

FI301\*

Fish Resources Management Act 1994

## **Fish Resources Management Amendment Regulations 2009**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Fish Resources Management Amendment Regulations 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 the day after that day.

**3. Regulations amended**

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

**4. Regulation 11 amended**

- (1) In regulation 11(4)(b) delete “length” and insert:

length, within the meaning in Schedule 2 Part 2  
Division 2,

- (2) Delete regulation 11(5) and insert:

- (5) For the purposes of section 48(c) of the Act, where the fish the subject of an offence is a totally protected whaler shark other than a dusky shark, it is a defence that the fish was taken by a person acting under a managed fishery licence granted in respect of a managed fishery the management plan for which specifically allows for the taking of sharks or rays.

**5. Regulation 14 amended**

- (1) In regulation 14(1) in the Table insert in alphabetic order:

whaler shark	brought onto land in the West Coast Region or the South Coast Region
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- (2) In regulation 14(3):

- (a) in paragraph (b)(ii) delete “overnight.” and insert:

overnight;

- (b) after paragraph (b)(ii) insert:

or

- (c) whaler shark that is a fish trunk.

**6. Schedule 2 amended**

In Schedule 2 Part 2 Division 2:

- (a) insert in alphabetic order:

Cod in Rowley Shoals Marine Park.

Fish of Class Anthozoa and Class Hydrozoa in Rowley Shoals Marine Park.

Molluscs, other than cuttlefish, squid and octopus, in Rowley Shoals Marine Park.

Shark, Whaler —

- (a) taken from the waters of —
- (i) the South Coast Region; or
  - (ii) the West Coast Region;
- and
- (b) with an interdorsal fin length of 70 cm or greater.

Wrasse in Rowley Shoals Marine Park.

- (b) after the last item insert:

In this Division —

***interdorsal fin length*** means the distance between the first and second dorsal fins measured —

- (a) from —
- (i) the first dorsal fin origin; or
  - (ii) if all or part of that fin has been removed so that point of origin cannot be ascertained, the anterior end of the cut made to remove the fin or that part of the fin;
- (b) to —
- (i) the second dorsal fin insertion; or
  - (ii) if all or part of that fin has been removed so that point of insertion cannot be ascertained, the posterior end of the cut made to remove the fin or that part of the fin;

***Rowley Shoals Marine Park*** means all waters reserved under the *Conservation and Land Management Act 1984* section 13 as Class “A” Marine Reserve No. 3, Rowley Shoals Marine Park.

**7. Schedule 7 amended**

- (1) In Schedule 7 Division 1 insert in alphabetic order:

Shark, Whaler ..... Family Carcharhinidae

- (2) In Schedule 7 Division 5 delete the item relating to Coral.

**8. Schedule 12 amended**

In Schedule 12 Part 1 after item 6 insert:

7A. Section 96 ..... 400.00

By Command of the Governor,

PETER F. CONRAN, Clerk of the Executive Council.