
FISHERIES

FI301*

Fish Resources Management Act 1994

**Fish Resources Management Amendment
Regulations 2016**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

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

4. Regulations 22A and 22B inserted

At the beginning of Part 4 Division 5 insert:

22A. Term used: gear identification float

In this Division —

gear identification float means a surface float attached to a rock lobster pot that is marked with a gear identification number.

22B. Persons taken to be using rock lobster pots

In any proceedings for an offence under this Division, if a rock lobster pot that is being used to fish for rock lobster has attached to it one or more gear identification floats, each person whose gear identification number is marked on any of the gear identification floats is, in the absence of proof to the contrary, to be taken to be using the pot to fish for rock lobster.

5. Regulation 32 amended

- (1) In regulation 32(1)(b) delete “licenced” (each occurrence) and insert:

licensed

- (2) In regulation 32(1) delete the Penalty and insert:

Penalty for this subregulation: a fine of \$5 000.

- (3) After regulation 32(1) insert:

- (1A) A person must not use a rock lobster pot to fish for rock lobster if there are more than 2 gear identification floats attached to the pot.

Penalty for this subregulation: a fine of \$5 000.

- (1B) A person does not commit an offence under subregulation (1A) if, at the time the person attached the person’s gear identification float to the rock lobster pot, no more than one other gear identification float was attached to the pot.

- (1C) If a rock lobster pot is on a boat or in the water, a person must not remove a gear identification float from the pot unless the float is marked with that person’s gear identification number.

Penalty for this subregulation: a fine of \$5 000.

Note: The heading to amended regulation 32 is to read:

Requirements for rock lobster pot floats

6. Schedule 2 amended

(1) In Schedule 2 Part 2 Division 5 delete:

Class of fish	If of a length greater than the length specified in respect of each class of fish (mm)
Rock Lobster, Western, female — (a) taken; or (b) brought ashore, from the waters of zone 1 of the South Coast Crustacean Managed Fishery (as defined in the <i>South Coast Crustacean Managed Fishery Management Plan 2015</i>) otherwise than in accordance with the appropriate managed fishery licence	115

(2) In Schedule 2 Part 3 delete:

Western Rock Lobster, female and in excess of 105 mm in length, taken from the waters between 30° and 34° 24' south latitude but excluding all waters on the south coast which are east of 115° 08.091' east longitude.

Western Rock Lobster, female and in excess of 95 mm in length, taken from the waters between 21° 44' and 30° south latitude.

7. Schedule 3 amended

In Schedule 3 Part 5 in the item relating to Rock Lobster, all species delete “8” and insert:

8 (including no more than 4 Tropical Rock Lobsters)

8. Schedule 12 amended

In Schedule 12 Part 2 item 4:

- (a) delete “16GA,” and “31(4),”;
- (b) after “31A(1),” insert:

32(1A), 32(1C),

K. H. ANDREWS, Clerk of the Executive Council.