

FI302

FISHERIES ACT 1905

FISHERIES AMENDMENT REGULATIONS (NO. 7) 1994

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Fisheries Amendment Regulations (No. 7) 1994*.

Principal regulations

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

[* Reprinted as at 15 September 1988.
For amendments to 19 September 1994 see 1993 Index to Legislation of Western Australia, Table 4, pp. 82-3, and Gazette of 25 February, 17 May, 28 June and 2 September 1994.]

Regulation 3AB amended

3. Regulation 3AB of the principal regulations is amended in the Schedule —

- (a) in Part A —
- (i) in the item commencing “Abalone whether”, by inserting after “(*Haliotis laevis*)” the following —
- “ or any combination of those 2 species ”; and
- (ii) by deleting “Abalone, Roe’s (*Haliotis roei*)” and substituting the following —
- “
Abalone (*Haliotis* spp.) other than Brownlip
Abalone (*Haliotis conicopora*) or Greenlip
Abalone (*Haliotis laevis*)
”;
- and
- (b) in Part B in Division 4, by deleting the 3 items commencing “Abalone”.

Regulations 15K, 15L and 15M inserted

4. After regulation 15J of the principal regulations the following regulations are inserted —

“

Possession limits for abalone

15K. (1) Subject to regulation 15L (1), a person shall not have in the person’s possession —

- (a) more than 20 abalone that are other than prescribed abalone; and
- (b) more than 10 prescribed abalone.

(2) Subject to regulation 15L (2) and without limiting subregulation (1) (b), a person in charge or control of a boat shall not cause or permit any persons to have in their possession in the boat, when the number of abalone in each person’s possession is aggregated, more than 30 prescribed abalone.

(3) Subregulations (1) and (2) apply irrespective of the period over which the abalone were taken.

(4) A person who contravenes subregulation (1) or (2) commits an offence.

Penalty: \$1 000.

(5) In this regulation —

“prescribed abalone” means Brownlip Abalone (*Haliotis conicopora*), Greenlip Abalone (*Haliotis laevis*) or any combination of those 2 species of abalone.

When possession limits for abalone do not apply

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

- (a) the abalone were in the person's possession at the person's principal place of residence;
- (b) the abalone in the person's possession were purchased bona fide by the person or any other person;
- (c) the abalone were in the person's possession in connection with the operation of a processing establishment under Part IIIB of the Act and, at the time of possession of the abalone, the person held a processor's licence authorizing the processing of abalone; or
- (d) at the time of possession of the abalone the person was authorized under a licence to take abalone in the Fishery.

(2) A person does not commit an offence under regulation 15K (2) if —

- (a) the abalone in the possession of the persons in the boat were purchased bona fide by them or any other person; or
- (b) at the time of possession of the abalone the person was in a boat authorized under a licence to be used in the Fishery for the taking of abalone, and the abalone were taken by a person authorized under a licence to take abalone in the Fishery.

(3) In this regulation —

"Fishery" means the Abalone Limited Entry Fishery declared under the *Abalone Limited Entry Fishery Notice 1992*;

"licence" means a licence issued in accordance with the *Abalone Limited Entry Fishery Notice 1992*.

Presumption of possession

15M. If an Inspector finds abalone that the Inspector reasonably suspects are the subject of an offence under regulation 15K, and the Inspector is unable at the time of finding the abalone to determine who is in possession of them, any person —

- (a) in charge of, or using, a refrigerator, freezer, icebox, bucket, bag or any other means of holding or storing abalone; or
- (b) in the case of an offence under regulation 15K (1), in a vehicle,

in which the abalone are found shall be deemed to be in possession of them.

By His Excellency's Command,

M C WAUCHOPE, Clerk of the Council
Dated 27 September 1994