WESTERN AUSTRALIAN GOVERNMENT Gazette
ISSN 1448-949X PRINT POST APPROVED PP665002/00041

PERTH, FRIDAY, 28 JUNE 2013 No. 111 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 1.00 PM

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Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 4) 2013

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 4) 2013*.

2. Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (***gazettal day***);

(b) regulation 13 —

(i) if the *Fish Resources Management Amendment Regulations (No. 3) 2013* regulation 5 comes into operation before the day after gazettal day — on the day after gazettal day; or

(ii) if the *Fish Resources Management Amendment Regulations (No. 3) 2013* regulation 5 comes into operation on the day after gazettal day or a day that is later than that day — immediately after that regulation comes into operation;

(c) the rest of the regulations — on the day after gazettal day.

Fish Resources Management Amendment Regulations (No. 4) 2013

r. 3

3. Regulations amended

These regulations amend the *Fish Resources Management Regulations 1995*.

4. Regulation 3 amended

(1) In regulation 3(1) delete the definitions of:

lawful overnight stay on an island

low risk finfish

(2) In regulation 3(1) in the definition of ***fish trunk*** delete paragraph (b) and insert:

(b) a finfish described in regulation 14(4) that would be a whole fish except that all, or any part of, its head, tail or scales has been removed; or

5. Regulation 14 amended

(1) In regulation 14(2):

(a) in paragraph (b) delete "trunk." and insert:

trunk; or

(b) after paragraph (b) insert:

(c) finfish on a boat if the finfish is —

(i) being consumed; or

(ii) prepared, or being prepared, for immediate consumption by persons on the boat.

(2) After regulation 14(2) insert:

(3) A person must not bring onto land or carry through WA waters a finfish of a class referred to in the first Table in Schedule 2 Part 2 Division 3 Subdivision 2 that is equal to or greater than the specified size for the class of fish unless it is —

(a) a whole fish; or

(b) a fish trunk or fillet that —

(i) has the skin and scales attached; and

(ii) is at least 300 mm in length; and

(iii) is packaged flat; and

(iv) is packaged so that it is easily accessible for measurement and identification; and

(v) where the fish is frozen, can be measured and identified without being thawed.

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

(4) A person must not bring onto land or carry through WA waters a finfish other than a finfish referred to in subregulation (1) or (3) unless it is —

(a) a whole fish; or

(b) a fish trunk or fillet that has the skin attached.

Penalty: a fine of $1 000 and the penalty provided in section 222 of the Act.

(5) Subregulations (3) and (4) do not apply to, or in respect of —

(a) finfish taken for a commercial purpose in accordance with an authorisation; or

(b) finfish on a boat if the finfish is —

(i) being consumed; or

(ii) prepared, or being prepared, for immediate consumption by persons on the boat.

6. Regulations 15 and 16 deleted

Delete regulations 15 and 16.

7. Regulation 16E amended

In regulation 16E(1) delete the definition of ***day trip*** and insert:

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

8. Regulation 22 amended

Delete regulation 22(1) and insert:

(1) A person who packages or stores fish 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.

9. Regulation 64X amended

(1) In regulation 64X delete "A person" and insert:

(1) A person

(2) At the end of regulation 64X insert:

(2) A reference in subregulation (1) to a region or other area of the State includes a reference to the whole State.

(3) Except as otherwise stated, a bag limit provided for in Division 2 is prescribed for all land in the State and all WA waters.

10. Regulation 65E replaced

Delete regulation 65E and insert:

65E. Bag limit for freshwater finfish

For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing "Grouped bag limit" in Schedule 3 Part 4 is the bag limit in respect of all species of fish specified in that Part (***freshwater finfish***).

11. Regulation 65F amended

(1) Before regulation 65F(1) insert:

(1A) In this regulation —

finfish does not include the following fish —

(a) Carp, European;

(b) Goldfish;

(c) Perch, redfin;

(d) fish of the genus *Oreochromis spp*. (entire genus).

(2) Delete regulation 65F(2) and insert:

(2) For the purposes of section 50 of the Act, the bag limit in respect of all species of finfish not otherwise referred to in this Division is a grouped bag limit of 30.

12. Regulation 65G amended

In regulation 65G:

(a) delete "species" (1st occurence) and insert:

species, or group of species,

(b) before "species." insert:

species or group of

13. Regulation 65H amended

In regulation 65H:

(a) delete "species" (1st occurence) and insert:

species, or group of species,

(b) before "species." insert:

species or group of

14. Regulation 156 amended

In regulation 156 in the Table delete "15(1), 16(1)," and insert:

14(3), 14(4),

15. Schedule 3 Part 1 Division 2 amended

In Schedule 3 Part 1 Division 2 delete "Foxtail," and insert:

Foxfish,

16. Schedule 3 Part 4 replaced

Delete Schedule 3 Part 4 and insert:

Part 4 — Bag limits — Freshwater finfish

[r. 65E]

Fish	Grouped bag limit of all species of freshwater finfish for one day
Catfish	4
Grunter	
Trout, Brown and Rainbow	

17. Schedule 3 Part 5 amended

In Schedule 3 Part 5:

(a) delete "**Species bag**" and insert:

Bag

(b) insert in alphabetical order:

Koonac	N/A
Yabbies, Common and White	N/A

18. Schedule 3 Part 6 amended

In Schedule 3 Part 6 delete "**Species bag**" and insert:

Bag

19. Schedule 12 amended

In Schedule 12 Part 2 item 3 delete "14, 15, 16," and insert:

14(1), 14(3), 14(4),

20. Schedule 13 Part 1A inserted

In Schedule 13 before Part 1 insert:

Part 1A — Preliminary

1A. Term used: relevant minimum gap

In this Schedule —

relevant minimum gap means —

(a) in relation to a lobster pot used in connection with the West Coast Rock Lobster Managed Fishery, 55 mm;

(b) in relation to all other lobster pots, 54 mm; and

21. Schedule 13 clause 3 amended

In Schedule 13 clause 3(2)(a):

(a) delete "54 mm" and insert:

the relevant minimum gap

(b) delete "Diagram 1(a)" and insert:

Diagram 1

22. Schedule 13 clause 4 amended

(1) In Schedule 13 clause 4(2) delete "54 mm" and insert:

the relevant minimum gap

(2) In Schedule 13 clause 4(4)(a) delete "Diagram 3(a)" and insert:

Diagram 3

23. Schedule 13 clause 5 amended

In Schedule 13 clause 5(2) delete "54 mm" and insert:

the relevant minimum gap

24. Schedule 13 clause 9 amended

In Schedule 13 clause 9(2)(a):

(a) delete "54 mm" and insert:

the relevant minimum gap

(b) delete "Diagram 1(b)" and insert:

Diagram 1

25. Schedule 13 clause 10 amended

(1) In Schedule 13 clause 10(2) delete "54 mm" and insert:

the relevant minimum gap

(2) In Schedule 13 clause 10(3)(a) delete "Diagram 3(b)" and insert:

Diagram 3

26. Schedule 13 clause 11 amended

In Schedule 13 clause 11(2) delete "54 mm" and insert:

the relevant minimum gap

Fish Resources Management Amendment Regulations (No. 4) 2013

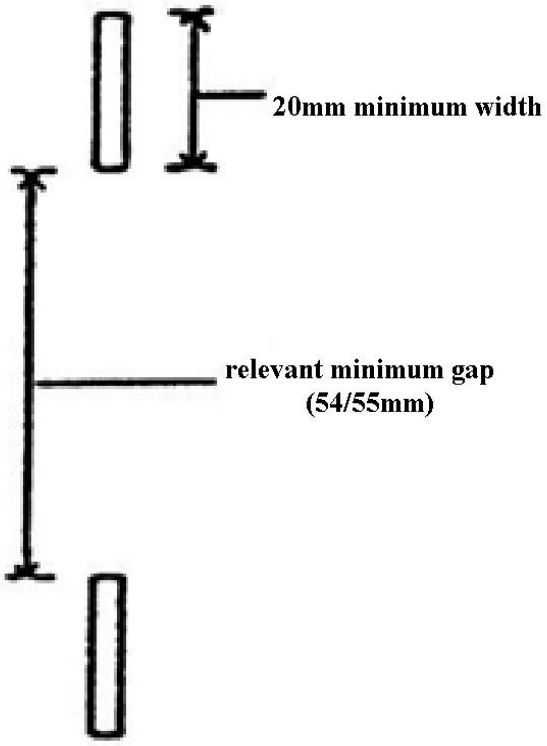
r. 27

27. Schedule 13 Table amended

In Schedule 13 in the Table delete Diagrams 1(a) to 7 and insert:

Diagram 1 — Beehive pots

(Clauses 3(2)(a) and 9(2)(a))

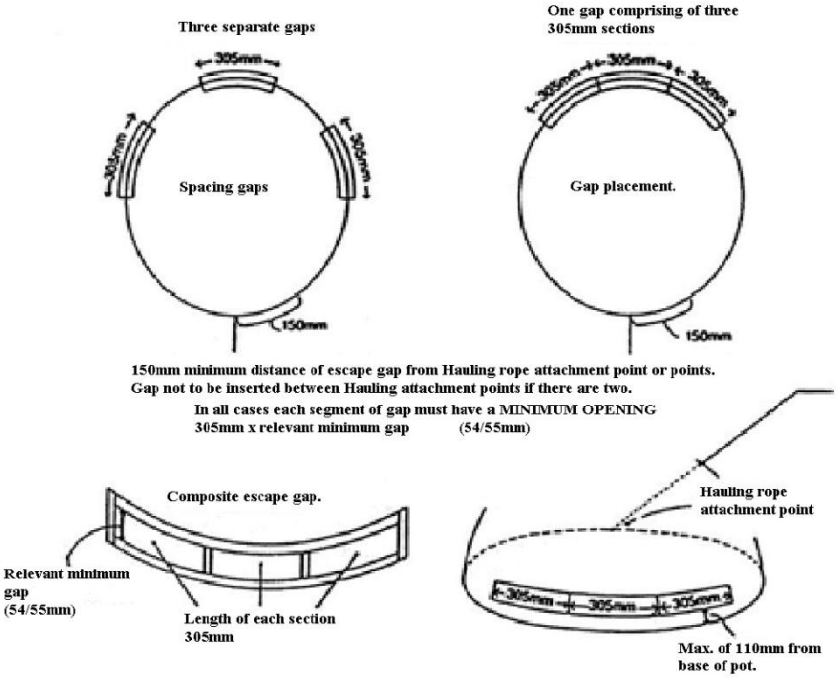


Fish Resources Management Amendment Regulations (No. 4) 2013

r. 27

Diagram 2(a) — Beehive pots

(Clause 3(3)(a))

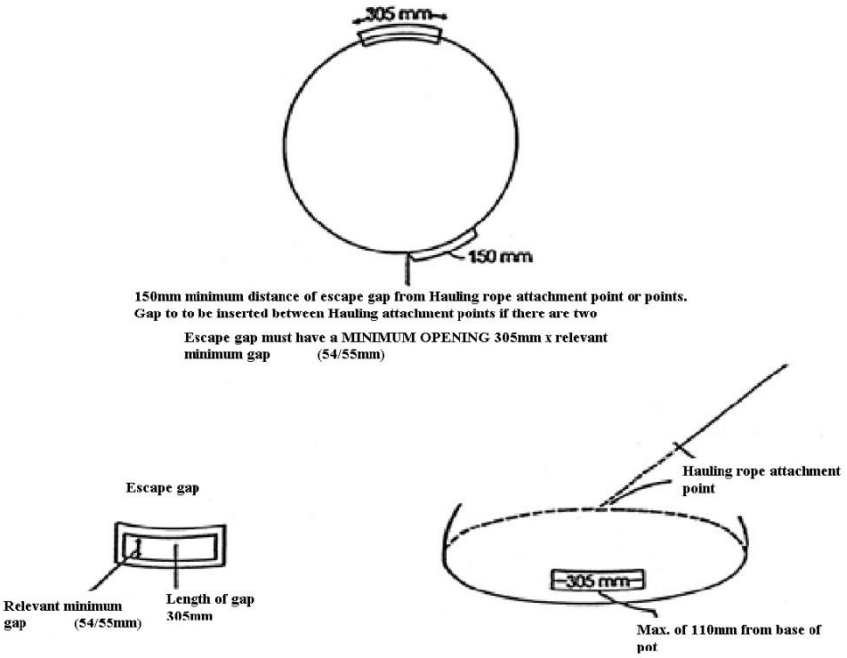


Fish Resources Management Amendment Regulations (No. 4) 2013

r. 27

Diagram 2(b) — Beehive pots

(Clause 9(3)(a))

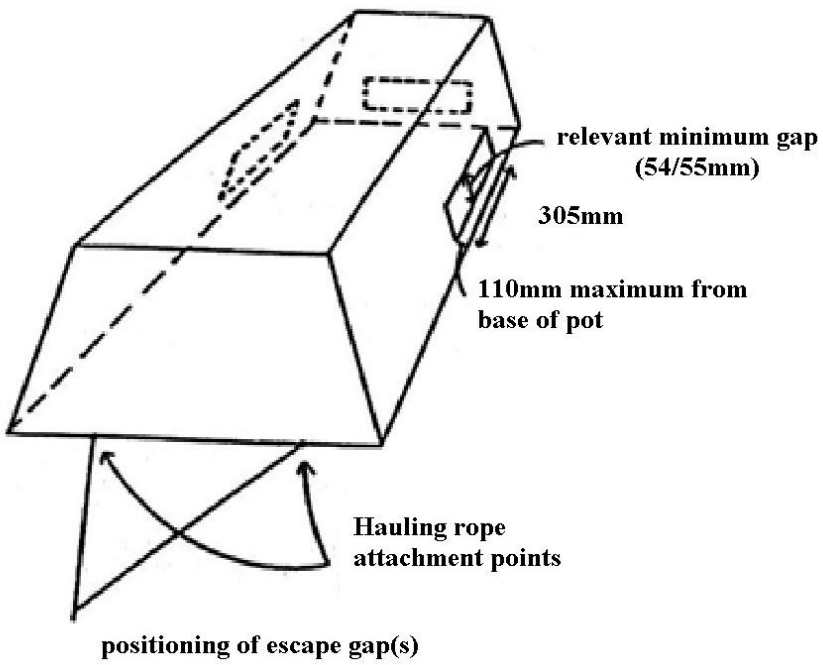


Fish Resources Management Amendment Regulations (No. 4) 2013

r. 27

Diagram 3 — Batten pots

(Clauses 4(4)(a) and 10(3)(a))



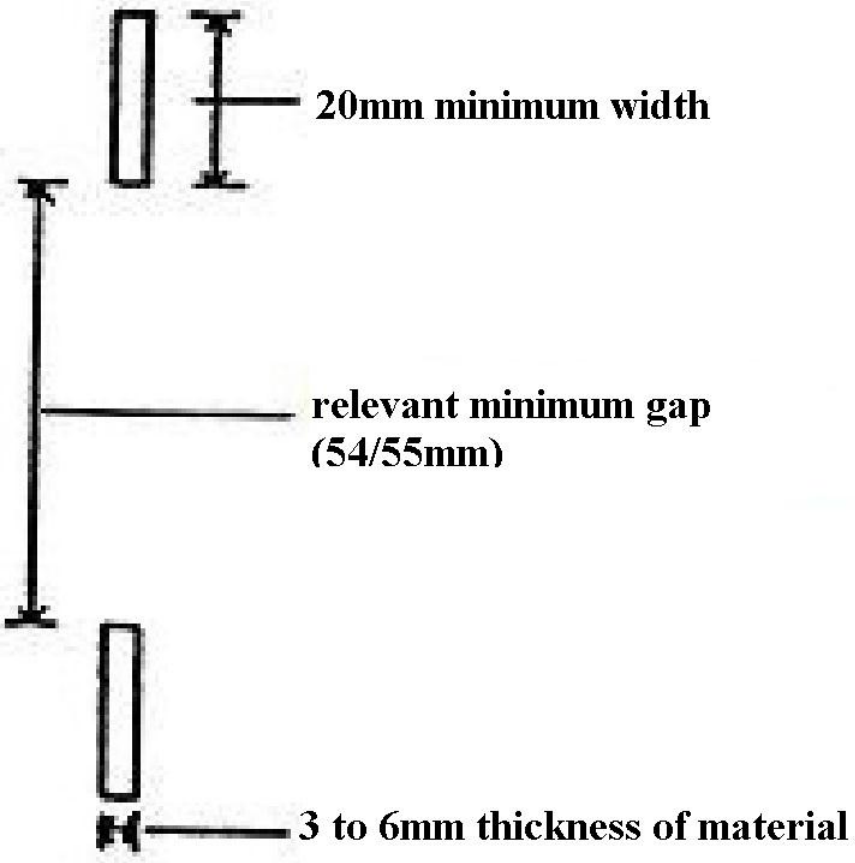
Fish Resources Management Amendment Regulations (No. 4) 2013

r. 27

Diagram 4 — Batten pots

(Clause 4(7)(a))

(Steel flat - bar)



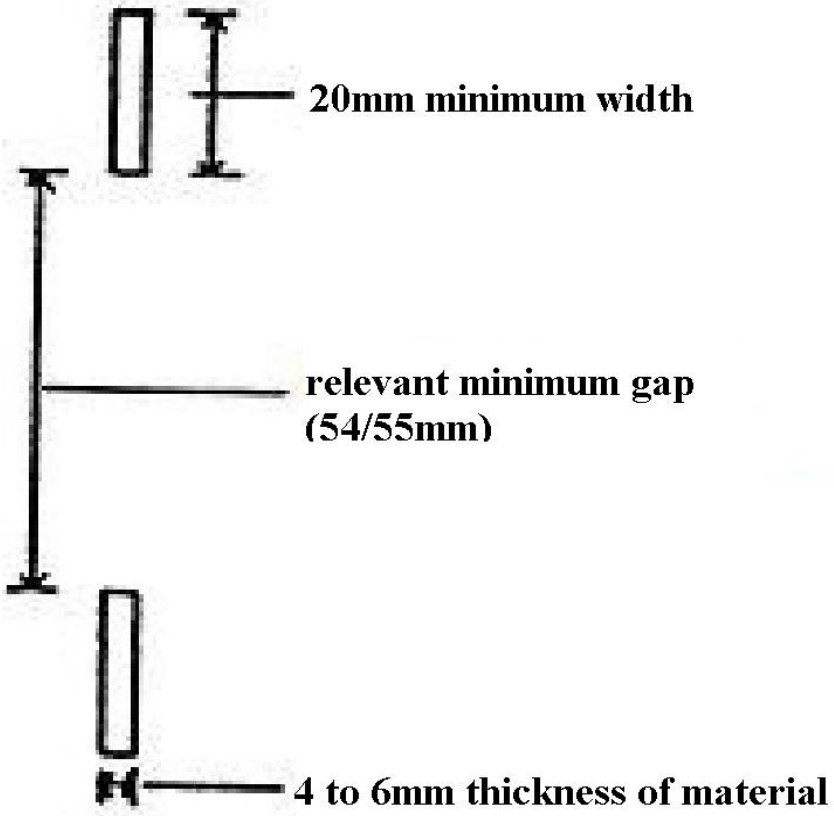
Fish Resources Management Amendment Regulations (No. 4) 2013

r. 27

Diagram 5 — Batten pots

(Clause 4(7)(b))

(Aluminium)



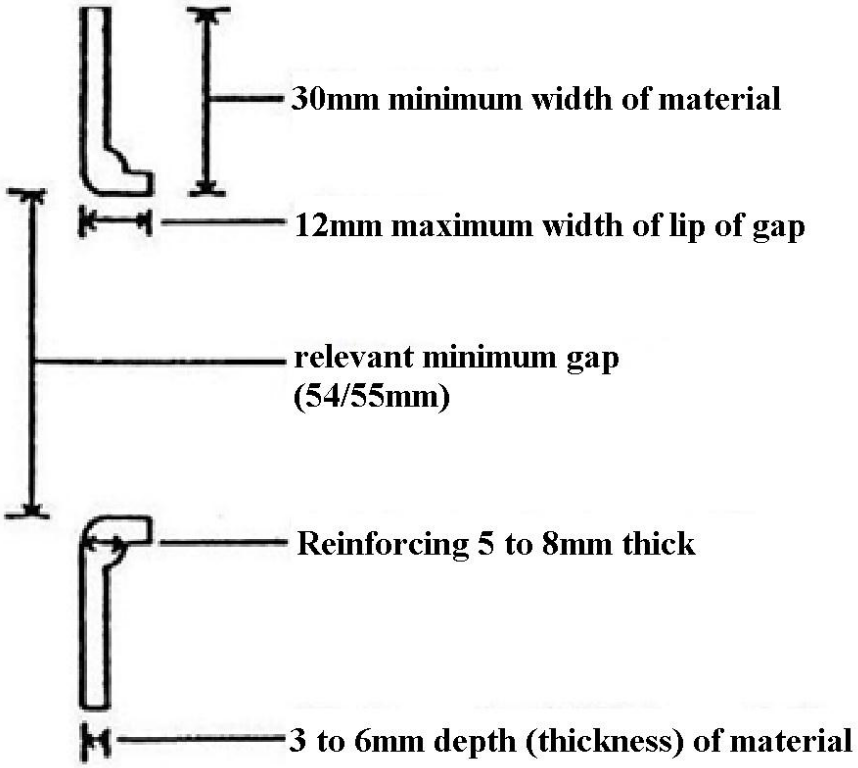
Fish Resources Management Amendment Regulations (No. 4) 2013

r. 27

Diagram 6 — Batten pots

(Clause 4(7)(c))

(Fibreglass)



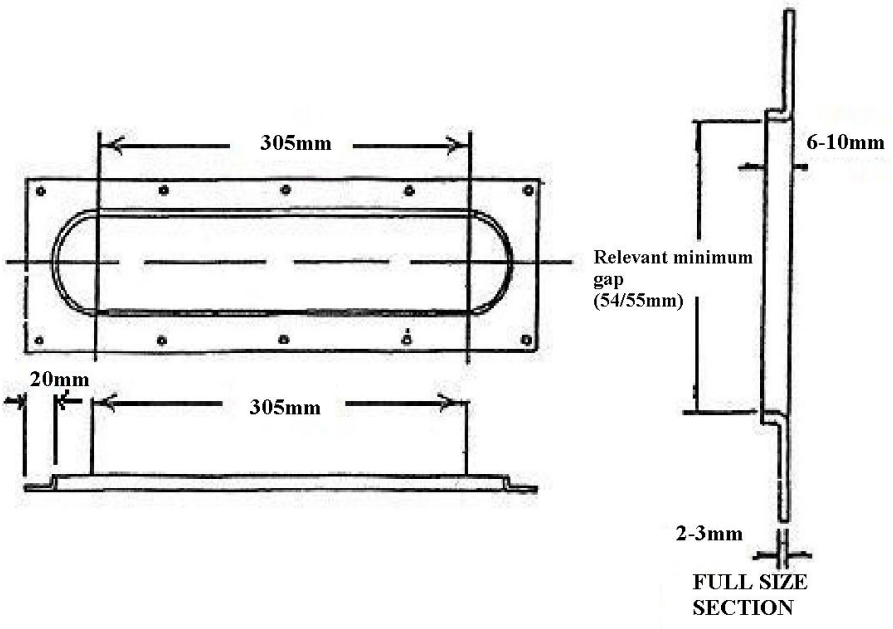
Fish Resources Management Amendment Regulations (No. 4) 2013

r. 27

Diagram 7 — Batten pots

(Clause 4(7)(d))

(Steel or aluminium with internal lip)



By Command of the Lieutenant-Governor and
deputy of the Governor,

N. HAGLEY, Clerk of the Executive Council.