

FI301*

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 4) 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 4) 2012*.

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 10 replaced

Delete regulation 10 and insert:

10. Classes of fish prescribed (Act s. 45)

For the purposes of the Act —

- (a) the classes of fish listed in Schedule 2 Part 1 are commercially protected fish; and

- (b) the classes of fish listed in Schedule 2 Part 2 are totally protected fish; and
- (c) the classes of fish listed in Schedule 2 Part 3 are recreationally protected fish.

5. Regulation 124 amended

After regulation 124(2) insert:

- (3) The CEO must issue a receipt to a person who has applied for the grant or renewal of a recreational fishing licence.
- (4) A receipt issued under subregulation (3) is to —
 - (a) be in a form approved by the CEO; and
 - (b) specify the following —
 - (i) the date on which the receipt was issued;
 - (ii) the activity referred to in subregulation (2)(a) in respect of which the application is made;
 - (iii) any letters and numbers that may be allocated in respect of a licence to which the application relates under subregulation (2)(b).

6. Regulation 124A replaced

Delete regulation 124A and insert:

124A. Recreational fishing licence receipt may have effect as a recreational fishing licence

- (1) In this regulation —
 - applicant* means a person who has applied for the grant or renewal of a recreational fishing licence;
 - recreational fishing licence receipt* means a receipt issued under regulation 124(3).
- (2) A recreational fishing licence receipt issued to an applicant has effect as if it was a recreational fishing licence granted to the applicant until —
 - (a) the CEO gives notice to the applicant of the outcome of the application; or
 - (b) the expiration of one month after the date on which the receipt was issued,

whichever occurs first.

- (3) Despite subregulation (2), a recreational fishing licence receipt does not have effect as if it was a recreational fishing licence if the applicant to whom it was issued —
 - (a) was the holder of a recreational fishing licence or a recreational (boat) fishing licence which was cancelled, or not renewed by the CEO; or
 - (b) has been convicted of an offence against the Act; or
 - (c) is not in possession of the receipt when engaging in an activity specified in the receipt.

7. Regulation 124C replaced

Delete regulation 124C and insert:

124C. Recreational (boat) fishing licences, grant of

- (1) If a person applies to the CEO, the CEO may grant to the person a recreational (boat) fishing licence.
- (2) The CEO must issue a receipt to a person who has applied for the grant or renewal of a recreational (boat) fishing licence.
- (3) A receipt issued under subregulation (2) is to —
 - (a) be in a form approved by the CEO; and
 - (b) specify the date on which the receipt was issued.

8. Regulation 124D inserted

After regulation 124C insert:

124D. Recreational fishing (boat) licence receipt may have effect as a recreational (boat) fishing licence

- (1) In this regulation —

applicant means a person who has applied for the grant or renewal of a recreational (boat) fishing licence;

recreational (boat) fishing licence receipt means a receipt issued under regulation 124C(2).
- (2) A recreational (boat) fishing licence receipt issued to an applicant has effect as if it was a recreational (boat) fishing licence granted to the applicant until —
 - (a) the CEO gives notice to the applicant of the outcome of the application; or

- (b) the expiration of one month after the date on which the receipt was issued,
whichever occurs first.
- (3) Despite subregulation (2), a recreational (boat) fishing licence receipt does not have effect as a recreational (boat) fishing licence if the applicant to whom it was issued —
- (a) was the holder of a recreational fishing licence or a recreational (boat) fishing licence which was cancelled or not renewed by the CEO; or
 - (b) has been convicted of an offence against the Act; or
 - (c) is not in possession of the receipt when engaging in an activity specified in the receipt.

9. Schedule 2 heading replaced

Delete the heading to Schedule 2 and the reference after it and insert:

Schedule 2 — Protected fish

[s. 46, 47 and 48A and r. 10]

10. Schedule 2 Part 3 inserted

At the end of Schedule 2 insert:

Part 3 — Recreationally protected fish

Estuary cod in excess of 30 kg weight or 1000 mm in length.

Malabar cod in excess of 30 kg weight or 1000 mm in length.

11. Schedule 3 amended

In the provisions listed in the Table delete the item referring to Cod classified as *Epinephelus* spp.

Table

Sch. 3 Pt. 1 Div. 1	Sch. 3 Pt. 2 Div. 1
Sch. 3 Pt. 3 Div 1	Sch. 3 Pt. 4 Div. 1

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.