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FISH RESOURCES MANAGEMENT ACT 1994

**FISH RESOURCES
MANAGEMENT AMENDMENT
REGULATIONS (No. 7) 2005**

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 7) 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 7) 2005*.

2. Commencement

These regulations come into operation on 1 January 2006.

3. The regulations amended

The amendments in these regulations are to the *Fish Resources Management Regulations 1995**.

[* *Reprint 5 as at 14 October 2005.*

For amendments to 13 December 2005 see Gazette 4 and 11 November 2005.]

4. Regulation 16 amended

Regulation 16(1) is amended in the definition of “low risk finfish” as follows:

- (a) in paragraph (b) by deleting “or in the South Coast Region”;

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- (b) after paragraph (b) by deleting “or”;
- (c) by deleting the full stop at the end of paragraph (c) and inserting instead —

“

; or

- (d) Part 4 Division 3 if it is brought onto land in the South Coast Region.

”.

5. Regulation 16C amended

Regulation 16C is amended in the definition of “finfish” by deleting “or Hemirhamphidae.” and inserting instead —

“ , Hemirhamphidae or Mugilidae. ”.

6. Regulation 16E amended

Regulation 16E is amended as follows:

- (a) after subregulation (3a)(a) by inserting the following paragraph —

“

- (aa) twice the bag limit of brown mud and green mud crabs;

”.

;

- (b) after subregulation (3b)(a) by inserting the following paragraph —

“

- (aa) twice the bag limit of brown mud and green mud crabs;

”.

;

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- (c) after subregulation (3c)(a) by inserting the following paragraph —

“

- (aa) twice the bag limit of brown mud and green mud crabs;

”.

- (d) after subregulation (3c) by inserting the following subregulation —

“

- (3d) Subregulations (3a)(aa), (3b)(aa) and (3c)(aa) are subject to regulation 17A.

”.

7. Regulation 16F replaced

Regulation 16F is repealed and the following regulation is inserted instead —

“

16F. Possession limits — rock lobster in the Pilbara and Kimberley Region

For the purposes of section 51(1) of the Act, the maximum quantity of rock lobster that a person may be in possession of in the Pilbara and Kimberley Region, other than at the person's principal place of residence, is twice the bag limit of rock lobsters.

”.

8. Regulation 16NA inserted

After regulation 16N the following regulation is inserted —

“

16NA. Possession limit — marron in Lake Navarino

For the purposes of section 51(1) of the Act, the maximum quantity of marron that a person may be in possession of in Lake Navarino (Waroona Dam) and its

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tributaries, or within 500 metres of the high water mark of the lake or any of its tributaries, is 5 marron.

”

9. Regulation 17A inserted

After regulation 17 the following regulation is inserted —

“

17A. Possession limit — brown mud and green mud crabs at King Sound

- (1) For the purposes of section 51(1) of the Act the maximum quantity of brown mud or green mud crabs that —
 - (a) a person on a boat in the King Sound may be in possession of on that boat where it is being used by 2 or more persons for taking fish; or
 - (b) the master of a boat in the King Sound may be in possession of on that boat where it is being used by 2 or more persons for taking fish,

is 4 days' bag limit of those crabs.

- (2) In any proceedings for an offence under section 51(2) of the Act in the circumstances referred to in subregulation (1) it is a defence for the person charged to prove that the person was the master of a commercial passenger boat not used for fishing.
- (3) Despite subregulation (1) the master of a boat in the King Sound, other than a fishing boat, that is being used by 2 or more persons for taking fish must ensure that there is not more than 4 days' bag limit of brown mud or green mud crabs on, or attached to, the boat at any one time.

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

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(4) In this regulation —

“**King Sound**” means the waters of King Sound and the Fitzroy River and their tributaries, south of 17° 27' south latitude.

”

10. Regulation 22 amended

Regulation 22(3)(c) is amended deleting “or Hemirhamphidae;” and inserting instead —

“ , Hemirhamphidae or Mugilidae; ”.

11. Regulation 38G amended

Regulation 38G is amended in the definition of “closed season” by deleting “after 3 January of” and inserting instead —

“

in January that is on, or is closest in time to, the first last-quarter moon in

”

12. Regulation 38I amended

Regulation 38I(2) is amended as follows:

(a) after paragraph (f) by deleting “and”;

(b) after paragraph (g) by deleting the full stop and inserting instead —

“

; and

(h) of Lake Navarino (Waroona Dam) and its tributaries.

”

13. Regulation 38JA repealed

Regulation 38JA is repealed.

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14. Regulation 64DA inserted

After regulation 64D the following regulation is inserted —

“

64DA. Use of hauling nets for recreational fishing in ocean waters Statewide

- (1) A person must not fish by using a fishing net that is a hauling net in any ocean waters outside 800 metres of the low water mark of any part of the State or any island within WA waters.
- (2) Subregulation (1) does not apply to a person fishing for a commercial purpose in accordance with an authorisation.

Penalty: \$2 000.

”

15. Part 4A Divisions 3A and 3B inserted

After Part 4A Division 3 the following Divisions are inserted —

“

Division 3A — Requirements regarding fishing gear in the Pilbara and Kimberley Region**64OA. Application**

This Division does not apply to a person fishing for a commercial purpose in accordance with an authorisation.

64OB. Haul nets in the Pilbara and Kimberley Region

- (1) A person must fish using a haul net in any waters of the Pilbara and Kimberley Region.

Penalty: \$2 000.

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- (2) Subregulation (1) does not apply if the person —
- (a) is fishing in Dampier Archipelago waters;
 - (b) is using a haul net that does not exceed 30 metres in length; and
 - (c) does not take any fish except mullet.
- (3) In this regulation —
- “Dampier Archipelago waters”** means the waters of the Indian Ocean bounded by a line commencing at the high water mark at the northernmost point of Cape Preston, from there north to the intersection of the 200 metre isobath, from there generally north-easterly along the 200 metre isobath to the intersection of 117° 10' east longitude, from there south to the intersection of the high water mark on the mainland (Cape Lambert), and from there in a generally south-westerly direction along the high water mark on the mainland back to the commencement point.

Division 3B — Requirements regarding fishing gear in the South Coast Region**640C. Application**

This Division does not apply to a person fishing for a commercial purpose in accordance with an authorisation.

640D. Set nets in the South Coast Region

- (1) A person must not set a fishing net in any waters of the South Coast Region other than —
- (a) in the waters of Wilson Inlet, Beaufort Inlet, Wellstead Inlet, Gordon Inlet, Hamersley Inlet, Pallinup River, Thomas River or Princess Royal Harbour; or

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- (b) during May — October, in the waters of Broke Inlet, Irwin Inlet, Stokes Inlet or Gairdner River.
- (2) A person who fishes using a set fishing net in the South Coast Region must not use the net —
 - (a) during May — October — at any time other than between 4 p.m. and 9 p.m. on a Friday or Saturday; or
 - (b) during November — April — at any time other than between 5 p.m. and 10 p.m. on a Friday or Saturday.
- (3) A person who fishes using a set fishing net in the South Coast Region must —
 - (a) attend that net; and
 - (b) remove the net from the water and clear it of fish at intervals of not more than one hour.
- (4) In this regulation —
 - “**May — October**” means the period between 1 May and 31 October in any year;
 - “**November — April**” means the period between 1 November in any year and 30 April in the following year.

Penalty: \$2 000.

64OE. Throw nets in the South Coast Region

- (1) A person must not fish by using a fishing net that is a throw net in any ocean waters of the South Coast Region other than for the taking of baitfish.
- (2) A person fishing by using a throw net in any ocean waters of the South Coast Region must not take any fish except baitfish.

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- (3) Subregulations (1) and (2) do not apply to a person fishing for a commercial purpose in accordance with an authorisation.
- (4) In this regulation —
“**baitfish**” means fish of the Family Atherinidae, Clupeidae, Engraulidae, Hemirhamphidae or Mugilidae.
Penalty: \$2 000.

”

16. Heading to Part 4B Division 2 Subdivision 2 amended

The heading to Part 4B Division 2 Subdivision 2 is amended by deleting “and the South Coast Region”.

17. Regulation 64Z amended

- (1) Regulation 64Z(1) is amended by deleting “and the South Coast Region”.
- (2) Regulation 64Z(3) is amended by deleting “Division 2” and inserting instead —
“ Division 1, 2 ”.

18. Part 4B Division 2 Subdivision 4 inserted

After Part 4B Division 2 Subdivision 3 the following Subdivision is inserted —

“

Subdivision 4 — Bag limits for the South Coast Region**64ZAA. Bag limits — South Coast Region**

- (1) The bag limits prescribed by subregulations (2) and (3) both apply in respect of a person in the South Coast Region.

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- (2) For the purposes of section 50 of the Act, the quantity of fish appearing in column 2 of Schedule 3 Part 4 directly opposite the class or classes of fish specified in the first column of that Part is the bag limit in respect of fish of that class or classes.
- (3) For the purposes of section 50 of the Act, the quantity of fish appearing under the heading commencing “Grouped bag limit” in Schedule 3 Part 4 Division 1, 2 or 3 is the bag limit in respect of fish of the class or classes specified in that Division.

”.

19. Heading to Part 4B Division 3 Subdivision 1 amended

The heading to Part 4B Division 3 Subdivision 1 is amended by deleting “in the Dampier Archipelago” and inserting instead —

“ **at Ningaloo** ”.

20. Regulations 64ZB and 64ZC repealed

Regulations 64ZB and 64ZC are repealed.

21. Regulation 64ZCA amended

- (1) Regulation 64ZCA(1) is amended by deleting “taken from the Ningaloo Marine Park or”.
- (2) Regulation 64ZCA(2) is amended as follows:
- (a) in the definition of “Exmouth Gulf Land Zone” by deleting the full stop and inserting a semicolon instead;
- (b) at the end of the subregulation by inserting —
- “
- “**rock lobster**” means whole rock lobster or part of a rock lobster.

”.

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Regulation 64ZD is repealed.

23. Regulation 64ZE amended

Regulation 64ZE(3) is amended by deleting “Part 4” and inserting instead —

“ Part 5 ”.

24. Part 4B Division 3 Subdivision 7 inserted

After Part 4B Division 3 Subdivision 6 the following Subdivision is inserted —

“

Subdivision 7 — Bag limit for marron in Lake Navarino (Waroona Dam)**64ZL. Bag limit for marron in Lake Navarino (Waroona Dam)**

For the purposes of section 50 of the Act, the bag limit in respect of marron taken from the waters of Lake Navarino (Waroona Dam) and its tributaries is 5 marron.

”.

25. Regulation 156 amended

Regulation 156 is amended in the Table by inserting after “16E(3c),” —

“ 17A(3), ”.

Fish Resources Management Amendment Regulations (No. 7) 2005**r. 26****26. Schedule 2 Part 2 amended**

- (1) Schedule 2 Part 2 Division 2 is amended by inserting in the appropriate alphabetical positions the following items —

“

Groper, Queensland.
Sawfish.
Shark, Speartooth.

”

- (2) Schedule 2 Part 2 Division 3 Subdivision 2 is amended in the first Table by inserting in the appropriate alphabetical positions the following items —

“

Bream, fingermark	300
Cobia	750
Cod, Estuary	400
Dolphinfish (mahi mahi)	500
Javelinfish and sweetlips	300
Sea perch, Stripey	300
Swallowtail	300
Threadfin, Giant	450
Tripletail	300

”

- (3) Schedule 2 Part 2 Division 3 Subdivision 2 is amended as follows:

- (a) in the item for “Bream, Yellowfin” by deleting “250” and inserting instead —

“ 350 ”;

- (b) in the item for “Mulloway, Northern” by deleting “500” and inserting instead —

“ 700 ”;

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- (c) in the item for “Snapper, Red (redfish)” by deleting “230” and inserting instead —
“ 300 ”;
- (d) in the item for “Tarwhine (silver bream)” by deleting “230” and inserting instead —
“ 250 ”.
- (4) Schedule 2 Part 2 Division 4 is amended by inserting in the appropriate alphabetical position the following item —
“
Grunter, Sooty 250
”.
- (5) Schedule 2 Part 2 Division 5 is amended in the item commencing “Marron” by inserting after “Harvey Weir” —
“
or Lake Navarino (Waroona Dam) or any
of its tributaries
”.

27. Schedule 3 Part 1 amended

Schedule 3 Part 1 Division 1 is amended as follows:

- (a) in the item commencing “Cod classified as *Epinephelus* spp.,” by deleting “1200 mm” and inserting instead —
“ 1000 mm ”;
- (b) by deleting the item commencing “Cod, Estuary” and inserting the following items instead —
“
Cod, Estuary and Rankin (combined, except
Estuary Cod in the waters of the Shark Bay
western gulf and the Shark Bay eastern gulf) . 2
Cod, Estuary, in the waters of the Shark Bay
western gulf and the Shark Bay eastern gulf ... 1
”.

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- (c) by deleting the item commencing “Dhufish” and inserting the following item instead —

“
 Dhufish, West Australian and Pearl Perch
 (combined) 2
 ”;

- (d) in the item commencing “Emperor (combined)” by inserting after “Emperor” —

“ and Seabream ”;

- (e) in the item commencing “Snapper, Pink, except” by deleting “6” and inserting instead —

“ 4 ”;

- (f) by deleting the item commencing “Tuskfish” and inserting the following items instead —

“
 Tuskfish and Baldchin Groper (combined),
 except in the waters of the Shark Bay
 western gulf and the Shark Bay eastern gulf . 4
 Tuskfish and Baldchin Groper (combined),
 in the waters of the Shark Bay western gulf
 and the Shark Bay eastern gulf 2
 ”.

28. Schedule 3 Part 2 replaced

Schedule 3 Part 2 is repealed and the following Part is inserted instead —

“

Part 2 — Bag limits in the Pilbara and Kimberley Region

[Reg. 64Z]

Division 1 — Grouped bag limit of 7 fish

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Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Barramundi, except when taken from Broome area waters (as defined in r. 64ZJ) or Ord River area waters (as defined in r. 64ZF)	2	7
Barramundi, when taken from Broome area waters (as defined in r. 64ZJ) or Ord River area waters (as defined in r. 64ZF)	1	
Billfish (marlins, sailfish and spearfish) and swordfish (combined)	1	
Cobia	2	
Cod (combined, except Coral Trout and Coronation Trout)	4	
Cod classified as <i>Epinephelus</i> spp., in excess of 30 kg in weight or 1000 mm in length	0	
Cod, Estuary, Malabar and Rankin (combined) ...	2	
Coral Trout and Coronation Trout when taken from waters east of Poissonnier Point (combined)	1	
Coral Trout and Coronation Trout when taken from waters west of Poissonnier Point (combined)	2	
Dolphinfish (mahi mahi)	4	
Emperor and Seabream (combined)	4	
Emperor, Red	2	
Mackerel, Shark	4	
Mackerel, Broad-barred Spanish	2	
Mackerel, Narrow-barred Spanish	2	
Mackerel, Wahoo	2	
Mangrove Jack, except when taken from Dampier Archipelago waters (as defined in r. 64OB)	4	
Mangrove Jack, when taken from Dampier Archipelago waters (as defined in r. 64OB)	2	
Mulloway, Northern	2	
Parrot fish (combined)	4	
Pearl Perch	4	
Samson Fish, Amberjack and Yellowtail Kingfish (combined)	2	
Sea perch, Crimson and Scarlet (combined)	4	

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Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Snapper, Pink	4	} 7
Sharks and Rays (combined)	2	
Threadfin, Giant	2	
Tripletail	1	
Tuna, Southern Bluefin, Northern Bluefin, Yellowfin, Bigeye and Dogtooth (combined)	2	
Wrasse (combined)	2	

Division 2 — Grouped bag limit of 16 fish

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Barracuda	4	} 16
Bonefish and Herring, Giant (combined)	4	
Bonito, Leaping and Oriental and any Tuna (combined)	8	
Bream, Northwest-Black and Yellowfin (combined)	8	
Catfish	8	
Dart	8	
Flathead and Flounder (combined)	8	
Goatfish	8	
Grunter, Sooty	8	
Javelinfin and Sweetlips (combined)	8	
Leatherjacket	8	
Mackerel, Australian Spotted and Queensland School (combined)	4	
Queenfish	4	
Sea perch, Tropical, except Crimson and Scarlet (combined)	4	
Snook and Pike, Long-finned and Striped Sea (combined)	8	
Tarwhine	16	
Threadfin, Blue and any other Threadfin, except Giant (combined)	4	
Trevally (combined)	4	

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Division 3 — Low risk finfish — grouped bag limit of 40 fish

Fish	Grouped bag limit of all species in the Division for one day
Garfish	} 40
Longtom	
Milkfish	
Mullet, Sea and Yellow-eye	
Whiting	
All other Pilbara and Kimberley species of fish not specifically covered in this Part except Redfin Perch, Goldfish, European Carp and Tilapia	

Division 4 — Crustaceans

Fish	Species, or group of species, bag limit for one day
Cherabin	9 litres
Crab, Blue Manna	20
Crab, Brown Mud or Green Mud (combined)	5
Prawn	9 litres
Rock Lobster (combined), only 2 of which may be Western or Ornate	4

Division 5 — Molluscs

Fish	Species, or group of species, bag limit for one day
Cockle	2 litres
Cuttlefish, Octopus and Squid (combined)	15
Mussel	9 litres
Oyster	9 litres
Razorfish	20
Ark shells, Pipis, Venus clams and all other species of edible molluscs not specifically mentioned in this Division	2 litres

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Fish	Species, or group of species, bag limit for one day
Bait fish of the Families Clupeidae (Pilchards and Whitebait), Atherinidae (hardyheads) and Engraulidae (anchovy) (combined)	9 litres
Sea Urchin	20

29. Schedule 3 Part 3 amended

Schedule 3 Part 3 Division 1 is amended as follows:

- (a) in the item commencing “Cod classified as *Epinephelus* spp.,” by deleting “1200 mm” and inserting instead —
“ 1000 mm ”;
- (b) by deleting the item commencing “Nannygai and Red Snapper (combined)”;
- (c) by inserting in the appropriate alphabetical positions the following items —

“

Hapuku, Trevalla, Bass Groper and Grey banded rock Cod (combined)	2
Snapper, Red (redfish) and Swallowtail (combined)	4

”

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30. Schedule 3 Part 4 heading replaced, new Part inserted and Part 4 renamed as Part 5

The heading to Schedule 3 Part 4 is deleted and the following is inserted instead —

“

Part 4 — Bag limits in the South Coast Region

[Reg. 64ZAA]

Division 1 — Grouped bag limit of 7 fish

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Billfish, Sailfish, Spearfish and Marlins and Swordfish (combined)	1	} 7
Boarfish	4	
Cobbler	4	
Cod, except Grey banded rock cod (combined) ...	4	
Cod classified as <i>Epinephelus</i> spp., in excess of 30 kg in weight or 1000 mm in length	0	
Dhufish, West Australian	2	
Dolphinfish (mahi mahi)	2	
Groper, Blue	1	
Hapuku, Trevalla, Bass Groper and Grey banded rock cod (combined)	2	
Mulloway	2	
Samson Fish, Amberjack and Yellowtail Kingfish (combined)	2	
Snapper, Pink	4	
Snapper, Queen	4	
Sharks and Rays (combined)	2	
Trout, Brown and Rainbow (combined)	4	
Tuna, Southern Bluefin, Yellowfin and Bigeye (combined)	2	

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Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Bonito, Leaping and Oriental and any Tuna (combined)	8	} 16
Bream, Black	8	
Dory, John and Mirror	8	
Flathead and Flounder (combined)	8	
Goatfish	8	
Leatherjacket	8	} 16
Salmon, Australian	4	
Snapper, Red	8	
Snook and Pike, Long-finned and Striped Sea (combined)	8	
Swallowtail	8	
Sweep, Banded and Sea (combined)	8	
Tailor, only 2 of which may be in excess of 60 cm	8	
Tarwhine	8	
Trevally (combined)	12	
Whiting, King George	12	
Whiting, Yellowfinned	16	
Wrasse (combined)	8	

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Division 3 — Low risk finfish — grouped bag limit of 40 fish

Fish	Grouped bag limit of all species in the Division for one day
Herring, Australian	40
Garfish	
Mackerel, Blue (common)	
Mullet, Sea and Yellow-eye	
Whiting, Southern School and Western Sand	
All other South Coast species of fish not specifically covered in this Part except for —	
(a) bait fish of the Families Clupeidae (Pilchards and Whitebait), Atherinidae (hardyheads) and Engraulidae (anchovy);	
(b) Redfin Perch, Goldfish, European Carp and Tilapia	

Division 4 — Crustaceans

Fish	Species, or group of species, bag limit for one day
Crab, Blue Manna	20
Crab, Green Mud	5
Marron	10
Prawn	9 litres
Rock Lobster	8

Division 5 — Molluscs

Fish	Species, or group of species, bag limit for one day
Abalone, Brownlip and Greenlip (combined)	5
Abalone, other than Brownlip and Greenlip	20
Arkshell	20
Cockle	20
Cuttlefish, Octopus and Squid (combined)	15
Mussel	9 litres
Oyster	20
Razorfish	20
Scallop	20
All other species of edible molluscs not specifically mentioned in this Division	2 litres

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Division 6 — Miscellaneous

Fish	Species, or group of species, bag limit for one day
Sea Urchin	20

**Part 5 — Bag limits for persons on West Coast Purse Seine
Managed Fishery Boat**

31. Schedule 7 amended

- (1) Schedule 7 is amended under the heading “Marine or fluvio-marine fish” as follows:
- (a) by inserting in the appropriate alphabetical positions the following items —

“

Boarfish	<u>Family</u> Pentacerotidae
Catfish	<u>Families</u> Ariidae and Plotosidae
Cod, Grey banded rock	<i>Epinephelus</i> <i>octofasciatus</i>
Dory, John	<i>Zenopsis nebulosus</i>
Dory, Mirror	<i>Zeus faber</i>
Groper, Bass	<i>Polyprion americanus</i>
Hapuku	<i>Polyprion oxygeneios</i>
Herring, Giant	<i>Elops hawaiiensis</i>
Javelinfish and Sweetlips	<u>Family</u> Haemuidae
Pearl Perch	<i>Glaucosoma</i> spp., excluding <i>G. hebraicum</i>
Sea Perch, Crimson	<i>Lutjanus erythropterus</i>
Sea Perch, Scarlett	<i>Lutjanus malabaricus</i>
Sea Perch, Stripey	<i>Lutjanus carponotatus</i>
Shark, Speartooth	<i>Glyphis</i> spp.
Swallowtail	<i>Centroberyx lineatus</i>
Trevalla	<u>Family</u> Centrolophidae
Tripletail	<i>Lobotes surinamensis</i>
Tuna, Dogtooth	<i>Gymnosarda unicolour</i>

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