
FISHERIES

FI301*

Fish Resources Management Act 1994

**Fish Resources Management Amendment
Regulations (No. 4) 2015**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 4) 2015*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

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

4. Regulation 12 amended

- (1) At the end of regulation 12(1) insert:

Penalty: In the case of an individual, \$3 000 or, in the case of a body corporate, \$6 000.

- (2) At the end of regulation 12(2) insert:

Penalty: In the case of an individual, \$3 000 or, in the case of a body corporate, \$6 000.

- (3) Delete regulation 12(3) and insert:

- (3) A person, other than the holder of a commercial fishing licence, who takes any totally protected fish that is a crab must not, by any means, take any further crab until the crab is released into the water from which it was taken.

Penalty: In the case of an individual, \$3 000 or, in the case of a body corporate, \$6 000.

- (4) At the end of regulation 12 delete the Penalty.

5. Regulation 16E amended

After regulation 16E(3C) insert:

- (3D) The master of a charter boat does not commit an offence under subregulation (3C)(c)(ii) if —
- (a) there are 10 or more persons on the charter boat; and
 - (b) there are no more than 20 mud crabs (brown and green combined) on or attached to the boat and any tender or other vessel operating with or attached to the boat.

6. Part 4 Division 5A heading amended

In the heading to Part 4 Division 5A delete “**deep sea**”.

7. Regulation 38DA inserted

At the end of Part 4 Division 5A insert:

38DA. Possession of parts of raw crab other than deep sea crab

A person must not possess a part only of a raw crab that is not a deep sea crab unless the part is prepared, or being prepared, for immediate consumption.

Penalty:

- (a) in the case of an individual — a fine of \$5 000 and the penalty provided in section 222 of the Act; or

- (b) in the case of a body corporate — a fine of \$10 000 and the penalty provided in section 222 of the Act.

8. Regulation 64 amended

- (1) In regulation 64(1A) delete the definition of *person engaged for a commercial purpose in an activity*.
- (2) In regulation 64(1A) insert in alphabetical order:

responsible person, in relation to an activity, means —

- (a) if the activity is carried out under a commercial fishing licence —
 - (i) using a boat which has a master — the master of the boat; or
 - (ii) otherwise — the holder of the authorisation under which the activity is carried out;
- or
- (b) otherwise — the person who engages in the activity;

- (3) In regulation 64(1) before “person” insert:

responsible

9. Regulation 64L amended

- (1) Before regulation 64L(1) insert:

- (1A) In this regulation —

charter boat means a boat that is used to conduct a fishing tour for a commercial purpose in accordance with a fishing tour operator’s licence.

- (2) In regulation 64L(2) after “fishing boat” insert:

or a charter boat

- (3) After regulation 64L(2) insert:

- (3AA) The master of a charter boat with fewer than 10 people on board must not use, or cause or permit to be carried on the boat, more than 10 drop nets in any one day.

- (3AB) The master of a charter boat with 10 or more people on board may carry up to 20 drop nets at any one time, but must not use more than 10 drop nets in any one day.
- (3AC) If a charter boat has smaller tender boats that use the charter boat as a primary boat —
- (a) the charter boat is to be used to calculate the total number of drop nets that may be used or carried as a part of that charter boat's fishing tour for the purposes of subregulations (3AA) and (3AB); and
 - (b) the master of the charter boat must not use, or cause or permit to be carried on any single tender boat, more than 10 drop nets in any one day.

10. Regulation 64OB amended

In regulation 64OB(2)(c) delete "mullet." and insert:

mullet or garfish.

11. Regulation 64QA inserted

After regulation 64P insert:

64QA. Use of fishing nets in Gascoyne Region

- (1) In this regulation —
- attend*, in relation to a net, means to be within 100 m of the net.
- (2) A person who fishes using a set fishing net in the Gascoyne Region must —
- (a) attend the net; and
 - (b) remove the net from the water and clear it of fish at intervals of not more than one hour.

Penalty: a fine of \$2 000.

12. Regulation 128MA amended

- (1) Before regulation 128MA(1) insert:

- (1A) In this regulation —
- current identification sticker*, in relation to a boat, means the identification sticker for the boat issued to the holder of a fishing tour operator's licence or a

restricted fishing tour operator's licence at the later of the following times —

- (a) the time the licence was granted;
- (b) the time the licence was last renewed.

- (2) In regulation 128MA(2) delete “in such manner as the CEO specifies in a written notice given to the holder of the licence.” and insert:

by affixing the current identification sticker for the boat to the wheel house or another prominent position on the boat.

13. Schedule 3 amended

In Schedule 3 Part 5 delete “Prawns, Western School and Western King” and insert:

Prawns

14. Schedule 7 amended

In Schedule 7 Division 3 in the item relating to Crab, Blue Manna (Blue Swimmer) delete “*pelagicus*” and insert:

armatus

15. Schedule 12 amended

- (1) In Schedule 12 Part 1 item 2 after paragraph (b) insert:

(ca) category 1 fish for which there is no bag limit 400.00

- (2) In Schedule 12 Part 2 item 3 delete “14(1), 14(3),”.

- (3) In Schedule 12 Part 2 item 4:

- (a) after “12(1) and (2),” insert:

14(1), 14(3),

- (b) after “38C,” insert:

38DA,

- (c) delete “38D(2),”;

(d) after "64P," insert:

64QA,

(4) In Schedule 12 Part 2 item 5 after "16E(3E)," insert:

38D(2),

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