

FI301\*

Fish Resources Management Act 1994

## Fish Resources Management Amendment Regulations 2010

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Fish Resources Management Amendment Regulations 2010*.

### 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*;
- (b) the rest of the regulations — on 2 March 2010.

### 3. Regulations amended

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

### 4. Part 11 Division 2 Subdivision 1 heading inserted

At the beginning of Part 11 Division 2 insert:

#### Subdivision 1 — Recreational fishing licence

### 5. Regulation 123 amended

Delete regulation 123(3).

### 6. Part 11 Division 2 Subdivision 2 inserted

At the end of Part 11 Division 2 insert:

#### Subdivision 2 — Recreational (boat) fishing licence

#### 124B. Recreational (boat) fishing licence

- (1) In this regulation —  
*boat* means a vessel propelled by a motor.

- (2) A person who fishes by use of a boat must hold a recreational (boat) fishing licence unless —
- (a) the person is not required to hold a recreational (boat) fishing licence under subregulation (3);  
or
  - (b) the person is not required to hold a recreational (boat) fishing licence under subregulation (5);  
or
  - (c) the person is fishing for a commercial purpose;  
or
  - (d) the person is an Aboriginal person not required to hold a recreational fishing licence under section 6 of the Act.

Penalty: a fine of \$2 000.

- (3) A person (an *unlicensed person*) is not required to hold a recreational (boat) fishing licence to fish by use of a boat if the unlicensed person is fishing with another person who holds a recreational (boat) fishing licence.
- (4) For the purposes of determining whether a bag limit has been exceeded, any fish taken by an unlicensed person when fishing under the authority conferred by subregulation (3) are to be regarded as having been taken by the other person who holds a recreational (boat) fishing licence.
- (5) A person is not required to hold a recreational (boat) fishing licence to fish by use of a boat if the person in doing so engages only in an activity set out in the Table to regulation 124 for which the person holds a recreational fishing licence specifying that the person may engage in that activity.
- (6) This regulation does not limit the operation of regulation 123.

**124C. Grant of recreational (boat) fishing licence**

If a person applies to the CEO, the CEO may grant to the person a recreational (boat) fishing licence.

**7. Regulation 136 amended**

- (1) At the beginning of regulation 136 insert:

- (1) In this regulation —  
*recreational fishing licence* includes a recreational (boat) fishing licence applied for under regulation 124C.

- (2) In regulation 136 delete “Where” and insert:
- (2) Where
- 8. Regulation 137 amended**
- After regulation 137(5) insert:
- (6) If —
- (a) an application is made under regulation 124; and
- (b) the application relates to 2 or more of the activities set out in the Table to that regulation,
- the fees set out in Schedule 1 Part 3 item 8 to be paid in respect of the grant of the recreational fishing licence are each to be reduced by 10%.
- (7) Subregulation (8) applies if —
- (a) an application is made by a person under regulation 124 relating to one or more of the activities set out in the Table to that regulation; and
- (b) at the same time an application is made by the person under regulation 124C.
- (8) If this subregulation applies —
- (a) the fee or fees set out in Schedule 1 Part 3 item 8 to be paid in respect of the grant of the recreational fishing licence; and
- (b) the fee set out in Schedule 1 Part 3 item 9 to be paid in respect of the grant of the recreational (boat) fishing licence,
- are each to be reduced by 10%.

**9. Schedule 1 amended**

- (1) Delete Schedule 1 Part 2 item 4.
- (2) At the end of Schedule 1 Part 3 insert:

8. Recreational fishing licence (r. 124) —	
(a) fishing for rock lobster	40.00
(b) fishing for marron	40.00
(c) fishing for abalone	40.00

(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	40.00
(e)	fishing by means of a fishing net	40.00
9.	Recreational (boat) fishing licence (r. 124C)	30.00

**10. Schedule 12 amended**

In Schedule 12 Part 2 item 3 after “123(1),” insert:

124B(2),

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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