



WESTERN  
AUSTRALIAN  
GOVERNMENT  
**Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

4619



PERTH, WEDNESDAY, 2 NOVEMBER 2011 No. 210 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

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Fish Resources Management Act 1994

## Fish Resources Management Amendment Regulations (No. 9) 2011

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Fish Resources Management Amendment Regulations (No. 9) 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* (**gazettal day**);
- (b) regulation 9 — on 15 November 2011;
- (c) the rest of the regulations — on the day after gazettal day.

**3. Regulations amended**

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

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**4. Regulation 11 amended**

After regulation 11(5) insert:

- (6) For the purposes of section 48(c) of the Act, where the fish the subject of an offence is a weedy seadragon, it is a defence that the fish was taken by a person acting under a managed fishery licence granted in respect of the Marine Aquarium Fish Managed Fishery.

**5. Regulation 38D amended**

In regulation 38D(2) delete “the holder of a managed fishery licence that authorises abalone to be taken,” and insert:

a person authorised to take abalone under a managed fishery licence,

**6. Regulation 38GA amended**

In regulation 38GA delete “the holder of a managed fishery licence that authorises abalone to be taken,” and insert:

a person authorised to take abalone under a managed fishery licence,

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**r. 7****7. Regulation 41 amended**

In regulation 41(1) and (2A) delete “the holder of a managed fishery licence that authorises abalone to be taken,” and insert:

a person authorised to take abalone under a managed fishery licence,

Note: The heading to amended regulation 41 is to read:

**Shucking of abalone except by person authorised under managed fishery licence**

**8. Regulation 44A replaced**

Delete regulation 44A and insert:

**44A. Closed season for freshwater fish**

- (1) In this regulation —  
*freshwater fish* means the fish listed in Schedule 7 Division 2.
- (2) Subject to subregulation (3), a person must not fish for freshwater fish during the period from 1 July to 31 August, both dates inclusive, in any year in waters south of 29° south latitude above the tidal influence, including all lakes, dams, rivers and their tributaries.  
Penalty: a fine of \$2 000.
- (3) Subregulation (2) does not apply to a person who fishes for freshwater fish —
  - (a) in waters on private land, other than waters passing through that land; or

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- (b) in the waters, including tributaries flowing into those waters, of —
- (i) Big Brook Dam;
  - (ii) the Blackwood River;
  - (iii) the Donnelly River;
  - (iv) Glen Mervyn Dam;
  - (v) the Murray River;
  - (vi) Lake Leschenaultia;
  - (vii) Logue Brook Dam;
  - (viii) the Serpentine River, upstream of Serpentine Falls and downstream of the Serpentine Pipe-Head Dam;
  - (ix) the Warren River;
  - (x) Wellington Dam.

**9. Part 4 Division 7B inserted**

After regulation 55D insert:

**Division 7B — Requirements relating to bait bands****55E. Terms used**

In this Division —

***bait band*** means plastic tape used for the purpose of securing cartons of bulk bait;

***WCRL Managed Fishery*** means the West Coast Rock Lobster Managed Fishery declared under the *West Coast Rock Lobster Management Plan 1993*.

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**r. 9****55F. Bait bands on boats prohibited**

- (1) Subject to subregulations (2), (3) and (4), the master of a boat being used for or in connection with fishing must not cause or permit any bait bands to be on board the boat.

Penalty: a fine of \$2 000.

- (2) Subregulation (1) does not apply in relation to a licensed carrier boat being used in the WCRL Managed Fishery to transport fish taken with the use of another boat.
- (3) Subregulation (1) does not apply in relation to a boat that is authorised to be used for or in connection with the taking of rock lobster in the WCRL Managed Fishery if that boat —
- (a) is being used in that fishery to transport bait from a licensed carrier boat to the Abrolhos Islands; or
  - (b) is a licensed fishing boat that is moored or anchored in that fishery not more than 800 m from the high water mark on the mainland or the Abrolhos Islands.
- (4) Subregulation (1) does not apply in relation to a boat being used in the WCRL Managed Fishery to transport —
- (a) bait to or from a boat referred to in subregulation (3)(b); or
  - (b) bait bands from a boat referred to in subregulation (3)(b).

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**10. Regulation 64S amended**

In regulation 64S(1)(b) and (3)(b) delete “a single rod, reel and line” and insert:

no more than 5 rods, reels and lines

**11. Part 4B Division 3 Subdivision 5 deleted**

Delete Part 4B Division 3 Subdivision 5.

**12. Regulation 117 amended**

(1) In regulation 117(7):

(a) in paragraph (a) delete “licence; or” and insert:

licence and is fishing for a commercial purpose; or

(b) in paragraph (b) delete “a boat.” and insert:

the boat.

(c) in the Penalty delete “\$1 000.” and insert:

a fine of \$2 000.

(2) After regulation 117(7) insert:

(8) A person aboard a fishing boat must not engage in fishing unless the person —

(a) holds a commercial fishing licence and is fishing for a commercial purpose; or

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- (b) is a participant in a fishing tour on or from the boat.

Penalty: a fine of \$2 000.

**13. Regulation 123 amended**

Delete regulation 123(2).

**14. Regulation 124A amended**

In regulation 124A(3):

- (a) in paragraph (c) delete “receipt; or” and insert:

receipt.

- (b) delete paragraph (d).

**15. Schedule 12 Part 2 amended**

- (1) In Schedule 12 Part 2 item 3 delete “44A(1), 44A(3),” and insert:

44A(2), 55F(1),

- (2) In Schedule 12 Part 2 item 4 after “38E,” insert:

38F, 38GA,

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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