24) Southern Demersal Gillnet and Demersal Longline Managed Fishery (as defined in the <i>Joint Authority Southern Demersal Gillnet and Demersal Longline Management Plan 1992</i>), per gear unit —	
(a) for zone 1	32.89
(b) for zone 2	38.04
(c) for zone 3	32.89
(d) for zone 4	38.04
(25) Warnbro Sound (Crab) Managed Fishery (as defined in the <i>Warnbro Sound (Crab) Management Plan 1995</i>)	1 096.00
(26) West Coast (Beach Bait Fish Net) Managed Fishery (as defined in the <i>West Coast (Beach Bait Fish Net) Management Plan 1995</i>)	375.00
(26a) West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery (as defined in the <i>West Cost Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997</i>) (per unit)	52.21

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	Fees	Schedule 1
Fees	\$	
(27) West Coast Purse Seine Managed Fishery (as defined in the <i>West Coast Purse Seine Management Plan 1989</i>) —		
(a) for a licence to operate	2 484.00	
(b) for supplementary access	179.00	
(28) West Coast Rock Lobster Managed Fishery (per unit) (as defined in the <i>West Coast Rock Lobster Management Plan 1993</i>)	129.00	
(29) Windy Harbour-Augusta Rock Lobster Managed Fishery (as defined in the <i>Windy Harbour-Augusta Rock Lobster Management Plan 1987</i>) (per pot)	40.80	
4. Aquatic eco-tourism operator's licence or restricted fishing tour operator's licence		
Types of operation —		
(1)(a) Using —		
(i) one boat with a surveyed length of more than 7.5 m and an open water passenger capacity of 20 persons or less and an associated power boat with a length of 7.5 m or less but 4.5 m or more, in one zone; or		
(ii) one or more boats with a surveyed length of 7.5 m or less and a combined open water passenger carrying capacity of 20 persons or less, in one zone	210.00	
(b) In addition to the fee specified in 4(1)(a) —		
(i) for each additional 10 passengers or part thereof ..	105.00	
(ii) for each additional associated power boat with a surveyed length of 7.5 m or less but 4.5 m or more	210.00	
(iii) for a licence to operate the boat in more than one zone, for each additional zone	105.00	
(iv) for each additional boat specified in the licence with a surveyed length of more than 7.5 m and an open water passenger capacity of 20 persons or less	210.00	
(2)(a) A land based operation authorised to operate in one zone with not more than 20 tourists taking part in the tour	210.00	
(b) In addition to the fee specified in 4(2)(a) —		
(i) for each additional capacity of 10 tourists	105.00	
(ii) for a licence to operate in more than one zone, for each additional zone	105.00	

Schedule 1 Fees

Fees	\$
(3)(a) A combination of boat and land or boat and aircraft operations with a total passenger carrying capacity of 20 persons or less, authorised to operate in one zone and a maximum of 2 boats with a surveyed length of 7.5 m or less but more than 4.5 m	210.00
(b) In addition to the fee specified in 4(3)(a) —	
(i) for each additional capacity of 10 tourists or part thereof	105.00
(ii) for each additional associated power boat with a surveyed length not less than 4.5 m but not more than 7.5 m	210.00
(iii) for a licence to operate a boat in more than one zone, for each additional zone	105.00
5. Fishing tour operator's licence	
Types of operation —	
(1)(a) Using a boat with a surveyed length of more than 7.5 m and an open water passenger capacity of 20 persons or less and an associated power boat with a length of 7.5 m or less but 4.5 m or more in one zone	520.00
(b) In addition to the fee specified in 5(1)(a) —	
(i) for each additional associated power boat with a surveyed length of more than 7.5 m and a maximum passenger carrying capacity of 20 passengers or less	520.00
(ii) for each additional associated power boat with a surveyed length of more than 4.5 m but less than 7.5 m	260.00
(iii) for each additional passenger carrying capacity of 10 passengers or a part thereof	260.00
(iv) for a licence to operate in more than one zone, for each additional zone	520.00
(2)(a) A land based operation, authorised to operate in one zone with a maximum capacity of 20 passengers	210.00
(b) In addition to the fee specified in 5(2)(a) —	
(i) for each additional 10 passengers carrying capacity or part thereof	105.00
(ii) for a licence to operate in more than one zone, for each additional zone	105.00

Fish Resources Management Regulations 1995

Fees	Schedule 1
Fees	\$
(3)(a) A combination of boat and land or boat and aircraft operations with a total passenger carrying capacity of 20 persons or less, authorised to operate in one zone and a maximum of 2 boats with a surveyed length of 7.5 m or less but more than 4.5 m	520.00
(b) In addition to the fee specified in 5(3)(a) —	
(i) for each additional capacity of 10 passengers or part thereof	260.00
(ii) for each additional associated power boat with a surveyed length not less than 4.5 m but not more than 7.5 m	260.00
(iii) for a licence to operate a boat in more than one zone, for each additional zone	520.00
6. Fishing boat licence	
Types of boat —	
(1) a boat 6.5 m or longer	315.00
(2) a boat shorter than 6.5 m	85.00
7. Tag authorising the possession of one pink snapper in the Freycinet Estuary	10.00

[Schedule 1 inserted in Gazette 19 Sep 2003 p. 4119-25; amended in Gazette 19 Sep 2003 p. 4118]

Schedule 2
Protected fish

[s. 46 & 47 and reg. 10]

Part 1 — Commercially protected fish

All freshwater aquatic organisms other than sooty grunter and catfish of the Family Ariidae.

Billfish (marlins, sailfish and spearfish).

Part 2 — Totally protected fish

Division 1 — Certain reproducing crustaceans

Female crab with eggs or spawn attached beneath its body.

Female marron with eggs, spawn, larvae or young marron attached beneath its body.

Female rock lobster with eggs or spawn attached beneath its body.

Setose or tarspot western rock lobster —

- (a) taken from;
- (b) in the possession of, or consigned by, a person on a boat on; or
- (c) brought ashore from,

waters south of 21° 44' south latitude and west of 116° east longitude.

In this Division —

“**setose**” means a female rock lobster that has fine hair-like filaments (*ovigerous setae*) —

- (a) for the attachment of eggs on the branched structures (*biramous endopodites*) forming part of the swimmerets (*pleopods*) underneath its tail; or
- (b) that, although not capable of the attachment of eggs as described in paragraph (a), are in the process of lengthening as part of the development of the rock lobster to sexual maturity;

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

Division 2 — Miscellaneous

Coral of the Order *Scleractinia* in any waters within 3 000 metres in any direction of the service jetty near the end of Port Street in Port Gregory.

Great White Shark.

Humphead Maori Wrasse.

Live coral of the Order *Scleractinia* in the waters bounded by a line commencing from the intersection of 27° 30' south latitude and 112° 50' east longitude and extending in an easterly direction to the intersection of 27° 30' south latitude and 113° 37' east longitude; thence southeasterly to the intersection of 28° 45' south latitude and 114° 09' 52.18" east longitude; thence southeasterly to the intersection of 29° 30' south latitude and 114° 30' east longitude; thence west to 112° 50' east longitude; thence north to the starting point.

Leafy Seadragon.

Potato Cod.

Rock Lobster tail weighing less than 140 grams.

Whale Shark.

Division 3 — Marine or fluvio-marine fish

Subdivision 1 — Protected by reference to species, area and period

1. Pink Snapper

- (1) Pink Snapper —
 - (a) taken or brought ashore from the waters of the Shark Bay eastern gulf during the period beginning on 1 April in a year and ending on 31 July in that year;
 - (b) taken or brought ashore from the waters of the Freycinet Estuary during the period beginning on 15 August in a year and ending on 30 September in that year; or

Schedule 2 Protected fish

(c) taken or brought ashore from, or in the possession of a person on, the waters of Cockburn Sound during the period beginning on 15 September in a year and ending on 31 October in that year.

(2) In subclause (1)(c) —

“waters of Cockburn sound” means the waters east of the causeway extending from the mainland to Garden Island, then east of the line extending from the north west point of Garden Island to the south east point of Carnac Island and from that point, all waters south of a line extending to the western point of Woodman Point.

2. Baldchin Groper

(1) Baldchin Groper taken or brought ashore from, or in the possession of a person on, the Abrolhos Islands Fish Protection Area during the period beginning 1 November in a year and ending on 31 January in the following year.

(2) In subclause (1) —

“Abrolhos Islands Fish Protection Area” means the area of WA waters adjacent to the Abrolhos Islands from the high water mark to the seaward limits of the coastal waters of the State.

Subdivision 2 — Protected by reference to species length or other factors

Class of fish	If of a length less than the length specified in respect of each class of fish (mm)
Amberjack	600
Barramundi	550
Bream, Black	250
Bream, Northwest Black	250
Bream, Yellowfin	250
Cobbler (estuary catfish) —	
(a) when taken by the holder of a commercial fishing licence (partial length)	320
(b) in any other case (total length)	430
Cod, Breaksea	300
Coral Trout	450

Class of fish	If of a length less than the length specified in respect of each class of fish (mm)
Dhufish, West Australian	500
Emperor, Blue-lined	320
Emperor, Red (government bream)	410
Emperor, Spangled	410
Flathead, Bar-tailed	300
Flathead, Blue-spotted	300
Flathead, Long-spined	300
Flathead, Marbled	300
Flounder	250
Garfish —	
(a) when taken by the holder of a commercial fishing licence	230
(b) in any other case	—
Groper, Baldchin	400
Groper, Blue	500
Herring, Australian (tommy ruff) —	
(a) when taken by the holder of a commercial fishing licence	180
(b) in any other case	—
Kingfish (Yellowtail)	600
Leatherjacket	250
Mackerel, Australian Spotted	500
Mackerel, Broad-barred Spanish	750
Mackerel, Blue (common) —	
(a) when taken by the holder of a commercial fishing licence	150
(b) in any other case	—
Mackerel, Narrow-barred Spanish	900
Mackerel, Queensland School	500
Mackerel, Shark	500
Mackerel, Wahoo	900
Mangrove Jack	300

Schedule 2 Protected fish

Class of fish	If of a length less than the length specified in respect of each class of fish (mm)
Mullet, Sea —	
(a) when taken by the holder of a commercial fishing licence —	
(i) from the waters of the Shark Bay Beach Seine and Mesh Net Managed Fishery	300
(ii) from any other area.....	240
(b) when taken by any other person.....	—
Mullet, Yellow-eye —	
(a) when taken by the holder of a commercial fishing licence	230
(b) in any other case	—
Mulloway, Northern	500
Mulloway (river kingfish)	500
Pike, Long-finned	300
Salmon, Australian	300
Samson Fish (sea kingfish)	600
Snapper, Northwest	280
Snapper, Pink —	
(a) when taken from the waters of Wilson Inlet on the south coast of Western Australia	280
[(b) <i>deleted</i>]	
(c) when taken or brought ashore from the waters of Shark Bay, other than in an area and during a period referred to in Subdivision 1 paragraph (a) or in the waters of the Freycinet Estuary.....	500
(d) in any other case	410
Snapper, Queen (blue morwong)	410
Snapper, Red (redfish)	230
Snook	300
Sole —	
(a) when taken by the holder of a commercial fishing licence	200
(b) in any other case	—

Class of fish	If of a length less than the length specified in respect of each class of fish (mm)
Sweep, Banded —	
(a) when taken by the holder of a commercial fishing licence	230
(b) in any other case	—
Tailor	300
Tarwhine (silver bream)	230
Trevally, Silver (skipjack)	250
Tuskfish, Blackspot	400
Tuskfish, Blue	400
Whiting, Golden-lined (rough scale) —	
(a) when taken by the holder of a commercial fishing licence —	
(i) from the waters of Shark Bay Beach Seine and Mesh Net Managed Fishery	235
(ii) in any other waters	220
(b) in any other case	—
Whiting, King George (spotted) —	
(a) when taken from the waters east of Point D'Entrecasteaux	280
(b) when taken from any other area	280
Whiting, Southern School (silver) —	
(a) when taken by the holder of a commercial fishing licence	220
(b) in any other case	—
Whiting, Western Sand (yellow-finned) —	
(a) when taken by the holder of a commercial fishing licence —	
(i) from the waters of Shark Bay Beach Seine and Mesh Net Managed Fishery	235
(ii) in any other waters	220
(b) in any other case	—

Schedule 2 Protected fish

Class of fish	If of a length greater than the length specified in respect of each class of fish (mm)
Barramundi, when taken from the Ord River area waters (as defined in regulation 64ZF)	800
Barramundi, when taken from the waters of the Fitzroy River upstream from 17° 27' south latitude	800
Snapper, Pink, when taken or brought ashore from the waters of Shark Bay, other than in an area and during a period referred to in Subdivision 1 paragraph (a) or in the waters of the Freycinet Estuary.....	700

Division 4 — Freshwater fish

Class of fish	If of a length less than the length specified in respect of each class of fish (mm)
Trout, Brown	300
Trout, Rainbow	300

Division 5 — Crustaceans, other than those listed in Division 1

Class of fish	If of a length less than the length specified in respect of each class of fish (mm)
Crab, Blue Manna —	
(a) when taken by the holder of a commercial fishing licence from the waters of Geographe Bay south of a line drawn from the intersection of 33° 31.8' south latitude and 115° 0.26' east longitude (north west tip of Cape Naturaliste) to the intersection of 33° 18.074' south latitude and 115° 38.765' east longitude (McKenna Point Lighthouse)	128
(b) in any other case	127
Crab, Brown Mud	120
Crab, Giant (King)	140
Crab, Green Mud	150
Crab, Spiny	92

Protected fish Schedule 2

Class of fish	If of a length less than the length specified in respect of each class of fish (mm)
Marron —	
when taken from the Harvey Weir	90
in any other case	76
Rock Lobster, Southern	98.5
Rock Lobster, Tropical	76
Rock Lobster, Western —	
(a) from 1 February to 14 November	76
(b) from 15 November to the next 31 January	77

Class of fish	If of a length greater than the length specified in respect of each class of fish (mm)
Rock Lobster, Western, female —	
(a) taken from;	
(b) in the possession of, or consigned by, a person on a boat on; or	
(c) brought ashore from,	
the waters between 30° and 34° 24' south latitude but excluding all waters on the south coast which are east of 115° 08.091' east longitude	115
Rock Lobster, Western, female —	
(a) in the possession of a person on a boat moored or anchored in; or	
(b) brought ashore from,	
the waters between 21° 44' and 30° south latitude	105
Rock Lobster, Western, female —	
(a) taken; or	
(b) brought ashore,	
from the waters of the Windy Harbour-Augusta Rock Lobster Managed Fishery (as defined in the <i>Windy Harbour-Augusta Rock Lobster Management Plan 1987</i>) otherwise than in accordance with the appropriate managed fishery licence	115

Schedule 2 Protected fish

Division 6 — Molluscs

Class of fish	If of a length less than the length specified in respect of each class of fish (mm)
Abalone, Brownlip	140
Abalone, Greenlip	140
Abalone, Roe's	60
Trochus	65

[Schedule 2 amended in Gazette 22 Dec 1995 p. 6169; 30 Aug 1996 p. 4320; 4 Jul 1997 p. 3476-7; 12 Sep 1997 p. 5154; 30 Sep 1997 p. 5418; 5 Dec 1997 p. 7123; 19 Jun 1998 p. 3264; 7 Jul 1998 p. 3614; 15 Jan 1999 p. 112; 4 Jun 1999 p. 2271; 13 Aug 1999 p. 3827; 21 Dec 1999 p. 6410; 25 Aug 2000 p. 4905; 8 Sep 2000 p. 5187-8; 24 Oct 2000 p. 5965; 26 Feb 2002 p. 786; 13 Dec 2002 p. 5798; 28 Feb 2003 p. 662; 7 Mar 2003 p. 747; 1 Oct 2003 p. 4328-31 and 4344; 31 Oct 2003 p. 4563.]

Schedule 3

[Part 4B]

Bag limits

[Heading inserted in Gazette 1 Oct 2003 p. 4332.]

Part 1 — Bag limits in the Gascoyne Region

[Heading inserted in Gazette 1 Oct 2003 p. 4332.]

[Reg. 64Y]

Division 1 — Grouped bag limit of 7 fish

[Heading inserted in Gazette 1 Oct 2003 p. 4332.]

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Barracuda	4	} 7
Barramundi	2	
Billfish (marlins, sailfish and spearfish) and Swordfish (combined)	1	
Bonefish	2	
Cobia	2	
Cod (combined).....	4	
Cod, in excess of 30 kg weight or 1200 mm in length	0	
Cod, Estuary and Rankin (combined)	2	
Coral Trout and Coronation Trout (combined)	1	
Dhufish, West Australian	1	
Dolphinfish (mahi mahi)	4	
Emperor (combined)	4	
Emperor, Red	2	
Mackerel, Shark	4	

Schedule 3 Bag limits

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Mackerel, Broad-barred Spanish and Narrow-barred Spanish (combined)	2	} 7
Mackerel, Wahoo	2	
Mulloway and Northern Mulloway (combined)	2	
Parrot fish (combined)	4	
Sea Perch, Tropical, except Red Emperor (combined)	4	
Snapper, Pink, except in the waters of Shark Bay	6	
Snapper, Pink, in the waters of Shark Bay	1	
Queenfish	4	
Samson Fish, Amberjack and Yellowtail Kingfish (combined)	2	
Sharks and Rays (combined)	2	
Tuskfish and Baldchin Groper (combined) ...	4	
Trevally, Giant and Golden (combined)	2	
Tuna, Southern Bluefin, Yellowfin and Bigeye (combined)	2	

Division 2 — Grouped bag limit of 16 fish

[Heading inserted in Gazette 1 Oct 2003 p. 4334.]

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Bonito, Leaping and Oriental and any Tuna (combined)	8	} 16
Bream, Black, Northwest-Black and Yellowfin (combined)	8	
Flathead and Flounder (combined)	8	
Goatfish	8	
Leatherjacket	8	
Mackerel, Australian Spotted and Queensland School (combined)	4	
Snook and Pike, Long-finned and Striped Sea (combined)	8	
Tailor	8	
Tarwhine	16	
Threadfin, Giant, Northern and Gunter's (combined)	8	
Trevally, except Giant and Golden	8	
Whiting, Yellowfinned	16	
All other Gascoyne species of fish not specifically covered in this Part except for —		
(a) bait fish of the <u>Families</u> Clupeidae (Pilchards and Whitebait), Atherinidae (hardyheads) and Engraulidae (anchovy); and		
(b) Redfin Perch, Goldfish, European Carp and Tilapia.	16	

Schedule 3 Bag limits

Division 3 — Grouped bag limit of 40 fish

[Heading inserted in Gazette 1 Oct 2003 p. 4335.]

Fish	Grouped bag limit of all species in the Division for one day
Herring, Australian	} 40
Dart	
Garfish	
Longtom	
Mackerel, Blue (common)	
Milkfish	
Mullet, Sea and Yellow-eye	
Whiting, Western Sand and Southern School ..	

Division 4 — Crustaceans

[Heading inserted in Gazette 1 Oct 2003 p. 4335.]

Fish	Species, or group of species, bag limit for one day
Crab, Blue Manna	20
Crab, Brown Mud or Green Mud (combined)	5
Prawn	9 litres
Rock Lobster, except when taken from the waters of the Ningaloo Marine Park	8
Rock Lobster, taken from the waters of the Ningaloo Marine Park	4

Division 5 — Molluscs

[Heading inserted in Gazette 1 Oct 2003 p. 4335.]

Fish	Species, or group of species, bag limit for one day
Abalone	20
Cuttlefish, Octopus and Squid (combined)	15
Mussel	9 litres
Oyster	20

Fish	Species, or group of species, bag limit for one day
Razorfish	20
Scallop	20
Ark shell, Cockle, Pipsis, Venus Clams and all other species of edible molluscs not specifically mentioned in this Division	2 litres

Part 2 — Bag limits in the Pilbara and Kimberley Region and in the South Coast Region

[Heading inserted in Gazette 1 Oct 2003 p. 4336.]

[Reg. 64Z]

Division 1 — Bag limits generally in the Pilbara and Kimberley Region and in the South Coast Region

[Heading inserted in Gazette 1 Oct 2003 p. 4336.]

Fish	Species bag limit for one day
Abalone, brownlip or greenlip or any combination of those 2 species	5
Abalone other than brownlip abalone or greenlip abalone	20
Barramundi	2
Bonito, Leaping and Oriental	8
Bream, Black, Northwest Black and Yellowfin	20
Bream, Fingermark	8
Cherabin	9 litres
Cobbler (estuary catfish)	8
Crab, Blue Manna	24
Crab, Brown Mud or Green Mud	10
Flathead and Flounder (combined)	20
Groper, Blue	1
Leatherjacket	20
Mangrove Jack	8
Marron	10
Mussel	9 litres
Pike, Long-finned and Snook (combined)	20
Prawn	9 litres
Rock Lobster	8
Snapper, Red	20

Schedule 3 Bag limits

Fish	Species bag limit for one day
Tailor	8
Tarwhine	20
Threadfin, Giant	8
Threadfin	20
Trevally, Skipjack	20
Whiting, King George (spotted)	20
All other Western Australian species of fish not specifically covered in this Schedule except for —	
(a) bait fish of the <u>Family</u> Clupeidae and Engraulidae (anchovy, pilchard (mulie), sandy sprat (whitebait), blue sprat, scaly mackerel, maray); and	
(b) Redfin Perch, Goldfish, European Carp and Tilapia	40

Division 2 — Grouped bag limits generally in the Pilbara and Kimberley Region and in the South Coast Region

[Heading inserted in Gazette 1 Oct 2003 p. 4336.]

Subdivision 1

[Heading inserted in Gazette 1 Oct 2003 p. 4336.]

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Barramundi	2	} 8
Billfish (marlins, sailfish and spearfish) and Swordfish	4	
Cobia	4	
Cod —		
(a) <u>Family</u> Serranidae, except <i>Epinephelus</i> spp.; or	4	
(b) <i>Epinephelus</i> spp., in excess of 30 kg weight or of 1 200 mm in length	0	
Coral Trout	4	
Dolphinfish (mahi mahi)	4	
Dhufish, West Australian	4	
Mackerel, Narrow-barred Spanish and Broad-barred Spanish (Combined)	4	

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Mackerel, Wahoo	4	8
Mackerel, Shark	4	
Mackerel, Australian Spotted	4	
Mackerel, Queensland School	4	
Mulloway and Northern Mulloway	4	
Queenfish	4	
Salmon, Australian	4	
Samson Fish	4	
Sharks, except Whale Shark	4	
Trout, Brown and Rainbow (combined)	4	
Tuna, Southern Bluefin	4	
Yellowtail Kingfish	4	

Subdivision 2

[Heading inserted in Gazette 1 Oct 2003 p. 4336.]

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Emperor, Red	8	8
Emperor, Spangled	8	
Groper, Baldchin and Tuskfish ...	8	
Snapper, Pink	8	
Snapper, Northwest	8	
Snapper, Queen (blue morwong)	8	

Schedule 3 Bag limits

Subdivision 3

[Heading inserted in Gazette 1 Oct 2003 p. 4337.]

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Cuttlefish, Octopus and Squid	—	} 15
Cockle	—	
Ark shell	—	} 2 litres
Venus Clam	—	
All other species of edible molluscs not specifically mentioned in this Schedule	—	

Part 3 — Bag limits in the West Coast Region

[Heading inserted in Gazette 1 Oct 2003 p. 4337.]

[Reg. 64ZA]

Division 1 — Grouped bag limit of 7 fish

[Heading inserted in Gazette 1 Oct 2003 p. 4337.]

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Barracuda	2	} 7
Billfish, Sailfish, Spearfish and Marlins and Swordfish (combined)	1	
Cobbler	4	
Cobia	2	
Cod (combined).....	4	
Cod, in excess of 30 kg in weight or 1200 mm in length	0	
Cod, Estuary and Rankin (combined)	2	
Coral Trout and Coronation Trout (combined) .	1	
Dhufish, West Australian	2	
Dolphinfish (mahi mahi)	2	

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Emperor (combined)	4	} 7
Emperor, Red	2	
Groper, Blue	1	
Mackerel, Shark	2	
Mackerel, Broad-barred Spanish and Narrow-barred Spanish (combined)	2	
Mackerel, Wahoo	2	
Mulloway	2	
Nannygai and Red Snapper (combined)	4	
Parrot fish (combined)	4	
Salmon, Australian	4	
Samson Fish, Amberjack and Yellowtail Kingfish (combined)	2	
Sea Perch, Tropical, except Red Emperor (combined)	2	
Sharks and Rays (combined)	2	
Snapper, Pink	4	
Snapper, Queen	4	
Trevally, Giant and Golden (combined)	2	
Trout, Brown and Rainbow (combined)	4	
Tuna, Southern Bluefin, Yellowfin and Bigeye (combined)	2	
Tuskfish and Baldchin Groper (combined)	4	

Schedule 3 Bag limits

Division 2 — Grouped bag limit of 16 fish

[Heading inserted in Gazette 1 Oct 2003 p. 4339.]

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Bonito, Leaping and Oriental and any Tuna (combined)	8	} 16
Bream, Black, Northwest-Black and Yellowfin (combined), only 2 of which may be in excess of 40 cm if taken or brought ashore from the waters of the Swan or Canning Rivers or their tributaries	4	
Flathead and Flounder (combined)	8	
Goatfish	8	
Leatherjacket	8	
Mackerel, Australian Spotted and Queensland School (combined)	4	
Snook and Pike, Long-finned and Striped Sea (combined)	8	
Tailor, only 2 of which may be in excess of 60 cm	8	
Tarwhine	16	
Trevally, except Giant and Golden	8	
Whiting, King George	8	
Whiting, Yellowfinned	16	
All other West Coast species of fish not specifically covered in this Part except for —		
(a) bait fish of the <u>Families</u> Clupeidae (Pilchards and Whitebait), Atherinidae (hardyheads) and Engraulidae (anchovy); and		
(b) Redfin Perch, Goldfish, European Carp and Tilapia	16	

Division 3 — Grouped bag limit of 40 fish

[Heading inserted in Gazette 1 Oct 2003 p. 4340.]

Fish	Grouped bag limit of all species in the Division for one day
Herring, Australian	} 40
Dart	
Garfish	
Longtom	
Mackerel, Blue (common)	
Milkfish	
Mullet, Sea and Yellow-eye	
Whiting, Southern School and Western Sand	

Division 4 — Crustaceans

[Heading inserted in Gazette 1 Oct 2003 p. 4340.]

Fish	Species, or group of species, bag limit for one day
Crab, Blue Manna	20
Crab, Brown Mud or Green Mud (combined)	5
Marron	10
Prawn	9 litres
Rock Lobster	8

Division 5 — Molluscs

[Heading inserted in Gazette 1 Oct 2003 p. 4340.]

Fish	Species, or group of species, bag limit for one day
Abalone, Brownlip and Greenlip (combined)	5
Abalone, other than Brownlip and Greenlip	20
Cuttlefish, Octopus and Squid (combined) ..	15
Mussel	9 litres
Oyster	20
Razorfish	20
Scallop	20

Schedule 3 Bag limits

Fish	Species, or group of species, bag limit for one day
Ark shell, Cockle, Pipis, Venus Clams and all other species of edible molluscs not specifically mentioned in this Division.	2 litres

Division 6 — Miscellaneous

[Heading inserted in Gazette 1 Oct 2003 p. 4341.]

Fish	Species, or group of species, bag limit for one day
Sea Urchin	20

**Part 4 — Bag limits for persons on West Coast Purse Seine
Managed Fishery Boat**

[reg. 64ZE]

Fish	Bag limit for one day
Mulloway	2
Snapper, Pink	2

[Pts. 5 and 6 repealed in Gazette 1 Oct 2003 p. 4341.]

[Schedule 3 amended in Gazette 22 Dec 1995 p. 6169; 30 Aug 1996 p. 4320; 4 Jul 1997 p. 3477-8; 19 Jun 1998 p. 3264; 7 Jul 1998 p. 3614; 25 Aug 2000 p. 4905; 26 Feb 2002 p. 786-7; 28 Feb 2003 p. 662-3; 7 Mar 2003 p. 748; 1 Oct 2003 p. 4331-41 and 4344.]

Schedule 4
Categories of fish

[s. 259 and reg. 180]

Category 1 fish

Abalone, Brownlip
Abalone, Greenlip
Abalone, Roe's
Barramundi
Billfish (marlins, sailfish and spearfish) and Swordfish
Cod, Potato
Cod, Estuary
Coral Trout
Dhufish, West Australian
Groper, Blue
Groper, Queensland
Leafy Seadragon
Marron
Rock Lobster
Whale Shark

Category 2 fish

Bream, Black
Bream, Fingermark
Cobbler (estuary catfish)
Cobia
Cod, other than Potato, Estuary and Queensland Groper
Crab, Blue Manna
Crab, Brown Mud
Crab, Green Mud
Cuttlefish
Dolphinfish (mahi mahi)
Emperor, Red
Emperor, Spangled
Kingfish, Yellowtail
Mackerel
Mackerel, Wahoo and Shark
Mangrove Jack
Mulloway and Northern Mulloway
Octopus

Schedule 4 Categories of fish

Prawn, Western King and Western School
Queenfish
Salmon, Australian
Samson Fish
Sharks, except Whale Shark
Snapper, Northwest
Snapper, Pink
Snapper, Queen (blue morwong)
Snapper, Red
Squid
Tailor
Tuna, Southern Bluefin
Tuskfish and Baldchin Groper
Whiting, King George (spotted)

Category 3 fish

Bream, Northwest Black
Bream, Yellowfin
Cobbler, Freshwater
Cockle, Ark shell and other edible bivalves
Cherabin
Clam, Venus
Flathead
Flounder
Leatherjacket
Mussel
Pike
Snook
Tarwhine
Threadfin
Trevally, Silver

Category 4 fish

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

[Schedule 4 amended in Gazette 1 Oct 2003 p. 4341 and 4344.]

Schedule 5
Noxious fish

[reg. 70]

Black Striped Mussel
Grass Carp
Nile Perch
Parasitic Catfish
Pike Cichlid
Piranha
Snakehead
Tiger Catfish
Tigerfish
Walking Catfish
Weatherloach

[Schedule 5 amended in Gazette 23 Apr 1999 p. 1716.]

Schedule 6

Area of land prescribed under section 91(d) of the Act

[reg. 68]

All areas of Western Australia north and east of:

Perth city generally south east along Albany Highway to the intersection of Albany Highway and Bannister/Marradong Road

Thence generally south west along that road to Boddington (town)

Thence generally south west along that road to Marradong (location)

Thence generally south west along Pinjarra/Williams Road to Quindanning (town)

Thence southerly along Quindanning/Darkan Road to Darkan (town)

Thence southerly along Darkan Road south to Duranillan (town)

Thence west along Bowelling/Duranillan Road to Capercup Road

Thence south along Capercup Road south to Boyup Brook/Arthur Road

Thence south west along that road to Glenorchy Road

Thence south east along that road to Qualeup North/South Road

Thence south along that road to Kojonup/Donnybrook Road

Thence south west along that road to Foley Road

Thence south west along that road to Woodenbillup Road

Thence south west along that road to Mullidup Road

Thence south east along that road to Wandoora Road

Thence south and south east along that road to Kojonup/Frankland Road

Thence south along that road to Frankland (town)

Thence south along Frankland/Rocky Gully Road to Rocky Gully (town) to its intersection with Muirs Highway

Thence generally east along Muirs Highway to Mount Barker (town)

Thence generally east along that highway to Albany townsite.

Schedule 7

[reg. 3(2)]

List of common and scientific names

Marine or fluvio-marine fish

Common Name	Scientific Name
Amberjack	<i>Seriola dumerlii</i>
Anchovy, Australian	<i>Engraulis australis</i>
Barracuda	<i>Sphyraena barracuda</i>
Barramundi (giant perch)	<i>Lates calcarifer</i>
Baitfish	<u>Families</u> Clupeidae & Engraulidae
Billfish (marlins, sailfish, spearfish)	<u>Family</u> Istiophoridae
Bonefish	<i>Albula</i> spp.
Bonito, Leaping	<i>Cybiosarda elegans</i>
Bonito, Oriental	<i>Sarda orientalis</i>
Bream, Black	<i>Acanthopagrus butcheri</i>
Bream, Fingermark (moses perch)	<i>Lutjanus russelli</i>
Bream, Northwest-Black	<i>Acanthopagrus palmaris</i>
Bream, Yellowfin	<i>Acanthopagrus latus</i>
Cobbler (estuary catfish)	<i>Cnidoglanis macrocephalus</i>
Cobia	<i>Rachycentron canadus</i>
Cod	<u>Family</u> Serranidae
Cod, Breaksea	<i>Epinephelus armatus</i>
Cod, Chinaman (Charlie Court)	<i>Epinephelus rivulatus</i>
Cod, Estuary	<i>Epinephelus coioides</i>
Cod, Murray	<i>Maccullochella peeli</i>
Cod, Potato	<i>Epinephelus tukula</i>
Cod, Rankin	<i>Epinephelus multinotatus</i>
Coral Trout	<i>Plectropomus</i> spp.
Coronation Trout	<i>Variola louti</i>
Dart	<i>Trachinotus</i> spp.
Dolphinfish (mahi mahi)	<i>Coryphaena hippurus</i>
Dhufish, West Australian	<i>Glaucosoma hebriacum</i>
Emperor	<i>Lethrinus</i> spp.
Emperor, Blue-lined	<i>Lethrinus laticaudis</i>
Emperor, Red (government bream)	<i>Lutjanus sebae</i>
Emperor, Spangled	<i>Lethrinus nebulosus</i>
Flathead	<i>Platycephalus</i> spp.
Flathead, Bar-tailed	<i>Platycephalus endrachtensis</i>
Flathead, Blue-spotted (Sand)	<i>Platycephalus speculator</i>
Flathead, Long-spined (Sand)	<i>Platycephalus longispinus</i>

Schedule 7 List of common and scientific names

Common Name	Scientific Name
Flathead, Marbled	<i>Platycephalus marmoratus</i>
Flounder	<i>Pseudorhombus</i> spp.
Garfish	<u>Family</u> Hemirhamphidae
Goatfish	<u>Family</u> Mullidae
Groper	<u>Family</u> Labridae
Groper, Baldchin	<i>Choerodon rubescens</i>
Groper, Queensland	<i>Epinephelus lanceolatus</i>
Groper, Western Blue	<i>Achoerodus gouldii</i>
Hardyhead	<u>Family</u> Atherinidae
Herring, Australian (tommy ruff)	<i>Arripis georgianus</i>
Herring, Perth	<i>Nematalosa vlaminghi</i>
Kingfish, Yellowtail	<i>Seriola lalandi</i>
Leatherjacket	<u>Family</u> Monacanthidae
Longtom	<u>Family</u> Belonidae
Mackerel	<i>Scomberomorus</i> spp.
Mackerel, Australian Spotted	<i>Scomberomorus munroi</i>
Mackerel, Blue (common)	<i>Scomber australasicus</i>
Mackerel, Broad-barred Spanish	<i>Scomberomorus semifasciatus</i>
Mackerel, Jack	<i>Trachurus declivis</i>
Mackerel, Narrow-barred Spanish	<i>Scomberomorus commerson</i>
Mackerel, Peruvian Jack	<i>Trachurus murphi</i>
Mackerel, Queensland School	<i>Scomberomorus queenslandicus</i>
Mackerel, Scaly	<i>Sardinella lemuru</i>
Mackerel, Shark	<i>Grammatorcynus bicarinatus</i>
Mackerel, Wahoo	<i>Acanthocybium solandri</i>
Mackerel, Yellowtail Jack	<i>Trachurus novaezelandiae</i>
Mangrove Jack	<i>Lutjanus argentimaculatus</i>
Maray	<i>Etrumeus teres</i>
Milkfish	<i>Chanos chanos</i>
Mullet	<u>Family</u> Mugilidae
Mullet, Sea	<i>Mugil cephalus</i>
Mullet, Yellow-eye	<i>Aldrichetta forsteri</i>
Mulloway (river kingfish)	<i>Argyrosomus hololepidotus</i>
Mulloway, Northern	<i>Protonibea diacanthus</i>
Nannygai	<i>Centroberyx</i> spp.
Parrot fish	<u>Family</u> Scaridae
Pike, Long-finned	<i>Dinolestes lewini</i>
Pike, Striped Sea	<i>Sphyaena obtusata</i>
Pilchard (mulie)	<i>Sardinops neopilchardus</i>
Queenfish	<i>Scomberoides commersonianus</i>

List of common and scientific names Schedule 7

Common Name	Scientific Name
Rays	Superorder Batoidea
Ray, Manta	<i>Manta birostris</i>
Redbait	<i>Emmelichthys nitidus</i>
Salmon, Australian	<i>Arripis truttaceus</i>
Salmon, Atlantic	<i>Salmo salar</i>
Samson Fish (sea kingfish)	<i>Seriola hippos</i>
Scad, Yellowtail	<i>Trachurus novaezelandiae</i>
Seadragon, Leafy	<i>Phycodurus eques</i>
Sea perch, tropical	<u>Family</u> Lutjanidae
Shark, Great White	<i>Carcharodon carcharias</i>
Shark, Whale	<i>Rhiniodon typus</i>
Sharks.....	Orders Squatiniformes, Pristiophoriformes, Squaliformes, Hexanchiformes, Carcharhiniformes, Lamniformes, Orectolobiformes and Heterodontiformes
Snapper, Northwest	<i>Lethrinus</i> spp. excluding <i>L. nebulosus</i>
Snapper, Pink	<i>Pagrus auratus</i>
Snapper, Queen (blue morwong)	<i>Nemadactylus valenciennesi</i>
Snapper, Red (redfish)	<i>Centroberyx</i> spp.
Snook	<i>Sphyaena novaehollandiae</i>
Sole	<u>Families</u> Soleidae and Cynoglossidae
Sprat, Blue	<i>Spratelloides robustus</i>
Sprat, Sandy (whitebait)	<i>Hyperlophus vittatus</i>
Sweep, Banded	<i>Scorpis georgianus</i>
Sweep, Sea	<i>Scorpis aequipinnis</i>
Swordfish	<u>Family</u> Xiphiidae
Tailor	<i>Pomatomus saltatrix</i>
Tarwhine (silver bream)	<i>Rhabdosargus sarba</i>
Threadfin	<i>Polydactylus</i> spp.
Threadfin, Blue	<i>Eleutheronema tetradactylum</i>
Threadfin, Giant	<i>Polydactylus macrochir</i>
Trevally	<u>Family</u> Carangidae
Trevally, Diamond	<i>Alectis indicus</i>
Trevally, Giant	<i>Caranx ignobilis</i>
Trevally, Golden	<i>Gnathanodon speciosus</i>
Trevally, Silver (skipjack)	<i>Pseudocaranx</i> spp.
Tuna, Albacore	<i>Thunnus alalunga</i>
Tuna, Bigeye	<i>Thunnus obesus</i>
Tuna, Longtail	<i>Thunnus tonggol</i>
Tuna, Northern Bluefin	<i>Thunnus thynnus</i>
Tuna, Skipjack	<i>Katsuwonus pelamis</i>

Schedule 7 List of common and scientific names

Common Name	Scientific Name
Tuna, Southern Bluefin	<i>Thunnus maccoyii</i>
Tuna, Yellowfin	<i>Thunnus albacares</i>
Tuskfish	<i>Choerodon</i> spp. excluding <i>C.rubescens</i>
Tuskfish, Blackspot	<i>Choerodon schoenleinii</i>
Tuskfish, Blue	<i>Choerodon cyanodus</i>
Whiting	<i>Sillago</i> spp.
Whiting, Golden-lined (rough scale)	<i>Sillago analis</i>
Whiting, King George (spotted)	<i>Sillago punctata</i>
Whiting, Southern School (silver)	<i>Sillago bassensis</i>
Whiting, Western Sand (yellow-finned)	<i>Sillago schomburgkii</i>
Wrasse	<u>Family</u> Labridae
Wrasse, Humphead Maori	<i>Cheilinus undulatus</i>

Freshwater Fish

Common Name	Scientific Name
Catfish, Parasitic	<u>Family</u> Trichomycteridae
Catfish Tiger	<i>Pseudoplatystoma fasciatum</i>
Catfish, Walking	<i>Clarias batrachus</i>
Carp, European (common)	<i>Cyprinus carpio</i>
Carp, Grass	<i>Ctenopharyngodon idellus</i>
Cobbler, Freshwater	<i>Tandanus bostocki</i>
Cod, Murray	<i>Maccullochella peeli</i>
Eel, Short-finned	<i>Anguilla australis</i>
Goldfish	<i>Carassius auratus</i>
Grunter, Sooty	<i>Hephaestus fuliginasus</i>
Perch, Golden	<i>Macquaria ambigua</i>
Perch, Nile	<i>Lates niloticus</i>
Perch, Redfin (english or european)	<i>Perca fluviatilis</i>
Perch, Silver	<i>Bidyanus bidyanus</i>
Pike, Cichlid	<i>Crenicichla lepidota</i>
Piranha	<i>Serrasalmus</i> spp.
Snakehead	<i>Channa</i> spp.
Tigerfish	<i>Hydroeyanus goliath</i>
Tilapia	<i>Oreochromis mossambicus</i>
Trout, Brown	<i>Salmo trutta</i>
Trout, Rainbow	<i>Oncorhynchus mykiss</i>
Weatherloach	<i>Misgurnus anguillicardatus</i>

Crustaceans

Common Name	Scientific Name
Cherabin	<i>Macrobrachium</i> spp.
Crab	<i>Portunus, Scylla</i> and <i>Ovalipes</i> spp.

List of common and scientific names Schedule 7

Common Name	Scientific Name
Crab, Blue Manna (blue swimmer)	<i>Portunus pelagicus</i>
Crab, Brown Mud	<i>Scylla serrata</i>
Crab, Giant (King)	<i>Pseudocarcinus gigas</i>
Crab, Green Mud	<i>Scylla paramamosain</i>
Crab, Snow	<i>Chaceon bicolor</i>
Crab, Spiny	<i>Hypothalassia armata</i>
Crab, White Spotted Sand	<i>Ovalipes australiensis</i>
Freshwater Crayfish	<i>Cherax</i> spp. excluding <i>C. tenuimanus</i> and <i>C. cainii</i>
Gilgie	<i>Cherax quinquecarinatus</i> and <i>crassimanus</i>
Koonac	<i>Cherax plebejus</i> and <i>glaber</i>
Marron	<i>Cherax tenuimanus</i> and <i>C. cainii</i>
Marron, Blue	<i>Cherax tenuimanus</i> var. <i>caerulens</i>
Prawn	<u>Family</u> Penaeidae
Prawn, Banana	<i>Penaeus merguensis</i>
Prawn, Brown Tiger	<i>Penaeus esculentus</i>
Prawn, Western School	<i>Metapenaeus dalli</i>
Prawn, Western King	<i>Penaeus latisulcatus</i>
Redclaw, Queensland	<i>Cherax quadricarinatus</i>
Rock Lobster	<i>Jasus</i> and <i>Panulirus</i> spp.
Rock Lobster, Southern	<i>Jasus novaehollandiae</i> and <i>edwardsii</i>
Rock Lobster, Tropical	<i>Panulirus</i> spp. excluding <i>P. cygnus</i>
Rock Lobster, Western	<i>Panulirus cygnus</i>
Yabbie, Common	<i>Cherax destructor</i>
Yabbie, White	<i>Cherax albidus</i>

Molluscs

Common Name	Scientific Name
CEPHALOPODS	
Squid	<u>Sub-class</u> Coleoidea <u>Order</u> Teuthoidea
Octopus	<u>Sub-class</u> Coleoidea <u>Order</u> Octopoda
Cuttlefish	<u>Sub-class</u> Coleoidea <u>Order</u> Sepioidea
GASTROPODS	
Abalone (all species)	<i>Haliotis</i> spp.
Abalone, Brownlip	<i>Haliotis conicopora</i>
Abalone, Greenlip	<i>Haliotis laevigata</i>
Abalone, Roe's	<i>Haliotis roei</i>
Trochus	<i>Tectus niloticus</i>
BIVALVES	
Ark shell	<u>Family</u> Arcidae

Schedule 7 List of common and scientific names

Common Name	Scientific Name
Clam, Venus	<u>Family</u> Veneridae, <i>Katelysia</i> spp.
Cockle	<u>Family</u> Cardiidae
Oyster	<u>Family</u> Ostreidae
Mussel	<u>Family</u> Mytilidae
Mussel, Black Striped	<i>Mytilopsis</i> and <i>Congeria</i> spp.
Mussel, Blue	<i>Mytilus edulis</i>
Pipis	<u>Family</u> Donacidae
Razorfish	<u>Family</u> Pinnidae
Scallop	<u>Family</u> Pectinidae

Other

Common Name	Scientific Name
Sea Urchin	<u>Class</u> Echinoidea
Coral	<u>Order</u> Scleractinia
Sea Cucumber (Beche-de-mer, Trepang)	<u>Class</u> Holothurioidae

[Schedule 7 amended in Gazette 30 Aug 1996 p. 4320-1; 12 Sep 1997 p. 5154; 19 Jun 1998 p. 3264; 15 Jan 1999 p. 113; 23 Apr 1999 p. 1716; 4 Jun 1999 p. 2271; 21 Dec 1999 p. 6410; 13 Dec 2002 p. 5798; 1 Oct 2003 p. 4341-3.]

Schedule 8

[reg. 151]

Determination of characteristics of fish

Part 1 — Length

Column 1	Column 2
Name of fish	Method of determining length
1. Cobbler (estuary catfish) and Freshwater Cobbler	By measuring in a direct line — (a) for partial length, from the base of the anterior edge of the caudo dorsal fin to the tip of the tail; and (b) for total length, from the point of the snout, excluding the barbels, to the tip of the tail.
2. Crab (other than Giant (King) or Spiny)	By measuring from tip to tip of the posterior carapace spikes.
2a. Crab (Giant (King) or Spiny)	By measuring from the inside of the frontal groove midway between the eyes on the anterior margin of the carapace along the mid-ventral line of the carapace to the posterior margin where it joins the abdomen.
3. Garfish	By measuring from the tip of the upper jaw to the tip of the upper half of the tail.
4. Marron	By measuring from the tip of the rostrum to the posterior margin of the carapace along the mid-dorsal line.
5. Prawn	By measuring along the body from the eye to the tip of the tail.
6. Southern Rock Lobster	By measuring from the anterior surface of the median suture of the frontal tubercle to the mid point of the posterior edge of the dorsal region of the carapace.
7. Western and Tropical Rock Lobster	By measuring along the mid-dorsal line from the anterior edge of the pronounced ridge which joins the front edges of the rostral horns (immediately posterior to the eye stalks) to the posterior margin of the carapace.
8. Abalone	By measuring the shell from edge to edge across the longest diameter.
9. Trochus	By measuring the base from edge to edge across the longest diameter.
10. Any other fish	By measuring from the point of the snout to the tip of the tail.

Part 2 — Method of determining the volume of fish

The volume of space which is filled by whole, undamaged fish without compressing those fish.

[Schedule 8 amended in Gazette 15 Jan 1999 p. 113.]

Schedule 9

[s. 222(2) and reg. 157]

Determining the value of fish

Species of fish	Value per unit of weight (\$/kgm)	Value per fish (\$)
<i>Category 1 Fish</i>		
Abalone, Brownlip	75	20
Abalone, Greenlip	90	20
Abalone, Roe's	80	3
Barramundi	6	25
Billfish (marlins, sailfish and spearfish)		
Swordfish	5	25
Cod, Potato	4	25
Cod, Estuary	4	25
Coral Trout	9	20
Dhufish, West Australian	10	40
Groper, Blue	3	25
Groper, Queensland	4	25
Leafy Seadragon	200	50
Marron	30	4
Rock Lobster	30	15
<i>Category 2 Fish</i>		
Bream, Black	5	2
Bream, Fingermark	4	2
Cobbler (estuary catfish)	5	2
Cobia	2	20
Cod, other than Potato, Estuary & Queensland		
Groper	4	10
Crab, Blue Manna	6	2
Crab, Brown Mud and Green Mud	20	10
Cuttlefish	2	1
Dolphinfish (mahi mahi)	5	10
Emperor, Red	9	25
Kingfish, Yellowtail	2	10

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Schedule 9 Determining the value of fish

Species of fish	Value per unit of weight (\$/kgm)	Value per fish (\$)
Mackerel	6	25
Mackerel, Shark	6	25
Mackerel, Wahoo	6	25
Mangrove Jack	4	10
Mulloway and Northern Mulloway	4	10
Octopus	4	2
Prawn, Western King	15	1
Prawn, Western School	5	0.4
Queenfish	3	10
Salmon, Australian	2	5
Samson Fish	2	10
Sharks, except Whale Shark	4	10
Snapper, Northwest	4	10
Snapper, Pink	5	15
Snapper, Queen	2	5
Snapper, Red	3	2
Squid	8	2
Tailor	3	2
Tuna, Southern Bluefin	5	10
Tuskfish and Baldchin Groper	5	15
Whiting, King George (spotted)	5	2
<i>Category 3 Fish</i>		
Bream, Northwest Black and Yellowfin	5	2
Cherabin	5	0.2
Clam, Venus	7	0.1
Cockles (Ark shell)	7	0.1
Flathead	3	2
Flounder	5	2
Freshwater Fish (all species)	5	1
Leatherjacket	2	1
Mussel	3	0.1
Pike	5	2
Snook	2	1
Tarwhine	4	2

Determining the value of fish Schedule 9

Species of fish	Value per unit of weight (\$/kgm)	Value per fish (\$)
Threadfin	4	5
Trevally, Silver	4	1
<i>Category 4 Fish</i>		
Garfish	4	1
Herring, Australian	2	1
Mackerel, Blue	1	1
Mullet, Sea	2	1
Mullet, Yellow-eye	1	1
Prawn, Banana and Brown Tiger	15	1
Scad, Yellowtail	1	1
Sea Cucumber (Trepang)	5	1
Sea Urchin	4	1
Shells (cowries etc.)	15	5
Sole	5	2
Sweep, Banded or Sea	2	1
Threadfin, Giant	4	5
Trochus	5	1
Whiting, Golden-lined	4	1
Whiting, Southern School	4	1
Whiting, Western Sand	4	1
<i>Other fish</i>		
All fish not otherwise listed in this Schedule	1	1

[Schedule 9 amended in Gazette 30 Aug 1996 p. 4321; 1 Oct 2003 p. 4344 and 4345 .]

Schedule 10 Non-endemic species of fish permitted to be brought into the State

Schedule 10

[reg. 176]

Non-endemic species of fish permitted to be brought into the State

Part 1 — Species of fish endemic to areas of Australia outside the State

1. Cod, Murray
2. Eel, Short-finned
3. Perch, Golden
4. Perch, Silver
5. Redclaw, Queensland
6. Yabbie, Common
7. Yabbie, White

Part 2 — Species of fish not endemic to Australia

1. Perch, Redfin
2. Salmon, Atlantic
3. Trout, Brown
4. Trout, Rainbow

Schedule 11

[reg. 59]

Authorised trade names of fish

Fish	Trade name
Barramundi	Barramundi
Dhufish, West Australian	Dhufish

[Schedule 11 amended in Gazette 1 Oct 2003 p. 4345.]

Schedule 12 Modified penalties

**Schedule 12
Modified penalties**

[s. 229(2) and reg. 162]

Offence	Modified penalty \$
Part 1 — Sections of the Act	
1. Section 43(3), relating to —	
(a) category 1 fish	400.00
(b) category 2 fish	200.00
(c) category 3 fish	100.00
(d) category 4 fish	50.00
2. Section 46, relating to —	
(a) category 1 fish	200.00
(b) category 2 fish	100.00
(c) category 3 fish	75.00
(d) category 4 fish	50.00
3. Section 47	50.00
4. Section 49	200.00
5. Section 50(3), relating to —	
(a) category 1 fish	200.00
(b) category 2 fish	100.00
(c) category 3 fish	75.00
(d) category 4 fish	50.00
6. Section 51(2), relating to —	
(a) category 1 fish	200.00
(b) category 2 fish	100.00
(c) category 3 fish	75.00
(d) category 4 fish	50.00
7. Section 104	200.00
8. Section 105	200.00
9. Section 106(2)	200.00
10. Section 170(1)	200.00
11. Section 171(1)	200.00
12. Section 172	200.00
13. Section 190(2)	200.00

Modified penalties Schedule 12

	Offence	Modified penalty \$
Part 2 — Regulations		
1.	Regulation 108, 128N.....	50
2.	Regulations 12(3), 39, 40, 42, 43, 44 and 64L.....	75
3.	Regulations 14, 22, 32(1), 44A(1), 44A(3), 56, 60, 61, 64F, 64G, 64H, 64I(5), 64J, 64K, 64Q, 74, 75, 77, 79, 80, 81, 82, 83, 84, 85, 86, 91, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 117, 119(2), 121(1), 123(1), 125(1), 127(1), 128D, 128E(2) (in the case of an individual), 128L(3), 128Q, 130, 130A and 144	100
4.	Regulations 12(1) and (2), 16L, 31, 31A(1), 33, 34, 35, 36(1), 38, 38B, 38C, 41, 56A, 57(1), 62, 63, 64, 64C(1), 64E, 64O, 64P, 71, 121(2), 128A(1), 128C, 128E(1), 128E(2) (in the case of a body corporate), 128E(4), 128E(6), 128H, 128L(1), 128M, 128S(2) and 145	200
5.	Regulations 38H, 38I(1), 38J, 38K, 38L, 38M, 38N(1), 38O(1), 64S(1), 64S(3), 64T, 64U, 128G(1), 128G(2), 128I, 128K, 128R, 128S(3), 128S(4) and 128P	400
6.	Regulation 128O, relating to —	
	(a) category 1 fish	400
	(b) category 2 fish	200
	(c) category 3 fish	100
	(d) category 4 fish	100

*[Schedule 12 amended in Gazette 8 Sep 2000 p. 5188; 29 Dec 2000 p. 7979;
29 Jun 2001 p. 3179-80; 14 Nov 2001 p. 5979; 29 Nov 2002 p. 5655;
27 Jun 2003 p. 2394-5; 1 Oct 2003 p. 4345-6.]*

Schedule 13

[reg. 38]

Specifications for rock lobster pots

Part 1 — Waters north of 21° 44' south latitude

1. Entrance or neck of pot

Every rock lobster pot must —

- (a) have only one entrance or neck; and
- (b) not contain any device capable of restricting the egress of fish.

Part 2 — Waters between 21° 44' south latitude and 34° 24' south latitude (excluding some waters off the South Coast)

2. Entrance or neck of pot

A rock lobster pot is to have only one entrance or neck which is to be positioned on the upper surface of the pot with the entrance or neck parallel to the base of the pot and is to be constructed wholly of a rigid material and with an opening throughout of not less than —

- (a) where the entrance or neck is circular, 160 millimetres diameter; or
- (b) where the entrance or neck is rectangular, 160 millimetres by 160 millimetres,

and must not contain any device capable of restricting the egress of fish.

3. Beehive pots

- (1) This clause applies to beehive rock lobster pots.
- (2) Every beehive rock lobster pot —
 - (a) is to have inserted in it a device or devices to create 3 escape gaps that are as nearly as practicable rectangular in shape and

when measured internally each is to measure not less than 305 millimetres in length and not less than 54 millimetres in height (see Diagram 1 in the Table); and

[(b) deleted]

- (c) is not to have any obstruction positioned so as to restrict the movement of rock lobsters through the escape gaps or to reduce the internal measurement of the escape gaps, other than in the case of a pot constructed of cane or sticks, where one wire may pass vertically across each escape gap.
- (3) The escape gaps in a beehive rock lobster pot are to be —
- (a) positioned on the side of the pot so that the longer sides of the gaps are generally parallel to the base of the pot and the lower internal edge of the escape gaps are not more than 110 millimetres from the base of the pot and are to be positioned in accordance with Diagram 2(a) in the Table;
 - (b) located at least 150 millimetres away from the attachment point or points of the hauling rope and, where there are 2 attachment points, not between those points; and
 - (c) of —
 - (i) steel flat-bar and constructed to the specifications set out in clause 4(7)(a); or
 - (ii) pressed steel or aluminium and constructed to the specifications set out in clause 4(7)(d).
- (4) A beehive rock lobster pot that is constructed using stick or cane or both stick and cane, unless approved by the Executive Director, is not to exceed, when measured externally —
- (a) 975 millimetres in diameter; and
 - (b) 470 millimetres in height.
- (5) In determining the external dimensions under subclause (4) the measuring points are those specified in Diagram 10 in the Table.
- (6) A beehive rock lobster pot that is constructed using a material other than stick or cane, is not to exceed, when measured internally —
- (a) 925 millimetres in diameter; and
 - (b) 420 millimetres in height.

Schedule 13 Specifications for rock lobster pots

- (7) In determining the internal dimensions under subclause (6) the measuring points are those specified in Diagram 11 in the Table.

4. Batten pots

- (1) This clause applies to batten rock lobster pots.
- (2) Subject to this clause, every batten rock lobster pot is to have inserted in it a device or devices to create a minimum of 3 escape gaps that are as nearly as practicable rectangular in shape, and when measured internally each measures not less than 305 millimetres in length and not less than 54 millimetres in height.
- (3) Where —
- (a) escape gaps are fitted to 3 sides of the rock lobster pot in accordance with this clause, the combined length of those gaps is to be not less than 915 millimetres, unless otherwise permitted under this clause; or
 - (b) escape gaps are fitted to only 2 sides of the rock lobster pot the combined length of those gaps is to be not less than 1220 millimetres, except as otherwise permitted under this clause.
- (4) Where —
- (a) 3 escape gaps are fitted, those gaps are to be positioned one on each side of the rock lobster pot, other than the base of the pot, in the rear half of the pot and one at the end of the pot opposite the hauling rope attachment point or points and are to be positioned in accordance with Diagram 3 in the Table; or
 - (b) 3 escape gaps are fitted, and the length of the rock lobster pot does not exceed 770 millimetres, those gaps are to be positioned one on each side of the pot, other than the base of the pot, and one at the end of the pot opposite the hauling rope attachment point or points.
- (5) Where —
- (a) 4 or more escape gaps are fitted, those gaps are to be positioned 2 on each side, other than the base of the pot or the end of the pot to which the hauling rope is attached, and the

length of one of the gaps fitted to each side of the pot may be less than 305 millimetres provided that —

- (i) the combined length of the 2 escape gaps on each side of the pot is not less than 610 millimetres; and
- (ii) the smallest gap on each side of the pot is not less than 200 millimetres;

or

- (b) 4 or more escape gaps are fitted and 2 of those gaps are positioned across the entire width of the end of the rock lobster pot opposite the hauling rope attachment point or points, then the combined length of those gaps may be less than 610 millimetres provided that —
 - (i) the centre support of the end of the pot to which the escape gap is attached does not exceed 50 millimetres in width; and
 - (ii) the smallest gap is not less than 250 millimetres.
- (6) When fitted to the rock lobster pot, the longer sides of the escape gaps are to be generally parallel to the base of the pot and the lower internal edges of the escape gaps are to be not more than 110 millimetres from the base of the pot.
- (7) Escape gaps are to be of —
 - (a) steel flat-bar with a width of not less than 20 millimetres and a thickness of not less than 3 millimetres and not more than 6 millimetres and are to be constructed in accordance with Diagram 4 in the Table;
 - (b) aluminium with a width of not less than 20 millimetres and a thickness of not less than 4 millimetres and not more than 6 millimetres and are to be constructed in accordance with Diagram 5 in the Table;
 - (c) fibreglass with a thickness of not less than 3 millimetres and not more than 6 millimetres with reinforcing on the lip of the gap with a thickness of not less than 5 millimetres and not more than 8 millimetres and the widest measurement of the lip of the gap is not to exceed 12 millimetres and are to be constructed in accordance with Diagram 6 in the Table; or

Schedule 13 Specifications for rock lobster pots

- (d) pressed steel or aluminium with a width of not less than 20 millimetres and a thickness of not less than 2 millimetres and not more than 3 millimetres, when incorporating an internal pressed lip of a depth not less than 6 millimetres or more than 10 millimetres and are to be constructed in accordance with Diagram 7 in the Table.
- (8) The material to which an escape gap is attached in the horizontal plane is not to be —
 - (a) constructed of a material thicker than 13 millimetres;
 - (b) in the horizontal plane, within 5 millimetres of the internal edge of the escape gap; or
 - (c) provided that the escape gap is attached internally to the framework running horizontally along the bottom of the pot and the bottom internal edge of the escape gap is not within 10 millimetres of the attachment material, then the material to which the gap is attached may be greater than 13 millimetres but not more than 25 millimetres in thickness.
- (9) A batten rock lobster pot, unless otherwise approved by the Executive Director, is not to exceed, when measured internally —
 - (a) 915 millimetres in length;
 - (b) 420 millimetres in height;
 - (c) 800 millimetres base width; or
 - (d) 540 millimetres top width,except that where the height of the pot is less than 420 millimetres, the top width of the pot may be increased by 5 millimetres for every 10 millimetres by which the height is reduced.
- (10) When determining the internal dimensions of a batten pot, the measuring points are those specified in Diagram 9 in the Table and if the end frames have been modified by cutting the corners of the frame to the pot or modified in some other way, the measuring points are to be projected points as if the end and side frames were not cut or modified and were in accordance with those of Diagram 9.

5. Plastic pots

- (1) This clause applies to plastic rock lobster pots that are not beehive pots.

- (2) A plastic rock lobster pot is to have inserted in it a device or devices that creates 3 escape gaps that are as nearly as practicable rectangular in shape and when measured internally each is to measure not less than 305 millimetres in length and not less than 54 millimetres in height.
- (3) The escape gaps are to be positioned —
 - (a) one on each side, other than the base, in the rear half of the pot and one at the end of the pot opposite the hauling rope attachment point or points; and
 - (b) so that the longer sides of the gaps are generally parallel to the base of the pot and the lower internal edge of the escape gaps are no more than 110 millimetres from the base of the pot as specified in Diagram 8 in the Table.
- (4) Escape gaps are to be constructed —
 - (a) of the materials and to the specifications set out in clause 4(7); or
 - (b) of plastic with a thickness of not less than 3 millimetres and not more than 6 millimetres.
- (5) The material to which the escape gaps is attached in the horizontal plane is not to be —
 - (a) constructed of material thicker than 13 millimetres; or
 - (b) in the horizontal plane, within 5 millimetres of the internal edge of the escape gap.
- (6) A plastic rock lobster pot formed by an injection moulding process is not to exceed, when measured internally —
 - (a) 782 millimetres in length;
 - (b) 565 millimetres in width; or
 - (c) 470 millimetres in height.

6. Other pots

- (1) This clause applies to all rock lobster pots, other than beehive pots, batten pots or plastic pots.
- (2) A rock lobster pot is to have inserted in it a device or devices to create 3 escape gaps that are as nearly as practicable rectangular in shape

Schedule 13 Specifications for rock lobster pots

and when measured internally each is to measure not less than 305 millimetres in length and not less than 54 millimetres in height (see Diagram 1 in the Table).

- (3) The escape gaps are to be positioned —
 - (a) one on each side, other than the base, in the rear half of the pot and one at the end of the pot opposite the hauling rope attachment point or points; and
 - (b) so that the longer sides of the gaps are generally parallel to the base of the pot and the lower internal edge of the escape gaps are no more than 110 millimetres from the base of the pot.
- (4) Escape gaps are to be constructed of the materials and to the specifications set out in clause 4(7).
- (5) The material to which the escape gaps are attached in the horizontal plane is not to be —
 - (a) constructed of material thicker than 13 millimetres; or
 - (b) in the horizontal plane, within 5 millimetres of the internal edge of the escape gaps.

7. Specifications applicable to all pots

- (1) This clause applies to all rock lobster pots.
- (2) A rock lobster pot is not to have any form of chamber or partition in the pot which is capable of containing rock lobster other than that formed by the external frame of the pot.
- (3) A rock lobster pot is not to have an internal volume, including that of any object enclosed in a pot such as a bait basket and neck and ballast in the frame of the pot, which is greater than 0.257 cubic metres.
- (4) An escape gap is not to have any obstruction positioned in such a way as to restrict the movement of rock lobsters through the escape gap or to reduce the internal measurements of the escape gap, except as provided in clause 3(2)(c).

Part 3 — All other waters

8. Entrance or neck of pot

Unless otherwise approved by the Executive Director, a rock lobster pot is to have only one entrance or neck which is to be positioned on the upper surface of the pot with the entrance or neck parallel to the base of the pot and is to be constructed wholly of a rigid material and must not contain any device capable of restricting the egress of fish.

9. Beehive pots

(1) This clause applies to beehive rock lobster pots.

(2) Every beehive rock lobster pot —

(a) is to have inserted in it a device to create an escape gap that is as nearly as practicable rectangular in shape and when measured internally is not less than 305 millimetres in length and not less than 54 millimetres in height (see Diagram 1 in the Table); and

(b) is not to have any obstruction positioned so as to restrict the movement of rock lobsters through the escape gap or to reduce the internal measurement of the escape gap, other than in the case of a pot constructed of cane or sticks, where one wire may pass vertically across the escape gap.

(3) The escape gap in a beehive rock lobster pot is to be —

(a) positioned on the side of the pot so that the longer sides of the gap are generally parallel to the base of the pot and the lower internal edge of the escape gap is not more than 110 millimetres from the base of the pot and is to be positioned in accordance with Diagram 2(b) in the Table;

(b) located at least 150 millimetres away from the attachment point or points of the hauling rope and, where there are 2 attachment points, not between those points; and

(c) of —

(i) steel flat-bar and constructed to the specifications set out in clause 4(7)(a); or

(ii) pressed steel or aluminium and constructed to the specifications set out in clause 4(7)(d).

Schedule 13 Specifications for rock lobster pots

10. Batten pots

- (1) This clause applies to batten rock lobster pots.
- (2) Subject to this clause, every batten rock lobster pot is to have inserted in it a device to create an escape gap that is as nearly as practicable rectangular in shape, and when measured internally, is to measure not less than 305 millimetres in length and not less than 54 millimetres in height.
- (3) The escape gap in a batten rock lobster pot is to be —
 - (a) positioned on a side of the pot, other than the base, in the rear half of the pot or at the end opposite the hauling rope attachment point or points and is to be positioned in accordance with Diagram 3 in the Table; and
 - (b) located at least 150 millimetres away from the attachment point or points of the hauling rope and, where there are 2 attachment points, not between those points.
- (4) When fitted to the rock lobster pot, the longer sides of the escape gap are to be generally parallel to the base of the pot and the lower internal edge of the escape gap is to be not more than 110 millimetres from the base of the pot.
- (5) An escape gap is to be constructed of the materials and to the specifications set out in clause 4(7).
- (6) The material to which an escape gap is attached in the horizontal plane is not to be —
 - (a) constructed of a material thicker than 13 millimetres;
 - (b) in the horizontal plane, within 5 millimetres of the internal edge of the escape gap; or
 - (c) provided that the escape gap is attached internally to the framework running horizontally along the bottom of the pot and the bottom internal edge of the escape gap is not within 10 millimetres of the attachment material, then the material to which the gap is attached may be greater than 13 millimetres but not more than 25 millimetres in thickness.

11. Plastic pots

- (1) This clause applies to plastic rock lobster pots.

- (2) A plastic rock lobster pot is to have inserted in it a device to create an escape gap that is as nearly as practicable rectangular in shape and when measured internally is to measure not less than 305 millimetres in length and not less than 54 millimetres in height.
- (3) The escape gap in a plastic rock lobster pot is to be positioned —
 - (a) on a side, other than the base, in the rear half of the pot opposite the hauling rope attachment point or points;
 - (b) so that the longer sides of the gap are generally parallel to the base of the pot and the lower internal edge of the escape gap is no more than 110 millimetres from the base of the pot as specified in Diagram 8 in the Table; and
 - (c) at least 150 millimetres away from the attachment point or points of the hauling rope and where there are 2 attachment points, not between those points.
- (4) An escape gap is to be constructed —
 - (a) of the materials and to the specifications set out in clause 4(7); or
 - (b) of plastic with a thickness of not less than 3 millimetres and not more than 6 millimetres.
- (5) The material to which an escape gap is attached in the horizontal plane is not to be —
 - (a) constructed of material which is thicker than 13 millimetres; or
 - (b) in the horizontal plane, within 5 millimetres of the internal edge of the escape gap.

12. Other pots

- (1) This clause applies to all rock lobster pots, other than beehive pots, batten pots or plastic pots.
- (2) Every rock lobster pot is to have inserted in it a device to create an escape gap that is as nearly as practicable rectangular in shape and when measured internally each is to measure not less than 305 millimetres in length and not less than 54 millimetres in height.

Schedule 13 Specifications for rock lobster pots

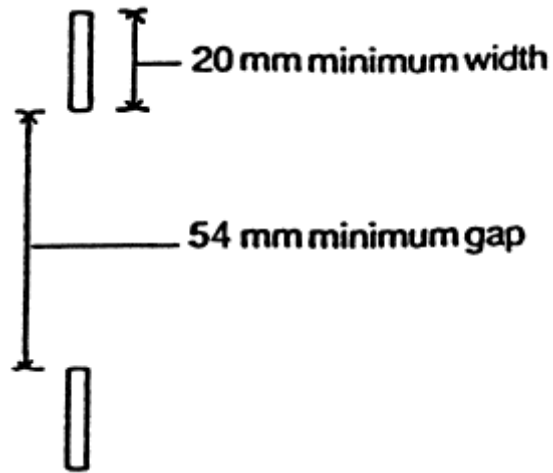
- (3) An escape gap is to be positioned —
 - (a) on a side, other than the base, in the rear half of the pot or at the end of the pot opposite the hauling rope attachment point or points;
 - (b) so that the longer sides of the gap are generally parallel to the base of the pot and the lower internal edge of the escape gap is no more than 110 millimetres from the base of the pot; and
 - (c) at least 150 millimetres away from the attachment point or points of the hauling rope and where there are 2 attachment points, not between those points.
- (4) An escape gap is to be constructed of the materials and to the specifications set out in clause 4(7).
- (5) The material to which the escape gap is attached in the horizontal plane is not to be —
 - (a) constructed of material which is thicker than 13 millimetres; or
 - (b) in the horizontal plane, within 5 millimetres of the internal edge of the escape gap.

13. Specifications applicable to all pots

- (1) This clause applies to all rock lobster pots.
- (2) A rock lobster pot is not to have any form of chamber or partition in the pot which is capable of containing rock lobster other than that formed by the external frame of the pot.
- (3) An escape gap is not to have any obstruction positioned in such a way as to restrict the movement of rock lobsters through the escape gap or to reduce the internal measurements of the escape gap, except as provided in clause 9(2)(b).

Table

Diagram 1 — Beehive Pots
(Clauses 3(2)(a), 6(2) and 9(2)(a))



Schedule 13 Specifications for rock lobster pots

Diagram 2(a) — Beehive Pots

(Clause 3(3)(a))

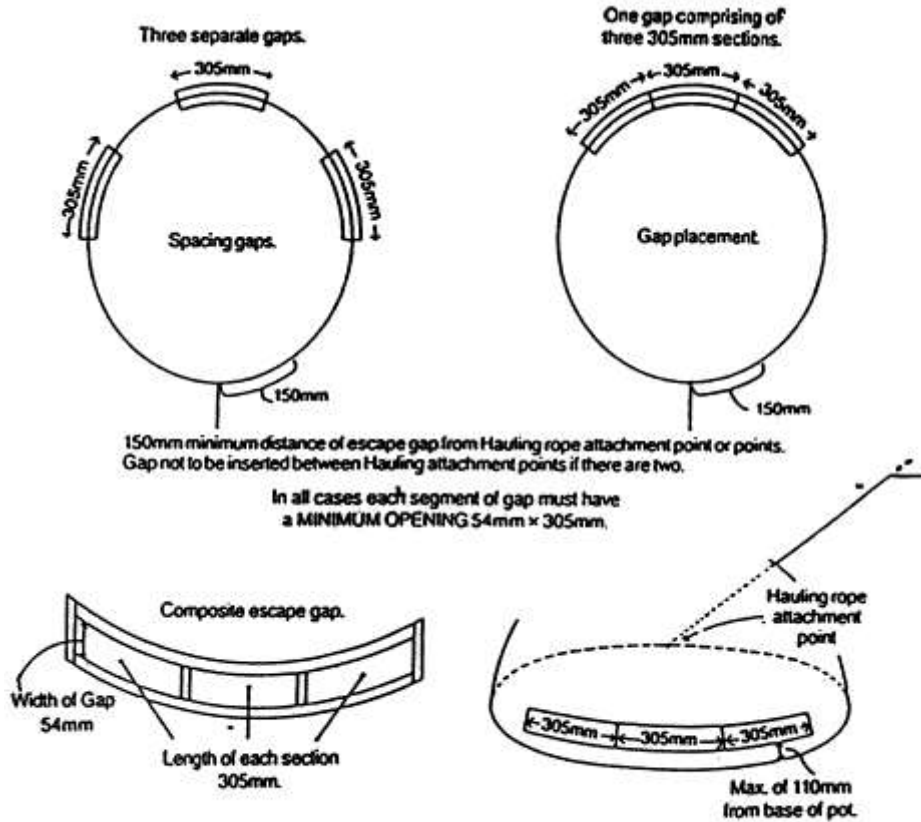
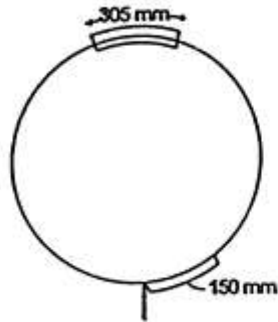
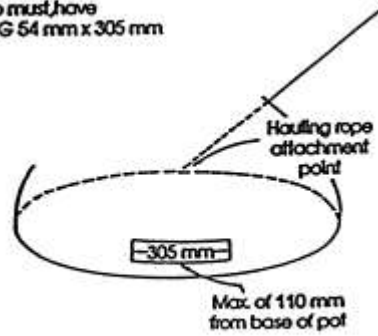
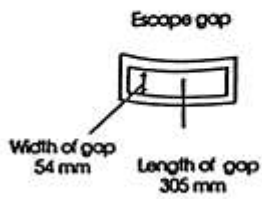


Diagram 2(b) — Beehive Pots (continued)
(Clause 9(3)(a))



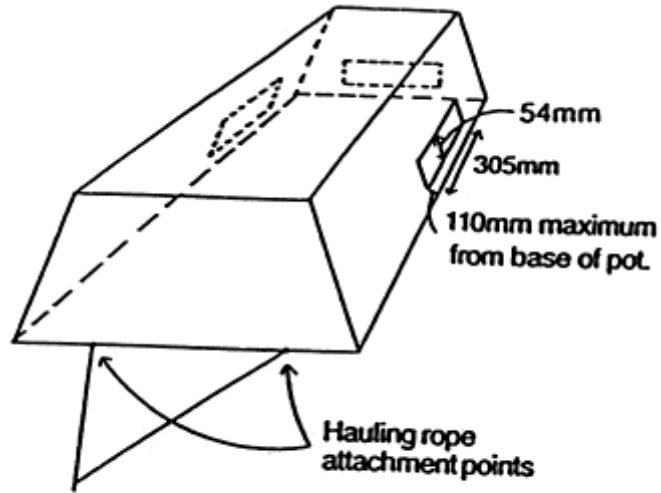
150 mm minimum distance of escape gap from Hauling rope attachment point or points.
Gap not to be inserted between Hauling attachment points if there are two.

Escape gap must have
a MINIMUM OPENING 54 mm x 305 mm



Schedule 13 Specifications for rock lobster pots

Diagram 3 — Batten Pots
(Clauses 4(4)(a) and 10(3)(a))

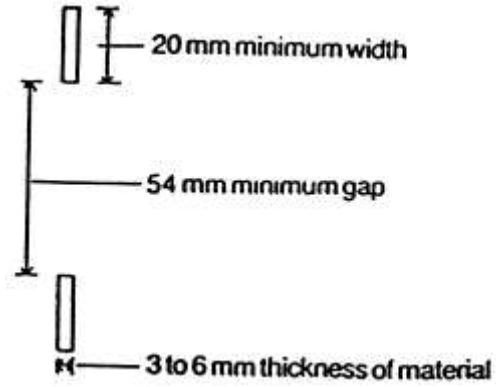


positioning of escape gap(s)

Diagram 4 — Batten Pots

(Clause 4(7)(a))

(Steel flat-bar)



Schedule 13 Specifications for rock lobster pots

Diagram 5 — Batten Pots

(Clause 4(7)(b))

(Aluminium)

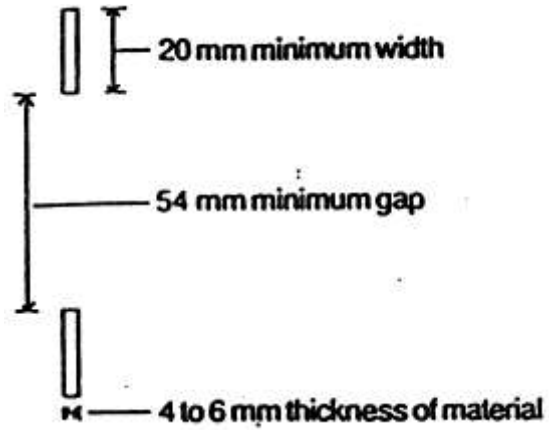
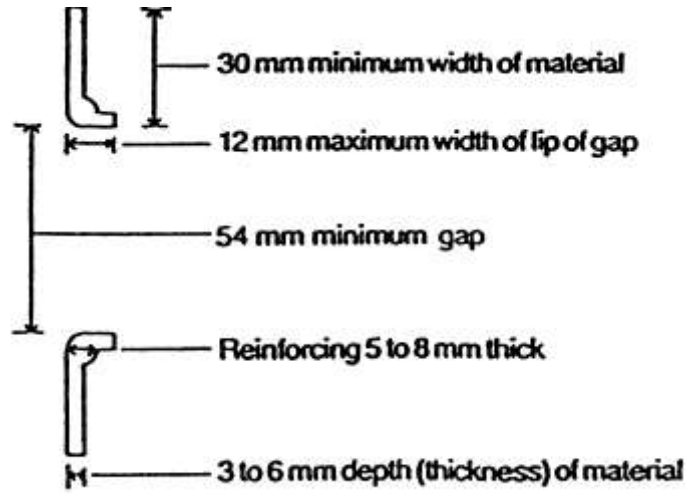


Diagram 6 — Batten Pots

(Clause 4(7)(c))

(Fibreglass)



Schedule 13 Specifications for rock lobster pots

Diagram 7 — Batten Pots
(Clause 4(7)(d))
(Steel or aluminium with internal lip)

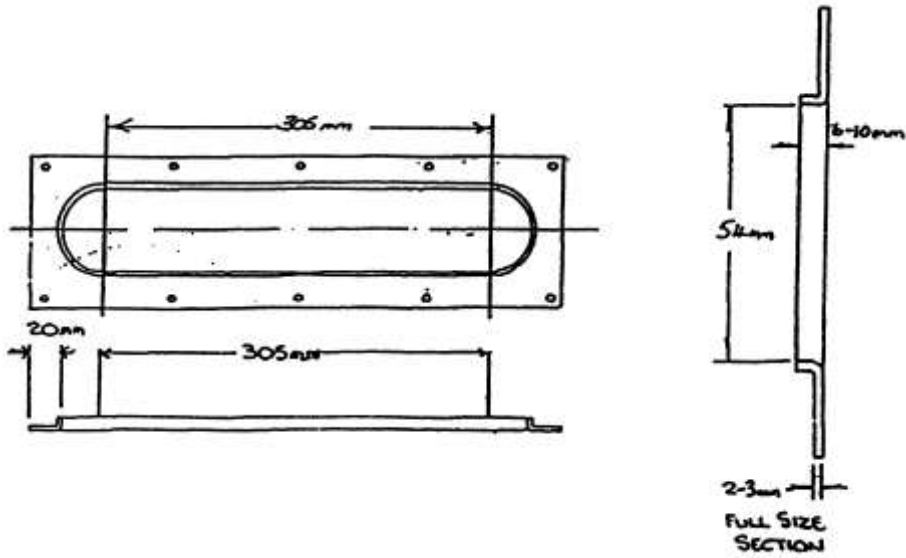
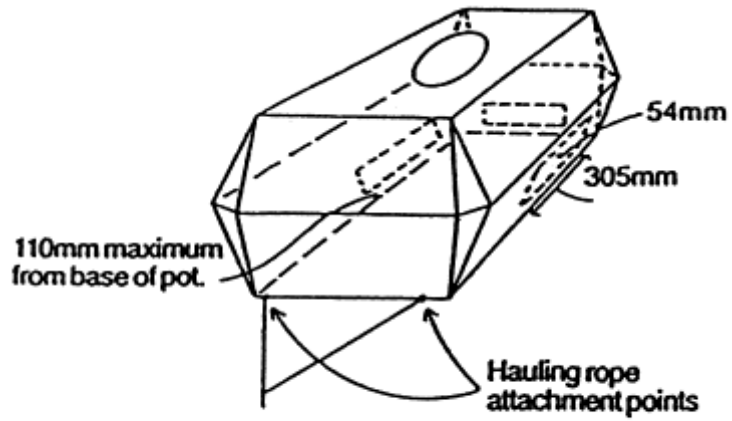


Diagram 8 — Plastic Pots
(Clauses 5(3)(b) and 11(3)(b))



positioning of escape gap(s)

Schedule 13 Specifications for rock lobster pots

Diagram 9 — Batten Pots

(Clause 4(10))

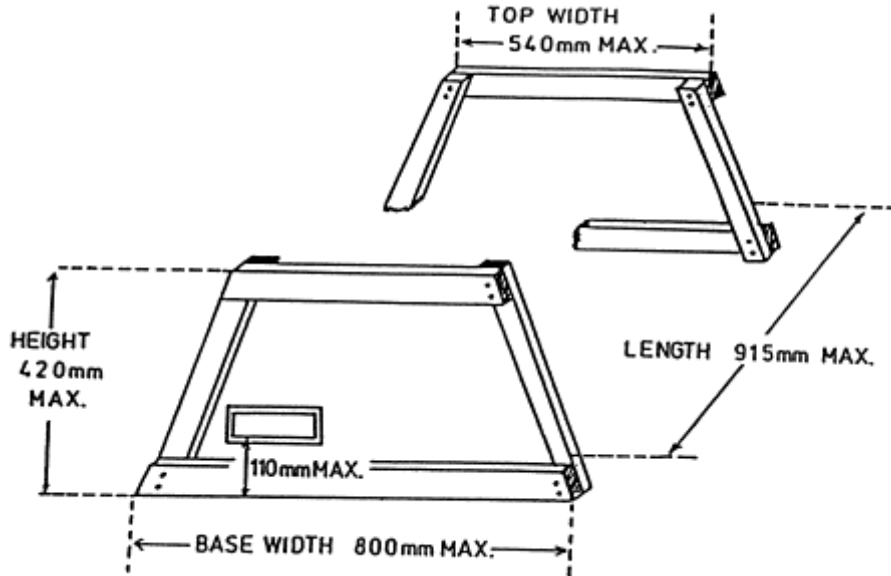
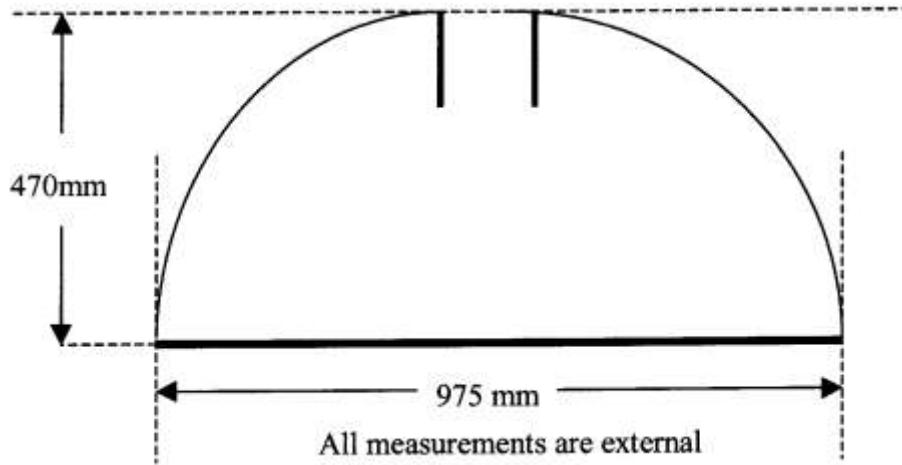
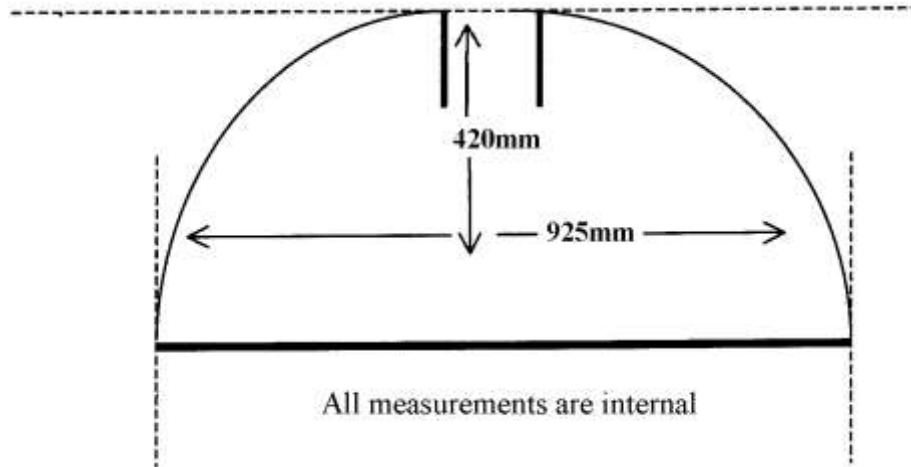


Diagram 10 — Beehive Pots
(Clause 3(5))



Schedule 13 Specifications for rock lobster pots

Diagram 11 — Beehive Pots
(Clause 3(7))



[Schedule 13 amended in Gazette 29 Nov 2002 p. 5656-7.]

Schedule 14

Forms

[reg. 142]

Form 1

Fish Resources Management Act 1994
(Section 158)

SUMMONS TO ATTEND OR PRODUCE DOCUMENTS

No. of summons:

To:

Postcode

A hearing is being held by a tribunal under section 152 of the Act.

The hearing is about:	
-----------------------	--

What you must do:

You must: Attend before the tribunal: <input type="checkbox"/> Produce the following documents before the tribunal: <input type="checkbox"/>	
--	--

Information about the hearing:

Where you must go:	
When:	Time Date Month Year and then from day to day until the end of the hearing or until excused by the tribunal

Information about this summons:

Issued at:	Date:
by:	
Signature:	
Telephone contact:	

If you do not attend or produce the documents:

It is an offence not to comply with this summons unless you have a reasonable excuse.

The maximum penalty to which you may be liable is \$2 000.

Schedule 14 Forms

Form 2

[reg. 147]

Fish Resources Management Act 1994
(Section 187)

WARRANT TO ENTER AND SEARCH

This is a warrant authorising a fisheries officer to enter and search:

Place:	
Time: (specify hours or at any time)	
This warrant ceases to have effect:	
Date:	
Time:	

I Justice of the Peace of
am satisfied by complaint made on oath —

- (a) that there are reasonable grounds for suspecting that there is on or in the place referred to in this warrant anything that may afford evidence of the commission of an offence against the *Fish Resources Management Act 1994*; or
- (b) that the issue of this warrant is reasonably required for the purpose of ascertaining whether a person has contravened or is contravening the *Fish Resources Management Act 1994*;

and I authorise , a fisheries officer, to enter and search the place referred to in this warrant with such assistance, and by such force, as is reasonably necessary during the time referred to in this warrant.

.....
Signature of Justice of the Peace

.....
Date

Form 3

[reg. 160]

Fish Resources Management Act 1994
(Section 229(1))

INFRINGEMENT NOTICE

No. of notice:
Authorisation Nos.:

To:

Postcode:

It is alleged that you have committed an offence:

When and where:	When:	a.m./p.m. on the	20 .
	Where:	day of	

Details of the offence and modified penalty:

Section of Act	Description of Offence	Modified Penalty \$
----------------	------------------------	------------------------

What you must do:

1. You may dispose of this matter within 28 days after the service of this notice by paying the modified penalty —
 - (i) BY POSTING a cheque or money order made payable to the FISHERIES DEPARTMENT⁶ to the Accountant, Ministry of Justice, G.P.O. Box L915, Perth WA 6001; or
 - (ii) IN PERSON AT THE MINISTRY OF JUSTICE⁷, 3rd floor, Westralia Square, 141 St George's Terrace, Perth WA; or at any Clerk of Courts.
OR
2. Elect to have this matter dealt with before A COURT.

Should you not pursue one of the above options within the time specified above, additional administrative charges may be incurred and action may be taken to suspend your Motor Driver's Licence until you have paid in full the modified penalty and any additional charges OR you have elected to have this matter dealt with before a Court.

Information about this notice:

Issued at:	
by:	
Signature:	

Schedule 14 Forms

Form 4

[reg. 161]

Fish Resources Management Act 1994
(Section 231(1))

WITHDRAWAL OF INFRINGEMENT NOTICE

To: _____ No. of notice: _____
Postcode: _____

AN INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN WITHDRAWN AND NO FURTHER ACTION WILL BE TAKEN*/ A SUMMONS WILL BE ISSUED*

Details of the withdrawn notice:

Date of service:	
Alleged offence:	
Notice No.:	

Information about this notice:

Issued at:	
by:	
Signature:	

* Delete where not applicable.

Form 5

[reg. 165]

Fish Resources Management Act 1994
(Section 249(3)(a))

NOTICE TO ATTEND OR PRODUCE DOCUMENTS

No. of notice:

To:

Postcode:

An inquiry is being conducted by an appointed person under section 249(3)(a) of the Act.

The inquiry is about:	
-----------------------	--

What you must do:

You must: Attend before the appointed person: <input type="checkbox"/> Produce the following documents before the appointed person: <input type="checkbox"/>	
--	--

Information about the inquiry:

Where you must go:	
When:	Time Date Month Year and then from day to day until the end of the inquiry or until excused by the appointed person.

Information about this notice:

Issued at:	Date:
by:	(appointed person)
Signature:	
Telephone contact:	

If you do not attend or produce the documents:

It is an offence not to comply with this summons unless you have a reasonable excuse.

The maximum penalty to which you may be liable is \$5 000.

Schedule 14 Forms

Form 6

[reg. 173]

Fish Resources Management Act 1994
(Section 255(1))

NOTICE PROHIBITING ACTIVITIES THAT POLLUTE WATERS

No. of Notice:

To:

Postcode:

You are prohibited from engaging in the following activity which is polluting, or likely to pollute, the aquatic environment:

Information about the prohibition:

Period of prohibition:	
Circumstances and times:	

Information about this notice:

Issued at:	
by:	The Minister for Fisheries
Signature:	
Telephone contact:	

If you contravene this notice:

It is an offence to contravene this notice.

The maximum penalty to which you may be liable is:

For an individual:	\$25 000.
For a body corporate:	\$50 000.

Form 7

[reg. 174]

Fish Resources Management Act 1994
(Section 255(2)(c))

NOTICE TO VARY OR REVOKE A NOTICE PROHIBITING
ACTIVITIES THAT POLLUTE WATERS

No. of notice:

To:

Postcode:

The notice served on you prohibiting you from an activity that was polluting, or likely to pollute,
the aquatic environment is varied*/revoked* —

Which notice is varied/revoked?

No. of notice:	Date:
Served:	
By:	
Time:	

**This is the variation of the notice.

Information about this notice:

Issued at:	
by:	The Minister for Fisheries
Signature:	
Telephone contact:	

If you contravene this notice:

It is an offence to contravene this notice.

The maximum penalty to which you may be liable is:

For an individual:	\$25 000.
For a body corporate:	\$50 000.

* Delete where not applicable.

** Score through this section if not applicable.

Schedule 14 Forms

Form 8

[reg. 175]

Fish Resources Management Act 1994
(Section 255(5))

NOTICE OF APPEAL TO THE MINISTER FOR THE ENVIRONMENT UNDER SECTION 255(5)

No. of notice:

To the Minister for the Environment:

I*/We* appeal against a notice given under section 255 of the *Fish Resources Management Act 1994* by the Minister for Fisheries prohibiting me*/us* from engaging in the activity specified in the notice.

Details of person/s* appealing:

Name:

Address:

Details of notice appealed from:

Date of notice:	
-----------------	--

No. of notice:	
----------------	--

Grounds of appeal:

A copy of the notice appealed from is attached.

.....
Signature of appellant (or legal representative)

.....
Date

* Delete where not applicable

Schedule 15 — Tour management zones

[r. 128A, 128J]

1. Zone 1: Pilbara/Kimberley

Pilbara and Kimberley Region

2. Zone 1: Gascoyne

Gascoyne Region

3. Zone 3: West Coast

All land and waters, and all waters off the coast of Western Australia south of 27° 00' south latitude but excluding the land and waters of Zone 4.

4. Zone 4: South Coast

All land and waters, and the waters off the coast of Western Australia east of 115° 30' east longitude, south of 33° 32' south latitude, and west of the longitude passing through the border of Western Australia and South Australia.

[Schedule 15 inserted in Gazette 29 Jun 2001 p. 3180-1; amended in Gazette 1 Oct 2003 p. 4346.]

Schedule 16 — Abalone zones

[Reg. 38D]

1. Abalone Zone 1: Busselton Jetty to the Greenough River mouth

All WA waters off the west coast bounded by a line commencing at the intersection of the high water mark on the coastline at 115° 20.582' east longitude (Busselton Jetty); thence extending north along the meridian to the boundary of WA waters and the intersection with 33° 35.702' south latitude; thence generally northerly along the boundary of WA waters to the intersection of 28° 51.974' south latitude; thence easterly along the parallel to the high water mark on the coastline of WA (north side of the Greenough River mouth).

2. Abalone Zone 2: Greenough River mouth to Northern Territory Border

All WA waters off the west, north west and northern coast north of 28° 51.974' south latitude.

3. Abalone Zone 3: Busselton Jetty to South Australian Border

All WA waters off the west and south coast bounded by a line commencing at the intersection of the high water mark on the coast line and 115° 20.582' (Busselton Jetty) thence extending north along the meridian to the boundary of WA waters and the intersection of 33° 35.702' south latitude; thence in an easterly direction along the boundary of WA waters to the intersection with 129° east longitude; thence north along the meridian to the intersection of the coastline of the south coast at the high water mark.

[Schedule 16 inserted in Gazette 1 Oct 2003 p. 4346-7.]



Notes

- ¹ This reprint is a compilation as at 14 November 2003 of the *Fish Resources Management Regulations 1995* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Fish Resources Management Regulations 1995</i>	29 Sep 1995 p. 4503-646	1 Oct 1995 (see r. 2 and <i>Gazette</i> 29 Sep 1995 p. 4649)
<i>Fish Resources Management Amendment Regulations 1995</i>	22 Dec 1995 p. 6169	22 Dec 1995
<i>Fish Resources Management Amendment Regulations 1996</i>	30 Aug 1996 p. 4318-21	30 Aug 1996
<i>Fish Resources Management Amendment Regulations (No. 2) 1996</i>	24 Dec 1996 p. 7114	24 Dec 1996
<i>Fish Resources Management Amendment Regulations (No. 3) 1996</i>	24 Dec 1996 p. 7115	24 Dec 1996
<i>Fish Resources Management Amendment Regulations 1997</i>	27 Mar 1997 p. 1693-4	1 Apr 1997 (see r. 2)
<i>Fish Resources Management Amendment Regulations (No. 2) 1997</i>	4 Jul 1997 p. 3474-8	4 Jul 1997 (see r. 2)
<i>Fish Resources Management Amendment Regulations (No. 3) 1997</i>	12 Sep 1997 p. 5152-4	12 Sep 1997
<i>Fish Resources Management Amendment Regulations (No. 4) 1997</i>	30 Sep 1997 p. 5417-18	30 Sep 1997
<i>Fish Resources Management Amendment Regulations (No. 5) 1997</i>	30 Sep 1997 p. 5415-16	30 Sep 1997
<i>Fish Resources Management Amendment Regulations (No. 6) 1997</i>	5 Dec 1997 p. 7121-3	5 Dec 1997
<i>Fish Resources Management Amendment Regulations (No. 7) 1997</i>	5 Dec 1997 p. 7123	5 Dec 1997
<i>Fish Resources Management Regulations (No. 8) 1997</i>	2 Jan 1998 p. 25-8 (correction 9 Jan 1998 p. 205)	2 Jan 1998

Fish Resources Management Regulations 1995

Citation	Gazettal	Commencement
<i>Fish Resources Management Amendment Regulations 1998</i>	19 Jun 1998 p. 3263-4	19 Jun 1998
<i>Fish Resources Management Amendment Regulations (No. 2) 1998</i>	7 Jul 1998 p. 3613-14	7 Jul 1998
<i>Fish Resources Management Amendment Regulations (No. 3) 1998</i>	25 Sep 1998 p. 5298-300	25 Sep 1998
<i>Fish Resources Management Amendment Regulations (No. 4) 1998</i>	15 Jan 1999 p. 112-13	15 Jan 1999
<i>Fish Resources Management Amendment Regulations 1999</i> ⁸	26 Mar 1999 p. 1279-80	26 Mar 1999
<i>Fish Resources Management Amendment Regulations (No. 2) 1999</i>	23 Apr 1999 p. 1716	23 Apr 1999
<i>Fish Resources Management Amendment Regulations (No. 3) 1999</i>	4 Jun 1999 p. 2269-70	4 Jun 1999
<i>Fish Resources Management Amendment Regulations (No. 4) 1999</i>	4 Jun 1999 p. 2270-1	4 Jun 1999
<i>Fish Resources Management Amendment Regulations (No. 6) 1999</i>	13 Aug 1999 p. 3825-7	13 Aug 1999
<i>Fish Resources Management Amendment Regulations (No. 7) 1999</i>	28 Sep 1999 p. 4699	28 Sep 1999
<i>Fish Resources Management Amendment Regulations (No. 8) 1999</i>	21 Dec 1999 p. 6406-10	21 Dec 1999
<i>Fish Resources Management Amendment Regulations (No. 9) 1999</i>	21 Dec 1999 p. 6411	21 Dec 1999
<i>Fish Resources Management Amendment Regulations 2000</i>	7 Apr 2000 p. 1813-14	7 Apr 2000
Reprint of the <i>Fish Resources Management Regulations 1995</i> as at 2 Jun 2000 (includes amendments listed above) (correction in <i>Gazette</i> 11 Aug 2000 p. 4693)		
<i>Fish Resources Management Amendment Regulations (No. 2) 2000</i>	25 Aug 2000 p. 4905	25 Aug 2000
<i>Fish Resources Management Amendment Regulations (No. 3) 2000</i>	8 Sep 2000 p. 5185-8	8 Sep 2000
<i>Fish Resources Management Amendment Regulations (No. 5) 2000</i>	26 Sep 2000 p. 5516-17	26 Sep 2000

Fish Resources Management Regulations 1995

Citation	Gazettal	Commencement
<i>Fish Resources Management Amendment Regulations (No. 7) 2000</i>	6 Oct 2000 p. 5589-90	6 Oct 2000
<i>Fish Resources Management Amendment Regulations (No. 6) 2000</i>	24 Oct 2000 p. 5965	24 Oct 2000
<i>Fish Resources Management Amendment Regulations (No. 8) 2000</i>	3 Nov 2000 p. 6103	3 Nov 2000
<i>Fish Resources Management Amendment Regulations (No. 9) 2000</i>	29 Dec 2000 p. 7905-7	29 Dec 2000
<i>Fish Resources Management Amendment Regulations (No. 4) 2000</i>	29 Dec 2000 p. 7965-79	29 Dec 2000
Reprint of the <i>Fish Resources Management Regulations 1995</i> as at 2 Mar 2001 (includes amendments listed above)		
<i>Fish Resources Management Amendment Regulations (No. 2) 2001</i>	27 Mar 2001 p. 1725	31 Mar 2001 (see r. 2)
<i>Fish Resources Management Amendment Regulations 2001</i>	29 Jun 2001 p. 3161-81	29 Jun 2001
<i>Fish Resources Management Amendment Regulations (No. 5) 2001</i>	13 Jul 2001 p. 3465-6	13 Jul 2001
<i>Fish Resources Management Amendment Regulations (No. 7) 2001</i>	25 Sep 2001 p. 5283	25 Sep 2001
<i>Fish Resources Management Amendment Regulations (No. 10) 2001</i>	12 Oct 2001 p. 5581	12 Oct 2001
<i>Fish Resources Management Amendment Regulations (No. 12) 2001</i>	31 Oct 2001 p. 5789	31 Oct 2001
<i>Fish Resources Management Amendment Regulations (No. 4) 2001</i>	14 Nov 2001 p. 5977-9	14 Nov 2001
<i>Fish Resources Management Amendment Regulations (No. 11) 2001</i>	20 Nov 2001 p. 6010-11	20 Nov 2001
<i>Fish Resources Management Amendment Regulations (No. 13) 2001</i>	18 Dec 2001 p. 6489-92	1 Jan 2002 (see r. 2)
<i>Fish Resources Management Amendment Regulations 2002</i>	22 Jan 2002 p. 359	22 Jan 2002

Fish Resources Management Regulations 1995

Citation	Gazettal	Commencement
<i>Fish Resources Management Amendment Regulations (No. 2) 2002</i>	26 Feb 2002 p. 785-7	1 Mar 2002 (see r. 2)
<i>Fish Resources Management Amendment Regulations (No. 5) 2002</i>	3 May 2002 p. 2219	3 May 2002
Reprint of the <i>Fish Resources Management Regulations 1995</i> as at 17 May 2002 (includes amendments listed above)		
<i>Fish Resources Management Amendment Regulations (No. 7) 2002</i>	28 Jun 2002 p. 3065-7	1 Jul 2002 (see r. 2)
<i>Fish Resources Management Amendment Regulations (No. 8) 2002</i>	10 Sep 2002 p. 4593-4	1 Oct 2002 (see r. 2)
<i>Fish Resources Management Amendment Regulations (No. 9) 2002</i>	29 Nov 2002 p. 5652-3	29 Nov 2002
<i>Fish Resources Management Amendment Regulations (No. 10) 2002</i>	29 Nov 2002 p. 5653	29 Nov 2002
<i>Fish Resources Management Amendment Regulations (No. 11) 2002</i>	29 Nov 2002 p. 5654-7	29 Nov 2002
<i>Fish Resources Management Amendment Regulations (No. 13) 2002</i>	29 Nov 2002 p. 5657-8	1 Jan 2003 (see r. 2)
<i>Fish Resources Management Amendment Regulations (No. 14) 2002</i>	13 Dec 2002 p. 5795-8	1 Jan 2003 (see r. 2)
<i>Fish Resources Management Amendment Regulations 2003</i>	11 Feb 2003 p. 411-12	11 Feb 2003
<i>Fish Resources Management Amendment Regulations (No. 3) 2003</i>	21 Feb 2003 p. 633-4	21 Feb 2003
<i>Fish Resources Management Amendment Regulations (No. 2) 2003</i>	28 Feb 2003 p. 660-3	1 Mar 2003 (see r. 2)
<i>Fish Resources Management Amendment Regulations (No. 4) 2003</i>	7 Mar 2003 p. 743-8	7 Mar 2003
<i>Fish Resources Management Amendment Regulations (No. 6) 2003</i>	3 Jun 2003 p. 1979-82	1 Jul 2003 (see r. 2)
<i>Fish Resources Management Amendment Regulations (No. 5) 2003</i>	27 Jun 2003 p. 2389-95	1 Jul 2003 (see r. 2)

Citation	Gazettal	Commencement
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 13</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>Fish Resources Management Amendment Regulations (No. 7) 2003</i>	19 Aug 2003 p. 3714-15	8 Nov 2003 (see r. 2 and <i>Gazette</i> 2 Sep 2003 p. 3923)
<i>Fish Resources Management Amendment Regulations (No. 11) 2003</i>	19 Sep 2003 p. 4119-25	19 Sep 2003
<i>Fish Resources Management Amendment Regulations (No. 12) 2003</i>	19 Sep 2003 p. 4118	1 Oct 2003 (see r. 2)
<i>Fish Resources Management Amendment Regulations (No. 8) 2003</i>	1 Oct 2003 p. 4279-347	1 Oct 2003 (see r. 2)
<i>Fish Resources Management Amendment Regulations (No. 9) 2003</i>	31 Oct 2003 p. 4561-2	8 Nov 2003 (see r. 2)
<i>Fish Resources Management Amendment Regulations (No. 15) 2003</i>	31 Oct 2003 p. 4562-3	8 Nov 2003 (see r. 2)

Reprint 4: The Fish Resources Management Regulations 1995 as at 14 Nov 2003
(includes amendments listed above)

- ² Under the *Land Administration Act 1997* s. 281(3), references to the *Land Act 1933* may be construed as references to the *Land Administration Act 1997*.
- ³ The Standards Association of Australia has changed its corporate status and its name. It is now Standards Australia International Limited (ACN 087 326 690). It also trades as Standards Australia.
- ⁴ Under the *Statutes (Repeals and Minor Amendments) Act 2000* s. 14(3), the name of the Electricity Corporation was changed to the Western Power Corporation.
- ⁵ Repealed by the *Gas Standards (Gasfitting and Consumers' Gas Installations) Regulations 1999* which was repealed by the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999*.
- ⁶ Under the *Alteration of Statutory Designations Order (No. 3) 2001* the former Fisheries Department is known as the Department of Fisheries.
- ⁷ Under the *Alteration of Statutory Designations Order (No. 3) 2001* the former Ministry of Justice is now called the Department of Justice.
- ⁸ Disallowed on 16 Jun 1999, see *Gazette* 25 Jun 1999 p. 2742.

Defined terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
Abalone Zone.....	38D(1)
aircraft.....	3(1)
an ALC fishing boat.....	55C(1)
approved.....	55A, 72
approved person.....	55A
artificial lure.....	44A(2)
associated camp.....	72
attend.....	64B, 64M
automatic location communicator.....	55A
bag limit.....	3(1)
bona fide.....	64I(2)
Broome area.....	64ZJ
Broome area waters.....	64ZJ
camp.....	72
carrier boat.....	119(1)
carrier boat licence.....	3(1)
chlorine tarping.....	110(2)
closed season.....	38G
commercial fishing licence.....	3(1)
courier business.....	21(3)
current entitlement.....	118A(2)
Dampier Archipelago land area.....	64ZB
Dampier Archipelago waters.....	64ZB
dB(A).....	104(4)
deep sea crab.....	38A
disease.....	3(1)
eastern gulf land area.....	3(1)
Electricity Corporation.....	82(6)
Exmouth townsite.....	16K(2)
fillet.....	3(1)
finfish.....	3(1)
fish processor's licence.....	3(1)
fishing boat licence.....	3(1)
fishing net.....	3(1)
fishing year.....	16G
form.....	3(1)
Freycinet Estuary.....	3(1)
Freycinet Estuary area.....	16G

Defined terms

Gascoyne Region	3(1)
gear identification number	3(1)
ground	64I(2)
GRS80.....	152(2)
jetty	72
licence holder	55A
licensed boat.....	72
licensed carrier boat	3(1)
licensed carrier boat number	3(1)
licensed fishing boat	3(1)
licensed fishing boat number	3(1)
management plan	64ZE(1)
marron drop net.....	3(1), 38G
marron pole snare.....	3(1), 38G
marron scoop net.....	3(1), 38G
mollusc.....	3(1)
mooring	72
net	64ZE(1)
Ningaloo Marine Park.....	3(1)
Ningaloo Marine Park Land Zone.....	16K(2)
one day	3(1)
operator	72
Ord River area.....	16M(2), 64ZF
Ord River area waters	64ZF
oyster.....	127(3)
oyster fishing licence	3(1)
package	22(5)
Pilbara and Kimberley Region	3(1)
prawn hand trawl net.....	3(1)
prescribed abalone	17(2)
principal place of residence.....	3(1)
public waters	127(3)
pull	3(1)
recreational fishing licence	3(1)
Region.....	3(1)
reserve.....	72
restricted fishing tour	128S(1)
rock lobster	64ZB
rock lobster licence	72
rock lobster pot	3(1)
rock lobster pot licence	3(1)
rock lobster tail	3(1)
set.....	3(1)
share arrangement	72
single-sided fillet.....	3(1)

Defined terms

South Coast Region.....	3(1)
store.....	22(5)
structure	87
sunrise	3(1)
sunset	3(1)
tail clip	31(3)
tail punch.....	31(3)
the due date	137(4)
the full amount outstanding of the fee.....	137(5)
the GDA	152(1)
the package	61(3a)
unauthorised structure	87
usual entitlement	118A(2)
waters of Shark Bay	3(1)
waters of the Shark Bay eastern gulf.....	3(1)
waters of the Shark Bay western gulf	3(1)
West Coast Purse Seine Managed Fishery boat	64ZE(1)
West Coast Region.....	3(1)
whole fish.....	3(1)