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Fish Resources Management Act 1994

**Fish Resources Management Amendment  
Regulations (No. 5) 2013**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Fish Resources Management Amendment Regulations (No. 5) 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 the day after that day.

**3. Regulations amended**

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

**4. Regulation 3 amended**

In regulation 3(1) insert in alphabetical order:

*scheduled fish disease* means a disease mentioned in Schedule 17;

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**5. Regulation 66 amended**

In regulation 66(d)(i) delete “disease specified in Schedule 1 to the *Enzootic Diseases Regulations 1970*; or” and insert:

scheduled fish disease; or

**6. Regulation 69 amended**

In regulation 69(d)(i) delete “disease specified in Schedule 1 to the *Enzootic Diseases Regulations 1970*; or” and insert:

scheduled fish disease; or

**7. Parts 13A and 13B inserted**

After Part 12 insert:

**Part 13A — Control of disease in pearl oysters**

**144A. Terms used**

(1) In this Part —

***approval to transport*** means approval given under regulation 144G(1);

***approved*** means approved by the CEO;

***batch*** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

***certificate of health*** means a certificate issued under regulation 144F;

***destroy*** means to entirely consume by fire or to bury in the ground at a depth of not less than 183 cm;

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**disease** means, subject to subregulation (2) —

- (a) a disease mentioned in Schedule 18; or
- (b) a disease that is not mentioned in Schedule 18, but appears not to be an exotic disease within the meaning given in the *Exotic Diseases of Animals Act 1993* section 4(1);

**disinfect** means to expose to an approved agent or preparation capable of destroying pathogenic organisms;

**farm lease** has the meaning given in the *Pearling Act 1990* section 3(1);

**hatchery** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

**hatchery licence** has the meaning given in the *Pearling Act 1990* section 3(1);

**hatchery permit** has the meaning given in the *Pearling Act 1990* section 3(1);

**inspector** has the meaning given in the *Pearling Act 1990* section 3(1);

**length** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

**pearl oyster farm** has the meaning given in the *Pearling Act 1990* section 3(1);

**quarantine site** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

**settlement** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

**spat** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

**spat collector** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

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***Western Australian pearl oyster fishery*** means the waters so defined in the *Pearling (Joint Authority Pearl Oyster Fishery) (Declaration of Zones) Notice 1992*;

***zone*** has the meaning given in the *Pearling Act 1990* section 3(1).

- (2) A reference in this Part to disease includes a reference to —
- (a) the presence of signs of disease; and
  - (b) the presence of the causative agent of disease; and
  - (c) test results consistent with the presence of disease or the presence of the causative agent of disease; and
  - (d) other evidence of disease,

and ***diseased*** has a corresponding meaning.

**144B. Transport of pearl oysters into the State**

- (1) A person shall not transport live pearl oysters in the State unless —
- (a) the pearl oysters are of Western Australian origin; or
  - (b) the transportation is authorised by the CEO.
- Penalty: a fine of \$5 000.
- (2) In this regulation pearl oysters are of Western Australian origin if —
- (a) in the case of hatchery produced spat, the spat is derived from pearl oysters taken from zone 1, 2 or 3 of the Western Australian pearl oyster fishery; or

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- (b) in the case of spat collected from a spat collector, the spat collector is located in zone 1, 2 or 3 of the Western Australian pearl oyster fishery; or
- (c) in the case of pearl oysters taken from the wild, the pearl oysters were taken from zone 1, 2 or 3 of the Western Australian pearl oyster fishery.

**144C. Spat samples to be taken, preserved etc.**

- (1) The holder of a hatchery licence or a hatchery permit shall take a sample from each batch of spat that is settled in the hatchery —
  - (a) within 4 days of the end of settlement; and
  - (b) every subsequent 14<sup>th</sup> day, unless a certificate of health is in force in respect of the batch; and
  - (c) not more than 24 hours before the spat is moved out of the hatchery.
- (2) A sample taken for the purposes of subregulation (1) is to be —
  - (a) a random sample of not less than —
    - (i) for a sample taken under subregulation (1)(a) or (b), 50 spat; or
    - (ii) for a sample taken under subregulation (1)(c), 150 spat each of which is 2 mm or more in length;and
  - (b) preserved in a solution of between 5% and 10% of formalin in sea water; and
  - (c) stored in the manner directed by an approved fish pathologist and labelled with the date the sample was taken and the batch number; and

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- (d) retained —
  - (i) if the batch of spat is taken from the hatchery to a quarantine site, until all spat from that batch have been removed from the quarantine site; or
  - (ii) otherwise, for 6 weeks.
- (3) A person shall not tamper with a sample taken under this regulation.

Penalty: a fine of \$5 000.

**144D. Transport of pearl oysters restricted**

- (1) Except as provided in subregulation (2), a person shall not transport pearl oysters —
  - (a) out of a hatchery; or
  - (b) off a quarantine site; or
  - (c) out of a zone of the Western Australian pearl oyster fishery.

Penalty: a fine of \$5 000.

- (2) Subregulation (1) does not apply if —
  - (a) there is a certificate of health in force in relation to the pearl oysters; or
  - (b) the pearl oysters are transported in accordance with an approval to transport.

**144E. Sampling for disease testing**

- (1) A sample of pearl oysters that is to be submitted to an approved fish pathologist for disease testing is to be —
  - (a) a random sample of as many pearl oysters as an approved fish pathologist reasonably requires for testing; and

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- (b) treated and preserved in the manner directed by an approved fish pathologist.
- (2) A person shall not submit a sample of hatchery produced spat for disease testing unless the sample was taken —
  - (a) at least 40 days after the completion of settlement of that batch; and
  - (b) when the majority of the spat in the batch are 2 mm or more in length.
- (3) An inspector may supervise the taking of samples under this regulation.
- (4) A person shall not tamper with a sample taken under this regulation.

Penalty: a fine of \$5 000.

- (5) A person submitting a sample for disease testing shall also provide to the approved fish pathologist —
  - (a) a copy of the relevant Notice of Settlement of Spat or Notice of Pearlring or Hatchery Activity lodged under the *Pearling (General) Regulations 1991*; and
  - (b) either —
    - (i) particulars in writing of any unexplained mortality, or clinical disease, of pearl oysters; or
    - (ii) a declaration, in the form of Form 8, that no such mortality has occurred and no signs of clinical disease have been seen,  
at the hatchery, quarantine site or other place where the pearl oysters are being held, during the previous 12 months.

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- (6) An approved fish pathologist may require a person submitting a sample for disease testing to —
- (a) produce for inspection logbooks and other records kept by the holder of the relevant hatchery licence or hatchery permit; and
  - (b) provide any other information relating to the health standards of the hatchery, quarantine site, or place where the pearl oysters are being held, that the pathologist considers relevant; and
  - (c) provide such further samples of pearl oysters as are required for further testing.
- (7) A person submitting a sample for disease testing must comply with a requirement under subregulation (6).  
Penalty: a fine of \$5 000.

**144F. Certificates of health for pearl oysters**

- (1) An approved fish pathologist may issue a certificate of health in relation to pearl oysters if the pathologist has tested, in accordance with subregulation (5), a sample of those pearl oysters and is satisfied that —
- (a) the sampled pearl oysters are in good health; and
  - (b) there is no evidence of an unacceptable level of unexplained mortalities or clinical disease among pearl oysters at that hatchery, quarantine site or other place where the pearl oysters are being held, in the preceding 12 months.



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- (2) For the purposes of subregulation (1) a sample of pearl oysters is in good health if there is no evidence, among the sampled pearl oysters, of —
- (a) any —
    - (i) virus; or
    - (ii) protozoan (other than symbiotic or opportunistic protozoa); or
    - (iii) metazoan parasites; or
    - (iv) fungal infection; or
    - (v) bacteria; or
    - (vi) rickettsiales,  
that is —
      - (vii) associated with lesions, necrosis or inflammation of pearl oysters; or
      - (viii) known or suspected to be pathogenic to pearl oysters;
  - or
  - (b) unexplained lesions; or
  - (c) an unacceptable level of unexplained mortalities.
- (3) A certificate of health remains in force for 2 weeks from the day on which it is issued unless, before then, it ceases to be in force under regulation 144K.
- (4) A certificate of health is to be in the form of Form 9.
- (5) The tests required by subregulation (1) to be carried out on a sample of pearl oysters are —
- (a) a histological examination of as many formalin-seawater fixed pearl oysters as an approved fish pathologist reasonably requires for testing using haematoxylin and eosin stained longitudinal sections of paraffin embedded tissue; and

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- (b) any other test that the pathologist considers appropriate.

**144G. Approval for transport of pearl oysters**

- (1) The CEO may, in writing, approve the transport of pearl oysters if —
  - (a) an approved fish pathologist has tested, in accordance with regulation 144F, a sample of those pearl oysters; and
  - (b) the fish pathologist —
    - (i) is not satisfied of the matters referred to in regulation 144F(1)(a) because of the presence of oyster oedema disease in the sample; or
    - (ii) is not satisfied of the matters referred to in regulation 144F(1)(b) because of the presence of oyster oedema disease among pearl oysters at the hatchery, quarantine site or other place where the pearl oysters are being held, in the preceding 12 months.
- (2) An approval to transport remains in force for 2 weeks from the day on which it was given unless, before then, it ceases to be in force under regulation 144K.

**144H. Consequences if certificate of health not issued**

- (1) Where a sample of pearl oysters is submitted for disease testing but the approved fish pathologist is not satisfied of the matters referred to in regulation 144F(1)(a) and (b) the pathologist is to give written notice to the person who submitted the sample —
  - (a) stating that a certificate of health will not be issued in relation to the pearl oysters; and

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- (b) setting out the reasons why not; and
  - (c) advising the person that if the reason for not issuing the certificate of health is the presence of oyster oedema disease in the sample, he or she may apply to the CEO for an approval to transport the pearl oysters —
    - (i) out of a hatchery; or
    - (ii) off a quarantine site; or
    - (iii) out of a zone of the Western Australian pearl oyster fishery.
- (2) Unless otherwise authorised by the CEO a person given a notice under subregulation (1) shall —
- (a) within 24 hours of receiving the notice destroy, under the supervision of an inspector and in a manner approved by the CEO —
    - (i) all pearl oysters being held in the hatchery, quarantine site or other place from which the sample was taken; and
    - (ii) such other pearl oysters as the CEO directs;
- and
- (b) clean, disinfect and treat all equipment used in relation to the pearl oysters, in a manner approved by the CEO; and
  - (c) where the pearl oysters are in a hatchery, clean, disinfect and treat all water used in the hatchery, in a manner approved by the CEO.
- (3) An inspector may give such additional directions as the inspector considers appropriate in relation to —
- (a) the destruction of the pearl oysters; and
  - (b) the cleaning, disinfecting or treatment of water and equipment; and
  - (c) the prevention or containment of disease.

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**144I. Pathologist to notify inspector as to certificate of health**

An approved fish pathologist to whom a sample of pearl oysters is submitted for disease testing is to notify an inspector in Broome within 24 hours of —

- (a) issuing a certificate of health; or
- (b) determining that the pathologist is not prepared to issue a certificate of health,

in respect of the pearl oysters.

**144J. CEO to notify approval to transport**

Within 24 hours after giving an approval to transport pearl oysters, the CEO is to give notice of that approval to —

- (a) an inspector; and
- (b) the fish pathologist who tested the sample of pearl oysters to which the approval relates.

**144K. Consequences of more than one batch of spat at quarantine site**

- (1) If a batch of spat is moved to a quarantine site at which there is already a batch of spat, any certificate of health or approval to transport in force in respect of that existing batch ceases to be in force.
- (2) If 2 or more batches of spat are kept on a quarantine site at the same time, the holder of the farm lease for the pearl oyster farm on which the quarantine site is located —
  - (a) shall keep the batches separate in an approved manner; and
  - (b) shall sample all of the batches simultaneously; and

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- (c) must not submit a sample for disease testing unless it was taken at least 6 weeks after the arrival of the most recent batch.
- (3) If an approved fish pathologist is not satisfied of the matters referred to in regulation 144F(1)(a) and (b) in relation to a sample from one batch held on a quarantine site —
- (a) the pathologist is not to issue a certificate of health in respect of any of the other batches held on the quarantine site; and
  - (b) is to give a notice under regulation 144H(1) in respect of each of those other batches, even if the pathologist has not tested them.

**144L. Removal of spat from quarantine site**

The holder of the farm lease for a pearl oyster farm on which a quarantine site is located is to remove all spat in a batch from the quarantine site —

- (a) by the next 31 December after the batch is moved to the quarantine site; or
- (b) within 3 months of the batch being moved to the quarantine site,

whichever occurs first.

**Part 13B — Control of disease in abalone****144M. Restriction on moving live abalone into the State**

No person shall move live abalone into the State, except —

- (a) with the written approval of the CEO; and

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- (b) in compliance with any terms, conditions and restrictions set out in the written approval.

**8. Regulation 177 amended**

In regulation 177(2)(a) delete “disease specified in Schedule 1 to the *Enzootic Diseases Regulations 1970*; or” and insert:

scheduled fish disease; or

**9. Schedule 14 amended**

After Schedule 14 Form 7 insert:

**Form 8**

[r. 144E(5)(b)(ii)]

*Fish Resources Management Act 1994*

**DECLARATION REGARDING  
MORTALITY AND DISEASE OF PEARL OYSTERS**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone no: \_\_\_\_\_

I declare that:

- The sample of pearl oysters with which this declaration is submitted was taken on \_\_\_\_\_ from pearl oysters being held at (*location of hatchery, quarantine site etc.*)

\_\_\_\_\_

\_\_\_\_\_

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2. No unexplained mortalities have occurred, and no signs of clinical disease have been seen, in the last 12 months among pearl oysters being held at that place.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Form 9**

[r. 144F(4)]

*Fish Resources Management Act 1994***CERTIFICATE OF HEALTH — PEARL OYSTERS**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone no: \_\_\_\_\_

I am an approved fish pathologist and certify that:

1. This certificate has been issued in respect of a sample of pearl oysters marked \_\_\_\_\_ which was taken from pearl oysters being held at (*location of hatchery, quarantine site etc.*) \_\_\_\_\_  
The sample was delivered to me for disease testing on \_\_\_\_\_ by \_\_\_\_\_
2. I have no reason to doubt the information given as to the origins of the pearl oysters or the levels of mortality or clinical disease in the hatchery, quarantine site or other place where the pearl oysters are being held.
3. The following tests were carried out for clinical disease or significant pathogens.

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Test	Number tested	Date	Result

4. No clinical disease or significant pathogen was detected in the sample.

5.\* The following genetic tests were carried out \_\_\_\_\_

\_\_\_\_\_

with the following results \_\_\_\_\_

\_\_\_\_\_

and no genetic components not of Western Australian origin were detected.

\* Delete if inapplicable.

Signature: \_\_\_\_\_  
Approved fish pathologist

Date: \_\_\_\_\_

**OFFICE USE ONLY**

1. AHL No: \_\_\_\_\_

2. Name of licensee or permit holder: \_\_\_\_\_



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**r. 10****10. Schedules 17 and 18 inserted**

After Schedule 16 insert:

**Schedule 17 — Fish diseases**

[r. 3]

**Division 1 — Diseases of crustaceans**

Crayfish plague

GAV/LOV virus of prawns

Infectious hypodermal and haemopoietic necrosis virus

Infectious myonecrosis

Microsporidiosis

Milky haemolymph diseases of spiny lobster (*Panulirus* spp.)

Monodon slow growth syndrome

Necrotising hepatopancreatitis

Taura syndrome

White spot disease

White tail disease

Yellowhead disease

**Division 2 — Diseases of molluscs**

Abalone viral ganglioneuritis

Abalone viral mortality

Acute viral necrosis in scallops

Akoya oyster disease

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Bonamiosis

Haplosporidiosis

Infection with *Bonamia ostreae*

Infection with *Bonamia exitiosa*

Infection with *Marteilia refringens*

Infection with *Marteilioides chungmuensis*

Infection with *Perkinsus marinus*

Iridovirus

Marteiliosis

Mikrocytosis (*Mykrycytois mackini*)

Perkinsosis

Withering syndrome of abalone

**Division 3 — Diseases of other fish**

*Aeromonas salmonicida* infection (Goldfish ulcer disease)

*Aeromonas salmonicida* infection (Furunculosis)

Bacterial kidney disease (*Renibacterium salmoninarium*)

Channel catfish virus disease

Enteric redmouth disease (*Yersinia ruckeri*)

Enteric septicaemia of catfish (*Edwardsiella ictaluri*)

Epizootic haematopoietic necrosis — European catfish virus

Epizootic haematopoietic necrosis (Redfin virus)

Epizootic ulcerative syndrome

European sheatfish virus

Grouper iridoviral disease

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Gyrodactylosis (*Gyrodactylus salaris*)  
Herpesvirus infection of Koi carp  
Infectious haematopoietic necrosis  
Infectious pancreatic necrosis  
Infectious salmon anaemia  
Piscirickettsiosis  
Red sea bream iridoviral disease  
Spring viraemia of carp  
Viral encephalopathy and retinopathy  
Viral haemorrhagic septicaemia  
Whirling disease of salmonids

**Schedule 18 — Diseases of pearl oysters**

[r. 144A]

Akoya oyster disease  
Bonamiosis  
Haplosporidiosis  
Infection with *Bonamia ostreae*  
Infection with *Bonamia exitiosa*  
Infection with *Marteilia refringens*  
Infection with *Marteilioides chungmuensis*  
Infection with *Perkinsus marinus*  
Iridovirus  
Marteiliosis

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Mikrocytosis (Mykrycytois mackini)

Oyster oedema disease

Perkinsosis

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.