

FISHERIES**FI301****FISHERIES ACT 1905****FISHERIES AMENDMENT REGULATIONS (NO. 5) 1992**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Fisheries Amendment Regulations (No. 5) 1992*.

Commencement

2. These regulations come into operation on 19 June 1992.

Principal regulations

3. In these regulations the *Fisheries Regulations 1938** are referred to as the principal regulations.

[* Reprinted as at 15 September 1988.
For amendments to 22 May 1992 see 1991 Index to Legislation of Western Australia, pp. 324-25 and Gazettes of 31 January, 28 February, 27 March and 8 May 1992.]

Regulations 12EB to 12EH inserted

4. After regulation 12EA of the principal regulations the following regulations are inserted —

Interpretation

- “ 12EB. For the purposes of regulations 12EC, 12ED, 12EE, 12EF, 12EG and 12EH —

“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;

"one day" means a period of 24 hours commencing at midnight;

"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

12EC. (1) A person shall not, within Ningaloo Marine Park, have in his possession or in a boat any fish other than whole fish.

Penalty: \$1 000.

(2) Notwithstanding subregulation (1), a person may have in his possession within Ningaloo Marine Park —

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

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

- (a) each fillet consists of one complete side of the fish, excluding the head and backbone; and
- (b) the skin and pectoral fin are intact and attached to each fillet.

Bag limits within Ningaloo Marine Park and Ningaloo Marine Park Land Zone

12ED. (1) Notwithstanding regulation 3AB, the bag limits prescribed by this regulation apply in respect of Ningaloo Marine Park and Ningaloo Marine Park Land Zone.

(2) The bag limit appearing directly opposite an item in Table 1 or Table 2 is the prescribed bag limit for one day in respect of fish of the species referred to in that item.

(3) If an item in Table 1 or Table 2 refers to 2 or more species of fish, the prescribed 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 Table 2, the prescribed bag limit for one day 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 Table 1 to be exceeded.

(5) A person shall not —

- (a) bring into Ningaloo Marine Park;
- (b) take while within Ningaloo Marine Park; or
- (c) bring ashore into Ningaloo Marine Park Land Zone,

any fish in excess of the bag limits prescribed by this regulation.

Penalty: \$1 000.

BAG LIMITS FOR NINGALOO MARINE PARK AND NINGALOO MARINE PARK LAND ZONE

TABLE 1

(Reg. 12ED)

Fish	Bag limit for one day
Cobia (<i>Rachycentron canadus</i>)	4
Cods (a) (<i>Serranidae</i> family)	4
(b) (<i>Epinephelus</i> spp.) in excess of 30kg in weight or in excess of 1 200 mm in length	0
Coral Trout (<i>Plectropomus</i> spp.) and Coronation Trout (<i>Variola louti</i>)	1
Dolphinfish (mahi mahi) (<i>Coryphaena hippurus</i>)	4
Mackerel, Spanish (<i>Scomberomorus spp.</i>)	4
Mackerel, wahoo and shark (<i>Acanthocybium solandri</i> , <i>Grammatorcynus bicarinatus</i>)	4
Mulloway (<i>Argyrosomus hololepidotus</i>) and black jewfish (northern mulloway) (<i>Protonibea diacanthus</i>)	
(a) between 45 cm and 70 cm in length	3
(b) over 70 cm in length	1
Queenfish (<i>Scomberoides commersonianus</i>)	4
Samson fish (<i>Seriola hippos</i>)	4
Sharks (All spp.)	4
Tuna, Southern bluefin (<i>Thunnus maccoyii</i>)	4
Yellowtail kingfish (<i>Seriola lalandi</i>) . .	4

TABLE 2

Fish	Bag limit for one day
Mullet, Sea and Yellow Eye (<i>Mugil cephalus</i> , <i>Aldrichetta forsteri</i>)	40
Whiting, Sand or School (<i>Sillago spp.</i>)	40
Tailor (<i>Pomatomus saltatrix</i>)	20
Octopus, Squid and Cuttlefish (all species of Cephalopods of the sub class <i>Caleoidea</i>)	15
Rock Lobster, Western and Tropical (<i>Panulirus spp.</i>)	4
Threadfin Salmon and Bluenose Salmon (<i>Polydactylus spp.</i>)	20
Cockle (Ark shell) (<i>Anadara trapezia</i>) }	2 litres
Venus clams (all species of the genus <i>Katelysia</i>) }	
All other species of edible molluscs not specifically mentioned in this Table }	

Boats used for taking rock lobsters in Ningaloo Marine Park

12EE. (1) Notwithstanding the prescribed bag limit under regulation 12ED, a boat that is being used within Ningaloo Marine Park for taking rock lobsters shall not be used to hold or transport more than 8 rock lobsters in any one day unless —

- (a) the boat is licensed under regulation 2; and
- (b) taking rock lobsters is authorized under section 32.

(2) A person in charge or control of a boat that is used contrary to subregulation (1) commits an offence.

Penalty: \$1 000.

Fish and rock lobsters within Ningaloo Marine Park Land Zone to be labelled

12EF. (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 package of 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) A person who, within Ningaloo Marine Park Land Zone, has in his possession or stores any fish (other than cephalopods) or rock lobsters shall attach a label to each fish or rock lobster.

(3) For the purposes of subregulation (2) a label shall —

- (a) be not less than 75 mm in length and 25 mm 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;
- (c) be attached externally to the fish or rock lobster in such a manner that it is clearly visible to an Inspector.

(4) The person referred to in subregulation (2) shall 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 Land Zone.

(5) Notwithstanding the bag limits prescribed by regulation 12ED, a person shall not, within Ningaloo Marine Park Land Zone, have in his possession or store more than the prescribed quantity of fish and 8 rock lobsters.

(6) A person who has in his possession or stores any fish or rock lobsters contrary to this regulation commits an offence.

Penalty: \$1 000.

Presumption of possession or storing

12EG. (1) Where an Inspector finds fish or rock lobsters within Ningaloo Marine Park Land Zone that he reasonably suspects are the subject of an offence under regulation 12EF, and the Inspector is unable at the time of finding to determine who is in possession of or stored those fish or rock lobsters, any person —

- (a) in a vehicle; or

- (b) using a refrigerator, freezer, icebox, or other means of storage,

in which the fish or rock lobsters are found shall be deemed to be in possession of or to have stored the fish or rock lobsters, as the case may be.

- (2) In this regulation —

“fish” and “rock lobster” have their respective meanings as in regulation 12EF.

Exemptions from regulations 12EC to 12EG

12EH. Regulations 12EC, 12ED, 12EE, 12EF and 12EG do not apply to —

- (a) the holder of a professional fisherman's licence endorsed to permit the taking of fish within Ningaloo Marine Park;
- (b) the holder of a professional fisherman's licence using a boat operating under a Fishing Boat Licence, if the Fishing Boat Licence is endorsed to permit the use of that boat to take fish within Ningaloo Marine Park;
- (c) a person operating a business involving the storage, sale, or transportation of fish, if the person is operating in accordance with a written exemption from the Director;
- (d) bait fish of the family *Clupeidae* or *Engraulididae*. ”.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.