

FI301\*

Fish Resources Management Act 1994

## **Fish Resources Management Amendment Regulations (No. 3) 2013**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Fish Resources Management Amendment Regulations (No. 3) 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 the day after that day.

### **3. Regulations amended**

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

**4. Regulation 63A inserted**

After regulation 62 insert:

**63A. Use of berley containing mammal or bird products**

- (1) In this regulation —  
*mammal or bird products* means blood, flesh, offal or skin from a mammal or from a bird.
- (2) A person must not, in WA waters, use berley containing mammal or bird products.  
Penalty: a fine of \$10 000.
- (3) Subregulation (2) does not apply in respect of berley that is in the form of processed bait pellets.
- (4) It is a defence in proceedings for an offence against subregulation (2) for the person charged to prove that the mammal or bird product contained in the berley was used, in accordance with the Act, as bait —
  - (a) in a crab drop net, rock lobster pot or other trap or device for trapping fish; or
  - (b) attached to a fish hook.

**5. Regulation 66H renumbered**

Renumber regulation 66H as regulation 65H.

**6. Part 12 inserted**

After regulation 139 insert:

**Part 12 — Fish trafficking****140. Priority fish**

- (1) For the purposes of paragraph (a) of the definition of *priority fish* in section 153 of the Act each of the species of fish set out in the Table is declared to be a priority species.

**Table**

Abalone, Brownlip
Abalone, Greenlip
Abalone, Roe's
Barramundi
Coral Trout
Dhufish, West Australian

Groper, Baldchin
Snapper, Pink

- (2) For the purposes of paragraph (b) of the definition of *priority fish* in section 153 of the Act each of the following groups of species of fish are declared to be a priority group of species —

- (a) all species of rock lobster;
- (b) all species of finfish.

#### 141. Commercial quantity

For the purpose of paragraph (a) of the definition of *commercial quantity* in section 153 of the Act —

- (a) the quantity for fish of a priority species is 10 times the bag limit for that species; and
- (b) the quantity for rock lobster is 10 times the bag limit for rock lobster; and
- (c) the quantity for finfish is 100 kg of fillets.

#### 7. Regulation 156 amended

In regulation 156 in the Table delete “128O” and insert:

128O,

#### 8. Regulation 162 amended

- (1) In regulation 162 delete “The” and insert:

(1) The

- (2) At the end of regulation 162 insert:

- (2) In Schedule 12 —

*notional bag limit*, in relation to totally protected fish of a particular species, means the bag limit that applies to fish of that species that are not totally protected.

#### 9. Schedule 12 amended

- (1) Delete Schedule 12 Part 1 item 2 and insert:

2. Section 46, relating to —

- (a) a quantity of category 1 fish that is less than or equal to the notional bag limit ..... 200.00

(b)	a quantity of category 1 fish that is more than the notional bag limit .....	1 000.00
(c)	a quantity of category 2 fish that is less than or equal to the notional bag limit .....	100.00
(d)	a quantity of category 2 fish that is more than the notional bag limit .....	500.00
(e)	a quantity of category 3 fish that is less than or equal to the notional bag limit .....	75.00
(f)	a quantity of category 3 fish that is more than the notional bag limit .....	375.00
(g)	a quantity of category 4 fish that is less than or equal to the notional bag limit .....	50.00
(h)	a quantity of category 4 fish that is more than the notional bag limit .....	200.00

(2) Delete Schedule 12 Part 1 items 5 and 6 and insert:

5. Section 50(3), relating to —

(a)	a quantity of category 1 fish that is less than or equal to twice the bag limit .....	200.00
(b)	a quantity of category 1 fish that is more than twice the bag limit .....	1 000.00
(c)	a quantity of category 2 fish that is less than or equal to twice the bag limit .....	100.00
(d)	a quantity of category 2 fish that is more than twice the bag limit .....	500.00
(e)	a quantity of category 3 fish that is less than or equal to twice the bag limit .....	75.00
(f)	a quantity of category 3 fish that is more than twice the bag limit .....	375.00
(g)	a quantity of category 4 fish that is less than or equal to twice the bag limit .....	50.00
(h)	a quantity of category 4 fish that is more than twice the bag limit .....	200.00

6. Section 51(2), relating to —

(a)	a quantity of category 1 fish that is less than or equal to twice the possession limit .....	200.00
(b)	a quantity of category 1 fish that is more than twice the possession limit .....	1 000.00
(c)	a quantity of category 2 fish that is less than or equal to twice the possession limit .....	100.00
(d)	a quantity of category 2 fish that is more than twice the possession limit .....	500.00

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| (e) | a quantity of category 3 fish that is less than or equal to twice the possession limit ..... | 75.00  |
| (f) | a quantity of category 3 fish that is more than twice the possession limit .....             | 375.00 |
| (g) | a quantity of category 4 fish that is less than or equal to twice the possession limit ..... | 50.00  |
| (h) | a quantity of category 4 fish that is more than twice the possession limit .....             | 200.00 |

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.