
FI301*

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 6) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 6) 2013*.

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 16H amended

In regulation 16H(1) after “Estuary” insert:

area

5. Regulation 31 replaced

Delete regulation 31 and insert:

31. Rock lobster: permitted ways to fish for and tail marking

(1) In this regulation —

allowed time, in relation to a rock lobster, means —

- (a) where a boat is used in connection with the taking of the rock lobster, within 5 minutes of bringing the rock lobster to the boat; or
- (b) where a boat is not used in connection with the taking of the rock lobster, within 5 minutes of bringing the rock lobster onto land;

tail clip means the removal of the bottom half of the central segment (telson) of the tail fan of a rock lobster by horizontal cut, so that only the upper portion of the telson remains attached to the last (6th) segment of the rock lobster tail;

tail punch means the punching of a circular hole of no less than 10 mm in diameter in the central segment (telson) of the tail fan of a rock lobster by any means.

(2) A person must not fish for rock lobster other than —

(a) by hand —

- (i) without the use of an instrument; or
- (ii) using an instrument which is not capable of piercing a rock lobster,

and without piercing or damaging the rock lobster; or

(b) by means of using or submerging at any one time not more than 2 rock lobster pots which —

- (i) are attached to a surface float which conforms to the requirements of regulation 32; and
- (ii) are pulled from the water personally by the person.

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

(3) A person who takes and keeps any rock lobster must tail clip or tail punch the rock lobster within the allowed time.

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

(4) It is a defence in proceedings for an offence against subregulation (2) or (3) for the person charged to prove

that the person was acting under the authority of a managed fishery licence granted in respect of rock lobster.

6. Regulation 32 amended

Delete regulation 32(1)(b)(i) and (ii) and insert:

- (i) in the case of a pot set or pulled from a licenced fishing boat, the licensed fishing boat number of the boat; or
- (ii) in the case of a pot set or pulled other than from a licenced fishing boat, the gear identification number of the person setting or pulling the pot;

7. Part 4 Division 5B heading amended

In the heading to Part 4 Division 5B after “**abalone**” insert:

and sea urchins

8. Regulation 38DA inserted

At the beginning of Part 4 Division 5B insert:

38DA. Term used: Abalone Zone

In this Division —

Abalone Zone, followed by a number, means the zone of that number described in Schedule 16.

9. Regulation 38D replaced

Delete regulation 38D and insert:

38D. When fishing for abalone and sea urchins allowed

(1) In this regulation —

fishing season means —

- (a) for Abalone Zone 1, between 7.00 a.m. and 8.00 a.m. on the first Sunday in January, February, March, November and December in any year;
- (b) for Abalone Zones 2 and 3, the period beginning on 1 October in any year and ending on 15 May in the following year.

- (2) A person must not fish for abalone in Abalone Zone 1, 2 or 3 unless —

- (a) the person is authorised to take abalone under a managed fishery licence; or
- (b) the person fishes for abalone in the fishing season for that Abalone Zone.

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

- (3) A person must not fish for sea urchins in Abalone Zone 1, 2 or 3 unless —

- (a) the person is authorised to take sea urchins under a commercial fishing licence; or
- (b) the person fishes for sea urchins in the fishing season for that Abalone Zone.

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

10. Regulation 64E amended

In regulation 64E(3) delete “hooks or gangs of hooks” and insert:

baits or lures

11. Regulation 72 amended

In regulation 72 in the definition of *rock lobster licence* before “Fishery” insert:

Managed

12. Regulation 156 amended

In regulation 156 in the Table:

- (a) delete “31,” and insert:

31(2), 31(3), 31(4),

- (b) after “38D(2),” insert:

38D(3),

13. Schedule 3 Part 1 Division 1 amended

In Schedule 3 Part 1 Division 1 delete “Foxtail,” and insert:

Foxfish,

14. Schedule 12 amended

(1) In Schedule 12 Part 1 after item 3 insert:

4A. Section 48A, relating to category 1 fish 500.00

(2) In Schedule 12 Part 2 item 4:

(a) delete “31,” and insert:

31(2), 31(3), 31(4),

(b) after “38D(2),” insert:

38D(3),

15. Schedule 16 amended

Delete the reference after the heading to Schedule 16 and insert:

[r. 38DA]

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.
