

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Regulations 16N and 16NA are repealed and the following regulation is inserted instead —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

”.

**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 —

“

- (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).

”.

**8. Regulation 38O 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 —

“

- (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.

”.



**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.