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Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 16) 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 16) 2009*.

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*.

Fish Resources Management Amendment Regulations (No. 16) 2009

r. 4**4. Regulation 36 amended**

After regulation 36(1) insert:

- (2A) Subregulation (1)(a) does not apply in respect of a licensed carrier boat carrying unbaited rock lobster pots under the terms of its licence.

5. Regulation 64 amended

After regulation 64(4) insert:

- (5A) A person who is the holder of a fish processor's licence that authorises the processing of western rock lobster must submit a return to the Department regarding the western rock lobster received each week during the period commencing 15 November and ending on 30 June in any year and must —
- (a) use the relevant form approved by the CEO; and
 - (b) send the return relating to each week —
 - (i) to the head office of the Department in Perth; or
 - (ii) if another office of the Department is specified in the relevant form, to that office,
- to arrive —
- (iii) not later than the Tuesday of the following week; or
 - (iv) if a later day is specified in the form, not later than that day.

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r. 6**6. Schedule 2 Part 2 Division 5 amended**

In Schedule 2 Part 2 Division 5:

- (a) delete the item that begins with “Rock Lobster, Western —” and insert:

Rock Lobster, Western 77

- (b) in the first item that begins with “Rock Lobster, Western, female —” delete “115” and insert:

105

- (c) delete the second item that begins with “Rock Lobster, Western, female —” and insert:

Rock Lobster, Western, female —

- (a) taken from; or
- (b) in the possession of a person on a boat moored or anchored in; or
- (c) brought ashore from,

the waters between 21° 44' and 30° south latitude 95

7. Schedule 13 Part 2 amended

- (1) Before Schedule 13 clause 2 insert:

2A. Term used: Western Rock Lobster Managed Fishery

In this Part —

West Coast Rock Lobster Managed Fishery means the West Coast Rock Lobster Managed Fishery declared under the *West Coast Rock Lobster Management Plan 1993*.

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- (2) In Schedule 13 clause 3(2)(a) delete “and not less than 54 millimetres in height (see Diagram 1 in the Table); and” and insert:

and —

- (i) if used in the West Coast Rock Lobster Managed Fishery — not less than 55 millimetres in height; or
- (ii) otherwise — not less than 54 millimetres in height (see Diagram 1 in the Table);

and

- (3) In Schedule 13 clause 4(2) delete “and not less than 54 millimetres in height.” and insert:

and —

- (a) if used in the West Coast Rock Lobster Managed Fishery — not less than 55 millimetres in height; or
- (b) otherwise — not less than 54 millimetres in height.

- (4) In Schedule 13 clause 5(2) delete “and not less than 54 millimetres in height.” and insert:

and —

- (a) if used in the West Coast Rock Lobster Managed Fishery — not less than 55 millimetres in height; or
- (b) otherwise — not less than 54 millimetres in height.

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r. 7

- (5) In Schedule 13 clause 6(2) delete “and not less than 54 millimetres in height (see Diagram 1 in the Table).” and insert:

and —

- (a) if used in the West Coast Rock Lobster Managed Fishery — not less than 55 millimetres in height; or
- (b) otherwise — not less than 54 millimetres in height.

- (6) In Schedule 13 in the heading to Diagram 1 in the Table delete “3(2)(a), 6(2)” and insert:

3(2)(a)(ii)

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.