FI301*

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 7) 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the Fish Resources Management Amendment Regulations (No. 7) 2006.

2. The regulations amended

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

[* Reprint 6 as at 6 October 2006. For amendments to 6 December 2006 see Gazette 10 November 2006.]

3. Regulation 3 amended

Regulation 3(1) is amended by inserting in the appropriate alphabetical position —

"marron trophy waters" means the waters of —

- (a) Harvey Weir; and
- (b) Lake Navarino (Waroona Dam) and its tributaries; and
- (c) Hutt River;

4. Regulations 16N and 16NA replaced by regulation 16N

Regulations 16N and 16NA are repealed and the following regulation is inserted instead —

16N. Possession limit — marron

- (1) For the purposes of section 51(1) of the Act the maximum quantity of marron that a person may be in possession of
 - (a) on marron trophy waters or within 500 m of the high water mark of marron trophy waters, is 5 marron; and
 - (b) at any other place, is 20 marron.
- (2) The possession limits prescribed by subregulation (1) do not apply during the non-possession period as defined in regulation 38O.
- (3) The possession limit prescribed by subregulation (1)(b) does not apply to a person who is on private land owned or occupied by the person.
- (4) It is a defence in proceedings against a person under section 51(2) of the Act in respect of the possession of marron —
 - (a) that the marron had been sold by retail to the public; or
 - (b) that the marron were in the person's possession at a place for the purpose of being
 - (i) sold by retail to the public; or
 - (ii) served as meals to the public,

in, on or from that place; or

- (c) that the marron were in the person's possession
 - (i) at a place specified in a fish processor's licence under section 83(2) of the Act; and
 - (ii) for the purpose of being processed in accordance with that licence.

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5. Regulation 38G amended

Regulation 38G is amended in the definition of "closed season" by deleting "16" and inserting instead —

" 23 ".

6. Regulation 38I amended

Regulation 38I(2) is amended as follows:

- (a) by deleting paragraphs (a), (b) and (f);
- (b) by inserting after each of paragraphs (c) to (e) —" and ".

7. Regulation 38L amended

- (1) Regulation 38L is amended by inserting before "A person" the subregulation designation "(1)".
- (2) At the end of regulation 38L the following subregulation is inserted —

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(2) Subregulation (1) does not apply to a person using a boat in the waters of the Donnelly River downstream of the boat ramp at the termination of Boat Landing Road at 34° 27′ south latitude (Boat Landing).

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8. Regulation 380 amended

- (1) Regulation 38O(1) is amended by deleting "closed season" and inserting instead
 - " non-possession period ".
- (2) After regulation 38O(2) the following subregulation is inserted —

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- (3) In this regulation
 - "non-possession period", in any year, means the closed season in that year other than the first 12 hours after the end of the 23 days referred to in the definition of "closed season" in regulation 38G.

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9. Regulation 64S amended

- (1) Regulation 64S(1) is amended by deleting "Subject to regulation 64U, a" and inserting instead
 - " A ".
- (2) Regulation 64S(2)(a) is deleted.
- (3) Regulation 64S(4) is amended as follows:
 - (a) by deleting paragraphs (a), (b) and (f) and "or" after paragraph (f);
 - (b) after paragraph (g) by deleting the full stop and inserting instead —

; or

(h) of Big Brook Dam, Drakes Brook Dam, Glen Mervyn Dam, Logue Brook Dam and Lake Navarino (Waroona Dam).

";

(c) after each of paragraphs (c) to (e) by inserting —
" or ".

10. Regulation 64U repealed

"

Regulation 64U is repealed.

11. Part 4B Division 3 Subdivision 4 replaced

Part 4B Division 3 Subdivision 4 is repealed and the following Subdivision is inserted instead —

"

Subdivision 4 — Bag limit for marron in marron trophy waters

64ZH. Bag limit for marron in marron trophy waters

For the purposes of section 50 of the Act, the bag limit in respect of marron taken from marron trophy waters is 5 marron.

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12. Part 4B Division 3 Subdivision 7 repealed

Part 4B Division 3 Subdivision 7 is repealed.

13. Schedule 2 amended

Schedule 2 Part 2 Division 5 is amended by deleting the item for "Marron" and inserting the following item instead —

"

Marron —

- (a) when taken from marron trophy waters ... 90

".

14. Schedule 12 amended

Schedule 12 Part 2 item 5 is amended by deleting "64U,".

By Command of the Governor,

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