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Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 2) 2008

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 2) 2008*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

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

4. Regulation 16D amended

- (1) Regulation 16D(1) is amended by deleting “, other than at the person’s principal place of residence” and inserting instead —
“
in circumstances other than those to which regulation 16E(2) or (3) applies

”

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(2) Regulation 16D(2) is amended as follows:

(a) by deleting “16E(2) and (3), 16G,”;

(b) by deleting “, 16K”.

5. Regulation 16K repealed

Regulation 16K is repealed.

6. Regulation 16L amended

Regulation 16L is amended as follows:

(a) at the beginning of the regulation by inserting —

“

(1) In this regulation —

“**Exmouth townsite**” means the area of land constituting the townsite of Exmouth for the purposes of the *Land Administration Act 1997*;

“**Ningaloo Marine Park Land Zone**” means all land —

(a) between 24° 01.8636' south latitude (Red Bluff) and 21° 52.9218' south latitude and west of the North West Coastal Highway, Learmonth-Minilya and Murat Roads but excluding Exmouth townsite; and

(b) on North West Cape, north of 21° 52.9218' south latitude.

”;

(b) before “For” by inserting the subregulation designation “(2)”;

(c) in paragraphs (b) and (c) by deleting “, as referred to in regulation 16K(2)”.

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Regulation 22(1)(b)(i) and (ii) are amended by deleting “regulation 16K(2)” and inserting instead —

“ regulation 16L(1) ”.

8. Regulation 64ZCA amended

Regulation 64ZCA(2) is amended in the definition of “Ningaloo Marine Park Land Zone” by deleting “regulation 16K(2);” and inserting instead —

“ regulation 16L(1); ”.

9. Part 4B Division 4 inserted

After Part 4B Division 3 the following Division is inserted —

“

Division 4 — Grouped bag limit for certain finfish for fishing tours**64ZL. Grouped bag limit for category 1 finfish for a person on a fishing tour**

(1) In this regulation —

“**category 1 finfish**” means a finfish referred to in Schedule 4 under the heading “Category 1 fish”;

“**fishing tour**” means an activity —

- (a) that is conducted under the authority of a fishing tour operator’s licence; or
- (b) that would be required to be conducted under the authority of a fishing tour operator’s licence if the activity were conducted in a zone set out in Schedule 15.

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- (2) The bag limit prescribed by subregulation (3) applies —
 - (a) in respect of a person who is participating in a fishing tour on or from a boat; and
 - (b) subject to regulations 64Y, 64Z, 64ZA, 64ZAA, 64ZG and 64ZK.
- (3) For the purposes of section 50 of the Act, the bag limit for one day in respect of category 1 finfish is 4 fish of that category.

”.

10. Schedule 2 amended

- (1) Schedule 2 Part 2 Division 3 Subdivision 1 clause 2(1) is amended by deleting “Protection Area during the period beginning 1 November in a year and ending on 31 January in the following year.” and inserting instead —

“ Habitat Protection Area. ”.
- (2) Schedule 2 Part 2 Division 3 Subdivision 1 clause 2(2) is amended by deleting “ “Abrolhos Island Fish Protection Area” ” and inserting instead —

“ “**Abrolhos Islands Fish Habitat Protection Area**” ”.
- (3) After Schedule 2 Part 2 Division 3 Subdivision 1 clause 3 the following clause is inserted —

“

4. Blue Groper

- (1) Blue Groper —
 - (a) taken or brought onto land from the waters of the Rottnest Island Reserve; or
 - (b) in the possession of a person on the Rottnest Island Reserve.

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(2) In subclause 1 —

“**Rottnest Island Reserve**” has the meaning given in the
Rottnest Island Authority Act 1987 section 4.

”.

11. Schedule 14 amended

Schedule 14 Form 2 is amended by deleting “complaint made”
and inserting instead —

“ application supported by evidence ”.

By Command of the Governor,

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