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FISH RESOURCES MANAGEMENT ACT 1994

**FISH RESOURCES
MANAGEMENT AMENDMENT
REGULATIONS (No. 4) 2000**

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 4) 2000

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 4) 2000*.

2. The regulations amended

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

[* Reprinted as at 2 June 2000; correction in Gazette 11 August 2000.
For amendments to 19 December 2000 see Gazette 25 August, 8 and 26 September, 6 and 24 October and 3 November 2000.]

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3. **Part 4 Division 5C inserted**

After regulation 38F the following Division is inserted —

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Division 5C — Requirements regarding marron

Subdivision 1 — Interpretation

38G. Interpretation

In this Division —

“**closed season**” means the period that begins at midday on the last day of February in each year and ends at midday on the first Saturday after the following 3 January;

“**marron drop net**” means a net that —

- (a) has a base ring and top ring that have a diameter of not less than 400 mm and not more than 650 mm;
 - (b) has within the base ring an internal rigid rectangular mesh —
 - (i) constructed of material that has a diameter of not more than 5 mm; and
 - (ii) with spaces that have a width of not less than 32 mm and a length of not less than 80 mm;
- and
- (c) does not have anything attached to it or placed in it that —
 - (i) restricts the movement of marron through the mesh; or
 - (ii) reduces the size of the spaces of the mesh;

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“marron pole snare” means a snare that —

- (a) is constructed of a pole to one end of which is attached a noose that, when the pole is used to take a marron, operates by closing under the weight of the marron; and
- (b) does not have anything attached to the pole that enables a person to open or close the noose;

“marron scoop net” means a net that —

- (a) is generally hemispherical and has a mesh —
 - (i) constructed of wire with a diameter of not more than 5 mm;
 - (ii) that does not have more than 75 spaces; and
 - (iii) that does not have more than 6 support wires radiating from the centre of the base to the top rim;
- (b) has a circular top ring with an internal diameter that does not exceed 375 mm;
- (c) has an internal depth that, measured from the plane of the rim, is not more than 210 mm;
- (d) does not have anything attached to it or placed in it that restricts the movement of marron through the mesh; and
- (e) is fitted with a handle that is not more than 1 400 mm in length.

Subdivision 2 — General restrictions on fishing for marron**38H. Use of nets and snares to fish for marron**

Subject to regulation 38I, a person must not fish for marron by using —

- (a) more than 6 marron drop nets;

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- (b) more than a single marron pole snare; or
- (c) more than a single marron scoop net.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

38I. Use of marron pole snare only to fish for marron in certain waters

- (1) A person must not fish for marron in the waters to which subregulation (2) applies by using anything except a single marron pole snare.

Penalty: for a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

- (2) This subregulation applies to the waters —
 - (a) of the Shannon River downstream of the Shannon River Dam;
 - (b) of the Warren River within the Warren National Park;
 - (c) of the Harvey River, including its tributaries, upstream of the Harvey Falls;
 - (d) of Harvey Weir and the Harvey River upstream of the Harvey Weir wall and downstream of the Stirling Dam wall, including the tributaries flowing into those waters;
 - (e) upstream of the Wellington Dam wall, including the tributaries flowing into those waters but not including the waters of the Collie River upstream of the Mungalup Road Bridge;

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- (f) upstream of the Samson Dam wall, including the tributaries flowing into those waters; and
- (g) subject to regulation 38J, of the Margaret River, including its tributaries.

38J. Fishing for marron in certain Margaret River waters

A person must not fish for marron in the Margaret River within the area that begins 50 m upstream of the Bussell Highway Bridge and ends 50 m downstream of that bridge.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

38K. Use of boats, and swimming and diving, to fish for marron

A person must not fish for marron —

- (a) by using a boat; or
- (b) by swimming, or diving, while using a face mask, goggles, a snorkel, flippers or similar gear.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

38L. Use of boats to transport marron nets

A person must not use a boat in WA waters to transport a marron drop net or marron scoop net.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

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Subdivision 3 — Closed season restrictions relating to marron**38M. Closed season for fishing for marron**

A person must not fish for marron during the closed season.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

38N. Removal of marron during closed season from private land

- (1) A person must not —
 - (a) remove any marron; or
 - (b) cause or permit any marron to be removed,during the closed season from private land owned or occupied by the person.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.
- (2) It is a defence in proceedings for an offence against subregulation (1) for the person charged to prove that the marron removed from private land owned or occupied by the person —
 - (a) had been sold by retail to the public; or
 - (b) had been kept, bred, hatched or cultured in accordance with an aquaculture licence.

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r. 4**380. Possession of marron during closed season**

- (1) A person must not be in possession of any marron during the closed season except on private land owned or occupied by the person.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

- (2) It is a defence in proceedings for an offence against subregulation (1) for the person charged to prove that the marron in his or her possession —
- (a) had been sold by retail to the public, or were at any place for the purpose of being sold by retail to the public, or served as meals to the public, in, on or from the place;
 - (b) were being, or had been, kept, bred, hatched or cultured in accordance with an aquaculture licence; or
 - (c) were at a place specified in a fish processor's licence under section 83(2) of the Act for the purpose of being processed in accordance with the licence.

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4. Part 4 Division 7B inserted

After regulation 55D the following Division is inserted —

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Division 7B — Requirements regarding fishing gear in certain waters**55E. Interpretation**

The definitions in regulation 38G of “marron drop net”, “marron pole snare” and “marron scoop net” apply for the purposes of this Division.

55F. Restriction on possession of fishing gear

- (1) Subject to this Division, a person to whom subregulation (2) applies must not be in possession of anything capable of taking fish other than —
 - (a) a single marron scoop net or a single marron pole snare or not more than 6 marron drop nets;
 - (b) a single rod, reel and line or a single hand-held line; and
 - (c) a landing net.

Penalty: for a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

- (2) This subregulation applies to a person who is in or on, or within 50 m of, the waters of —
 - (a) Waroona Dam, Drakesbrook Dam, Logue Brook Dam, Glen Mervyn Dam or Big Brook Dam;
 - (b) Stirling Dam and the Harvey River upstream of the Stirling Dam wall and downstream of the Harvey Falls, including the tributaries flowing into those waters; or
 - (c) the Blackwood River upstream of the Alexandra Bridge, the Donnelly River or,

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subject to subregulation (4)(b), the Warren River, including the tributaries flowing into those waters.

- (3) A person to whom subregulation (4) applies must not be in possession of anything capable of taking fish other than —
- (a) a single marron pole snare;
 - (b) a single rod, reel and line or a single hand-held line; and
 - (c) a landing net.

Penalty: for a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

- (4) This subregulation applies to a person who is in or on, or within 50 m of, the waters —
- (a) of the Shannon River downstream of the Shannon River Dam;
 - (b) of the Warren River within the Warren National Park;
 - (c) of the Harvey River, including its tributaries, upstream of the Harvey Falls;
 - (d) of Harvey Weir and the Harvey River upstream of the Harvey Weir wall and downstream of the Stirling Dam wall, including the tributaries flowing into those waters;
 - (e) upstream of the Wellington Dam wall, including the tributaries flowing into those waters but not including the waters of the Collie River upstream of the Mungalup Road Bridge;
 - (f) upstream of the Samson Dam wall, including the tributaries flowing into those waters; or

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(g) of the Margaret River, including its tributaries but not including the waters to which subregulation (5) applies.

- (5) This subregulation applies to the waters of the Margaret River within the area that begins 50 m upstream of the Bussell Highway Bridge and ends 50 m downstream of that bridge.

55G. Restriction on use of landing net in certain waters

A person must not use a landing net in any of the waters to which regulation 55F(2), (4) or (5) applies unless the net —

- (a) has a handle that is not more than 500 mm in length; and
- (b) is used only for the purpose of landing teleost fish taken by means of a single rod, reel and line or a single hand-held line.

Penalty: for a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

55H. Restriction on possession of fishing gear at Logue Brook Dam

- (1) On and from 1 January 2001, a person to whom subregulation (2) applies must not be in possession of anything capable of taking fish other than —
- (a) a single marron pole snare;
- (b) a single rod, reel and line or a single hand-held line; and
- (c) a landing net.

Penalty: for a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

- (2) This subregulation applies to a person who is in or on, or within 50 m of, the waters of Logue Brook Dam.

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r. 4**55I. Restriction on possession of fishing gear at Waroona Dam**

- (1) On and from 1 January 2002, a person to whom subregulation (2) applies must not be in possession of anything capable of taking fish other than —
 - (a) a single marron pole snare;
 - (b) a single rod, reel and line or a single hand-held line; and
 - (c) a landing net.

Penalty: for a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

- (2) This subregulation applies to a person who is in or on, or within 50 m of, the waters of Waroona Dam.

55J. Restriction on possession of fishing gear at Glen Mervyn Dam

- (1) On and from 1 January 2003, a person to whom subregulation (2) applies must not be in possession of anything capable of taking fish other than —
 - (a) a single marron pole snare;
 - (b) a single rod, reel and line or a single hand-held line; and
 - (c) a landing net.

Penalty: for a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

- (2) This subregulation applies to a person who is in or on, or within 50 m of, the waters of Glen Mervyn Dam.

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55K. Restriction on possession of fishing gear at Drakes Brook Dam

- (1) On and from 1 January 2004, a person to whom subregulation (2) applies must not be in possession of anything capable of taking fish other than —
 - (a) a single marron pole snare;
 - (b) a single rod, reel and line or a single hand-held line; and
 - (c) a landing net.

Penalty: for a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

- (2) This subregulation applies to a person who is in or on, or within 50 m of, the waters of Drakes Brook Dam.

55L. Restriction on possession of fishing gear at Big Brook Dam

- (1) On and from 1 January 2005, a person to whom subregulation (2) applies must not be in possession of anything capable of taking fish other than —
 - (a) a single marron pole snare;
 - (b) a single rod, reel and line or a single hand-held line; and
 - (c) a landing net.

Penalty: for a first offence \$5 000 or, for a second or subsequent offence, \$10 000.

- (2) This subregulation applies to a person who is in or on, or within 50 m of, the waters of Big Brook Dam.

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5. Regulation 156 amended

The Table to regulation 156 is amended after “38C,” by inserting —

“ 38H, 38I(1), 38J, 38K, 38M, 38N(1), 38O(1), ”.

6. Schedule 12 amended

Schedule 12 Part 2 is amended after item 4 by inserting the following item —

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- 5. Regulations 38H, 38I(1), 38J, 38K, 38L, 38M, 38N(1), 38O(1), 55F(1), 55F(3), 55G, 55H(1), 55I(1), 55J(1), 55K(1) and 55L(1). 400

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By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

