

FI302*

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 18) 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 18) 2009*.

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 16 December 2009.

3. Regulations amended

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

4. Regulation 16E amended

- (1) In regulation 16E(1) delete the definition of *West Coast Region Division 1 fish*.
- (2) In regulation 16E(1) insert in alphabetical order:

charter boat means a boat that is used to conduct a fishing tour for a commercial purpose in accordance with a fishing tour operator's licence or a restricted fishing tour operator's licence;

- (3) In regulation 16E(1) in the definition of *single-sided fillet* delete "fish;" and insert:

fish.

- (4) Delete regulation 16E(3E) and (3F) and insert:

- (3E) The master of a boat, other than a fishing boat, being used for taking fish in the West Coast Region must ensure that the number of West Australian dhufish on, or attached to, the boat, and any tender or other vessel operating with or attached to the boat, at any one time —
 - (a) if the boat is a charter boat — is not more than 6; or
 - (b) if the boat is other than a charter boat — is not more than 2.

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

5. Regulation 64N amended

In regulation 64N delete “This” and insert:

Except as stated in regulation 64OAA, this

6. Regulation 64OAA inserted

At the end of Part 4A Division 3 insert:

64OAA. Release weight to be on boat used for fishing for demersal scalefish in West Coast Region

(1) In this regulation —

demersal scalefish has the meaning given in regulation 45(1);

release weight means a weight that —

- (a) for the purpose of returning to the seabed a live fish that has been taken, is able to be attached to the fish; and
- (b) is able to be detached from the fish when it reaches the seabed;

West Coast Demersal Scalefish (Interim) Managed Fishery means the fishery declared under the *West Coast Demersal Scalefish (Interim) Management Plan 2007*.

(2) If a person is fishing from a fishing boat under the authority conferred by a managed fishery licence that applies to the West Coast Demersal Scalefish (Interim) Managed Fishery, the master of the boat must ensure that there is a release weight on the boat.

Penalty: \$2 000.

(3) If a person is fishing for demersal scalefish from a boat, other than a fishing boat, in the West Coast Region by means of a line, the master of the boat must ensure that there is a release weight on the boat.

Penalty: \$2 000.

7. Regulation 64ZA amended

In regulation 64ZA(3) after “Division 1,” insert:

2A,

8. Schedule 2 amended

In Schedule 2 Part 2 Division 3 Subdivision 2 in the item relating to Snapper, Pink delete paragraph (a) and insert:

- (a) when taken or brought onto land from the waters of the West Coast Region that are south of 31° 00' south latitude..... 500

9. Schedule 3 amended

- (1) Delete Schedule 3 Part 3 Division 1 and insert:

Division 1 — Grouped bag limit of 2 fish (demersal scalefish)

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in this Division for one day
Cod (cobined, except Coral Trout and Coronation Trout)	2	2
Cod classified as <i>Epinephelus</i> spp., in excess of 30 kg in weight or 1000 mm in length.....	0	
Coral Trout and Coronation Trout (combined)	1	
Dhufish, West Australian	1	
Emperor and Seabream (combined)	2	
Foxfish, Western and Pigfish (combined)	2	
Groper, Blue	1	
Hapuku, Trevalla, Bass Groper and Grey Banded Rock Cod (combined)	2	
Parrot Fish (combined)	2	
Sea Perch, Tropical (combined)	2	
Snapper, Pink	2	
Snapper, Queen	2	
Snapper, Red (Redfish) and Swallowtail (combined)	2	
Tuskfish and Baldchin Groper (combined)	2	

Division 2A — Grouped bag limit of 2 fish (pelagic species)

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Barracuda	2	2
Billfish, Sailfish, Spearfish and Marlins and Swordfish (combined)	1	
Cobia	2	
Dolphinfish (Mahi Mahi)	2	
Mackerel, Broad-barred Spanish and Narrow-barred Spanish (combined)	2	
Mackerel, Shark	2	
Mackerel, Wahoo	2	
Samson Fish, Amberjack and Yellowtail Kingfish (combined)	2	
Trevally, Giant and Golden (combined)	2	
Tuna, Southern Bluefin, Yellowfin and Bigeye (combined)	2	

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

Cobbler	4
Mulloway	2
Salmon, Australian	4
Sharks and Rays (combined)	2
Trout, Brown and Rainbow (combined)	4

10. Schedule 7 amended

In Schedule 7 Division 1 in the item relating to Cod, Grey Banded Rock delete “*Epinephelus octofasciatus*” and insert:

Hyporthodus octofasciatus

11. Schedule 12 amended

(1) In Schedule 12 Part 2 item 4:

- (a) delete “16E(3E), 16E(3F),”;
- (b) after “64O,” insert:

64OAA(2), 64OAA(3),

(2) In Schedule 12 Part 2 item 5 after “Regulations” insert:

16E(3E),

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.