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FISH RESOURCES MANAGEMENT ACT 1994

**FISH RESOURCES
MANAGEMENT
REGULATIONS 1995**

WESTERN AUSTRALIA

**FISH RESOURCES MANAGEMENT
REGULATIONS 1995**

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FISH RESOURCES MANAGEMENT ACT 1994

FISH RESOURCES MANAGEMENT REGULATIONS 1995

Made by His Excellency the Governor in Executive Council.

PART 1 — PRELIMINARY

Citation

1. These regulations may be cited as the *Fish Resources Management Regulations 1995*.

Commencement

2. These regulations come into operation on the day on which the *Fish Resources Management Act 1994* comes into operation.

Interpretation

3. (1) In these regulations, unless the contrary intention appears —

“**bag limit**” means the maximum quantity of fish of a specified class that a person may take, or bring onto land or into WA waters, in one day and in relation to particular fish is the bag limit prescribed under Part 4;

“**carrier boat licence**” means a licence referred to in regulation 119;

“**commercial fishing licence**” means a licence referred to in regulation 121;

“**disease**” means any disease of fish;

“**fish processor’s licence**” means a licence granted under section 83 of the Act;

“**fishing boat licence**” means a licence referred to in regulation 117;

“**fishing net**” means any fishing net other than —

- (a) a hand scoop or hand dip net;
- (b) a prawn hand trawl net; or
- (c) a drop net which has a diameter not exceeding 1.5 metres;

“**form**” followed by a number means the form of that number in Schedule 14;

“**gear identification number**” of a person means —

- (a) any letters and numbers allocated under regulation 124 (2) (b) in respect of a recreational fishing licence held by the person; or

- (b) where the person is an Aboriginal person who does not hold a recreational fishing licence, the letter "A" followed by the day, month and year of the birth of the person in numbers (ie. A 29/3/59);

"licensed carrier boat" means a boat in respect of which a carrier boat licence is held;

"licensed carrier boat number" in respect of a licensed carrier boat means the number allocated under regulation 120 (3) in respect of the boat;

"licensed fishing boat" means a boat in respect of which a fishing boat licence is held;

"licensed fishing boat number" in respect of a licensed fishing boat means the letter and number allocated under regulation 118 (3) in respect of the boat;

"mollusc" does not include pearl oyster, as defined in the *Pearling Act 1990*;

"one day" means a period of 24 hours commencing at midnight, other than in relation to fishing for marron or prawns or fishing by means of a fishing net, where it means a period of 24 hours commencing at midday;

"oyster fishing licence" means a licence referred to in regulation 127;

"pull" in relation to a rock lobster pot, means to bring the pot from the seabed to the surface of the sea;

"recreational fishing licence" means a licence referred to in regulation 123;

"rock lobster pot" means any fishing gear, other than a hand held instrument, that is capable of being used to fish for rock lobster;

"rock lobster pot licence" means a licence referred to in regulation 125;

"rock lobster tail" means the whole or part of the abdomen of a rock lobster at any time after that abdomen or part of that abdomen has been severed from the carapace;

"sunrise" and **"sunset"** mean the times provided by the Perth Astronomical Observatory for sunrise and sunset on the relevant day.

(2) Where in these regulations fish is referred to by only a common name set out in column 1 of Schedule 7 the fish referred to is the fish described by the scientific classification set out in column 2 of that Schedule opposite that common name.

Peak industry body

4. The Western Australian Fishing Industry Council (Inc.) is the body prescribed for the purposes of the definition of "peak industry body" in section 4 (1) of the Act.

Process — prescribed class

5. Rock lobster and marron are fish of a prescribed class for the purpose of the definition of “process” in section 4 (1) of the Act.

Exemptions

6. The fee that is to accompany an application for an exemption under section 7 (4) of the Act is as set out in item 1 of Part 1 of Schedule 1.

Return of exemption

7. (1) The Executive Director may, by notice in writing given to the holder of an exemption, require the person to return the exemption to the Executive Director within a period specified in the notice if —

- (a) the exemption has expired or has been revoked; or
- (b) the Minister or the Executive Director has exercised a power under section 7 (6) (b) of the Act to delete, vary or add to any conditions imposed in relation to the exemption.

(2) A person must not, without reasonable excuse, refuse or fail to comply with a requirement made under subregulation (1).

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000.

PART 2 — ADMINISTRATION

Use and custody of common seal

8. The common seal of the Minister for Fisheries is to be kept in safe custody by the Executive Director, and is not to be affixed to any document except by the Minister in the presence of the Executive Director, or a person appointed by the Executive Director for that purpose, who is to —

- (a) sign their name as witness to the affixing of the seal; and
- (b) print on the document their name and the date on which, and the place where, the seal was affixed to the document.

PART 3 — ADVISORY COMMITTEES

Procedure for certain persons to be appointed by Minister

9. The prescribed procedure in respect of the appointment of persons by the Minister for the purposes of sections 29 (2) (c), 33 (2) (b) and 37 (2) (b) of the Act is that the Minister is to —

- (a) arrange for there to be published in a newspaper circulating daily in the State a notice to the effect that a person is, or persons are, required under the relevant section of the Act and that interested persons may, within the time specified in the notice, apply to the Minister with details of relevant qualifications and experience for appointment under the relevant section of the Act;

- (b) after the expiry of the time specified in the notice, consider all of the applications and the qualifications and experience of each applicant and of such other persons as the Minister thinks fit; and
- (c) appoint the required number of persons in accordance with the relevant section of the Act.

PART 4 — GENERAL REGULATION OF FISHING

Division 1 — Protected fish

Protected fish — sections 46 and 47

- 10.** For the purposes of the Act, the classes of fish listed —
- (a) in Part 1 of Schedule 2 are commercially protected fish; and
 - (b) in Part 2 of Schedule 2 are totally protected fish.

Defences

11. (1) For the purposes of section 48 (b) of the Act all fish the subject of an aquaculture licence are fish of a prescribed class.

(2) For the purposes of section 48 (c) of the Act the following defences are prescribed —

- (a) that the fish were taken by a person acting under an authority to fish for fish for scientific purposes issued under regulation 178;
- (b) that the person is a person to whom section 90 of the Act does not apply to, or in relation to, due to the operation of section 91 of the Act.

Totally protected rock lobsters and crabs to be released to the sea

12. (1) Any person who takes from the sea any totally protected fish that is a rock lobster must ensure that the rock lobster is —

- (a) released to the sea within 5 minutes of being taken; and
- (b) if taken by means of a rock lobster pot, is released to the sea before any other rock lobster pot is pulled.

(2) The master of a boat must ensure that any totally protected fish that is a rock lobster taken from the sea and brought on board the boat —

- (a) is released to the sea within 5 minutes of being taken; and
- (b) if taken by means of a rock lobster pot, is released to the sea before any other rock lobster pot is pulled.

(3) Any person, other than the holder of a commercial fishing licence, who takes any totally protected fish that is a crab must —

- (a) ensure that the crab is released to the waters from which it was taken within 5 minutes of being taken; and
- (b) not pull any drop net before the crab is released to the waters from which it was taken.

Penalty: In the case of an individual, \$3 000 or, in the case of a body corporate, \$6 000.

Possession of mutilated protected fish

13. A person must not, without reasonable excuse, be in possession of, or sell, any fish which has been altered, mutilated or disfigured so that it is not possible to readily identify whether or not the fish is a protected fish.

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000.

Division 2 — Bag and possession limits generally

Division 2 subject to Divisions 3 and 4

14. This Division is subject to —

- (a) Division 3 of this Part — Bag and Possession limits at Exmouth and Ningaloo; and
- (b) Division 4 of this Part — Bag limits in West Coast Purse Seine Managed Fishery.

Bag limits — taking of fish

15. (1) For the purposes of section 50 of the Act, the bag limit appearing directly opposite an item in Part 1 of Schedule 3 is the bag limit in respect of fish of the species referred to in that item.

(2) Where the fish taken consist of a species or a combination of the species of fish listed or referred to in Part 2 of Schedule 3, for the purposes of section 50 of the Act, the bag limit appearing directly opposite the names of those fish is the bag limit in respect of the taking of a fish or any combination of the species of fish listed or referred to.

Possession limit — barramundi

16. (1) Despite regulation 15, for the purposes of section 51 (1) of the Act the maximum quantity of barramundi that a person may be in possession of, other than at the person's principal place of residence, is 5 barramundi.

(2) For the purpose of determining the number of barramundi in a person's possession 2 single-sided fillets of barramundi are to be taken to be equivalent to one whole barramundi.

(3) In subregulation (2) —

“single-sided fillet” means a fillet that is taken from one side only of a barramundi.

Possession limit — abalone

17. (1) Despite regulation 15, for the purposes of section 51 (1) of the Act the maximum quantity of abalone that a person may be in possession of, other than at the person's principal place of residence, is —

- (a) 20 abalone that are other than prescribed abalone; and
- (b) 10 prescribed abalone.

(2) In this regulation —

“prescribed abalone” means brownlip abalone, greenlip abalone or any combination of those 2 species of abalone.

Possession limit — commercial fishing

18. (1) The maximum quantity of fish of a type specified in an item of the Table to this regulation that a master of a fishing boat may be in possession of on that boat is as set out opposite that item in column 2 of that Table.

(2) For the purposes of subregulation (1), the master of the fishing boat on which the fish are held or transported is to be taken to be in possession of the fish.

(3) This regulation does not apply —

- (a) to fish taken under a Fishing Permit or Statutory Fishing Right granted under the Commonwealth Act; or
- (b) where all the fish held or transported on the fishing boat were taken solely for a non-commercial purpose.

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000.

TABLE

1.	Billfish, sailfish, spearfish and swordfish Tuna, southern bluefin and northern bluefin	0
2.	Tuna, yellowfin and bigeye	2

3. Mackerel, jack, Peruvian jack, yellowtail jack and blue 10
 Tuna, albacore, longtail and skipjack
 Redbait
 Fish of the Family *Bramidae* when taken in WA waters outside
 the 200 metre isobath

Possession limits relating to boats

19. (1) Despite regulation 15, for the purposes of section 51 (1) of the Act the maximum quantity of fish that a master of a boat may be in possession of on that boat where it is being used by 2 or more persons for holding or transporting fish is —

- (a) twice the bag limit of blue manna crabs;
- (b) twice the bag limit of cuttlefish, octopus or squid;
- (c) twice the bag limit of rock lobster; and
- (d) 3 times the bag limit of brownlip or greenlip abalone.

(2) For the purposes of subregulation (1), the master of the boat on which the fish are held or transported is to be taken to be in possession of those fish.

(3) In any proceedings for an offence under section 51 (2) of the Act in the circumstances referred to in subregulation (1) it is a defence for the person charged to prove that —

- (a) the person was the master of a commercial passenger boat not used for fishing; or
- (b) that the person did not know and could not reasonably have known that the maximum quantity of fish under subregulation (1) had already been held or transported on the boat in that day.

Defence in relation to offences under sections 50 (3) or 51 (2)

20. (1) It is a defence in proceedings for an offence against section 50 (3) or section 51 (2) of the Act that the person was acting in accordance with an authority to fish for fish for scientific purposes issued under regulation 178.

(2) It is a defence in proceedings for an offence against section 50 (3) of the Act —

- (a) that the fish were of a species referred to in the Table to this subregulation;
- (b) that the fish were taken by the person charged under section 50 (3) of the Act;
- (c) that the fish were taken over a period during which the person lived on board a boat;

- (d) that the number of fish did not exceed the product of the number of days in the period during which the person lived on board the boat and the bag limit for the species of fish; and
- (e) that section 51 (2) of the Act has not been contravened.

TABLE

1. Coral Trout
2. Crab, Blue Manna
3. Emperor, Red
4. Emperor, Spangled
5. Groper, Baldchin
6. Groper, Blue
7. Salmon, Australian
8. Samson Fish (sea kingfish)
9. Snapper, Northwest
10. Snapper, Pink
11. Snapper, Queen
12. Tuskfish

Presumption of possession

21. If a fisheries officer finds any fish that the officer reasonably suspects is the subject of an offence under section 51 (2) of the Act and the officer is unable at the time of finding to determine who is in possession of the fish, any person using or having control of a —

- (a) vehicle in which the fish is found; or
- (b) refrigerator, freezer, icebox, or other storage device in which the fish is found,

is to be taken to be in possession of the fish.

Division 3 — Bag and possession limits at Exmouth and Ningaloo

Interpretation

22. In this Division —

“Exmouth Gulf Land Zone” means all land between 22° 35’ south latitude and 21° 53’ south latitude, east of the Minilya-Learmonth and Murat Roads and west of 114° 19’ east longitude;

“Exmouth townsite” means the area of land described in the notice under section 10 of the *Land Act 1933* published in the *Gazette* of 18 October 1988, pp. 3116-7, as amended by notices in the *Gazette* of 24 December 1971, p. 5384, 26 August 1977, p. 2984, 11 May 1979, p. 1227, and 15 February 1991, p. 691;

“Ningaloo Marine Park” means all waters of the Indian Ocean and Exmouth Gulf within the boundaries of the Ningaloo Marine Park Reserve No. 2 shown on Plan No. 1735;

“Ningaloo Marine Park Land Zone” means all land —

- (a) between 23° 34' south latitude (Amherst Point) and 21° 53' south latitude and west of the Minilya-Learmonth and Murat Roads, but excluding the townsite of Exmouth; and
- (b) on North West Cape, north of 21° 53' south latitude;

“Plan No. 1735” means the Department of Conservation and Land Management Plan No. 1735 held for public inspection by the Fisheries Department.

Possession of fish within Ningaloo Marine Park

23. (1) In Ningaloo Marine Park, a person must not be in possession of, or have in a boat, any fish other than whole fish.

Penalty: \$3 000.

(2) Despite subregulation (1), a person in Ningaloo Marine Park may be in possession of —

- (a) gilled and gutted fish; and
- (b) filleted mackerel of the Family Scombridae.

(3) Subregulation (2) (b) does not apply unless a fish is filleted so that —

- (a) each fillet is taken from one side only of the fish; and
- (b) the skin and pectoral fin are intact and attached to each fillet.

Fish brought ashore into Exmouth Gulf Land Zone

24. (1) A person must not bring ashore into Exmouth Gulf Land Zone any fish other than whole fish.

Penalty: \$3 000.

(2) Despite subregulation (1), a person may bring ashore into Exmouth Gulf Land Zone —

- (a) gilled and gutted fish; and
- (b) filleted mackerel of the Family Scombridae.

(3) Subregulation (2) (b) does not apply unless a fish is filleted so that —

- (a) each fillet is taken from one side only of the fish; and
- (b) the skin and pectoral fin are intact and attached to each fillet.

Bag limits within Ningaloo Marine Park, Ningaloo Marine Park Land Zone and Exmouth Gulf Land Zone

25. (1) The bag limits prescribed by this regulation apply in respect of Ningaloo Marine Park, Ningaloo Marine Park Land Zone and Exmouth Gulf Land Zone.

(2) For the purposes of section 50 of the Act, the bag limit appearing directly opposite an item in Division 1 or 2 of Part 3 of Schedule 3 is the bag limit in respect of fish of the species referred to in that item.

(3) If an item in Division 1 or 2 of Part 3 of Schedule 3 refers to 2 or more species of fish, for the purposes of section 50 of the Act the bag limit applies in respect of fish that consist of one of those species or any combination of those species.

(4) If fish consist of any species, or any combination of species, other than the species referred to in Division 2 of Part 3 of Schedule 3, for the purposes of section 50 of the Act the bag limit in respect of that species, or combination of species, is 7 fish, but this does not authorize the bag limit prescribed opposite any particular item in Division 1 of Part 3 of Schedule 3 to be exceeded.

Boats used for fishing for rock lobsters within Ningaloo Marine Park

26. (1) Despite the bag limit prescribed under regulation 25, a boat used within Ningaloo Marine Park to fish for rock lobsters must not be used to hold or transport more than 8 rock lobsters in any one day unless —

- (a) the boat is a licensed fishing boat; and
- (b) the rock lobsters are taken under an authorization granted under section 66 of the Act or a rock lobster pot licence.

(2) The master of a boat that is used contrary to subregulation (1) commits an offence.

Penalty: \$5 000.

Possession limit and labelling of fish and rock lobsters at Exmouth and Ningaloo

27. (1) In this regulation —

“**fish**” means whole fish, portion of fish or package of fish, but excludes rock lobster;

“other fish” means, in the definition of “prescribed quantity of fish”, whole fish or portion of fish, but excludes rock lobster;

“package” means any type of wrapping, package, or container;

“prescribed quantity of fish” means the greater amount by weight of either —

- (a) 10 kg of fish and 7 other fish; or
- (b) 17 kg of fish.

“rock lobster” means whole rock lobster or part of a rock lobster;

“stores” includes, in relation to fish or rock lobsters, the act of placing in a refrigerator, freezer, icebox, or other means of storage.

(2) Despite regulation 25, for the purposes of section 51 (1) of the Act the maximum quantity of fish that a person may be in possession of within Ningaloo Marine Park, Exmouth townsite or Ningaloo Marine Park Land Zone is the prescribed quantity of fish and 8 rock lobsters.

(3) A person who, within Ningaloo Marine Park, Exmouth townsite or Ningaloo Marine Park Land Zone, packages or stores any rock lobster or fish (other than squid, octopus or cuttlefish) must securely attach a label as described in subregulation (4) to each rock lobster or fish.

(4) For the purposes of subregulation (3) a label must —

- (a) be not less than 75 millimetres in length and 25 millimetres in width;
- (b) have legibly written on it the full name of the owner of the fish or rock lobster to which it is attached; and
- (c) be attached externally to the fish or rock lobster in such a manner that it is clearly visible to a fisheries officer.

(5) The person referred to in subregulation (3) must ensure that a label, which conforms to this regulation, remains attached to each fish or rock lobster while the fish or rock lobster is within Ningaloo Marine Park, Exmouth townsite or Ningaloo Marine Park Land Zone.

(6) A person who contravenes subregulation (3), (4) or (5) commits an offence.

Penalty: In the case of an offence relating to rock lobster, \$5 000 or, in the case of any other offence, \$3 000.

Presumption of possession or storing

28. (1) If a fisheries officer finds any fish or rock lobster that the officer reasonably suspects is the subject of an offence under regulation 27 (6), and the officer is unable at the time of finding to determine who is in possession of, or stored those fish or rock lobster, any person using or having the control of a —

- (a) vehicle in which the fish or rock lobster is found; or

- (b) refrigerator, freezer, icebox, or other storage device in which the fish or rock lobster is found,

is to be taken to be in possession of, or to have stored, the fish or rock lobster, as the case may be.

- (2) In this regulation —

“fish” and **“rock lobster”** have the same meanings as in regulation 27.

Exemptions from this Division

29. This Division does not apply to or in relation to —

- (a) a person taking fish for a commercial purpose in accordance with an authorization;
- (b) a person operating a business involving the storage, sale, or transportation of fish, if the person is operating in accordance with the written approval of the Executive Director;
- (c) bait fish of the *Family Clupeidae* or *Engraulidae*.

Division 4 — Bag limits in West Coast Purse Seine Managed Fishery

Bag limits in relation to West Coast Purse Seine Managed Fishery

30. (1) In this regulation —

“net” means a lampara net or a purse seine net, as those terms are defined in the management plan;

“management plan” means the *West Coast Purse Seine Management Plan 1989* (published in the *Gazette* of 8 September 1989 at pp. 3181-84);

“West Coast Purse Seine Managed Fishery boat” means a boat which is licensed to operate in the West Coast Purse Seine Managed Fishery under the management plan and which is in the waters of that fishery with a net on, or attached, to it.

(2) The bag limits prescribed by this regulation apply in respect of a person on a West Coast Purse Seine Managed Fishery boat.

(3) For the purposes of section 50 of the Act, the bag limit appearing directly opposite an item in Part 4 of Schedule 3 is the bag limit in respect of fish of the species referred to in that item.

Division 5 — Requirements regarding rock lobsters

Fishing for rock lobster

31. (1) A person, other than the holder of a commercial fishing licence, 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 by the holder of the licence personally.

(2) A person, other than the holder of a commercial fishing licence, who takes and keeps any rock lobster must tail clip or tail punch the rock lobster —

- (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 no boat is used in connection with the taking of the rock lobster, within 5 minutes of bringing the rock lobster ashore.

(3) In this regulation —

“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 millimetres in diameter in the central segment of the tail fan (telson) of a rock lobster by any means.

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

Identification of rock lobster pots by floats

32. (1) A person must not use a rock lobster pot to fish for rock lobster unless the rock lobster pot is attached to a surface float that —

- (a) has a diameter of not less than 150 millimetres if the float is spherical and, in any other case, has a length of not less than 200 millimetres and a width of not less than 100 millimetres; and

- (b) is marked by branding or stamping with legible characters not less than 60 millimetres high and not less than 10 millimetres wide showing —
 - (i) in the case of a pot used by a person who is the holder of a commercial fishing licence, the licensed fishing boat number of the boat that is used to set or pull the pot; or
 - (ii) in the case of a pot used by a person who is not the holder of a commercial fishing licence, the gear identification number of that person setting or pulling the pot; and
- (c) is marked with only one of the numbers referred to in paragraph (b).

Penalty: \$5 000.

(2) A fisheries officer may seize a rock lobster pot and all floats and ropes if —

- (a) the pot is not attached to a surface float; or
- (b) the surface float to which the pot is attached does not comply with subregulation (1).

Fishing for rock lobster in the waters surrounding Rottnest Island

33. A person who is the holder of a commercial fishing licence must not fish for rock lobsters —

- (a) at any time in either of the areas described in Table 1 and Table 2 to this regulation; or
- (b) during the period commencing on 16 January and ending on 14 November in any year, in the area described in Table 3 to this regulation.

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

TABLE 1

All that portion of the Indian Ocean within 1600 metres of the high water mark off Rottnest Island, clockwise of a line extending 225° True from Cape Vlaming to another line extending 180° True from Parker Point.

TABLE 2

All that portion of the Indian Ocean within 800 metres of the high water mark off Rottnest Island, clockwise of a line extending 180° True from Parker Point to another line extending 225° True from Cape Vlaming.

TABLE 3

All that portion of the Indian Ocean beyond 800 metres, but within 1600 metres, of the high water mark off Rottnest Island, clockwise of a line extending 180° True from Parker Point to another line extending 225° True from Cape Vlaming.

Fishing for rock lobster in the waters surrounding Quobba Point

34. A person who is the holder of a commercial fishing licence must not fish for rock lobsters at any time in the area described in the Table to this regulation.

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

TABLE

All that portion of the Indian Ocean bounded by a line starting from a point on the high water mark situate at the southwesternmost extremity of Quobba Point and extending south to south latitude 24° 34'; thence east to a point on the high water mark; and thence generally northwesterly along the high water mark aforesaid to the starting point.

Possession of rock lobster flesh

35. A person must not possess or sell a part only of a rock lobster unless —

- (a) authorized to do so under a fish processor's licence and the part is a part of a whole rock lobster which was processed at the place specified in the licence as the place at which fish are to be processed;
- (b) the part was purchased from the place specified in a fish processor's licence as the place at which rock lobster is to be processed and the person has a receipt detailing that purchase; or
- (c) the part is being prepared for immediate consumption.

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000 and in either case, the penalty provided in section 222 of the Act.

Use of boats for fishing for rock lobsters

36. (1) The master of a boat, other than a fishing boat, must not cause or permit —

- (a) more than 4 rock lobster pots to be carried on the boat at any time;
- (b) a person on board the boat to pull a rock lobster pot unless that person is the holder of a recreational fishing licence specifying that the holder may fish for rock lobsters; or

- (c) more than 4 rock lobster pots to be pulled by persons on board the boat in any one day.

(2) The master of a fishing boat must not cause or permit any person on board the boat to pull a rock lobster pot unless —

- (a) the use of that pot is authorized under an authorization granted under section 66 of the Act; or
- (b) the use of that pot is authorized under a rock lobster pot licence.

Penalty: \$5 000.

Defences to alleged offence under regulation 36

37. In any proceedings for an offence referred to in paragraph (a) or (b), it is a defence for the person charged to prove that the person did not know and could not reasonably have known that —

- (a) in the case of an alleged offence against regulation 36 (1) (b), the person who pulled the rock lobster pot did not hold a recreational fishing licence specifying that the holder may fish for rock lobsters; or
- (b) in the case of an alleged offence against regulation 36 (1) (c), 4 rock lobster pots had already been pulled by persons on board the boat in the relevant period.

Specifications for rock lobster pots

38. A person must not use a rock lobster pot to fish for rock lobster —

- (a) in the waters north of 21° 44' south latitude, unless the pot conforms to the specifications set out in Part 1 of Schedule 13;
- (b) in the waters between 21° 44' south latitude and 34° 24' south latitude, but excluding the waters off the south coast east of 115° 08' east longitude, unless the pot conforms to the specifications set out in Part 2 of Schedule 13; and
- (c) in all waters other than those referred to in paragraphs (a) and (b), unless the pot conforms to the specifications set out in Part 3 of Schedule 13.

Penalty: \$5 000.

Division 6 — Requirements relating to the taking of certain fish

Fishing for prawns by a person other than the holder of a commercial fishing licence

39. A person, other than a person who is the holder of a commercial fishing licence, must not fish for prawns by means of using any fishing gear other than —

- (a) a single hand dip net;
- (b) a single prawn hand trawl net;
- (c) a single hand scoop net,

at any one time.

Penalty: \$3 000.

Fishing for cherabin

40. A person must not fish for cherabin by means of using any fishing gear other than —

- (a) not more than 6 drop nets;
- (b) a single pole snare; or
- (c) a single hand scoop net,

at any one time.

Penalty: \$2 000.

Shucking of abalone by a person other than the holder of a commercial fishing licence

41. A person, other than the holder of a commercial fishing licence, must not —

- (a) on the seaward side of the high water mark, or within 200 metres of, and on the landward side of, the high water mark —
 - (i) remove the shell, or cause or permit the shell to be removed, from an abalone; or
 - (ii) be in possession of an abalone from which the shell has been removed; or
- (b) bring ashore, or attempt to bring ashore, an abalone from which the shell has been removed.

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

Shucking of molluscs by person other than the holder of a commercial fishing licence

42. (1) A person, other than a person who is the holder of a commercial fishing licence or an aquaculture licence, must not —

- (a) on the seaward side of the high water mark, or within 200 metres of, and on the landward side of, the high water mark —
 - (i) remove the shell, or cause or permit the shell to be removed, from a cockle (ark shell), venus clam or other species of edible mollusc; or
 - (ii) be in possession of a cockle (ark shell), venus clam or other species of edible mollusc from which the shell has been removed; or
- (b) bring ashore, or attempt to bring ashore, a cockle (ark shell), a venus clam or any other edible mollusc from which the shell has been removed.

(2) Subregulation (1) (a) does not apply to a person who removes the shell, or causes or permits the shell to be removed, from a cockle (ark shell), venus clam or any other edible mollusc for the purpose of immediately consuming the mollusc or using it as bait.

(3) This regulation does not apply in respect of abalone or oyster.

Penalty: \$2 000.

Obstruction or interference with trout

43. Unless authorized to do so under an authorization, a person must not —

- (a) obstruct or attempt to obstruct the free movement of trout in any waters by means of any fixed implement or device; or
- (b) interfere with or disturb trout when spawning or when on or near their spawning beds.

Penalty: \$2 000.

Fishing for barramundi, brown or rainbow trout, freshwater cobbler or redfin perch

44. Unless the person is authorized to do so under an authorization, a person must not fish for —

- (a) barramundi;
- (b) brown trout;
- (c) freshwater cobbler;
- (d) rainbow trout; or

- (e) redfin perch,

otherwise than by means of a single rod, reel and line or a single line held in the hand.

Penalty: \$2 000.

Division 7 — Requirements regarding nets

Determining the length, depth or mesh of nets

- 45.** (1) For the purposes of these regulations —
- (a) the length of a fishing net is determined by measuring the net along the cork line on which the net is hung;
 - (b) the depth of a fishing net is determined by counting the number of meshes between opposite points on the cork and lead lines; and
 - (c) subject to subregulation (3), the size of the mesh of a fishing net is determined by measuring from knot to knot on the inside of the mesh when lightly stretched so that the opposite knots on the alternate corners are in contact.

(2) If there is any dispute in relation to the determination of the size of the mesh of a fishing net, a 225 gram weight is to be attached to one knot of the mesh to be measured and the space between that and the opposite knot measured.

(3) If the fishing net is dry and is not constructed of single monofilament material, it is to be soaked in water for at least 10 minutes before the size of the mesh is determined in accordance with this regulation.

Persons authorized to use fishing nets

- 46.** (1) A person must not fish by means of using a fishing net, unless the person uses only one net at any one time and —
- (a) where the net is a throw net, it —
 - (i) has a length not exceeding 3 metres measured from the centre retrieval line to the lead line; and
 - (ii) has a mesh of not more than 25 millimetres;
 or
 - (b) where the fishing net is not a throw net, it —
 - (i) has a length not exceeding 60 metres;
 - (ii) is not more than 25 meshes in depth;
 - (iii) does not have a bag or pocket;

- (iv) has end floats with a diameter of not less than 150 millimetres on each of which is marked, in legible characters not less than 60 millimetres high and 10 millimetres wide, the gear identification number of that person;
- (v) has a mesh in accordance with subregulation (2);
- (vi) where the fishing net is a haul net, does not have attached to the net a rope exceeding 10 metres in length;
- (vii) where the fishing net is a set net, has at all times one edge floating on the surface of the water in which it is set; and
- (viii) is made of a material which is not less than 0.35 millimetres in diameter.

(2) The mesh of a fishing net referred to in subregulation (1) (b) (v) is to be not less than —

- (a) 63 millimetres or more than 87 millimetres, where the net is used in the waters of any estuary, river or inlet, or in the entrance of any of those waters;
- (b) 51 millimetres or more than 114 millimetres, where the net is not set in any waters other than those referred to in paragraph (a); or
- (c) 75 millimetres or more than 114 millimetres, where the net is set in any waters other than those referred to in paragraph (a).

(3) This regulation does not apply —

- (a) to a person using a fishing net under the authority of a commercial fishing licence or an aquaculture licence; or
- (b) to the taking of cherabin, crab, marron, freshwater crayfish or prawn.

Penalty: \$2 000.

Minimum distance between set fishing nets

47. A person must not in any waters fix or set a fishing net within 50 metres of any other fishing net that is fixed or set.

Penalty: \$1 000.

Fishing nets to be drawn so as to protect protected fish

48. A person must not in any waters draw a fishing net on shore or on board a boat in such a manner that any protected fish in the net are, or may be, killed.

Penalty: \$1 000.

Priority rights for commercial net fishing

49. (1) Priority between holders of commercial fishing licences engaged in fishing by the use of fishing nets in the same area is to be determined in accordance with this regulation.

(2) In this regulation —

“*bona fide fishing boat*” means a licensed fishing boat marked with its licensed fishing boat number, with a fishing crew who hold commercial fishing licences;

“ground” means —

- (a) any portion of a beach not longer than 800 metres and the waters adjacent to that beach to a distance of 800 metres measured rectangularly from that beach;
- (b) any area of water that is 400 metres square; or
- (c) in subregulation (4), a rectangular area of water measuring 50 metres out from, and at right angles to, both sides of a set net, along the length of the net;

“set” means to fix, stake or place a fishing net in the water so that fish may swim into the net and may be meshed by the gills.

(3) The priority rights for using fishing nets, other than set fishing nets are —

- (a) the first turn belongs to the master of the first *bona fide* fishing boat to arrive on the ground with a net, which complies with the requirements of this Act, ready for shooting and hauling;
- (b) the next turns belong, in order of arrival on the ground, to the masters of the next *bona fide* fishing boats to arrive on the ground with nets, which comply with the requirements of this Act, ready for shooting and hauling;
- (c) during a particular master’s turn, the master has —
 - (i) exclusive right to fish the ground as long as a fishing net is ready to be shot; and
 - (ii) the right to use more than one fishing net where a school of fish is being shot;
- (d) a turn ends when —
 - (i) the net, or nets, have been shot and hauled or, in the case of a ground that includes a beach, hauled ashore;
 - (ii) the master whose turn it was leaves the ground; or
 - (iii) 12 hours have elapsed since the time the master next in turn arrived on the ground, or where the ground includes a beach, 24 hours have elapsed since the time the master next in turn arrived on the ground;

and

- (e) a master is not to have a second turn until all other masters on the ground have had a first turn.

(4) The priority rights for using set fishing nets are —

- (a) the first turn belongs to the master of the first *bona fide* fishing boat to arrive on the ground with a net which complies with the requirements of this Act, ready to set;
- (b) the next turns belong, in order of arrival on the ground, to the masters of the next *bona fide* fishing boats to arrive on the ground with nets which comply with the requirements of this Act, ready to set;
- (c) during a particular master's turn, the master has —
 - (i) exclusive right to fish the ground as long as a fishing net is ready to be set; and
 - (ii) the right to use more than one set fishing net;
- (d) a turn ends when —
 - (i) the net, or nets, have been set and hauled;
 - (ii) the master whose turn it was leaves the ground without setting a fishing net; or
 - (iii) 24 hours have elapsed since the time the master next in turn arrived on the ground;

and

- (e) a master is not to have a second turn until all other masters on the ground have had a first turn.

(5) While a person is having a turn under this regulation, another person must not —

- (a) wilfully disturb or frighten fish on, or in the vicinity of, the ground;
- (b) obstruct the person having a turn; or
- (c) set or place fishing nets so as to prevent fish getting to the ground.

Penalty: \$2 000.

(6) The holder of a commercial fishing licence who suffers loss due to a contravention of this regulation may, with the written approval of the Minister, take legal proceedings at that person's own expense.

Restrictions on the use of fishing nets

50. A person, other than the holder of a commercial fishing licence, must not —

- (a) set a fishing net in any ocean waters outside 800 metres of the low water mark of any part of the State or any island within WA waters;
- (b) use a metal stake in connection with the setting of a fishing net;
- (c) leave a stake which was used in connection with the setting of a fishing net after the net is retrieved; or
- (d) in the waters of Shark Bay lying south of a line drawn from Cape Inscription on Dirk Hartog Island due east to the mainland —
 - (i) use any stake in connection with the setting of a fishing net; or
 - (ii) set or leave a set fishing net within the period beginning 1 ½ hours after sunrise and ending 1 ½ hours before sunset on any one day.

Penalty: \$2 000.

Use of fishing nets in certain waters

51. A person, other than the holder of a commercial fishing licence, must not use a fishing net that is a hauling net in the waters of any estuary, river or inlet or in the entrance to any of those waters.

Penalty: \$2 000.

Requirements relating to unattended fishing nets in certain fisheries

52. A person who holds a commercial fishing licence must not use, or leave unattended, in the waters of a fishery listed in the Table to this regulation —

- (a) any surface fishing net, unless the net has end floats at least 150 millimetres in diameter clearly marked with the licensed fishing boat number of any boat used in connection with the net; or
- (b) any fishing net, unless the net has —
 - (i) every tenth lead weight marked clearly with lettering at least 4 millimetres high showing the licensed fishing boat number referred to in paragraph (a); or
 - (ii) every tenth net float marked clearly with lettering at least 10 millimetres high showing the licensed fishing boat number referred to in paragraph (a).

Penalty: \$2 000.

TABLE

1. Hardy Inlet Estuarine Fishery, being the commercial fishing by fishing nets for all fish in the waters of Hardy Inlet and its tributaries.
2. Leschenault Estuarine Fishery, being the commercial fishing by fishing nets for all fish in the waters of the Leschenault Inlet and its tributaries.
3. Mandurah Estuarine Fishery, being the commercial fishing by fishing nets for all fish in the waters of the Peel Inlet and Harvey Estuary and the Murray, Serpentine and Dandalup rivers, and all their tributaries and all waters of the Indian Ocean lying within a radius of 800 metres from the northern extremity of the western groyne at the mouth of the Dawsville Channel entrance to the Peel Inlet and the waters of the Dawsville Channel.
4. Shark Bay Beach Seine and Mesh Net Managed Fishery.
5. South Coast Estuarine Fishery, being the commercial fishing by fishing net for all fish in the waters of all estuaries on the south coast of the State between Cape Beaufort and the 129° meridian of longitude, including Princess Royal Harbour and Oyster Harbour.
6. Swan/Canning Estuarine Fishery, being the commercial fishing by fishing net for all fish in the waters of the Swan River and Canning River.

Nets used to fish for crabs

53. (1) A person, other than the holder of a commercial fishing licence, must not fish for crabs other than —

- (a) by hand;
- (b) by using not more than 10 drop nets, each with a diameter not exceeding 1.5 metres;
- (c) by using a hand scoop net that complies with subregulation (3); or
- (d) by using a wire hook which is not capable of piercing a crab and is held in the hand.

(2) The master of a boat which is not a licensed fishing boat must not use, cause or permit to be carried on the boat, more than 10 drop nets in any one day.

(3) A hand scoop net —

- (a) must be constructed of wire not exceeding 5 millimetres in thickness;
- (b) must have a circular upper rim with an internal diameter not exceeding 375 millimetres;
- (c) must have a maximum internal depth measured from the plane of the rim not exceeding 210 millimetres;

- (d) must have a generally hemispherical net;
- (e) must have a maximum of 75 meshes formed by the interconnecting wires;
- (f) must have a maximum of 6 support wires radiating from the centre of the base to the upper rim; and
- (g) must not have any obstruction that restricts the movement of crabs through the meshes.

Penalty: \$1 000.

Crab nets in Swan or Canning Rivers

54. (1) A person who is the holder of a commercial fishing licence must not fish for crabs in the waters of the Swan River or the Canning River or their tributaries unless authorized to do so under an authorization.

(2) A person who is the holder of a commercial fishing licence who is using a fishing net to fish for crabs in the waters referred to in subregulation (1) must not use —

- (a) more than 8 fishing nets at any one time; or
- (b) any fishing net exceeding 64 metres in length.

Penalty: \$5 000.

Crab nets in Leschenault Inlet

55. (1) A person who is the holder of a commercial fishing licence must not fish for crabs in the waters of Leschenault Inlet unless authorized to do so under an authorization.

(2) A person who is the holder of a commercial fishing licence who is using a fishing net to fish for crabs in the waters referred to in subregulation (1), must not use —

- (a) more than 6 fishing nets at any one time;
- (b) any fishing net exceeding 64 metres in length; or
- (c) a fishing net during the period beginning 1 ½ hours after sunrise and ending 1 ½ hours before sunset.

Penalty: \$5 000.

Division 8 — Miscellaneous requirements

Documents to be carried on board

56. (1) The master of a licensed fishing boat must cause to be kept on board the boat the following documents, or legible copies of those documents —

- (a) the fishing boat licence;

- (b) the commercial fishing licence of each member of the crew required to hold that licence; and
- (c) any other authorization relating to the boat or crew required to be held under the Act.

Penalty: \$1 000.

(2) Where the Executive Director considers that it would be impractical to require a person to comply with subregulation (1), the Executive Director may exempt that person in relation to a boat or class of boats from that subregulation.

Restrictions on fishing and transportation of fish in Shark Bay region

57. (1) A person, other than a person who is the holder of a commercial fishing licence, must not, in the waters between 23° 30' south latitude and 26° 30' south latitude or in the waters of Shark Bay south of 26° 30' south latitude fish for snapper of the genus *Pagrus* by means of any fishing gear other than —

- (a) one line to which not more than 3 hooks or gangs of hooks are attached; or
- (b) one pointed instrument.

(2) A person, other than the holder of a commercial fishing licence, must not, in the waters between 25° 17' south latitude and 26° 30' south latitude or in the waters of Shark Bay south of 26° 30' south latitude, transport at sea any fish other than whole fish.

(3) Despite subregulation (2) —

- (a) fish may be gilled and gutted at sea; and
- (b) mackerel of the Family *Scombridae* may be processed at sea by cutting up if the skin is left attached to the fish so as to permit identification of the fish.

(4) In this regulation —

“the waters of Shark Bay” means the waters of Shark Bay lying south of a line drawn from Cape Inscription on Dirk Hartog Island due east to the mainland.

Penalty: \$3 000.

Fish in a boat or brought ashore not to have the skin or scales removed

58. (1) Subject to subregulation (2), a person must not have on board a boat, or bring ashore from a boat, any fish that have had the skin or scales removed.

(2) Subregulation (1) does not apply if the person is the holder of a commercial fishing licence and the boat is a licensed fishing boat.

Penalty: \$5 000.

Authorized trade names

59. (1) The authorized trade name of a species of fish set out in column 1 of Schedule 11 is the name set out opposite that species in column 2 of that schedule.

(2) A person must not sell fish of any species under an authorized trade name unless the fish is of the species to which the authorized trade name applies.

Penalty: \$5 000.

Packaging and carrying of rock lobster

60. (1) A person responsible for packaging rock lobster must ensure that no package, container or receptacle which contains rock lobster exceeds 45 kilograms in weight.

(2) A person must not possess a bag which contains live rock lobsters if the bag measures more than one metre in depth and 600 millimetres in width when empty.

Penalty: \$1 000.

Labelling of packages of fish

61. (1) A person who sells any fish to another person, other than on a retail basis, must ensure that a label, as specified in this regulation, is attached in respect of that fish.

(2) The master of a licensed fishing boat which has been used to take rock lobster must ensure that a label, as specified in this regulation and in the form approved by the Executive Director, is attached in respect of that rock lobster before it is removed from the boat or sold to another person.

(3) The label referred to in subregulations (1) and (2) must be —

- (a) durable and made of waterproof cardboard, plastic, wood or metal;
- (b) securely attached to the fish or the exterior of any package, container or receptacle containing the fish; and
- (c) rectangular in shape and not less than 100 millimetres in length and not less than 60 millimetres in width.

(4) The label referred to in subregulation (1) must specify the name and principal place of residence of the person selling the fish.

(5) The label referred to in subregulation (2) must specify —

- (a) the name and principal place of residence of the master of any licensed fishing boat which was used to fish for the fish; and
- (b) the licensed fishing boat number of any licensed fishing boat which was used to fish for the fish and the initial letter of the port from which the boat operates.

(6) A person must not purchase any fish unless the fish is labelled in accordance with this regulation.

(7) A person must not remove rock lobster from a package, container or receptacle labelled in accordance with this regulation before it is received by the purchaser of the rock lobster or until the rock lobster consigned for processing at a place specified in a fish processor's licence is received at that place.

Penalty: \$3 000.

Deposit of refuse or waste in certain waters prohibited

62. Subject to Part 9, a person must not deposit, or cause or permit to be deposited, any refuse or waste —

- (a) in any waters; or
- (b) in any place that might result in the pollution of any waters,

where fish are or are likely to be.

Penalty: \$10 000.

Persons not to have certain fishing gear

63. (1) Where, under the Act, it is prohibited for a person to use any fishing gear in any waters the person must not —

- (a) possess that gear on, or in, those waters or any land adjacent to those waters; or
- (b) carry that gear on any boat of which the person is master,

unless in accordance with the written approval of a fisheries officer.

Penalty: \$5 000.

(2) If the fishing gear was securely stowed and did not contain any fish, it is a defence in proceedings for an offence against subregulation (1) for the person charged to prove that —

- (a) in respect of all boats —
 - (i) the person had no reasonable alternative than to carry the fishing gear through the waters; and
 - (ii) the boat was being used solely for the purpose of travelling by the shortest practicable and most direct route through the waters to, or from, the nearest boat launching facility to waters where the fishing gear could be lawfully used;
- (b) the person was the master of a licensed fishing boat and had a reasonable excuse —
 - (i) to be alongside a service jetty or wharf, or on a mooring in a recognized anchorage within the waters; or

- (ii) to travel to, or from, a service jetty, wharf or anchorage within the waters by the shortest practicable and most direct route, to waters where the fishing gear could lawfully be used;
- or
- (c) due to the person's particular circumstances, the person had no reasonable alternative but to be on the land adjacent to the waters with the fishing gear.

Certain records to be kept and returns submitted to the Department

64. (1) A person engaged for a commercial purpose in any activity referred to in subregulation (2) must keep records relevant to that activity relating to the following matters and must retain those records for a period of not less than 7 years —

- (a) the catch of fish;
 - (b) sales of fish or fish products;
 - (c) output of fish or fish products;
 - (d) purchases of fish or fish products;
 - (e) receipts of fish or fish products;
 - (f) fishing gear or equipment bought, sold or used;
 - (g) times and places of fishing, or carrying out the relevant business of the person;
 - (h) stocks of live fish and live fish production.
- (2) For the purposes of subregulation (1), the activities are —
- (a) taking fish for sale;
 - (b) taking any species of fish for use as bait by persons engaged in commercial fishing;
 - (c) taking for any purpose not prohibited under section 47 of the Act any commercially protected fish;
 - (d) dealing in or purchasing for resale, or exporting or importing, live fish or their products;
 - (e) aquaculture;
 - (f) selling fish at a market or at an establishment at which fish are sold that have not passed through a market;
 - (g) processing fish;
 - (h) transporting fish or fish products;

- (i) purchasing or receiving fish;
- (j) operating a charter boat.

(3) A person who is the holder of a fishing boat licence or carrier boat licence must keep a record in a form approved by the Executive Director of the name, address and details of any commercial fishing licence held by a person who for any period is the master, or has the day to day control, of the boat in respect of which the licence is held.

(4) Subject to subregulation (6), a person who is to keep records under this regulation must submit a return to the Department regarding the activity each month and, where the Executive Director has approved a form for that activity, must —

- (a) use the relevant form approved by the Executive Director; and
- (b) send the return relating to each month to the head office of the Department in Perth to arrive not later than the 15th day of the next month.

(5) A person who purchases or receives any fish must ensure that the record to be kept under this regulation —

- (a) exists or is made at the time that the fish is purchased or received;
- (b) specifies —
 - (i) the quantity and species of the fish purchased or received;
 - (ii) the date of that purchase or receipt; and
 - (iii) the name and address of the person from whom the fish were purchased or received; and
- (c) is kept at the place where the fish are purchased or received.

(6) The Executive Director may exempt a person who is to keep records under this regulation from submitting a monthly return under subregulation (4) for the period of time, or in respect of the activities, specified in writing and sent to the person who is to be exempt.

(7) A person must not make an entry or statement that is false or misleading in a material particular in a record kept or a return submitted under this regulation.

Penalty: In the case of an individual \$5 000 or, in the case of a body corporate, \$10 000 and in either case in relation an offence under subregulation (5), the penalty provided in section 222 of the Act.

PART 5 — FISH PROCESSING

Section 82 (2) (a) — prescribed class of fish

65. For the purposes of section 82 (2) (a) of the Act fish of a prescribed class are —

- (a) rock lobsters;

- (b) prawns; and
- (c) scallops.

Conditions of fish processor's licence

66. A fish processor's licence is subject to the following conditions —

- (a) the holder of the licence —
 - (i) must not receive or purchase marron;
 - (ii) must ensure that marron is not brought onto the place specified in the licence as the place at which the fish are to be processed under the licence,

unless the licence authorizes the processing of marron and the marron are sold by the holder of an aquaculture licence and the consignment note referred to in regulation 69 (c) is securely attached to the marron or to the receptacle, container or package containing the marron;
- (b) the holder of the licence is to ensure that a consignment note referred to in paragraph (a) is retained at the place at which fish are to be processed under the licence;
- (c) the holder of the licence must not purchase fish (other than fish lawfully taken outside WA waters) to process from any person other than the holder of a commercial fishing licence, a fish processor's licence, or an aquaculture licence;
- (d) the holder of the licence must notify the Executive Director in writing within 24 hours of becoming aware, or suspecting, that any fish at the place where fish processing is carried on under the licence is or may be affected by —
 - (i) any disease specified in Schedule 1 of the *Enzootic Diseases Regulations 1970*; or
 - (ii) any disease or condition that the person cannot identify;
- (e) the holder of the licence must notify the Executive Director in writing within 14 days of becoming aware, or suspecting, that any fish at the place where fish processing is carried on under the licence is or may be affected by any disease or condition other than one referred to in paragraph (d) if, within those 14 days, the holder of the licence has not eradicated the disease or condition by taking all reasonable steps to do so;
- (f) the holder of the licence must take all reasonable precautions to prevent the spread of any disease or condition in fish at the place where fish processing is carried on under the licence;
- (g) where the holder of the licence is aware or suspects that fish at the place where fish processing is carried on under the licence are affected by any disease or condition, that person must ensure that no water is discharged from the place to a natural waterway without the prior written approval of the Executive Director;

- (h) the holder of the licence must cause to be kept, at the place specified in the licence as the place at which fish may be processed under the licence, written records of all fish processed at the place and of the business carried on at that place.

PART 6 — AQUACULTURE

Application for aquaculture lease

67. (1) An application for the grant or renewal of an aquaculture lease must be —

- (a) made to the Minister in a form approved for that purpose by the Executive Director;
- (b) accompanied by the fee set out in item 10 of Part 2 of Schedule 1; and
- (c) accompanied by any information that the Minister reasonably requires for a proper consideration of the application.

(2) An applicant must provide the Minister with any further information that the Minister by notice in writing requires the applicant to provide in respect of an application.

(3) An applicant must, if required to do so by the Minister, verify by statutory declaration any information contained in, or given in connection with, an application.

(4) The Minister may refuse to consider an application if the application does not conform to a provision of this regulation or if the applicant has failed to comply with a provision of this regulation.

Exceptions prescribed under section 91

68. (1) Fish of the following specified classes for the following specified purposes or areas are prescribed for the purpose of section 91 (a) of the Act —

- (a) all fish in respect of all non-commercial purposes;
- (b) all fish, excluding marron, in respect of display or ornamental hobby purposes;
- (c) all fish in respect of display or ornamental purposes in retail establishments; and
- (d) all fish in respect of displaying the fish in a public aquarium or oceanarium.

(2) The following are prescribed for the purposes of section 91 (d) of the Act —

- (a) yabbie, common and white;
- (b) koonac; and

(c) gilgie,

in the area described in Schedule 6.

Conditions of aquaculture licence

69. An aquaculture licence is subject to the following conditions —

- (a) the holder of the licence must ensure that fish is not sold under the authority of the licence unless it is packed in the manner specified by the Executive Director;
- (b) where marron is sold on a retail basis, the holder of the licence who is selling the marron, must provide to the purchaser a receipt specifying —
 - (i) the names of the holder of the licence and the purchaser;
 - (ii) the number and type of fish; and
 - (iii) the value and date of the sale;
- (c) where marron is sold on other than a retail basis, the holder of the licence who is selling the marron, must prepare a consignment note in triplicate in a form approved by the Executive Director and must —
 - (i) securely attach the original of the consignment note to the marron or to the receptacle, container or package containing the fish;
 - (ii) send the duplicate copy of the consignment note to the head office of the Department at Perth within 7 days of the sale; and
 - (iii) retain the triplicate copy at the place where aquaculture is carried out under the licence;
- (d) the holder of the licence must notify the Executive Director in writing within 24 hours of becoming aware, or suspecting, that any fish at the place where aquaculture is carried on under the licence is or may be affected by —
 - (i) any disease specified in Schedule 1 of the *Enzootic Diseases Regulations 1970*; or
 - (ii) any disease or condition that the person cannot identify;
- (e) the holder of the licence must notify the Executive Director in writing within 14 days of becoming aware, or suspecting, that any fish at the place where aquaculture is carried on under the licence is or may be affected by any disease or condition other than one referred to in paragraph (d) if, within those 14 days, the holder of the licence has not eradicated the disease or condition by taking all reasonable steps to do so;

- (f) the holder of the licence must take all reasonable precautions to prevent the spread of any disease or condition in fish at the place where aquaculture is carried on under the licence;
- (g) where the holder of the licence is aware or suspects that fish at the place where aquaculture is carried on under the licence are affected by any disease or condition, that person must ensure that no water is discharged from the place to a natural waterway without the prior written approval of the Executive Director; and
- (h) the holder of the licence must ensure that fish at the place where aquaculture is carried on under the licence which the holder of the licence is aware, or suspects, is diseased or contaminated is not removed from the place without the prior written permission of the Executive Director.

PART 7 — NOXIOUS FISH

Noxious fish

70. The species of fish listed in Schedule 5 are prescribed under section 103 of the Act to be noxious fish for the purposes of the Act.

PART 8 — DESIGNATED FISHING ZONES

Notice given by fisheries officer

71. (1) A fisheries officer may, by notice in writing given to a person, prohibit the person from —

- (a) being in a designated fishing zone for a specified period of time, or at all;
- (b) engaging in a specified activity in a designated fishing zone; or
- (c) having a specified thing or class of things in a designated fishing zone.

(2) A fisheries officer may by further notice in writing given to a person vary or revoke a notice given under subregulation (1).

(3) A person who contravenes a notice in writing given by a fisheries officer under this regulation commits an offence.

Penalty: \$ 10 000.

PART 9 — ABROLHOS ISLANDS RESERVE

Division 1 — Interpretation and application of Part

Interpretation

72. In this Part, unless the contrary intention appears —

“**approved**” means approved by the Executive Director;

“**associated camp**” means a camp, including any associated jetty, in the reserve which is allocated to an operator by virtue of a rock lobster licence;

“**camp**” includes all structures on or adjoining any island or on a jetty in the reserve which are associated with a rock lobster licence;

“**jetty**” means a jetty which is attached to and leads onto land within the reserve or is situated within waters adjacent to the reserve;

“**licensed boat**” means a boat operated under a rock lobster licence;

“**mooring**” means any gear (including an anchor or stake) set out on the seabed in a permanent manner to which a boat or other floating structure may be secured by a chain, cable, wire or rope;

“**operator**” means the master of a licensed boat;

“**reserve**” means the Abrolhos Islands reserve;

“**rock lobster licence**” means a managed fishery licence granted in respect of the West Coast Rock Lobster Managed Fishery, declared under the *West Coast Rock Lobster Management Plan 1993*, to fish for rock lobster from Zone A of that fishery;

“**share arrangement**” means a valid written agreement to share facilities under regulation 92.

Application

73. This Part applies to and in respect to all land and waters within and adjacent to the reserve.

Division 2 — Jetties

Construction and modification of jetties and moorings

74. (1) A person who wishes to construct or modify a jetty or mooring must first apply to the Executive Director in the approved form.

(2) If the Executive Director gives approval following an application under subregulation (1), that approval may be subject to such conditions as the Executive Director considers are necessary in the particular case and endorses on the approval.

(3) A person referred to in subregulation (1) must not commence construction or modification of a jetty or mooring unless the written approval of the Executive Director has been obtained.

(4) A person must comply with a condition endorsed on an approval given under this regulation.

Penalty for an offence under subregulation (3) or (4): Not less than \$500 or more than \$2 000.

(5) A fisheries officer may, by notice in writing given to a person to whom approval was granted under this regulation, order that work specified in the notice be carried out within the time specified in the notice on a jetty or mooring that the fisheries officer believes is insecure or unsafe.

(6) A person must comply with an order given under subregulation (5) within the time specified in the order.

Penalty: \$1 000.

Unauthorized use of jetties and moorings

75. (1) A person, other than —

- (a) the owner of;
- (b) a person who is a party to a share arrangement in relation to; or
- (c) the person responsible for,

a jetty or mooring, must not use that jetty or mooring without the written permission, in the approved manner, of a person set out in paragraph (a), (b) or (c).

Penalty: Not less than \$100 or more than \$1 000.

(2) Where written permission has been obtained in accordance with subregulation (1) —

- (a) a copy of the written permission must be filed with the Geraldton or Dongara office of the Department before the jetty or mooring is used by the person obtaining that permission; and
- (b) a copy of the written permission must be retained on board the appropriate boat and presented to a fisheries officer on demand.

(3) Subject to subregulations (1) and (2), a person must not cause a boat, other than a licensed boat or an approved boat, to tie up to a jetty or mooring overnight.

Penalty: Not less than \$100 or more than \$1 000.

(4) This regulation does not apply to —

- (a) an emergency situation; or
- (b) a jetty which is an approved public use jetty.

Division 3 — Buildings and facilities

Executive Director may waive requirements

76. (1) The Executive Director may waive or vary any of the requirements in this Division, on a case-by-case basis, if the circumstances are considered to be exceptional, or of sufficient public or heritage interest to do so.

(2) Any waiver or variation must be in writing, and must specify to whom or what it applies, and under what circumstances.

Transfer of facilities

77. (1) The holder of a rock lobster licence who applies to —

- (a) transfer that licence;
- (b) redistribute a total pot entitlement on that licence; or
- (c) acquire a further rock lobster licence and amalgamate that licence with another rock lobster licence,

must, at the same time, apply in the approved manner to either transfer or remove the associated camp (as the case requires).

(2) If the Executive Director considers it appropriate, the Executive Director may approve an application, made under subregulation (1), to transfer or remove an associated camp, and the Executive Director may make that approval subject to conditions which must be endorsed on the approval.

(3) A person who does not comply with the conditions endorsed on an approval to transfer or remove an associated camp commits an offence.

Penalty: Not less than \$100 or more than \$1 000.

(4) A rock lobster licence holder may apply, in the approved manner, to relocate from a former camp to another associated camp.

(5) If the Executive Director considers it appropriate, the Executive Director may approve an application, made under subregulation (4), to relocate, and the Executive Director may make that approval subject to conditions which must be endorsed on the approval.

(6) A person must comply with the conditions endorsed on an approval to relocate.

Penalty: Not less than \$100 or more than \$1 000.

(7) An operator must not operate from more than one camp at any one time during any single rock lobster season, but the crew may live aboard the boat during any period away from the camp.

Penalty: Not less than \$100 or more than \$1 000.

Camp may become unauthorized structure

- 78.** (1) Where a person —
- (a) does not comply with the conditions endorsed on an approval under regulation 77 (2); or
 - (b) purports to transfer a camp without the approval of the Executive Director,

the camp is an unauthorized structure for the purposes of Division 5.

(2) An amount determined by the Executive Director from time to time must be paid by the owner of the camp prior to an application for —

- (a) a transfer, a redistribution of pot entitlement or a further acquisition referred to in regulation 77 (1); or
- (b) a relocation referred to in regulation 77 (4),

being approved and that amount must —

- (c) be returned to the owner (at the time of the application) of the camp upon compliance with the conditions of any approval issued by the Executive Director; or
- (d) be used to defray the actual costs, including the administrative costs, involved in removing part or all of a camp that becomes an unauthorized structure under subregulation (1).

Buildings — general

79. (1) The owner of a building which is to be constructed in the reserve must ensure that all work to be undertaken on that building complies with the written laws of the State relating to the control of building works.

(2) Where, in the opinion of a fisheries officer, the owner of a building in the reserve fails to adequately maintain that building to an acceptable standard (other than a standard relating to structural soundness), the officer may order the owner to undertake, or cause to be undertaken, remedial work which —

- (a) is sufficient to bring the building up to an acceptable standard; and
- (b) must be completed within the time period set out in the order.

(3) Where a fisheries officer suspects that a building in the reserve does not meet the appropriate standard relating to structural soundness, a fisheries officer may order the owner to obtain, and produce to a fisheries officer, a report from a registered builder stating whether or not that building complies with the written laws of the State relating to the minimum structural requirements for that type of building.

(4) If a report obtained under subregulation (3) states that a building does not meet the minimum structural requirements for that type of building, a fisheries officer may order the owner to undertake, or cause to be undertaken, remedial work which —

- (a) is sufficient in the opinion of a registered builder to bring the building up to the minimum standards; and
- (b) must be completed within the time period set out in the order.

(5) A person who does not comply with an order under subregulation (2), (3) or (4) commits an offence.

Penalty: Not less than \$100 or more than \$1 000.

Buildings — minor changes

80. (1) The owner of a building in the reserve who wishes to make any minor structural change to the building —

- (a) must, if required by a fisheries officer, obtain and produce a written report of a registered builder stating that the changes will be safe and structurally sound;
- (b) must file plans of the change, together with the report obtained under paragraph (a), with the Department; and
- (c) must not allow work to commence until the Executive Director has given approval.

Penalty: Not less than \$100 or more than \$1 000.

(2) For the purposes of this regulation, a minor structural change is a modification or alteration to the building which does not increase or modify the floor space or height of the building (including the addition of shade-cloth, pergolas, verandahs and similar weather protection), but does not include —

- (a) re-roofing that involves re-pitching that roof;
- (b) internal work that involves the installation of split-level living areas or the like; or
- (c) re-cladding of walls that increases the external dimensions or floorspace of the building.

Buildings — major changes and new buildings

81. (1) The owner of an existing building or the person proposing to construct a new building in the reserve must, prior to commencing any major change to an existing building or commencing the construction of a new building, as the case requires —

- (a) obtain and provide full structural plans approved by a registered builder;

- (b) endeavour to obtain the written opinions of the operators with associated camps adjacent to the building or proposed building for the consideration of the Executive Director prior to the Executive Director giving or withholding approval; and
 - (c) obtain the written approval of the Executive Director.
- (2) Approval under subregulation (1) is subject to such conditions that the Executive Director considers are necessary in the particular case.
- (3) For the purposes of subregulation (1), the requisite opinions must be obtained after each relevant operator, referred to in subregulation (1) (b), is informed of (as a minimum) the proposed common access areas, pathways, drains, power plants and other like infrastructure.
- (4) For the purposes of this regulation a major change is any modification or alteration to a building which increases or modifies the floor space or height of that building.
- (5) A new camp or a camp being set up through the transfer of camp facilities under regulation 77 made up of more than —
- (a) 3 living dwellings;
 - (b) one store shed;
 - (c) one ablution block;
 - (d) the approved number of generator sheds for that camp; or
 - (e) the approved number of jetties for that camp,
- (not including on-jetty storage facilities) will not be approved.
- (6) A building which is, or is being, constructed without complying with this regulation is an unauthorized structure for the purposes of Division 5, unless the Executive Director exempts the building, in writing, from compliance with the specific building provisions with which it does not comply.
- (7) A person must comply with the approval of the Executive Director given obtained under subregulation (1).

Penalty: Not less than \$500 or more than \$2 000.

Division 4 — Power and maintenance

Electrical power and wiring

- 82.** (1) This regulation does not apply to 12 volt wiring.
- (2) An operator must ensure that any power facilities in the operator's associated camp conform to the Standards Association of Australia (SAA) wiring rules for 240 volts.
- (3) A person who installs or replaces any electrical wiring must comply with such safe working standards as are prescribed for electrical wiring work under the *Electricity Act 1945*.

(4) A person must, before installing wiring for a new camp site, present a circuit diagram (single line diagram) to the Electricity Corporation and obtain the Corporation's approval for the wiring in that diagram, and must file a copy of the diagram and the approval with the Department.

(5) A person must not undertake any electrical wiring work unless that person is authorized to carry out that type of work under the *Electricity Act 1945*.

(6) In this regulation —

“**Electricity Corporation**” means the Electricity Corporation established under section 4 of the *Electricity Corporation Act 1994*.

Penalty: \$1 000.

Gas

83. (1) An operator must ensure that all gas cylinders, tanks, regulators and fittings in that operator's associated camp comply with the relevant provisions of the *Gas Standards Regulations 1983*.

(2) In addition to complying with subregulation (1), an operator must ensure that any gas cylinders are installed on flat and level ground, or on flat, level concrete or concrete slabs, and secured in an approved manner.

(3) A person must not undertake gas fitting work unless —

(a) the person holds a certificate of competency or a permit endorsed for class C and class D work in gas fitting under the *Gas Standards Regulations 1983*; and

(b) the work is done in accordance with the requirements of the *Gas Standards Regulations 1983*.

Penalty: \$1 000.

Water tank maintenance

84. Where the water supply to any premises which is intended for human consumption is drawn, or partly drawn, from a water tank, the occupier of the premises must —

(a) maintain the roof forming the catchment for the tank, together with the spouting and downpipes appurtenant to the roof in a clean and functional state;

(b) at least once a year, during the months of April and May thoroughly check any water tank, the water from which is used for human consumption for any sludge or detritus buildup, and, where necessary, clean the tank;

(c) ensure that every water tank on the premises containing water for human consumption is fitted with a tight fitting, light-proof, water-proof and secure cover; and

- (d) when ordered to do so by a fisheries officer, empty, cleanse and disinfect any water tank on the premises.

Penalty: \$500.

Generators

85. (1) A person must, before installing a generator —

- (a) obtain the opinion in writing of the majority of operators likely to be affected by the noise emitted by that generator for the consideration of the Executive Director prior to the Executive Director giving or withholding approval; and
- (b) obtain the written approval of the Executive Director.

Penalty: \$500.

(2) Subject to regulation 86, a person who installs a generator must ensure that the generator is sound-proofed and silenced to ensure that noise emissions do not exceed those set out in regulation 104.

Penalty: \$500.

Machinery noise

86. (1) Where undue noise is being emitted by any machinery, a fisheries officer may, in writing, order the owner of, or person in charge of, the machinery to undertake work to ensure that the machinery noise level is reduced so that noise emissions do not exceed those set out in regulation 104.

(2) A person to whom an order is given under subregulation (1) must comply with that order within the time specified in that order.

Penalty: \$500.

Division 5 — Unauthorized structures and termination of tenancy

Interpretation

87. In this Division —

“structure” means any building, jetty, mooring, power plant, or any other like facility;

“unauthorized structure” means a structure that —

- (a) has been erected without approval, abandoned, or is unsafe or is not secure, or in respect of which an order under regulation 74 (5) has not been complied with within the time specified in the order, or does not conform with this Division, or becomes an unauthorized structure as a result of the operation of regulation 78 or 81 (6); and

- (b) has not been claimed by the Crown for its use or for specific community purpose use.

Notice by Executive Director

88. (1) The Executive Director may, by written notice served in accordance with regulation 89 and identifying the unauthorized structure to which it relates, direct a person in occupation or control of an unauthorized structure to remove it, together with its contents.

(2) A copy of the notice referred to in subregulation (1) must be affixed (where practicable) to the unauthorized structure, and must be published —

- (a) in the *Gazette*; and
- (b) in one or more newspapers circulating daily in Geraldton and the Mid-West area.

Service of notice

89. (1) A notice under regulation 88 (1) may be served on the owner of, the occupier of or the person in control of, an unauthorized structure (or all of them, as the case may be) —

- (a) in person; or
- (b) by post,

in accordance with sections 75 and 76 of the *Interpretation Act 1984*.

(2) Despite subregulation (1), where the owner, occupier or person in control of an unauthorized structure is unknown, or known to be absent from the State, the notice may be served by using the procedure in regulation 88 (2), and, when the person to whom it is to be addressed is unknown, the notice may be addressed to “the person in or in control of” the unauthorized structure (identifying it) to which the notice refers, without further name or description.

(3) If more than one person is in apparent occupation or control of an unauthorized structure, it is sufficient to serve the notice on one of them and address it to that one with the addition of the words “and others” or “and another” as the case requires.

(4) Non-service on the person in apparent control of the unauthorized structure does not affect the validity of service on the person in apparent occupation of the unauthorized structure, and non-service on the person in apparent occupation of the unauthorized structure does not affect the validity of service on the person in apparent control of the unauthorized structure.

Non-compliance with notice

90. Where a person fails to comply with a notice under regulation 88 within a period of 2 months from the time of service, and the Executive Director is satisfied —

- (a) that the structure is an unauthorized structure;

- (b) that the notice has been properly served; and
- (c) that the person has not complied with the notice within the period,

the Executive Director may, in writing —

- (d) authorize a fisheries officer to arrange for the removal of the unauthorized structure and its contents;
- (e) authorize the destruction or sale of the unauthorized structure, or part of that structure, or its contents, or both the structure and its contents;
- (f) authorize the sale of the unauthorized structure or its contents or both on condition that it or they are removed upon sale;
- (g) authorize the recovery of costs, incurred in the removal, destruction or sale of the unauthorized structure, from the owner, occupier or person in control of that structure; or
- (h) where the unauthorized structure or its contents are offered for sale under paragraph (e) or (f) and —
 - (i) have not been sold; or
 - (ii) do not raise a sufficient amount at sale to defray the cost of removal, destruction or sale of that unauthorized structure or its contents,

authorize the recovery of costs, or of the unsatisfied balance of the costs, from the person, or occupier, in control of the unauthorized structure or the owner, or both.

Site of unauthorized structure to be cleared completely

91. A person who is directed to remove an unauthorized structure under regulation 88 (1) must clear the site of residual materials and rubbish.

Penalty: \$2 000.

Division 6 — Share arrangements and dispute procedure

Documentation of share arrangement

92. (1) Where it is agreed between 2 or more parties to share camp facilities, jetties, moorings, power outlets or lighting plants, the parties to that agreement must sign a written agreement in the approved form, together with illustrative diagrams relating to that agreement (if appropriate).

(2) A written agreement under subregulation (1) is not valid unless a copy of the signed, written agreement is filed with the Department.

(3) A written agreement cannot be amended without the written approval of the Executive Director.

Dispute over use of shared buildings, facilities, etc.

93. (1) If a dispute arises which relates to the use of a building, structure or facility in the reserve, and which is the subject of a share arrangement, the following procedure may be used to resolve the dispute —

- (a) a party to the dispute may write to the Minister advising of the existence of the dispute and may seek invocation of the dispute procedure set out in this Division; and
- (b) where the Minister is of the opinion that it is justified, the Minister may invoke this dispute procedure and appoint an independent arbitrator to deal with the dispute.

(2) The Executive Director may appoint an independent arbitrator to deal with disputes that have been running for longer than 6 months without signs of resolution.

Duties of independent arbitrator

94. (1) An independent arbitrator must —

- (a) write to the parties known to be involved in the dispute seeking, from each of them, a written statement of the grounds of the dispute; and
- (b) upon receipt of the grounds requested in paragraph (a), or after a reasonable time if either or both do not reply, inform each party of the known grounds of dispute.

(2) After obtaining advice, if required, from the Executive Director or other relevant person, and allowing sufficient time to enable each party to put their side of the dispute, and following due consideration, the independent arbitrator must make a determination.

Determination to be referred to Minister

95. (1) A determination under regulation 94 (2) must be referred by the independent arbitrator to the Minister who may decide to accept or reject the determination, and who must inform the parties of the decision.

(2) The decision of the Minister is binding upon the parties.

Division 7 — Disposal of waste

General prohibition of waste disposal

96. (1) A person must not dump or dispose of any waste, other than in accordance with this Division.

Penalty: \$2 000.

(2) A person who contravenes subregulation (1) is liable for any cost incurred if the waste is removed at the request of the Executive Director, in addition to the penalty specified for contravention of that subregulation.

Food waste

97. (1) A person must dispose of food waste —

- (a) by dumping that waste at sea; or
- (b) by incinerating the waste in an incinerator.

(2) Where any unburnt residue remains after incineration of waste under subregulation (1), the person incinerating the waste must ensure that the residue is returned to the mainland for disposal, or disposed of at an approved dumping site.

Penalty: \$1 000.

Paper, plastic, cardboard, bait bags, etc.

98. (1) A person must not dispose of paper, plastic, cardboard, bait bags, or other combustible materials by dumping them at sea.

Penalty: \$1 000.

(2) A person must dispose of paper, plastic, cardboard, bait bags and other combustible items of a like nature —

- (a) by returning these items to the mainland for recycling or disposal; or
- (b) by incinerating these items in an incinerator.

(3) Where any unburnt residue remains after incineration under subregulation (2), the person incinerating the items must ensure that the residue is disposed of by —

- (a) returning it to the mainland for disposal; or
- (b) by bagging, or otherwise containing, it in non-hazardous natural and non-combustible material and dumping it at an approved refuse dumping site.

Penalty: \$1 000.

Non-hazardous and non-combustible waste

99. (1) A person may dispose of non-hazardous and non-combustible materials, including cray-pots, water tanks, household and building materials —

- (a) by returning those materials to the mainland for recycling or disposal; or
- (b) by dumping those materials at an approved refuse dumping site.

(2) A person who disposes of the material referred to in subregulation (1) by dumping them in an area other than the mainland or an approved refuse disposal site commits an offence.

Penalty: \$1 000.

Hazardous waste including oil, fuel, filters, batteries etc.

100. A person must not dispose of any oil, fuel, engine filter or battery other than by returning it to the mainland.

Penalty: \$2 000.

Campsite waste

101. (1) The operator must provide an associated camp with fly-proof and vermin-proof waste receptacles which may be used for the disposal of putrescible material.

(2) An operator who establishes, or is in control of an associated camp is responsible for keeping that camp, and any associated jetty or foreshore areas, free from waste.

(3) A fisheries officer may, in writing, order the operator of a camp to remove waste from any part of a camp or adjacent foreshore areas.

(4) An operator who does not comply with an order under subregulation (3) commits an offence and in addition to any penalty to which that operator is liable, will be liable for any cost incurred if the waste is removed at the request of the Executive Director.

Penalty: \$500, and a daily penalty of \$50.

Sewage

102. A person must not dispose of sewage in any manner other than —

- (a) where practicable, by use of a saltwater flushing outfall pipe feeding directly into the sea;
- (b) through a septic tank disposal system; or
- (c) by use of an approved sewage disposal system at an approved site.

Penalty: \$500.

Incinerators

103. (1) An incinerator for the disposal of waste —

- (a) must be constructed in a manner which allows combustion to occur in an efficient manner;
- (b) if constructed wholly or partly of mesh, must be made using a mesh of not more than 50 millimetres; and
- (c) must be sited —
 - (i) in an area approved in writing by a fisheries officer; and

(ii) so that correct use does not cause smoke to become a nuisance.

(2) An operator who uses an incinerator must ensure —

- (a) that the incinerator is cleaned after use to avoid leaving unburnt residues to remain or smoulder; and
- (b) that the incinerator is not used before noon, or such other time as is determined by a fisheries officer.

Penalty: \$500.

Division 8 — Miscellaneous

Control of noise

104. (1) A resident or visitor must ensure that the noise emissions from premises or motors in the reserve (other than boats), under the person's control, do not exceed the following levels —

- (a) 50dB(A), between the hours of 6.00 a.m. and 7.00 p.m., on any day; or
- (b) 40dB(A), between the hours of 7.00 p.m. on any day and 6.00 a.m. on the following day,

and must ensure that tonal noise or impulses of noise which are unreasonably loud are not emitted.

(2) If a fisheries officer receives a complaint alleging that a person is responsible for noise in excess of the levels set out in subregulation (1), a fisheries officer may investigate that complaint and, if appropriate, request the person to undertake reasonable measures to lower the level of noise to comply with subregulation (1).

(3) A person must not, without a lawful excuse, refuse to carry out a request under subregulation (2).

Penalty: \$500.

(4) For the purposes of this regulation, "**dB(A)**" means the reading in decibels on a sound level meter or other sound level measuring equipment using the A-weighting network specified for sound level meters in Part I or Part II, whichever is applicable to the measuring equipment in question, of Australian Standard AS 1259 of 1976.

Vehicles

105. (1) A person must not bring a vehicle into the reserve unless the Executive Director has given written approval in which it is specified the conditions under which the vehicle may be in the reserve.

Penalty: \$1 000.

(2) Conditions under subregulation (1) may include, but are not limited to, restrictions on —

- (a) the time of day that the specified vehicle may be used;
- (b) the person or persons that are allowed to use that vehicle;
- (c) the period for which the approval is valid; and
- (d) the purposes for which that vehicle can be used.

(3) A person must not use a vehicle in the reserve in contravention of a condition imposed under this regulation.

Penalty: \$500.

No domestic pets allowed

106. A person must not —

- (a) keep a domestic pet in the reserve;
- (b) allow or cause a boat with a domestic animal on board to secure to or come alongside any jetty in the reserve; or
- (c) allow or cause any domestic animal to be landed onto any island in the reserve.

Penalty: \$1 000.

Introduction of flora and fauna not allowed

107. A person must not introduce any species of flora or fauna to the reserve, unless that person has first obtained the written approval of the Executive Director and the Department of Conservation and Land Management.

Penalty: \$2 000.

Control of noxious or introduced plants, pests, vermin, etc.

108. (1) When carrying out measures for noxious or introduced plant control in the reserve, a person must use only approved preventive and control methods.

Penalty: \$250.

(2) A person must not carry out noxious or introduced plant control in an area that has not been approved by a fisheries officer.

Penalty: \$250.

(3) When carrying out measures to control rodents, cockroaches, mosquitos or flies, a person must only use approved preventive and control methods.

Penalty: \$250.

(4) A person must not carry out any rodent or pest baiting programme in the reserve unless the person has first obtained the approval of the Executive Director.

Penalty: \$250.

Behaviour of persons when in the reserve

109. (1) A person, while in the reserve, must not engage in behaviour which falls short of normal community standards and a fisheries officer may direct a person to leave the reserve if, in the opinion of both a fisheries officer and a majority of residents in the area, that standard of behaviour is not maintained by that person.

(2) A person must comply with a direction under subregulation (1) within 24 hours of that direction being given.

Penalty: \$500.

Chlorine tarping

110. (1) A person must not carry out chlorine tarping on a boat unless —

- (a) the boat is secured to a mooring or is anchored; and
- (b) it is carried out when there are no rock lobsters in holding crates within 50 metres of the boat.

Penalty: \$1 000.

(2) In this regulation “**chlorine tarping**” means the enclosing of a boat’s hull by a cover, such as a tarpaulin, and the adding of chlorine to the water enclosed between the boat and the cover.

Off-season notification

111. (1) The master of a boat must not travel to the reserve between 15 July in any year and 20 February in the next following year unless the Department’s Geraldton office has been given written notice which includes the following details —

- (a) the length of stay proposed;
- (b) the name, description and (where applicable) any distinguishing number allocated in respect of the boat under these regulations;
- (c) the number of persons on the boat;
- (d) details of the particular areas of the reserve it is proposed to visit; and

(e) a radio call signal on which the boat can be contacted.

(2) The master of a boat must not anchor, moor or berth that boat at a mooring or jetty at the time referred to in subregulation (1) unless the notice referred to in that subregulation has been given.

Penalty: \$500.

No weapons in the reserve

112. A person must not bring into the reserve or possess in the reserve, any weapon, including any firearm.

Penalty: \$500.

No open fires in the reserve

113. A person must not light an open fire in the reserve.

Penalty: \$500.

PART 10 — REGISTER

Register

114. (1) The register is available for public inspection between the hours of 8.30 a.m. and 4.30 p.m. on Monday to Friday, other than public holidays at —

The Fisheries Department
3rd Floor
SGIO Atrium
168-170 St. George's Tce.
PERTH WA 6000

(2) On payment of the fee set out —

- (a) in item 2 of Part 1 of Schedule 1, a person may obtain a copy of an entry in, or an extract from, the register; and
- (b) in item 3 of Part 1 of Schedule 1, a person may have access to the register in electronic form for such period of time as is specified by the Registrar.

Other information to be included on register

115. The following details are prescribed under section 126 (e) of the Act as additional details to be set out on the register —

- (a) the date the authorization or exemption was granted or renewed and the date it expires;

- (b) the authorization or exemption number specified on each authorization or exemption;
- (c) any conditions imposed on the authorization or exemption by the Minister or Executive Director, either in full, abbreviated or by reference to another text;
- (d) any period during which the authorization is suspended;
- (e) the nature of any entitlement conferred by the authorization; and
- (f) details of any boat specified in the authorization.

Notation of security interest on register

116. The following details are prescribed under section 128 (2) (c) of the Act as additional details in respect of the notation of a security interest on the register —

- (a) the date of the creation of the interest;
- (b) the date of notation of the interest; and
- (c) any entitlement affected by the interest.

PART 11 — AUTHORIZATIONS

Fishing boat licence

117. (1) A person having the day to day control of any boat used or intended to be used for or in connection with commercial fishing, must ensure that a current fishing boat licence is in force in respect of the boat.

Penalty: \$10 000.

(2) The holder of a fishing boat licence must ensure that the name of the boat in respect of which the licence is in force is not changed without the written approval of the Executive Director.

Penalty: \$5 000.

(3) Subregulation (2) applies whether or not there has been a change in the ownership of the boat or in the licensed fishing boat number of the boat.

(4) The holder of a fishing boat licence must ensure that there is legibly painted on both sides of the hull at the turn of the bow of the boat in respect of which that licence is held, the letters "L.F.B." followed by the licensed fishing boat number of the boat.

Penalty: \$1 000.

(5) The letters and figures to be painted under subregulation (4) are to be painted in black on a yellow background and are to be not less than 300 millimetres in height and not less than 50 millimetres in width, except where the boat is one propelled solely by oars in which case those letters and figures may be less than 150 millimetres but not less than 120 millimetres in height.

(6) A person must not —

- (a) use a boat bearing a licensed fishing boat number, or a number that purports to be such a number; or
- (b) permit or suffer a person to use a boat bearing a licensed fishing boat number, or a number which purports to be such a number,

unless a current fishing boat licence is in force in respect of that boat and the number painted on the boat is the number allocated in respect of the boat.

Penalty: \$5 000.

(7) The master of a fishing boat must not permit or suffer any person aboard the boat in respect of which the licence is held to engage in fishing unless that person holds a commercial fishing licence.

Penalty: \$1 000.

Grant of fishing boat licence

118. (1) If a person applies to the Executive Director for the grant of a fishing boat licence authorizing a person to use a boat for commercial fishing and the Executive Director is satisfied that —

- (a) the person is a fit and proper person to hold the licence;
- (b) it is in the better interests of the fishing industry to grant the licence;
- (c) a Certificate of Survey has been issued in respect of that boat in accordance with the *W.A. Marine (Survey and Certificates of Survey) Regulations 1983*; and
- (d) the boat does not have the same name as any other licensed fishing boat,

the Executive Director may grant to the person a fishing boat licence.

(2) Nothing in subregulation (1) prevents the Executive Director from granting another fishing boat licence to a person who held a fishing boat licence which was cancelled under section 143, 223 or 224 of the Act.

(3) A fishing boat licence is to specify a distinguishing letter and number (licensed fishing boat number) allocated in respect of the boat.

Carrier boat licence

119. (1) In this regulation and regulation 120 —

“**carrier boat**” means a boat used or intended to be used for transporting fish for commercial purposes that have been taken with the use of another boat but does not include a tender dinghy to a licensed fishing boat which —

- (a) does not exceed 6 metres in length; and

(b) is used for carrying fish taken by that boat.

(2) The person having the day to day control of a carrier boat must ensure that a current carrier boat licence is in force in respect of the boat.

Penalty: \$10 000.

(3) The holder of a carrier boat licence must ensure that there is legibly painted on both sides of the hull at the turn of the bow of the boat in respect of which the licence is in force, the letters "L.C.B." followed by the licensed carrier boat number of the boat.

Penalty: \$1 000.

(4) The letters and figures to be painted under subregulation (3) are to be painted in black on a yellow background and are to be not less than 300 millimetres in height and not less than 50 millimetres in width.

(5) Where a boat is licensed under both this regulation and regulation 117, subregulation (3) need not be complied with.

(6) A person must not —

- (a) use a boat bearing a licensed carrier boat number, or a number which purports to be such a number; or
- (b) permit or suffer a person to use a boat bearing a licensed carrier boat number, or a number which purports to be such a number,

unless a current carrier boat licence is in force in respect of that boat and the number painted on the boat is the number allocated in respect of the boat.

Penalty: \$5 000.

Grant of carrier boat licence

120. (1) If a person applies to the Executive Director for the grant of a carrier boat licence authorizing that person to use a boat as a carrier boat and the Executive Director is satisfied that —

- (a) the person is a fit and proper person to hold the licence; and
- (b) it is in the better interests of the fishing industry to grant the licence,

the Executive Director may grant to the person a carrier boat licence.

(2) Nothing in subregulation (1) prevents the Executive Director from granting another carrier boat licence to a person who held a carrier boat licence which was cancelled under section 143, 223 or 224 of the Act.

(3) A carrier boat licence is to specify a distinguishing number (licensed carrier boat number) allocated in respect of the boat.

Commercial fishing licence

121. (1) A person, other than a person referred to in section 91 (d) of the Act, who engages in commercial fishing must hold a commercial fishing licence.

(2) A person, other than a person referred to in section 91 (d) of the Act, who takes fish or assists in taking fish must not directly or indirectly sell that fish unless it is taken under a commercial fishing licence by the holder of that licence.

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

Grant of commercial fishing licence

122. If a person applies to the Executive Director for the grant of a commercial fishing licence authorizing that person to engage in commercial fishing and the Executive Director is satisfied that it is in the better interests of the fishing industry to grant the licence the Executive Director may do so.

Recreational fishing licence

123. (1) Subject to subregulation (3), a person who carries out any activity set out in the Table to regulation 124 must hold a recreational fishing licence specifying that the person may engage in the activity unless —

- (a) the activity is carried out for a commercial purpose; or
- (b) the person is an Aboriginal person not required to hold a recreational fishing licence under section 6 of the Act.

Penalty: \$2 000.

(2) The holder of a commercial fishing licence must not hold a recreational fishing licence for any activity other than the activities set out in items 2 and 4 of the Table to regulation 124 and a recreational fishing licence granted to the holder of a commercial fishing licence specifying that the holder may engage in any other activity is not valid insofar as it relates to that other activity.

Penalty: \$1 000.

(3) A person who is under the age of 16 years is not required to hold a recreational fishing licence to carry out the activity set out in item 4 of the Table to regulation 124.

Grant of recreational fishing licence

124. (1) If a person applies to the Executive Director for the grant of a recreational fishing licence authorizing that person to engage in an activity by way of recreational fishing the Executive Director may grant to the person a recreational fishing licence to engage in the activity.

- (2) A recreational fishing licence is to —
- (a) specify that the person who holds the licence may engage in one or more of the activities set out in the Table to this regulation; and
 - (b) specify any letters and numbers (gear identification number) allocated in respect of the licence, where the licence specifies that the licence holder may fish for rock lobster or fish by means of a fishing net.

TABLE

<u>Item</u>	<u>Activities</u>
1.	Fishing for rock lobster
2.	Fishing for marron
3.	Fishing for abalone
4.	Fishing for all freshwater fish (other than crustaceans) in waters south of 29° south latitude above the tidal influence including all lakes, dams, rivers and their tributaries
5.	Fishing by means of a fishing net

Rock lobster pot licence

125. (1) A person who uses one or more rock lobster pots to engage in the commercial fishing of rock lobster must hold a rock lobster pot licence.

Penalty: \$5 000.

(2) A person who holds a rock lobster pot licence must not use any rock lobster pots in excess of the number specified in that licence as being the number authorized to be used under the licence.

Penalty: \$5 000.

(3) This regulation does not apply to a person using a rock lobster pot in a managed fishery in accordance with an authorization granted in respect of that fishery.

Grant of rock lobster pot licence

126. If a person applies to the Executive Director for the grant of a rock lobster pot licence authorizing that person to engage in the commercial fishing of rock lobster and the Executive Director is satisfied that —

- (a) the person is a fit and proper person to hold the licence; and

- (b) it is in the better interests of the fishing industry to grant the licence,

the Executive Director may grant to the person a rock lobster pot licence.

Oyster fishing licence

127. (1) Subject to subregulation (2), a person who fishes for oysters in public waters must hold an oyster fishing licence.

Penalty: \$1 000.

(2) Subregulation (1) does not apply to a person who takes oysters for the purpose of personal consumption.

(3) In this regulation and in regulation 128 —

“**oyster**” means all oysters other than any pearl oyster, as defined in the *Pearling Act 1990*;

“**public waters**” means all WA waters other than —

- (a) waters on private land;
- (b) waters where aquaculture is carried on under an aquaculture licence; or
- (c) waters specified as a pearl oyster farm in a farm lease under the *Pearling Act 1990*.

Grant of oyster fishing licence

128. If a person applies to the Executive Director for the grant of an oyster fishing licence authorizing that person to engage in fishing for oysters in public waters and the Executive Director is satisfied that it is in the better interests of the fishing industry to grant the licence the Executive Director may grant to the person an oyster fishing licence.

Replacement for lost, damaged or destroyed authorization

129. (1) The holder of an authorization that has been lost, damaged or destroyed may apply to the Executive Director for a replacement for the authorization.

(2) An application —

- (a) must be made as if it were an application to which section 135 of the Act applies; and
- (b) must be accompanied by the fee set out in item 5 of Part 1 of Schedule 1.

Conditions of licences

130. (1) A licence granted under this Part is subject to any conditions imposed in writing by the Executive Director.

(2) A licence may be granted or renewed under this Part or transferred subject to such conditions as the Executive Director thinks fit and specifies in the licence.

(3) The Executive Director may at any time, by notice in writing given to the licence holder, delete or vary any condition on a licence imposed under this regulation or add a new condition to the licence.

(4) A person must not contravene a condition of a licence granted under this Part.

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

Transfers

131. The Executive Director may, under section 140 (2) (b) of the Act, refuse to transfer an authorization or part of an entitlement under an authorization on the grounds that —

- (a) the proposed transferor or transferee has not provided information, or further information, required by the Executive Director for a proper consideration of the application, or has refused to verify such information by statutory declaration;
- (b) where the authorization is held in respect of a boat, the boat is unseaworthy, lost or destroyed;
- (c) the holder has not used the authorization in the previous 2 years;
- (d) the holder has been convicted of an offence against —
 - (i) the Act or these regulations;
 - (ii) a written law other than this Act if the offence relates to the fishing industry; or
 - (iii) a law of the Commonwealth, or of another State or Territory, relating to the management or regulation of fish resources;
- (e) in the opinion of the Executive Director, a condition of the authorization has been contravened;
- (f) the authorization was obtained by fraud or misrepresentation;
- (g) the holder has —
 - (i) failed to keep any record, or submit any return, that is required to be kept or submitted under this Act; or
 - (ii) made an entry or statement in such a record or return that is false or misleading in a material particular;

- (h) a fee, charge or levy payable in respect of the authorization has not been paid when it became due; or
- (i) the transfer would contravene a condition of the authorization or be contrary to a provision of a management plan.

Short term use of a boat other than the boat in respect of which a fishing boat licence is held

132. (1) Despite regulations 117 and 119, where a fishing boat or a carrier boat licence has been granted in respect of a boat and —

- (a) the boat is unseaworthy, lost or destroyed; or
- (b) the Certificate of Survey, as required under regulation 118 (1) (c), for the boat has expired or is cancelled,

the Executive Director may, on application by the holder of the licence, authorize by notice in writing, the holder to use a boat other than the boat in respect of which the licence was granted.

(2) An application for an authority under subregulation (1) —

- (a) is to be made to the Executive Director in a form approved for that purpose by the Executive Director; and
- (b) is to be accompanied by the fee set out in item 6 of Part 2 of Schedule 1.

(3) An authority under this regulation —

- (a) must specify the boat to which the authority relates and the period for which the boat may be used under the licence, being a period not exceeding 28 days; and
- (b) is subject to any conditions specified in the authority by the Executive Director.

(4) The Executive Director may vary or cancel a condition imposed on an authority under this regulation by notice in writing given to the holder of the authority.

(5) The Executive Director may vary or cancel an authority under this regulation by notice in writing given to the holder of the authority.

(6) A person to whom an authority has been granted under this regulation must not contravene that authority while it is in force.

Penalty: \$5 000.

Duration of licences

133. Except as otherwise provided in the Act or in the licence, a licence granted under this Part remains in force for a period of 12 months from the day on which it is granted or renewed.

Renewal of licences

134. If a person applies to the Executive Director for the renewal of a licence granted under this Part, the Executive Director is, subject to section 143 of the Act, to renew the licence.

Application fees

135. A fee set out in Part 2 of Schedule 1 opposite a particular type of application is the fee to be paid to make that application.

Some people may pay only half the applicable fee

136. Where a recreational fishing licence is applied for by —

- (a) a person under the age of 16 years;
- (b) a person receiving —
 - (i) under the *Social Security Act 1991* of the Commonwealth, an age, disability support or widows pension or allowance;
 - (ii) a pension under the *Coal Industry Superannuation Act 1989*;
 - (iii) under the *Veterans Entitlements Act 1986* of the Commonwealth, a pension as a widow of a member of the forces, a service pension or the special rate of pension as a person who is totally and permanently incapacitated;
- (c) a person who is the spouse, widow or widower of a person referred to in paragraph (b); or
- (d) a person who is the holder of a Seniors' Card issued by the Office of Seniors Interests,

only one half of the fee otherwise applicable is payable.

Fees for grant or renewal of authorization

137. A fee set out in Part 3 of Schedule 1 opposite a particular type of authorization is the fee to be paid in respect of the grant or renewal of the authorization.

Temporary transfer of entitlements

138. Part of an entitlement under an authorization may not be transferred under section 141 of the Act for a period ending on a day after the authorization would expire, if it were not renewed.

Executive Director to be notified of change of name or address

139. If a person who holds an exemption, authorization, aquaculture lease or exclusive licence changes name or address, the person must within 7 days after the change notify the Executive Director in writing of the person's new name or address and provide details of each exemption, authorization, aquaculture lease or exclusive licence held by the person.

Penalty: \$200.

PART 12 — OBJECTIONS

Fee for objection to proposal under section 149

140. (1) A fee as set out in item 4 of Part 1 of Schedule 1 is payable on lodging an objection to a proposal under section 149 (2) of the Act.

(2) Subject to any order the tribunal may make for costs under section 156 of the Act, if an objection under Division 1 of Part 14 of the Act is successful one half of the fee referred to in subregulation (1) is to be refunded to the applicant.

Documents signed by a tribunal

141. A document bearing the signature of —

- (a) each member of a tribunal; or
- (b) a person authorized in writing by each member of the tribunal to sign documents on behalf of the tribunal,

is to be taken to be signed by the tribunal.

Summons under section 158

142. (1) A summons under section 158 of the Act is to be in the form of Form 1.

(2) A summons under section 158 of the Act is to be served by —

- (a) delivering the summons to the person; or
- (b) leaving the summons at the person's usual or last known place of abode with a person who is, or appears to the person serving the summons, over the age of 16 years.

(3) A summons remains in force from the date that it is issued until the conclusion of the hearing at which the attendance of the person served with the summons is required or until the person is excused by the tribunal.

Decision and orders of a tribunal

143. (1) The Executive Director or a person or persons in whose favour a tribunal has made an order for costs may recover the amount of the costs in any court of competent jurisdiction as a debt due from the person against whom they are awarded.

(2) A tribunal is to give notice of its decision and of the reasons for the decision, in writing, to the Executive Director.

PART 13 — MISCELLANEOUS OFFENCES

Waters not to be stalled

144. (1) A person must not set any fishing gear or any other thing across or within any bay, inlet, river, creek or any tidal or inland waters so that fish are enclosed, left stranded, destroyed or wasted.

(2) A person must not place, set or use in inland waters, a trap or device enclosed with wire, or wire netting with wings attached so as to impede the free passage of fish on either side of the trap or device.

Penalty: \$1 000.

Explosive or noxious substances

145. (1) A person must not in WA waters carry on, or in, a boat any explosive or noxious substance unless so authorized under subregulation (2).

Penalty: In the case of an individual, \$5 000 or, in the case of a body corporate, \$10 000.

(2) A fisheries officer may, in writing, authorize a person to carry any explosive or noxious substance on a boat referred to in subregulation (1) and in that authority must specify —

- (a) the type and amount that may be carried;
- (b) the purpose for which it may be carried;
- (c) the period of time within which it must be carried; and
- (d) the boat on, or in, which it may be carried.

Person in possession of explosive or noxious substance

146. (1) Where any explosive or noxious substance has been used in WA waters without lawful excuse, resulting in the taking of fish and a person is found in possession of any explosive or noxious substance that person, in the absence of evidence to the contrary, is to be presumed to be the person who used the explosive or noxious substance.

(2) For the purpose of this regulation, the master of a boat on which is found any explosive or noxious substance is to be taken to be in possession of that explosive or noxious substance.

PART 14 — FISHERIES OFFICERS**Warrant under section 187**

147. A warrant under section 187 of the Act is to be in the form of Form 2.

Disposing of seized fish

148. For the purposes of section 194 (2) of the Act, fish seized under the Act may be —

- (a) given to the Department for its use or transferred, with or without charge, to any other department of the State or Commonwealth;
- (b) sold at public auction, by tender or by private contract;
- (c) donated to needy persons, or an institution operated for the benefit of needy persons; or
- (d) destroyed where a fisheries officer is of the opinion that the fish is not fit for human consumption or it is not practical to release, sell or donate the fish.

Proceeds of sale of fish under section 194 (2)

149. For the purposes of section 194 (3) of the Act proceeds of the sale of any fish under section 194 (2) of the Act are to be paid to the credit of —

- (a) the Fisheries Research and Development Fund continued under section 238 of the Act, where the fish was the subject of an offence, or suspected offence, relating to aquaculture, aquatic ecotourism, commercial fishing, or processing; and
- (b) the Recreational Fishing Fund established under section 239 of the Act in all other cases.

Application for compensation under section 197 (3)

150. (1) An application to the Executive Director for compensation under section 197 (3) of the Act must be made in writing.

(2) An application for compensation may contain information regarding the following matters —

- (a) why compensation is claimed;
- (b) when the boat or vehicle was used and by whom;
- (c) what use was made of the boat or vehicle;
- (d) how the applicant was affected by the use of the boat or vehicle.

PART 15 — LEGAL PROCEEDINGS

Determination of characteristics of fish

- 151.** The method prescribed under section 214 of the Act to determine —
- (a) the length of the fish listed in column 1 of Part 1 of Schedule 8 is as set out opposite the name of the fish in column 2; and
 - (b) the volume of fish, other than oysters, is as set out in Part 2 of Schedule 8.

Definition of Australian Geodetic Datum

152. (1) For the purposes of the Act, the Australian Geodetic Datum is defined by an ellipsoid having a semi-major axis (equatorial radius) of 6 378 160 metres and a flattening of 1/298.25 and fixed by the position of the origin being the Johnston Geodetic Station in the Northern Territory of Australia.

- (2) The Johnston Geodetic Station is to be taken to be situated at —
- (a) 25° 56' 54.5515" south latitude and 133° 12' 30.0771" east longitude; or
 - (b) where decimal reckoning is used, 25° 56.90919" south latitude and 113° 12.50129" east longitude,

and to have a ground level elevation of 571.2 metres above the ellipsoid referred to in subregulation (1).

Notice given by Executive Director under section 219 (1)

153. The way prescribed for the Executive Director to give notice under section 219 (1) of the Act is by a notice describing the thing seized to be displayed for at least 30 days in a prominent position on a notice board which is clearly visible from outside the office of the Department nearest to where the thing was seized.

Disposing of any thing forfeited to the Crown

- 154.** (1) Any thing (other than fish) forfeited to the Crown under the Act is —
- (a) to be given to the Department for its use or transferred, with or without charge, to any other department of the State or Commonwealth;
 - (b) to be sold at public auction, by tender or by private contract ; or
 - (c) to be destroyed, as specified by the Executive Director.
- (2) Fish forfeited to the Crown under the Act are to be dealt with as specified in regulation 148 in respect of fish seized under the Act.

(3) The Executive Director is to specify which method referred to in subregulation (1) or regulation 148 is to apply in respect of a particular thing forfeited to the Crown.

Proceeds of sale of forfeited things to be credited to certain funds

155. For the purposes of section 221 (2) of the Act, proceeds of the sale of any thing forfeited to the Crown under the Act are to be paid to the credit of —

- (a) the Fisheries Research and Development Fund continued under section 238 of the Act, where the thing was forfeited in respect of an offence relating to aquaculture, aquatic eco-tourism, commercial fishing, or processing; or
- (b) the Recreational Fishing Fund established under section 239 of the Act in all other cases.

Additional penalty under section 222

156. For the purposes of section 222 (1) of the Act, the provisions of the regulations referred to in the Table to this regulation are prescribed provisions.

TABLE

Regulations 31, 33, 34, 35, 41, 64 (5), 121 and 130.

Determining the value of fish

157. For the purposes of —

- (a) section 222 (4) (a) of the Act, the value per unit of weight (in kilograms) for the fish listed in column 1 of Schedule 9 is set out in column 2 opposite the name of the fish; and
- (b) section 222 (4) (b) of the Act, the value per fish for the fish listed in column 1 of Schedule 9 is set out in column 3 opposite the name of the fish.

Prescribed offences under section 224 (1) (a)

158. An offence against a provision referred to in the Table to this regulation is a prescribed offence under section 224 (1) (a) of the Act.

TABLE

Provisions of the Act

Sections 43 (3), 46, 47, 49, 77, 82 (1), 86, 88, 96, 112, 170 (1), 171 (1), 172, 173 (1), 174 (1), 175 (1), 176, 189 (2), 190 (2), 191 (5), 199, 200, 225 (4) and (5) and 255 (3).

Section 74, where the provision of the management plan contravened is designated in the plan as a major provision.

Provision of these regulations

Regulations 13, 18, 32 (1), 33, 35, 38, 52, 54, 55, 63, 64, 71 (3), 117 (1), 119 (2), 125 (2), 130 (4), 145 (1) and 176.

Prescribed offences under section 228 (1)

159. An offence against a provision set out in column 1 of Schedule 12 is a prescribed offence under section 228 (1) of the Act.

Form of infringement notice

160. An infringement notice under section 229 (1) of the Act is to be in the form of Form 3.

Form of notice of withdrawal of infringement notice

161. A notice to be served under section 231 (1) of the Act is to be in the form of Form 4.

Modified penalties

162. The modified penalty set out in column 2 of Schedule 12 opposite an offence referred to in column 1 is the prescribed modified penalty for that offence for the purposes of section 229 (2) of the Act.

PART 16 — FINANCIAL PROVISIONS

Times for special purpose audits

163. The times for a special purpose audit to be carried out under section 240 (6) (b) of the Act are within 2 months after the end of any financial year in which —

- (a) any money was paid to the industry body under section 240 (5) of the Act; or
- (b) any monies paid to the industry body under section 240 (5) of the Act were expended by the body.

PART 17 — MISCELLANEOUS

Division 1 — Guidelines

Publication of guidelines

164. (1) The Executive Director is to publish guidelines under section 246 or 247 of the Act by publishing notice in the *Gazette* or in a newspaper circulating daily in the State that the guidelines have been issued, amended or revoked and published by the Department and that copies are available to the public free of charge at the offices of the Department.

(2) The Executive Director is to make copies of published guidelines available to the public free of charge at the offices of the Department.

Form of notice given by appointed person

165. A notice under section 249 (3) (a) of the Act is to be in the form of Form 5.

Division 2 — Exclusive licences

Exclusive licences

166. (1) An application for the grant or renewal of an exclusive licence must be —

- (a) made to the Minister in a form approved for that purpose by the Executive Director;
- (b) accompanied by the fee set out in item 14 of Part 2 of Schedule 1; and
- (c) accompanied by any information that the Minister reasonably requires for a proper consideration of the application.

(2) An applicant must provide the Minister with any further information that the Minister by notice in writing requires the applicant to provide in respect of an application.

(3) An applicant must, if required to do so by the Minister, verify by statutory declaration any information contained in, or given in connection with, an application.

(4) The Minister may refuse to consider an application if the application does not conform to a provision of this regulation or if the applicant has failed to comply with a provision of this regulation.

Effect of exclusive licence

167. (1) An exclusive licence is granted and has effect subject to the Act and does not authorize the doing of anything in contravention of the Act.

(2) The authority conferred by an exclusive licence is of no effect at any time when any of its conditions are being contravened.

Form of exclusive licence

168. An exclusive licence is to be in a form approved by the Executive Director.

Renewal after expiry

169. Section 139 of the Act applies in respect of the renewal of an exclusive licence as if that licence were an authorization referred to in that section, except that the application is to be made to the Minister.

Some draft exclusive licences to go before Parliament

170. An exclusive licence is not to be granted in respect of an area that has a foreshore with a length greater than 120 kilometres until 14 sitting days after a draft of the licence has been laid before each House of Parliament.

Conditions of exclusive licence

171. Subject to any terms or conditions to which an exclusive licence is subject under section 251 (3) of the Act, every exclusive licence is subject to the following conditions —

- (a) that the fees or royalties (if any) that the licence holder is required to pay in relation to the licence are paid at the head office of the Department in Perth in the manner provided in the licence;
- (b) that if —
 - (i) any fees or royalties that the licence holder is required to pay in relation to the licence remain unpaid for 21 days after they become due;
 - (ii) the licence holder fails to comply with any of these conditions or with any other terms or conditions relating to the licence to which the licence holder is subject; or
 - (iii) the Minister considers that it is in the public interest to do so,

the Minister may revoke the licence and, on the licence being revoked, all the interest of the licence holder, or any person claiming under the licence holder, in the licence terminates.

Only authorized persons to fish in area the subject of exclusive licence

172. (1) Subject to subregulation (2), a person must not engage in fishing in an area that is the subject of an exclusive licence unless the person is authorized by the licence to do so.

Penalty: \$3 000.

(2) Subregulation (1) does not apply to a person who takes fish for the purpose of personal consumption.

Division 3 — Prohibition of activities that pollute waters

Form of notice that prohibits activities that pollute waters

173. A notice to be given by the Minister under section 255 (1) of the Act is to be in the form of Form 6.

Form of notice that varies or revokes a notice under regulation 173

174. A notice to be given by the Minister under section 255 (2) (c) of the Act is to be in the form of Form 7.

Appeal to the Minister for the Environment against giving of notice

- 175.** (1) An appeal under section 255 (5) of the Act is to be made —
- (a) within 21 days after the person aggrieved by a notice given to the person under section 255 of the Act receives the notice;
 - (b) in the form set out in Form 8, setting out the grounds of the appeal; and
 - (c) by sending the completed appeal form to the Executive Director at the head office of the Department in Perth.

(2) The Executive Director is to submit an appeal received under subregulation (1) (c) to the Minister for the Environment, as defined in section 255 (8) of the Act.

Division 4 — General

Control of fish not endemic

176. (1) A person must not bring into the State, or a particular area of the State, a live fish of a species not endemic to the State, or that area of the State, other than in accordance with —

- (a) the written approval of the Executive Director;
- (b) the written authority of the Executive Director under subregulation (2); or
- (c) an aquaculture licence.

(2) An application for an authority under subregulation (1) (b) —

- (a) is to be made to the Executive Director in a form approved for that purpose by the Executive Director; and
- (b) is to be accompanied by the fee set out in item 16 of Part 2 of Schedule 1.

(3) An approval or authority under subregulation (1) is subject to any conditions specified in the approval or authority by the Executive Director.

(4) The Executive Director may vary or cancel a condition specified in an approval or authority under subregulation (1) by notice in writing given to the holder of the approval or authority.

(5) The Executive Director may vary or cancel an approval or authority under subregulation (1) at any time by notice in writing given to the holder of the approval or authority.

(6) A person must not contravene an approval or authority issued under subregulation (1).

(7) A person who is in possession of a fish of any species of fish not endemic to the State, or the area of the State where the person is in possession of the fish, must destroy the fish if the fish is found to be infected with any disease, unless otherwise approved in writing by the Executive Director.

(8) The species of fish listed in Schedule 10 are to be taken to be not endemic to the State for the purposes of the Act, but Schedule 10 is not a conclusive list of species of fish which are not endemic to the State for the purposes of the Act.

Penalty: \$10 000.

Disease control

177. (1) A fisheries officer who has reasonable grounds to suspect that any fish at a place where fish processing or aquaculture is being carried on are diseased may, by notice in writing given to the holder of the relevant licence, require that person to carry out the treatment specified in the notice within the time specified in the notice.

(2) A fisheries officer who has reasonable grounds to suspect that fish at a place where aquaculture is being carried on are affected by —

- (a) a disease specified in Schedule 1 of the *Enzootic Diseases Regulations 1970*;
- (b) any disease which cannot be effectively treated at the place where the fish are; or
- (c) a disease of such a nature that the officer's urgent action is required to prevent the spread of the disease,

may take, or require the holder of the relevant licence to take, such action as the officer thinks fit to destroy the fish affected and to eradicate the disease from the place.

(3) Any costs incurred as a result of action taken by a fisheries officer under subsection (2) may be recovered by the Executive Director from the holder of the licence as a debt due.

(4) The Executive Director may, by notice in writing given to the holder of an aquaculture licence, require that person to carry out such action as is specified in the notice for the prevention of any disease in fish at the place where aquaculture is carried out under the licence within the time specified in the notice.

(5) A person must —

- (a) comply with a notice given to the person under subregulation (1);
- (b) carry out any action required by a fisheries officer to be carried out by that person under subregulation (2); and

- (c) comply with a notice given by the Executive Director under subregulation (4).

Penalty: \$10 000.

Taking of fish for scientific purposes

178. (1) Despite anything else in these regulations, a person may fish for fish for scientific purposes if that person has a written authority to do so issued by the Executive Director.

- (2) An application for an authority under subregulation (1) —

- (a) is to be made to the Executive Director in a form approved for that purpose by the Executive Director; and
- (b) is to be accompanied by the fee set out in item 15 of Part 2 of Schedule 1.

(3) An authority under subregulation (1) is subject to any conditions specified in the authority by the Executive Director.

(4) The Executive Director may vary or cancel a condition specified in an authority under subregulation (1) by notice in writing given to the holder of the authority.

(5) The Executive Director may vary or cancel an authority at any time by notice in writing given to the holder of the authority.

(6) A person must not contravene an authority issued under subregulation (1).

Penalty: \$3 000.

Taking or handling of fish for genetic or chemical extraction or analysis

179. (1) A person must not engage in any activity referred to in subregulation (2) other than in accordance with —

- (a) the written approval of the Executive Director; or
- (b) the written authority of the Executive Director under subregulation (3).

- (2) For the purposes of subregulation (1) the activities are —

- (a) the taking of fish for genetic or chemical extraction or analysis; or
- (b) the handling, delivering, receiving, storing, packaging, purchasing or selling of fish which the person has reasonable grounds to believe are to be used for genetic or chemical extraction or analysis.

(3) An application for an authority under subregulation (1) (b) —

- (a) is to be made to the Executive Director in a form approved for that purpose by the Executive Director; and
- (b) is to be accompanied by the fee set out in item 19 of Part 2 of Schedule 1.

(4) An approval or authority under subregulation (1) is subject to any conditions specified in the approval or authority by the Executive Director.

(5) The Executive Director may vary or cancel a condition specified in an approval or authority under subregulation (1) by notice in writing given to the holder of the approval or authority.

(6) The Executive Director may vary or cancel an approval or authority under subregulation (1) at any time by notice in writing given to the holder of the approval or authority.

(7) A person must not contravene an approval or authority issued under subregulation (1).

Penalty: \$10 000.

Categories of fish

180. For the purposes of the Act, a species of fish referred to in Schedule 4 is a species of fish of the category referred to in the heading below which it appears.

Reduction and waiver of fees and charges

181. The Executive Director may authorize the reduction or waiver of any fee or charge provided for in these regulations or in a management plan if the Executive Director considers it appropriate to do so.

PART 18 — SAVINGS AND TRANSITIONAL PROVISIONS

Limited entry fisheries under the repealed Act

182. (1) For the purposes of section 74 of the Act, a provision of a notice under section 32 of the repealed Act continued in effect under clause 9 of Schedule 3 of the Act as if it were a management plan which requires a person —

- (a) to do; or
- (b) not to do,

a specified thing is to be taken to be a provision the contravention of which is specified in the notice to be an offence.

(2) Section 32 (3) of the repealed Act continues to have effect in relation to the prescription of fees in relation to a licence, or endorsement, continued in force under clause 10 of Schedule 3 of the Act as if it were a managed fishery licence as if a reference in section 32 (3) —

- (a) to a limited entry fishery were a reference to a managed fishery; and
- (b) to a licence, or an endorsement on a licence, in respect of a limited entry fishery were a reference to a managed fishery licence.

Citation of notices

183. (1) Each notice made under section 32 of the repealed Act referred to in column 1 of the Table to this regulation may be cited using the citation set out opposite the item in column 2 of that Table.

(2) Those notices in force under section 32 of the repealed Act immediately before the commencement of these regulations not set out in column 1 of the Table to this regulation may be cited as if the words "Limited Entry Fishery Notice" were deleted from their citation and the word "Management Plan" were substituted.

TABLE

<i>South Coast Salmon Fishery Notice 1982</i>	<i>South Coast Salmon Management Plan 1982</i>
<i>South-West Coast Salmon Fishery Notice 1982</i>	<i>South-West Coast Salmon Management Plan 1982</i>

Licences under the *Public Oyster Fishing Regulations 1919* continued in force

184. A licence in force under the *Public Oyster Fishing Regulations 1919* immediately before the commencement of these regulations continues in force on that commencement as if it were an oyster fishing licence granted under regulation 128.

Rock lobster pot licence continued in force

185. A rock lobster pot licence in force under the repealed Act immediately before the commencement of these regulations continues in force on that commencement as if it were a rock lobster pot licence granted under regulation 126.

Certain notices under the repealed Act continued as orders under section 43

186. A notice under section 9, 10, 11 or 38 of the repealed Act in force immediately before the commencement of these regulations continues in force on that commencement, and may be amended or revoked, as if the notice were an order made under section 43 of the Act and as if any reference in the notice to the Director were a reference to the Executive Director.

SCHEDULE 1**FEEES****PART 1 — GENERAL FEES**

Fees	\$
1. Application for an exemption under section 7 (4) of the Act (reg.6)	100.00
2. Copy of entry on, or extract from, the register (reg. 114 (2) (a))	20.00
3. Access to the register in electronic form (reg. 114 (2) (b))	20.00
4. Fee for objection under section 149 (2) of the Act (reg. 140)	300.00
5. Application for replacement authorization (reg. 129)	10.00

PART 2 — APPLICATION FEES

[Reg. 135]

Fees	\$
1. Fishing boat licence, grant or renewal (reg. 118)	55.00
For transfer	310.00
For variation	310.00
2. Carrier boat licence, grant or renewal (reg. 120)	55.00
For transfer	310.00
For variation	310.00
3. Commercial fishing licence, grant or renewal (reg. 122) .	55.00
4. Recreational fishing licence, grant, variation or renewal (reg. 124) —	
(a) Fishing for rock lobster	25.00
(b) Fishing for marron	20.00
(c) Fishing for abalone	25.00

PART 2 — APPLICATION FEES — continued

[Reg. 135]

Fees	\$
(d) Fishing for all freshwater fish (other than crustaceans) in waters south of 29 degrees south latitude above the tidal influence including all lakes, dams, rivers and their tributaries	15.00
(e) Fishing by means of a fishing net	20.00
(f) all the activities specified in paragraphs (a) to (e) endorsed on one licence	60.00
5. Rock lobster pot licence, grant or renewal (reg. 126)	55.00
For transfer	210.00
6. Application for authority to use another boat (reg. 132) .	310.00
7. Grant of permit under section 80 of the Act	300.00
8. Fish processor's licence under section 83 of the Act	300.00
For renewal	60.00
For transfer	350.00
For variation (other than as set out in item 9)	350.00
9. Variation of fish processor's licence to change place at which fish may be processed under the licence	350.00
10. Aquaculture lease, grant or renewal (reg. 67)	1 600.00
11. Aquaculture licence under section 92 of the Act	
In respect of freehold land	110.00
In respect of non-freehold land	500.00
For renewal	55.00
For transfer	365.00
For variation	365.00
12. Authorization under section 66 of the Act	210.00
For renewal	55.00
For transfer	310.00
For variation	310.00

PART 2 — APPLICATION FEES — continued

[Reg. 135]

Fees	\$
13. Oyster fishing licence (reg. 128)	210.00
For renewal	55.00
14. Exclusive licence, grant or renewal (reg. 166)	500.00
15. Authority to take fish for scientific purposes (reg. 178) . .	55.00
16. Authority to bring in non-endemic fish (reg. 176)	100.00
17. Temporary transfer of part entitlements (reg. 138)	100.00
18. Register — notation under section 127 of the Act	100.00
Register — variation under section 131 of the Act	100.00
Register — removal of record under 131 of the Act	100.00
19. Authority to take or handle fish for genetic or chemical extraction or analysis (reg. 179)	500.00

**PART 3 — FEES FOR THE GRANT OR RENEWAL OF
AUTHORIZATIONS**

[Reg. 137]

Fees	\$
1. Fish processor's licence	
Types of processing establishments —	
(a) processing establishment that is erected on land and that is used for processing either rock lobsters or prawns	555.00
(b) processing establishment that is erected on land and that is used for processing both rock lobsters and prawns	1 110.00
(c) processing establishment that is erected on land and that is used for processing any fish including rock lobsters and prawns	1 380.00
(d) processing establishment that is erected on land and that is used for processing any fish including either rock lobsters or prawns	825.00

**PART 3 — FEES FOR THE GRANT OR RENEWAL OF
AUTHORIZATIONS — continued**

[Reg. 137]

Fees	\$
(e) processing establishment that is erected on land and that is used for processing any fish other than rock lobsters and prawns	270.00
(f) seagoing processing establishment that is used solely for processing fish including rock lobsters and prawns taken by it	270.00
(g) seagoing processing establishment that is used solely for processing fish including rock lobsters and prawns taken by other boats	270.00
2. Aquaculture licence	
(a) which is not subject to a condition limiting the sale of marron of any length to any class of person	500.00
(b) which is subject to a condition, or conditions, which limiting the sale of —	
(i) marron of not less than a specified length to any class of person ; and	
(ii) marron of less than a specified length to any class of person	230.00
(c) which authorizes the aquaculture of any fish other than marron	230.00
3. Managed fishery licence fees (reg. 181 (2))	
(1) Abalone Fishery (as defined in the <i>Abalone Management Plan 1992</i>) —	
(a) for zone 1 (per diver)	37 500.00
(b) for zone 2 (per diver)	35 100.00
(c) for zone 3 (per diver)	4 400.00
(2) Abrolhos Islands and Mid West Trawl Managed Fishery per gear unit (as defined in the <i>Abrolhos Islands and Mid West Trawl Management Plan 1993</i>)	560.00
(3) Cockburn Sound (Crab) Managed Fishery (as defined in the <i>Cockburn Sound (Crab) Management Plan 1995</i>)	1 015.00
(4) Cockburn Sound (Fish Net) Managed Fishery (as defined in the <i>Cockburn Sound (Fish Net) Management Plan 1995</i>)	250.00

**PART 3 — FEES FOR THE GRANT OR RENEWAL OF
AUTHORIZATIONS — continued**

[Reg. 137]

Fees	\$
(5) Cockburn Sound (Line and Pot) Managed Fishery (as defined in the <i>Cockburn Sound (Line and Pot) Management Plan 1995</i>)	26.00
(6) Cockburn Sound (Mussel) Managed Fishery (as defined in the <i>Cockburn Sound (Mussel) Management Plan 1995</i>)	3 085.00
(7) Esperance Rock Lobster Managed Fishery (per pot) (as defined in the <i>Esperance Rock Lobster Management Plan 1987</i>)	9.25
(8) Exmouth Gulf Prawn Managed Fishery (as defined in the <i>Exmouth Gulf Prawn Management Plan 1989</i>)	15 640.00
(9) Kimberley Gillnet and Barramundi Managed Fishery (per boat) (as defined in the <i>Kimberley Gillnet and Barramundi Management Plan 1989</i>)	320.00
(10) Kimberley Prawn Managed Fishery (as defined in the <i>Kimberley Prawn Management Plan 1993</i>) —	
(a) for a Class 1 licence	150.00
(b) for a Class 2 licence	5 000.00
(c) for a Class 3 licence	5 000.00
(11) Marine Aquarium Fish Managed Fishery (as defined in the <i>Marine Aquarium Fish Management Plan 1995</i>) —	
(a) for an individual	500.00
(b) for a body corporate	1 000.00
(12) Nickol Bay Prawn Managed Fishery (as defined in the <i>Nickol Bay Prawn Management Plan 1991</i>)	1 790.00
(13) Onslow Prawn Managed Fishery (as defined in the <i>Onslow Prawn Management Plan 1991</i>) —	
(a) for an "A" class licence	3 325.00
(b) for a "B" class licence	770.00
(c) for a "C" class licence	545.00
(d) for a "D" class licence	225.00

**PART 3 — FEES FOR THE GRANT OR RENEWAL OF
AUTHORIZATIONS — continued**

		[Reg. 137]
Fees		\$
(14) Pilbara Trap Managed Fishery (as defined in the <i>Pilbara Trap Management Plan 1992</i>) —		
(a)	for zone 1	1 380.00
(b)	for zone 2	1 300.00
(c)	for supplementary access	40.00
(15) Shark Bay Beach Seine and Mesh Net Managed Fishery per fishing unit (as defined in the <i>Shark Bay Beach Seine and Mesh Net Management Plan 1992</i>)		
		865.00
(16) Shark Bay Prawn Managed Fishery (as defined in the <i>Shark Bay Prawn Management Plan 1993</i>)		
		16 100.00
(17) Shark Bay Scallop Managed Fishery (as defined in the <i>Shark Bay Scallop Management Plan 1994</i>) —		
(a)	for a class A boat (per boat)	19 650.00
(b)	for a class B boat (per boat)	5 200.00
(18) Shark Bay Snapper Managed Fishery (as defined in the <i>Shark Bay Snapper Management Plan 1994</i>) —		
(a)	for a class A licence (per boat)	1 800.00
(b)	for a class B licence (per boat)	900.00
(c)	for a supplementary access licence (per boat)	90.00
(19) Specimen Shell Managed Fishery (as defined in the <i>Specimen Shell Management Plan 1995</i>)		
		500.00
(20) South Coast Purse Seine Managed Fishery (as defined in the <i>South Coast Purse Seine Management Plan 1994</i>), the sum obtained by multiplying the number of tonnes of individual quota authorized in respect of the boat by —		
(a)	for zone 1	10.00
(b)	for zone 2	10.00
(c)	for zone 3	8.50
(21) South Coast Salmon Managed Fishery (as defined in the <i>South Coast Salmon Management Plan 1982</i>) (per team) ..		
		465.00

**PART 3 — FEES FOR THE GRANT OR RENEWAL OF
AUTHORIZATIONS — continued**

[Reg. 137]

Fees	\$
(22) South-West Coast Salmon Managed Fishery (as defined in the <i>South-West Coast Salmon Management Plan 1982</i>) (per team)	195.00
(23) South West Trawl Managed Fishery (as defined in the <i>South West Trawl Management Plan 1989</i>) —	
(a) for zone A	580.00
(b) for zone B	745.00
(c) for zone A and B	745.00
(d) for zone B and C	745.00
(e) for zone B and D	745.00
(24) Southern Demersal Gillnet and Demersal Longline Managed Fishery (as defined in the <i>Joint Authority Southern Demersal Gillnet and Demersal Longline Management Plan 1992</i>), per gear unit	19.00
(25) Warnbro Sound (Crab) Managed Fishery (as defined in the <i>Warnbro Sound (Crab) Management Plan 1995</i>)	355.00
(26) West Coast (Beach Bait Fish Net) Managed Fishery (as defined in the <i>West Coast (Beach Bait Fish Net) Management Plan 1995</i>) —	
(a) for zone A	130.00
(b) for zone B	130.00
(27) West Coast Purse Seine Managed Fishery (as defined in the <i>West Coast Purse Seine Management Plan 1989</i>) —	
(a) for a licence to operate	645.00
(b) for supplementary access	30.00
(28) West Coast Rock Lobster Managed Fishery (as defined in the <i>West Coast Rock Lobster Management Plan 1993</i>) (per pot)	70.00
(29) Windy Harbour-Augusta Rock Lobster Managed Fishery (as defined in the <i>Windy Harbour-Augusta Rock Lobster Management Plan 1987</i>) (per pot)	5.00

SCHEDULE 2
PROTECTED FISH

[Ss. 46 & 47 and reg. 10]

PART 1 — COMMERCIALY PROTECTED FISH

All freshwater aquatic organisms other than sooty grunter and catfish of the Family Ariidae

Billfish, Sailfish and Spearfish.

PART 2 — TOTALLY PROTECTED FISH

Division 1 — Certain reproducing crustaceans

Female crab with eggs or spawn attached beneath its body.

Female marron with eggs, spawn, larvae or young marron attached beneath its body.

Female western rock lobster with eggs or spawn attached beneath its body.

Setose or tarspot western rock lobster —

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

the waters between 21° 44' south latitude and 34° 24' south latitude but excluding all waters on the south coast that are east of 115° 08' east longitude.

(In this regulation —

“**setose**” means a female rock lobster that has fine hair-like filaments (*ovigerous setae*) for the attachment of eggs on the branched structures (*biramous endopodites*) forming part of the swimmerets (*pleopods*) underneath its tail;

“**tarspot**” means a female rock lobster that has a black putty-like mass (*spermatophoric mass*) attached to the underside of the carapace (*ventral sternal plate*) between its hindmost (5th) pair of walking legs.)

Division 2 — Miscellaneous

Coral of the Order *Scleractinia* in any waters within 3 000 metres in any direction of the service jetty near the end of Port Street in Port Gregory.

Live coral of the Order *Scleractinia* in the waters bounded by a line commencing from the intersection of 27° 30' south latitude and 112° 50' east longitude and extending in an easterly direction to the intersection of 27° 30' south latitude and 113° 37' east longitude; thence southeasterly to the intersection of 28° 45' south latitude and 114° 09' 52.18" east longitude; thence southeasterly to the intersection of 29° 30' south latitude and 114° 30' east longitude; thence north to the starting point.

Leafy Seadragon.

Potato Cod

Rock Lobster tail weighing less than 140 grams

Whale Shark

Division 3 — Marine or fluvio-marine fish

Class of fish	If of a length less than the length specified in respect of each class of fish (mms)
Barramundi	550
Bream, Black	250
Bream, Northwest Black	250
Bream, Yellowfin	250
Cobbler (estuary catfish) —	
(a) when taken by the holder of a commercial fishing licence (partial length)	320
(b) in any other case (total length)	430
Coral Trout	450
Emperor, Red (government bream)	410
Emperor, Spangled	410

Division 3 — Marine or fluvio-marine fish — continued

Class of fish	If of a length less than the length specified in respect of each class of fish (mms)
Flathead, Bar-tailed	300
Flathead, Blue-spotted	300
Flathead, Long-spined	300
Flathead, Marbled	300
Flounder	250
Garfish —	
(a) when taken by the holder of a commercial fishing licence	230
(b) in any other case	—
Groper, Baldchin	400
Groper, Blue	400
Herring, Australian (tommy ruff) —	
(a) when taken by the holder of a commercial fishing licence	180
(b) in any other case	—
Jewfish, West Australian	500
Leatherjacket	250
Mackerel, Australian Spotted	500
Mackerel, Broad-barred Spanish	750
Mackerel, Blue (common) —	
(a) when taken by the holder of a commercial fishing licence	150
(b) in any other case	—
Mackerel, Narrow-barred Spanish	750
Mackerel, Queensland School	500
Mackerel, Shark	500

Division 3 — Marine or fluvio-marine fish — continued

Class of fish	If of a length less than the length specified in respect of each class of fish (mms)
Mackerel Wahoo	750
Mullet, Sea —	
(a) when taken by the holder of a commercial fishing licence	300
(b) in any other case	240
Mullet, Yellow-eye —	
(a) when taken by the holder of a commercial fishing licence	230
(b) in any other case	—
Mulloway, Northern	450
Mulloway (river kingfish)	450
Pike, Long-finned	280
Salmon, Australian	300
Samson Fish (sea kingfish)	600
Snapper, Northwest	280
Snapper, Pink —	
(a) when taken from the waters of Wilson Inlet on the south coast of Western Australia	280
(b) when taken from any other area	410
Snapper, Queen (blue morwong)	410
Snapper, Red (redfish)	230
Snook	330
Sole —	
(a) when taken by the holder of a commercial fishing licence	200

Division 3 — Marine or fluvio-marine fish — continued

Class of fish	If of a length less than the length specified in respect of each class of fish (mms)
(b) in any other case	—
Sweep, Banded —	
(a) when taken by the holder of a commercial fishing licence	230
(b) in any other case	—
Tailor	250
Tarwhine (silver bream)	230
Trevally, Silver (skipjack)	200
Tuskfish, Blackspot	400
Tuskfish, Blue	400
Whiting, Golden-lined (rough scale)	
(a) when taken by the holder of a commercial fishing licence —	
(i) from the waters of Shark Bay Beach Seine and Mesh Net Managed Fishery	235
(ii) in any other waters	220
(b) in any other case	—
Whiting, King George (spotted) —	
(a) when taken from the waters east of Point D'Entrecasteaux	280
(b) when taken from any other area	250
Whiting, Southern School (silver) —	
(a) when taken by the holder of a commercial fishing licence	220
(b) in any other case	—

Division 3 — Marine or fluvio-marine fish — continued

Class of fish	If of a length less than the length specified in respect of each class of fish (mms)
Whiting, Western Sand (yellow-finned)	
(a) when taken by the holder of a commercial fishing licence —	
(i) from the waters of Shark Bay Beach Seine and Mesh Net Managed Fishery	235
(ii) in any other waters	220
(b) in any other case	—

Division 4 — Freshwater fish

Class of fish	If of a length less than the length specified in respect of each class of fish (mms)
Trout, Brown	300
Trout, Rainbow	300

Division 5 — Crustaceans, other than those listed in Division 1

Class of fish	If of a length less than the length specified in respect of each class of fish (mm)
Crab, Blue Manna	127
Crab, Brown Mud	120
Crab, Green Mud	150
Marron	76

*Division 5 — Crustaceans, other than those listed in
Division 1 — continued*

Class of fish	If of a length less than the length specified in respect of each class of fish (mm)
Prawn, Western King —	
(a) when taken by the holder of a commercial fishing licence	76
(b) in any other case	—
Prawn, Western School —	
(a) when taken by the holder of a commercial fishing licence	50
(b) in any other case	—
Rock Lobster, Southern	98.5
Rock Lobster, Tropical	76
Rock Lobster, Western —	
(a) from 1 February to 14 November	76
(b) from 15 November to the next 31 January	77
Class of fish	If of a length greater than the length specified in respect of each class of fish (mm)
Rock Lobster, Western, female —	
(a) taken from;	
(b) in the possession of, or consigned by, a person on a boat on; or	
(c) brought ashore from,	
the waters between 30° 48' and 34° 24' south latitude but excluding all waters on the south coast which are east of 115° 08' east longitude . .	115

**Division 5 — Crustaceans, other than those listed in
Division 1 — continued**

Class of fish	If of a length greater than the length specified in respect of each class of fish (mm)
Rock Lobster, Western, female —	
(a) in the possession of a person on a boat moored or anchored in; or	
(b) brought ashore from,	
the waters between 21° 44' and 30° 48' south latitude	105

Division 6 — Molluscs

Class of fish	If of a length less than the length specified in respect of each class of fish (mm)
Abalone, Brownlip	140
Abalone, Greenlip	140
Abalone, Roe's	60
Trochus	65

SCHEDULE 3

[Reg. 15]

BAG AND POSSESSION LIMITS

PART 1 — BAG LIMITS GENERALLY

Fish	Species bag limit for one day
Abalone, brownlip or greenlip or any combination of those 2 species	10
Abalone other than brownlip abalone or greenlip abalone	20
Barramundi	5

PART 1 — BAG LIMITS GENERALLY — continued

Fish	Species bag limit for one day
Bream, Black, Northwest Black and Yellowfin	20
Bream, Fingermark	8
Cherabin	9 litres
Cobbler (estuary catfish)	8
Crab, Blue Manna	24
Crab, Brown Mud or Green Mud	10
Flathead and Flounder (combined)	20
Groper, Blue	1
Leatherjacket	20
Mangrove Jack	8
Marron	20
Mussel	9 litres
Pike, Long-finned and Snook (combined)	20
Prawn	9 litres
Rock Lobster	8
Snapper, Red	20
Tailor	8
Tarwhine	20
Threadfin, Giant	8
Threadfin (threadfin or bluenose salmon)	20
Trevally, Skipjack	20
Whiting, King George (spotted)	20
All other Western Australian species of fish not specifically covered in this Schedule except for —	
(a) bait fish of the <u>Family Clupeidae</u> and <u>Engraulidae</u> (anchovy, pilchard (mulie), sandy sprat (whitebait), blue sprat, scaly mackerel, maray); and	
(b) Redfin Perch, Goldfish, European Carp and Tilapia	40

PART 2 — GROUPED BAG LIMITS GENERALLY

Division 1

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Barramundi	5	} 8
Billfish, Sailfish Spearfish and Swordfish	4	
Cobia	4	
Cod —		
(a) <u>Family Serranidae,</u> except <i>Epinephelus</i> spp.; or	4	
(b) <i>Epinephelus</i> spp., in excess of 30 kg weight or of 1 200 mm in length	0	
Coral Trout	4	
Dolphinfish (mahi mahi)	4	
Jewfish, West Australian	4	
Mackerel, Narrow- barred Spanish and Broad- barred Spanish (Combined)	4	
Mackerel, Wahoo	4	
Mackerel, Shark	4	
Mackerel, Australian Spotted	4	
Mackerel, Queensland School	4	
Mulloway and Northern Mulloway	4	
Queenfish	4	
Salmon, Australian	4	
Samson Fish	4	
Sharks, except Whale Shark	4	
Trout, Brown and Rainbow (combined)	4	
Tuna, Southern Bluefin	4	
Yellowtail Kingfish	4	

Division 2

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Emperor, Red	8	} 8
Emperor, Spangled	8	
Groper, Baldchin and Tuskfish . . .	8	
Snapper, Pink	8	
Snapper, Northwest	8	
Snapper, Queen (blue morwong) . .	8	

Division 3

Fish	Species, or group of species, bag limit for one day	Grouped bag limit of all species in the Division for one day
Cuttlefish, Octopus and Squid	—	} 15
Cockle (Ark shell)	—	
Venus Clam	—	} 2 litres
All other species of edible molluscs not specifically mentioned in this Schedule	—	

**PART 3 — BAG LIMITS FOR NINGALOO MARINE PARK,
NINGALOO MARINE PARK LAND ZONE AND
EXMOUTH GULF LAND ZONE**

Division 1

[Reg. 25]

Fish	Bag limit for one day
Cobia	4
Cod (a) <u>Family</u> Serranidae, except <i>Epinephelus</i> spp.; or	4
(b) <i>Epinephelus</i> spp. in excess of 30 kg in weight or in excess of 1 200 mm in length	0

Division 1 — continued

Fish	Bag limit for one day
Coral Trout and Coronation Trout	1
Dolphinfish (mahi mahi)	4
Mackerel,	4
Mackerel, Wahoo and Shark	4
Mulloway and Northern Mulloway	4
Queenfish	4
Samson Fish	4
Sharks, except Whale Shark	4
Tuna, Southern Bluefin	4
Yellowtail Kingfish	4

Division 2

Fish	Bag limit for one day
Garfish	40
Hardyhead	40
Mullet, Sea and Yellow-eye	40
Whiting	40
Tailor	8
Octopus, Squid and Cuttlefish	15
Oyster	40
Rock Lobster, Western and Tropical	4
Threadfin (threadfin or bluenose salmon)	20

**PART 4 — BAG LIMITS FOR PERSONS ON WEST COAST PURSE
SEINE MANAGED FISHERY BOAT**

[Reg. 30]

Fish	Bag limit for one day
Mulloway	2
Snapper, Pink	2

SCHEDULE 4

CATEGORIES OF FISH

[s. 259 and reg. 180]

Category 1 fish

Abalone, Brownlip
Abalone, Greenlip
Abalone, Roe's

Barramundi
Billfish, Sailfish, Spearfish and Swordfish

Cod, Potato
Cod, Estuary
Coral Trout

Groper, Blue
Groper, Queensland

Jewfish, West Australian

Leafy Seadragon

Marron

Rock Lobster

Whale Shark

Category 2 fish

Bream, Black
Bream, Fingermark

CATEGORIES OF FISH — continuedCategory 2 fish — continued

Cobbler (estuary catfish)
 Cobia
 Cod, other than Potato, Estuary and Queensland Groper
 Crab, Blue Manna
 Crab, Brown Mud
 Crab, Green Mud
 Cuttlefish

 Dolphinfish (mahi mahi)

 Emperor, Red
 Emperor, Spangled

 Kingfish, Yellowtail

 Mackerel
 Mackerel, Wahoo and Shark
 Mangrove Jack
 Mulloway and Northern Mulloway

 Octopus

 Prawn, Western King and Western School

 Queenfish

 Salmon, Australian
 Samson Fish
 Sharks, except Whale Shark
 Snapper, Northwest
 Snapper, Pink
 Snapper, Queen (blue morwong)
 Snapper, Red
 Squid

 Tailor
 Tuna, Southern Bluefin
 Tuskfish and Baldchin Groper

 Whiting, King George (spotted)

Category 3 fish

Bream, Northwest Black
 Bream, Yellowfin

 Cobbler, Freshwater
 Cockle (Ark shell) and other edible bivalves
 Cherabin
 Clam, Venus

 Flathead
 Flounder

CATEGORIES OF FISH — continued

Category 3 fish — continued

Leatherjacket

Mussel

Pike

Snook

Tarwhine

Threadfin (threadfin or bluenose salmon)

Trevally, Silver

Category 4 fish

Any species of fish not specified in this Schedule to be category 1 fish, category 2 fish or category 3 fish.

**SCHEDULE 5
NOXIOUS FISH**

[Reg. 70]

Grass Carp

Nile Perch

Parasitic Catfish

Pike Cichlid

Piranha

Snakehead

Tiger Catfish

Tigerfish

Walking Catfish

Weatherloach

SCHEDULE 6**AREA OF LAND PRESCRIBED UNDER SECTION 91 (d) OF THE ACT**

[Reg. 68]

All areas of Western Australia north and east of:

Perth city generally south east along Albany Highway to the intersection of Albany Highway and Bannister/Marradong Road

Thence generally south west along that road to Boddington (town)

Thence generally south west along that road to Marradong (location)

Thence generally south west along Pinjarra/Williams Road to Quindanning (town)

Thence southerly along Quindanning/Darkan Road to Darkan (town)

Thence southerly along Darkan Road south to Duranillan (town)

Thence west along Bowelling/Duranillan Road to Capercup Road

Thence south along Capercup Road south to Boyup Brook/Arthur Road

Thence south west along that road to Glenorchy Road

Thence south east along that road to Qualeup North/South Road

Thence south along that road to Kojonup/Donnybrook Road

Thence south west along that road to Foley Road

Thence south west along that road to Woodenbillup Road

Thence south west along that road to Mullidup Road

Thence south east along that road to Wandoora Road

Thence south and south east along that road to Kojonup/Frankland Road

Thence south along that road to Frankland (town)

Thence south along Frankland/Rocky Gully Road to Rocky Gully (town) to its intersection with Muirs Highway

Thence generally east along Muirs Highway to Mount Barker (town)

Thence generally east along that highway to Albany townsite.

SCHEDULE 7

[Reg. 3 (2)]

LIST OF COMMON AND SCIENTIFIC NAMES

MARINE OR FLUVIO-MARINE FISH

Common Name	Scientific Name
Anchovy, Australian	<i>Engraulis australis</i>
Barramundi (giant perch)	<i>Lates calcarifer</i>
Baitfish	Families Clupeidae & Engraulidae
Billfish, Sailfish, Spearfish,	Family Istiophoridae
Bream, Black	<i>Acanthopagrus butcheri</i>
Bream, Fingermark (moses perch)	<i>Lutjanus russelli</i>
Bream, Northwest Black	<i>Acanthopagrus palmaris</i>
Bream, Yellowfin	<i>Acanthopagrus latus</i>
Cobbler (estuary catfish)	<i>Cnidoglanis macrocephalus</i>
Cobia	<i>Rachycentron canadus</i>
Cod	Family Serranidae
Cod, Chinaman (Charlie Court)	<i>Epinephelus rivulatus</i>
Cod, Murray	<i>Maccullochella peeli</i>
Cod, Potato	<i>Epinephelus tukula</i>
Cod, Estuary	<i>Epinephelus coioides</i>
Coral Trout	<i>Plectropomus</i> spp.
Coronation Trout	<i>Variola louti</i>
Dolphinfish (mahi mahi)	<i>Coryphaena hippurum</i>
Emperor, Red (government bream)	<i>Lutjanus sebae</i>
Emperor, Spangled	<i>Lethrinus nebulosus</i>
Flathead	<i>Platycephalus</i> spp.
Flathead, Bar-tailed	<i>Platycephalus endrachtensis</i>
Flathead, Blue-spotted (Sand)	<i>Platycephalus speculator</i>
Flathead, Long-spined (Sand)	<i>Platycephalus longispinus</i>
Flathead, Marbled	<i>Platycephalus marmoratus</i>
Flounder	<i>Pseudorhombus</i> spp.
Garfish	Family Hemirhamphidae
Groper	Family Labridae
Groper, Baldchin	<i>Choerodon rubescens</i>
Groper, Blue	<i>Achoerodus gouldii</i>
Groper, Queensland	<i>Epinephelus lanceolatus</i>
Hardyhead	Family Atherinidae
Herring, Australian (tommy ruff)	<i>Arripis georgianus</i>
Herring, Perth	<i>Nematalosa vlaminghi</i>
Jewfish, West Australian	<i>Glaucosoma hebraicum</i>

SCHEDULE 7 — continued

LIST OF COMMON AND SCIENTIFIC NAMES

MARINE OR FLUVIO-MARINE FISH

Common Name	Scientific Name
Kingfish, Yellowtail	<i>Seriola lalandi</i>
Leatherjacket	<u>Family</u> Monacanthidae
Mackerel	<i>Scomberomorus</i> spp.
Mackerel, Australian Spotted	<i>Scomberomorus munroi</i>
Mackerel, Blue (common)	<i>Scomber australasicus</i>
Mackerel, Broad-barred Spanish	<i>Scomberomorus semifasciatus</i>
Mackerel, Jack	<i>Trachurus declivis</i>
Mackerel, Narrow-barred Spanish	<i>Scomberomorus commerson</i>
Mackerel, Peruvian Jack	<i>Trachurus murphi</i>
Mackerel, Queensland School	<i>Scomberomorus queenslandicus</i>
Mackerel, Scaly	<i>Sardinella lemuru</i>
Mackerel, Shark	<i>Grammatorcynus bicarinatus</i>
Mackerel, Wahoo	<i>Acanthocybium solandri</i>
Mackerel, Yellowtail Jack	<i>Trachurus novaezelandiae</i>
Mangrove Jack	<i>Lutjanus argentimaculatus</i>
Maray	<i>Etrumeus teres</i>
Mullet	<u>Family</u> Mugilidae
Mullet, Sea	<i>Mugil cephalus</i>
Mullet, Yellow-eye	<i>Aldrichetta forsteri</i>
Mulloway (river kingfish)	<i>Argyrosomus hololepidotus</i>
Mulloway, Northern	<i>Protonibea diacanthus</i>
Pike, Long-finned	<i>Dinolestes lewini</i>
Pike, Striped Sea	<i>Sphyræna obtusata</i>
Pilchard (mulie)	<i>Sardinops neopilchardus</i>
Queenfish	<i>Scomberoides commersonianus</i>
Ray, Manta	<i>Manta birostris</i>
Redbait	<i>Emmelichthys nitidus</i>
Salmon, Australian	<i>Arripis truttaceus</i>
Salmon, Atlantic	<i>Salmo salar</i>
Samson Fish (sea kingfish)	<i>Seriola hippos</i>
Scad, Yellowtail	<i>Trachurus novaezelandiae</i>
Seadragon, Leafy	<i>Phycodurus eques</i>
Sharks	all spp. <u>Superorder</u> <u>Salachoidei</u>
Shark, Whale	<i>Rhincodon typus</i>
Snapper, Northwest	<i>Lethrinus</i> spp. excluding <i>L. nebulosus</i>
Snapper, Pink	<i>Pagrus auratus</i>
Snapper, Queen (blue morwong)	<i>Nemadactylus valenciennesi</i>
Snapper, Red (redfish)	<i>Centrobery</i> spp.
Snook	<i>Sphyræna novaehollandiae</i>

SCHEDULE 7 — continued
LIST OF COMMON AND SCIENTIFIC NAMES

MARINE OR FLUVIO-MARINE FISH

Common Name	Scientific Name
Sole	<u>Families Soleidae and Cynoglossidae</u>
Sprat, Blue	<i>Spratelloides robustus</i>
Sprat, Sandy (whitebait)	<i>Hyperlophus vittatus</i>
Sweep, Banded	<i>Scorpius georgianus</i>
Sweep, Sea	<i>Scorpius aequipinnis</i>
Swordfish	<u>Family Xiphiidae</u>
Tailor	<i>Pomatomus saltatrix</i>
Tarwhine (silver bream)	<i>Rhabdosargus sarba</i>
Threadfin, Giant	<i>Eleutheronema tetradactylum</i>
Threadfin (threadfin or bluenose salmon)	<i>Polydactylus</i> spp.
Trevally, Silver (skipjack)	<i>Pseudocaranx</i> spp.
Tuna, Albacore	<i>Thunnus alelunga</i>
Tuna, Bigeye	<i>Thunnus obesus</i>
Tuna, Longtail	<i>Thunnus tonggol</i>
Tuna, Northern Bluefin	<i>Thunnus thynnus</i>
Tuna, Skipjack	<i>Katsuwonus pelamis</i>
Tuna, Southern Bluefin	<i>Thunnus maccoyii</i>
Tuna, Yellowfin	<i>Thunnus albacares</i>
Tuskfish	<i>Choerodon</i> spp. excluding <i>C. rubescens</i>
Tuskfish, Blackspot	<i>Choerodon schoenleinii</i>
Tuskfish, Blue	<i>Choerodon cyanodus</i>
Whiting	<i>Sillago</i> spp.
Whiting, Golden-lined (rough scale)	<i>Sillago analis</i>
Whiting, King George (spotted)	<i>Sillago punctata</i>
Whiting, Southern School (silver)	<i>Sillago bassensis</i>
Whiting, Western Sand (yellow-finned)	<i>Sillago schomburgkii</i>
Wrasse	<u>Family Labridae</u>

FRESHWATER FISH

Common Name	Scientific Name
Catfish, Parasitic	<u>Family Trichomycteridae</u>
Catfish Tiger	<i>Pseudoplatystoma fasciatum</i>
Catfish, Walking	<i>Clarias batrachus</i>
Carp, European (common)	<i>Cyprinus carpio</i>
Carp, Grass	<i>Ctenopharyngodon idellus</i>
Cobbler, Freshwater	<i>Tandanus bostocki</i>
Cod, Murray	<i>Maccullochella peeli</i>

SCHEDULE 7 — continued
LIST OF COMMON AND SCIENTIFIC NAMES
FRESHWATER FISH

Common Name	Scientific Name
Eel, Short-finned	<i>Anguilla australis</i>
Goldfish	<i>Carassius auratus</i>
Grunter, Sooty	<i>Hephaestus fuliginasus</i>
Perch, Golden	<i>Macquaria ambigua</i>
Perch, Nile	<i>Lates niloticus</i>
Perch, Redfin (english or european)	<i>Perca fluviatilis</i>
Perch, Silver	<i>Bidyanus bidyanus</i>
Pike, Cichlid	<i>Crenicichla lepidota</i>
Piranha	<i>Serrasalmus</i> spp.
Snakehead	<i>Channa</i> spp.
Tigerfish	<i>Hydroeyanus goliath</i>
Tilapia	<i>Oreochromis mossambicus</i>
Trout, Brown	<i>Salmo trutta</i>
Trout, Rainbow	<i>Oncorhynchus mykiss</i>
Weatherloach	<i>Misgurnus anguillicardatus</i>

CRUSTACEANS

Common Name	Scientific Name
Cherabin	<i>Macrobrachium</i> spp.
Crab	<i>Portunus</i> , <i>Scylla</i> and <i>Ovalipes</i> spp.
Crab, Blue Manna (blue swimmer)	<i>Portunus pelagicus</i>
Crab, Brown Mud	<i>Scylla serrata</i>
Crab, Green Mud	<i>Scylla paramamosain</i>
Crab, White Spotted Sand	<i>Ovalipes australiensis</i>
Freshwater Crayfish	<i>Cherax</i> spp. excluding <i>C. tenuimanus</i>
Gilgie	<i>Cherax quinquecarinatus</i> and <i>crassimanus</i>
Koonac	<i>Cherax plebejus</i> and <i>glaber</i>
Marron	<i>Cherax tenuimanus</i>
Marron, Blue	<i>Cherax tenuimanus</i> var. <i>caerulens</i>

SCHEDULE 7 — continued
LIST OF COMMON AND SCIENTIFIC NAMES
CRUSTACEANS

Common Name	Scientific Name
Prawn	<u>Family</u> Penaeidae
Prawn, Banana	<i>Penaeus merguensis</i>
Prawn, Brown Tiger	<i>Penaeus esculentus</i>
Prawn, Western School	<i>Metapenaeus dalli</i>
Prawn, Western King	<i>Penaeus latisulcatus</i>
Redclaw, Queensland	<i>Cherax quadricarinatus</i>
Rock Lobster	<i>Jasus</i> and <i>Panulirus</i> spp.
Rock Lobster, Southern	<i>Jasus novaehollandiae</i> and <i>edwardsii</i>
Rock Lobster, Tropical	<i>Panulinus</i> spp. excluding <i>P. cygnus</i>
Rock Lobster, Western	<i>Panulirus cygnus</i>
Yabbie, Common	<i>Cherax destructor</i>
Yabbie, White	<i>Cherax albidus</i>

MOLLUSCS

Common Name	Scientific Name
CEPHALOPODS	
Squid	<u>Sub-class</u> Coleoidea <u>Order</u> Teuthoidea
Octopus	<u>Sub-class</u> Coleoidea <u>Order</u> Octopoda
Cuttlefish	<u>Sub-class</u> Coleoidea <u>Order</u> Sepioidea
GASTROPODS	
Abalone (all species)	<i>Haliotis</i> spp.
Abalone, Brownlip	<i>Haliotis conicopora</i>
Abalone, Greenlip	<i>Haliotis laevigata</i>
Abalone, Roe's	<i>Haliotis roei</i>
Trochus	<i>Tectus niloticus</i>
BIVALVES	
Clam, Venus	<u>Family</u> Veneridae, <i>Katelysia</i> spp.
Cockle (Ark shell)	<i>Anadara trapezia</i>
Oyster	<u>Family</u> Ostreidae
Mussel	<u>Family</u> Mytilidae
Mussel, Blue	<i>Mytilus edulis</i>
Scallop	<u>Genus</u> <i>Amusium</i>

SCHEDULE 7 — continued
LIST OF COMMON AND SCIENTIFIC NAMES
 OTHER

Common Name	Scientific Name
Sea Urchin	<u>Class</u> Echinoidea
Coral	<u>Order</u> Scleractinia
Sea Cucumber (Beche- de-mer, Trepang)	<u>Class</u> Holothurioidae

SCHEDULE 8

[Reg. 151]

DETERMINATION OF CHARACTERISTICS OF FISH

PART 1 — LENGTH

Column 1	Column 2
<i>Name of fish</i>	<i>Method of determining length</i>
1. Cobbler (estuary catfish) and Freshwater Cobbler	By measuring in a direct line — (a) for partial length, from the base of the anterior edge of the caudo dorsal fin to the tip of the tail; and (b) for total length, from the point of the snout, excluding the barbels, to the tip of the tail.
2. Crab	By measuring from tip to tip of the posterior carapace spikes.
3. Garfish	By measuring from the tip of the upper jaw to the tip of the upper half of the tail.
4. Marron	By measuring from the tip of the rostrum to the posterior margin of the carapace along the mid-dorsal line.
5. Prawn	By measuring along the body from the eye to the tip of the tail.

PART 1 — LENGTH — continued

Column 1	Column 2
<i>Name of fish</i>	<i>Method of determining length</i>
6. Southern Rock Lobster	By measuring from the anterior surface of the median suture of the frontal tubercle to the mid point of the posterior edge of the dorsal region of the carapace.
7. Western and Tropical Rock Lobster	By measuring along the mid-dorsal line from the anterior edge of the pronounced ridge which joins the front edges of the rostral horns (immediately posterior to the eye stalks) to the posterior margin of the carapace.
8. Abalone	By measuring the shell from edge to edge across the longest diameter.
9. Trochus	By measuring the base from edge to edge across the longest diameter.
10. Any other fish	By measuring from the point of the snout to the tip of the tail.

PART 2 — METHOD OF DETERMINING THE VOLUME OF FISH

The volume of space which is filled by whole, undamaged fish without compressing those fish.

SCHEDULE 9

[s. 222 (2) and
reg. 157]

DETERMINING THE VALUE OF FISH

Species of fish	Value per unit of weight (\$/kgms)	Value per fish [\$]
<i>Category 1 Fish</i>		
Abalone, Brownlip	75	20
Abalone, Greenlip	90	20
Abalone, Roe's	80	3

SCHEDULE 9 — continued
 DETERMINING THE VALUE OF FISH

Species of fish	Value per unit of weight (\$/kgms)	Value per fish [\$]
<i>Category 1 Fish — continued</i>		
Barramundi	6	25
Billfish, Sailfish, Spearfish, Swordfish	5	25
Cod, Potato	4	25
Cod, Estuary	4	25
Coral Trout	9	20
Groper, Blue	3	25
Groper, Queensland	4	25
Jewfish, West Australian	10	40
Leafy Seadragon	200	50
Marron	30	4
Rock Lobster	30	15
<i>Category 2 Fish</i>		
Bream, Black	5	2
Bream, Fingermark	4	2
Cobbler (estuary catfish)	5	2
Cobia	2	20
Cod, other than Potato, Estuary & Queensland Groper	4	10
Crab, Blue Manna	6	2
Crab, Blue Mud and Green Mud	20	10
Cuttlefish	2	1
Dolphinfish (mahi mahi)	5	10
Emperor, Red	9	25
Kingfish, Yellowtail	2	10
Mackerel	6	25
Mackerel, Shark	6	25
Mackerel, Wahoo	6	25
Mangrove Jack	4	10
Mulloway and Northern Mulloway	4	10
Octopus	4	2

SCHEDULE 9 — continued
DETERMINING THE VALUE OF FISH

Species of fish	Value per unit of weight (\$/kgms)	Value per fish [\$]
<i>Category 2 Fish — continued</i>		
Prawn, Western King	15	1
Prawn, Western School	5	0.4
Queenfish	3	10
Salmon, Australian	2	5
Samson Fish	2	10
Sharks, except Whale Shark	4	10
Snapper, Northwest	4	10
Snapper, Pink	5	15
Snapper, Queen	2	5
Snapper, Red	3	2
Squid	8	2
Tailor	3	2
Tuna, Southern Bluefin	5	10
Tuskfish and Baldchin Groper	5	15
Whiting, King George (spotted)	5	2
<i>Category 3 Fish</i>		
Bream, Northwest Black and Yellowfin	5	2
Cherabin	5	0.2
Clam, Venus	7	0.1
Cockles (Ark shell)	7	0.1
Flathead	3	2
Flounder	5	2
Freshwater Fish (all species)	5	1
Leatherjacket	2	1
Mussel	3	0.1
Pike	5	2
Snook	2	1
Tarwhine	4	2
Threadfin (threadfin or bluenose salmon)	4	5
Trevally, Silver	4	1

SCHEDULE 9 — continued
DETERMINING THE VALUE OF FISH

Species of fish	Value per unit of weight (\$/kgms)	Value per fish [\$]
<i>Category 4 Fish</i>		
Garfish	4	1
Herring, Australian	2	1
Mackerel, Blue	1	1
Mullet, Sea	2	1
Mullet, Yellow-eye	1	1
Prawn, Banana and Brown Tiger	15	1
Scad, Yellowtail	1	1
Sea Cucumber (Trepang)	5	1
Sea Urchin	4	1
Shells (cowries etc.)	15	5
Sole	5	2
Sweep, Banded or Sea	2	1
	4	5
Threadfin, Giant		
Trochus	5	1
Whiting, Golden-lined	4	1
Whiting, Southern School	4	1
Whiting, Western Sand	4	1
<i>Other fish</i>		
All fish not otherwise listed in this Schedule	1	1

SCHEDULE 10

[Reg. 176]

**NON-ENDEMIC SPECIES OF FISH PERMITTED TO BE BROUGHT
INTO THE STATE****PART 1 — SPECIES OF FISH ENDEMIC TO AREAS OF AUSTRALIA
OUTSIDE THE STATE**

1. Cod, Murray
2. Eel, Short-finned
3. Perch, Golden
4. Perch, Silver
5. Redclaw, Queensland
6. Yabbie, Common
7. Yabbie, White

PART 2 — SPECIES OF FISH NOT ENDEMIC TO AUSTRALIA

1. Perch, Redfin
2. Salmon, Atlantic
3. Trout, Brown
4. Trout, Rainbow

SCHEDULE 11

[Reg. 59]

AUTHORIZED TRADE NAMES OF FISH

Fish	Trade name
Barramundi	Barramundi
Jewfish, West Australian	Jewfish

SCHEDULE 12
MODIFIED PENALTIES

[Ss.229 (2) and reg.162]

Offence	Modified penalty
PART 1 — SECTIONS OF THE ACT	\$
1. Section 43 (3), relating to —	
(a) category 1 fish	400.00
(b) category 2 fish	200.00
(c) category 3 fish	100.00
(d) category 4 fish	50.00
2. Section 46, relating to —	
(a) category 1 fish	200.00
(b) category 2 fish	100.00
(c) category 3 fish	75.00
(d) category 4 fish	50.00
3. Section 47	50.00
4. Section 49	200.00
5. Section 50 (3), relating to —	
(a) category 1 fish	200.00
(b) category 2 fish	100.00
(c) category 3 fish	75.00
(d) category 4 fish	50.00
6. Section 51 (2), relating to —	
(a) category 1 fish	200.00
(b) category 2 fish	100.00
(c) category 3 fish	75.00
(d) category 4 fish	50.00

MODIFIED PENALTIES — continued

Offence	Modified penalty
PART 1 — SECTIONS OF THE ACT	
	\$
7. Section 104	200.00
8. Section 105	200.00
9. Section 106 (2)	200.00
10. Section 170 (1)	200.00
11. Section 171 (1)	200.00
12. Section 172	200.00
13. Section 190 (2)	200.00
PART 2 — REGULATIONS	
	\$
1. Regulation 108	50
2. Regulations 12 (3), 39, 40, 42, 43, 44 and 53	75
3. Regulations 23 (1), 24 (1), 27 (6), 32 (1), 46, 47, 48, 49 (5), 50, 51, 52, 56, 57 (2), 58, 60, 61, 74, 75, 77, 79, 80, 81, 82, 83, 84, 85, 86, 91, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 117, 119 (2), 121 (1), 123 (1), 125 (1), 127 (1), 130 and 144	100
4. Regulations 12 (1) and (2), 26 (2), 31, 33, 34, 35, 36 (1), 38, 41, 57 (1), 62, 63, 64, 71, 121 (2) and 145	200

SCHEDULE 13

[Reg. 38]

SPECIFICATIONS FOR ROCK LOBSTER POTS**PART 1 — WATERS NORTH OF 21° 44' SOUTH LATITUDE****Entrance or neck of pot**

1. Every rock lobster pot must —
 - (a) have only one entrance or neck; and
 - (b) not contain any device capable of restricting the egress of fish.

PART 2 — WATERS BETWEEN 21° 44' SOUTH LATITUDE AND 34° 24' SOUTH LATITUDE (EXCLUDING SOME WATERS OFF THE SOUTH COAST)

Entrance or neck of pot

2. A rock lobster pot is to have only one entrance or neck which is to be positioned on the upper surface of the pot with the entrance or neck parallel to the base of the pot and is to be constructed wholly of a rigid material and with an opening throughout of not less than —

- (a) where the entrance or neck is circular, 160 millimetres diameter; or
- (b) where the entrance or neck is rectangular, 160 millimetres by 160 millimetres,

and must not contain any device capable of restricting the egress of fish.

Beehive pots

3. (1) This clause applies to beehive rock lobster pots.

(2) Every beehive rock lobster pot —

- (a) is to have inserted in it a device or devices to create 3 escape gaps that are as nearly as practicable rectangular in shape and when measured internally each is to measure not less than 305 millimetres in length and not less than 54 millimetres in height (see Diagram 1 in the Table);
- (b) is not to exceed, when measured internally —
 - (i) 925 millimetres in diameter; and
 - (ii) 420 millimetres in height,
 unless approved by the Executive Director; and
- (c) is not to have any obstruction positioned so as to restrict the movement of rock lobsters through the escape gaps or to reduce the internal measurement of the escape gaps, other than in the case of a pot constructed of cane or sticks, where one wire may pass vertically across each escape gap.

(3) The escape gaps in a beehive rock lobster pot are to be —

- (a) positioned on the side of the pot so that the longer sides of the gaps are generally parallel to the base of the pot and the lower internal edge of the escape gaps are not more than 110 millimetres from the base of the pot and are to be positioned in accordance with Diagram 2 (a) in the Table;
- (b) located at least 150 millimetres away from the attachment point or points of the hauling rope and, where there are 2 attachment points, not between those points; and

- (c) of —
 - (i) steel flat-bar and constructed to the specifications set out in clause 4 (7) (a); or
 - (ii) pressed steel or aluminium and constructed to the specifications set out in clause 4 (7) (d).

Batten pots

4. (1) This clause applies to batten rock lobster pots.

(2) Subject to this clause, every batten rock lobster pot is to have inserted in it a device or devices to create a minimum of 3 escape gaps that are as nearly as practicable rectangular in shape, and when measured internally each measures not less than 305 millimetres in length and not less than 54 millimetres in height.

- (3) Where —
 - (a) escape gaps are fitted to 3 sides of the rock lobster pot in accordance with this clause, the combined length of those gaps is to be not less than 915 millimetres, unless otherwise permitted under this clause; or
 - (b) escape gaps are fitted to only 2 sides of the rock lobster pot the combined length of those gaps is to be not less than 1220 millimetres, except as otherwise permitted under this clause.
- (4) Where —
 - (a) 3 escape gaps are fitted, those gaps are to be positioned one on each side of the rock lobster pot, other than the base of the pot, in the rear half of the pot and one at the end of the pot opposite the hauling rope attachment point or points and are to be positioned in accordance with Diagram 3 in the Table; or
 - (b) 3 escape gaps are fitted, and the length of the rock lobster pot does not exceed 770 millimetres, those gaps are to be positioned one on each side of the pot, other than the base of the pot, and one at the end of the pot opposite the hauling rope attachment point or points.
- (5) Where —
 - (a) 4 or more escape gaps are fitted, those gaps are to be positioned 2 on each side, other than the base of the pot or the end of the pot to which the hauling rope is attached, and the length of one of the gaps fitted to each side of the pot may be less than 305 millimetres provided that —
 - (i) the combined length of the 2 escape gaps on each side of the pot is not less than 610 millimetres; and
 - (ii) the smallest gap on each side of the pot is not less than 200 millimetres; or

- (b) 4 or more escape gaps are fitted and 2 of those gaps are positioned across the entire width of the end of the rock lobster pot opposite the hauling rope attachment point or points, then the combined length of those gaps may be less than 610 millimetres provided that ---
 - (i) the centre support of the end of the pot to which the escape gap is attached does not exceed 50 millimetres in width; and
 - (ii) the smallest gap is not less than 250 millimetres.
- (6) When fitted to the rock lobster pot, the longer sides of the escape gaps are to be generally parallel to the base of the pot and the lower internal edges of the escape gaps are to be not more than 110 millimetres from the base of the pot.
- (7) Escape gaps are to be of —
- (a) steel flat-bar with a width of not less than 20 millimetres and a thickness of not less than 3 millimetres and not more than 6 millimetres and are to be constructed in accordance with Diagram 4 in the Table;
 - (b) aluminium with a width of not less than 20 millimetres and a thickness of not less than 4 millimetres and not more than 6 millimetres and are to be constructed in accordance with Diagram 5 in the Table;
 - (c) fibreglass with a thickness of not less than 3 millimetres and not more than 6 millimetres with reinforcing on the lip of the gap with a thickness of not less than 5 millimetres and not more than 8 millimetres and the widest measurement of the lip of the gap is not to exceed 12 millimetres and are to be constructed in accordance with Diagram 6 in the Table; or
 - (d) pressed steel or aluminium with a width of not less than 20 millimetres and a thickness of not less than 2 millimetres and not more than 3 millimetres, when incorporating an internal pressed lip of a depth not less than 6 millimetres or more than 10 millimetres and are to be constructed in accordance with Diagram 7 in the Table.
- (8) The material to which an escape gap is attached in the horizontal plane is not to be —
- (a) constructed of a material thicker than 13 millimetres;
 - (b) in the horizontal plane, within 5 millimetres of the internal edge of the escape gap; or
 - (c) provided that the escape gap is attached internally to the framework running horizontally along the bottom of the pot and the bottom internal edge of the escape gap is not within 10 millimetres of the attachment material, then the material to which the gap is attached may be greater than 13 millimetres but not more than 25 millimetres in thickness.

(9) A batten rock lobster pot, unless otherwise approved by the Executive Director, is not to exceed, when measured internally —

- (a) 915 millimetres in length;
- (b) 420 millimetres in height;
- (c) 800 millimetres base width; or
- (d) 540 millimetres top width,

except that where the height of the pot is less than 420 millimetres, the top width of the pot may be increased by 5 millimetres for every 10 millimetres by which the height is reduced.

(10) When determining the internal dimensions of a batten pot, the measuring points are those specified in Diagram 9 in the Table and if the end frames have been modified by cutting the corners of the frame to the pot or modified in some other way, the measuring points are to be projected points as if the end and side frames were not cut or modified and were in accordance with those of Diagram 9.

Plastic pots

5. (1) This clause applies to plastic rock lobster pots.

(2) A plastic rock lobster pot is to have inserted in it a device or devices that creates 3 escape gaps that are as nearly as practicable rectangular in shape and when measured internally each is to measure not less than 305 millimetres in length and not less than 54 millimetres in height.

(3) The escape gaps are to be positioned —

- (a) one on each side, other than the base, in the rear half of the pot and one at the end of the pot opposite the hauling rope attachment point or points; and
- (b) so that the longer sides of the gaps are generally parallel to the base of the pot and the lower internal edge of the escape gaps are no more than 110 millimetres from the base of the pot as specified in Diagram 8 in the Table.

(4) Escape gaps are to be constructed —

- (a) of the materials and to the specifications set out in clause 4 (7); or
- (b) of plastic with a thickness of not less than 3 millimetres and not more than 6 millimetres.

(5) The material to which the escape gaps is attached in the horizontal plane is not to be —

- (a) constructed of material thicker than 13 millimetres; or
- (b) in the horizontal plane, within 5 millimetres of the internal edge of the escape gap.

(6) A plastic rock lobster pot formed by an injection moulding process is not to exceed, when measured internally —

- (a) 782 millimetres in length;
- (b) 565 millimetres in width; or
- (c) 470 millimetres in height.

Other pots

6. (1) This clause applies to all rock lobster pots, other than beehive pots, batten pots or plastic pots.

(2) A rock lobster pot is to have inserted in it a device or devices to create 3 escape gaps that are as nearly as practicable rectangular in shape and when measured internally each is to measure not less than 305 millimetres in length and not less than 54 millimetres in height (see Diagram 1 in the Table).

(3) The escape gaps are to be positioned —

- (a) one on each side, other than the base, in the rear half of the pot and one at the end of the pot opposite the hauling rope attachment point or points; and
- (b) so that the longer sides of the gaps are generally parallel to the base of the pot and the lower internal edge of the escape gaps are no more than 110 millimetres from the base of the pot.

(4) Escape gaps are to be constructed of the materials and to the specifications set out in clause 4 (7).

(5) The material to which the escape gaps are attached in the horizontal plane is not to be —

- (a) constructed of material thicker than 13 millimetres; or
- (b) in the horizontal plane, within 5 millimetres of the internal edge of the escape gaps.

Specifications applicable to all pots

7. (1) This clause applies to all rock lobster pots.

(2) A rock lobster pot is not to have any form of chamber or partition in the pot which is capable of containing rock lobster other than that formed by the external frame of the pot.

(3) A rock lobster pot is not to have an internal volume, including that of any object enclosed in a pot such as a bait basket and neck and ballast in the frame of the pot, which is greater than 0.257 cubic metres.

(3) An escape gap is not to have any obstruction positioned in such a way as to restrict the movement of rock lobsters through the escape gap or to reduce the internal measurements of the escape gap, except as provided in clause 3 (2) (c).

PART 3 — ALL OTHER WATERS

Entrance or neck of pot

8. Unless otherwise approved by the Executive Director, a rock lobster pot is to have only one entrance or neck which is to be positioned on the upper surface of the pot with the entrance or neck parallel to the base of the pot and is to be constructed wholly of a rigid material and must not contain any device capable of restricting the egress of fish.

Beehive pots

9. (1) This clause applies to beehive rock lobster pots.
- (2) Every beehive rock lobster pot —
- (a) is to have inserted in it a device to create an escape gap that is as nearly as practicable rectangular in shape and when measured internally is not less than 305 millimetres in length and not less than 54 millimetres in height (see Diagram 1 in the Table); and
 - (b) is not to have any obstruction positioned so as to restrict the movement of rock lobsters through the escape gap or to reduce the internal measurement of the escape gap, other than in the case of a pot constructed of cane or sticks, where one wire may pass vertically across the escape gap.
- (3) The escape gap in a beehive rock lobster pot is to be —
- (a) positioned on the side of the pot so that the longer sides of the gap are generally parallel to the base of the pot and the lower internal edge of the escape gap is not more than 110 millimetres from the base of the pot and is to be positioned in accordance with Diagram 2 (b) in the Table;
 - (b) located at least 150 millimetres away from the attachment point or points of the hauling rope and, where there are 2 attachment points, not between those points; and
 - (c) of —
 - (i) steel flat-bar and constructed to the specifications set out in clause 4 (7) (a); or
 - (ii) pressed steel or aluminium and constructed to the specifications set out in clause 4 (7) (d).

Batten pots

10. (1) This clause applies to batten rock lobster pots.

(2) Subject to this clause, every batten rock lobster pot is to have inserted in it a device to create an escape gap that is as nearly as practicable rectangular in shape, and when measured internally, is to measure not less than 305 millimetres in length and not less than 54 millimetres in height.

(3) The escape gap in a batten rock lobster pot is to be —

- (a) positioned on a side of the pot, other than the base, in the rear half of the pot or at the end opposite the hauling rope attachment point or points and is to be positioned in accordance with Diagram 3 in the Table; and
- (b) located at least 150 millimetres away from the attachment point or points of the hauling rope and, where there are 2 attachment points, not between those points.

(4) When fitted to the rock lobster pot, the longer sides of the escape gap are to be generally parallel to the base of the pot and the lower internal edge of the escape gap is to be not more than 110 millimetres from the base of the pot.

(5) An escape gap is to be constructed of the materials and to the specifications set out in clause 4 (7).

(6) The material to which an escape gap is attached in the horizontal plane is not to be —

- (a) constructed of a material thicker than 13 millimetres;
- (b) in the horizontal plane, within 5 millimetres of the internal edge of the escape gap; or
- (c) provided that the escape gap is attached internally to the framework running horizontally along the bottom of the pot and the bottom internal edge of the escape gap is not within 10 millimetres of the attachment material, then the material to which the gap is attached may be greater than 13 millimetres but not more than 25 millimetres in thickness.

Plastic pots

11. (1) This clause applies to plastic rock lobster pots.

(2) A plastic rock lobster pot is to have inserted in it a device to create an escape gap that is as nearly as practicable rectangular in shape and when measured internally is to measure not less than 305 millimetres in length and not less than 54 millimetres in height.

(3) The escape gap in a plastic rock lobster pot is to be positioned —

- (a) on a side, other than the base, in the rear half of the pot opposite the hauling rope attachment point or points;

- (b) so that the longer sides of the gap are generally parallel to the base of the pot and the lower internal edge of the escape gap is no more than 110 millimetres from the base of the pot as specified in Diagram 8 in the Table; and
 - (c) at least 150 millimetres away from the attachment point or points of the hauling rope and where there are 2 attachment points, not between those points.
- (4) An escape gap is to be constructed —
- (a) of the materials and to the specifications set out in clause 4 (7); or
 - (b) of plastic with a thickness of not less than 3 millimetres and not more than 6 millimetres.
- (5) The material to which an escape gap is attached in the horizontal plane is not to be —
- (a) constructed of material which is thicker than 13 millimetres; or
 - (b) in the horizontal plane, within 5 millimetres of the internal edge of the escape gap.

Other pots

12. (1) This clause applies to all rock lobster pots, other than beehive pots, batten pots or plastic pots.

(2) Every rock lobster pot is to have inserted in it a device to create an escape gap that is as nearly as practicable rectangular in shape and when measured internally each is to measure not less than 305 millimetres in length and not less than 54 millimetres in height.

- (3) An escape gap is to be positioned —
- (a) on a side, other than the base, in the rear half of the pot or at the end of the pot opposite the hauling rope attachment point or points;
 - (b) so that the longer sides of the gap are generally parallel to the base of the pot and the lower internal edge of the escape gap is no more than 110 millimetres from the base of the pot; and
 - (c) at least 150 millimetres away from the attachment point or points of the hauling rope and where there are 2 attachment points, not between those points.
- (4) An escape gap is to be constructed of the materials and to the specifications set out in clause 4 (7).
- (5) The material to which the escape gap is attached in the horizontal plane is not to be —
- (a) constructed of material which is thicker than 13 millimetres; or
 - (b) in the horizontal plane, within 5 millimetres of the internal edge of the escape gap.

Specifications applicable to all pots

13. (1) This clause applies to all rock lobster pots.

(2) A rock lobster pot is not to have any form of chamber or partition in the pot which is capable of containing rock lobster other than that formed by the external frame of the pot.

(3) An escape gap is not to have any obstruction positioned in such a way as to restrict the movement of rock lobsters through the escape gap or to reduce the internal measurements of the escape gap, except as provided in clause 9 (2) (b).

TABLE**DIAGRAM 1 — BEEHIVE POTS**

(Clauses 3 (2) (a), 6 (2) and 9 (2) (a))

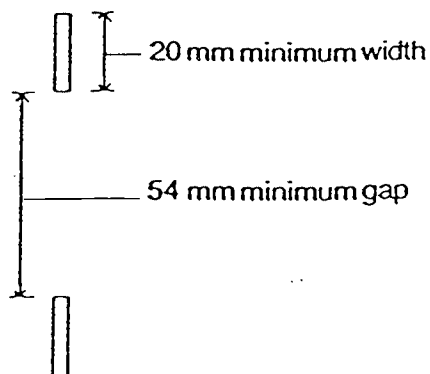
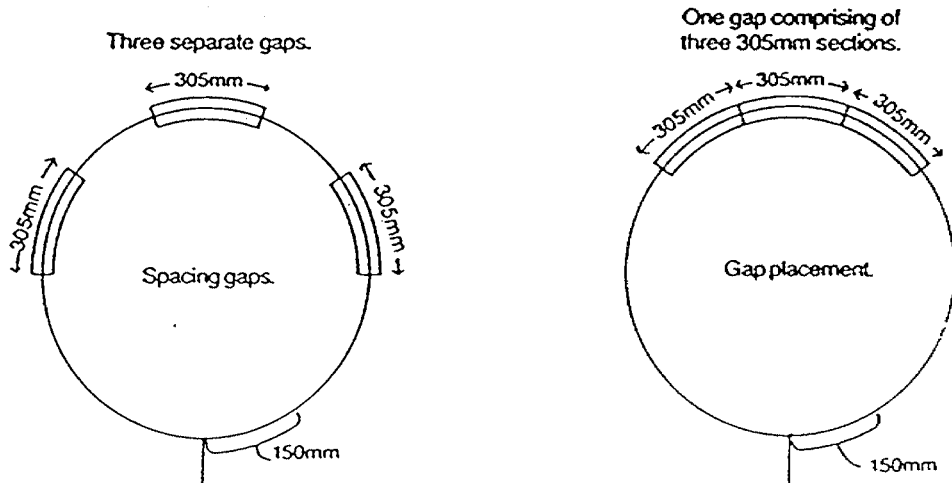


DIAGRAM 2 (a) — BEEHIVE POTS

(Clause 3 (3) (a))



150mm minimum distance of escape gap from Hauling rope attachment point or points.
Gap not to be inserted between Hauling attachment points if there are two.

In all cases each segment of gap must have a MINIMUM OPENING 54mm x 305mm.

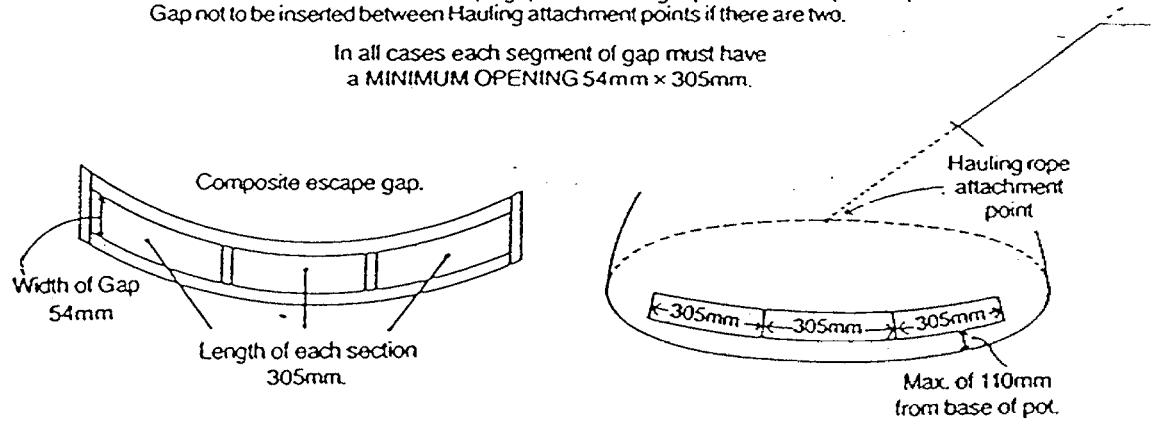
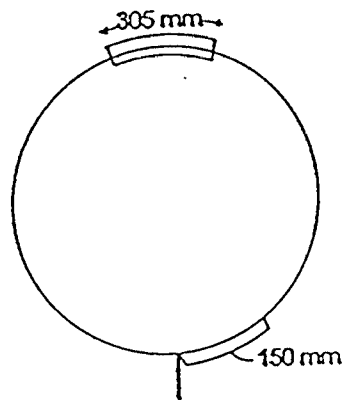


DIAGRAM 2 (b) — BEEHIVE POTS (continued)

(Clause 9 (3) (a))



150 mm minimum distance of escape gap from Hauling rope attachment point or points.
Gap not to be inserted between Hauling attachment points if there are two.

Escape gap must have
a MINIMUM OPENING 54 mm x 305 mm

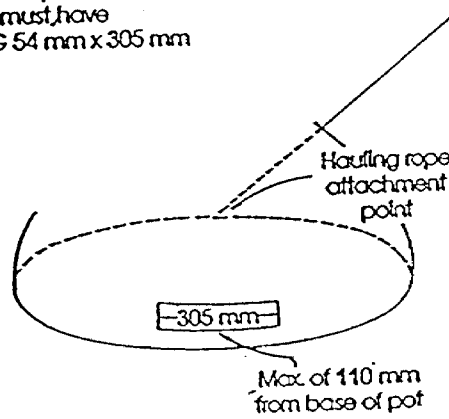
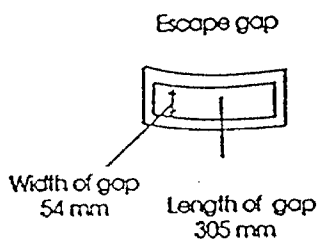
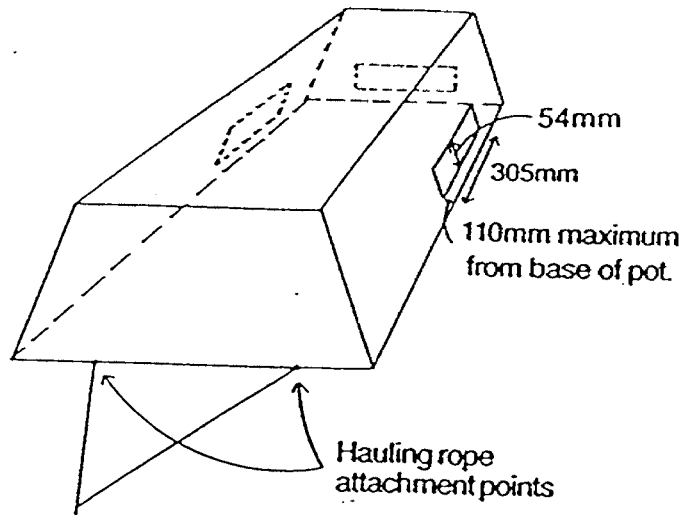


DIAGRAM 3 — BATTEN POTS

(Clauses 4 (4) (a) and 10 (3) (a))



positioning of escape gap(s)

DIAGRAM 4 — BATTEN POTS

(Clause 4 (7) (a))

(Steel flat-bar)

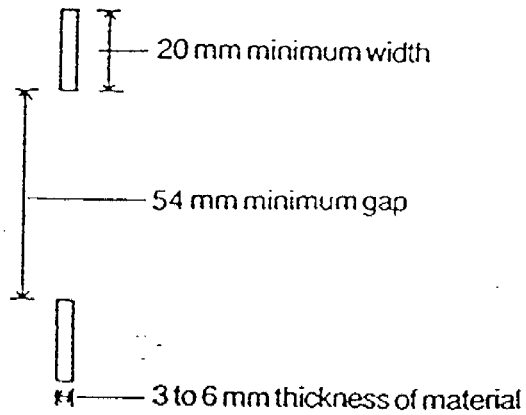


DIAGRAM 5 — BATTEN POTS

(Clause 4 (7) (b))

(Aluminium)

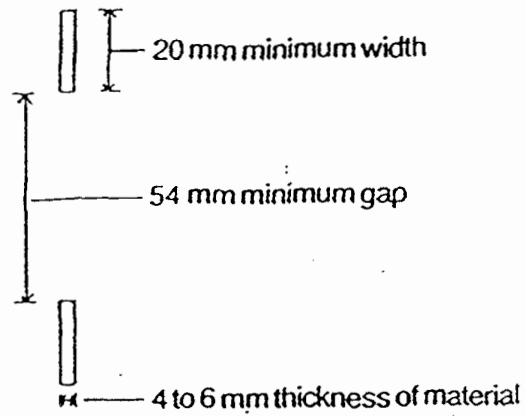


DIAGRAM 6 — BATTEN POTS

(Clause 4 (7) (c))

(Fibreglass)

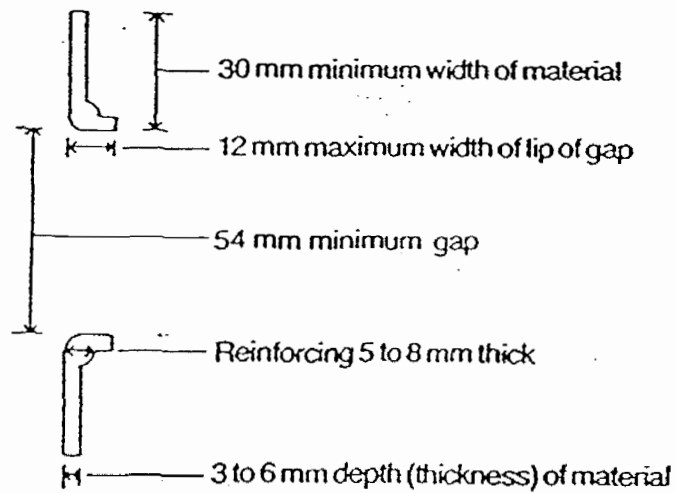


DIAGRAM 7 — BATTEN POTS

(Clause 4 (7) (d))

(Steel or aluminium with internal lip)

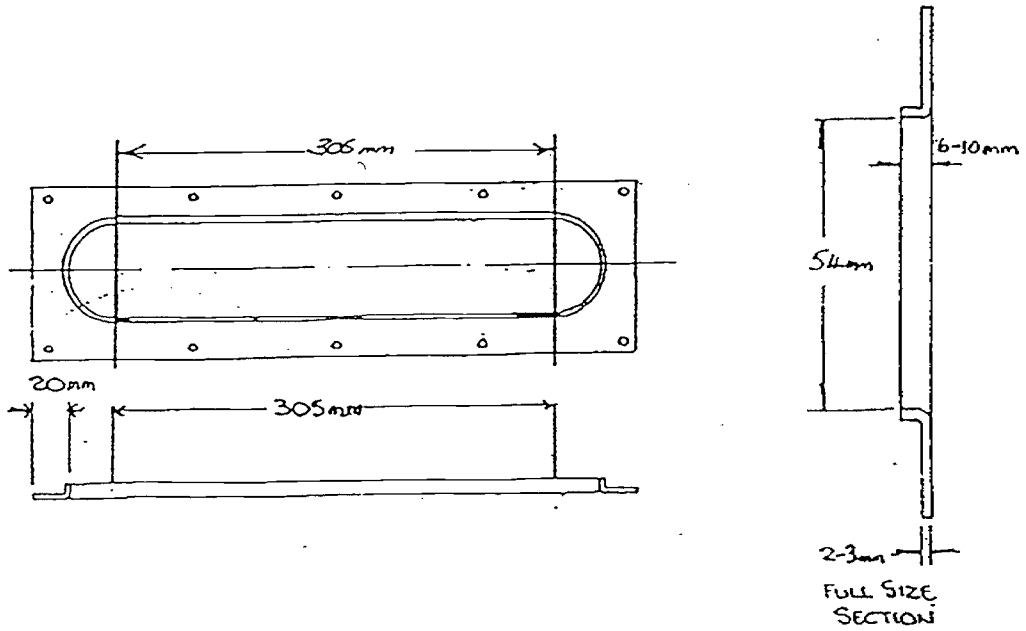
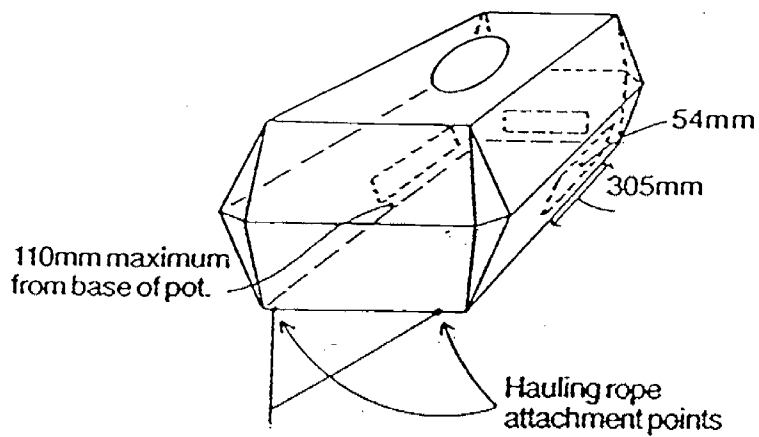


DIAGRAM 8 — PLASTIC POTS

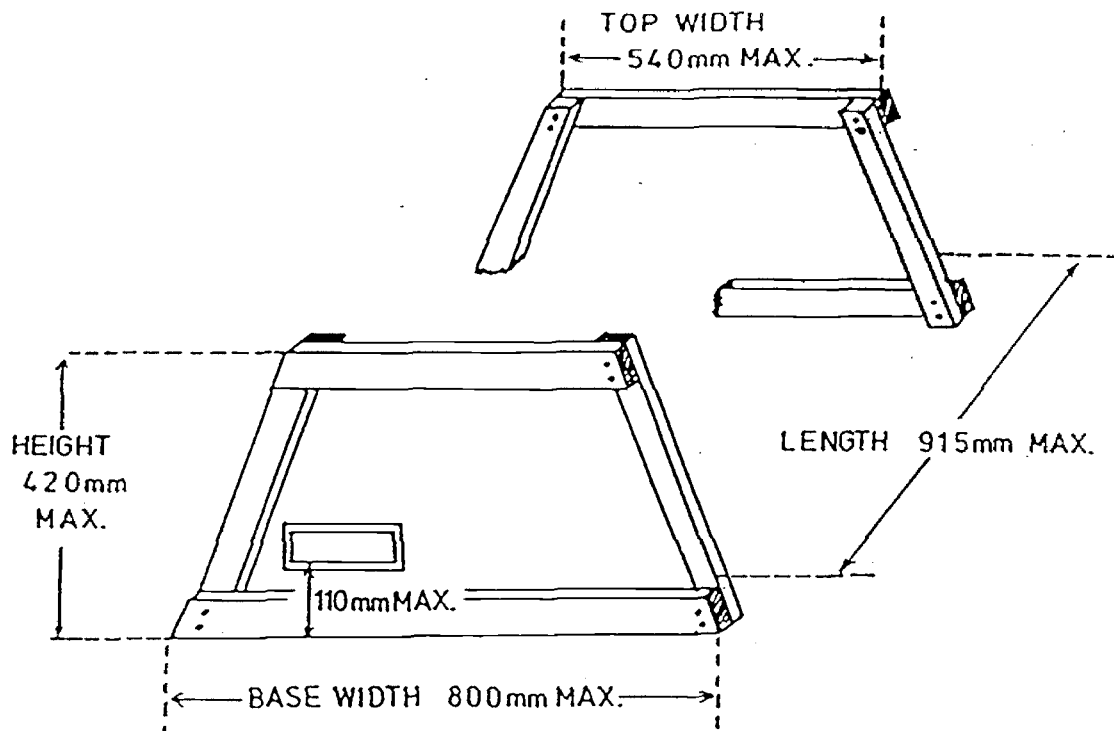
(Clauses 5 (3) (b) and 11 (3) (b))



positioning of escape gap(s)

DIAGRAM 9 — BATTEN POTS

(Clause 4 (10))



SCHEDULE 14

[Reg. 142]

FORMS

Form 1

Fish Resources Management Act 1994
(Section 158)

SUMMONS TO ATTEND OR PRODUCE DOCUMENTS

No. of summons:

To:

Postcode

A hearing is being held by a tribunal under section 152 of the Act.

The hearing is about:	
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What you must do:

<p>You must:</p> <p>Attend before the tribunal: <input type="checkbox"/></p> <p>Produce the following documents before the tribunal: <input type="checkbox"/></p>	
---	--

Information about the hearing:

<p>Where you must go:</p> <p>When:</p>	<p>Time Date Month Year and then from day to day until the end of the hearing or until excused by the tribunal</p>
--	---

Information about this summons:

<p>Issued at:</p> <p>by:</p> <p>Signature:</p> <p>Telephone contact:</p>	<p>Date:</p>
--	--------------

If you do not attend or produce the documents:

It is an offence not to comply with this summons unless you have a reasonable excuse.

The maximum penalty to which you may be liable is \$2 000.

Form 2

[Reg. 147]

Fish Resource Management Act 1994
(Section 187)

WARRANT TO ENTER AND SEARCH

This is a warrant authorizing a fisheries officer to enter and search:

<p>Place:</p> <p>Time: (specify hours or at any time)</p>	
---	--

This warrant ceases to have effect:

Date:	
Time:	

I Justice of the Peace of
am satisfied by complaint made on oath —

- (a) that there are reasonable grounds for suspecting that there is on or in the place referred to in this warrant anything that may afford evidence of the commission of an offence against the *Fish Resources Management Act 1994*; or
- (b) that the issue of this warrant is reasonably required for the purpose of ascertaining whether a person has contravened or is contravening the *Fish Resources Management Act 1994*;

and I authorize, a fisheries officer, to enter and search the place referred to in this warrant with such assistance, and by such force, as is reasonably necessary during the time referred to in this warrant.

.....
Signature of Justice of the Peace

.....
Date

Form 3

Fish Resource Management Act 1994
(Section 229 (1))

[Reg. 160]

INFRINGEMENT NOTICE

No. of notice:
Authorization Nos.:

To:

Postcode:

It is alleged that you have committed an offence:

When and where:	When:	am/pm on the day of	19 .
	Where:		

Details of the offence and modified penalty:

Section of Act	Description of Offence	Modified Penalty \$

What you must do:

1. You may dispose of this matter within 28 days after the service of this notice by paying the modified penalty —
 - (i) BY POSTING a cheque or money order made payable to the FISHERIES DEPARTMENT to the Accountant, Ministry of Justice, G.P.O. Box L915, Perth WA 6001; or
 - (ii) IN PERSON AT THE MINISTRY OF JUSTICE, 3rd floor, Westralia Square, 141 St George's Terrace, Perth WA; or at any Clerk of Courts.

OR

2. Elect to have this matter dealt with before A COURT.

Should you not pursue one of the above options within the time specified above, additional administrative charges may be incurred and action may be taken to suspend your Motor Driver's Licence until you have paid in full the modified penalty and any additional charges OR you have elected to have this matter dealt with before a Court.

Information about this notice:

Issued at:	
by:	
Signature:	

Form 4

[Reg. 161]

Fish Resource Management Act 1994
(Section 231 (1))

WITHDRAWAL OF INFRINGEMENT NOTICE

To: _____ No. of notice: _____
Postcode: _____

AN INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN
WITHDRAWN AND NO FURTHER ACTION WILL BE TAKEN*/
A SUMMONS WILL BE ISSUED*

Details of the withdrawn notice:

Date of service:	
Alleged offence:	
Notice No.:	

Information about this notice:

Issued at:	
by:	
Signature:	

* Delete where not applicable.

Form 5

[Reg. 165]

Fish Resources Management Act 1994
(Section 249 (3) (a))

NOTICE TO ATTEND OR PRODUCE DOCUMENTS

To: _____ No. of notice: _____
Postcode: _____

An inquiry is being conducted by an appointed person under
section 249 (3) (a) of the Act.

The inquiry is about:	
-----------------------	--

What you must do:

<p>You must:</p> <p>Attend before the appointed person: <input type="checkbox"/></p> <p>Produce the following documents before the appointed person: <input type="checkbox"/></p>	
---	--

Information about the inquiry:

<p>Where you must go:</p> <p>When:</p>	<p style="text-align: center;">Time Date Month Year</p> <p>and then from day to day until the end of the inquiry or until excused by the appointed person.</p>
---	---

Information about this notice:

<p>Issued at:</p> <p>by:</p> <p>Signature:</p> <p>Telephone contact:</p>	<p>Date:</p> <p>(appointed person)</p>
--	--

If you do not attend or produce the documents:

It is an offence not to comply with this summons unless you have a reasonable excuse.

The maximum penalty to which you may be liable is \$5 000.

Form 6

Fish Resources Management Act 1994
(Section 255 (1))

[Reg. 173]

NOTICE PROHIBITING ACTIVITIES THAT POLLUTE WATERS

No. of Notice:

To:

Postcode:

You are prohibited from engaging in the following activity which is polluting, or likely to pollute, the aquatic environment:

Information about the prohibition:

Period of prohibition:	
Circumstances and times:	

Information about this notice:

Issued at:	
by:	The Minister for Fisheries
Signature:	
Telephone contact:	

If you contravene this notice:

It is an offence to contravene this notice.

The maximum penalty to which you may be liable is:

For an individual: \$25 000.

For a body corporate: \$50 000.

Form 7

[Reg. 174]

Fish Resources Management Act 1994
(Section 255 (2) (c))

**NOTICE TO VARY OR REVOKE A NOTICE PROHIBITING
ACTIVITIES THAT POLLUTE WATERS**

No. of notice:

To:

Postcode:

The notice served on you prohibiting you from an activity that was polluting,
or likely to pollute, the aquatic environment is varied*/revoked* —

Which notice is varied/revoked?

No. of notice:	Date:
Served:	
By:	
Time:	

**This is the variation of the notice.

Information about this notice:

Issued at:	
by:	The Minister for Fisheries
Signature:	
Telephone contact:	

If you contravene this notice:

It is an offence to contravene this notice.

The maximum penalty to which you may be liable is:

For an individual: \$25 000.

For a body corporate: \$50 000.

* Delete where not applicable.

** Score through this section if not applicable.

Form 8

[Reg. 175]

Fish Resources Management Act 1994
(Section 255 (5))

**NOTICE OF APPEAL TO THE MINISTER FOR THE ENVIRONMENT
UNDER SECTION 255 (5)**

No. of notice:

To the Minister for the Environment:

I*/We* appeal against a notice given under section 255 of the *Fish Resources Management Act 1994* by the Minister for Fisheries prohibiting me*/us* from engaging in the activity specified in the notice.

Details of person/s* appealing:

Name:

Address:

Details of notice appealed from:

Date of notice:	
No. of notice:	

Grounds of appeal:

A copy of the notice appealed from is attached.

.....
Signature of appellant (or legal representative)

.....
Date

* Delete where not applicable.

By Command of the Governor,

J. PRITCHARD, Clerk of the Council.

