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Fish Resources Management Act 1994

**Fish Resources Management Amendment  
Regulations (No. 2) 2013**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Fish Resources Management Amendment Regulations (No. 2) 2013*.

**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 1 February 2013.

**3. Regulations amended**

These regulations amend the *Fish Resources Management Regulations 1995*.

**4. Regulation 3 amended**

In regulation 3(1) delete the definition of *special risk finfish*.

**Fish Resources Management Amendment Regulations (No. 2) 2013****r. 5****5. Regulation 14A inserted**

At the beginning of Part 4 Division 2 insert:

**14A. Term used: specified size**

In this Division —

*specified size*, in relation to a class of finfish, means the size specified in the first Table in Schedule 2 Part 2 Division 3 Subdivision 2 for that class of finfish.

**6. Regulations 14 to 16A replaced**

Delete regulations 14 to 16A and insert:

**14. Certain types of finfish, how to be landed**

- (1) A person must not —
- (a) bring a finfish referred to in an item in the Table onto land from waters specified for that item; or
  - (b) carry a finfish referred to in an item in the Table through waters specified for that item,
- unless it is a whole fish.

**Table**

| <b>Item</b> | <b>Type of finfish</b> | <b>Waters</b>           |
|-------------|------------------------|-------------------------|
| 1.          | barramundi             | WA waters               |
| 2.          | estuary cod            | WA waters               |
| 3.          | malabar cod            | WA waters               |
| 4.          | pink snapper           | the waters of Shark Bay |

Penalty: a fine of \$3 000 and the penalty provided in section 222 of the Act.

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**r. 6**

- (2) Subregulation (1) does not apply to, or in respect of —
- (a) finfish taken for a commercial purpose in accordance with an authorisation; or
  - (b) whaler shark that is a fish trunk.

**15. Certain large finfish, how to be landed**

- (1) A person must not bring onto land or carry through WA waters a finfish of a class referred to in the first Table in Schedule 2 Part 2 Division 3 Subdivision 2 that is equal to or greater than the specified size for the class of fish unless it is —
- (a) a whole fish; or
  - (b) a fish trunk or fillet that —
    - (i) has the skin and scales attached; and
    - (ii) is at least 300 mm in length; and
    - (iii) is packaged flat; and
    - (iv) is packaged so that it is easily accessible for measurement and identification; and
    - (v) where the fish is frozen, can be measured and identified without being thawed.

Penalty: a fine of \$3 000 and the penalty provided in section 222 of the Act.

- (2) Subregulation (1) does not apply to, or in respect of finfish taken for a commercial purpose in accordance with an authorisation.

**16. Certain small protected finfish, how to be landed**

- (1) A person must not bring onto land or carry through WA waters a finfish of a class referred to in the first Table in Schedule 2 Part 2 Division 3 Subdivision 2

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that is less than the specified size for the class of fish unless it is —

- (a) a whole fish; or
- (b) a fish trunk or fillet that has the skin attached.

Penalty: a fine of \$1 000 and the penalty provided in section 222 of the Act.

- (2) Subregulation (1) does not apply to, or in respect of, finfish taken for a commercial purpose in accordance with an authorisation.

**7. Regulations 16GA to 16GE inserted**

At the end of Part 4 Division 3 Subdivision 1 insert:

**16GA. Rock lobster (Act s. 51(1))**

Subject to regulation 16E(3A)(a)(iv) and (b)(iv), (3B)(a)(iv) and (b)(iv) and (3C)(a)(iv) and (b)(iv), for the purposes of section 51(1) of the Act, the maximum quantity of rock lobster that a person may be in possession of is 24 rock lobsters.

**16GB. Barramundi (Act s. 51(1))**

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

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**r. 7****16GC. Marron (Act s. 51(1), (2))**

- (1) For the purposes of section 51(1) of the Act, the maximum quantity of marron that a person may be in possession of —
  - (a) on marron trophy waters or within 500 m of the high water mark of marron trophy waters, is 5 marron; and
  - (b) at any other place, is 16 marron.
- (2) The possession limits prescribed by subregulation (1) do not apply during the non-possession period as defined in regulation 38O.
- (3) The possession limit prescribed by subregulation (1)(b) does not apply to a person who is on private land owned or occupied by the person.
- (4) It is a defence in proceedings against a person under section 51(2) of the Act in respect of the possession of marron —
  - (a) that the marron had been sold by retail to the public; or
  - (b) that the marron were in the person's possession at a place for the purpose of being —
    - (i) sold by retail to the public; or
    - (ii) served as meals to the public, in, on or from that place; or
  - (c) that the marron were in the person's possession —
    - (i) at a place specified in a fish processor's licence under section 83(2) of the Act; and
    - (ii) for the purpose of being processed in accordance with that licence.

**Fish Resources Management Amendment Regulations (No. 2) 2013****r. 7****16GD. Abalone (Act s. 51(1))**

- (1) In this regulation —  
*prescribed abalone* means brownlip abalone, greenlip abalone or any combination of those 2 species of abalone.
- (2) For the purposes of section 51(1) of the Act, the maximum quantity of abalone that a person may be in possession of, other than at the person's principal place of residence, is —
- (a) 20 abalone that are other than prescribed abalone; and
  - (b) 10 prescribed abalone.
- (3) 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.

**16GE. Fish on fishing boats (commercial)**

- (1) The maximum quantity of fish of a type specified in an item of the Table that a master of a fishing boat may be in possession of on that boat is as set out in that item.

**Table**

| <b>Item</b> | <b>Type of fish</b>   | <b>Number of fish</b> |
|-------------|---|-----------------------|
| 1.          | Billfish (marlins, sailfish and spearfish) and swordfish<br>Tuna, southern bluefin and northern bluefin | 0                     |

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| <b>Item</b> | <b>Type of fish</b>   | <b>Number of fish</b> |
|-------------|---|-----------------------|
| 2.          | Tuna, yellowfin and bigeye  | 2                     |
| 3.          | Mackerel, jack, Peruvian jack, yellowtail jack and blue<br>Tuna, albacore, longtail and skipjack<br>Redbait<br>Fish of the <u>Family</u> Bramidae when taken in WA waters outside the 200 m isobath | 10                    |

- (2) For the purposes of this regulation, the master of a fishing boat on which any fish are held or transported is to be taken to be in possession of the fish.
- (3) This regulation does not apply —
- (a) to fish taken in accordance with a Fishing Permit or Statutory Fishing Right granted under the Commonwealth Act; or
  - (b) where all the fish held or transported on the fishing boat were taken solely for a non-commercial purpose.
- (4) The master of a fishing boat must not be in possession of more fish on that boat than is specified in the Table to subregulation (1).
- Penalty: In the case of an individual, a fine of \$5 000 or, in the case of a body corporate, a fine of \$10 000.

**8. Part 4 Division 3 Subdivision 2 deleted**

Delete Part 4 Division 3 Subdivision 2.

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**9. Heading to Part 4 Division 3 Subdivision 4 amended**

In the heading to Part 4 Division 3 Subdivision 4 delete “**certain other areas**” and insert:

**Abrolhos Islands****10. Regulations 16L to 18 deleted**

Delete regulations 16L to 18.

**11. Part 4 Division 3 Subdivision 5 heading inserted**

Before regulation 20 insert:

**Subdivision 5 — Miscellaneous****12. Regulation 21 amended**

(1) In regulation 21(1)(a) delete “subject to subregulation (2),”.

(2) Delete regulation 21(2) and (3).

**13. Regulation 64V deleted**

Delete regulation 64V.

**14. Part 4B Division 2 replaced**

Delete Part 4B Division 2 and insert:

**Division 2 — Bag limits****65A. Bag limits for demersal finfish (regions other than West Coast region)**

(1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Part 1



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Division 1 directly opposite a species of fish specified in column 1 of that Division (*demersal finfish*) is the bag limit in respect of fish of that species in the South Coast, Gascoyne and North Coast regions.

- (2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing “Grouped bag limit” in Schedule 3 Part 1 Division 1 is the bag limit in respect of all species of fish specified in that Division in the South Coast, Gascoyne and North Coast regions.

**65B. Bag limits for demersal finfish (West Coast region)**

- (1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Part 1 Division 2 directly opposite a species of fish specified in column 1 of that Division (*demersal finfish*) is the bag limit in respect of fish of that species in the West Coast region.
- (2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing “Grouped bag limit” in Schedule 3 Part 1 Division 2 is the bag limit in respect of all species of fish specified in that Division in the West Coast region.

**65C. Bag limits for large pelagic finfish**

- (1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Part 2 directly opposite a species of fish specified in column 1 of that Part (*large pelagic finfish*) is the bag limit in respect of fish of that species.
- (2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing “Grouped bag limit” in Schedule 3 Part 2 is the bag

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limit in respect of all species of fish specified in that Part.

**65D. Bag limits for nearshore or estuarine finfish**

- (1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Part 3 directly opposite a species of fish specified in column 1 of that Part (*nearshore or estuarine finfish*) is the bag limit in respect of fish of that species.
- (2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing “Grouped bag limit” in Schedule 3 Part 3 is the bag limit in respect of all species of fish specified in that Part.

**65E. Bag limits for freshwater finfish**

For the purposes of section 50 of the Act, the bag limit in respect of a species of fish specified in Schedule 3 Part 4 (*freshwater finfish*) is the bag limit in respect of fish of that species.

**65F. Bag limits for other finfish**

- (1) For the purposes of section 50 of the Act, the bag limit for Bait Fish and Hardyhead is 9 litres.
- (2) For the purposes of section 50 of the Act, the bag limit for finfish not otherwise referred to in this Division is 30.

**65G. Bag limits for crustaceans**

For the purposes of section 50 of the Act, the quantity of crustaceans specified in column 2 of Schedule 3 Part 5 directly opposite a species of crustaceans specified in column 1 of that Part is the bag limit in respect of crustaceans of that species.

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**r. 15****66H. Bag limits for molluscs and other invertebrates**

For the purposes of section 50 of the Act, the quantity of molluscs or invertebrates specified in column 2 of Schedule 3 Part 6 directly opposite a species of molluscs or invertebrates specified in column 1 of that Part is the bag limit in respect of molluscs or invertebrates of that species.

**15. Part 4B Division 3 deleted**

Delete Part 4B Division 3.

**16. Regulation 147A inserted**

At the end of Part 13 insert:

**147A. Arranging for transport by courier business of fish taken recreationally**

(1) In this regulation —

*courier business* means a business that —

- (a) has an established place of business; and
- (b) carries on the business of transporting freight.

(2) A person must not enter into a contract or other agreement with a person who operates a courier business for the courier business to transport fish that have been taken by recreational fishing.

Penalty: a fine of \$5 000 and the penalty provided in section 222 of the Act.

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**17. Regulation 156 amended**

In regulation 156 in the Table:

- (a) delete “14(2), 15(2), 16(2), 16A(1),” and insert:

14(1), 15(1), 16(1),

- (b) delete “17A(3),”;

- (c) delete “and 130.” and insert:

130 and 147A(2).

**18. Schedule 2 amended**

- (1) In Schedule 2 Part 2 Division 3 Subdivision 2 delete the second Table and insert:

| <b>Class of fish</b>  | <b>If of a length greater than the length specified (mm)</b> |
|---|--|
| Snapper, Pink, when taken or brought onto land from the waters of Shark Bay, other than in an area and during a period referred to in Subdivision 1 paragraph (a) or in the waters of the Freycinet Estuary | 700  |

- (2) In Schedule 2 Part 3 insert in alphabetical order:

Barramundi in excess of 800 mm in length.

**Fish Resources Management Amendment Regulations (No. 2) 2013****r. 19****19. Schedule 3 replaced**

Delete Schedule 3 and insert:

**Schedule 3**

[Pt. 4B]

**Bag limits****Part 1 — Bag limits — demersal finfish****Division 1 — Regions other than West Coast region**

[r. 65A]

| <b>Fish</b>  | <b>Species bag limit for one day</b> | <b>Grouped bag limit of all species of demersal finfish for one day</b>    |
|--|--------------------------------------|--|
| Barramundi cod .....   | 3                                    | 5 (excluding Snapper, Red (Redfish) and Swallowtail in South Coast region) |
| Boarfish .....   | 3                                    |  |
| Cod, all species except Chinaman Cod, Coral Trout and Coronation Trout .....   | 3                                    |  |
| Coral Trout .....  | 1                                    |  |
| Coronation Trout .....   | 1                                    |  |
| Dhufish, West Australian .....   | 1                                    |  |
| Dory, John and Mirror.....   | 3                                    |  |
| Emperor and Seabream, all species except Emperor, Blue-lined .....   | 3                                    |  |
| Emperor, Blue-lined .....  | 5                                    |  |
| Foxtail, Western and Pigfish .....   | 3                                    |  |
| Groper, Baldchin and Tuskfish .....  | 3                                    |  |
| Groper, Western Blue .....   | 1                                    |  |
| Hapuka, Bass Groper and Trevalla .....   | 3                                    |  |
| Pearl Perch .....  | 3                                    |  |
| Sea Perch, Tropical, and Goldband Snapper, all species except Mangrove Jack, Fingermark bream and Stripey Seaperch ..... | 3                                    |  |

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| <b>Fish</b>  | <b>Species bag limit for one day</b> | <b>Grouped bag limit of all species of demersal finfish for one day</b> |
|--|--------------------------------------|---|
| Snapper, Pink, except in the waters of Shark Bay .....             | 3                                    |   |
| Snapper, Pink, in the waters of the Shark Bay .....                | 2                                    |   |
| Snapper, Queen .....   | 3                                    |   |
| Snapper, Red (Redfish) and Swallowtail in South Coast region ..... | 8                                    |   |

**Division 2 — West Coast region**

[r. 65B]

| <b>Fish</b>  | <b>Species bag limit for one day</b> | <b>Grouped bag limit of all species of demersal finfish for one day</b> |
|--|--------------------------------------|---|
| Boarfish   | 2                                    | 2   |
| Cod, all species except Coral Trout and Coronation Trout ..... | 2                                    |   |
| Coral Trout and Coronation Trout .....                         | 1                                    |   |
| Dhufish, West Australian .....                                 | 1                                    |   |
| Dory, John and Mirror  | 2                                    |   |
| Emperor and Seabream, all species .....                        | 2                                    |   |
| Foxtail, Western and Pigfish .....                             | 2                                    |   |
| Groper, Baldchin and Tuskfish .....                            | 2                                    |   |
| Groper, Blue .....   | 1                                    |   |
| Hapuka, Trevalla, Bass Groper and Grey Banded Rock Cod .....   | 2                                    |   |
| Sea Perch, Tropical, all species except Mangrove Jack .....    | 2                                    |   |
| Snapper, Pink, .....   | 2                                    |   |
| Snapper, Queen .....   | 2                                    |   |
| Snapper, Red (Redfish) and Swallowtail.....                    | 2                                    |   |

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**Part 2 — Bag limits — Large pelagic fish**

[r. 65C]

| <b>Fish</b>   | <b>Species bag limit for one day</b> | <b>Grouped bag limit of all species of large pelagic finfish for one day</b> |
|---|--------------------------------------|--|
| Amberjack, Samson Fish and Yellowtail Kingfish .....  | 3                                    | 3  |
| Barracouta (Gemfish) .....  | 3                                    |  |
| Barracuda .....   | 3                                    |  |
| Billfish (Marlin, Sailfish) and Swordfish .....   | 1                                    |  |
| Cobia .....   | 3                                    |  |
| Dolphinfish (Mahi Mahi) .....   | 3                                    |  |
| Mackerel (Broad-barred Spanish, Queensland School, Shark, Australian Spotted, Narrow-barred Spanish and Wahoo ..... | 3                                    |  |
| Sharks and rays .....   | 3                                    |  |
| Trevally, Giant and Golden .....  | 3                                    |  |
| Tuna (Bigeye, Mackerel, Northern Bluefin, Skipjack, Southern Bluefin, Yellowfin and Dogtooth .....                  | 3                                    |  |

**Part 3 — Bag limits — Nearshore or estuarine finfish**

[r. 65D]

| <b>Fish</b>                                   | <b>Species bag limit for one day</b> | <b>Grouped bag limit of all species of nearshore or estuarine finfish for one day</b> |
|---|--------------------------------------|---|
| Barramundi .....                              | 2                                    | 16  |
| Bonitos, all species and Tuna, Albacore ..... | 8                                    |   |

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| <b>Fish</b>  | <b>Species bag limit for one day</b>   | <b>Grouped bag limit of all species of nearshore or estuarine finfish for one day</b> |
|--|--|---|
| Bream, Black, Silver (Tarwhine), Northwest Black and Yellowfin ..... | 6 (only 2 Black Bream taken from the waters of the Swan and Canning Rivers may be over 400 mm in length) |   |
| Cattfish and Cobbler .....   | 8  |   |
| Cod, Chinaman (Charlie Court) .....                                  | 4  |   |
| Dart .....   | 8  |   |
| Flathead .....   | 8  |   |
| Flounder .....   | 8  |   |
| Javelinfinch and Sweetlips .....                                     | 8  |   |
| Leatherjacket .....  | 8  |   |
| Mangrove Jack .....  | 2  |   |
| Mulloway (River Kingfish) .....                                      | 2  |   |
| Mulloway, Northern .....   | 2  |   |
| Pike, Long-finned .....  | 8  |   |
| Salmon, Australian .....   | 4  |   |
| Sea Perch, Stripey and Bream, Fingermark ..                          | 4  |   |
| Snook and Pike, Striped Sea .....                                    | 8  |   |
| Sweep, Sea .....   | 4  |   |
| Tailor .....   | 8 (only 2 of which may be over 500 mm in length)   |   |
| Threadfin, Giant .....   | 2  |   |



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| <b>Fish</b>   | <b>Species bag limit for one day</b> | <b>Grouped bag limit of all species of nearshore or estuarine finfish for one day</b> |
|---|--------------------------------------|---|
| Threadfin, other species .....  | 4                                    |   |
| Trevally and Queenfish, all species except Giant and Golden Trevally, Needleskin Queenfish, and Yellowtail Scad ..... | 8                                    |   |
| Tripletail .....  | 2                                    |   |
| Whiting, King George (Spotted) .....  | 12                                   |   |
| Wrasse and Parrot Fish .....  | 8                                    |   |

**Part 4 — Bag limits — Freshwater finfish**

[r. 65E]

| <b>Fish</b>                    | <b>Species bag limit for one day</b> |
|--------------------------------|--------------------------------------|
| Catfish .....                  | 4                                    |
| Grunter .....                  | 4                                    |
| Trout, Brown and Rainbow ..... | 4                                    |

**Part 5 — Bag limits — Crustaceans**

[r. 65G]

| <b>Species</b>                                   | <b>Species bag limit for one day</b>               |
|--|--|
| Cherabin .....                                   | 9 litres   |
| Crab, Blue Swimmer .....                         | 10 (in West Coast region)<br>20 (in other regions) |
| Crab, Mud, all species .....                     | 5  |
| Marron .....                                     | 5 (in marron trophy water)<br>8 (in other waters)  |
| Prawns, Western School and Western King .....    | 9 litres   |
| Redclaw, Queensland .....                        | N/A  |
| Rock Lobster, all species .....                  | 8  |
| Other crustacean species not specified above ... | 10   |

**Fish Resources Management Amendment Regulations (No. 2) 2013****r. 20****Part 6 — Bag limits — Molluscs and other invertebrates**

[r. 65H]

| <b>Species</b>  | <b>Species bag limit for one day</b> |
|---|--------------------------------------|
| Abalone, Greenlip and Brownlip .....                        | 5                                    |
| Abalone, Roe's .....  | 20                                   |
| Ark Shell, Cockle and Pipis .....                           | 2 litres                             |
| Bloodworm .....   | 1 litre                              |
| Clam, Venus .....   | 2                                    |
| Mussel .....  | 9 litres (shell on)                  |
| Oyster .....  | 20                                   |
| Razor shell .....   | 20                                   |
| Scallop .....   | 20                                   |
| Sea Urchin .....  | 20                                   |
| Squid, Cuttlefish and Octopus .....                         | 15                                   |
| Zoila Cowry, Volute, Conch .....                            | 10                                   |
| Other molluscs and invertebrate species not specified ..... | 10                                   |

**20. Schedule 7 amended**

(1) In Schedule 7 Division 1 insert in alphabetical order:

|                             |                              |
|-----------------------------|------------------------------|
| Barracouta (Gemfish) .....  | <u>Family</u> Gempylidae     |
| Cod, Barramundi .....       | <i>Cromileptes altivelis</i> |
| Queenfish, Needleskin ..... | <i>Scomberoides tol</i>      |
| Tuna, Mackerel .....        | <i>Euthynnus affinus</i>     |

(2) In Schedule 7 Division 2 insert in alphabetical order:

|               |                            |
|---------------|----------------------------|
| Grunter ..... | <u>Family</u> Terapontidae |
|---------------|----------------------------|

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- (3) In Schedule 7 Division 4 after the item relating to “Abolone, Roe’s” insert:

Conch ..... Family Stromidae

- (4) In Schedule 7 Division 5 insert in alphabetical order:

Bloodworm..... *Polycirrus spp.*

**21. Schedule 12 amended**

- (1) In Schedule 12 Part 2 item 3 delete “16A,”;  
(2) In Schedule 12 Part 2 item 4 delete “16L, 17A(3)” and insert:

16GA,

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.