

FISHERIES**FI301****FISHERIES ACT 1905****FISHERIES AMENDMENT REGULATIONS (NO. 4) 1995**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Fisheries Amendment Regulations (No. 4) 1995*.

Commencement

2. These regulations come into operation on 1 July 1995.

Principal regulations

3. In these regulations the *Fisheries Regulations 1938** are referred to as the principal regulations.

[* Reprinted as at 15 September 1988.
For amendments to 15 June 1995 see 1994 Index to Legislation of Western Australia, Table 4, pp. 85-7, and Gazette of 24 February, 7 April and 16 May 1995.]

Regulation 3AB amended**4. (1) Regulation 3AB (4a) of the principal regulations is amended —**

- (a) by inserting after "more than 2 times" the following —

"
the daily bag limit of blue manna crabs (*Portunus pelagicus*), as provided for in Part A of the Schedule to this regulation, or more than 2 times
";

and

- (b) by inserting after "or transport any" the following —

" blue manna crabs or ".

(2) Part A of the Schedule to regulation 3AB of the principal regulations is amended —

- (a) by deleting the item commencing "Chinaman cod";

- (b) by inserting after the item commencing "Cobbler" the following item —

" Fingermark bream (*Lutjanus russelli*) 8 ";

- (c) by inserting after the item commencing "Flathead and flounder" the following item —

"
Giant threadfin salmon
(*Eleutheronema tetradactylum*) 8
";

- (d) by deleting the item commencing "Mangrove jack and fingermark bream" and substituting the following item —

" Mangrove jack (*Lutjanus argentimaculatus*) 8 ";

- (e) by deleting the item commencing "Trout"; and

- (f) in the item commencing "All other Western Australian species", by inserting after "maray" the following —

"
and for Redfin perch (*Perca fluviatilis*), Goldfish (*Carrasius auratus*), Carp (*Cyprinus carpio*) and Tilapia (of the family *Cichlidae*)
";

(3) Division 1 of Part B of the Schedule to regulation 3AB of the principal regulations is amended —

- (a) in the item commencing "Barramundi", by deleting "4" and substituting the following —

" 5 ";

- (b) by inserting after the item commencing "Barramundi" the following item —

"
Billfish (combined) (of the families *Xiphiidae* and *Istiophoridae*) 4
";

- (c) by deleting the item commencing "Mackerel, Spanish" and substituting the following item —

"
Mackerel, Narrow Barred and Broad Barred (combined)
(*Scomberormorus commerson*,
Scomberormorus semifasciatus) 4
";

- (d) by deleting the item commencing "Mulloway" and substituting the following item —

“
 Mulloway and black jewfish
 (northern mulloway) (combined)
 (*Argyrosomus hololepidotus*,
Protonibea diacanthus) 4 ”,

and

- (e) by inserting after the item commencing "Sharks" the following item —

“
 Trout, Brown and Rainbow
 (combined) (*Salmo trutta*,
Oncorhynchus mykiss) 4 ”.

Regulation 12ED amended

5. Table 1 to regulation 12ED of the principal regulations is amended in paragraph (a) of the item commencing "Cods" by deleting "other than Chinaman cod (*Epinephelus rivulatus*)".

Regulation 15GA inserted

6. After regulation 15G of the principal regulations the following regulation is inserted —

“

Shucking of molluscs by person other than professional fisherman prohibited

15GA. (1) A person, other than a person who is the holder of a professional fisherman's licence, shall not —

- (a) on the seaward side of the high water mark, or within 200 metres of, and on the landward side of, the high water mark —

(i) remove the shell; or

(ii) cause or permit the shell to be removed,

from any cockles (ark shell) (*Anadara trapezia*), venus clams (all species of the genus *Katelaysia*) or other species of edible mollusc; or

- (b) bring ashore, or attempt to bring ashore, any cockles (ark shell), venus clams or other species of edible mollusc which have had the shell removed.

(2) Subregulation (1) (a) does not apply to a person who removes the shell, or causes or permits the shell to be removed, from any cockle (ark shell), venus clam or other species of edible mollusc for the purpose of immediately using the mollusc as bait.

Regulations 15LA and 15LB inserted

7. After regulation 15L of the principal regulations the following regulations are inserted —

“

Possession limit for barramundi

15LA. (1) Subject to regulation 15LB, a person, other than a person who is the holder of a professional fisherman's licence, shall not have in the person's possession more than 5 barramundi (*Lates calcarifer*).

(2) Subregulation (1) applies irrespective of the period over which the barramundi were taken.

(3) For the purpose of determining the number of barramundi in a person's possession, 2 single-sided fillets of barramundi shall be taken to be equivalent to one whole barramundi.

(4) In subregulation (3) —

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

Barramundi excluded from possession limit in certain circumstances

15LB. A person does not commit an offence under regulation 15LA (1) if —

- (a) the barramundi are in the person's possession at the person's principal place of residence;
- (b) the barramundi in the person's possession were purchased *bona fide* by the person or any other person; or
- (c) the barramundi are in the person's possession in connection with the operation of a processing establishment under Part IIIB of the Act.

”

Regulation 15M amended

8. Regulation 15M of the principal regulations is amended —

- (a) by inserting after “abalone” in each place where it occurs the following —
 “ or barramundi ”;
- (b) by inserting after “15K” in the first place where it occurs the following —
 “ or 15LA ”; and
- (c) in paragraph (b), by inserting after “15K (1)” the following —
 “ or 15LA ”.

Regulation 15N inserted

9. After regulation 15M of the principal regulations the following regulation is inserted —

“

Fish in a boat or brought ashore not to have the skin or scales removed

15N. (1) Subject to subregulation (2), a person shall not have on board a boat, or bring ashore from a boat, any fish that have had the skin or scales removed.

(2) Subregulation (1) does not apply if the person is the holder of a professional fisherman's licence and the boat is licensed under regulation 2.

”

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.