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FISHERIES ACT 1905

FISHERIES REGULATIONS
1938

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WESTERN AUSTRALIA

FISHERIES ACT 1905

FISHERIES REGULATIONS 1938

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WESTERN AUSTRALIA

FISHERIES ACT 1905

FISHERIES REGULATIONS 1938

Citation

1. These regulations may be cited as the *Fisheries Regulations 1938*^{1, 2}.
[*Regulation 1 amended in Gazette 27 March 1987 p. 1001.*]

Licensing officers

1A. Every licence or renewal of a licence required under the Act may be issued only by a licensing officer.

[*Regulation 1A inserted in Gazette 8 June 1951 p. 1624; amended in Gazettes 9 November 1961 p. 3117; 17 December 1969 p. 4105; 22 October 1975 p. 3923; 20 May 1988 p. 1675.*]

Fishing boat licences

2. (1) The owner or person in charge of any boat used or intended to be used for or in connection with the taking by any method whatever of fish for sale, or for other disposal for gain or reward, shall hold a current fishing boat licence which shall be issued in Form A in the Appendix, or a renewal of such licence pursuant to subregulation (2).

Penalty: \$1 000 and, in addition, \$20 for each day the boat continues unlicensed.

(2) A renewal of a fishing boat licence shall be in the form of Form A1 in the Appendix.

(3) The fee for a fishing boat licence or a renewal of such licence shall, subject to regulation 3F, be in accordance with the following scale—

For a boat—	\$
(a) not exceeding 7.5 metres in length.....	18
(b) exceeding 7.5 metres in length, but not exceeding 10.5 metres in length.....	24
(c) exceeding 10.5 metres in length, but not exceeding 16.5 metres in length.....	36
(d) exceeding 16.5 metres in length.....	64

(3a) A fishing boat licence shall not be issued under this regulation in respect of any boat unless a Certificate of Survey has been issued in respect of that boat in accordance with regulations made under the *Western Australian Marine Act 1982*.

(3b) Every licence or renewal of a licence issued under this regulation is issued subject to such conditions as the Minister has imposed or may from time to time impose in respect of such licence or renewal thereof pursuant to the provisions of section 17 of the Act.

(4) Every licence or renewal of a licence issued under this regulation is issued subject to the condition that there shall be legibly painted and kept so painted on both sides of the hull at the turn of the bow of the boat in respect of which that licence or renewal is issued, the letters "L.F.B." followed by the initial letter of the port at which that licence or renewal is issued and the distinguishing number allotted in respect of that boat by the licensing officer.

(5) The letters and figures required to be painted on both sides of the hull of a boat pursuant to subregulation (4) shall be painted in black on a yellow background and be not less than 300 millimetres in height and not less than 50 millimetres in width, except where the boat is one propelled solely by oars in which case those letters and figures may be less than 150 millimetres but not less than 120 millimetres in height.

(5a) A person shall not—

- (a) use a fishing boat bearing a licensed fishing boat number; or
- (b) permit or suffer a person to use a fishing boat bearing a licensed fishing boat number,

unless a current fishing boat licence is issued in respect of that boat.

(6) A person who holds a fishing boat licence under this regulation shall not permit or suffer any person aboard the boat so licensed to catch fish or assist in the catching of fish unless that second-mentioned person is the holder of a professional fisherman's licence in accordance with regulation 3.

[Regulation 2 substituted in Gazette 3 September 1963 pp. 2657-58; amended in Gazettes 16 December 1965 p. 4162; 17 December 1969 p. 4105; 5 October 1973 p. 3660; 22 October 1975 p. 3923; 16 October 1981 p. 4322; 25 November 1983 p. 4671; 27 June 1986 p. 2180; 1 August 1986 p. 2744; 5 June 1987 p. 2281; 20 May 1988 p. 1679.]

Carrier boat licences

2A. (1) In this regulation—

"carrier boat" means a boat used or intended to be used for carrying fish for sale or for other disposal for gain or reward that have been taken with the use of another boat but does not include a tender dinghy to a boat licensed under regulation 2 which—

- (a) does not exceed 6 metres in length; and
- (b) is used for carrying fish taken by that boat.

(2) The owner or person in charge of a carrier boat shall hold a current carrier boat licence which shall be issued in Form A2 in the Appendix or a renewal of such licence.

(3) The fee for a carrier boat licence shall, subject to regulation 3F, be 50 per cent of the fee determined in accordance with regulation 2 (3) for a fishing boat licence.

(4) Subject to subregulation (6), every licence or renewal of licence issued under this regulation is issued subject to the condition that there shall be legibly painted and kept so painted on both sides of the hull at the turn of the bow of the boat in respect of which that licence or renewal is issued, the letters "L.C.B." and the distinguishing number allotted in respect of that boat by the licensing officer.

(5) The letters and figures required to be painted on both sides of the hull of a boat pursuant to subregulation (4) shall be painted in black on a yellow background and be not less than 300 millimetres in height and not less than 50 millimetres in width.

(6) Where a boat is licensed under both this regulation and regulation 2 it shall not be necessary to comply with subregulation (4) in relation to that boat.

(7) A person shall not—

- (a) use a carrier boat bearing a licensed carrier boat number; or
- (b) permit or suffer a person to use a carrier boat bearing a licensed carrier boat number,

unless a current carrier boat licence is issued in respect of that boat.

[Regulation 2A inserted in Gazette 28 August 1987 p. 3493.]

Professional fisherman's licence

3. (1) A person who catches or attempts to catch, or assists in catching, by any method whatever, fish for sale shall hold a current professional fisherman's licence unless the fish is caught under a licence granted or permission given under section 39C of the Act.

Penalty: \$500.

(2) A person who takes fish or assists in taking fish shall not—

- (a) directly or indirectly sell;
- (b) offer or expose for sale; or
- (c) for gain or reward, consign or dispose of or attempt to consign or dispose of,

that fish unless it is taken under a professional fishing licence or under a licence granted or permission given under section 39C of the Act by the person who is the holder of that licence.

(3) A professional fisherman's licence referred to in this regulation shall be issued in Form B in the Appendix, and the fee payable for and on the issue of every such licence shall, subject to regulation 3F, be \$12.

[Regulation 3 substituted in Gazette 3 September 1963 p. 2658; amended in Gazettes 22 October 1975 p. 3923; 16 October 1981 p. 4322; 27 June 1986 p. 2180; 1 August 1986 p. 2744; 5 June 1987 p. 2281; 20 May 1988 p. 1675 and p. 1679.]

Recreational fishing licence

3A. (1) A recreational fishing licence shall—

- (a) be in the form of Form B1;
- (b) specify that the person who holds the licence may carry out one or more of the activities set out in the Table to this regulation; and
- (c) subject to subregulation (3) and regulation 3F, be issued on payment of the fee set out in the Table to this regulation opposite the activity or activities which is or are specified on the licence.

(2) A licencing officer shall endorse a gear identification number on every recreational fishing licence issued specifying that the holder may—

- (a) take rock lobster;
- (b) use a set gill net or a hauling gill net.

(3) Where a recreational fishing licence is issued to—

- (a) a student under the age of 16 years;
- (b) a person receiving—
 - (i) under the *Social Security Act 1947* of the Commonwealth, an age, invalid or widows pension;

- (ii) a pension under the *Coal Mine Workers (Pensions) Act 1943*;
- (iii) under the *Repatriation Act 1920* of the Commonwealth, a pension as a widow of a member of the forces, a service pension or the special rate of pension as a person who is totally and permanently incapacitated; or

(c) a person who is the wife or widow of a person referred to in paragraph (b), 50 per cent of the fee shall be payable.

(4) A person who is the holder of a professional fisherman's licence shall not hold a recreational fishing licence for any activity other than the taking of marron and a recreational fishing licence specifying that the holder may take rock lobster or use a set gill net or a hauling gill net issued to a professional fisherman is not valid.

Table of activities and fees

Activity	Fee
	\$
1. Taking rock lobster	10
2. Taking marron.....	8
3. Using a set gill net or a hauling gill net	8

[*Regulation 3A: Regulations 3A and 3AA repealed and regulation 3A substituted³ in Gazette 27 June 1986 p. 2180. Regulation 3A amended in Gazettes 15 May 1987 p. 2123; 5 June 1987 p. 2281; 20 May 1988 p. 1679.*]

[*3AA. Regulations 3A and 3AA repealed and regulation 3A substituted³ in Gazette 27 June 1986 p. 2180.*]

Bag limits for fish

3AB. (1) The bag limit appearing directly opposite the name of a species of fish listed in Part A of the Schedule to this regulation is the bag limit prescribed in relation to that species of fish.

(2) Where the fish taken consist of a species or a combination of the species of fish listed in Part B of the Schedule to this regulation the bag limit appearing directly opposite the names of those fish in that Part is the bag limit prescribed in relation to the taking of a fish or any combination of the species of fish listed in that Part.

(3) A person who takes—

- (a) abalone, crabs, salmon or blue groper; or
- (b) any species of fish the names of which are listed in Part B of the Schedule to this regulation,

over a period during which he has lived on board a boat shall not bring into Western Australian waters or on land any fish in excess of the number or quantity, as the case may be, that is the product of the number or quantity of fish prescribed by this regulation in relation to those species of fish and the number of days in the period during which he has lived on board the boat.

(4) A person who takes or brings on land or into Western Australian waters any fish in excess of the bag limits prescribed by this regulation commits an offence.

(5) The penalty for an offence under this regulation—

- (a) which involved rock lobster, marron or abalone is—
 - (i) for a first offence \$750;
 - (ii) for a second or subsequent offence \$1 000;
- (b) in relation to any fish other than rock lobster, marron or abalone is \$500.

Schedule

AUTHORIZED BAG LIMITS FOR PERSONS WHO ARE NOT HOLDERS
OF A PROFESSIONAL FISHERMAN'S LICENCE

PART A

Fish	Bag limit for one day
Abalone whether Brownlip Abalone (<i>Haliotis conicopora</i>) or Greenlip Abalone (<i>Haliotis laevis</i>).....	10
Abalone, Roe's (<i>Haliotis roei</i>).....	20
Barramundi (<i>Lates Calcarifer</i>).....	5
Black Bream (<i>Acanthopagrus butcheri</i>).....	30
Blue Groper (<i>Achoerodus gouldii</i>).....	1
Blue Manna Crabs (<i>Portunus pelagicus</i>).....	24
Cockle (Ark Shell) (<i>Anadara trapezia</i>).....	9 litres
Dolphin Fish (<i>Coryphaena hippurus</i>).....	3
King George Whiting (<i>Sillaginodes punctatus</i>).....	30
Mackerel whether Spanish Mackerel (<i>Cybium commersoni</i>), Spotted Mackerel (<i>Scomberomorus munroi</i>) or Shark Mackerel (<i>Grammatorcynus bicarinatus</i>).....	5
Marron (<i>Cherax tenuimanus</i>).....	20
Mud Crabs whether Brown (<i>Scylla serrata</i>) or Green (<i>Scylla paramanosain</i>).....	10
Mussels (Family <i>Mytilidae</i>).....	20 litres
Prawns (Family <i>Penaeinae</i>).....	9 litres
Rock Lobster (All species).....	8
Salmon, Australian (<i>Arripis trutta</i>).....	5
Southern Bluefin Tuna (<i>Thunnus maccoyii</i>).....	5
Trout whether Brown Trout (<i>Salmo trutta</i>) or Rainbow Trout (<i>Salmo gairdnerii</i>).....	10
Westralian Jewfish (<i>Glaucosoma hebraicum</i>).....	5

PART B

Fish	Grouped bag limit for one day
Baldchin Groper (<i>Choerodon spp.</i>).....	} 10
Blue Morwong (or Queen Snapper) (<i>Nemadactylus valenciennesi</i>).....	
Coral Trout (<i>Plectropoma spp.</i>).....	
North West Snapper (<i>Lethrinus spp.</i>).....	
Red Emperor (<i>Lutjanus sebae</i>).....	
Samson Fish (or Sea Kingfish) (<i>Seriola hippos</i>).....	
Snapper (<i>Chrysophrys spp.</i>).....	

[Regulation 3AB substituted in Gazette 1 April 1977 pp. 924-25; amended in Gazettes 21 July 1978 pp. 2641-42; 1 December 1978 p. 4514; 23 March 1979 p. 789; 28 November 1980 p. 4036; 6 March 1981 p. 900; 12 October 1984 p. 3276; 22 February 1985 p. 672; 28 November 1986 p. 4389; 15 May 1987 p. 2122.]

Rock lobster pot licence

3B. (1) A person who uses one or more rock lobster pots for taking or attempting to take rock lobster for sale or for other disposal for gain or reward shall hold a rock lobster pot licence which shall be issued in Form B2 in the Appendix to these regulations.

Penalty: \$100.

(2) A person being the holder of a rock lobster pot licence under this regulation shall not use any rock lobster pot in excess of the number specified in that licence as being the number he is entitled to use.

Penalty: \$100.

(3) Subject to regulation 3F, the fee payable for and on the issue of a rock lobster pot licence shall be \$19.

(4) This regulation does not apply to a person using a rock lobster pot from a fishing boat authorized to operate in a rock lobster limited entry fishery declared under section 32 of the Act while it is operating in that fishery in the manner authorized under that section.

[Regulation 3B substituted in Gazette 3 September 1963 p. 2659; amended in Gazettes 22 October 1975 p. 3922; 29 June 1978 p. 1779; 16 October 1981 p. 4322; 22 February 1985 p. 672; 27 June 1986 p. 2181; 1 August 1986 p. 2744; 5 June 1987 p. 2281; 20 May 1988 p. 1679.]

Processor's licence

3C. (1) An application made pursuant to section 35C (2) of the Act for a permit to construct or otherwise establish a processing establishment shall be in the form of Form T1 in the Appendix.

(2) A permit to construct or otherwise establish a processing establishment shall be in the form of Form B2 (a) in the Appendix.

(3) An application made pursuant to section 35CA (1) of the Act for the grant of a processor's licence shall be in the form of Form U in the Appendix.

(4) A processor's licence granted pursuant to section 35CA (1) in respect of a processing establishment shall be in the form of Form B3 in the Appendix.

(5) The holder of a processor's licence shall whenever required by the Director furnish the Director with the particulars required in the Form of Form U1 in the Appendix together with such other particulars as the Director may require pursuant to the Act.

(6) The fees specified in the second column of the Schedule to this subregulation shall be payable for the grant, renewal or extension of a processor's licence in respect of the type of processing establishments specified in the first column of that Schedule.

Schedule

TYPE OF PROCESSING ESTABLISHMENT

	Annual Fee Payable \$
1. Processing establishment that is erected on land and that is used for processing either rock lobsters or prawns	375
2. Processing establishment that is erected on land and that is used for processing both rock lobsters and prawns	750
3. Processing establishment that is erected on land and that is used for processing any fish including rock lobsters and prawns.....	935
4. Processing establishment that is erected on land and that is used for processing any fish including either rock lobsters or prawns	560
5. Processing establishment that is erected on land and that is used for processing any fish other than rock lobsters and prawns	185
6. Seagoing processing establishment that is used solely for processing fish including rock lobsters and prawns taken by it.....	185
7. Seagoing processing establishment that is used solely for processing fish including rock lobsters and prawns taken by other boats	185

(7) The holder of a processor's licence under section 35CA of the Act in respect of a processing establishment used for processing fresh water crustacea shall forward to the Director a consignment note in the form of Form Y in the Appendix containing the relevant information required to complete the form whenever the person—

- (a) sells any fresh water crustacea other than on a retail basis; or
- (b) processes any fresh water crustacea.

(8) A separate consignment note under subregulation (7) shall be forwarded in respect of each species of fresh water crustacea sold or processed.

[Regulation 3C substituted in Gazette 18 April 1975 pp. 1165-66; amended in Gazettes 1 April 1977 p. 925; 16 October 1981 p. 4323; 28 November 1986 p. 4389; 20 May 1988 p. 1675 and p. 1678.]

Transfer of processor's licence

3D. (1) Every application for the transfer of a processor's licence pursuant to the provisions of section 35D of the Act shall be in writing in the Form V in the Appendix, be signed by both the licensee and the proposed transferee, and be lodged with the Director.

(2) The fee payable for a transfer of a processor's licence shall be \$20 which amount shall be paid at the time of lodging the application for the transfer, but shall be refunded if the application is refused.

(3) Where the Director grants the application, he shall transfer the processor's licence by indorsement upon the licence in the Form V1 in the Appendix.

[Regulation 3D inserted in Gazette 16 December 1965 p. 4163; amended in Gazettes 16 October 1981 p. 4323; 28 November 1986 p. 4389; 20 May 1988 p. 1678.]

Removal of processor's licence to another establishment

3E. (1) Every application for an order for removal of a processor's licence from the processing establishment the subject of that licence to any other processing establishment, pursuant to the provisions of section 35E of the Act, shall be in writing in the Form V2 in the Appendix and be lodged with the Director.

(2) The fee payable in respect of the removal of a processor's licence shall be \$20 which amount shall be paid at the time of lodging the application, but shall be refunded if the application is refused.

(3) Where the Director makes an order for removal referred to in this regulation, an indorsement may be made upon the processor's licence in the Form V3 in the Appendix.

[Regulation 3E inserted in Gazette 16 December 1965 p. 4163; amended in Gazettes 16 October 1981 p. 4323; 28 November 1986 p. 4389; 20 May 1988 p. 1678.]

Duration and cost of licences

3F. (1) A licence or renewal of licence issued under the Act or these regulations shall be valid for the period of not more than 18 months specified by a licensing officer on that licence or renewal of licence.

(2) A licence fee prescribed in these regulations in relation to a licence is the fee payable for that licence, or, where prescribed, a renewal of that licence for a period of 12 months and, a fee shall be payable for the period of time specified by a licensing officer on the licence or renewal of licence in proportion to that prescribed annual licence fee.

(3) In this regulation—

“licence” does not include—

- (a) an exclusive licence under section 39 of the Act;
- (b) a processor’s licence under section 35CA of the Act; or
- (c) a licence authorizing a boat or person to operate in a limited entry fishery under section 32 of the Act.

[Regulation 3F substituted in Gazette 27 June 1986 p. 2181.]

Breach of condition of licence

3G. The holder of a licence issued under these regulations who either by act or omission commits a breach of any of the conditions of that licence or any renewal thereof, commits an offence against these regulations.

[Regulation 3G inserted as regulation 3D in Gazette 3 September 1963 p. 2660; renumbered as regulation 3G in Gazette 16 December 1965 p. 4163.]

Fees for authorization to operate in a limited entry fishery

3H. (1) In this regulation a reference to a “fishery” or a “zone” in a fishery means a limited entry fishery or a zone of a limited entry fishery, as the case requires, as defined by notice published from time to time pursuant to section 32 of the Act.

(2) The annual fee payable in respect of the grant or renewal of a licence or endorsement authorizing a boat or person, as the case may be, to operate in a fishery as declared by notice published pursuant to section 32 of the Act shall be as prescribed in this regulation in relation to that fishery.

(3) The annual fee payable in respect of a boat authorized to operate in the West Coast Rock Lobster Fishery shall be calculated by multiplying the number of rock lobster pots authorized to be carried on the fishing boat by the amount of \$18.

(4) The annual fee payable in respect of a boat authorized to operate in a prawn fishery shall be as follows—

	\$
For the Exmouth Gulf Prawn Fishery	4 000
For the Shark Bay Prawn Fishery.....	5 000
For the Nickol Bay Prawn Fishery.....	900

(5) The annual fee payable in relation to an authorization relating to a salmon fishery shall be as follows—

	\$
For the South Coast Salmon Fishery.....	360
For the South-West Coast Salmon Fishery.....	165

(6) The annual fee payable in relation to an authorization relating to an abalone fishery is as follows—

	Per zone
	\$
Zone 1	2 300
Zone 2	1 650
Zone 3	750

(7) The licence fee payable in respect of trawl nets authorized to be used in the Abrolhos Islands Otter Trawl Fishery shall be as follows—

	\$
(a) where a boat uses a single trawl net.....	200
(b) where a boat uses twin trawl nets	400

(8) The annual fee payable in respect of a boat authorized to operate in the Shark Bay Snapper Limited Entry Fishery shall be as follows—

	\$
(a) for an "A" class licence	640
(b) for a "B" class licence.....	320
(c) for a supplementary licence.....	35

(9) The annual fee payable in respect of a boat authorized to operate in the Windy Harbour-Augusta Rock Lobster Limited Entry Fishery or the Esperance Rock Lobster Limited Entry Fishery shall be calculated by multiplying the maximum number of rock lobster pots authorized for use from the boat while operating in the relevant Fishery by—

(a) in the case of Windy Harbour-Augusta Rock Lobster Limited Entry Fishery.....	\$ 4.00
(b) in the case of the Esperance Rock Lobster Limited Entry Fishery	2.50

(10) The fee payable in respect of the Southern Demersal Gillnet and Demersal Longline Limited Entry Fishery shall be \$12 for each 600 metres of net and \$12 for each 200 hooks used for each period of one month in the year.

(11) The annual fee payable in respect of a boat authorized to operate in the King George Sound Purse Seine Limited Entry Fishery shall be as follows, for categories defined by the relevant notice under section 32—

	\$
(a) for a category "A" licence	2 500
(b) for a category "B" licence	150

[Regulation 3H inserted in Gazette 22 October 1975 p. 3922; amended in Gazettes 5 December 1975 p. 4374; 20 February 1976 p. 470; 30 April 1976 p. 1351; 17 September 1976 p. 3446; 1 April 1977 p. 925; 27 January 1978 pp. 258-59; 19 January 1979 pp. 134-35; 11 April 1980 p. 1073; 29 May 1981 p. 1620; 9 July 1982 p. 2479; 15 June 1984 p. 1635; 19 July 1985 p. 2492 and p. 2493; 18 April 1986 p. 1437; 1 August 1986 p. 2740; 27 March 1987 p. 1001; 15 May 1987 p. 2123; 30 October 1987 p. 4000; 25 March 1988 p. 908; 17 June 1988 p. 1952.]

Replacement of licensed boat

4. Any person issued with a fishing boat licence under regulation 2 or a carrier boat licence under regulation 2A, or a renewal thereof, if—

- (a) the boat the subject of the licence is lost or destroyed; or
- (b) in the case of a boat licensed under regulation 2, that boat because of unseaworthiness is not licensed as required under regulation 2 (3a),

may with the approval of the Director replace that boat with another boat owned by him, but no such licence shall be transferred to another person.

[Regulation 4 substituted in Gazette 28 August 1987 p. 3440.]

[5. Regulation 5 repealed in Gazette 16 December 1949 p. 3294.]

Licences to be produced

6. (1) A person licensed under the Act or these regulations shall, upon demand at any time by an inspector, produce his licence or satisfy the inspector that he is the holder of such licence and that such licence is current, and any person who fails to produce his licence or to satisfy the inspector as required by this regulation commits an offence against these regulations.

(2) The owner or person in charge of any boat required to be licensed under regulation 2 or regulation 2A, who upon demand by an inspector fails to produce a licence for such boat or to satisfy the inspector that the boat is currently licensed under a fishing boat licence or a carrier boat licence or a renewal thereof commits an offence against these regulations.

[Regulation 6 substituted in Gazette 3 September 1963 p. 2660; amended in Gazettes 16 December 1965 p. 4163; 22 October 1975 p. 3926; 24 December 1976 p. 5060; 28 August 1987 p. 3440.]

Documents to be carried on board

6AA. (1) The holder of a current fishing boat licence shall cause to be kept on board that vessel, when it is being used, the following documents or legible copies thereof—

- (a) the current fishing boat licence;
- (b) the professional fisherman's licence of each member of the crew so licensed; and
- (c) any other licence or conditions relating to the vessel or crew required or imposed under the Act.

(2) The Director may, where he considers that it would be impractical to require a person to comply with subregulation (1) exempt that person in relation to a vessel, or class of vessel, from that subregulation.

[Regulation 6AA inserted in Gazette 5 June 1987 p. 2280.]

Processing establishment books etc. to be produced

6A (1) A person who operates or causes to be operated any processing establishment shall upon demand at any time by an inspector, or any officer authorized in that behalf by the Minister, produce to that inspector or officer any books, documents and other papers for the purposes of Part IIIB of the Act relating to the business of the processing establishment, and permit that inspector or officer to take extracts from or make copies of any such books, documents or papers.

(2) A person who contravenes any provision of this regulation commits an offence against these regulations.

[Regulation 6A inserted in Gazette 16 December 1965 p. 4163; amended in Gazette 24 December 1976 p. 5060.]

Name and address to be given

7. (1) Where an inspector on reasonable grounds suspects a person is committing or has committed an offence against the Act or these regulations, he may demand from that person his name and address.

(2) A person who refuses to give his name and address when required so to do by an inspector or who gives a false name or address to an inspector is guilty of an offence.

[Regulation 7 substituted in Gazette 3 October 1952 p. 2460; amended in Gazette 9 November 1961 p. 3118.]

Disposal of forfeited articles

8. (1) Subject to the approval of the Minister the Director may sell or dispose of any boats, nets, lines, engines, implements, appliances, and other articles, and of fish forfeited to Her Majesty in accordance with the provisions of the Act, in any one of the following ways, that is to say—

- (i) In respect of boats, nets, lines, engines, implements, appliances and other articles—
 - (a) he may apply them to the use of the Fisheries Department, or transfer them, with or without charge, to any other Department of the State or of the Commonwealth; or
 - (b) he may sell them at public auction, or by tender, or by private treaty; or
 - (c) he may order their destruction.
- (ii) In respect of fish—
 - (a) he may deliver them to any hospital or charitable institution for the use of the inmates, or if such delivery cannot be conveniently and economically effected, to any indigent or needy persons; or
 - (b) he may sell them at public auction, or by tender or by private treaty; or
 - (c) he may destroy them forthwith if unfit for human consumption; or
 - (d) he may cause them to be returned to the water if they are still alive.

(2) The approval of the Minister required by section 50 of the Act may be either general or limited to any specific case, or to any particular class or classes of things, or for any specified period.

[Regulation 8 substituted in Gazette 31 October 1941 p. 1586; amended in Gazettes 1 August 1960 p. 2353; 17 December 1969 p. 4106; 1 August 1986 p. 2741; 15 May 1987 p. 2122.]

Notice of finding of boats, etc. in or near closed waters

9. The prescribed notice of finding in terms of section 49 of the Act shall be a notice in or to the effect of Form J in the Appendix to these regulations. Such notice shall be displayed prominently outside the office of the inspector giving the notice and remain so displayed for a period of not less than 14 days prior to the taking of the thing referred to therein before a justice.

[Regulation 9 substituted in Gazette 31 October 1941 p. 1586; amended in Gazette 22 October 1975 p. 3926.]

[10. Regulation 10 repealed in Gazette 31 October 1941 p. 1586.]

[11. Regulation 11 repealed in Gazette 22 October 1975 p. 3926.]

[11A. Regulation 11A repealed in Gazette 17 December 1969 p. 4106.]

Intervals between “meshing” or “set” nets

12. A person shall not in Western Australian waters cast, shoot, fix or set a “meshing” net or a “set” net within 50 metres of any other “meshing” net or “set” net.

[Regulation 12 substituted in Gazette 22 October 1975 p. 3926.]

[12A. Regulation 12A repealed in Gazette 13 October 1978 p. 3707.]

Nets to be drawn so as to protect undersized fish

12B. No person shall in any Western Australian waters draw ashore or on board any boat any net in such a manner that undersize fish in such net are or may be killed.

[Regulation 12B inserted in Gazette 17 April 1942 p. 437.]

Taking of fish by net in Swan or Canning Rivers

12BB. (1) A person, other than a person who is the holder of a professional fisherman's licence, shall not take, or attempt to take fish other than prawns or crabs by means of using a net in the Swan River or the Canning River or their tributaries.

(2) Notwithstanding subregulation (1), a person, other than a person who is the holder of a professional fisherman's licence, may take fish by means of using a net in the Swan River or the Canning River or their tributaries on a Tuesday, Wednesday or Thursday prior to 1 July 1988.

[Regulation 12BB inserted in Gazette 27 June 1986 p. 2181; amended in Gazettes 28 November 1986 p. 4389; 27 February 1987 p. 503.]

Times for setting and picking up nets in various waters

12C. (1) A person shall not set any fishing net in any of the waters of Princess Royal Harbour, Albany; Oyster Harbour, Albany; Peel Inlet; Harvey Estuary; Wilson Inlet, Denmark; Stokes Inlet; Beaufort Inlet; Pallinup River; and, subject to subregulation (1A), Broke Inlet, except within any period commencing 1½ hours before sunset on any day and ending 1½ hours before the next sunrise.

(1A) A person may during the months of November, December, January and February set a fishing net in the waters of Broke Inlet within the period commencing at 5 pm on any day and ending 1½ hours before the next sunrise.

(2) Any fishing net set within the periods referred to in subregulations (1) or (1A) shall be picked up no later than 1½ hours after the sunrise next following the setting of the net.

(3) For the purposes of this regulation "sunrise" and "sunset" means the time provided by the Perth Astronomical Observatory for sunrise and sunset respectively, in Perth on the relevant day.

[Regulation 12C substituted in Gazette 6 December 1985 p. 4533; amended in Gazette 26 August 1988 p. 3295.]

[**12D.** Regulation 12D repealed in Gazette 17 December 1969 p. 4106.]

Restrictions on net fishing in Shark Bay

12E. (1) A person shall not, in the waters of Shark Bay—

[(a) deleted]

(b) set a fishing net, except within any period commencing 1½ hours before sunset on any day and ending 1½ hours before the next sunrise and a fishing net set within any such period shall be picked up no later than 1½ hours after the sunrise next following the setting of the net.

(2) Any person using a set net in the waters of Shark Bay—

(a) shall lift and clean the net at least once in every hour during the time that the net is set; and

(b) shall remain in attendance on the net at all times while it is set, and for the purposes of this paragraph "in attendance" means within 100 metres from the nearest part of the net.

(3) A person shall not, in the waters of Shark Bay use a set net the end or ends of which are attached by stakes to the sea bed.

(4) For the purposes of this regulation—

“set net” means a net placed in the water with a cork line at or beneath the surface; and

“sunrise” and “sunset” means the time provided by the Perth Astronomical Observatory for sunrise and sunset respectively, in Perth on the relevant day;

“the waters of Shark Bay” means the waters of Shark Bay lying south of a line drawn from Cape Inscription on Dirk Hartog Island due east to the mainland.

[Regulation 12E substituted in Gazette 26 February 1982 p. 640; amended in Gazettes 22 February 1985 p. 672; 6 December 1985 p. 4533; 27 March 1987 p. 1001.]

Restrictions on fishing and transport of fish in Shark Bay region

12EA. (1) A person, other than a person who is the holder of a professional fisherman’s licence, shall not, in the waters between 23°30’ South latitude and 26°30’ South latitude or in the waters of Shark Bay south of 26°30’ south latitude—

(a) take or attempt to take snapper (*genus Chrysophrys*) by means other than one hand-line to which not more than 3 hooks are attached;

(b) transport at sea fish other than whole fish.

(2) Notwithstanding subregulation (1) (b)—

(a) fish may be gilled and gutted at sea; and

(b) mackerel may be processed at sea by cutting up if the skin is left attached to the fish for identification.

(3) In this regulation “mackerel” means Narrow-barred spanish mackerel (*Scomberomorus commerson*), Broad-barred (or grey) spanish mackerel (*Indocybium semi-fasciatum*), Australian spotted mackerel (*Scomberomorus munroi*), School (or Queensland) spanish mackerel (*Scomberomorus queenslandicus*), Wahoo mackerel (*Acanthocybium solandri*), or shark mackerel (*Granumatorcynus bicarinotus*).

[Regulation 12EA inserted in Gazette 15 May 1987 pp. 2122-23; amended in Gazettes 28 August 1987 p. 3440; 25 March 1988 p. 908.]

Attendance on set nets near Beadon Point

12EB. (1) Any person using a set net in any waters (including any creeks or rivers) that are within 400 metres of high water mark and within a radius of 32 kilometres of Beadon Point at Onslow, shall remain in attendance on the net at all times while it is set.

(2) For the purposes of this regulation—

“set net” means a net placed in the water with a cork line at or beneath the surface; and

“in attendance” means within 100 metres from the nearest part of the net.

[Regulation 12EB inserted in Gazette 26 August 1988 p. 3295.]

Requirements relating to unattended nets in certain fisheries

12F. The holder of a professional fisherman's licence, shall not use or leave unattended in the waters of a fishery set out in the Schedule to this regulation—

- (a) any surface fishing net, unless the net has end floats a minimum of 150 millimetres in diameter, clearly marked with the professional fisherman's licensed fishing boat number;
- (b) any fishing net, unless the net has either every tenth lead weight marked clearly with lettering, a minimum of 4 millimetres high showing the professional fisherman's licensed fishing boat number, or every tenth net float marked clearly with lettering a minimum of 10 millimetres high showing the professional fisherman's licensed fishing boat number.

Schedule

Hardy Inlet Estuarine Fishery being the commercial professional fishery in the waters of Hardy Inlet and its affluent and tributaries;

Leschenault Estuarine Fishery being the commercial professional fishery in the waters of the Leschenault Inlet together with all its tributaries and affluents;

Mandurah Estuarine Fishery being the commercial fishery in the waters of the Peel Inlet and Harvey Estuary together with the Murray, Serpentine and Dandalup rivers and all their tributaries and affluents upstream of the mouth of the groynes marking the channel entrance to the Peel Inlet and Harvey Estuary where it meets the Indian Ocean;

Shark Bay Beach Seine and Mesh Net Fishery, being the beach seine and mesh net fishery in the waters of Shark Bay lying south of a line drawn from Cape Inscription on Dirk Hartog Island due east to the mainland;

South Coast Estuarine Fishery being the commercial net fishery in the waters of all estuaries on the south coast of Western Australia between Cape Beaufort and the 129° meridian of longitude, including Princess Royal Harbour and Oyster Harbour;

Swan/Canning Estuarine Fishery being the commercial professional fishery in the waters of the Swan and Canning rivers.

[Regulation 12F inserted in Gazette 2 November 1984 p. 3523-24.]

Persons authorized to use nets

12G. (1) A person shall not take, or attempt to take, fish by means of using a net unless—

- (a) the person is a person referred to in subregulation (2);
- (b) the person is the holder of a professional fisherman's licence; or
- (c) the person is carrying out an activity he is authorized to carry out under a licence granted or permission given under section 39C of the Act.

(2) Subject to these regulations, a person who is the holder of a recreational fishing licence specifying that the holder may use a set gill net or a hauling gill net may take fish by means of using a net if not more than one net is used at any one time and—

- (a) where the net is a throw net, it—
 - (i) is used in open waters;
 - (ii) has a length not exceeding 3 metres measured from the centre retrieval line to the lead line; and
 - (iii) has a mesh of not more than 25 millimetres; or
- (b) where the net is not a throw net, it has a length not exceeding 60 metres, does not have a bag or pocket, has end surface floats with a diameter of not less than 150 millimetres on each of which is marked, in legible characters not less than 60

millimetres high and 10 millimetres wide, the gear identification number endorsed on the recreational fishing licence held by that person³ and has a mesh—

- (i) where the net is used but not set in the waters of an estuary, river or inlet, or in the entrance to any of those waters, of not less than 57 millimetres;
- (ii) where the net is set in the waters of any estuary, river or inlet, or in the entrance of any of those waters, of not less than 63 millimetres; or
- (iii) where the net is used in any waters other than those referred to in subparagraphs (i) and (ii), of not less than 51 millimetres.

(3) In this regulation—

“fish” does not include cherabin, crabs, marron, or prawns.

[Regulation 12G inserted in Gazette 27 June 1986 p. 2181; amended in Gazettes 27 February 1987 p. 504; 20 May 1988 p. 1675.]

Rights of priority for hauling nets

13. The rights of priority for hauling nets, as between fishermen netting in the same ground, are hereby determined as follows—

(1) Where netting operations include the use of a beach—

- (a) the first turn shall belong to the licensed fisherman who first arrives on the ground with a *bona fide* crew of licensed fishermen, with a licensed fishing boat marked in accordance with regulation 2, with a lawful net ready for shooting and hauling;
- (b) the next turn shall belong to the licensed fisherman who next arrives as above, and so on;
- (c) a turn shall come to an end when a licensed fisherman has shot and hauled his net and it shall in no case last more than 24 hours as against any other licensed fisherman who is on the ground waiting for a haul;
- (d) during his turn a licensed fisherman shall have exclusive right to the ground where he remains with his crew on portion of the ground in readiness to “shoot” with one end of his hauling line ashore;
- (e) no licensed fisherman shall have a second turn until all the other licensed fishermen on the ground have had their first turn;
- (f) no unlicensed fisherman or licensed fisherman in an unlicensed boat shall have any claim to a ground as against a licensed fisherman and crew in a licensed boat, marked in accordance with regulation 2.

For the purpose of this paragraph “ground” means any portion of a beach not longer than 800 metres and includes the adjacent water to a distance of 800 metres measured rectangularly from the beach.

(2) Where netting operations do not include the use of a beach—

- (a) the first turn shall belong to the licensed fisherman who first arrives on the ground with a *bona fide* crew of licensed fishermen in a licensed fishing boat marked in accordance with regulation 2, with a lawful net ready for shooting and hauling;
- (b) the next turn shall belong to the licensed fisherman who next arrives as above, and so on;
- (c) a turn shall come to an end when a licensed fisherman has shot and hauled and the turn shall in no case last more than 12 hours;
- (d) during his turn a licensed fisherman shall have exclusive right to the ground where he remains with his crew on portion of the ground in readiness to “shoot”;

- (e) no licensed fisherman shall have a second turn until all the other licensed fisherman on the ground have had their first turn;
- (f) no unlicensed fisherman or licensed fisherman in an unlicensed boat shall have any claim to a ground as against a licensed fisherman and crew in a licensed boat, marked in accordance with regulation 2.

For the purpose of this paragraph "ground" means that area of water to be fished within the limits of 400 metres by 400 metres.

- (3) Where netting operations are by means of set nets—
- (a) the first turn shall belong to the licensed fisherman who first arrives on the ground with a *bona fide* crew of licensed fishermen in a licensed fishing boat marked in accordance with regulation 2, with a lawful net ready for setting;
 - (b) the next turn shall belong to the licensed fisherman who next arrives as above, and so on;
 - (c) a turn shall come to an end when a licensed fisherman has hauled his net and the turn shall in no case last more than 24 hours;
 - (d) no licensed fisherman shall have a second turn until all the other licensed fishermen on the ground have had their first turn;
 - (e) no unlicensed fisherman or licensed fisherman in an unlicensed boat shall have any claim to set a net as against a licensed fisherman and crew in a licensed boat, marked in accordance with regulation 2.

For the purpose of this paragraph "set" means to place a net in the water with the cork line at or beneath the surface. "Ground" means that area of water to be fished within the limits of an area 91.5 metres by the length of a lawful net.

(4) It shall be unlawful to wilfully disturb or frighten fish on or in the vicinity of a haul, or in any manner to obstruct a licensed fisherman during his turn.

(5) When a licensed fisherman is lawfully in possession of a haul, no person shall impede him by the process known as "blocking" whereby another person sets or places his net as to prevent or attempt to prevent fish getting to the haul.

(6) Any licensed fisherman who suffers any loss from a breach of this regulation may be authorized by the Minister to take legal proceedings at his own expense.

[Regulation 13 substituted in Gazette 10 April 1953 pp. 618-19; amended in Gazette 5 October 1973 p. 3661.]

Testing the length, depth, or mesh of nets

14. Unless another method of measurement is prescribed, for the purpose of testing the length of any fishing net, such net shall be measured along the cork line upon which the net is hung. The depth of any net shall be ascertained by counting the number of meshes situated between opposite points upon the cork and lead lines. The size of the mesh shall be determined by measuring from knot to knot on the inside of the mesh when wetted ready for use and stretched so that the opposite knots on the alternate corners are in contact. In case of dispute a 225 gram weight shall be slung or attached to one knot of the mesh to be measured and the space between that and the opposite knot shall be measured. In the event of the net being dry, the part to be measured shall be soaked either in fresh or salt water for not less than 10 minutes, and the dimensions of a mesh or meshes of the portion so soaked shall thereupon be determined.

[Regulation 14 amended in Gazettes 5 October 1973 p. 3661; 27 June 1986 p. 2182; erratum in Gazette 11 July 1986 p. 2342.]

Taking of rock lobster by a person other than a professional fisherman

14AA. A person other than a person who is the holder of a professional fisherman's licence shall not take, or attempt to take rock lobster unless that person is the holder of a recreational fishing licence specifying that the holder may take rock lobster and the rock lobster is taken—

- (a) by hand, if no other instrument is used; or
- (b) by means of submerging at any one time not more than 2 rock lobster pots which—
 - (i) conform to the requirements of any notice published under section 23A of the Act;
 - (ii) are attached to a surface float which conforms to the requirements of regulation 14E (1); and
 - (iii) are pulled, within the meaning of regulation 14G (5), from the water by the holder of the licence personally.

[Regulation 14AA inserted by Gazette 27 June 1986 p. 2182; amended in Gazette 27 February 1987 p. 504.]

Restrictions on processing, bringing ashore, carriage or receipt of rock lobsters

14A. (1) No person shall remove the rock lobster tail from any rock lobster, or cut up or otherwise process any rock lobster, except in an export establishment registered in pursuance of the *Exports (Fish) Regulations (Statutory Rules, 1949, No. 54* and amendments thereto) made under the provisions of the *Customs Act 1901* and its amendments and the *Commerce (Trade Descriptions) Act 1905* and its amendments, of the Parliament of the Commonwealth.

(2) No person shall bring ashore from any boat any rock lobster tail or any severed portion of any rock lobster unless that boat is an export establishment registered as mentioned in subregulation (1) and such tail was removed from the carapace of the rock lobster, or the rock lobster was cut up or otherwise processed in that boat.

(3) (a) No person shall bring into Western Australian Waters, or on to land, any portion of any rock lobster that has been taken in the Abrolhos Islands area.

(b) For the purposes of this subregulation the term, "Abrolhos Islands area" means all that area bounded by lines starting at the intersection of 27 degrees 30 minutes south latitude and 113 degrees 37 minutes east longitude and extending south-easterly to the intersection of 29 degrees 30 minutes south latitude and 114 degrees 30 minutes east longitude; thence west to 113 degrees east longitude; thence north to 27 degrees 30 minutes south latitude aforesaid; and thence east to the starting point.

(4) No person in charge of an export establishment registered as mentioned in subregulation (1) of this regulation shall receive any rock lobster tail or any severed portion of any rock lobster.

(5) No person shall in any vehicle or boat or otherwise carry any rock lobster tail or any severed portion of any rock lobster unless such tail was removed from the carapace of the rock lobster, or the rock lobster was cut up or otherwise processed, in an export establishment registered as mentioned in subregulation (1).

(6) Any person who contravenes any of the provisions of this regulation commits an offence against these regulations and is liable upon conviction to a penalty not exceeding \$200 and all rock lobster tails or severed portions of rock lobster received or carried in breach of this regulation shall be forfeited to the use of Her Majesty and any inspector may seize the same.

(7) For the purposes of section 24A of the Act, the weight of a rock lobster tail shall be not less than 140 grams.

[Regulation 14A substituted in Gazette 16 December 1964 p. 4036; amended in Gazettes 5 October 1973 p. 3661; 22 February 1985 p. 672.]

Restriction on bags used to convey live rock lobsters

14B. No person shall convey live rock lobsters in any bag which measures when empty more than one metre in depth and 600 millimetres in width.

[Regulation 14B substituted in Gazette 27 April 1951 p. 1136; amended in Gazettes 5 October 1973 p. 3661; 22 February 1985 p. 672.]

Taking of rock lobster in the waters surrounding Rottnest Island

14C. A person, other than a person who is the holder of a recreational fishing licence specifying that the holder may take rock lobster, shall not take or attempt to take rock lobsters—

- (a) at any time in either of the areas described in Schedule A and Schedule B to this regulation; or
- (b) during the period commencing on 16 January and ending on 14 November in any year, in the area described in Schedule C to this regulation.

Schedules

Schedule A.

All that portion of the Indian Ocean bounded by lines starting from Cape Vlaming on the foreshore of Rottnest Island and extending southwest 1 600 metres; thence parallel to and 1 600 metres from that foreshore along northern, eastern and southern shores of Rottnest Island aforesaid to a point situate 1 600 metres south of the foreshore at Parker Point; thence north to that foreshore; and thence generally easterly, northerly and westerly along the foreshore aforesaid to the starting point.

Schedule B.

All that portion of the Indian Ocean bounded by lines starting from the Parker Point on the foreshore of Rottnest Island and extending south 800 metres; thence generally westerly parallel to and 800 metres from that foreshore to a point situate 800 metres southwest of the foreshore at Cape Vlaming; thence northeast to that foreshore; and thence generally easterly along the foreshore aforesaid to the starting point.

Schedule C.

All that portion of the Indian Ocean bounded by lines starting from a point situate 800 metres south of the foreshore at Parker Point on Rottnest Island and extending south 800 metres; thence generally westerly parallel to and 1 600 metres from the foreshore to a point situate 1 600 metres southwest of the foreshore at Cape Vlaming; thence northeast 800 metres; and thence generally easterly parallel to and 800 metres from the foreshore aforesaid to the starting point.

(Public Plan Rottnest Island.)

[Regulation 14C substituted in Gazette 17 December 1969 pp. 4106-07; amended in Gazettes 5 October 1973 p. 3661; 26 October 1973 p. 4066; 1 November 1974 p. 4948; 22 October 1975 p. 3926; 22 February 1985 p. 672; 27 June 1986 p. 2182.]

Taking of rock lobster in the waters surrounding Quobba Point

14CA. A person, other than a person who is the holder of a recreational fishing licence specifying that the holder may take rock lobster, shall not take or attempt to take rock lobsters at any time in the area described in the Schedule to this regulation.

Schedule

All that portion of the Indian Ocean bounded by a line starting from a point on the high water mark situate at the southwestern-most extremity of Quobba Point and extending south to south latitude 24 degrees 34 minutes; thence east to a point on the high water mark; and thence generally northwesterly along the high water mark aforesaid to the starting point.

[*Regulation 14CA inserted in Gazette 7 October 1983 pp. 4073-74; amended in Gazette 27 June 1986 p. 2182.*]

[*14D. Regulation 14D repealed in Gazette 22 February 1985 p. 673.*]

Identification of rock lobster pots by floats

14E. (1) A person shall not use a rock lobster pot for taking or attempting to take rock lobster unless the rock lobster pot conforms to the requirements of section 23A of the Act and the rock lobster pot is attached to a surface float that—

- (a) has a diameter of not less than 150 millimetres; and
- (b) is marked by branding or stamping with legible characters not less than 6 centimetres high and not less than 1 centimetre wide showing—
 - (i) in the case of a pot used by a person who is the holder of a professional fisherman's licence, the initial letter and the distinguishing number allotted in respect of the licensed fishing boat under regulation 2 (4) that is used to set or lift the rock lobster pots; or
 - (ii) in the case of a pot used by a person who is the holder of a recreational fishing licence specifying that the holder may take rock lobster, the gear identification number endorsed on that licence under regulation 3A³; and
- (c) is marked with only one of the numbers referred to in paragraph (b).

(2) An inspector may seize a rock lobster pot and all floats and ropes if—

- (a) the rock lobster pot is not attached to a surface float; or
- (b) the surface float to which the rock lobster pot is attached is not marked in the manner prescribed by subregulation (1).

[*Regulation 14E substituted in Gazette 22 October 1975 p. 3926; amended in Gazette 27 June 1986 p. 2182.*]

Prescribed weight for rock lobster tails

14F. The prescribed weight for the purposes of section 24C (1) of the Act is 140 grams.

[*Regulation 14F inserted in Gazette 21 July 1978 p. 2642.*]

Use of boats for taking rock lobsters

14G. (1) A person in charge or control of a boat, not being a boat that is licensed under regulation 2, shall not permit—

- (a) more than 2 rock lobster pots to be carried on that boat at any time; or
- (b) any person aboard that boat to pull any rock lobster pot from any waters of the sea unless the person pulling the rock lobster pot is the holder of a recreational fishing licence specifying that the holder may take rock lobster.

(2) A boat, not being a boat that is licensed under regulation 2, shall not be used for the pulling of more than 4 rock lobster pots from any waters of the sea by any person or persons aboard that boat in any period of 24 hours commencing at midnight, and if a boat is used contrary to this subregulation the person in charge or control of the boat at the time when the allowed maximum is exceeded, or further exceeded, commits an offence.

(3) A person in charge or control of a boat that is licensed under regulation 2 shall not permit any person aboard that boat to pull any rock lobster pot from any waters of the sea unless the use of that pot is authorized pursuant to section 32 of the Act or regulation 3B.

(3a) A boat being used for the taking of rock lobsters whether by means of a pot or by hand, shall not be used to hold or transport more than 16 rock lobsters over any period of 24 hours commencing at midnight unless the boat is licensed under regulation 2 and the taking of rock lobsters is authorized pursuant to section 32 or regulation 3B, and if a boat is used contrary to this subregulation the person in charge or control of the boat at the time when the allowed maximum is exceeded, or further exceeded, commits an offence.

(4) In any proceedings for an offence against subregulation (1) (b), (2) or (3a) it shall not be necessary for the prosecutor to show that at any relevant time the person in charge or control of the boat knew of the fact that—

- (a) in the case of an alleged offence against subregulation (1) (b), the person pulling the rock lobster pot did not hold a recreational fishing licence specifying that the holder may take rock lobster; or
- (b) in the case of an alleged offence against subregulation (2) or (3a), the boat had already been used to the extent allowed by that subregulation during the relevant period,

but it shall be a defence for the defendant to show that he did not know and could not reasonably have known of that fact.

(5) In this regulation “to pull”, in relation to a rock lobster pot, has the meaning it has acquired by usage, namely to bring the rock lobster pot from the seabed to the surface of the sea.

[Regulation 14G inserted in Gazette 25 November 1983 pp. 4671-72; amended in Gazettes 22 February 1985 p. 673; 27 June 1986 p. 2182.]

Undersized rock lobsters brought aboard boats

14H. A person in charge or control of a boat shall ensure that all rock lobsters of a length less than that set opposite to the relevant species in the Second Schedule to the Act shall be—

- (a) where contained in a rock lobster pot brought aboard a boat, returned to the sea before a further rock lobster pot is brought aboard the boat,

and in any event—

- (b) returned to the sea within 5 minutes of being brought aboard a boat.

[Regulation 14H inserted in Gazette 22 November 1985 p. 4403.]

Ova or “spawn” not be removed from rock lobsters

15. No person shall at any period of the year remove or attempt to remove from the abdominal appendages of the fish known as or called the “rock lobster” any ova or “spawn” attached thereto.

[Regulation 15 amended in Gazette 22 February 1985 p. 673.]

Possession of, dealing with, or taking of crabs

15A. (1) A person shall not take or have in his possession any female crabs having eggs or spawn attached to the body.

[(2) repealed]

(2a) A person shall not remove any eggs or spawn attached to a crab.

(3) A person, other than a person who is the holder of a professional fisherman’s licence, shall not take or attempt to take crabs unless the taking is carried out by means of drop nets or hand scoop nets or wire hooks held in the hand.

(3a) A person, other than a person who is the holder of a professional fisherman’s licence, does not commit an offence against subregulation (3) if he takes or attempts to take crabs by means of crab pots in the portion of Western Australian waters described in the Schedule to this subregulation.

Schedule

The waters of the Indian Ocean and Warnbro Sound lying east of a line starting at the western extremity of Becher Point and extending in a northerly direction to the western extremity of Mersey Point.

(3b) A person, other than a person who is the holder of a professional fisherman’s licence, shall not take crabs by means of a drop net that has a diameter exceeding 1.5 metres.

(4) A person, other than a person who is the holder of a professional fisherman’s licence, shall not use or permit to be carried in any boat, whatever the number of persons in the boat, more than 10 drop nets in any one day.

[Regulation 15A substituted in Gazette 17 December 1969 p. 4167; amended in Gazettes 3 July 1970 p. 1928; 22 October 1975 pp. 2926-27; 3 November 1978 p. 4165; 22 February 1985 p. 673; 1 August 1986 p. 2741.]

Crab nets in Swan or Canning Rivers

15B. No person shall, for the purpose of taking crabs, use or cause to be used or permit to be used in the waters of the Swan River or the Canning River or their tributaries any net exceeding 64 metres in length or more than eight (8) nets at any one time. No net used for the taking of crabs shall be set within a distance less than 45 metres of any other crab net.

[Regulation 15B substituted in Gazette 3 May 1955 p. 783; amended in Gazette 5 October 1973 p. 3661.]

Crab nets in Leschenault Inlet

15C. (1) A person shall not in the waters of Leschenault Inlet—

- (a) use a boat to carry, or cause to permit a boat to be used to carry, more than 6 crab nets; or
- (b) set, use or leave a crab net during the period commencing 1½ hours after sunrise and ending 1½ hours before sunset.

(2) For the purposes of this regulation—

“crab net” does not include a drop net with a diameter not exceeding 1.5 metres; and

“sunrise” and “sunset” means the time provided by the Perth Astronomical Observatory for sunrise and sunset respectively, in Perth on the relevant day.

[Regulation 15C substituted in Gazette 22 October 1975 p. 3927; amended in Gazette 26 August 1988 p. 3296.]

Eggs, spawn or larvae not to be removed from marron

15D. A person shall not remove any eggs, spawn or larvae from a marron unless that person is carrying out an activity he is authorized to carry out under a licence granted or permission given under section 39C of the Act.

[Regulation 15D substituted in Gazette 20 May 1988 p. 1675.]

Taking of marron by a person other than a fish farmer

15E. A person, other than a person who is the holder of a licence under section 39C of the Act permitting that person to take marron, shall not take, or attempt to take marron unless—

- (a) the marron is taken by means of using not more than—
 - (i) six drop nets;
 - (ii) one pole snare; or
 - (iii) one hand scoop net,
 at any one time; and
- (b) the person is the holder of a recreational fishing licence specifying that he may take marron.

[Regulation 15E inserted in Gazette 27 June 1986 p. 2182; amended in Gazettes 27 February 1987 p. 504; 15 May 1985 p. 2123.]

Taking of prawns by a person other than a professional fisherman

15F. A person, other than a person who is the holder of a professional fisherman's licence, shall not take, or attempt to take prawns other than by means of using—

- (a) one hand dip net;
- (b) one hand trawl net; or
- (c) one hand scoop net,

at any one time.

[Regulation 15F inserted in Gazette 27 June 1986 p. 2182; amended in Gazette 27 February 1987 p. 504.]

Taking of cherabin by a person other than a professional fisherman

15G. A person, other than a person who is the holder of a professional fisherman's licence, shall not take, or attempt to take cherabin (*Macrobrachium spp.*) other than by a means of using not more than—

- (a) six drop nets;
- (b) one pole snare; or
- (c) one hand scoop net,

at any one time.

[Regulation 15G inserted in Gazette 27 June 1986 p. 2182; amended in Gazette 27 February 1987 p. 504.]

Shucking of abalone

15H. 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 abalone;
- (b) bring ashore, or attempt to bring ashore, any abalone which has had its shell removed.

[Regulation 15H inserted in Gazette 28 November 1986 p. 4389; amended in Gazette 28 August 1987 p. 3440.]

Destruction of fish by use of firearms

16. No person shall capture, kill, or destroy, or attempt to capture, kill, or destroy any fish in any Western Australian waters by the discharge or use of any gun, rifle, or other firearm whatsoever, or by the use of any explosive howsoever ignited or exploded. Provided that this regulation shall not apply to the capture, killing, or destruction or the attempted capture, killing, or destruction of fish which do not belong to any species mentioned in the Second Schedule to the Act.

Carrying of explosives on licensed fishing boats

16A. (1) No person shall in any Western Australian waters carry in or on any boat registered or licensed under the provisions of the *Fisheries Act 1905*, as amended, any dynamite or explosive substance or anything which is noxious or poisonous to fish unless he is the holder of a valid permit issued under and subject to the provisions of subregulation (2).

(2) (a) A permit may be issued by an inspector or an officer appointed to issue licences under the Act.

(b) An inspector or officer so appointed shall not issue a permit under this regulation to any person if the inspector or officer has reason to believe that the person intends to use the dynamite, substance or the noxious or poisonous thing in contravention of the provisions of the Act or these regulations.

[Regulation 16A inserted in Gazette 23 August 1956 p. 2127.]

Minister may authorize certain explosives

16B. For the purposes of section 26(1) of the Act, the Minister is the person prescribed.

[Regulation 16B substituted in Gazette 9 November 1961 p. 3118.]

Deposit of refuse, filth, etc. in waters

17. No person shall deposit any filth, refuse, or other deleterious matter in any tidal or inland waters or into any watercourse, whether dry or not, leading into any tidal or inland waters where fish are or are likely to be.

Deposit of refuse, filth, etc. from works

18. No person shall deposit any filth, refuse, or other deleterious matter, or discharge any matter from mining works, sawmills, gasworks or other manufactories or boiling-down or wool-washing establishments in any place in a manner which will cause or be likely to cause the destruction of fish in waters near or adjacent to the place in which the matter aforesaid is deposited or discharged or injury to any fishing grounds.

Labelling of receptacles containing fish

19. Every label attached to any bag, basket, or box or other receptacle containing fish shall be in, and of the same size as, Form K in the Appendix and shall consist of cardboard, wood or metal, or be a standard No. 6 manilla tag, and shall be affixed securely by nail, wire or strong cord to the bag, basket, box or other receptacle.

[Regulation 19 substituted in Gazette 15 February 1961 p. 431; amended in Gazette 17 December 1969 p. 4107.]

Receptacles for carrying fish

19A. Any fish delivered, consigned, carried or transported shall be in prescribed bags or in baskets, boxes or other receptacles, and the total weight of fish in any bag, basket, box or other receptacle shall not exceed 45 kilograms.

[Regulation 19A inserted in Gazette 18 November 1960 p. 3584; amended in Gazette 5 October 1973 p. 3661.]

Application for exclusive licence

20. Every application to the Governor for the grant of an exclusive licence under section 39 of the Act shall be in accordance with Form C in the Appendix, shall be signed by the applicant, and be lodged with or sent to the Director at the Fisheries Department, Perth.

[Regulation 20 amended in Gazettes 17 December 1969 pp. 4107-08; 1 August 1986 p. 2741.]

Director to furnish report

21. Upon receipt of an application for an exclusive licence made in accordance with regulation 20, the Director shall furnish to the Governor in writing a report thereon concerning all matters which in his opinion are material to the consideration of the application, and in such report shall state whether or not there is more than the one applicant for an exclusive licence in respect of the same marine animal life or product of the sea for the same area. In such report the Director may make to the Governor, in relation to the application to which his report relates, any recommendations which in his opinion may assist the Governor in his decision, whether the application shall be granted or refused.

[Regulation 21 amended in Gazettes 17 December 1969 p. 4108; 1 August 1986 p. 2741.]

Form of exclusive licence

22. An exclusive licence shall be in accordance with Form D in the Appendix with such variations as may be required by the circumstances of the case.

Particulars of an exclusive licence to be published in *Gazette*

23. When an exclusive licence is granted the name of the licensee, with the material particulars of the licence, shall be published in the *Government Gazette*.

Conditions of an exclusive licence

24. Every exclusive licence shall be granted and shall be held by the licensee upon and subject to the conditions hereinafter mentioned and also to such other special conditions which the Governor may think fit to impose, that is to say—

- (a) The rent reserved by the license shall be payable by the licensee at the Fisheries Department in Perth in equal half-yearly instalments on 1 January and 1 July in each and every year, or within 21 days after the said dates respectively: Provided that the first instalment of rent shall be paid on or before the issue of the licence, and that such instalment and also the last instalment of rent shall be apportioned if necessary to the date of the commencement and of the termination of the licence.
- (b) The royalty (if any) payable by the licensee under the licence shall be paid at the Fisheries Department in Perth in such manner in such instalments or in such amounts as are specifically provided for in the licence.
- (c) A licensee shall not transfer or assign his licence or grant any sub-licence without the express consent in writing of the Minister first had and obtained.
- (d) A licensee shall during the term of his licence keep continuously employed in collecting or removing the marine animal life or other product of the sea in respect of which his licence has been granted from the area of his licence or in treating such marine animal life or other product of the sea aforesaid not less than one man for every 2.5 square kilometres included in the said area, and in any case shall keep so employed not less than 2 men, and shall furnish the Minister, when so required by him, with evidence to his satisfaction that men to the number aforesaid have been and are being so employed.
- (e) If any rent or royalty payable by the licensee is unpaid for 21 days after the same has become due, or if there is any breach, non-observance, or non-performance by the licensee of any of these conditions or of any other conditions to which the licensee is subject, or if for any public work or in the public interest it is, in the opinion of the Governor, necessary or desirable so to do, the Governor may revoke the licence, and upon publication in the *Government Gazette* of notice of such revocation, all the interest of the licensee and any person claiming under him in such licence shall cease and determine, and the production of the *Government Gazette* containing a notice as aforesaid shall be conclusive evidence of a

cause sufficient to authorize such revocation, and that all the interests in the licence of the licensee or any person claiming under him have been lawfully determined.

- (f) Neither the Governor nor the Minister shall be under any responsibility to any licensee, or any person claiming under the licensee, in the event of any difference or dispute arising between the licensee and any other licensee or other person in regard to the boundaries of any area, any encroachment thereon or otherwise howsoever.

[*Regulation 24 amended in Gazettes 17 December 1969 p. 4108; 5 October 1973 p. 3661; 1 August 1986 p. 2741.*]

Transfer etc. of an exclusive licence

25. (1) Every application for the consent of the Minister to the transfer or assignment of an exclusive licence granted under section 39 of the Act, or to the grant of a sub-licence by the licensee of such licence, shall be in writing, in accordance with Form E in the Appendix, shall be signed both by the licensee and the proposed transferee, assignee, or sub-licensee, as the case may require, and shall be lodged with or sent to the Director at the Fisheries Department, Perth, together with the licence and a fee of \$5, and the instrument of transfer, assignment, or sub-licence duly executed by the parties thereto.

(2) Upon receipt of such application, the Director shall submit the same to the Minister, together with such report and recommendations in writing which, in the opinion of the Director, are material to the consideration of the application by the Minister.

(3) The Minister may grant or refuse such application in his discretion, but if the application is refused the fee which accompanied the application shall be refunded to the licensee.

(4) An instrument of transfer or assignment may be in accordance with Form F in the Appendix.

[*Regulation 25 amended in Gazettes 17 December 1969 p. 4108; 16 October 1981 p. 4323; 1 August 1986 p. 2741.*]

Endorsement of consent and of transfer etc.

26. When pursuant to an application made in accordance with regulation 25, the Minister grants the consent applied for, such consent in accordance with Form G in the Appendix shall be indorsed upon and signed by the Minister on the instrument of transfer, or of assignment, or of sub-licence submitted with the application; a memorandum of the transfer or assignment or sub-licence in accordance with Form H in the Appendix shall be endorsed upon the licence and be signed by the Minister, and in the case of a transfer or assignment the instrument of transfer or of assignment, together with the licence, shall be delivered to the transferee or assignee, and in the case of a sub-licence, the licence shall be delivered to the licensee and the sub-licence shall be delivered to the sub-licensee.

Form and conditions of licence to take net etc. through prohibited waters

26A. (1) Licences issued under section 46 (2) (a) of the Act shall be in Form I in the Appendix.

(2) Every licence granted pursuant to this section shall be granted and shall be held by the licensee upon and subject to the conditions hereinafter mentioned, and also to such other special conditions which the Governor may think fit to impose, that is to say:—

- (a) on the conviction of the holder for the offence of fishing in the waters referred to in such licence, or being found on such waters in a boat containing a net the use of which is prohibited therein, any such licence shall be deemed to have been cancelled as from the date of such conviction;

- (b) the issue of any such licence shall be in the discretion of the inspector, but if any person shall think himself aggrieved by the refusal of a licence, he may appeal to the Minister, who may, if he thinks fit, direct the licence to be issued.

[Regulation 26A inserted in Gazette 24 April 1941 pp. 542-43; amended in Gazettes 22 October 1975 p. 3927; 27 June 1986 p. 2182.]

[26B. Regulation 26B repealed in Gazette 9 November 1961 p. 3118.]

[26C., 26D., 26E. Regulations 26C, 26D and 26E repealed in Gazette 16 December 1965 p. 4163.]

Taking of trout

26F. No person, other than a person carrying out an activity he is authorized to carry out under a licence granted or permission given under section 39C of the Act, shall in any waters—

- (a) take or attempt to take trout by any means other than by a single rod, reel and line or by a single line held in the hand with an artificial or natural bait as lure;
- (b) take any trout in excess of 10 in any one day;
- (c) take or attempt to take any trout that are immature or bear “par marks”;
- (d) take or attempt to take any trout for the purpose of sale, or sell or expose, offer or consign for sale any trout taken in any such waters;
- (e) take or attempt to take any trout by means of any fixed engine or device in any waters, or by means of any fixed engine or device obstruct or attempt to obstruct the free movement of trout in any waters; or
- (f) interfere with or disturb trout when spawning or when on or near their spawning beds.

[Regulation 26F substituted in Gazette 16 December 1965 p. 4163; amended in Gazettes 17 December 1969 p. 4111; 20 May 1988 p. 1676.]

Taking of barramundi, brown or rainbow trout, freshwater cobbler and redfin perch by a person other than a professional fisherman

26FA. A person other than a person who is the holder of a professional fisherman’s licence, or a person carrying out an activity he is authorized to carry out under a licence granted or permission given under section 39C of the Act, shall not take, or attempt to take—

- (a) barramundi (*Lates calcarifer*);
- (b) brown trout (*Salmo trutta*);
- (c) freshwater cobbler (*Tandanus bostocki*);
- (d) rainbow trout (*Salmo gairdnerii*); or
- (e) redfin perch (*Perca fluviatilis*),

other than by means of using not more than one—

- (f) rod, reel and line; or
- (g) hand line,

at any one time.

[Regulation 26FA inserted in Gazette 27 June 1986 p. 2183; amended in Gazettes 27 February 1987 p. 504; 20 May 1988 p. 1676.]

Statistical returns

26G. Any person required to furnish returns pursuant to section 18 of the Act shall as the circumstances require furnish returns monthly, not later than the fifteenth day of each succeeding month, on such of Forms L, M, N, O, P, Q, R, S and S1 in the Appendix

as are applicable in respect of that person, by lodging the same at the Fisheries Department in Perth or at the office of the inspector nearest the area wherein the person required to furnish returns has conducted or is conducting operations in respect to which returns are required.

[Regulation 26G substituted in Gazette 3 September 1963 pp. 2660-61; amended in Gazettes 17 December 1969 p. 4108; 22 October 1975 p. 3927; 1 August 1986 p. 2741.]

Authority to enter a proclaimed fishing zone

26H. (1) Authority issued under section 12B (a) of the Act to enter a proclaimed fishing zone shall be in Form T in the Appendix.

(2) Every person granted an authority pursuant to section 12B of the Act to enter a proclaimed fishing zone shall hold such authority upon and subject to such conditions as the Director or his lawful delegate may impose and specifies in that authority.

[Regulation 26H inserted in Gazette 8 February 1965 p. 487; amended in Gazette 17 December 1969 p. 4108.]

Use of and custody of common seal

26I. The common seal of the Minister for Fisheries shall be kept in safe custody by the Director, and shall not be affixed to any document except by the Minister in the presence of the Director, or a person appointed as Assistant Director, who shall sign his name as witness to the affixing of the seal.

[Regulation 26I inserted in Gazette 16 December 1965 p. 4164; amended in Gazette 1 August 1986 p. 2741.]

Certificates of appointment of inspectors and other persons

26J. A certificate of appointment for purposes of section 5 of the Act shall be in the form of Form W in the Appendix.

[Regulation 26J inserted in Gazette 5 December 1975 p. 4374.]

Interpretation of regulations relating to fish farming and related activities

27. In regulations 28 to 35 (both inclusive)—

“application” means an application made pursuant to section 39C (2) of the Act;

“development licence” means a licence authorizing a person to farm fish and to commence the business of conducting a fish farm in relation to those species of fish specified on the licence, but not to sell or attempt to sell any fish farmed;

“farm fish” means a fish declared to be a farm fish under section 39B of the Act;

“licence” means a licence granted pursuant to section 39C (3) of the Act.

[Regulation 27 inserted in Gazette 24 December 1976 p. 5060; amended in Gazette 20 May 1988 p. 1676.]

Application for licence under section 39C

28. (1) A person who desires to obtain a licence shall make application in writing to the Director in a form approved by the Director.

(2) An application shall contain such of the items of information relevant to the type of licence being sought as is requested on the application form.

(3) The Director may require an applicant for a licence to give him such further information in support of the application as the Director thinks is material to the consideration of the application.

(4) An application shall state whether any approval is necessary under the *Local Government Act 1960*, the *Health Act 1911* and the *Town Planning and Development Act 1928* in respect of the place or premises at which the business is to be conducted, and the steps taken or to be taken to obtain such approval.

[*Regulation 28 inserted in Gazette 24 December 1976 p. 5060; amended in Gazette 20 May 1988 p. 1676.*]

[*29. Regulation 29 repealed in Gazette 27 June 1986 p. 2183.*]

Fees for licences for fish farming

30. (1) Subject to regulation 3F and subregulation (2), a fee set out opposite a licence specified in the Table to this regulation is the fee to be paid for the issue, or renewal, of that licence.

(2) In respect of—

- (a) a licence to farm fish and to carry on the business of conducting a fish farm; and
- (b) a licence to farm farm fish and to carry on the business of conducting a fish farm authorizing the holder to sell farm fish of any length to any person,

a person shall only be required to pay the fee in respect of one of those licences if the licences are both held in respect of the one fish farm.

(3) If the fees set out in the Table to this regulation opposite the licences referred to in subregulation (2) differ, the fee to be paid by the person referred to in that subregulation is the fee that is the greater of the 2 fees.

Table

Licence	Fee (\$)
Development licence.....	20
Licence to farm fish and to carry on the business of conducting a fish farm in relation to any species of fish specified on the licence and to sell any of those fish in either or both of the following ways; as is specified in the licence—	
(a) selling the fish of any length to a person who holds a development licence, or a licence to farm fish and to carry on the business of conducting a fish farm, in relation to the species of fish;	
(b) selling the fish of at least the length specified in relation to the species of fish in the Second Schedule to the Act	250
Licence to farm farm fish and to carry on the business of conducting a fish farm authorizing the holder to sell farm fish of any length to any person.....	1 000
Licence to process farm fish	175
Licence to sell to a person who holds a development licence, or a licence to farm fish and to carry on the business of conducting a fish farm, in relation to farm fish, only such of the following descriptions of farm fish taken by the holder of this licence from waters on his property as are specified in the licence—	
(a) any length of farm fish;	
(b) farm fish of at least the length specified in relation to the species of fish in the Second Schedule to the Act	200

Table—*continued*

Licence	Fee (\$)
Licence to bring into the State from any place outside the State for the purpose of stocking a fish farm and to sell to a person who is the holder of—	
(a) a development licence;	
(b) a licence to farm fish and to carry on the business of conducting a fish farm,	
any viable fish or aquatic organism or the eggs, seeds, spores or other source of reproduction, young or offspring of any such fish or aquatic organism	20.

[Regulation 30 substituted in Gazette 20 May 1988 p. 1676.]

Consignment Notes

31. (1) A person who holds a licence under regulation 30 shall forward to the Director a consignment note in the form of Form Y in the Appendix containing the relevant information required to complete the form whenever the person—

- (a) sells, other than on a retail basis, any fish taken under the licence;
- (b) processes any fish taken under the licence; or
- (c) transports any fish taken under the licence from a fish farm to a retail or wholesale outlet.

(2) A separate consignment note under subregulation (1) shall be forwarded in respect of each species of fish sold, processed or transported.

[Regulation 31 substituted in Gazette 20 May 1988 p. 1677.]

Restrictions on sale and processing of farm fish

32. The holder of a licence to process or sell farm fish or to process and sell farm fish—

- (a) shall not process or sell or cause, permit or suffer any farm fish to be processed or sold at any place or premises other than the place or premises specified in his licence;
- (b) shall not sell any farm fish unless—
 - (i) it is wrapped and packed in a manner approved by the Minister;
 - (ii) every such wrapper or package bears an approved marking and also a serial number.

[Regulation 32 inserted in Gazette 24 December 1976 p. 5060.]

Selling of farm fish

33. (1) A person who is in possession of farm fish under a licence but who does not hold a licence to process farm fish shall not sell or otherwise dispose of any farm fish other than to a person—

- (a) he is authorized to sell to under the licence; or

(b) where no person is specified on the licence—

- (i) to a person who holds a development licence in relation to the farm fish;
- (ii) to a person who holds a licence to farm fish and to carry on the business of conducting a fish farm in relation to the farm fish; or
- (iii) to a person who holds a licence to process the farm fish.

(2) A person who does not hold a licence to process farm fish shall sell or otherwise dispose of those fish only as whole and unprocessed fish.

[Regulation 33 substituted in Gazette 20 May 1988 p. 1677.]

Operation of licence to process farm fish

34. A licence to process farm fish granted under Part V of the Act operates as a licence for the purposes of Part IIIB of the Act.

[Regulation 34 inserted in Gazette 24 December 1976 p. 5061.]

Disposal of farm fish when producer not the holder of a licence to process farm fish

33. A person who holds a licence to farm fish or to carry on the business of conducting a fish farm who is not the holder of a licence to process farm fish shall not sell or otherwise dispose of farm fish except to a person who is the holder of a licence and shall not sell or dispose of farm fish even to a licence holder unless the farm fish sold or disposed of are in a whole or unprocessed condition.

[Regulation 33 inserted in Gazette 24 December 1976 p. 5060.]

Operation of licence to process farm fish

34. A licence to process farm fish granted under Part V of the Act operates as a licence for the purposes of Part IIIB of the Act.

[Regulation 34 inserted in Gazette 24 December 1976 p. 5061.]

Transfer of fish farm licence

35. (1) The Director may on application in writing by the licensee and a proposed transferee of the licence, transfer that licence to such transferee by endorsement upon the licence to that effect.

(2) A transfer of a licence pursuant to subregulation (1) has effect for the balance of the period of the licence and the licensee is subject to the same duties, obligations and penalties as if that licence had been originally issued to him.

[Regulation 35 inserted in Gazette 24 December 1976 p. 5061.]

Form of order prohibiting pollution

36. An order pursuant to section 26A of the Act shall be in the form of form X in the Appendix.

[Regulation 36 inserted as regulation 28 in Gazette 21 January 1977 p. 135; renumbered in Gazette 27 January 1978 p. 259.]

APPENDIX

FORMS

Form A Western Australia No.....
Fisheries Act 1905

FISHING BOAT LICENCE

Issued to
Address.....
Place of issue..... Nationality.....
Name of Boat
Registered number..... Length..... Beam.....
Cold storage capacity.....
Method of propulsion kW.....
Value of boat Value of gear
Date of issue19..... Date of expiry.....
Licence fee \$.....

.....
Licensing Officer.

This licence is issued subject to the conditions if any endorsed hereon.

Form A1 Western Australia No.....
Fisheries Act 1905

RENEWAL FISHING BOAT LICENCE

Number.....

Issued to
Address.....
Place of issue
Length of boat..... Registered No.....
Date of issue19..... Date of expiry.....
Licence fee \$.....

.....
Licensing Officer.

This renewal is granted subject to the conditions if any endorsed hereon.

Form A2 Western Australia No.....
Fisheries Act 1905

CARRIER BOAT LICENCE

Issued to
Address.....
Place of issue
Name of Boat
Registered number..... Length..... Beam.....
Cold storage capacity.....
Method of Propulsion..... kW.....
Date of issue19..... Date of expiry.....
Licence fee \$.....

.....
Licensing Officer.

This licence is issued subject to the conditions if any endorsed hereon.



Form B Western Australia No.....
Fisheries Act 1905

PROFESSIONAL FISHERMAN'S LICENCE

Issued to
Address.....
Place of issue
Nationality.....
Date of issue19..... Date of expiry.....
Licence fee \$.....

.....
Licensing Officer.

This licence is issued subject to the conditions if any endorsed hereon.

Form B1

Western Australia
Fisheries Act 1905

RECREATIONAL FISHING LICENCE

.....
(Surname) (other names)
.....
(Address)
Date of Birth: FEE PAID:
PLACE OF ISSUE: DATE OF ISSUE:
EXPIRY DATE: LICENCE No.:
GEAR IDENTIFICATION No.:

The holder of this licence (named above) may—
1. take rock lobster;
2. use a set gill net or a hauling gill net;
3. take marron.

This licence does not authorize the holder to undertake an activity which is crossed through.

.....
Licensing Officer.

Form B2

Fisheries Act 1905

ROCK LOBSTER POT LICENCE

Place of issue Date19.....
Issued to
of
in respect of Licensed Fishing Boat No.....

This licence entitles the holder thereof to take rock lobster for sale or for disposal for gain or reward by means of rock lobster pots to the number of
() .

Every float attached to a rock lobster pot shall be legibly marked or branded with the Identification No.....

This licence remains in force until thesubject to the provisions of the Fisheries Act 1905 and the regulations made thereunder.

Fee Paid \$.....

.....
Licensing Officer.

Form B2(a)

Fisheries Act 1905

PERMIT TO ESTABLISH A PROCESSING ESTABLISHMENT

Place
Date

.....of.....
on behalf of.....
is hereby authorized to establish a Processing Establishment in pursuance of the provisions of section 35C of the *Fisheries Act 1905* at
.....subject to the conditions endorsed on the back hereof.

.....
Director.

Form B3

Western Australia

Fisheries Act 1905

PROCESSORS' LICENCE

This licence is granted to
(name)
of.....in respect of
(address)
the processing establishment.....
(description of processing establishment)
.....under the provisions of section 35CA of
the *Fisheries Act 1905*.

This licence is valid for the period commencing on the 1st day of.....
....., 19..... and ending on the.....
.....

.....
Director.

Form C

Western Australia
Fisheries Act 1905
APPLICATION FOR EXCLUSIVE LICENCE
(under Section 39 of the Act)
(Regulation 20)

I (a) of (b) in the State of Western Australia (c) hereby apply under the provisions of section 39 of the *Fisheries Act 1905* for an exclusive licence to collect, gather, and remove the marine animal life or product of the sea known as (d), upon and subject to the terms and conditions prescribed in the *Fisheries Regulations 1938* and to such other terms and conditions as the Governor may think fit to impose within the following area, that is to say, from the coastal waters of the State within the boundaries of that portion of the foreshore and of the land which being overflowed by the territorial waters of the sea adjoins such portion of the foreshore as defined in the plan or sketch attached hereto, having a frontage to highwater-mark of and an area of square kilometres.

Dated the day of 19.....

To the Director of Fisheries,
Fisheries Department,
Perth.

(e)
Applicant.

(a) Full name. (b) Address. (c) Occupation. (d) Insert common name of product to be gathered, etc. (e) Signature of applicant.

Form D

Western Australia
Fisheries Act 1905
EXCLUSIVE LICENCE
(under Section 39 of the Act)
(Regulation 22)

No.....

KNOW ALL MEN BY THESE PRESENTS that (a) of (b) in the State of Western Australia (c) is hereby authorized, to the exclusion of all other persons, and upon and subject to the provisions of the *Fisheries Act 1905* the *Fisheries Regulations 1938*, and to the conditions imposed thereunder, and to the conditions hereinaftermentioned, to collect, gather, and remove that marine animal life or product of the sea commonly known as (d) from the coastal waters of the State within the boundaries of that portion of the foreshore and of the land which being overflowed by the territorial waters of the sea adjoins such portion of the foreshore, comprising an area of square kilometres with a frontage to highwater-mark of kilometres, as defined in the plan drawn on this licence for the term of years from the, day of 19..... at a yearly rent of dollars: And that this licence is issued to and held by the said (a) upon and subject to the general conditions prescribed by regulation 24 of the *Fisheries Regulations 1938* as published in the *Government Gazette* on the day of 19..... and to the following special conditions, that is to say:—

(e)
.....
.....

Dated the day of 19.....

By order of His Excellency the Governor,

.....
Premier.

(a) Full name of licensee. (b) Address. (c) Occupation. (d) Insert common name of product. (e) Insert any special conditions imposed upon the licensee.

Form E

Western Australia
Fisheries Act 1905

APPLICATION FOR CONSENT TO TRANSFER OR ASSIGNMENT OF AN
EXCLUSIVE LICENCE OR TO A SUB-LICENCE OF AN EXCLUSIVE
LICENCE

(Regulation 25)

To the Director of Fisheries,
Fisheries Department,
Perth.

I (a)of (b)in the State
of Western Australia (c)being the licensee named in
exclusive licence No. (d)dated the (e)day of
19.....issued under the provisions of section 39 of the *Fisheries Act 1905*,
and I (f)of (g)in
the said State (h), being the (i)
of the said exclusive licence, named in the instrument of (j).....
attached hereto, do hereby jointly apply for the consent of the Minister charged with the
administration of the said Act to the said (j)
and for the indorsement of such consent upon the said instrument attached hereto as
aforesaid.

Dated the.....day of19.....

.....
Licensee, Transferee, Assignee, or Sub-licensee.

Received this application at.....o'clock in the.....noon on
theday of 19....., together
with a fee of \$5 and exclusive licence No.....and instrument referred to.

.....
Receiving Officer.

I recommend that the consent of the Minister to the said (j).....
be granted.
refused.

.....
Director of Fisheries.

Consent granted.
refused.

.....
Premier.

Dated.....19.....

Instrument of (j).....with consent of Minister indorsed
thereon, and exclusive licence with memorandum of transfer indorsed thereon, issued
to.....

Dated.....19.....

or,

Instrument of (j).....with consent refused and
exclusive licence not transferred, returned to

Date.....19.....

(a) Full name of licensee. (b) Address. (c) Occupation. (d) Insert No. of licence. (e)
Insert date of issue of licence. (f) Full name of transferee, assignee, or sub-licensee. (g)
Address. (h) Occupation. (i) Transferee, assignee, or sub-licensee, as the case may be. (j)
Transfer, assignment, or sub-licence as the case may be.

Form F

Western Australia

Fisheries Act 1905

TRANSFER OR ASSIGNMENT OF AN EXCLUSIVE LICENCE
 (issued under Section 39 of the Act)
 (Regulation 25)

I (a).....of (b).....in the State of Western Australia (c).....in consideration of (d)hereby transfer (or assign) all my right, title, and interest in the exclusive licence, registered numberissued on the.....day of.....19.....under the provisions of section 39 of the *Fisheries Act 1905*, more particularly described in the schedule hereunder, to (e).....of (f).....in the State of Western Australia(c)..... And I the said (e).....hereby accept such transfer (or assignment) upon and subject to the provisions of the said Act and the conditions relating to the said exclusive licence.

Dated the.....day of.....19.....

Signed by the Transferor, the said (a) }
 }
 in the presence of }

Signed by the Transferee (or Assignee), the said (e)..... }
 }
 in the presence of }

Schedule above Referred to

Register No. and date of issue of licence	Full name, address, and occupation of original licensee	Locality and area of licence	Marine animal life or product of the sea for which licence issued

I, the undersigned, being the Minister charged with the administration of the *Fisheries Act 1905*, hereby consent (or refuse my consent) to the above transfer (or assignment).

Dated the.....day of.....19.....
 (Signature of Minister).....

(a) Full name of licensee. (b) Address. (c) Occupation. (d) Insert amount of consideration. (e) Full name of transferee or assignee. (f) Address.

Form G

FORM OF CONSENT TO TRANSFER, OR ASSIGNMENT, OR SUB-LICENCE OF EXCLUSIVE LICENCE TO BE INDORSED ON INSTRUMENT OF TRANSFER, ASSIGNMENT OR SUB-LICENCE.

(Regulation 26)

I the undersigned, being the Minister charged with the administration of the Fisheries Act 1905, hereby consent to the above instrument of (a)

Dated the.....day of.....19.....

(b)..... Minister.

(a) Transfer, assignment or sub-licence, as the case may require. (b) Signature of Minister.

Form H

MEMORANDUM OF TRANSFER, ASSIGNMENT OR SUB-LICENCE TO BE INDORSED ON LICENCE.

(Regulation 26)

THE within exclusive licence has, pursuant to the consent of the Minister charged with the administration of the Fisheries Act 1905, this day been (a).....by (b).....of (c)..... in the State of Western Australia, the licensee, to (d).....of (e).....in the said State (f).....as the (g).....by virtue of an instrument of (h)..... dated the (i).....day of.....19..... between the said parties, and the said (d).....holds the said exclusive licence, with the rights and subject to the liabilities and obligations of the original licensee.

Dated thisday of19.....

(j)..... Minister.

(a) Transferred, assigned, or sublet, as the case may require. (b) Name of licensee. (c) Address. (d) Full name of transferee, assignee, or sub-licensee. (e) Address. (f) Occupation. (g) Transferee, assignee, or sub-licensee, as the case may require. (h) Transfer, assignment, or sub-licence, as the case may require. (i) Insert date of instrument. (j) Signature of Minister.

Form I

Western Australia

Fisheries Act 1905

(Section 46(2)(a), Regulation 26A)

LICENCE TO TAKE NET OR OTHER IMPLEMENT OVER CLOSED WATERS

No..... Date of Issue.....

Place of Issue.....

In pursuance of the provisions of the Fisheries Act 1905..... of..... is hereby licensed from the date hereof to the....., to take a..... through the closed waters situated at.....

*This licence shall be effective only between the hours of sunrise and sunset.

..... Inspector of Fisheries.

*These words may be deleted, if required.

Form J

Western Australia

Fisheries Act 1905

(Section 49, Regulation 9)

Office of the Inspector of Fisheries,

at.....

Date.....

To Whom it May Concern:

TAKE NOTICE that on the....., a..... was found in closed waters at.....without any person being in actual possession thereof.

After 14 days from the date hereof, I shall take the said..... before a Justice and apply for an order for its condemnation.

In accordance with the provisions of section 49, any person making a claim to ownership may appear before the Justice and make such representations as he may think fit.

..... Inspector of Fisheries.

Form K

Western Australia

Fisheries Act 1905

Consigned or delivered by

(NAME)

(ADDRESS)

L.F.B. No.

Form L

Western Australia
COMMERCIAL TRAWLING PRODUCTION DURING MONTH OF
19.....

Name of Boat Registered Boat No.....
 Fishing Locality

Number of Crew Members (including self if engaged in fishing)
 during Month

L.	No.	T.
----	-----	----

PRAWNS AND SCALLOPS

	Block No.	Average No. of Trawls per Day or Night	Average No. of Hours Trawled per Day or Night	Number of Days or Nights Fished per Month	Office Use		Species	Quantity Landed (kg)
					Total Shots	Total No. of Hours Trawled		
04							King Prawns	
						810	Tiger Prawns	
							811	Banana Prawns
							825	Other Prawns
							838	Scallops

OTHER FISH

	Block No.	Species (Please specify)	Quantity Landed (kg)	Species (Please specify)	Quantity Landed (kg)
97			<input type="checkbox"/>		<input type="checkbox"/>
			<input type="checkbox"/>		<input type="checkbox"/>
				<input type="checkbox"/>	

Buyer's Name.....
 Names of Crew Members Working During Month (include self, if engaged in fishing)....

Remarks.....

.....

 Address Signature of Fisherman-in-Charge.
/...../19.....

Form M

Western Australia

COMMERCIAL FISHERIES PRODUCTION OF INSHORE AND ESTUARINE FISH
DURING MONTH OF 19.....

Name of Boat Registered Boat No.

Fishing Locality

L.	No.
----	-----

Number of Crew Members (including self, if engaged in fishing during month)

HAUL NET AND BEACH SEINE FISHING

Block Number	Total Number of Days Fishing or Searching During Month	Species (Please specify)	Quantity Landed (kg)	Species (Please specify)	Quantity Landed (kg)
(01)	} <input type="checkbox"/> <input type="checkbox"/>
	 <input type="checkbox"/> <input type="checkbox"/>
	 <input type="checkbox"/> <input type="checkbox"/>
	 <input type="checkbox"/> <input type="checkbox"/>
	 <input type="checkbox"/> <input type="checkbox"/>
	 <input type="checkbox"/> <input type="checkbox"/>
	 <input type="checkbox"/> <input type="checkbox"/>

OTHER FISHING METHODS

Block Number	Species (Please specify)	Quantity landed (kg)	Species (Please specify)	Quantity Landed (kg)
(97) <input type="checkbox"/> <input type="checkbox"/>
 <input type="checkbox"/> <input type="checkbox"/>
 <input type="checkbox"/> <input type="checkbox"/>
 <input type="checkbox"/> <input type="checkbox"/>

Buyer's Name.....

Names of Crew Members Working During Month (include self, if engaged in fishing): ...
(Please use block letters)

.....
.....
.....

Remarks.....

.....
.....

Form N

Western Australia
COMMERCIAL FISHERIES PRODUCTION OF DEEP-SEA FISH
 DURING MONTH OF.....19.....

Name of Boat Registered Boat No.
 Fishing Locality.....

Number of Crew Members (including self, if engaged in fishing during month)

L.	No.
----	-----

SNAPPER

Fishing Method	Block Number	Fishing Operations			Quantity Landed (kg)
HAND LINING (09)		Number of Hooks Used	Number of Days Fishing	495	
TRAP FISHING (10)		Number of Traps Used	Number of Days Traps Set	495	

OTHER FISH

	Block Number	Species (Please specify)	Quantity Landed (kg)	Species (Please specify)	Quantity Landed (kg)
(97)	{ <input type="checkbox"/> <input type="checkbox"/>
	 <input type="checkbox"/> <input type="checkbox"/>
	 <input type="checkbox"/> <input type="checkbox"/>

Buyer's Name.....

Names of Crew Members Working During Month (including self, if engaged in fishing):
 (Please use block letters)

.....

REMARKS.....

Form O

Western Australia
COMMERCIAL FISHERIES PRODUCTION OF ROCK LOBSTER
 DURING MONTH OF.....19.....

Name of Boat Registered Boat No.
 Fishing Locality.....

Number of Crew Members (including self, if engaged in fishing during month)

L.	No.
----	-----

ROCK LOBSTER

	Block Number	Average Number of Pots Set for Month	Average Number of Pots Lifted per Day	Number of Days Worked		Quantity Landed (kg)
(02)					785	

OTHER FISH

	Block Number	Species (Please specify)	Quantity Landed (kg)	Species (Please specify)	Quantity Landed (kg)
(97)	{ <input type="checkbox"/>	 <input type="checkbox"/>	
	 <input type="checkbox"/>	 <input type="checkbox"/>	
	 <input type="checkbox"/>	 <input type="checkbox"/>	
	 <input type="checkbox"/>	 <input type="checkbox"/>	

Buyer's Name.....
 Names of Crew Members Working During Month (including self, if engaged in fishing):
 (Please use block letters)

REMARKS.....

.....

 Address Signature of Fisherman-in-Charge.
/...../19.....

Form P

FISH AGENTS AND DEALER'S RETURN

No.

[Fold up and Post]
 [No stamp necessary]

Fish bought or received for sale. FromTo

From whom received	Where caught	Kind of fish	Weight in kg	Number or in Dozens

Business
State whether Dealer, Agent, Hawker, Shop-keeper, etc.

Name
 Address

Form Q

Western Australia
 Fisheries Act 1905
 (Regulation 26G)

RETURN OF FISH CANNING DURING THE MONTH OF
19.....

Name of Firm

Address.....

Sheet 27—

Name of Fisherman from whom Purchased	Locality where Caught	Species—Live Weight			
		Salmon	Ruff or Sea Herring	Tuna	Perth Herring
		kilograms	kilograms	kilograms	kilograms
Total Weight.....					

No. of Tins in Dozens	Number of dozens
Size
.....
.....
TOTAL

Value of Canned Product.....

Number of Employees

Signature.....

Form T

Western Australia

No.....

Fisheries Act 1905

**AUTHORITY TO ENTER A PROCLAIMED
FISHING ZONE**

Place of issue.....Date of Issue.....

In pursuance of the provisions of section 12B of the *Fisheries Act 1905*,of
is hereby authorized to enter in or upon the proclaimed fishing zone at
.....during the period from the.....day of
....., 19..... until the.....day of.....
19..... and no longer subject to the conditions endorsed hereon.

.....

Signature of authorized person

.....
Inspector of Fisheries.

Note.—This authorization is issued subject to the conditions, if any, endorsed on the reverse side hereof and must be produced on demand.

Reverse side of authorization

Conditions to which this authority is subject:—

Form T1

Western Australia

Fisheries Act 1905

**APPLICATION FOR PERMIT TO ESTABLISH A PROCESSING
ESTABLISHMENT**

To the Director of Fisheries,
Fisheries Department,
Perth, W.A.

I.....of.....
on behalf of the.....

(Name of Establishment)

do hereby apply for a permit to establish a processing establishment at.....
.....for the purpose
of processing.....

(species of fish)

Plans and specifications of the proposed establishment are furnished herewith.
Dated at.....this.....
day of.....19.....

.....
Signature of applicant.

Form U

Western Australia
Fisheries Act 1905
APPLICATION FOR PROCESSOR'S LICENCE

To the
Director of Fisheries

I, of
(name) (address)

.....do hereby apply for the grant/renewal
of a processor's licence in respect of the following processing establishment

(Description of processing establishment)

Dated thisday of,
19.....

.....
Signature of applicant.

Form U1

Western Australia
Fisheries Act 1905

Return of fish caught or purchased by
for processing on or in the processing establishment situated at.....
.....for the year ended 30 June 19.....

Species of Fish	Fish Purchased Weight kg	Fish Caught Weight kg
Rock Lobster		
Prawns		
Scallops		
Snapper		
Salmon		
Herring		
Tuna		
Pilchard		
Shark		
Crustacea		
Octopus		
Squid		
Shellfish		
Other Fish		

Dated thisday of, 19.....

.....
Signature of licensee or agent.

Form V

Western Australia

Fisheries Act 1905

APPLICATION FOR TRANSFER OF PROCESSOR'S LICENCE

I,of being the licensee under the processor's licence issued in respect to the processing establishment situated at.....hereby apply, pursuant to the provisions of section 35D of the Fisheries Act 1905 for a transfer of such licence toof

Processor's licence No.and the prescribed fee of \$20 is enclosed.

Dated thisday of19.....

Signed by the said

in the presence of

Witness

Signed by the said

in the presence of

Witness

OFFICE USE ONLY

Received this application aton the day of19..... with fee of \$20.

Application Approved / Refused

Transfer No.....

..... Director.

Form V1

Western Australia

Fisheries Act 1905

ENDORSEMENT OF TRANSFER OF PROCESSOR'S LICENCE

Transfer No..... The within licence is totally transferred to..... of.....

Dated the.....day of19.....

..... Director.

Form V2

Western Australia
Fisheries Act 1905

APPLICATION FOR REMOVAL OF PROCESSOR'S LICENCE

I,of
on behalf ofbeing
the licensee under the processor's licence issued in respect to the processing establishment
situated at
.....hereby apply, pursuant to the provisions of section 35E of the
Act, for the removal of such licence to the processing establishment situated at
.....
Processor's licence No..... and the prescribed fee of \$20
is enclosed.

Dated thisday of19.....

Signed by the said

.....
in the presence of

.....
Witness.

OFFICE USE ONLY

Received this application aton the
.....day of19..... with fee of \$20.
Receipt No.....

.....
Director.

Application Approved

Refused

Removal No.....

.....
Director.

Form V3

Western Australia
Fisheries Act 1905

ENDORSEMENT OF REMOVAL OF PROCESSOR'S LICENCE

Removal No..... The within licence is removed to the
processing establishment situated at

Dated the.....day of19.....

.....
Director.

.....

Form W

Western Australia
Fisheries Act 1905

CERTIFICATE OF APPOINTMENT

This is certify that
(name)

the holder of this certificate of appointment, is appointed as *
.....pursuant to section 5 of the *Fisheries Act 1905*
and is authorized to carry out the duties set out in this certificate in the parts of the State
specified herein.

DUTIES

Parts of the State.

Director of Fisheries.

The holder of this certificate of appointment shall produce this certificate whenever
required so to do by any person in respect of whom he has exercised or is about to exercise
any of his powers.

*Specify type of appointment or engagement.

Form X

Western Australia
Fisheries Act 1905
ORDER
(Under Section 26A)

TO:

ADDRESS:.....

I,, the Minister for Fisheries,
being of the opinion that the following activity namely.....

.....
is likely, or if undertaken would be likely, to introduce into any waters, land or air any
substance which might have a serious effect, whether at once or in the longer term, on any
adjacent aquatic environment or the fish, aquatic plant or animal life therein: **HEREBY
PROHIBIT** you, or any person under your control, from undertaking, or to undertake the
activity of.....

This order has effect

*[for a specified period/or until varied or revoked by another order.]

Dated thisday of, 19.....

.....
Minister for Fisheries.

**Insert whichever is applicable.*

Form Y

Western Australia
 Fisheries Act 1905
 (Regs. 3C and 3I)

FRESHWATER CRUSTACEAN CONSIGNMENT NOTE

Note No. Date of Consignment

Consigner.....Licence No.....
 (Name)

Address.....
 Owner of Property/Premises Consigning Product.....
 (Name)

Address.....
 Species Consigned.....Specify—Marron, Koonac, Yabby, Cherabin, etc.
 Weight Consigned.....kg and/or Number Consigned

Consignment Destination
 Name of Purchaser

Address.....
 Tick purpose of sale if known

Tick purpose of sale	Retail Sale	Processor or Wholesale	Stocking Purposes
Tick Size Class	0+	Undersize	Legal Size

.....
 (Signature of consignor)

[Appendix amended in Gazettes 21 April 1941 p. 543; 31 October 1941 pp. 1586-87; 16 December 1949 pp. 3294-95; 5 May 1950 p. 970; 12 May 1950 pp. 1070-71; 7 August 1953 p. 1486; 18 November 1960 p. 3583; 9 November 1961 p. 3119; 3 September 1963 pp. 2662-66; 8 February 1965 p. 487; 16 December 1965 pp. 4164-67; 17 December 1969 pp. 4108-09; 5 October 1973 pp. 3661-62; 18 April 1975 pp. 1166-67; 22 October 1975 pp. 3927-30; 5 December 1975 p. 4374; 24 December 1976 p. 5061; 21 January 1977 p. 135; 4 July 1980 p. 2121; 16 October 1981 p. 4323; 22 February 1985 p. 673; 27 June 1986 p. 2183; 1 August 1986 pp. 2741-43; 28 November 1986 p. 4390; 5 June 1986 p. 2281; 28 August 1987 p. 3440; 20 May 1988 p. 1677 and p. 1678.]

NOTES

- ¹. This reprint is a compilation at 15 September 1988 of the *Fisheries Regulations 1938* and includes all amendments in the reprint published in the Gazette on 19 May 1977 and all amendments effected by the other regulations referred to in the following Table.

Table of Regulations

Regulations	Gazettal	Commencement	Miscellaneous
<i>Fisheries Act Regulations</i> (Regulations effecting amendments included in the previous reprint are not referred to in this Table)	6 May 1938 pp. 648-54	6 May 1938	
<i>Amendment Regulations</i>	24 December 1976 pp. 5060-61	24 December 1976	
<i>Amendment Regulations</i>	21 January 1977 p. 135	21 January 1977	
<i>Amendment Regulations</i>	1 April 1977 pp. 924-25	1 April 1977	
<i>Amendment Regulations</i>	27 January 1978 pp. 258-59	27 January 1978	
<i>Amendment Regulations</i>	21 July 1978 pp. 2641-42	21 July 1978	
<i>Amendment Regulations</i>	13 October 1978 p. 3707	13 October 1978	
<i>Amendment Regulations</i>	3 November 1978 p. 4165	3 November 1978	
<i>Amendment Regulations</i>	1 December 1978 p. 4514	1 December 1978	
<i>Amendment Regulations</i>	19 January 1979 pp. 134-35	19 January 1979	
<i>Amendment Regulations</i>	23 March 1979 p. 789	23 March 1979	
<i>Amendment Regulations</i>	29 June 1979 p. 1779	29 June 1979	
<i>Amendment Regulations</i>	11 April 1980 p. 1073	11 April 1980	
<i>Amendment Regulations</i>	4 July 1980 p. 2121	4 July 1980	
<i>Fisheries Act Amendment Regulations 1980</i>	28 November 1980 p. 4036	28 November 1980	
<i>Fisheries Act Amendment Regulations 1981</i>	6 March 1981 p. 900	6 March 1981	
<i>Fisheries Act Amendment Regulations (No.2) 1981</i>	29 May 1981 p. 1620	29 May 1981	
<i>Fisheries Act Amendment Regulations (No.3) 1981</i>	16 October 1981 pp. 4322-23	16 October 1981	
<i>Fisheries Act Amendment Regulations 1982</i>	26 February 1982 p. 640	26 February 1982	
<i>Fisheries Act Amendment Regulations (No.2) 1982</i>	9 July 1982 p. 2479	9 July 1982	
<i>Fisheries Amendment Regulations 1983</i>	7 October 1983 pp. 4073-74	15 November 1983	
<i>Fisheries Amendment Regulations (No.2) 1983</i>	25 November 1983 pp. 4671-72	25 November 1983	
<i>Fisheries Amendment Regulations 1984</i>	15 June 1984 p. 1635	15 June 1984	
<i>Fisheries Amendment Regulations (No.3) 1984</i>	12 October 1984 p. 3276	12 October 1984	
<i>Fisheries Amendment Regulations (No. 2) 1984</i>	2 November 1984 pp. 3523-24	2 November 1985	
<i>Fisheries Amendment Regulations 1985</i>	22 February 1985 pp. 671-73	22 February 1985	
<i>Fisheries Amendment Regulations (No.2) 1985</i>	19 July 1985 p. 2492	19 July 1985	
<i>Fisheries Amendment Regulations (No.3) 1985</i>	19 July 1985 p. 2493	1 January 1986	
<i>Fisheries Amendment Regulations (No.5) 1985</i>	22 November 1985 p. 4403	22 November 1985	

Regulations	Gazettal	Commencement	Miscellaneous
<i>Fisheries Amendment Regulations (No. 7) 1985</i>	6 December 1985 p. 4533	6 December 1985	
<i>Fisheries Amendment Regulations 1986</i>	18 April 1986 p. 1437	18 April 1986	
<i>Fisheries Amendment Regulations (No. 2) 1986</i> (Erratum in <i>Gazette</i> 11 July 1986 p. 2342)	27 June 1986 pp. 2180-83	1 July 1986	Regulation 24, transitional provisions ³
<i>Fisheries Amendment Regulations (No. 3) 1986</i>	1 August 1986 pp. 2740-43	1 August 1986	
<i>Fisheries Amendment Regulations (No. 4) 1986</i>	1 August 1986 pp. 2743-44	1 August 1986	
<i>Fisheries Amendment Regulations (No. 5) 1986</i>	28 November 1986 pp. 4389-90	28 November 1986	
<i>Fisheries Amendment Regulations 1987</i>	27 February 1987 pp. 503-04	27 February 1987	
<i>Fisheries Amendment Regulations (No. 2) 1987</i>	27 March 1987 pp. 1000-01	27 March 1987	
<i>Fisheries Amendment Regulations (No. 3) 1987</i>	27 March 1987 p. 1001	1 July 1987	
<i>Fisheries Amendment Regulations (No. 4) 1987</i>	15 May 1987 pp. 2122-23	15 May 1987	
<i>Fisheries Amendment Regulations (No. 5) 1987</i>	15 May 1987 p. 2123	1 July 1987	
<i>Fisheries Amendment Regulations (No. 6) 1987</i>	5 June 1987 p. 2280	1 January 1988	
<i>Fisheries Amendment Regulations (No. 7) 1987</i>	5 June 1987 pp. 2280-81	1 July 1987	
<i>Fisheries Amendment Regulations (No. 8) 1987</i>	28 August 1987 pp. 3439-40	28 August 1987	
<i>Fisheries Amendment Regulations (No. 9) 1987</i>	30 October 1987 p. 4000	30 October 1987	
<i>Fisheries Amendment Regulations 1988</i>	25 March 1988 p. 908	25 March 1988	
<i>Fisheries Amendment Regulations (No. 2) 1988</i>	15 April 1988 p. 1182	15 April 1988	Regulation 3(2), object and transitional provision ²
<i>Fisheries Amendment Regulations (No. 3) 1988</i>	20 May 1988 pp. 1675-77	20 May 1988	
<i>Fisheries Amendment Regulations (No. 4) 1988</i>	20 May 1988 p. 1678	20 May 1988	
<i>Fisheries Amendment Regulations (No. 5) 1988</i>	20 May 1988 pp. 1678-79	1 July 1988	
<i>Fisheries Amendment Regulations (No. 6) 1988</i>	17 June 1988 p. 1952	1 July 1988	
<i>Fisheries Amendment Regulations (No. 7) 1988</i>	26 August 1988 pp. 3295-96	26 August 1988	

². Headings forming part of the regulations were repealed by the *Fisheries Amendment Regulations (No. 2) 1988*. Regulation 3 of those regulations reads as follows—

Headings deleted

- “ 3. (1) The principal regulations are amended by deleting the headings that—
 (a) precede regulations and groups of regulations; and
 (b) form part of the regulations.

(2) The object of subregulation (1) is to facilitate the reprinting of the principal regulations under the *Reprints Act 1984* and the principal regulations as in force before the commencement of subregulation (1) shall continue to have effect until the day as at which the principal regulations are first reprinted under that Act after that commencement. ”.

3. Regulation 24 of the *Fisheries Amendment Regulations (No.2) 1986* reads as follows—

Amateur and inland fisherman's licences issued prior to 1 July 1986

“ 24. (1) An amateur fisherman's licence issued prior to 1 July 1986 shall, until the expiry date specified on that licence by a licensing officer, be deemed to be a recreational fishing licence issued under the amendment regulations specifying that the holder may—

- (a) take rock lobster; and
- (b) use a set gill net or a hauling gill net.

(2) An inland fisherman's licence issued prior to 1 July 1986 shall, until the expiry date specified on that licence by a licensing officer, be deemed to be a recreational fishing licence issued under the amended regulations specifying that the holder may take marron.

(3) For the purpose of regulations 12G (2)(b) and 14E (1)(b)(ii) of the amended regulations the licence number of an amateur fisherman's licence issued prior to 1 July 1986 shall, until the expiry date specified on that licence by a licensing officer, be deemed to be the gear identification number endorsed on a recreational fishing licence under regulation 3A of the amended regulation.

(4) In this regulation “amended regulations” means the principal regulations as amended by these regulations. ”.