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FISH RESOURCES MANAGEMENT ACT 1994

**FISH RESOURCES MANAGEMENT REGULATIONS (No. 8) 1997**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Fish Resources Management Regulations (No. 8) 1997*.

**Principal regulations**

2. In these regulations the *Fish Resources Management Regulations 1995\** are referred to as the principal regulations.

[\* *Published in Gazette 29 September 1995, pp. 4503-635.*  
*For amendments to 22 December 1997 see 1996 Index to Legislation of Western Australia, Table 4, p. 88, and Gazette 27 March, 4 July, 12 and 30 September and 5 December 1997.*]

**Part 4, Division 7A, inserted**

3. Part 4 of the principal regulations is amended by inserting after regulation 55 the following Division —

“

***Division 7A — Requirements relating to automatic location communicators***

**Interpretation**

55A. In this Division —

“**approved**” means approved by the Executive Director;

“**approved person**” includes a person who is a member of an approved class of persons;

“**automatic location communicator**” means —

- (a) a device the make and model of which identify it as one of the following —
  - (i) Trimble Navigation TNL 7001;

(ii) Thrane & Thrane TT 3020B Capsat Maritime Inmarsat – C/GPS; or

(iii) Thrane & Thrane TT 3022D Inmarsat – C/GPS Fishery Capsat;

and

(b) a computer (including software) conforming to approved specifications that is capable of facilitating the operation of that device;

**“licence holder”** means the holder of a fishing boat licence.

#### **Automatic location communicator to be installed and serviced**

**55B.** (1) The Executive Director may, by notice in writing given to a licence holder, require the licence holder –

(a) to have installed in the fishing boat in respect of which the licence is held –

(i) in accordance with approved procedures; and

(ii) by an approved person,

an automatic location communicator that is capable of transmitting to the Executive Director at any time accurate information as to the geographical position, course and speed of the fishing boat; and

(b) to have the automatic location communicator serviced –

(i) in accordance with approved procedures;

(ii) by an approved person; and

(iii) at intervals specified by the Executive Director in the notice or any further notice in writing given to the licence holder.

(2) If notice is given to a licence holder under subregulation (1), it is a condition of the fishing boat licence that the licence holder must comply with the notice.

#### **Master of fishing boat to ensure effective operation, etc., of automatic location communicator**

**55C.** (1) In this regulation –

**“an ALC fishing boat”** means a fishing boat in which an automatic location communicator has been installed in accordance with regulation 55B or a management plan.

(2) The master of an ALC fishing boat must ensure that the automatic location communicator is operating effectively at all times or, if

the automatic location communicator stops operating effectively, must ensure that —

- (a) the Executive Director is notified accordingly;
- (b) all fishing undertaken from the fishing boat stops and all fishing gear is stowed until the Executive Director authorizes fishing to continue; and
- (c) any directions given by the Executive Director (such as a direction that the fishing boat go to a port specified in the direction) are complied with.

Penalty: \$10 000.

(3) The master of an ALC fishing boat must ensure that the automatic location communicator is tested in the manner and at the times specified by the Executive Director by notice in writing given to the master.

Penalty: \$10 000.

- (4) The master of an ALC fishing boat must ensure —
  - (a) that there is on board the fishing boat a means of communication that is capable of providing communication between the master of the fishing boat and the Executive Director at all times; and
  - (b) that the Executive Director is notified of the appropriate form of identification (such as a radio call sign) that enables the master of the fishing boat to be contacted by that means of communication.

Penalty: \$10 000.

**Interfering, etc., with automatic location communicator or approved seal**

**55D.** (1) Subject to subregulation (2), a person must not wilfully interfere with, damage, destroy or remove —

- (a) an automatic location communicator installed in accordance with regulation 55B or a management plan; or
- (b) a seal of the Department that has been attached in an approved manner to the automatic location communicator.

Penalty: \$10 000.

(2) Subregulation (1) does not apply to an approved person installing or servicing an automatic location communicator in accordance with approved procedures for the purposes of regulation 55B.

**Regulation 152 amended**

4. Regulation 152 (2) (b) of the principal regulations is amended by deleting "12.50129" " and substituting the following —

" 12.50129' A".

By Command of the Lieutenant-Governor  
and deputy of the Governor,

ROD SPENCER, Clerk of the Executive Council.

