

FI303*

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 11) 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 11) 2002*.

2. The regulations amended

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

[* Reprinted as at 17 May 2002.

For amendments to 20 November 2002 see Gazette 28 June and 10 September 2002.]

3. Regulation 31A replaced

Regulation 31A is repealed and the following regulation is inserted instead —

“

31A. Certain bait not to be used, or carried on a boat, to fish for rock lobster

- (1) A person must not fish for rock lobster using as bait —
 - (a) any bovine material other than gelatine or tallow;
 - (b) any skin or hide;
 - (c) anything to which any mammal skin or hide is attached; or
 - (d) any lobster material.

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

- (2) The master of a boat used or intended to be used to fish for rock lobster must not cause or permit to be carried on the boat —
 - (a) any bovine material other than gelatine or tallow;
 - (b) any skin or hide;
 - (c) anything to which any mammal skin or hide is attached; or

(d) any lobster material,

for use as bait.

Penalty: \$10 000.

- (3) Subregulations (1)(b) and (2)(b) do not apply to the skin of any fish other than rock lobster.
- (4) It is a defence in proceedings for an offence against subregulation (2) that the bovine material or skin or hide —
- (a) was food intended for human consumption; or
 - (b) was human clothing intended to be used as human clothing.

”.

4. Regulation 56A inserted

After regulation 56 the following regulation is inserted —

“

56A. Prohibition on fishing with hooks attached to rock lobster pot, float lines, moorings, anchors etc.

A person must not fish using a fish hook attached to —

- (a) a rock lobster pot;
- (b) a float line or float line attached to a rock lobster pot;
- (c) a boat mooring or mooring line; or
- (d) a boat anchor or anchor line.

Penalty: For a first offence \$5 000 or, for a second or subsequent offence, \$10 000 and, for any offence, the penalty provided in section 222 of the Act.

”.

5. Regulation 156 amended

The Table to regulation 156 is amended by inserting after “41,” —

“ 56A, ”.

6. Regulation 158 amended

Regulation 158 is amended in the Table under the heading “Provision of these regulations” after “33,” by inserting —

“ 34, ”.

7. Schedule 12 amended

Schedule 12 Part 2 item 4 is amended by inserting after “41,” —

“ 56A, ”.

8. Schedule 13 amended

- (1) Schedule 13 clause 3(2) is amended as follows:
- (a) by inserting after paragraph (a) —
“ and ”;
 - (b) by deleting paragraph (b) and “and” after it.
- (2) After Schedule 13 clause 3(3) the following subclauses are inserted —
- “
- (4) A beehive rock lobster pot that is constructed using stick or cane or both stick and cane, unless approved by the Executive Director, is not to exceed, when measured externally —
 - (a) 975 millimetres in diameter; and
 - (b) 470 millimetres in height.
 - (5) In determining the external dimensions under subclause (4) the measuring points are those specified in Diagram 10 in the Table.
 - (6) A beehive rock lobster pot that is constructed using a material other than stick or cane, is not to exceed, when measured internally —
 - (a) 925 millimetres in diameter; and
 - (b) 420 millimetres in height.
 - (7) In determining the internal dimensions under subclause (6) the measuring points are those specified in Diagram 11 in the Table.
- ”.
- (3) Schedule 13 clause 5(1) is amended by inserting after “plastic rock lobster pots” —
“ that are not beehive pots ”.
- (4) The Table to Schedule 13 is amended by inserting the following diagrams after Diagram 9 —
- “

Diagram 10 — Beehive Pots

(Clause 3(5))

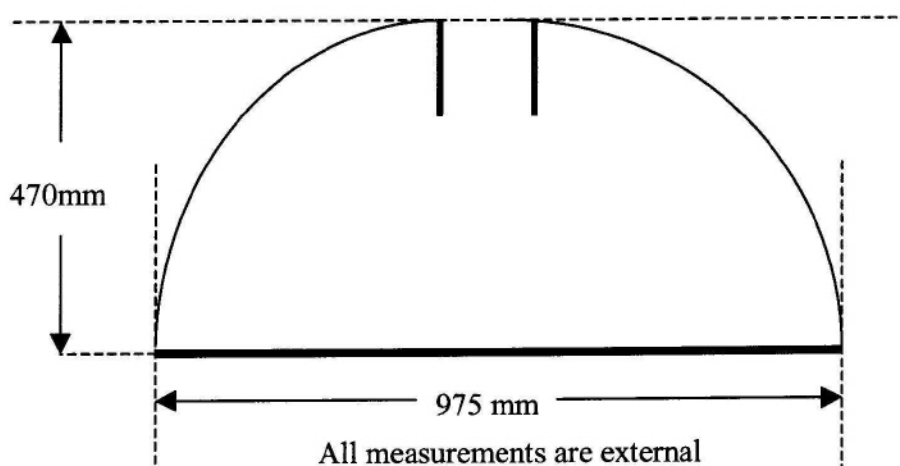
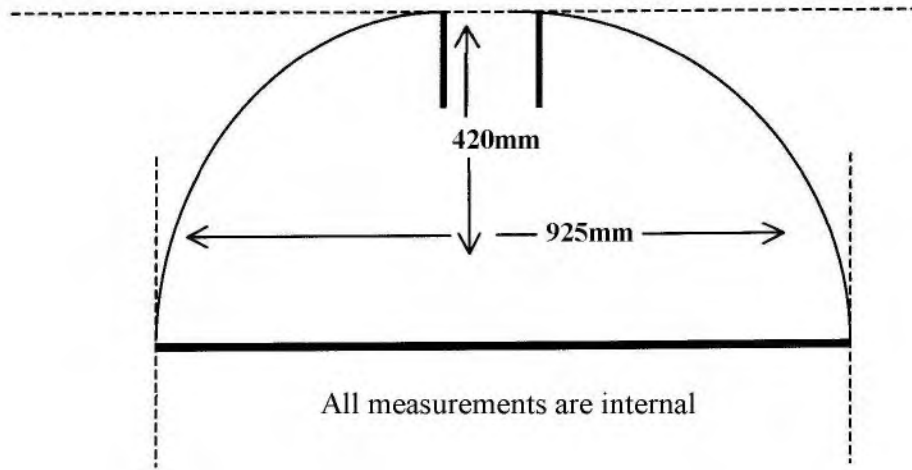


Diagram 11 — Beehive Pots
(Clause 3(7))



By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
