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Fish Resources Management Act 1994

## Fish Resources Management Amendment Regulations (No. 2) 2013

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 2) 2013*.

### 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 1 February 2013.

### 3. Regulations amended

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

### 4. Regulation 3 amended

In regulation 3(1) delete the definition of *special risk finfish*.

***Fish Resources Management Amendment Regulations (No. 2) 2013*****r. 5****5. Regulation 14A inserted**

At the beginning of Part 4 Division 2 insert:

**14A. Term used: specified size**

In this Division —

*specified size*, in relation to a class of finfish, means the size specified in the first Table in Schedule 2 Part 2 Division 3 Subdivision 2 for that class of finfish.

**6. Regulations 14 to 16A replaced**

Delete regulations 14 to 16A and insert:

**14. Certain types of finfish, how to be landed**

- (1) A person must not —
- (a) bring a finfish referred to in an item in the Table onto land from waters specified for that item; or
  - (b) carry a finfish referred to in an item in the Table through waters specified for that item,
- unless it is a whole fish.

**Table**

Item	Type of finfish	Waters
1.	barramundi	WA waters
2.	estuary cod	WA waters
3.	malabar cod	WA waters
4.	pink snapper	the waters of Shark Bay

Penalty: a fine of \$3 000 and the penalty provided in section 222 of the Act.

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**r. 6**

- (2) Subregulation (1) does not apply to, or in respect of —
  - (a) finfish taken for a commercial purpose in accordance with an authorisation; or
  - (b) whaler shark that is a fish trunk.

**15. Certain large finfish, how to be landed**

- (1) A person must not bring onto land or carry through WA waters a finfish of a class referred to in the first Table in Schedule 2 Part 2 Division 3 Subdivision 2 that is equal to or greater than the specified size for the class of fish unless it is —
  - (a) a whole fish; or
  - (b) a fish trunk or fillet that —
    - (i) has the skin and scales attached; and
    - (ii) is at least 300 mm in length; and
    - (iii) is packaged flat; and
    - (iv) is packaged so that it is easily accessible for measurement and identification; and
    - (v) where the fish is frozen, can be measured and identified without being thawed.

Penalty: a fine of \$3 000 and the penalty provided in section 222 of the Act.

- (2) Subregulation (1) does not apply to, or in respect of finfish taken for a commercial purpose in accordance with an authorisation.

**16. Certain small protected finfish, how to be landed**

- (1) A person must not bring onto land or carry through WA waters a finfish of a class referred to in the first Table in Schedule 2 Part 2 Division 3 Subdivision 2

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that is less than the specified size for the class of fish unless it is —

- (a) a whole fish; or
- (b) a fish trunk or fillet that has the skin attached.

Penalty: a fine of \$1 000 and the penalty provided in section 222 of the Act.

- (2) Subregulation (1) does not apply to, or in respect of, finfish taken for a commercial purpose in accordance with an authorisation.

**7. Regulations 16GA to 16GE inserted**

At the end of Part 4 Division 3 Subdivision 1 insert:

**16GA. Rock lobster (Act s. 51(1))**

Subject to regulation 16E(3A)(a)(iv) and (b)(iv), (3B)(a)(iv) and (b)(iv) and (3C)(a)(iv) and (b)(iv), for the purposes of section 51(1) of the Act, the maximum quantity of rock lobster that a person may be in possession of is 24 rock lobsters.

**16GB. Barramundi (Act s. 51(1))**

- (1) For the purposes of section 51(1) of the Act, the maximum quantity of barramundi that a person may be in possession of, other than at the person's principal place of residence, is 2 barramundi.
- (2) For the purpose of determining the number of barramundi in a person's possession 2 single-sided fillets of barramundi are to be taken to be equivalent to one whole barramundi.

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**r. 7****16GC. Marron (Act s. 51(1), (2))**

- (1) For the purposes of section 51(1) of the Act, the maximum quantity of marron that a person may be in possession of —
  - (a) on marron trophy waters or within 500 m of the high water mark of marron trophy waters, is 5 marron; and
  - (b) at any other place, is 16 marron.
- (2) The possession limits prescribed by subregulation (1) do not apply during the non-possession period as defined in regulation 38O.
- (3) The possession limit prescribed by subregulation (1)(b) does not apply to a person who is on private land owned or occupied by the person.
- (4) It is a defence in proceedings against a person under section 51(2) of the Act in respect of the possession of marron —
  - (a) that the marron had been sold by retail to the public; or
  - (b) that the marron were in the person's possession at a place for the purpose of being —
    - (i) sold by retail to the public; or
    - (ii) served as meals to the public, in, on or from that place; or
  - (c) that the marron were in the person's possession —
    - (i) at a place specified in a fish processor's licence under section 83(2) of the Act; and
    - (ii) for the purpose of being processed in accordance with that licence.

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**16GD. Abalone (Act s. 51(1))**

- (1) In this regulation —  
*prescribed abalone* means brownlip abalone, greenlip abalone or any combination of those 2 species of abalone.
- (2) For the purposes of section 51(1) of the Act, the maximum quantity of abalone that a person may be in possession of, other than at the person's principal place of residence, is —
- (a) 20 abalone that are other than prescribed abalone; and
  - (b) 10 prescribed abalone.
- (3) For the purposes of section 51(1) of the Act, the maximum quantity of abalone that a person may have at the person's principal place of residence is —
- (a) 80 abalone that are other than prescribed abalone; and
  - (b) 20 prescribed abalone.

**16GE. Fish on fishing boats (commercial)**

- (1) The maximum quantity of fish of a type specified in an item of the Table that a master of a fishing boat may be in possession of on that boat is as set out in that item.

**Table**

<b>Item</b>	<b>Type of fish</b>	<b>Number of fish</b>
1.	Billfish (marlins, sailfish and spearfish) and swordfish Tuna, southern bluefin and northern bluefin	0

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<b>Item</b>	<b>Type of fish</b>	<b>Number of fish</b>
2.	Tuna, yellowfin and bigeye	2
3.	Mackerel, jack, Peruvian jack, yellowtail jack and blue Tuna, albacore, longtail and skipjack Redbait Fish of the <u>Family</u> Bramidae when taken in WA waters outside the 200 m isobath	10

- (2) For the purposes of this regulation, the master of a fishing boat on which any fish are held or transported is to be taken to be in possession of the fish.
- (3) This regulation does not apply —
- to fish taken in accordance with a Fishing Permit or Statutory Fishing Right granted under the Commonwealth Act; or
  - where all the fish held or transported on the fishing boat were taken solely for a non-commercial purpose.
- (4) The master of a fishing boat must not be in possession of more fish on that boat than is specified in the Table to subregulation (1).
- Penalty: In the case of an individual, a fine of \$5 000 or, in the case of a body corporate, a fine of \$10 000.

**8. Part 4 Division 3 Subdivision 2 deleted**

Delete Part 4 Division 3 Subdivision 2.

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**9. Heading to Part 4 Division 3 Subdivision 4 amended**

In the heading to Part 4 Division 3 Subdivision 4 delete “**certain other areas**” and insert:

**Abrolhos Islands**

**10. Regulations 16L to 18 deleted**

Delete regulations 16L to 18.

**11. Part 4 Division 3 Subdivision 5 heading inserted**

Before regulation 20 insert:

**Subdivision 5 — Miscellaneous****12. Regulation 21 amended**

(1) In regulation 21(1)(a) delete “subject to subregulation (2),”.

(2) Delete regulation 21(2) and (3).

**13. Regulation 64V deleted**

Delete regulation 64V.

**14. Part 4B Division 2 replaced**

Delete Part 4B Division 2 and insert:

**Division 2 — Bag limits****65A. Bag limits for demersal finfish (regions other than West Coast region)**

(1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Part 1



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Division 1 directly opposite a species of fish specified in column 1 of that Division (***demersal finfish***) is the bag limit in respect of fish of that species in the South Coast, Gascoyne and North Coast regions.

- (2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing “Grouped bag limit” in Schedule 3 Part 1 Division 1 is the bag limit in respect of all species of fish specified in that Division in the South Coast, Gascoyne and North Coast regions.

**65B. Bag limits for demersal finfish (West Coast region)**

- (1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Part 1 Division 2 directly opposite a species of fish specified in column 1 of that Division (***demersal finfish***) is the bag limit in respect of fish of that species in the West Coast region.
- (2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing “Grouped bag limit” in Schedule 3 Part 1 Division 2 is the bag limit in respect of all species of fish specified in that Division in the West Coast region.

**65C. Bag limits for large pelagic finfish**

- (1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Part 2 directly opposite a species of fish specified in column 1 of that Part (***large pelagic finfish***) is the bag limit in respect of fish of that species.
- (2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing “Grouped bag limit” in Schedule 3 Part 2 is the bag

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limit in respect of all species of fish specified in that Part.

**65D. Bag limits for nearshore or estuarine finfish**

- (1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Part 3 directly opposite a species of fish specified in column 1 of that Part (*nearshore or estuarine finfish*) is the bag limit in respect of fish of that species.
- (2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing “Grouped bag limit” in Schedule 3 Part 3 is the bag limit in respect of all species of fish specified in that Part.

**65E. Bag limits for freshwater finfish**

For the purposes of section 50 of the Act, the bag limit in respect of a species of fish specified in Schedule 3 Part 4 (*freshwater finfish*) is the bag limit in respect of fish of that species.

**65F. Bag limits for other finfish**

- (1) For the purposes of section 50 of the Act, the bag limit for Bait Fish and Hardyhead is 9 litres.
- (2) For the purposes of section 50 of the Act, the bag limit for finfish not otherwise referred to in this Division is 30.

**65G. Bag limits for crustaceans**

For the purposes of section 50 of the Act, the quantity of crustaceans specified in column 2 of Schedule 3 Part 5 directly opposite a species of crustaceans specified in column 1 of that Part is the bag limit in respect of crustaceans of that species.

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**r. 15****66H. Bag limits for molluscs and other invertebrates**

For the purposes of section 50 of the Act, the quantity of molluscs or invertebrates specified in column 2 of Schedule 3 Part 6 directly opposite a species of molluscs or invertebrates specified in column 1 of that Part is the bag limit in respect of molluscs or invertebrates of that species.

**15. Part 4B Division 3 deleted**

Delete Part 4B Division 3.

**16. Regulation 147A inserted**

At the end of Part 13 insert:

**147A. Arranging for transport by courier business of fish taken recreationally**

(1) In this regulation —

*courier business* means a business that —

- (a) has an established place of business; and
- (b) carries on the business of transporting freight.

(2) A person must not enter into a contract or other agreement with a person who operates a courier business for the courier business to transport fish that have been taken by recreational fishing.

Penalty: a fine of \$5 000 and the penalty provided in section 222 of the Act.

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**17. Regulation 156 amended**

In regulation 156 in the Table:

- (a) delete “14(2), 15(2), 16(2), 16A(1),” and insert:

14(1), 15(1), 16(1),

- (b) delete “17A(3),”;

- (c) delete “and 130.” and insert:

130 and 147A(2).

**18. Schedule 2 amended**

- (1) In Schedule 2 Part 2 Division 3 Subdivision 2 delete the second Table and insert:

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<b>Class of fish</b>	<b>If of a length greater than the length specified (mm)</b>
Snapper, Pink, when taken or brought onto land from the waters of Shark Bay, other than in an area and during a period referred to in Subdivision 1 paragraph (a) or in the waters of the Freycinet Estuary	700

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- (2) In Schedule 2 Part 3 insert in alphabetical order:

Barramundi in excess of 800 mm in length.

***Fish Resources Management Amendment Regulations (No. 2) 2013*****r. 19****19. Schedule 3 replaced**

Delete Schedule 3 and insert:

**Schedule 3**

[Pt. 4B]

**Bag limits****Part 1 — Bag limits — demersal finfish****Division 1 — Regions other than West Coast region**

[r. 65A]

<b>Fish</b>	<b>Species bag limit for one day</b>	<b>Grouped bag limit of all species of demersal finfish for one day</b>
Barramundi cod .....	3	5 (excluding Snapper, Red (Redfish) and Swallowtail in South Coast region)
Boarfish .....	3	
Cod, all species except Chinaman Cod, Coral Trout and Coronation Trout .....	3	
Coral Trout .....	1	
Coronation Trout .....	1	
Dhufish, West Australian .....	1	
Dory, John and Mirror .....	3	
Emperor and Seabream, all species except Emperor, Blue-lined .....	3	
Emperor, Blue-lined .....	5	
Foxtail, Western and Pigfish .....	3	
Groper, Baldchin and Tuskfish .....	3	
Groper, Western Blue .....	1	
Hapuka, Bass Groper and Trevalla .....	3	
Pearl Perch .....	3	
Sea Perch, Tropical, and Goldband Snapper, all species except Mangrove Jack, Fingermark bream and Stripey Seaperch .....	3	

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<b>Fish</b>	<b>Species bag limit for one day</b>	<b>Grouped bag limit of all species of demersal finfish for one day</b>
Snapper, Pink, except in the waters of Shark Bay .....	3	
Snapper, Pink, in the waters of the Shark Bay .....	2	
Snapper, Queen .....	3	
Snapper, Red (Redfish) and Swallowtail in South Coast region .....	8	

**Division 2 — West Coast region**

[r. 65B]

<b>Fish</b>	<b>Species bag limit for one day</b>	<b>Grouped bag limit of all species of demersal finfish for one day</b>
Boarfish	2	2
Cod, all species except Coral Trout and Coronation Trout .....	2	
Coral Trout and Coronation Trout .....	1	
Dhufish, West Australian .....	1	
Dory, John and Mirror	2	
Emperor and Seabream, all species .....	2	
Foxtail, Western and Pigfish .....	2	
Groper, Baldchin and Tuskfish .....	2	
Groper, Blue .....	1	
Hapuka, Trevalla, Bass Groper and Grey Banded Rock Cod .....	2	
Sea Perch, Tropical, all species except Mangrove Jack .....	2	
Snapper, Pink, .....	2	
Snapper, Queen .....	2	
Snapper, Red (Redfish) and Swallowtail.....	2	

**Fish Resources Management Amendment Regulations (No. 2) 2013****r. 19****Part 2 — Bag limits — Large pelagic fish**

[r. 65C]

<b>Fish</b>	<b>Species bag limit for one day</b>	<b>Grouped bag limit of all species of large pelagic finfish for one day</b>
Amberjack, Samson Fish and Yellowtail Kingfish .....	3	3
Barracouta (Gemfish) .....	3	
Barracuda .....	3	
Billfish (Marlin, Sailfish) and Swordfish .....	1	
Cobia .....	3	
Dolphinfish (Mahi Mahi) .....	3	
Mackerel (Broad-barred Spanish, Queensland School, Shark, Australian Spotted, Narrow-barred Spanish and Wahoo .....	3	
Sharks and rays .....	3	
Trevally, Giant and Golden .....	3	
Tuna (Bigeye, Mackerel, Northern Bluefin, Skipjack, Southern Bluefin, Yellowfin and Dogtooth .....	3	

**Part 3 — Bag limits — Nearshore or estuarine finfish**

[r. 65D]

<b>Fish</b>	<b>Species bag limit for one day</b>	<b>Grouped bag limit of all species of nearshore or estuarine finfish for one day</b>
Barramundi .....	2	16
Bonitos, all species and Tuna, Albacore .....	8	

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<b>Fish</b>	<b>Species bag limit for one day</b>	<b>Grouped bag limit of all species of nearshore or estuarine finfish for one day</b>
Bream, Black, Silver (Tarwhine), Northwest Black and Yellowfin .....	6 (only 2 Black Bream taken from the waters of the Swan and Canning Rivers may be over 400 mm in length)	
Catfish and Cobbler .....	8	
Cod, Chinaman (Charlie Court) .....	4	
Dart .....	8	
Flathead .....	8	
Flounder .....	8	
Javelinfinch and Sweetlips .....	8	
Leatherjacket .....	8	
Mangrove Jack .....	2	
Mulloway (River Kingfish) .....	2	
Mulloway, Northern .....	2	
Pike, Long-finned .....	8	
Salmon, Australian .....	4	
Sea Perch, Stripey and Bream, Fingermark ..	4	
Snook and Pike, Striped Sea .....	8	
Sweep, Sea .....	4	
Tailor .....	8 (only 2 of which may be over 500 mm in length)	
Threadfin, Giant .....	2	



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<b>Fish</b>	<b>Species bag limit for one day</b>	<b>Grouped bag limit of all species of nearshore or estuarine finfish for one day</b>
Threadfin, other species .....	4	
Trevally and Queenfish, all species except Giant and Golden Trevally, Needleskin Queenfish, and Yellowtail Scad .....	8	
Tripletail .....	2	
Whiting, King George (Spotted) .....	12	
Wrasse and Parrot Fish .....	8	

**Part 4 — Bag limits — Freshwater finfish**

[r. 65E]

<b>Fish</b>	<b>Species bag limit for one day</b>
Catfish .....	4
Grunter .....	4
Trout, Brown and Rainbow .....	4

**Part 5 — Bag limits — Crustaceans**

[r. 65G]

<b>Species</b>	<b>Species bag limit for one day</b>
Cherabin .....	9 litres
Crab, Blue Swimmer .....	10 (in West Coast region) 20 (in other regions)
Crab, Mud, all species .....	5
Marron .....	5 (in marron trophy water) 8 (in other waters)
Prawns, Western School and Western King .....	9 litres
Redclaw, Queensland .....	N/A
Rock Lobster, all species .....	8
Other crustacean species not specified above ...	10

**Fish Resources Management Amendment Regulations (No. 2) 2013****r. 20****Part 6 — Bag limits — Molluscs and other invertebrates**

[r. 65H]

<b>Species</b>	<b>Species bag limit for one day</b>
Abalone, Greenlip and Brownlip .....	5
Abalone, Roe's .....	20
Ark Shell, Cockle and Pipis .....	2 litres
Bloodworm .....	1 litre
Clam, Venus .....	2
Mussel .....	9 litres (shell on)
Oyster .....	20
Razor shell .....	20
Scallop .....	20
Sea Urchin .....	20
Squid, Cuttlefish and Octopus .....	15
Zoila Cowry, Volute, Conch .....	10
Other molluscs and invertebrate species not specified .....	10

**20. Schedule 7 amended**

(1) In Schedule 7 Division 1 insert in alphabetical order:

Barracouta (Gemfish) .....	<u>Family</u> Gempylidae
Cod, Barramundi .....	<i>Cromileptes altivelis</i>
Queenfish, Needleskin .....	<i>Scomberoides tol</i>
Tuna, Mackerel .....	<i>Euthynnus affinus</i>

(2) In Schedule 7 Division 2 insert in alphabetical order:

Grunter .....	<u>Family</u> Terapontidae
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**r. 21**

- (3) In Schedule 7 Division 4 after the item relating to “Abolone, Roe’s” insert:

Conch ..... Family Stromidae

- (4) In Schedule 7 Division 5 insert in alphabetical order:

Bloodworm..... *Polycirrus spp.*

**21. Schedule 12 amended**

- (1) In Schedule 12 Part 2 item 3 delete “16A,”;  
(2) In Schedule 12 Part 2 item 4 delete “16L, 17A(3)” and insert:

16GA,

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.