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Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 4) 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 4) 2003*.

2. 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 25 February 2003 see Gazette 28 June, 10 September, 29 November and 13 December 2002 and 11 and 21 February 2003.]

3. Regulation 3 amended

Regulation 3(1) is amended as follows:

- (a) by deleting the definition of “Freycinet Estuary” and inserting the following definition instead —

“

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

”;

- (b) by deleting the definition of “waters of the Shark Bay western gulf” and inserting the following definition instead —

“

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

”

4. Heading to Part 4 Division 4B replaced

The heading to Part 4 Division 4B is deleted and the following heading is inserted instead —

“

Division 4B — Bag limits for, and other restrictions on fishing in, Shark Bay

”

5. Regulation 30BA inserted

After the heading to Part 4 Division 4B the following regulation is inserted —

“

30BA. Definitions

In this Division —

“fishing year” means —

- (a) the period beginning on the coming into operation of the *Fish Resources*

*Management Amendment Regulations
(No. 4) 2003 and ending on
31 December 2003; or*

- (b) the period of 12 months beginning on 1 January in 2004 or any other calendar year, excluding the period beginning on 15 August and ending on 30 September in any year;

“Freycinet Estuary area” means —

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

”

6. **Regulations 30EA to 30EC inserted**

After regulation 30E the following regulations are inserted —

“

30EA. Possession of pink snapper in Freycinet Estuary area

- (1) A person in or on the Freycinet Estuary area 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;
 - (b) had a current tag issued to the person under regulation 30EB and marked with the date on which the pink snapper was taken attached to it in accordance with subregulation (4).
- (3) For the purpose of determining the number of pink snapper in a person’s possession, 2 single-sided fillets of pink snapper are to be taken to be equivalent to one whole pink snapper.
- (4) 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.

- (5) In this regulation —
“**single-sided fillet**” means a fillet that is taken from one side only of a pink snapper.

30EB. 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.

- (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.

30EC. Form of a tag

A tag issued under regulation 30EB —

- (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.

”.

7. Schedule 1 amended

Schedule 1 Part 3 is amended by inserting after item 6 the following item —

“

- | | | |
|----|---|---------|
| 7. | Tag authorising the possession of one pink snapper in the Freycinet Estuary | \$10.00 |
|----|---|---------|

”.

8. Schedule 2 amended

- (1) Schedule 2 Part 2 Division 3 Subdivision 2 first Table is amended in the item beginning “Snapper, pink” by deleting “an area and during a period referred to in Subdivision 1 paragraph (b)” and inserting instead —

“ the waters of the Freycinet Estuary ”.

- (2) Schedule 2 Part 2 Division 3 Subdivision 2 second Table is amended in the item beginning “Snapper, pink” by deleting “an area and during a period referred to in Subdivision 1 paragraph (b)” and inserting instead —

“ the waters of the Freycinet Estuary ”.



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