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FISH RESOURCES MANAGEMENT ACT 1994

**FISH RESOURCES
MANAGEMENT AMENDMENT
REGULATIONS (No. 8) 2003**

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 8) 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 8) 2003*.

2. Commencement

These regulations come into operation on 1 October 2003.

3. The regulations amended

The amendments in these regulations are to the *Fish Resources Management Regulations 1995**.

[* Reprinted as at 17 May 2002.

For amendments to 24 September 2003 see Western Australian Legislation Information Tables for 2002, Table 4, p. 122-3, and Gazette 3, 27 and 30 June, 19 August and 19 September 2003.]

4. Regulation 3 amended

- (1) Regulation 3(1) is amended by inserting in the appropriate alphabetical positions the following definitions —

“

“**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

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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;

“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;

“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;

“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;

“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;

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“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;

“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;

“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

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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;

“West Coast Region” means —

- (a) all land in the State; and
 - (b) all WA waters,
- that are south of 27° 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) Regulation 3(1) is amended as follows:

- (a) by deleting the definition of “bag limit” and inserting instead —

“

“bag limit” has the same meaning as in section 50 of the Act;

”.

- (b) by deleting the full stop at the end of the definition of “waters of the Shark Bay western gulf” and inserting a semicolon instead.

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r. 5**5. Regulation 3A inserted**

After regulation 3 the following regulation is inserted —

“

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.

”

6. Regulation 10 amended

Regulation 10 is amended as follows:

- (a) by deleting the subregulation designation “(1)”;
- (b) by repealing subregulations (2) and (3).

7. Heading to Part 4 Division 2 replaced

The heading to Part 4 Division 2 is repealed and the following heading is inserted instead —

“

Division 2 — Filleting of fish at sea

”

8. Regulations 14, 15 and 16 replaced by regulations 14 to 16N

Regulations 14, 15 and 16 are repealed and the following regulations are inserted instead —

“

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.

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- (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.

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.

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

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- (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.

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.

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.

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- (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.

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.

Division 3 — Possession limits**Subdivision 1 — Possession limits Statewide****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.

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- (2) This regulation is subject to regulations 16E(1), 16G, 16H, 16I, 16J, 16K and 16M.

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.

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- (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 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.

Subdivision 3 — Possession limits — pink snapper at Shark Bay**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;

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“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.

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.

Fish Resources Management Amendment Regulations (No. 8) 2003**r. 8****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;
 - (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.

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- (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.

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.

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Subdivision 4 — Possession limits in certain other areas**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
 - (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 Minilya-Learmonth and Murat Roads, but excluding the Exmouth townsite; and
- (b) on North West Cape, north of 21° 53' south latitude.

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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.

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.

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.

”

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r. 9**9. Regulation 17 amended**

- (1) Regulation 17(1) is amended by deleting “Despite regulation 15, for” and inserting instead —

“ For ”.

- (2) After regulation 17(1) the following subregulation is inserted —

“

- (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.

”.

10. Regulation 18 amended

After regulation 18(3) the following regulation is inserted —

“

- (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.

”.

11. Regulation 19 repealed

Regulation 19 is repealed.

12. Regulation 20 amended

- (1) Regulation 20(1) is amended by deleting “section 50(3) or”.
- (2) Regulation 20(2), and the Table to that subregulation, are repealed and the following subregulation is inserted instead —

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“

- (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.

”

13. Regulation 21 replaced

Regulation 21 is repealed and the following regulation is inserted instead —

“

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

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- (b) carries on the business of transporting freight.

14. Part 4 Divisions 3 to 4F repealed and Part 4 Division 3 inserted instead

Part 4 Divisions 3, 3A, 4, 4A, 4B, 4C, 4D, 4DA, 4E and 4F are repealed and the following Division is inserted instead —

Division 4 — Labelling of fish**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;

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- (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.

”.

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r. 15**15. Part 4 Division 5B replaced**

Part 4 Division 5B is repealed and the following Division is inserted instead —

“

Division 5B — Requirements regarding abalone**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.

”

16. Regulation 38H amended

Regulation 38H is amended by deleting “and Division 7B”.

17. Regulation 39 amended

Regulation 39 is amended as follows:

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- (a) by inserting before “A person” the subregulation designation “(1)”;
- (b) by deleting paragraphs (b) and (c) and the phrase “at any one time.” and inserting instead —

“

- (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.

”.

18. Regulation 42 amended

Regulation 42(1)(a)(i) and (ii) and (b) is amended by deleting “(ark shell)” in each place where it occurs and inserting instead —

“ , ark shell ”.

19. Regulation 44A inserted

After regulation 44 the following regulation is inserted in Division 6 —

“

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.

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- (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.
- (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.

”.

- 20. Part 4 Division 7 repealed**
Part 4 Division 7 is repealed.
- 21. Part 4 Division 7B repealed**
Part 4 Division 7B is repealed.
- 22. Regulation 57 amended**
Regulation 57(2) and (3) are repealed.
- 23. Regulation 58 repealed**
Regulation 58 is repealed.

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24. Part 4A and Part 4B inserted

After Part 4 the following Parts are inserted —

“

Part 4A — Requirements regarding fishing gear**Division 1 — Preliminary****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.

64B. Interpretation

In this Part —

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

Division 2 — Statewide requirements regarding fishing gear**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.

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- (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.

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.

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- (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.

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

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- (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.

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.

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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.

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

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-
- 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

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- 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;
 - (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

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- (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.

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.

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

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in the waters of any estuary, river or inlet or in the entrance to any of those waters.

Penalty: \$2 000.

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.
- (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.

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r. 24**Division 3 — Requirements regarding fishing gear in the West Coast Region****64M. Interpretation**

In this Division —

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

64N. Application

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

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.

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Division 4 — Requirements regarding fishing gear in certain other areas**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
 - (ii) within 100 metres of any part of the Milyu Nature Reserve (Reserve No. 33803).

Penalty: \$2 000.

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

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- (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.

64R. Crab nets in Swan or Canning Rivers

- (1) A person who is the holder of a commercial fishing licence must not fish for crabs in the waters of the Swan River or the Canning River or their tributaries unless authorised to do so under an authorisation.

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- (2) A person who is the holder of a commercial fishing licence who is using a fishing net to fish for crabs in the waters referred to in subregulation (1) must not use —
- (a) more than 8 fishing nets at any one time; or
 - (b) any fishing net exceeding 64 metres in length.
- Penalty: \$5 000.

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;
 - (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

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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;

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- (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 Mungalup 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.

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.

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;

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- (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) Big Brook Dam;
 - (b) Drakes Brook Dam;
 - (c) Glen Mervyn Dam;
 - (d) Logue Brook Dam;
 - (e) Lake Navarino (Waroona Dam).

Part 4B — Bag limits**Division 1 — Preliminary****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.

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.

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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.

Division 2 — Bag limits for Regions**Subdivision 1 — Bag limits for the Gascoyne Region****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.

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r. 24**Subdivision 2 — Bag limits for the Pilbara and Kimberley Region and the South Coast Region****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.

Subdivision 3 — Bag limits for the West Coast Region**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

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or 3 is the bag limit in respect of fish of the class or classes specified in that Division.

Division 3 — Bag limits for certain other areas

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

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.

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.

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r. 24**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.

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

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- (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.

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

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 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

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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.

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.

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Subdivision 4 — Bag limit for marron in the Harvey Weir

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.

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

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.

Subdivision 6 — Bag limit for Barramundi in the Broome area

64ZJ. Interpretation

In this Subdivision —

“**Broome area**” means all land and waters and the waters off the coast of Western Australia west of 123° 8.033' east longitude passing through Cunningham Point and north of 19° south latitude;

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

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r. 25**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.

”.

25. Regulation 151 amended

- (1) Regulation 151(a) is amended by deleting “the length of the fish” and inserting instead —
“ the length of a whole fish ”.
- (2) Regulation 151 is amended as follows:
 - (a) by deleting “and” after paragraph (a);
 - (b) by deleting the full stop at the end of the regulation and inserting instead —
“
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.

”.

26. Regulation 156 amended

Regulations 156 is amended in the Table as follows:

- (a) by inserting before “31” —
“ 14, 22, ”;
- (b) by deleting “64(5)” and inserting instead —
“ 64(7) ”.

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27. Regulation 158 amended

Regulation 158 is amended in the Table under the heading “Provision of these regulations” —

- (a) by deleting “52, 54,”; and
- (b) by inserting after “64,” —
“ 64Q, 64R, ”.

28. Regulation 180 amended

- (1) Regulation 180 is amended by inserting before “For” the subregulation designation “(1)”.
- (2) At the end of regulation 180 the following subregulation is inserted —

“

- (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.

”.

29. Schedule 2 amended

- (1) Schedule 2 Part 2 Division 3 Subdivision 1 is amended as follows:
 - (a) by deleting “Pink Snapper —” and inserting instead —

“

1. Pink Snapper

- (1) Pink Snapper —
- (b) by deleting “or” at the end of paragraph (a);

”;

”.

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- (c) by deleting the full stop at the end of paragraph (b) and inserting instead —

“

; or

- (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.

”.

- (2) The heading to Schedule 2 Part 2 Division 3 Subdivision 2 is amended by deleting “and length” and inserting instead —

“ **length or other factors** ”.

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(3) Schedule 2 Part 2 Division 3 Subdivision 2 is amended as follows:

(a) by inserting the following items in the appropriate alphabetical positions —

“

Amberjack	600
Cod, Breaksea	300
Dhufish, West Australian	500
Emperor, Blue-lined	320
Kingfish (Yellowtail)	600
Mangrove Jack	300

”.

(b) by deleting the item commencing “Jewfish, West Australian”;

(c) in column 2 as follows:

(i) opposite the item commencing “Groper, Blue” by deleting “400” and inserting instead —
“ 500 ”;

(ii) opposite the item commencing “Mackerel Wahoo” by deleting “750” and inserting instead —
“ 900 ”;

(iii) opposite the item commencing “Mulloway, Northern” by deleting “450” and inserting instead —
“ 500 ”;

(iv) opposite the item commencing “Mulloway (river kingfish)” by deleting “450” and inserting instead —
“ 500 ”;

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- (v) opposite the item commencing “Pike, Long-finned” by deleting “280” and inserting instead —
“ 300 ”;
 - (vi) opposite the item commencing “Snook” by deleting “330” and inserting instead —
“ 300 ”;
 - (vii) opposite the item commencing “Tailor” by deleting “250” and inserting instead —
“ 300 ”;
 - (viii) opposite the item commencing “Trevally, Silver (skipjack)” by deleting “200” and inserting instead —
“ 250 ”;
 - (ix) opposite the item commencing “Whiting, King George (spotted)”, in paragraph (b), by deleting “250” and inserting instead —
“ 280 ”.
- (4) Schedule 2 Part 2 Division 3 Subdivision 2 is amended in the second Table in the first item commencing “Barramundi” by deleting “30F” and inserting instead —
“ 64ZF ”.

30. Schedule 3 amended

- (1) Schedule 3 is amended by deleting “[reg.15]”, “Bag and possession limits” and “Part 1 — Bag limits generally” and inserting instead —

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“

[Part 4B]

Bag limits**Part 1 — Bag limits in the Gascoyne Region**

[Reg. 64Y]

Division 1 — Grouped bag limit of 7 fish

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	

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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	

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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	

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Division 3 — Grouped bag limit of 40 fish

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

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

Fish	Species, or group of species, bag limit for one day
Abalone	20
Cuttlefish, Octopus and Squid (combined)	15
Mussel	9 litres
Oyster	20
Razorfish	20
Scallop	20
Ark shell, Cockle, Pipis, Venus Clams and all other species of edible molluscs not specifically mentioned in this Division.	2 litres

Fish Resources Management Amendment Regulations (No. 8) 2003**r. 30****Part 2 — Bag limits in the Pilbara and Kimberley Region
and in the South Coast Region**

[Reg. 64Z]

**Division 1 — Bag limits generally in the Pilbara and Kimberley
Region and in the South Coast Region**

- (2) Schedule 3 Part 1 is amended in the item commencing “Abalone, brownlip or greenlip or any combination of those 2 species” by deleting “10” and inserting instead —
- “ 5 ”.
- (3) Schedule 3 is amended as follows:
- (a) by deleting “Part 2 — Grouped bag limits generally” and “Division 1” and inserting instead —

**Division 2 — Grouped bag limits generally in the Pilbara
and Kimberley Region and in the South Coast Region****Subdivision 1**

- (b) by deleting the item commencing “Jewfish, West Australian” and inserting instead —
- “ Dhufish, West Australian 4 ”.
- (4) Schedule 3 Part 2 is amended by deleting “Division 2” and inserting instead —

Subdivision 2

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- (5) Schedule 3 Part 2 Division 3 is amended as follows:
- (a) in the heading by deleting “Division 3” and inserting instead —

“

Subdivision 3

”.

- (b) by deleting “Cockle (Ark shell) and inserting instead —

“

Cockle

Ark shell

”.

- (6) Schedule 3 is amended by repealing Part 3, and inserting instead the following Part —

“

Part 3 — Bag limits in the West Coast Region

[Reg. 64ZA]

Division 1 — Grouped bag limit of 7 fish

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	

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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	

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Division 2 — Grouped bag limit of 16 fish

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	

Fish Resources Management Amendment Regulations (No. 8) 2003**r. 30****Division 3 — Grouped bag limit of 40 fish**

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

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

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
Ark shell, Cockle, Pipis, Venus Clams and all other species of edible molluscs not specifically mentioned in this Division.	2 litres

Fish Resources Management Amendment Regulations (No. 8) 2003**r. 31****Division 6 — Miscellaneous**

Fish	Species, or group of species, bag limit for one day
Sea Urchin	20

- (7) Schedule 3 is amended in Part 4 by deleting “[reg.30]” and inserting instead —
- “ [reg. 64ZE] ”.
- (8) Schedule 3 is amended by repealing Parts 5 and 6.

31. Schedule 4 is amended

Schedule 4 is amended as follows:

- (a) under the heading “Category 1 fish” by deleting “Jewfish, West Australian” and inserting in the appropriate alphabetical position the following item —
- “ Dhufish, West Australian ”;
- (b) under the heading “Category 3 fish” by deleting “(Ark shell)” and inserting instead —
- “ , Ark shell ”.

32. Schedule 7 amended

- (1) Schedule 7 is amended under the heading “Marine or fluvio-marine fish” as follows:
- (a) by deleting the items commencing with the following common names —
- “
- Billfish, Sailfish, Spearfish,
Groper, Blue
Jewfish, West Australian
Sharks
Snapper, Red (redfish)

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Threadfin, Giant
Threadfin (threadfin or bluenose salmon)

”;

- (b) by inserting the following items in the appropriate alphabetical positions —

“

Amberjack	<i>Seriola dumerlii</i>
Barracuda	<i>Sphyraena barracuda</i>
Billfish (marlins, sailfish, spearfish)	<u>Family</u> Istiophoridae
Bonefish	<i>Albula</i> spp.
Cod, Breaksea	<i>Epinephelus armatus</i> .
Cod, Rankin	<i>Epinephelus multinotatus</i>
Dart	<i>Trachinotus</i> spp.
Dhufish, West Australian	<i>Glaucosoma hebriacum</i>
Emperor	<i>Lethrinus</i> spp.
Emperor, Blue-lined	<i>Lethrinus laticaudis</i>
Goatfish	<u>Family</u> Mullidae
Groper, Western Blue	<i>Achoerodus gouldii</i>
Longtom	<u>Family</u> Belonidae
Milkfish	<i>Chanos chanos</i>
Nannygai	<i>Centroberyx</i> spp.
Parrot fish	<u>Family</u> Scaridae
Rays	<u>Superorder</u> Batoidea
Sea perch, tropical	<u>Family</u> Lutjanidae
Sharks.....	<u>Orders</u> Squatiniformes, Pristiophoriformes, Squaliformes, Hexanchiformes, Carcharhiniformes, Lamniformes, Orectolobiformes and Heterodontiformes

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Snapper, Red (redfish)	<i>Centroberyx</i> spp.
Threadfin	<i>Polydactylus</i> spp.
Threadfin, Blue	<i>Eleutheronema</i> <i>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>

”.

- (2) Schedule 7 is amended under the heading “Molluscs” under the heading “BIVALVES” as follows:

- (a) by deleting the items commencing with the following common names —

“

Cockle (Ark shell)
Scallop

”.

- (b) inserting each of the following items in the appropriate alphabetical position —

“

Ark shell	<u>Family</u> Arcidae
Cockle	<u>Family</u> Cardiidae
Pipis	<u>Family</u> Donacidae
Razorfish	<u>Family</u> Pinnidae
Scallop	<u>Family</u> Pectinidae

”.

Fish Resources Management Amendment Regulations (No. 8) 2003**r. 33****33. Amendments about marlins, sailfish and spearfish**

Each provision referred to in column 1 of the Table to this regulation is amended by deleting the phrase set out in column 2 of that Table and inserting instead in each place —

“ (marlins, sailfish and spearfish) ”.

Table

Item 1 of the Table to regulation 18	, sailfish, spearfish
Schedule 2 Part 1	, Sailfish and Spearfish
Schedule 3 Part 2 Division 1 (redesignated by regulation 30 of these regulations as Schedule 3 Part 2 Division 2 Subdivision 1)	, Sailfish Spearfish
Schedule 4 under the heading “Category 1 fish”	, Sailfish, Spearfish
Schedule 9 under the heading “ <i>Category 1 fish</i> ”.	, Sailfish, Spearfish,

34. “threadfin or bluenose salmon” deleted in certain provisions

Each provision referred to in the Table to this regulation is amended by deleting “(threadfin or bluenose salmon)”.

Table

Schedule 3 Part 1 (redesignated by regulation 30 of these regulations Schedule 3 Part 2 Division 1) in the item commencing “Threadfin”
Schedule 4 under the heading “Category 3 fish”
Schedule 9 under the heading “ <i>Category 3 fish</i> ”

Fish Resources Management Amendment Regulations (No. 8) 2003**r. 35****35. Schedule 9 amended**

Schedule 9 is amended under the heading "Category 1 fish" as follows:

- (a) by deleting the item commencing "Jewfish, West Australian";
- (b) by inserting in the appropriate alphabetical position the following item —
" Dhufish, West Australian 10 40 ".

36. Schedule 11 amended

Schedule 11 is amended by deleting "Jewfish" in both places where it occurs and inserting instead —

" Dhufish ".

37. Schedule 12 amended

- (1) Schedule 12 Part 2 item 2 is amended by deleting "53" and inserting instead —

" 64L ".

- (2) Schedule 12 Part 2 item 3 is amended by deleting "23(1), 24(1), 27(6), 30K(1), 30K(3), 32(1), 46, 47, 48, 49(5), 50, 51, 52, 56, 57(2), 58, 60, 61," and inserting instead —

"

14, 22, 32(1), 44A(1), 44A(3), 56, 60, 61, 64F, 64G, 64H,
64I(5), 64J, 64K, 64Q,

".

- (3) Schedule 12 Part 2 item 4 is amended as follows:

- (a) by deleting "26(2)," and inserting instead —

" 16L, ";

- (b) by inserting after "64," —

" 64C(1), 64E, 64O, 64P, ".

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- (4) Schedule 12 Part 2 item 5 is amended by deleting “55F(1), 55F(3), 55G, 55H(1), 55I(1), 55J(1), 55K(1), 55L(1),” and inserting instead —

“ 64S(1), 64S(3), 64T, 64U, ”.

38. Schedule 15 amended

Schedule 15 is amended by deleting items 1 and 2 and inserting instead —

“

1. **Zone 1: Pilbara/Kimberley**
Pilbara and Kimberley Region
2. **Zone 1: Gascoyne**
Gascoyne Region

”.

39. Schedule 16 inserted

After Schedule 15 the following Schedule is inserted —

“

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).

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r. 39**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.

”

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

