

FI302*

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 2) 2011

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 2) 2011*.

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 16E amended

Delete regulation 16E(3a), (3b), (3c) and (3d) and insert:

- (3A) For the purposes of section 51(1) of the Act, the maximum quantity of fish of the species referred to in this subregulation that a person on a boat may be in possession of, whether the fish is on or attached to the boat or any tender or other vessel operating with or attached to the boat, is —
- (a) if there is only one person on the boat —
 - (i) one day's bag limit of blue manna crabs; and
 - (ii) one day's bag limit of brown mud and green mud crabs (combined); and
 - (iii) one day's bag limit of cuttlefish, octopus and squid (combined); and
 - (iv) one day's bag limit of rock lobster; and
 - (v) one day's bag limit of brownlip and greenlip abalone (combined);

or

- (b) if there are 2 or more persons on the boat —
 - (i) 2 days' bag limit of blue manna crabs; and
 - (ii) 2 days' bag limit of brown mud and green mud crabs (combined); and
 - (iii) 2 days' bag limit of cuttlefish, octopus and squid (combined); and
 - (iv) 2 days' bag limit of rock lobster; and
 - (v) 2 days' bag limit of brownlip and greenlip abalone (combined).

- (3B) For the purposes of section 51(1) of the Act, the maximum quantity of fish of the species referred to in this subregulation that the master of a boat may be in possession of on the boat, whether the fish is on or attached to the boat or any tender or other vessel operating with or attached to the boat, is —
 - (a) if there is only one person on the boat —
 - (i) one day's bag limit of blue manna crabs; and
 - (ii) one day's bag limit of brown mud and green mud crabs (combined); and
 - (iii) one day's bag limit of cuttlefish, octopus and squid (combined); and
 - (iv) one day's bag limit of rock lobster; and
 - (v) one day's bag limit of brownlip and greenlip abalone (combined);
 - or
 - (b) if there are 2 or more persons on the boat —
 - (i) 2 days' bag limit of blue manna crabs; and
 - (ii) 2 days' bag limit of brown mud and green mud crabs (combined); and
 - (iii) 2 days' bag limit of cuttlefish, octopus and squid (combined); and
 - (iv) 2 days' bag limit of rock lobster; and
 - (v) 2 days' bag limit of brownlip and greenlip abalone (combined).

- (3C) Despite subregulations (3A) and (3B), the master of a boat that is not a fishing boat must ensure that the quantity of fish of the species referred to in this subregulation that is on or attached to the boat and any tender or other vessel operating with or attached to the boat is not more than —
 - (a) if there is only one person on the boat —
 - (i) one day's bag limit of blue manna crabs; and

- (ii) one day's bag limit of brown mud and green mud crabs (combined); and
- (iii) one day's bag limit of cuttlefish, octopus and squid (combined); and
- (iv) one day's bag limit of rock lobster; and
- (v) one day's bag limit of brownlip and greenlip abalone (combined);

or

- (b) if there are 2 or more persons on the boat —
 - (i) 2 days' bag limit of blue manna crabs; and
 - (ii) 2 days' bag limit of brown mud and green mud crabs (combined); and
 - (iii) 2 days' bag limit of cuttlefish, octopus and squid (combined); and
 - (iv) 2 days' bag limit of rock lobster; and
 - (v) 2 days' bag limit of brownlip and greenlip abalone (combined).

Penalty: a fine of \$10 000 and the penalty provided in section 222 of the Act.

- (3D) Subregulations (3A)(a)(ii) and (b)(ii), (3B)(a)(ii) and (b)(ii) and (3C)(a)(ii) and (b)(ii) are subject to regulation 17A.

5. Regulation 16FA amended

In regulation 16FA delete “regulation 16E(3a)(c), (3b)(c) and (3c)(c),” and insert:

regulation 16E(3A)(a)(iv) and (b)(iv), (3B)(a)(iv) and (b)(iv) and (3C)(a)(iv) and (b)(iv),

6. Regulation 16F amended

In regulation 16F delete “twice the bag limit” and insert:

2 days' bag limit

7. Regulation 17A amended

- (1) Delete regulation 17A(1) and insert:

- (1) For the purposes of section 51(1) of the Act, the maximum quantity of brown mud and green mud crabs (combined) that a person on a boat in the King Sound

may be in possession of, whether the crabs are on or attached to the boat or any tender or other vessel operating with or attached to the boat, is —

- (a) if there is only one person on the boat — one day's bag limit of those crabs; or
 - (b) if there are 2 or more persons on the boat — 4 days' bag limit of those crabs.
- (2A) For the purposes of section 51(1) of the Act, the maximum quantity of brown mud and green mud crabs (combined) that the master of a boat in the King Sound may be in possession of on the boat, whether the crabs are on or attached to the boat or any tender or other vessel operating with or attached to the boat, is —
- (a) if there is only one person on the boat — one day's bag limit of those crabs; or
 - (b) if there are 2 or more persons on the boat — 4 days' bag limit of those crabs.

(2) Delete regulation 17A(3) and insert:

- (3) Despite subregulations (1) and (2A), the master of a boat in the King Sound that is not a fishing boat must ensure that the quantity of brown mud and green mud crabs (combined) that is on or attached to the boat and any tender or other vessel operating with or attached to the boat is not more than —
- (a) if there is only one person on the boat — one day's bag limit of those crabs; or
 - (b) if there are 2 or more persons on the boat — 4 days' bag limit of those crabs.

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

8. Regulation 64OAA amended

In regulation 64OAA(2) delete “a managed fishery licence” and insert:

an interim managed fishery permit

9. Regulation 64W amended

In regulation 64W(c) delete “regulation 16E(3a) or (3b)” and insert:

regulation 16E(3A) or (3B)

10. Regulation 128A amended

In regulation 128A(1) delete “hold” and insert:

be authorised to do so under

11. Regulation 128I amended

In regulation 128I delete “hold” and insert:

be authorised to do so under

12. Regulation 128N deleted

Delete regulation 128N.

13. Regulation 128Q deleted

Delete regulation 128Q.

14. Regulation 156 amended

In regulation 156 in the Table delete “16E(3c),” and insert:

16E(3C),

15. Schedule 3 amended

- (1) In Schedule 3 Part 1 Division 4 delete “Brown Mud or Green Mud (combined)” and insert:

Brown Mud and Green Mud (combined)

- (2) In Schedule 3 Part 2 Division 4 delete “Brown Mud or Green Mud (combined)” and insert:

Brown Mud and Green Mud (combined)

- (3) In Schedule 3 Part 3 Division 4 delete “Brown Mud or Green Mud (combined)” and insert:

Brown Mud and Green Mud (combined)

16. Schedule 12 amended

In Schedule 12 Part 2:

- (a) in item 1 delete “108, 128N” and insert:

- (b) in item 3 delete “128Q,”;
- (c) in item 4 delete “16E(3c),” and insert:

16E(3C),

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.
