Western Australia

# Fish Resources Management Regulations 1995

Compare between:

[01 Jul 2026, 15-f0-00] and [14 Oct 2026, 15-g0-00]

# Fish Resources Management Regulations 1995

## Part 1 — Preliminary

### 1. Citation

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

### 2. Commencement

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

### 3. Terms used

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

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

***Abrolhos Islands Fish Habitat Protection Area*** means the area of WA waters adjacent to the Abrolhos Islands from the high water mark to the seaward limits of the coastal waters of the State;

***aircraft*** includes a float plane and an air cushioned craft;

***bag limit*** has the same meaning as in section 50 of the Act;

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

***charter boat*** means a boat that is used to conduct a fishing tour for a commercial purpose in accordance with a fishing tour operator's licence or a restricted fishing tour operator's licence;

***Cockburn Sound*** means all waters bounded by a line commencing at a point at 32° 03.353′ south latitude and

115° 43.943′ east longitude (at the western extremity of the South Mole on the mainland); then extending north-westerly along the geodesic to a point at 32° 03.230′ south latitude and 115° 43.465′ east longitude (at the western extremity of the North Mole on the mainland); then south-westerly along the geodesic to a point at 32° 03.975′ south latitude and 115° 38.141′ east longitude (at Straggler Rocks); then south-easterly along the geodesic to a point at 32° 05.137′ south latitude and 115° 39.560′ east longitude (on Mewstone); then southerly along the geodesic to a point at 32° 07.125′ south latitude and 115° 39.818′ east longitude (on Carnac Island); then generally southerly along the high water mark of the eastern side of Carnac Island to a point at 32° 07.479′ south latitude and 115° 39.913′ east longitude (on Carnac Island); then southerly along the geodesic to a point at 32° 09.394′ south latitude and 115° 39.654′ east longitude (at Entrance Point on Garden Island); then generally southerly along the high water mark of the eastern side of Garden Island to a point at 32° 14.677′ south latitude and 115° 40.929′ east longitude (at South West Point on Garden Island); then southerly along the geodesic to a point at 32° 15.873′ south latitude and 115° 41.170′ east longitude (at John Point on the mainland); then generally northerly along the high water mark to the commencement point;

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

***complying drop net*** means a drop net that —

(a) is not more than 1.5 m at its widest point; and

(b) is so constructed that when set —

(i) its side or sides collapse so that its netting lies flat on the ground; and

(ii) its netting is not capable of ensnaring or entangling a fish;

***Cottesloe Reef waters*** means the waters of the Cottesloe Reef as defined in the *Cottesloe Reef Fish Habitat Protection Area Order 2001*;

***day trip*** —

(a) means a voyage undertaken by a person on a boat; but

(b) does not include a voyage undertaken by a person on a boat if the voyage —

(i) takes place over more than one day; or

(ii) is undertaken on a fishing boat for a commercial purpose;

***demersal finfish*** means a fish of a species listed in Schedule 3 Division 1 Subdivision 1 column 1, Subdivision 2 column 1 or Subdivision 3 column 1;

***disease*** means any disease of fish;

***eastern gulf land area*** means the land adjacent to the waters of the Shark Bay eastern gulf;

***extended fishing tour*** means a voyage undertaken by a person on a charter boat that takes place over more than one day;

***fillet*** means any part or piece of a finfish, other than the following —

(a) a detached backbone;

(b) a detached wing;

(c) a fin;

(d) a fish trunk;

(e) a head;

(f) a product of gilling or gutting the fish;

(g) a tail;

(h) a whole fish;

***finfish*** means fish of the Class Elasmobranchii (Chondrichthyes) or Osteichthyes;

***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; or

(b) a prawn hand trawl net; or

(c) a complying drop net;

***fish processor's licence*** means a licence granted under section 83 of the Act;

***fish trunk*** means —

(a) a finfish that would be a whole fish except that —

(i) all of its head; and

(ii) all of its tail,

has been removed; or

(b) a finfish described in regulation 14(4) that would be a whole fish except that all, or any part of, its head, tail or scales has been removed; or

(c) a shark that would be a whole fish except that —

(i) all of its head; and

(ii) all of its tail; and

(iii) one or more of its fins,

has been removed;

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

***Freycinet Estuary*** means the waters of the Shark Bay western gulf south of 26° 13′ south latitude, excluding the waters of Useless Inlet and Blind Inlet;

***Gascoyne Region*** means —

(a) all land in the State; and

(b) all WA waters,

that are north of 27° 00′ south latitude, excluding the Pilbara and Kimberley Region;

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

(a) any letters and numbers specified in accordance with —

(i) regulation 124(2)(b) on a recreational fishing licence held by the person; or

(ii) regulation 124(4)(b)(iii) on a receipt issued to the person under regulation 124(3) for an application for the grant or renewal of a recreational fishing licence;

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 (i.e. A 29/3/59);

***Geographe Bay and Inland Waters*** —

(a) means the waters bounded by a line commencing at a point (the ***commencement point***) at 33° 27.11′ south latitude and 115° 34.57′ east longitude (on the mainland) and extending —

(i) west along the parallel to a point at 33° 27.11′ south latitude and 115° 00.29′ east longitude; then

(ii) south along the meridian to a point at 33° 31.86′ south latitude and 115° 00.29′ east longitude (on the mainland at Cape Naturaliste); then

(iii) generally easterly along the high water mark to the commencement point;

and

(b) includes every river, estuary, inlet, constructed waterway and their tributaries between Cape Naturaliste and the commencement point;

***jet ski*** means a jet ski or any other any vessel designed for the transport of one, 2 or 3 persons that —

(a) is propelled by means of an inboard motor powering a water jet pump; and

(b) is designed to be steered by means of handlebars by a person sitting, standing or kneeling on the vessel and not within it;

***Jungulu Special Purpose Zone (wilderness conservation)*** means the area described in the *Lalang-garram / Camden Sound Marine Park (Classified Waters) Notice 2020* Schedule 3 item 1;

***Kalbarri Blue Holes waters*** means the waters of the Kalbarri Blue Holes as defined in the *Kalbarri Blue Holes Fish Habitat Protection Area Order 2007*;

***Lalang-garram / Camden Sound Marine Park*** means all waters reserved as the Lalang-garram / Camden Sound Marine Park under the *Conservation and Land Management Act 1984* section 13 and classified as Class A;

***Lancelin Island Lagoon*** means the waters of the Lancelin Island Lagoon as defined by the *Lancelin Island Lagoon Fish Habitat Protection Area Order 2001*;

***large pelagic finfish*** means a fish of a species listed in Schedule 3 Division 2 Subdivision 1 column 1 or Subdivision 2 column 1;

***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;

***marron drop net*** has the same meaning as in regulation 38G;

***marron pole snare*** has the same meaning as in regulation 38G;

***marron scoop net*** has the same meaning as in regulation 38G;

***marron trophy waters*** means the waters of —

(a) Harvey Weir; and

(b) Lake Navarino (Waroona Dam) and its tributaries; and

(c) Hutt River;

***metropolitan waters*** means all WA waters between 31° 29.580′ south latitude (northern wall of the Two Rocks Marina) and 32° 41.453′ south latitude (Cape Bouvard);

***mollusc*** does not include pearl oyster;

***motor boat*** means a vessel propelled otherwise than by oars or sail and includes a personal watercraft within the meaning of the *Navigable Waters Regulations 1958*;

***Ningaloo Marine Park*** means all waters reserved under section 13 of the *Conservation and Land Management Act 1984* as Class “A” Marine Park Reserve No. 2, Ningaloo Marine Park;

***one day*** means —

(a) unless paragraph (b) applies — a period of 24 hours commencing at midnight; or

(b) in relation to fishing for marron or prawns or fishing by means of a fishing net that is set — a period of 24 hours commencing at midday;

***Pilbara and Kimberley Region*** means —

(a) all land in the State; and

(b) all WA waters,

that are east of 114° 50′ east longitude and north of 21° 46′ south latitude;

***prawn hand trawl net*** means a net —

(a) of not more than 4 m in length; and

(b) with a mesh of not less than 16 mm;

***principal place of residence*** in respect of a person, does not include —

(a) a tent, vehicle or boat; or

(b) a caravan, within the meaning of the *Caravan Parks and Camping Grounds Act 1995*, unless the caravan is the person's principal place of residence; or

(c) premises where fish are processed or stored for a commercial purpose; or

(d) premises where fish are sold or purchased;

***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;

***region*** means any of the following areas of the State —

(a) the Gascoyne Region;

(b) the Pilbara and Kimberley Region;

(c) the South Coast Region;

(d) the West Coast Region;

***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 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;

***scheduled fish disease*** means a disease mentioned in Schedule 17;

***set*** in respect of a net or any other fishing gear, means to fix the net or fishing gear in place so that it remains stationary;

***South Coast Region*** means —

(a) all WA waters off the southern coast of WA east of 115° 30′ east longitude; and

(b) all land and all WA waters east of 115° 30′ east longitude and in any of the following local government districts designated under the *Local Government Act 1995* —

(i) the Cities of Albany and Kalgoorlie-Boulder; and

(ii) the Shires of Boyup Brook, Bridgetown-Greenbushes, Broomehill, Coolgardie, Cranbrook, Denmark, Dumbleyung, Dundas, Esperance, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Kondinin, Kulin, Lake Grace, Manjimup, Nannup, Plantagenet, Ravensthorpe, Tambellup and Woodanilling;

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

***Swan and Canning Rivers*** —

(a) means all waters of the Swan and Canning Rivers, including their tributaries, upstream of a line commencing at a point at 32° 03.353′ south latitude and 115° 43.943′ east longitude (at the westernmost point of South Mole, Fremantle) and extending to 32° 03.230′ south latitude and 115° 43.465′ east longitude (at the westernmost point of North Mole, Fremantle); and

(b) includes all waters of Rous Head Harbour;

***waters of the Shark Bay eastern gulf*** means the waters south and east of a line commencing at the high water mark of the

northernmost point of Cape Peron, from there due north to the intersection with a line drawn due east from the high water mark of the southernmost point of Cape St Cricq, and from there due east to the mainland, but not including the waters of Denham Sound nor the Freycinet Estuary;

***waters of the Shark Bay western gulf*** means the waters bounded by a line commencing at the high water mark at the intersection of 25° 35.125′ south latitude and 113° 01.227′ east longitude (Withnell Point); thence extending east along the parallel to the intersection with 113° 15′ east longitude; thence north along the meridian to the intersection of 25° 30.200′ south latitude; thence east along the parallel to the high water mark of Cape Peron at the intersection of 25° 30.200′ south latitude and 113° 30.600′ east longitude; thence generally in a southerly direction along the high water mark on the western side of Peron Peninsula; thence continuing westerly then northerly along the high water mark on the eastern side of Edel Land Peninsula; thence following the high water mark around Heirisson Prong and Bellefin Prong to the intersection of the high water mark and 113° 12.9′ east longitude; thence along the geodesic to the intersection of 113° 12.9′ east longitude and the high water mark (southern end) of Dirk Hartog Island; thence generally northerly along the high water mark on the eastern side of Dirk Hartog Island to the commencement point;

***West Coast Region*** means —

(a) all land in the State; and

(b) all WA waters,

that are south of 27° 00′ south latitude, excluding the South Coast Region;

***western gulf land area*** means the land adjacent to the waters of the Shark Bay western gulf;

***whole fish*** means a finfish that —

(a) in the case of any type of finfish, including a large pelagic finfish —

(i) is entire; or

(ii) is entire except that it has been gilled or gutted, or both;

or

(b) in the case of a large pelagic finfish — has been cut into a maximum of 2 pieces, but —

(i) has not otherwise been modified; or

(ii) has not otherwise been modified except that it has been gilled or gutted, or both.

(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.

*[Regulation 3 amended: Gazette 29 Jun 2001 p. 3163; 28 Feb 2003 p. 660-1; 7 Mar 2003 p. 743-4; 1 Oct 2003 p. 4281-4; 28 Nov 2003 p. 4775; 23 Dec 2003 p. 5204-5; 6 Apr 2004 p. 1132; 3 Jun 2005 p. 2490; 4 Nov 2005 p. 5300-1; 29 Dec 2006 p. 5889; 4 Sep 2007 p. 4519; 21 Dec 2007 p. 6326; 6 Nov 2009 p. 4470-1; 29 Jan 2013 p. 301; 28 Jun 2013 p. 2888; 24 Sep 2013 p. 4437; 30 May 2014 p. 1714; 22 Oct 2014 p. 4087; 23 Jan 2015 p. 399-400; 30 Jun 2015 p. 2331; 4 Oct 2019 p. 3527; 29 Nov 2019 p. 4102; SL 2021/118 r. 4; SL 2022/128 r. 4; SL 2023/2 r. 4; SL 2024/234 r. 4.]*

*[**3A.** Deleted: Gazette 4 Nov 2005 p. 5301.]*

**4. Body prescribed (Act s. 4(1) *peak industry body*)**

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.

**5. Classes of fish prescribed (Act s. 4(1) *process*)**

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.

**6. Fee prescribed for exemption application (Act s. 7(4))**

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.

**7. Exemption, power to require return of**

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

(a) the exemption has expired or has been revoked; or

(b) the Minister or the CEO 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.

*[Regulation 7 amended: Gazette 6 Jul 2007 p. 3389.]*

# Part 2 — Administration

**8. Common seal of Minister for Fisheries, use of etc.**

The common seal of the Minister for Fisheries is to be kept in safe custody by the CEO, and is not to be affixed to any document except by the Minister in the presence of the CEO, or a person appointed by the CEO 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.

*[Regulation 8 amended: Gazette 6 Jul 2007 p. 3389.]*

*[Part 3 (r. 9) deleted: Gazette 23 Jan 2015 p. 400.]*

# Part 4 — General regulation of fishing

## Division 1 — Protected fish

### 10. Classes of fish prescribed (Act s. 45)

For the purposes of the Act —

(a) the classes of fish listed in Schedule 2 Part 1 are commercially protected fish; and

(b) the classes of fish listed in Schedule 2 Part 2 are totally protected fish; and

(c) the classes of fish listed in Schedule 2 Part 3 are recreationally protected fish.

*[Regulation 10 inserted: Gazette 14 Sep 2012 p. 4372-3.]*

### 11. Defences etc. prescribed (Act s. 48)

(1) For the purposes of section 48(1)(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(1)(c) of the Act it is a defence that the fish was taken by a person acting under an authority to fish for fish for scientific purposes issued under regulation 178.

(3) For the purposes of section 48(1)(c) of the Act it is a defence that the person is a person to whom, or in relation to whom, section 90 of the Act does not apply due to the operation of section 91 of the Act.

(4) For the purposes of section 48(1)(c) of the Act, where the fish the subject of an offence —

(a) is a shark or ray that is commercially protected; and

(b) in the case of a dusky whaler, has an interdorsal fin length, within the meaning in Schedule 2 Part 2 Division 2, of less than 70 cm,

it is a defence that the fish was taken by a person acting under a managed fishery licence granted in respect of —

(c) the Marine Aquarium Fish Managed Fishery; or

(d) the Kimberley Gillnet and Barramundi Managed Fishery; or

(e) any other managed fishery the management plan for which specifically allows for the taking of sharks or rays; or

(f) if the fish is an Eagle Ray, the South Coast Estuarine Managed Fishery.

(5) For the purposes of section 48(1)(c) of the Act, where the fish the subject of an offence is a totally protected whaler shark other than a dusky whaler, it is a defence that the fish was taken by a person acting under a managed fishery licence granted in respect of a managed fishery the management plan for which specifically allows for the taking of sharks or rays.

(6) For the purposes of section 48(1)(c) of the Act, where the fish the subject of an offence is a common seadragon, it is a defence that the fish was taken by a person acting under a managed fishery licence granted in respect of the Marine Aquarium Fish Managed Fishery.

*[Regulation 11 inserted: Gazette 10 Nov 2006 p. 4704-5; amended: Gazette 13 Feb 2009 p. 298; 2 Nov 2011 p. 4620; 4 Oct 2019 p. 3609.]*

## 12. Certain protected rock lobsters and crabs to be released

(1) Any person who takes from the sea any rock lobster that is either a totally protected fish or a commercially protected fish 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.

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

(2) The master of a boat must ensure that any rock lobster that is either a totally protected fish or a commercially protected fish 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.

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

(3) A person, other than the holder of a commercial fishing licence, who takes any totally protected fish that is a crab must not, by any means, take any further crab until the crab is released into the water from which it was taken.

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

*[Regulation 12 amended: Gazette 7 Aug 2015 p. 3200-1; 4 Oct 2019 p. 3528.]*

**13. Mutilated etc. protected fish, possession of**

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 — Requirements regarding fish trunks and fillets

*[Heading inserted: Gazette 4 Nov 2005 p. 5301.]*

*[**14A.** Deleted: SL 2021/118 r. 5.]*

### 14. How certain types of finfish must be landed

(1) A person must not —

(a) bring a finfish referred to in an item in the Table onto land from waters specified for that item; or

(b) carry a finfish referred to in an item in the Table through waters specified for that item,

unless it is a whole fish.

**Table**

| Item | Type of finfish | Waters |
|---|---|---|
| 1. | Barramundi | WA waters |
| *[2, 3. deleted]* | | |
| 4. | Whaler sharks | WA waters |

Penalty: a fine of $3 000 and the penalty provided in section 222 of the Act.

(2) Subregulation (1) does not apply to, or in respect of —

(a) finfish taken for a commercial purpose in accordance with an authorisation; or

(b) whaler shark that is a fish trunk; or

(c) finfish on a boat if the finfish is —

(i) being consumed; or

(ii) prepared, or being prepared, for immediate consumption by persons on the boat.

*[(3) deleted]*

(4) A person must not bring onto land or carry through WA waters a finfish other than a finfish referred to in subregulation (1) unless it is —

(a) a whole fish; or

(b) a fish trunk or fillet that has the skin attached.

Penalty: a fine of $1 000 and the penalty provided in section 222 of the Act.

(5) Subregulation (4) does not apply to, or in respect of —

(a) finfish taken for a commercial purpose in accordance with an authorisation; or

(b) finfish on a boat if the finfish is —

(i) being consumed; or

(ii) prepared, or being prepared, for immediate consumption by persons on the boat.

*[Regulation 14 inserted: Gazette 29 Jan 2013 p. 302-3; amended: Gazette 28 Jun 2013 p. 2888-90; 30 May 2014 p. 1714; 8 Jan 2016 p. 21; 4 Oct 2019 p. 3528; SL 2021/118 r. 6; SL 2026/85 r. 4.]*

## 15. Possession of sharks by commercial fishers

(1) In this regulation —

***disposable part***, in relation to a shark, means the following —

(a) the head;

(b) a part of the shark that is removed during gutting;

***fin naturally attached***, in relation to a shark —

(a) means a fin that remains wholly or partly attached to the shark by the shark's tissue; but

(b) does not include a fin that has been severed and reattached to the shark;

***whole shark*** means a shark —

(a) that has not had any part of the shark removed other than a disposable part; and

(b) that has each fin naturally attached.

(2) A master of a fishing boat must not have on the boat a shark other than a whole shark.

Penalty for this subregulation: a fine of $10 000 and the penalty provided in section 222 of the Act.

(3) A person must not bring onto land a shark taken for a commercial purpose in accordance with an authorisation other than a whole shark.

Penalty for this subregulation: a fine of $10 000 and the penalty provided in section 222 of the Act.

(4) If a provision of a management plan for a managed fishery is inconsistent with this regulation, the provision of the management plan prevails to the extent of the inconsistency.

*[Regulation 15 inserted: SL 2023/2 r. 5.]*

## 16. Possession of rays by commercial fishers

(1) In this regulation —

***disposable part***, in relation to a ray, means any of the following —

(a) the head;

(b) the tail;

(c) a part of the ray that is removed during gutting;

***whole ray*** means a ray that has not had any part of the ray removed other than a disposable part.

(2) A master of a fishing boat must not have on the boat a ray other than a whole ray.

Penalty for this subregulation: a fine of $10 000 and the penalty provided in section 222 of the Act.

(3) A person must not bring onto land a ray taken for a commercial purpose in accordance with an authorisation other than a whole ray.

Penalty for this subregulation: a fine of $10 000 and the penalty provided in section 222 of the Act.

*[Regulation 16 inserted: SL 2023/2 r. 5.]*

*[**16A.** Deleted: Gazette 29 Jan 2013 p. 302.]*

*[**16B.** Deleted: SL 2023/2 r. 5.]*

## Division 3 — Possession limits

*[Heading inserted: Gazette 1 Oct 2003 p. 4289.]*

### Subdivision 1A — Preliminary

*[Heading inserted: Gazette 4 Nov 2005 p. 5306.]*

*[**16C.** Deleted: SL 2021/118 r. 7.]*

**16CA. Bag limits, application and effect of**

(1) The bag limit that applies in respect of fish that a person is in possession of is the bag limit that applies in any region or other area of the State in which the person is in possession of any fish which would permit the person to be in possession of the greatest number of fish.

(2) Despite subregulation (1), the maximum quantity of fish that a person may be in possession of must not exceed the bag limit that applies in respect of the fish in the region or other area of the State where the fish is, or are, located.

*[Regulation 16CA inserted: Gazette 4 Nov 2005 p. 5306.]*

### Subdivision 1 — Possession limits for finfish

*[Heading inserted: SL 2021/118 r. 8.]*

**16D. Finfish possession limits (Act s. 51(1))**

(1) For the purposes of section 51(1) of the Act, the maximum quantity of finfish (other than Bait Fish, Garfish, Hardyhead or Mullet) that a person may be in possession of in the circumstances set out in column 1 of the Table is the quantity set out in column 2 opposite the circumstances.

**Table**

| Item | Column 1<br>Circumstances | Column 2<br>Possession limit |
|---|---|---|
| 1. | The fish is located anywhere. | (a) 20 kg of fillets; or<br>(b) 10 kg of fillets and one day's bag limit of whole fish or fish trunks; or<br>(c) 2 days' bag limit of whole fish or fish trunks. |
| 2. | Item 4 does not apply to the person and the fish is located at a place that is not the person's principal place of residence. | (a) 20 kg of fillets, of which any amount in excess of 10 kg is fillets of large pelagic finfish that have the skin attached; or<br>(b) 10 kg of fillets and one day's bag limit of whole fish or fish trunks; or |

| Item | Column 1<br>Circumstances | Column 2<br>Possession limit |
|---|---|---|
| | | (c) 2 days' bag limit of whole fish or fish trunks. |
| 3. | The person is on, or has just completed, a day trip and the fish were taken during the course of the trip. | (a) Where all of the fish is filleted, 20 kg of fillets, of which any amount in excess of 10 kg is fillets of large pelagic finfish that have the skin attached; or<br>(b) where not all of the fish is filleted, one day's bag limit of whole fish or fish trunks, not more than 10 kg of which is filleted. |
| 4. | The person is on, or has just completed, an extended fishing tour and the fish were taken during the course of the tour. | (a) 20 kg of fillets; or<br>(b) 10 kg of fillets and one day's bag limit of whole fish or fish trunks; or<br>(c) 2 days' bag limit of whole fish or fish trunks. |

| Item | Column 1<br>Circumstances | Column 2<br>Possession limit |
|---|---|---|
| 5. | The fish is located in the Freycinet Estuary or the adjacent land area west of Shark Bay Road and north of Useless Loop Road. | (a) 5 kg of fillets; or<br>(b) one day's bag limit of whole fish or fish trunks. |
| 6. | The fish is located in —<br>(a) the Abrolhos Islands reserve; or<br>(b) the Abrolhos Islands Fish Habitat Protection Area. | (a) 10 kg of fillets, of which any amount in excess of 5 kg is fillets of large pelagic finfish that have the skin attached; or<br>(b) one day's bag limit of whole fish or fish trunks. |
| 7. | The fish is barramundi and is located at a place that is not the person's principal place of residence. | 2 barramundi. |
| 8. | The fish is located in the Jungulu Special Purpose Zone (wilderness conservation) of the Lalang-garram / | (a) 1 whole fish; or<br>(b) 2 fillets of fish. |

| Item | Column 1<br>Circumstances | Column 2<br>Possession limit |
|---|---|---|
| | Camden Sound Marine Park. | |

Notes for this Table:

1. The possession limit set out in item 1 applies to a person in each case.
2. If 1 or more of the possession limits set out in items 2 to 8 also apply to the person, each of those limits and the limit set out in item 1 apply simultaneously.

(2) For the purposes of —

(a) the Table to subregulation (1), fish on a boat that are not in the possession of any other person on the boat are taken to be in the possession of the master of the boat; and

(b) determining the number of fish in a person's possession under column 2 paragraph (b) of item 3 or item 7 of the Table to subregulation (1), 2 fillets are taken to be equivalent to 1 whole fish.

*[Regulation 16D inserted: SL 2021/118 r. 9; amended: SL 2022/128 r. 5; SL 2023/2 r. 6.]*

## 16DA. Demersal finfish on boats

(1A) In this regulation —

***excluded boat*** means —

(a) a fishing boat; or

(b) a charter boat while it is being used to conduct a fishing tour.

(1) The master of a boat, other than an excluded boat, being used in the West Coast Region must ensure that the number of demersal finfish on or attached to the boat, and any tender or other vessel

operating with or attached to the boat, at any one time is not more than 4.

Penalty for this subregulation: a fine of $10 000 and the penalty provided in section 222 of the Act.

(2) For the purposes of determining the number of demersal finfish under subregulation (1), 2 fillets are taken to be equivalent to 1 whole fish.

*[Regulation 16DA inserted: SL 2023/2 r. 7; amended: SL 2024/263 r. 4.]*

**16DB. Fish on fishing boats (commercial)**

(1) The master of a fishing boat must ensure that the number of fish of the types specified in column 1 of an item of the Table that are on, or attached to, the boat at any one time does not exceed the number set out in column 2 of that item.

**Table**

| Item | Column 1<br>Types of fish | Column 2<br>Number of fish |
|---|---|---|
| 1. | Billfish (Marlins, Sailfish and Spearfish)<br>Swordfish<br>Tuna, Southern Bluefin | 0 |
| 2. | Tuna, Bigeye<br>Tuna, Yellowfin | 2 |
| 3. | Albacore<br>Mackerel, Blue<br>Mackerel, Common Jack | 10 |

| Item | Column 1<br>Types of fish | Column 2<br>Number of fish |
|---|---|---|
| | Mackerel, Peruvian Jack<br>Redbait<br>Scad, Yellowtail<br>Tuna, Longtail<br>Tuna, Skipjack<br>Fish of the Family Bramidae when taken in WA waters outside the 200 m isobath | |

Penalty for this subregulation:

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $10 000.

(2) This regulation does not apply —

(a) to fish taken in accordance with a fishing permit or statutory fishing right granted under the Commonwealth Act; or

(b) if all the fish held or transported on the fishing boat were taken solely for a non-commercial purpose.

(3) If this regulation applies, the fish referred to in subregulation (1) are taken not to be in the possession of a person for the purposes of regulation 16D.

*[Regulation 16DB inserted: SL 2021/118 r. 9.]*

### Subdivision 2 — Possession limits for other fish

*[Heading inserted: SL 2021/118 r. 10.]*

**16E. Fish on boats (Act s. 51(1))**

*[(1)-(3) deleted]*

(3A) For the purposes of section 51(1) of the Act, the maximum quantity of fish of the species referred to in this subregulation that a person on a boat may be in possession of, whether the fish is on or attached to the boat or any tender or other vessel operating with or attached to the boat, is —

(a) if there is only one person on the boat —

(i) one day's bag limit of blue swimmer (blue manna) crabs; and

(ii) one day's bag limit of mud crabs (brown and green combined); and

(iii) one day's bag limit of cuttlefish, octopus and squid (combined); and

(iv) one day's bag limit of rock lobster; and

(v) one day's bag limit of brownlip and greenlip abalone (combined);

or

(b) if there are 2 persons on the boat —

(i) 2 days' bag limit of blue swimmer (blue manna) crabs; and

(ii) 2 days' bag limit of mud crabs (brown and green combined); and

(iii) 2 days' bag limit of cuttlefish, octopus and squid (combined); and

(iv) 2 days' bag limit of rock lobster; and

(v) 2 days' bag limit of brownlip and greenlip abalone (combined);

or

(c) if there are 3 persons on the boat —

(i) 3 days' bag limit of blue swimmer (blue manna) crabs in Cockburn Sound or the Swan and Canning Rivers; and

(ia) 2 days' bag limit of blue swimmer (blue manna) crabs in WA waters other than Cockburn Sound or the Swan and Canning Rivers; and

(ii) 2 days' bag limit of mud crabs (brown and green combined); and

(iii) 2 days' bag limit of cuttlefish, octopus and squid (combined); and

(iv) 3 days' bag limit of rock lobster; and

(v) 2 days' bag limit of brownlip and greenlip abalone (combined);

or

(d) if there are 4 or more persons on the boat —

(i) 4 days' bag limit of blue swimmer (blue manna) crabs in Cockburn Sound or the Swan and Canning Rivers; and

(ii) 2 days' bag limit of blue swimmer (blue manna) crabs in WA waters other than Cockburn Sound or the Swan and Canning Rivers; and

(iii) 2 days' bag limit of mud crabs (brown and green combined); and

(iv) 2 days' bag limit of cuttlefish, octopus and squid (combined); and

(v) 3 days' bag limit of rock lobster; and

(vi) 2 days' bag limit of brownlip and greenlip abalone (combined).

(3B) For the purposes of section 51(1) of the Act, the maximum quantity of fish of the species referred to in this subregulation that the master of a boat may be in possession of on the boat, whether the fish is on or attached to the boat or any tender or other vessel operating with or attached to the boat, is —

(a) if there is only one person on the boat —

(i) one day's bag limit of blue swimmer (blue manna) crabs; and

(ii) one day's bag limit of mud crabs (brown and green combined); and

(iii) one day's bag limit of cuttlefish, octopus and squid (combined); and

(iv) one day's bag limit of rock lobster; and

(v) one day's bag limit of brownlip and greenlip abalone (combined);

or

(b) if there are 2 persons on the boat —

(i) 2 days' bag limit of blue swimmer (blue manna) crabs; and

(ii) 2 days' bag limit of mud crabs (brown and green combined); and

(iii) 2 days' bag limit of cuttlefish, octopus and squid (combined); and

(iv) 2 days' bag limit of rock lobster; and

(v) 2 days' bag limit of brownlip and greenlip abalone (combined);

or

(c) if there are 3 persons on the boat —

(i) 3 days' bag limit of blue swimmer (blue manna) crabs in Cockburn Sound or the Swan and Canning Rivers; and

(ia) 2 days' bag limit of blue swimmer (blue manna) crabs in WA waters other than Cockburn Sound or the Swan and Canning Rivers; and

(ii) 2 days' bag limit of mud crabs (brown and green combined); and

(iii) 2 days' bag limit of cuttlefish, octopus and squid (combined); and

(iv) 3 days' bag limit of rock lobster; and

(v) 2 days' bag limit of brownlip and greenlip abalone (combined);

or

(d) if there are 4 or more persons on the boat —

(i) 4 days' bag limit of blue swimmer (blue manna) crabs in Cockburn Sound or the Swan and Canning Rivers; and

(ii) 2 days' bag limit of blue swimmer (blue manna) crabs in WA waters other than Cockburn Sound or the Swan and Canning Rivers; and

(iii) 2 days' bag limit of mud crabs (brown and green combined); and

(iv) 2 days' bag limit of cuttlefish, octopus and squid (combined); and

(v) 3 days' bag limit of rock lobster; and

(vi) 2 days' bag limit of brownlip and greenlip abalone (combined).

(3C) Despite subregulations (3A) and (3B), the master of a boat that is not a fishing boat must ensure that the quantity of fish of the species referred to in this subregulation that is on or attached to

the boat and any tender or other vessel operating with or attached to the boat is not more than —

(a) if there is only one person on the boat —

(i) one day's bag limit of blue swimmer (blue manna) crabs; and

(ii) one day's bag limit of mud crabs (brown and green combined); and

(iii) one day's bag limit of cuttlefish, octopus and squid (combined); and

(iv) one day's bag limit of rock lobster; and

(v) one day's bag limit of brownlip and greenlip abalone (combined);

or

(b) if there are 2 persons on the boat —

(i) 2 days' bag limit of blue swimmer (blue manna) crabs; and

(ii) 2 days' bag limit of mud crabs (brown and green combined); and

(iii) 2 days' bag limit of cuttlefish, octopus and squid (combined); and

(iv) 2 days' bag limit of rock lobster; and

(v) 2 days' bag limit of brownlip and greenlip abalone (combined);

or

(c) if there are 3 persons on the boat —

(i) 3 days' bag limit of blue swimmer (blue manna) crabs in Cockburn Sound or the Swan and Canning Rivers; and

(ia) 2 days' bag limit of blue swimmer (blue manna) crabs in WA waters other than Cockburn Sound or the Swan and Canning Rivers; and

(ii) 2 days' bag limit of mud crabs (brown and green combined); and

(iii) 2 days' bag limit of cuttlefish, octopus and squid (combined); and

(iv) 3 days' bag limit of rock lobster; and

(v) 2 days' bag limit of brownlip and greenlip abalone (combined);

or

(d) if there are 4 or more persons on the boat —

(i) 4 days' bag limit of blue swimmer (blue manna) crabs in Cockburn Sound or the Swan and Canning Rivers; and

(ii) 2 days' bag limit of blue swimmer (blue manna) crabs in WA waters other than Cockburn Sound or the Swan and Canning Rivers; and

(iii) 2 days' bag limit of mud crabs (brown and green combined); and

(iv) 2 days' bag limit of cuttlefish, octopus and squid (combined); and

(v) 3 days' bag limit of rock lobster; and

(vi) 2 days' bag limit of brownlip and greenlip abalone (combined).

Penalty: a fine of $10 000 and the penalty provided in section 222 of the Act.

(3D) The master of a charter boat does not commit an offence under subregulation (3C)(c)(ii) if —

(a) there are 10 or more persons on the charter boat; and

(b) there are no more than 20 mud crabs (brown and green combined) on or attached to the boat and any tender or other vessel operating with or attached to the boat.

*[(3E) deleted]*

(4) In any proceedings for an offence under section 51(2) of the Act in the circumstances referred to in subregulation (3A) or (3B) it is a defence for the person charged to prove that the person was the master of a commercial passenger boat not used for fishing.

(5) For the purposes of subregulation (3B), fish on a boat that are not in the possession of any other person on the boat are taken to be in the possession of the master of the boat.

*[Regulation 16E inserted: Gazette 1 Oct 2003 p. 4290; amended: Gazette 4 Nov 2005 p. 5306-8; 11 Nov 2005 p. 5565-6; 22 Dec 2005 p. 6218-19; 19 Dec 2008 p. 5361-2; 8 Dec 2009 p. 4994; 1 Mar 2011 p. 668-70; 24 Feb 2012 p. 801-2; 25 Sep 2012 p. 4517-19; 28 Jun 2013 p. 2890; 23 Jan 2015 p. 400; 7 Aug 2015 p. 3201; 4 Oct 2019 p. 3528 and 3609; 29 Nov 2019 p. 4103-5; SL 2021/118 r. 11; SL 2024/234 r. 5.]*

*[**16FA, 16F.** Deleted: Gazette 29 Jan 2013 p. 307.]*

**16GA. Rock lobster (Act s. 51(1))**

Subject to regulation 16E(3A)(a)(iv) and (b)(iv), (3B)(a)(iv) and (b)(iv) and (3C)(a)(iv) and (b)(iv), for the purposes of section 51(1) of the Act, the maximum quantity of rock lobster that a person may be in possession of is 24 rock lobsters.

*[Regulation 16GA inserted: Gazette 29 Jan 2013 p. 304.]*

*[**16GB.** Deleted: SL 2021/118 r. 12.]*

**16GC. Marron (Act s. 51(1), (2))**

(1) For the purposes of section 51(1) of the Act, the maximum quantity of marron that a person may be in possession of —

(a) on marron trophy waters or within 500 m of the high water mark of marron trophy waters, is 5 marron; and

(b) at any other place, is 16 marron.

(2) The possession limits prescribed by subregulation (1) do not apply during the non-possession period as defined in regulation 38O.

(3) The possession limit prescribed by subregulation (1)(b) does not apply to a person who is on private land owned or occupied by the person.

(4) It is a defence in proceedings against a person under section 51(2) of the Act in respect of the possession of marron —

(a) that the marron had been sold by retail to the public; or

(b) that the marron were in the person's possession at a place for the purpose of being —

(i) sold by retail to the public; or

(ii) served as meals to the public,

in, on or from that place; or

(c) that the marron were in the person's possession —

(i) at a place specified in a fish processor's licence under section 83(2) of the Act; and

(ii) for the purpose of being processed in accordance with that licence.

*[Regulation 16GC inserted: Gazette 29 Jan 2013 p. 305.]*

## 16GD. Abalone (Act s. 51(1))

(1) In this regulation —

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

(2) 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.

(3) For the purposes of section 51(1) of the Act, the maximum quantity of abalone that a person may have at the person's principal place of residence is —

(a) 80 abalone that are other than prescribed abalone; and

(b) 20 prescribed abalone.

*[Regulation 16GD inserted: Gazette 29 Jan 2013 p. 306.]*

*[**16GE.** Deleted: SL 2021/118 r. 13.]*

*[Subdivision 3: r. 16G-16H deleted: SL 2021/118 r. 14; r. 16I-16J deleted: Gazette 8 Jan 2016 p. 21-22.]*

*[Subdivision 4: r. 16K deleted: SL 2021/118 r. 14; r. 16L-18 deleted: Gazette 29 Jan 2013 p. 308; r. 19 delete: 1 Oct 2003 p. 4297.]*

**Subdivision 5 — Miscellaneous**

*[Heading inserted: Gazette 29 Jan 2013 p. 308.]*

**20. Defence prescribed (Act s. 51(2))**

It is a defence in proceedings for an offence against 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.

*[Regulation 20 amended: Gazette 30 Aug 1996 p. 4319; 4 Jul 1997 p. 3475; 30 Sep 1997 p. 5417; 1 Oct 2003 p. 4297-8; 4 Nov 2005 p. 5309.]*

### 21. People presumed to be in possession of fish (Act s. 51)

(1) In any proceedings for an offence against section 51 of the Act, in the absence of proof to the contrary —

(a) a person using, or in control of, a vehicle in which fish are found is taken to be in possession of the fish; and

(b) a person using or in control of a refrigerator, freezer, icebox, or other storage device in which fish are found is taken to be in possession of the fish.

*[(2) deleted]*

*[Regulation 21 inserted: Gazette 1 Oct 2003 p. 4298-9; amended: Gazette 29 Jan 2013 p. 308.]*

## Division 4 — Labelling of fish

*[Heading inserted: Gazette 1 Oct 2003 p. 4299.]*

### 21A. Terms used

(1) In this Division —

***package*** means any type of wrapping, package or container;

***store***, in relation to fish, includes the act of placing the fish in a refrigerator, freezer, icebox or other storage container.

(2) For the purposes of this Division, a person is, in the absence of proof to the contrary, taken to have packaged or stored fish if the person uses or has control of —

(a) a vehicle in which the fish is located; or

(b) a refrigerator, freezer, icebox or other storage container in which the fish is stored.

*[Regulation 21A inserted: SL 2021/118 r. 15.]*

## 22. Labelling requirements for packed or stored finfish

(1) A person who packages or stores finfish must ensure that a label, as described in subregulation (2), is securely attached —

(a) to each package containing finfish; and

(b) to each finfish that is stored other than in a package.

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

(2) For the purposes of subregulation (1), a label must —

(a) be not less than 75 mm in length and 25 mm in width; and

(b) have legibly written on it the full name of the owner of the finfish or package to which the label is attached; and

(c) be attached to the finfish or package in such a manner that it is clearly visible for inspection.

(3) Subregulation (1) does not apply to, and in respect of —

(a) finfish taken for a commercial purpose by a person in accordance with an authorisation; or

(b) finfish kept, bred, hatched or cultured by the person in accordance with an aquaculture licence; or

(c) Bait Fish, Garfish, Hardyhead or Mullet; or

(d) finfish —

(i) in the possession and under the direct physical control of the person who took the finfish; and

(ii) packaged or stored together only with finfish taken by the same person;

or

(e) finfish taken by a person on, or who has just completed, a day trip; or

(ea) finfish to which the labelling requirements under regulation 22AA apply; or

(f) finfish taken by a person and packaged or stored with finfish not taken by the person, if —

(i) the quantity of finfish packaged or stored together does not exceed the total of the maximum quantity of finfish that one person may be in possession of in accordance with regulation 16D(1) Table item 1; and

(ii) no other finfish are packaged or stored by the person.

*[(4), (5) deleted]*

*[Regulation 22 inserted: Gazette 1 Oct 2003 p. 4299-300; amended: Gazette 4 Nov 2005 p. 5309-10; 22 Dec 2005 p. 6221; 29 May 2008 p. 2057; 28 Jun 2013 p. 2890; 4 Oct 2019 p. 3609; SL 2021/118 r. 16.]*

### 22AA. Labelling requirements for higher quantity of finfish taken on extended fishing tour

(1) This regulation applies if —

(a) finfish (other than Bait Fish, Garfish, Hardyhead or Mullet) are taken during an extended fishing tour; and

(b) the finfish are brought onto land by a person at the completion of the tour; and

(c) the quantity of finfish brought onto land by the person is greater than the possession limit for finfish set out in regulation 16D(1) Table item 2.

(2) A person who packages or stores the finfish must ensure that a label, as described in subregulation (3), is securely attached —

(a) to each package containing the finfish; and

(b) to each finfish that is stored other than in a package.

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

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

(a) be not less than 75 mm in length and 25 mm in width; and

(b) have legibly written on it —

(i) the full name of the owner of the package or finfish to which the label is attached; and

(ii) the name of the boat on which the extended fishing tour was undertaken; and

(iii) the date on which the finfish was brought onto land following completion of the tour;

and

(c) be attached to the package or finfish in such a manner that it is clearly visible for inspection.

*[Regulation 22AA inserted: SL 2021/118 r. 17.]*

*[Division 3: Former heading and r. 23-29 deleted: Gazette 1 Oct 2003 p. 4299.]*

*[Division 3A: Heading and r. 29A-29C deleted: Gazette 1 Oct 2003 p. 4299.]*

*[Division 4: Former heading and r. 30 deleted: Gazette 1 Oct 2003 p. 4299.]*

*[Division 4A: Heading and r. 30A, 30B deleted: Gazette 1 Oct 2003 p. 4299.]*

*[Division 4B: Heading and r. 30BA, 30C, 30E-30EC deleted: Gazette 1 Oct 2003 p. 4299; r. 30D deleted: Gazette 28 Feb 2003 p. 661.]*

*[Division 4C-4F: Headings and r. 30F-30M deleted: Gazette 1 Oct 2003 p. 4299.]*

## Division 5 — Requirements regarding rock lobsters

### 22A. Term used: gear identification float

In this Division —

***gear identification float*** means a surface float attached to a rock lobster pot that is marked with a gear identification number.

*[Regulation 22A inserted: Gazette 18 Mar 2016 p. 743.]*

### 22B. Persons taken to be using rock lobster pots

In any proceedings for an offence under this Division, if a rock lobster pot that is being used to fish for rock lobster has attached to it one or more gear identification floats, each person whose gear identification number is marked on any of the gear identification floats is, in the absence of proof to the contrary, to be taken to be using the pot to fish for rock lobster.

*[Regulation 22B inserted: Gazette 18 Mar 2016 p. 744.]*

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

(1) In this regulation —

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

(a) where a boat is used in connection with the taking of the rock lobster, within 5 minutes of bringing the rock lobster to the boat; or

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

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

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

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

(a) by hand —

(i) without the use of an instrument; or

(ii) using an instrument which is not capable of piercing a rock lobster,

and without piercing or damaging the rock lobster; or

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

(i) are attached to a surface float which conforms to the requirements of regulation 32; and

(ii) are pulled from the water personally by the person.

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

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

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

(4) It is a defence in proceedings for an offence against subregulation (2) or (3) for the person charged to prove that the person was acting under the authority of a managed fishery licence granted in respect of rock lobster.

*[Regulation 31 inserted: Gazette 27 Aug 2013 p. 4054-5.]*

## 31A. Limits on type of bait for rock lobster

(1) A person must not fish for rock lobster using as bait —

(a) any bovine material other than gelatine or tallow; or

(b) any skin or hide; or

(c) anything to which any mammal skin or hide is attached; or

(d) a rock lobster tail or any part of a rock lobster tail.

Penalty for this subregulation: a fine of $10 000 and the penalty provided in section 222 of the Act.

(2) The master of a boat used or intended to be used to fish for rock lobster must not cause or permit to be carried on the boat for use as bait —

(a) any bovine material other than gelatine or tallow; or

(b) any skin or hide; or

(c) anything to which any mammal skin or hide is attached; or

(d) a rock lobster tail or any part of a rock lobster tail.

Penalty for this subregulation: a fine of $10 000.

(3) Subregulations (1)(b) and (2)(b) do not apply to the skin of any fish.

(4) It is a defence in proceedings for an offence against subregulation (2) that the bovine material or skin or hide —

(a) was food intended for human consumption; or

(b) was human clothing intended to be used as human clothing.

*[Regulation 31A inserted: Gazette 29 Nov 2002 p. 5654-5; amended: SL 2023/2 r. 8.]*

## 32. Requirements for rock lobster pot floats

(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 mm if the float is spherical and, in any other case, has a length of not less than 200 mm and a width of not less than 100 mm; and

(b) is marked by branding or stamping with legible characters not less than 60 mm high and not less than 10 mm wide showing —

(i) in the case of a pot set or pulled from a licensed fishing boat, the licensed fishing boat number of the boat; or

(ii) in the case of a pot set or pulled under the authority of a managed fishery licence granted in respect of the West Coast Rock Lobster Managed Fishery, the number of the managed fishery licence; or

(iii) in the case of a pot set or pulled by a person participating in a fishing tour —

(I) if the fishing tour is conducted by the holder of a fishing tour operator licence — the letters "F.T.O." followed by the operator's licence number; or

(II) if the fishing tour is conducted by the holder of a restricted fishing tour operator licence — the letters "R.F.T.O." followed by the operator's licence number;

or

(iv) in the case of a pot set or pulled other than in the circumstances mentioned in subparagraph (i), (ii) or (iii), the gear identification number of the person setting or pulling the pot;

and

(c) is marked with only one of the numbers referred to in paragraph (b).

Penalty for this subregulation: a fine of $5 000.

(1A) A person must not use a rock lobster pot to fish for rock lobster if there are more than 2 gear identification floats attached to the pot.

Penalty for this subregulation: a fine of $5 000.

(1B) A person does not commit an offence under subregulation (1A) if, at the time the person attached the person's gear identification float to the rock lobster pot, no more than one other gear identification float was attached to the pot.

(1C) If a rock lobster pot is on a boat or in the water, a person must not remove a gear identification float from the pot unless the float is marked with that person's gear identification number.

Penalty for this subregulation: a fine of $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).

*[Regulation 32 amended: Gazette 27 Aug 2013 p. 4055; 18 Mar 2016 p. 744; 4 Oct 2019 p. 3530.]*

*[**33, 34.** Deleted: Gazette 27 Aug 2010 p. 4106.]*

**35. Possession of rock lobster tails**

A person must not be in possession in WA waters of a rock lobster tail unless —

(a) the rock lobster tail is being consumed or prepared for immediate consumption; or

(b) the rock lobster tail —

(i) is on a charter boat while the boat is being used to conduct a fishing tour; and

(ii) is, or will be, prepared for consumption in the course of carrying on a business;

or

(c) the rock lobster tail is on a commercial passenger vessel that is not engaged in fishing.

Penalty:

(a) for an individual, a fine of $5 000 and the penalty provided in section 222 of the Act;

(b) for a body corporate, a fine of $10 000 and the penalty provided in section 222 of the Act.

*[Regulation 35 inserted: SL 2024/263 r. 5.]*

## 35A. Sale of rock lobster parts

A person must not sell a part only of a rock lobster unless —

(a) the person is authorised 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; or

(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 rock lobster was kept, bred, hatched or cultured in accordance with an aquaculture licence.

Penalty:

(a) for an individual, a fine of $5 000 and the penalty provided in section 222 of the Act;

(b) for a body corporate, a fine of $10 000 and the penalty provided in section 222 of the Act.

*[Regulation 35A inserted: SL 2024/263 r. 5.]*

## 36. Boats used to fish for rock lobsters

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

(a) more than 6 rock lobster pots to be carried on the boat at any time; or

(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 6 rock lobster pots to be pulled by persons on board the boat —

(i) if the boat makes more than one voyage in a day, during any one voyage; or

(ii) if the boat —

(I) makes only one voyage in a day; or

(II) is on a voyage lasting more than one day,

during any one day.

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

(2B) Subregulation (1)(b) does not apply in respect of a person who is on board a boat that is specified on a fishing tour operator's licence, or a restricted fishing tour operator's licence, granted under regulation 128J and is —

(a) a participant of a fishing tour; or

(b) a master, or a member of the crew, of the boat during a fishing tour.

(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 the use

of that pot is authorised under an authorisation granted under section 66 of the Act.

Penalty for an offence under subregulation (1) or (2): a fine of $5 000.

*[Regulation 36 amended: Gazette 10 Nov 2006 p. 4707; 6 Jul 2007 p. 3387; 5 Nov 2009 p. 4412; 25 Sep 2012 p. 4520; 30 Jun 2015 p. 2331-2; 4 Oct 2019 p. 3531.]*

## 37. Offences against r. 36, defences for

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), 6 rock lobster pots had already been pulled by persons on board the boat in the relevant period.

*[Regulation 37 amended: Gazette 25 Sep 2012 p. 4520.]*

## 38. Rock lobster pots, requirements for

(1) In this regulation —

***Central West Zone*** means the waters off the west coast bounded by a line commencing at the high water mark at 30° 51.06′ south latitude (south of Wedge Island) and extending —
west along the parallel to the intersection with 115° 10.32′ east longitude; then north-north-westerly along the geodesic to the point 30° 30.54′ south latitude and 115° 0.06′ east longitude; then northerly along the geodesic to the point 30° 25.02′ south latitude and 114° 58.5′ east longitude; then northerly along the geodesic to the point 30° 12.42′ south latitude and 114° 57′ east

longitude; then northerly along the geodesic to the point 30° 4.2′ south latitude and 114° 54.42′ east longitude; then northerly along the geodesic to the point 29° 54.96′ south latitude and 114° 53.52′ east longitude; then north-north-westerly along the geodesic to the point 29° 47.82′ south latitude and 114° 50.64′ east longitude; then north-easterly along the geodesic to the point 29° 44.28′ south latitude and 114° 52.2′ east longitude; then northerly along the geodesic to the point 29° 35.16′ south latitude and 114° 53.58′ east longitude; then east along the parallel to its intersection with the high water mark (north of Freshwater Point); then generally southerly along the high water mark to the commencement point;

***Easter Group Zone*** means the waters of the Easter Group bounded by a line commencing at the point 28° 38.128′ south latitude and 113° 38.951′ east longitude and extending — generally easterly along the geodesic to the point 28° 36.66′ south latitude and 113° 54.402′ east longitude; then generally southerly along the geodesic to the point 28° 44.415′ south latitude and 113° 53.496′ east longitude; then south-westerly along the geodesic to the point 28° 48.924′ south latitude and 113° 45.5′ east longitude; then generally westerly along the geodesic to the point 28° 48.71′ south latitude and 113° 43.602′ east longitude; then generally north-westerly along the geodesic to the commencement point;

***internal SLED*** means a sea lion exclusion device consisting of a rod inside a rock lobster pot secured to the base of the pot and rising vertically towards the neck;

***Pelsaert Group Zone*** means the waters of the Pelsaert Group bounded by a line commencing at the point 28° 51.579′ south latitude and 113° 47.171′ east longitude and extending — north-westerly along the geodesic to the point 28° 50.308′ south latitude and 113° 49.270′ east longitude; then westerly along the geodesic to the point 28° 50.158′ south latitude and 114° 2.323′ east longitude; then south along the geodesic to the point 28° 53.456′ south latitude and 114° 2.133′ east longitude; then south-westerly along the geodesic to the point 28° 59.577′ south

latitude and 113° 58.218′ east longitude; then westerly along the geodesic to the point 28° 59.506′ south latitude and 113° 55.205′ east longitude; then north-westerly along the geodesic to the point 28° 56.93′ south latitude and 113° 51.251′ east longitude; then generally north-westerly along the geodesic to the commencement point;

***Sea Lion Protection Zone*** means the Central West Zone, Easter Group Zone or Pelsaert Group Zone.

(2) A person must not use a rock lobster pot to fish for rock lobster unless the pot conforms to the specifications set out in Schedule 13.

Penalty for this subregulation: a fine of $5 000.

(3) A person must not use a rock lobster pot to fish for rock lobster in the Sea Lion Protection Zone unless the pot is constructed with, or has fitted to it, a device (a ***sea lion exclusion device***) that —

(a) prevents a spherical object with a diameter of 132 mm being able to enter the pot through the neck; and

(b) complies with subregulation (4).

Penalty for this subregulation: a fine of $5 000.

(4) A sea lion exclusion device complies with this subregulation if —

(a) it is made of non-flexible material; and

(b) it is —

(i) constructed; and

(ii) secured to the pot,

in such a way that it is unlikely that it could be bent, broken, pushed aside or removed by a sea lion; and

(c) it does not have any sharp points, spikes or sharp edges; and

(d) in the case of an internal SLED, at every point along the device (but not including any bracket or other thing used to secure the rod to the base of the pot) —

(i) the shortest cross-sectional measurement is not less than 10 mm; and

(ii) the longest cross-sectional measurement is not more than 30 mm.

*[Regulation 38 amended: Gazette 31 Oct 2003 p. 4562; 10 Nov 2006 p. 4707-8; 4 Sep 2007 p. 4519; 1 Mar 2011 p. 673-5; 4 Oct 2016 p. 4237.]*

## Division 5A — Requirements regarding crabs

*[Heading inserted: Gazette 21 Dec 1999 p. 6407; amended: Gazette 7 Aug 2015 p. 3201.]*

### 38A. Term used: deep sea crab

In this Division —

***deep sea crab*** means a champagne crab, crystal crab or giant crab.

*[Regulation 38A inserted: Gazette 21 Dec 1999 p. 6407; amended: Gazette 13 Nov 2007 p. 5691.]*

### 38B. Possession and sale of parts of deep sea crabs

A person must not possess or sell a part only of a deep sea crab unless —

(a) authorised to do so under a fish processor's licence, and the part is a part of a whole deep sea crab which was processed at the place specified in the licence as the place at which fish are to be processed; or

(b) the part was purchased from the place specified in a fish processor's licence as the place at which deep sea crabs are to be processed, and the person has a receipt detailing that purchase; or

(c) the part is —

(i) being consumed; or

(ii) prepared, or 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.

*[Regulation 38B inserted: Gazette 21 Dec 1999 p. 6407; amended: Gazette 4 Nov 2005 p. 5311.]*

**38C. Parts of deep sea crabs not to be landed**

A person must not bring onto land, or attempt to bring onto land, a part only of a deep sea crab.

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.

*[Regulation 38C inserted: Gazette 21 Dec 1999 p. 6407; amended: Gazette 4 Nov 2005 p. 5311.]*

**38DA. Possession of parts of raw crab other than deep sea crab**

A person must not possess a part only of a raw crab that is not a deep sea crab unless the part is prepared, or being prepared, for immediate consumption.

Penalty:

(a) in the case of an individual — a fine of $5 000 and the penalty provided in section 222 of the Act; or

(b) in the case of a body corporate — a fine of $10 000 and the penalty provided in section 222 of the Act.

*[Regulation 38DA inserted: Gazette 7 Aug 2015 p.3201-2 .]*

## Division 5B — Requirements regarding abalone and sea urchins

*[Heading inserted: Gazette 1 Oct 2003 p. 4301; amended: Gazette 27 Aug 2013 p. 4055.]*

### 38DB. Term used: fishing season

In this Division —

***fishing season*** means —

(a) for Abalone Zone 1, between 7 am and 8 am on the second Saturday in January, the first and third Saturdays in February and the second Saturday in December in any year; and

(b) for Abalone Zones 2 and 3, the period beginning on 1 October in any year and ending on 15 May in the following year.

*[Regulation 38DB inserted: Gazette 4 Oct 2019 p. 3532.]*

### 38D. When fishing for abalone and sea urchins allowed

*[(1) deleted]*

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

(a) the person is authorised to take abalone under a managed fishery licence; or

(b) the person fishes for abalone in the fishing season for that Abalone Zone.

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

(3) A person must not fish for sea urchins for a commercial purpose in Abalone Zone 1, 2 or 3 unless the person is authorised to take sea urchins under a commercial fishing licence.

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

*[Regulation 38D inserted: Gazette 27 Aug 2013 p. 4055-6; amended: Gazette 27 Oct 2017 p. 5416; 4 Oct 2019 p. 3532; SL 2024/263 r. 6.]*

### 38E. Diving for abalone using breathing apparatus prohibited in Abalone Zone 1

A person must not fish for abalone in Abalone Zone 1 by diving while using compressed air breathing apparatus.

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

*[Regulation 38E inserted: Gazette 28 Nov 2003 p. 4775.]*

### 38EA. Possession of fishing gear in Abalone Zone outside fishing season

(1) A person must not, in Abalone Zone 1, 2 or 3, be in possession of any fishing gear capable of being used to take abalone at any time other than during the fishing season for that Abalone Zone.

Penalty for this subregulation: a fine of $5 000.

(2) Subregulation (1) does not apply to a person who —

(a) is authorised to take abalone for a commercial purpose under an authorisation; or

(b) has a reasonable excuse for being in possession of the fishing gear.

*[Regulation 38EA inserted: Gazette 4 Oct 2019 p. 3532-3.]*

### 38EB. Possession of abalone

(1) A person must not, in Abalone Zone 1, 2 or 3, be in possession of abalone unless the person —

(a) holds a recreational fishing licence authorising the person to fish for abalone; and

(b) is fishing during the fishing season for that Abalone Zone or in possession of the abalone during the period of

12 hours commencing immediately after that fishing season.

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

(2) Subregulation (1) does not apply to a person who is authorised to take abalone for a commercial purpose under an authorisation.

*[Regulation 38EB inserted: Gazette 4 Oct 2019 p. 3533.]*

**38F. Use of abalone material as bait**

A person must not fish for any fish using as bait any abalone material.

Penalty: a fine of $10 000 and the penalty provided in section 222 of the Act.

*[Regulation 38F inserted: Gazette 2 Aug 2011 p. 3166-7.]*

**38GA. Possession of abalone material**

A person, other than a person authorised to take abalone under a managed fishery licence, must not —

(a) on the seaward side of the high water mark; or

(b) in the waters of any estuary, river or inlet, or in the entrance to any of those waters,

be in possession of any abalone material other than a whole abalone.

Penalty: a fine of $10 000.

*[Regulation 38GA inserted: Gazette 2 Aug 2011 p. 3167; amended: Gazette 2 Nov 2011 p. 4620.]*

## Division 5C — Requirements regarding marron

*[Heading inserted: Gazette 29 Dec 2000 p. 7968.]*

### Subdivision 1 — Interpretation

*[Heading inserted: Gazette 29 Dec 2000 p. 7968.]*

**38G. Terms used**

In this Division —

***closed season***, in any year, means all of that year other than the period commencing midday on 8 January and ending midday on 5 February;

***marron drop net*** means a net that —

(a) has a base ring and top ring that have a diameter of not less than 400 mm and not more than 650 mm; and

(b) has within the base ring an internal rigid rectangular mesh —

(i) constructed of material that has a diameter of not more than 5 mm; and

(ii) with spaces that have a width of not less than 32 mm and a length of not less than 80 mm;

and

(c) does not have anything attached to it or placed in it that —

(i) restricts the movement of marron through the mesh; or

(ii) reduces the size of the spaces of the mesh;

***marron pole snare*** means a snare that —

(a) is constructed of a pole to one end of which is attached a noose that, when the pole is used to take a marron, operates by closing under the weight of the marron; and

(b) does not have anything attached to the pole that enables a person to open or close the noose;

***marron scoop net*** means a net that —

(a) is generally hemispherical and has a mesh —

(i) constructed of wire with a diameter of not more than 5 mm; and

(ii) that does not have more than 75 spaces; and

(iii) that does not have more than 6 support wires radiating from the centre of the base to the top rim;

and

(b) has a circular top ring with an internal diameter that does not exceed 375 mm; and

(c) has an internal depth that, measured from the plane of the rim, is not more than 210 mm; and

(d) does not have anything attached to it or placed in it that restricts the movement of marron through the mesh; and

(e) is fitted with a handle that is not more than 1 400 mm in length.

*[Regulation 38G inserted: Gazette 29 Dec 2000 p. 7968-9; amended: Gazette 13 Dec 2002 p. 5796-7; 9 Jan 2004 p. 141; 30 Nov 2004 p. 5487; 22 Dec 2005 p. 6221; 29 Dec 2006 p. 5890; 13 Oct 2009 p. 4032.]*

## Subdivision 2 — General restrictions on fishing for marron

*[Heading inserted: Gazette 29 Dec 2000 p. 7969.]*

### 38H. Marron, permitted ways to fish for

Subject to regulation 38I, a person must not fish for marron by using anything except —

(a) not more than 6 marron drop nets; or

(b) a single marron pole snare; or

(c) a single marron scoop net.

Penalty: For a first offence $5 000 or, for a second or subsequent offence, $10 000 and, for any offence, the penalty provided in section 222 of the Act.

*[Regulation 38H inserted: Gazette 22 Jan 2002 p. 359; amended: Gazette 1 Oct 2003 p. 4301.]*

**38I. Single marron pole snare only to be used in some waters**

(1) A person must not fish for marron in the waters to which subregulation (2) applies by using anything except a single marron pole snare.

Penalty: For a first offence $5 000 or, for a second or subsequent offence, $10 000 and, for any offence, the penalty provided in section 222 of the Act.

(2) This subregulation applies to the waters —

*[(a), (b) deleted]*

(c) of Harvey Dam and the Harvey River upstream of the South Western Highway, including the tributaries flowing into those waters; and

*[(d) deleted]*

(e) upstream of the Wellington Dam wall, including the tributaries flowing into those waters but not including the waters of the Collie River upstream of the Mungalup Road Bridge; and

*[(f) deleted]*

(g) subject to regulation 38J, of the Margaret River, including its tributaries; and

(h) of Big Brook Dam, Drakes Brook Dam, Glen Mervyn Dam, Logue Brook Dam and Lake Navarino (Waroona Dam).

*[Regulation 38I inserted: Gazette 29 Dec 2000 p. 7970-1; amended: Gazette 22 Dec 2005 p. 6221; 29 Dec 2006 p. 5890; 13 Oct 2009 p. 4032.]*

**38J. Marron fishing prohibited in certain Margaret River waters**

A person must not fish for marron in —

(a) the Margaret River within the area that begins 300 m upstream of the Bussell Highway Bridge and ends 50 m downstream of that bridge; or

(b) the Margaret River upstream of the Ten Mile Brook junction; or

(c) the tributaries flowing into the part of the river described in paragraph (b).

Penalty: For a first offence $5 000 or, for a second or subsequent offence, $10 000 and, for any offence, the penalty provided in section 222 of the Act.

*[Regulation 38J inserted: Gazette 29 Dec 2000 p. 7971; amended: Gazette 13 Dec 2002 p. 5797; 13 Oct 2009 p. 4032.]*

*[**38JA.** Deleted: Gazette 22 Dec 2005 p. 6221.]*

**38K. Marron fishing prohibited from boats or by swimming or diving**

A person must not fish for marron —

(a) by using a boat; or

(b) by swimming, or diving, while using a face mask, goggles, a snorkel, flippers or similar gear.

Penalty: For a first offence $5 000 or, for a second or subsequent offence, $10 000 and, for any offence, the penalty provided in section 222 of the Act.

*[Regulation 38K inserted: Gazette 29 Dec 2000 p. 7971.]*

### 38L. Marron nets not to be transported in boats in most cases

(1) A person must not use a boat in WA waters to transport a marron drop net or marron scoop net.

Penalty: For a first offence $5 000 or, for a second or subsequent offence, $10 000.

(2) Subregulation (1) does not apply to a person using a boat in the waters of the Donnelly River downstream of the boat ramp at the termination of Boat Landing Road at 34° 27′ south latitude (Boat Landing).

*[Regulation 38L inserted: Gazette 29 Dec 2000 p. 7971; amended: Gazette 29 Dec 2006 p. 5890.]*

## Subdivision 3 — Closed season restrictions relating to marron

*[Heading inserted: Gazette 29 Dec 2000 p. 7972.]*

### 38M. Closed season for marron fishing

A person must not fish for marron during the closed season.

Penalty: For a first offence $5 000 or, for a second or subsequent offence, $10 000 and, for any offence, the penalty provided in section 222 of the Act.

*[Regulation 38M inserted: Gazette 29 Dec 2000 p. 7972.]*

### 38N. Removing marron from private land in closed season

(1) A person must not —

(a) remove any marron; or

(b) cause or permit any marron to be removed,

during the closed season from private land owned or occupied by the person.

Penalty: For a first offence $5 000 or, for a second or subsequent offence, $10 000 and, for any offence, the penalty provided in section 222 of the Act.

(2) It is a defence in proceedings for an offence against subregulation (1) for the person charged to prove that the marron removed from private land owned or occupied by the person —

(a) had been sold by retail to the public; or

(b) had been kept, bred, hatched or cultured in accordance with an aquaculture licence.

*[Regulation 38N inserted: Gazette 29 Dec 2000 p. 7972.]*

**38O. Possession of marron during non-possession period**

(1) A person must not be in possession of any marron during the non-possession period except on private land owned or occupied by the person.

Penalty: For a first offence $5 000 or, for a second or subsequent offence, $10 000 and, for any offence, the penalty provided in section 222 of the Act.

(2) It is a defence in proceedings for an offence against subregulation (1) for the person charged to prove that the marron in his or her possession —

(a) had been sold by retail to the public, or were at any place for the purpose of being sold by retail to the public, or served as meals to the public, in, on or from the place; or

(b) were being, or had been, kept, bred, hatched or cultured in accordance with an aquaculture licence; or

(c) were at a place specified in a fish processor's licence under section 83(2) of the Act for the purpose of being processed in accordance with the licence.

(3) In this regulation —

***non-possession period***, in any year, means the closed season in that year other than the first 12 hours after the end of the period referred to in the definition of ***closed season*** in regulation 38G.

*[Regulation 38O inserted: Gazette 29 Dec 2000 p. 7973; amended: Gazette 29 Dec 2006 p. 5890; 13 Oct 2009 p. 4032.]*

## Division 6 — Requirements relating to the taking of certain fish

### 39. Prawns, permitted ways to fish for by recreational fishers

(1) 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; or

(b) subject to subregulation (2), a single prawn hand trawl net; or

(c) a single hand scoop net; or

(d) a single throw net that has a length not exceeding 3 m measured from the centre retrieval line to the lead line and a mesh of not more than 25 mm.

(2) A person fishing for prawn using a prawn hand trawl net must not —

(a) attach that net to a boat; or

(b) set the net.

Penalty: $3 000.

*[Regulation 39 amended: Gazette 1 Oct 2003 p. 4301-2; 22 Jun 2012 p. 2779.]*

### 40. Freshwater prawns (cherabin): permitted ways to fish for

A person must not fish for freshwater prawns (cherabin) by means of using any fishing gear other than —

(a) not more than 6 complying drop nets; or

(b) a single pole snare; or

(c) a single hand scoop net; or

(d) a single throw net that has a length not exceeding 3 m measured from the centre retrieval line to the lead line and a mesh of not more than 25 mm,

at any one time.

Penalty: $2 000.

*[Regulation 40 amended: Gazette 29 Jun 2004 p. 2523; 6 Nov 2009 p. 4471; 4 Oct 2019 p. 3609.]*

### 41. Abalone, who may shuck or possess when shucked

(1) Subject to subregulation (2), a person, other than a person authorised to take abalone under a managed fishery licence, must not —

(a) on the seaward side of the high water mark; or

(b) in the waters of any estuary, river or inlet, or in the entrance to any of those waters; or

(c) within 200 m of, and on the landward side of, the high water mark,

remove the shell, or cause or permit the shell to be removed, from an abalone.

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

(2A) A person, other than a person authorised to take abalone under a managed fishery licence, must not bring onto land, or attempt to bring onto land, an abalone from which the shell has been removed.

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

(2) Subregulation (1)(c) does not apply to a person if that person —

(a) removes an abalone from its shell, or permits an abalone to be removed from its shell, within an area described in the Table to this regulation; and

(b) immediately takes the abalone from which the shell has been removed from that area to an area which is more than 200 m on the landward side of the high water mark.

**Table**

The fish cleaning facility situated approximately 40 m in an easterly direction from the intersection of Wharton Road and Road No. 17027 (access road to the Duke of Orleans Caravan Park) at the Duke of Orleans Bay.

*[Regulation 41 amended: Gazette 19 Jun 1998 p. 3263; 4 Nov 2005 p. 5311; 2 Aug 2011 p. 3167; 2 Nov 2011 p. 4621.]*

## 42. Molluscs (not abalone or oyster), shucking of

(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 m 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 onto land, or attempt to bring onto land, 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.

*[Regulation 42 amended: Gazette 1 Oct 2003 p. 4302; 4 Nov 2005 p. 5311.]*

**43. Trout, obstructing etc.**

Unless authorised to do so under an authorisation, 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.

*[**44.** Deleted: SL 2024/263 r. 7.]*

*[**44A.** Deleted: Gazette 4 Oct 2019 p. 3533.]*

## 45. Recreational fishing for demersal scalefish in West Coast Region prohibited subject to exceptions

(1) In this regulation —

***demersal scalefish*** —

(a) means a species of fish specified in Schedule 3 Division 1 Subdivision 2 column 1; but

(b) does not include —

(i) Boarfish; or

(ii) John Dory; or

(iii) Mirror Dory.

(2) A person must not —

*[(a) deleted]*

(b) be in possession of demersal scalefish on a boat in the waters of the West Coast Region; or

(c) bring onto land in the West Coast Region any demersal scalefish.

Penalty for this subregulation:

(a) for a first offence, a fine of $5 000 and the penalty provided in section 222 of the Act;

(b) for a second or subsequent offence, a fine of $10 000 and the penalty provided in section 222 of the Act.

(3) Subregulation (2) does not apply to a person in relation to a demersal scalefish, if —

(a) the fish is taken by a person for a commercial purpose in accordance with an authorisation; or

(b) the fish is taken during a fishing tour on a charter boat outside the Metropolitan Area (as described in the *West Coast Demersal Scalefish (Interim) Management Plan 2007* Schedule 2).

(4) Subregulation (2)(c) does not apply to or in respect of demersal scalefish taken by a person fishing from the shore using a rod, reel and line or a hand-held line.

(5) Subregulation (2)(c) does not apply to a person in relation to a demersal scalefish, if —

(a) the fish is not a West Australian dhufish; and

(b) the fish was taken using a pointed instrument; and

(c) the person who took the fish —

(i) did not use a boat when taking the fish; and

(ii) entered and exited the water from the shore when taking the fish.

*[Regulation 45 inserted: Gazette 29 Sep 2009 p. 3866-7; amended: Gazette 4 Oct 2019 p. 3533-4; SL 2023/2 r. 10; SL 2024/64 r. 4; SL 2026/85 r. 5.]*

*[Division 7: Heading and r. 46-54 deleted: Gazette 1 Oct 2003 p. 4303; r. 55 deleted: Gazette 11 Feb 2003 p. 412.]*

## Division 7A — Requirements relating to automatic location communicators

*[Heading inserted: Gazette 2 Jan 1998 p. 25.]*

### 55A. Terms used

In this Division —

***approved automatic location communicator*** means an automatic location communicator of a make, model or type approved in accordance with regulation 55AA(1);

***approved directions*** means directions approved in accordance with regulation 55AA(3);

***automatic location communicator*** or ***ALC*** means —

(a) an electronic device for receiving, recording, generating, responding to and transmitting information, including

information about the geographical position of a boat; and

(b) includes hardware, software or firmware that is capable of facilitating the operation of that device;

***licence holder*** means the holder of a fishing boat licence.

*[Regulation 55A inserted: Gazette 23 May 2006 p. 1858; amended: SL 2024/263 r. 8.]*

**55AA. ALCs, approval of; directions for use of etc.**

(1) The CEO may by notice published in the *Gazette* approve an automatic location communicator of a particular make, model or type for the purposes of these regulations.

(2) An automatic location communicator may be approved generally or in respect of a particular fishery specified in the notice.

(3) The CEO may by notice published in the *Gazette* approve directions for the installation, use, servicing and testing of approved automatic location communicators for the purposes of these regulations.

(4) Directions under subregulation (3) may specify that a particular approved automatic location communicator is to be used in, and in respect of, a particular fishery only.

(5) The CEO may by notice amend or revoke a notice under subregulation (1) or (3).

*[Regulation 55AA inserted: Gazette 23 May 2006 p. 1858-9; amended: Gazette 6 Jul 2007 p. 3389; 18 Aug 2009 p. 3237.]*

**55B. ALC, CEO may direct installation of etc. in fishing boat**

(1A) In this regulation —

***notice*** means a notice given under subregulation (1) and includes a notice amended under subregulation (3).

(1) The CEO may, by notice in writing given to a licence holder, require the licence holder —

(a) to have installed in the fishing boat in respect of which the licence is held, in accordance with the approved directions, an approved automatic location communicator; and

(b) to ensure that that automatic location communicator is used, serviced and tested in accordance with the approved directions.

(2) If notice is given to a licence holder it is a condition of the fishing boat licence that the licence holder must comply with the notice.

(3) The CEO may by notice in writing given to the licence holder amend or revoke a notice.

*[Regulation 55B inserted: Gazette 2 Jan 1998 p. 26; amended: Gazette 23 May 2006 p. 1859; 6 Jul 2007 p. 3389; 18 Aug 2009 p. 3237-8.]*

## 55C. Master of fishing boat, duties of as to ALC

(1) In this regulation —

***ALC fishing boat*** means a fishing boat in which an approved automatic location communicator has been installed in accordance with the approved directions;

***operating effectively***, in relation to an ALC, means that the ALC is accurately receiving, recording, generating, responding to and transmitting information.

(2) The master of an ALC fishing boat must ensure that the approved automatic location communicator on the boat is operating effectively at all times.

Penalty: $10 000.

(3) If the master of an ALC fishing boat is informed by the CEO that the ALC on the boat is not operating effectively the master must ensure that —

(a) all fishing undertaken from the fishing boat stops immediately and all fishing gear on the boat is stowed until the CEO authorises fishing to continue; and

(b) any directions given by the CEO (such as a direction that the fishing boat go to a port specified by the CEO) are complied with.

Penalty: $10 000.

(4) The master of an ALC fishing boat must ensure —

(a) that there is on board the fishing boat a means of communication that is capable of providing communication between the master of the fishing boat and the CEO at all times; and

(b) that the CEO is notified of the appropriate form of identification (such as a radio call sign) that enables the master of the fishing boat to be contacted by that means of communication.

Penalty: $10 000.

*[Regulation 55C inserted: Gazette 2 Jan 1998 p. 26-7; amended: Gazette 23 May 2006 p. 1859-60; 6 Jul 2007 p. 3389; SL 2024/263 r. 9.]*

### 55D. Interfering etc. with ALC or approved seal

(1) Subject to subregulation (2), a person must not wilfully interfere with, damage, destroy or remove —

(a) an approved automatic location communicator installed on a fishing boat in accordance with the approved directions; or

(b) a seal of the Department that has been attached in an approved manner to an approved automatic location communicator.

Penalty: $10 000.

(2) Subregulation (1) does not apply to or in respect of a person installing, using or testing an approved automatic location communicator in accordance with the approved directions.

*[Regulation 55D inserted: Gazette 2 Jan 1998 p. 27; amended: Gazette 23 May 2006 p. 1860.]*

## Division 7B — Requirements relating to bait bands

*[Heading inserted: Gazette 2 Nov 2011 p. 4622.]*

### 55E. Terms used

In this Division —

***bait band*** means plastic tape used for the purpose of securing cartons of bulk bait;

***NDS Managed Fishery*** means the Northern Demersal Scalefish Managed Fishery;

***PT Managed Fishery*** means the Pilbara Trap Managed Fishery;

***WCRL Managed Fishery*** means the West Coast Rock Lobster Managed Fishery.

*[Regulation 55E inserted: Gazette 2 Nov 2011 p. 4622; amended: Gazette 1 Mar 2013 p. 1092; SL 2024/263 r. 10.]*

### 55F. Bait bands on boats prohibited

(1) Subject to subregulations (2), (3), (4) and (5), the master of a boat being used for or in connection with fishing must not cause or permit any bait bands to be on board the boat.

Penalty: a fine of $2 000.

(2) Subregulation (1) does not apply in relation to a licensed carrier boat being used in the WCRL Managed Fishery to transport fish taken with the use of another boat.

(3) Subregulation (1) does not apply in relation to a boat that is authorised to be used for or in connection with the taking of rock lobster in the WCRL Managed Fishery if that boat —

(a) is being used in that fishery to transport bait from a licensed carrier boat to the Abrolhos Islands; or

(b) is a licensed fishing boat that is moored or anchored in that fishery not more than 800 m from the high water mark on the mainland or the Abrolhos Islands.

(4) Subregulation (1) does not apply in relation to a boat being used in the WCRL Managed Fishery to transport —

(a) bait to or from a boat referred to in subregulation (3)(b); or

(b) bait bands from a boat referred to in subregulation (3)(b).

(5) Subregulation (1) does not apply in relation to a boat that is authorised to be used for or in connection with fishing in the NDS Managed Fishery or the PT Managed Fishery.

*[Regulation 55F inserted: Gazette 2 Nov 2011 p. 4623; amended: SL 2024/263 r. 11.]*

## 55FA. Bait bands to be broken

(1) In this regulation —

***broken***, in relation to a bait band, means that the band is cut through or pulled open so that it no longer forms a continuous loop;

***specified boat*** means a boat referred to in regulation 55F(5).

(2) The master of a specified boat must ensure that a bait band securing a carton is broken when the carton is opened.

Penalty for this subregulation: a fine of $2 000.

*[Regulation 55FA inserted: SL 2024/263 r. 12.]*

## Division 7C — Requirements relating to aquatic eco-tourism

*[Heading inserted: Gazette 30 May 2014 p. 1733.]*

### 55G. Activities and fish prohibited on aquatic eco-tour

(1) The master of a boat used for an aquatic eco-tour must not allow a participant in the tour to —

(a) take any fish while on the boat; or

(b) keep any fish on the boat; or

(c) bring onto land any fish from the boat.

Penalty: a fine of $2 000 and the penalty provided in section 222 of the Act.

(2) The person in charge of any boat, vehicle or aircraft being used for an aquatic eco-tour must not —

(a) commence the tour with any fish on the boat, vehicle or aircraft; or

(b) allow any fish to remain on the boat, vehicle or aircraft at the end of the tour.

Penalty: a fine of $10 000 and the penalty provided in section 222 of the Act.

(3) It is a defence in proceedings for an offence against subregulation (2)(a) or (b) for the person charged to prove that the fish was purchased from a person other than a participant in the tour for the purpose of providing meals for participants in the tour.

*[Regulation 55G inserted: Gazette 30 May 2014 p. 1733.]*

### 55H. Shark tourism activities prohibited on aquatic eco-tour

(1) A participant in an aquatic eco-tour must not —

(a) use a safety cage the purpose of which is to protect swimmers or divers from sharks; or

(b) engage in the tagging or marking of sharks; or

(c) use blood, berley or any vibrating, visual, sonic, electronic, electromagnetic or other equipment for the purpose of attracting sharks.

Penalty: a fine of $2 000.

(2) The person in charge of an aquatic eco-tour must not —

(a) provide or use, or allow participants in the tour to use, a safety cage the purpose of which is to protect swimmers or divers from sharks; or

(b) engage, or allow participants in the tour to engage, in the tagging or marking of sharks; or

(c) provide or use, or allow participants in the tour to use, blood, berley or any vibrating, visual, sonic, electronic, electromagnetic or other equipment for the purpose of attracting sharks.

Penalty: a fine of $10 000.

*[Regulation 55H inserted: Gazette 30 May 2014 p. 1734.]*

### 55I. Boat not to be used for both commercial fishing and aquatic eco-tour during single trip

A person who uses a licensed fishing boat for or in connection with commercial fishing and an aquatic eco-tour in the course of a single trip commits an offence.

Penalty: a fine of $5 000.

*[Regulation 55I inserted: Gazette 30 May 2014 p. 1734.]*

*[**55J-55L.** Deleted: Gazette 1 Oct 2003 p. 4303.]*

## Division 8 — Miscellaneous requirements

### 56. Documents to be carried on licensed fishing boat

(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; and

(b) the commercial fishing licence of each member of the crew required to hold that licence; and

(c) any other authorisation relating to the boat or crew required to be held under the Act.

Penalty: $1 000.

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

*[Regulation 56 amended: Gazette 6 Jul 2007 p. 3389.]*

### 56A. Fish hooks attached to rock lobster pots, float lines, moorings etc. not to be used to fish

A person must not fish using a fish hook attached to —

(a) a rock lobster pot; or

(b) a float or float line attached to a rock lobster pot; or

(c) a boat mooring or mooring line; or

(d) a boat anchor or anchor line.

Penalty: For a first offence $5 000 or, for a second or subsequent offence, $10 000 and, for any offence, the penalty provided in section 222 of the Act.

*[Regulation 56A inserted: Gazette 29 Nov 2002 p. 5655; amended: Gazette 11 Feb 2003 p. 412.]*

*[**57.** Deleted: Gazette 30 May 2014 p. 1715.]*

*[**58.** Deleted: Gazette 1 Oct 2003 p. 4303.]*

**59. Sale of fish by authorised trade names**

(1) The authorised 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 authorised trade name unless the fish is of the species to which the authorised trade name applies.

Penalty: $5 000.

**60. Rock lobsters, maximum size of packages etc. of**

(1) A person responsible for packaging rock lobster must ensure that no package, container or receptacle which contains rock lobster exceeds 45 kg 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 mm in width when empty.

Penalty: $1 000.

**61. Labelling requirements for sale of fish**

(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 CEO, 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 plastic, wood or metal; and

(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 75 mm in length and not less than 55 mm in width.

(3a) In relation to rock lobster, the reference in subregulation (3)(b) to the exterior of any package, container or receptacle (the ***package***) is a reference to an exterior side surface of the package and does not include a reference to the exterior upper or lower surface of the package.

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

(4A) The labelling requirements under subregulation (4) do not apply to the following —

(a) the nominated operator of a managed fishery licence issued under the *Abalone Management Plan 1992* who sells abalone taken in accordance with that management plan;

(b) a person acting under the authority of a managed fishery licence granted in respect of the South Coast Crustacean Managed Fishery who sells crustaceans taken in accordance with the *South Coast Crustacean Managed Fishery Management Plan 2015*.

(4B) The label referred to in subregulation (1) must —

(a) in the case of a nominated operator referred to in subregulation (4A)(a) —

(i) specify the number of the managed fishery licence that authorised the abalone to be taken; and

(ii) if a licensed fishing boat was used to take the abalone — specify the licensed fishing boat number;

or

(b) in the case of a person referred to in subregulation (4A)(b) — comply with the labelling requirements set out in the *South Coast Crustacean Managed Fishery Management Plan 2015* clause 29.

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

(a) if the rock lobster was taken under the authority of a managed fishery licence granted in respect of the West Coast Rock Lobster Managed Fishery — the number of the managed fishery licence; or

(b) the following —

(i) the licensed fishing boat number of any licensed fishing boat which was used to fish for the fish;

(ii) the fishery and, if applicable, the area or zone of the fishery from which the fish were taken.

(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.

*[Regulation 61 amended: Gazette 8 Sep 2000 p. 5186-7; 11 Feb 2003 p. 412; 6 Jul 2007 p. 3389; 4 Oct 2019 p. 3534-5; SL 2023/2 r. 11.]*

**62. Refuse etc. not to be deposited in waters etc. where fish are**

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.

### 63A. Use of berley containing mammal or bird products

(1) In this regulation —

***mammal or bird products*** means blood, flesh, offal or skin from a mammal or from a bird.

(2) A person must not, in WA waters, use berley containing mammal or bird products.

Penalty: a fine of $10 000.

(3) Subregulation (2) does not apply in respect of berley that is in the form of processed bait pellets.

(4) It is a defence in proceedings for an offence against subregulation (2) for the person charged to prove that the mammal or bird product contained in the berley was used, in accordance with the Act, as bait —

(a) in a crab drop net, rock lobster pot or other trap or device for trapping fish; or

(b) attached to a fish hook.

*[Regulation 63A inserted: Gazette 18 Jun 2013 p. 2296.]*

### 63. Fishing gear prohibited from use in waters, possession of

(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;

or

(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 recognised 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.

## 64. Commercial fishers etc., duties of as to records and returns

(1A) In this regulation —

***responsible person***, in relation to an activity, means —

(a) if the activity is carried out under a commercial fishing licence —

(i) using a boat which has a master — the master of the boat; or

(ii) otherwise — the holder of the authorisation under which the activity is carried out;

or

(b) otherwise — the person who engages in the activity;

***return*** includes a return regarding an activity that a person is authorised to engage in under an authorisation showing that the activity was not engaged in during a month.

(1) A responsible 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;

(k) conducting a fishing tour.

(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 CEO 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 subregulations (4A) and (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 CEO has approved a form for that activity, must —

(a) use the relevant form approved by the CEO; and

(b) send the return relating to each month —

(i) to the head office of the Department in Perth; or

(ii) if another office of the Department is specified in the relevant form, to that office,

to arrive —

(iii) not later than the 15th day of the following month; or

(iv) if a later day is specified in the relevant form, not later than that day.

(4A) If the person who is to keep records under this regulation holds an aquaculture licence —

(a) subregulation (4) does not apply; and

(b) the person must submit a return to the Department regarding the activity each financial year —

(i) in the form, if any, approved for that activity by the CEO; and

(ii) by sending the return to the Department to arrive not later than 15 July in the following financial year.

(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; and

(b) specifies —

(i) the quantity and species of the fish purchased or received; and

(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 CEO may exempt a person who is to keep records under this regulation from submitting a monthly return under subregulation (4) or a return under subregulation (4A) for the

period of time, or in respect of the activities, specified in writing and sent to the person who is to be exempt.

(6A) A person who conducts a fishing tour on a boat must ensure that a record to be kept under this regulation exists or is made —

(a) for, and by the end of, each day the fishing tour is conducted; and

(b) before any participant in the fishing tour leaves the tour.

(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 to an offence under subregulation (5), the penalty provided in section 222 of the Act.

*[Regulation 64 amended: Gazette 15 Jan 1999 p. 113; 13 Aug 1999 p. 3826; 29 Jun 2001 p. 3164; 27 Jun 2003 p. 2389; 6 Jul 2007 p. 3389; 5 Nov 2009 p. 4412; 1 Mar 2011 p. 667; 26 Aug 2014 p. 3082; 7 Aug 2015 p. 3202; 4 Oct 2019 p. 3535; SL 2024/263 r. 13.]*

## 64AA. No fish taken for recreational purpose to be at certain premises

(1) In this regulation —

***commercial premises*** means premises at which a person engages for a commercial purpose in an activity mentioned in regulation 64(2)(d) to (i);

***exempt business*** means a business of providing accommodation and meals to the public.

(2) A person must not, at commercial premises, be in possession of fish that were taken for a recreational purpose.

Penalty for this subregulation:

(a) for an individual — a fine of $5 000 and the penalty provided in section 222 of the Act;

(b) for a body corporate — a fine of $10 000 and the penalty provided in section 222 of the Act.

(2A) Subregulation (2) does not apply to or in relation to a fish that is at commercial premises at which an exempt business is conducted.

(2B) A person must not cause or permit a fish that was taken by recreational fishing to be brought onto or stored at commercial premises unless —

(a) the person conducts an exempt business at the premises; and

*[(b), (c) deleted]*

(d) the fish is not stored in a refrigerator, freezer, icebox or other storage container that contains a fish taken for a commercial purpose; and

(e) if the fish is a finfish —

(i) the fish, or the package containing it, is labelled in accordance with regulation 22 or 22AA; and

(ii) the person whose name is on the label is staying in accommodation provided by the exempt business.

Penalty for this subregulation:

(a) for an individual — a fine of $5 000 and the penalty provided in section 222 of the Act;

(b) for a body corporate — a fine of $10 000 and the penalty provided in section 222 of the Act.

(3) For the purposes of subregulation (2) or (2B) fish is to be taken to have been taken for a recreational purpose if no record of the purchase or receipt of the fish has been kept under regulation 64.

(4) It is a defence in proceedings for an offence under subregulation (2) for the person charged to prove that the person was in possession of the fish on a part of the premises that is a residence.

*[Regulation 64AA inserted: Gazette 30 May 2014 p. 1716; amended: Gazette 4 Oct 2019 p. 3535-7; SL 2021/118 r. 18.]*

# Part 4A — Requirements regarding fishing gear

*[Heading inserted: Gazette 1 Oct 2003 p. 4304.]*

## Division 1 — Preliminary

*[Heading inserted: Gazette 1 Oct 2003 p. 4304.]*

### 64A. Order of precedence of Div. 2, 3 and 4

If there is conflict or inconsistency between the provisions of Division 2, 3 or 4 then, to the extent of the conflict or inconsistency —

(a) the provisions of Division 3 prevail over the provisions of Division 2; and

(b) the provisions of Division 4 prevail over the provisions of Divisions 2 and 3.

*[Regulation 64A inserted: Gazette 1 Oct 2003 p. 4304.]*

### 64B. Term used: attend

In this Part —

***attend*** in respect of a line, means to be within 10 m of the line.

*[Regulation 64B inserted: Gazette 1 Oct 2003 p. 4304.]*

## Division 2 — Statewide requirements regarding fishing gear

*[Heading inserted: Gazette 1 Oct 2003 p. 4304.]*

### 64CA. Prohibited fishing methods

A person must not fish using —

(a) a firearm; or

(b) a jag hook unless the jag hook is attached to a lure or is baited.

Penalty: a fine of $2 000.

*[Regulation 64CA inserted: Gazette 30 May 2014 p. 1717.]*

### 64C. Fishing lines in use for recreational fishing must be attended

(1) A person who fishes using a line must attend that line.

Penalty: $2 000.

(2) Subregulation (1) does not apply to or in relation to a person fishing for a commercial purpose in accordance with an authorisation.

*[Regulation 64C inserted: Gazette 1 Oct 2003 p. 4304.]*

### 64D. Nets, determining length, depth and mesh of

(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; and

(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 g 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.

*[Regulation 64D inserted: Gazette 1 Oct 2003 p. 4305.]*

### 64DA. Hauling nets for recreational fishing, use of

(1) A person must not fish by using a fishing net that is a hauling net in any ocean waters outside 800 m of the low water mark of any part of the State or any island within WA waters.

(2) Subregulation (1) does not apply to a person fishing for a commercial purpose in accordance with an authorisation.

Penalty: $2 000.

*[Regulation 64DA inserted: Gazette 22 Dec 2005 p. 6222.]*

### 64E. Limit on number of rods, reels, lines and baits used for recreational fishing

(1) Unless otherwise specified in the Act or these regulations and subject to subregulation (2), a person must not use more than 2 rods, reels and lines or single lines held in the hand at any one time when fishing.

Penalty for this subregulation: a fine of $2 000.

(2) Subregulation (1) does not apply to —

(a) the holder of a commercial fishing licence; or

(b) a person fishing from a boat.

(3) A person, other than the holder of a commercial fishing licence, must not fish for demersal finfish in the West Coast Region using a line with more than 1 bait or lure attached.

Penalty for this subregulation: a fine of $2 000.

(4) A person, other than the holder of a commercial fishing licence, must not fish for fish other than demersal finfish in the West Coast Region using a line with more than 3 baits or lures attached.

Penalty for this subregulation: a fine of $2 000.

(5) A person, other than the holder of a commercial fishing licence, must not fish in WA waters other than the West Coast Region using a line with more than 3 baits or lures attached.

Penalty for this subregulation: a fine of $2 000.

*[Regulation 64E inserted: Gazette 1 Oct 2003 p. 4305-6; amended: Gazette 27 Aug 2013 p. 4056; SL 2023/2 r. 12.]*

**64F. Fishing nets, general requirements for**

(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 m measured from the centre retrieval line to the lead line; and

(ii) has a mesh of not more than 25 mm;

or

(b) where the fishing net is not a throw net, it —

(i) has a length not exceeding 60 m; and

(ii) is not more than 25 meshes in depth; and

(iii) does not have a bag or pocket; and

(iv) has end floats with a diameter of not less than 150 mm on each of which is marked, in legible characters not less than 60 mm high and 10 mm wide, the gear identification number of that person; and

(v) has a mesh in accordance with subregulation (2); and

(vi) where the fishing net is a haul net —

(I) does not have attached to it a rope exceeding 25 m in length; and

(II) is not hauled other than by hand;

and

(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 mm in diameter.

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

(a) 63 mm or more than 87 mm, where the net is used in the waters of any estuary, river or inlet, or in the entrance of any of those waters; or

(b) 51 mm or more than 114 mm, where the net is not set in any waters other than those referred to in paragraph (a); or

(c) 75 mm or more than 114 mm, 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 freshwater prawns (cherabin), crab, marron, freshwater crayfish or prawn.

Penalty: $2 000.

*[Regulation 64F inserted: Gazette 1 Oct 2003 p. 4306-7; amended: Gazette 4 Oct 2019 p. 3609.]*

### 64G. Fishing nets, minimum distance between when set

A person must not in any waters set a fishing net within 50 m of any other fishing net that is set.

Penalty: $1 000.

*[Regulation 64G inserted: Gazette 1 Oct 2003 p. 4307.]*

### 64H. Fishing nets to be drawn so as to protect protected fish

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.

*[Regulation 64H inserted: Gazette 1 Oct 2003 p. 4308.]*

### 64I. Net fishing by commercial fishers in same area, priority rights between

(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*** 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 m and the waters adjacent to that beach to a distance of 800 m measured rectangularly from that beach; or

(b) any area of water that is 400 m square; or

(c) in subregulation (4), a rectangular area of water measuring 50 m out from, and at right angles to, both sides of a set net, along the length of the net.

(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; and

(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; and

(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;

and

(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; or

(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; and

(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; and

(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;

and

(d) a turn ends when —

(i) the net, or nets, have been set and hauled; or

(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; or

(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.

*[Regulation 64I inserted: Gazette 1 Oct 2003 p. 4308-11.]*

### 64J. Fishing nets for recreational fishing, use of

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

(a) set a fishing net in any ocean waters outside 800 m of the low water mark of any part of the State or any island within WA waters; or

(b) use a metal stake in connection with the setting of a fishing net; or

(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 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 1½ hours after sunrise and ending 1½ hours before sunset on any one day.

Penalty: $2 000.

*[Regulation 64J inserted: Gazette 1 Oct 2003 p. 4311; amended: Gazette 30 May 2014 p. 1717.]*

### 64K. Hauling nets not to be used for recreational fishing in estuaries etc.

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.

*[Regulation 64K inserted: Gazette 1 Oct 2003 p. 4311-12.]*

## 64L. Crabs, permitted ways to fish for by recreational fishers

*[(1A) deleted]*

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

(a) by hand; or

(b) by using not more than 10 complying drop nets; or

(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 or a charter boat must not use, cause or permit to be carried on the boat, more than 10 drop nets in any one day.

(3AA) The master of a charter boat with fewer than 10 people on board must not use, or cause or permit to be carried on the boat, more than 10 drop nets in any one day.

(3AB) The master of a charter boat with 10 or more people on board may carry up to 20 drop nets at any one time, but must not use more than 10 drop nets in any one day.

(3AC) If a charter boat has smaller tender boats that use the charter boat as a primary boat —

(a) the charter boat is to be used to calculate the total number of drop nets that may be used or carried as a part of that charter boat's fishing tour for the purposes of subregulations (3AA) and (3AB); and

(b) the master of the charter boat must not use, or cause or permit to be carried on any single tender boat, more than 10 drop nets in any one day.

(3A) The master of a boat which is not a licensed fishing boat must not use, or cause or permit to be carried on the boat, a drop net that is not a complying drop net.

(3) A hand scoop net must —

(a) be generally hemispherical; and

(b) be hollow; and

(c) have a circular top rim with an internal diameter not exceeding 375 mm; and

(d) have a maximum internal depth measured from the plane of that rim not exceeding 210 mm; and

(e) be constructed of material that is —

(i) inflexible; and

(ii) not capable of ensnaring or entangling a crab.

Penalty: $1 000.

*[Regulation 64L inserted: Gazette 1 Oct 2003 p. 4312; amended: Gazette 6 Nov 2009 p. 4471; 7 Aug 2015 p. 3202-3; 4 Oct 2019 p. 3537.]*

## Division 3 — Requirements regarding fishing gear in the West Coast Region

*[Heading inserted: Gazette 1 Oct 2003 p. 4313.]*

### 64M. Term used: attend

In this Division —

***attend***, in respect of a net, means to be within 100 m of the net.

*[Regulation 64M inserted: Gazette 1 Oct 2003 p. 4313.]*

### 64N. Application of this Division

Except as stated in regulation 64OAA, this Division does not apply to a person fishing for a commercial purpose in accordance with an authorisation.

*[Regulation 64N inserted: Gazette 1 Oct 2003 p. 4313; amended: Gazette 8 Dec 2009 p. 4995.]*

### 64NA. Prawn hand trawl nets not to be used in certain places

A person must not use, or leave unattended, a prawn hand trawl net in the waters of —

(a) the Harvey Estuary and its tributaries; or

(b) the Peel Inlet and its tributaries; or

(c) the Channel Entrance to the Peel Inlet; or

(d) the Dawesville Cut.

Penalty: $2 000.

*[Regulation 64NA inserted: Gazette 6 Jul 2007 p. 3388.]*

### 64O. Set fishing nets, use of

(1) A person must not set a fishing net in any waters of the West Coast Region other than in the waters of —

(a) the Peel Inlet and Harvey Estuary; or

(b) the Leschenault Estuary; or

(c) the Hardy Inlet.

(2) A person who fishes using a set fishing net in the West Coast Region must —

(a) attend that net; and

(b) remove the net from the water and clear it of fish at intervals of not more than one hour; and

(c) not set the net —

(i) in the waters referred to in subregulation (1)(a) — except within the period beginning at 4.30 p.m. and ending at midnight on any Wednesday; and

(ii) in the waters referred to in subregulation (1)(b) or (c) — within the period beginning 1½ hours

after sunrise and ending 1½ hours before sunset on any one day.

Penalty: $2 000.

*[Regulation 64O inserted: Gazette 1 Oct 2003 p. 4313; amended: Gazette 20 Dec 2011 p. 5375.]*

### 64OAA. Release weight to be on boat used to fish for demersal scalefish

(1) In this regulation —

***release weight*** means a weight that —

(a) for the purpose of returning to the seabed a live fish that has been taken, is able to be attached to the fish; and

(b) is able to be detached from the fish when it reaches the seabed;

***West Coast Demersal Scalefish (Interim) Managed Fishery*** means the fishery declared under the *West Coast Demersal Scalefish (Interim) Management Plan 2007*.

(2) If a person is fishing from a fishing boat under the authority conferred by an interim managed fishery permit that applies to the West Coast Demersal Scalefish (Interim) Managed Fishery, the master of the boat must ensure that there is a release weight on the boat.

Penalty: $2 000.

(3) If a person is fishing for demersal finfish from a boat, other than a fishing boat, by means of a line, the master of the boat must ensure that there is a release weight on the boat.

Penalty: $2 000.

*[Regulation 64OAA inserted: Gazette 8 Dec 2009 p. 4995; amended: Gazette 1 Mar 2011 p. 671; SL 2021/118 r. 19.]*

## Division 3A — Requirements regarding fishing gear in the Pilbara and Kimberley Region

*[Heading inserted: Gazette 22 Dec 2005 p. 6222.]*

### 64OA. Application of this Division

This Division does not apply to a person fishing for a commercial purpose in accordance with an authorisation.

*[Regulation 64OA inserted: Gazette 22 Dec 2005 p. 6222.]*

### 64OB. Restrictions on use of haul and set nets

(1) A person must not fish in any waters of the Pilbara and Kimberley Region using —

(a) a haul net; or

(b) a set net.

Penalty: a fine of $2 000.

(2) Subregulation (1)(a) does not apply if the person —

(a) is fishing from an island in Dampier Archipelago waters; and

(b) is using a haul net that does not exceed 30 m in length; and

(c) does not take any fish except mullet or garfish.

(3) In this regulation —

***Dampier Archipelago waters*** —

(a) means the waters of the Indian Ocean bounded by a line commencing at the high water mark at the northernmost point of Cape Preston, from there north to the intersection of the 200 m isobath, from there generally north-easterly along the 200 m isobath to the intersection of 117° 10′ east longitude, from there south to the intersection of the high water mark on the mainland (Cape Lambert), and from there in a generally

south-westerly direction along the high water mark on the mainland back to the commencement point; but

(b) does not include a tidal inlet, pool, creek, river or tributary that is part of the waters bounded by the line set out in paragraph (a).

*[Regulation 64OB inserted: Gazette 22 Dec 2005 p. 6222-3; amended: Gazette 7 Mar 2006 p. 975; 22 Jun 2012 p. 2779; 7 Aug 2015 p. 3203; SL 2023/2 r. 13.]*

## Division 3B — Requirements regarding fishing gear in the South Coast Region

*[Heading inserted: Gazette 22 Dec 2005 p. 6223.]*

### 64OC. Application of this Division

This Division does not apply to a person fishing for a commercial purpose in accordance with an authorisation.

*[Regulation 64OC inserted: Gazette 22 Dec 2005 p. 6223.]*

### 64OD. Set fishing nets, use of

(1) A person must not set a fishing net in any waters of the South Coast Region other than —

(a) in the waters of Wilson Inlet, Beaufort Inlet, Wellstead Inlet, Gordon Inlet, Hamersley Inlet, Pallinup River, Thomas River or Princess Royal Harbour; or

(b) during May — October, in the waters of Broke Inlet, Irwin Inlet, Stokes Inlet or Gairdner River.

(2) A person who fishes using a set fishing net in the South Coast Region must not use the net —

(a) during May — October — at any time other than between 4 p.m. and 9 p.m. on a Friday or Saturday; or

(b) during November — April — at any time other than between 5 p.m. and 10 p.m. on a Friday or Saturday.

(3) A person who fishes using a set fishing net in the South Coast Region must —

(a) attend that net; and

(b) remove the net from the water and clear it of fish at intervals of not more than one hour.

(4) In this regulation —

***May — October*** means the period between 1 May and 31 October in any year;

***November — April*** means the period between 1 November in any year and 30 April in the following year.

Penalty: $2 000.

*[Regulation 64OD inserted: Gazette 22 Dec 2005 p. 6223-4.]*

**64OE. Use of throw nets**

(1) A person must not fish by using a fishing net that is a throw net in any ocean waters of the South Coast Region other than for the taking of Bait Fish, Garfish, Hardyhead or Mullet.

Penalty for this subregulation: a fine of $2 000.

(2) A person fishing by using a throw net in any ocean waters of the South Coast Region must not take any fish except Bait Fish, Garfish, Hardyhead or Mullet.

Penalty for this subregulation: a fine of $2 000.

(3) Subregulations (1) and (2) do not apply to a person fishing for a commercial purpose in accordance with an authorisation.

*[(4) deleted]*

*[Regulation 64OE inserted: Gazette 22 Dec 2005 p. 6224-5; amended: Gazette 4 Oct 2019 p. 3609; SL 2021/118 r. 20.]*

## Division 4 — Requirements regarding fishing gear in certain other areas

*[Heading inserted: Gazette 1 Oct 2003 p. 4314.]*

### 64P. Prawn hand trawl nets, use of in Swan River and Leschenault Estuary

A person must not use, or leave unattended, a prawn hand trawl net in the waters of —

(a) the Leschenault Estuary; or

(b) the Swan River —

(i) within 100 m of any part of the Pelican Point Nature Reserve (Reserve No. 40891); or

(ii) within 100 m of any part of the Milyu Nature Reserve (Reserve No. 33803).

Penalty: $2 000.

*[Regulation 64P inserted: Gazette 1 Oct 2003 p. 4314.]*

### 64QA. Use of fishing nets in Gascoyne Region

(1) In this regulation —

***attend***, in relation to a net, means to be within 100 m of the net.

(2) A person who fishes using a set fishing net in the Gascoyne Region must —

(a) attend the net; and

(b) remove the net from the water and clear it of fish at intervals of not more than one hour.

Penalty: a fine of $2 000.

*[Regulation 64QA inserted: Gazette 7 Aug 2015 p. 3203.]*

## 64Q. Fishing nets, use of etc. by commercial fishers in certain areas

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 mm 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 mm 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 mm 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. West Coast Estuarine Managed Fishery.

3. Shark Bay Beach Seine and Mesh Net Managed Fishery.

4. 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.

5. Swan/Canning Estuarine Fishery, being the commercial fishing by fishing net for all fish in the waters of the Swan River and Canning River.

6. Lake Argyle Fishery, being the commercial fishing by fishing net for fish in the waters of Lake Argyle.

*[Regulation 64Q inserted: Gazette 1 Oct 2003 p. 4314-15; amended: Gazette 6 Jul 2007 p. 3388; 23 Jan 2015 p. 400.]*

*[**64R.** Deleted: Gazette 31 Oct 2003 p. 4561.]*

### 64S. Certain fishing gear not to be possessed near certain rivers and dams

(1) A person referred to in subregulation (2) must not be in possession of anything capable of taking fish other than —

(a) a single marron scoop net or a single marron pole snare or not more than 6 marron drop nets; and

(b) 1 or more rods, reels and lines, or hand-held lines; and

(c) a landing net, in accordance with regulation 64T.

Penalty: For a first offence $5 000 or, for a second or subsequent offence, $10 000.

(2) Subregulation (1) applies to a person who is in or on, or within 50 m of, the waters of —

(a) Capel River, including its tributaries; or

(b) Preston River, including its tributaries; or

(ca) the Collie River —

(i) upstream of the Australind Bypass Road and downstream of the Wellington Dam wall; and

(ii) upstream of the Mungalup Road Bridge;

or

(c) the Blackwood River upstream of the Alexandra Bridge, the Donnelly River or the Warren River, including the tributaries flowing into those waters; or

(d) Hutt River, Moore River and Murray River, upstream of the Pinjarra Weir, including the tributaries flowing into those waters; or

(e) Deep River, including its tributaries; or

(f) Gardner River, including its tributaries.

(3) A person referred to in subregulation (4) must not be in possession of anything capable of taking fish other than —

(a) a single marron pole snare; and

(b) 1 or more rods, reels and lines, or hand-held lines; and

(c) a landing net, in accordance with regulation 64T.

Penalty: For a first offence $5 000 or, for a second or subsequent offence, $10 000.

(4) Subregulation (3) applies to a person who is in or on, or within 50 m of, the waters —

*[(a)-(c) deleted]*

(d) of Harvey Dam and the Harvey River upstream of the South Western Highway, including the tributaries flowing into those waters; or

(e) upstream of the Wellington Dam wall, including the tributaries flowing into those waters but not including the waters of the Collie River upstream of the Mungalup Road Bridge; or

*[(f) deleted]*

(g) of the Margaret River, including its tributaries but not including —

(i) the waters of the Margaret River within the area that begins 300 m upstream of the Bussell Highway Bridge and ends 50 m downstream of that bridge; or

(ii) the waters of the Margaret River upstream of the Ten Mile Brook junction; or

(iii) the tributaries flowing into the part of the river described in subparagraph (ii);

or

(h) of Big Brook Dam, Drakes Brook Dam, Glen Mervyn Dam, Logue Brook Dam and Lake Navarino (Waroona Dam).

*[Regulation 64S inserted: Gazette 1 Oct 2003 p. 4316-18; amended: Gazette 29 Dec 2006 p. 5891; 13 Oct 2009 p. 4033-4; 2 Nov 2011 p. 4624; SL 2024/263 r. 14.]*

### 64T. Landing nets, use of in certain rivers and dams

A person is not to use a landing net in any of the waters referred to in regulation 64S(2) or (4) unless the net is used only for the purpose of landing teleost fish taken by means of a rod, reel and line or a hand-held line.

Penalty: For a first offence $5 000 or, for a second or subsequent offence, $10 000.

*[Regulation 64T inserted: Gazette 1 Oct 2003 p. 4318; amended: Gazette 13 Oct 2009 p. 4034; SL 2024/263 r. 15.]*

*[**64U.** Deleted: Gazette 29 Dec 2006 p. 5891.]*

# Part 4B — Bag limits

*[Heading inserted: Gazette 1 Oct 2003 p. 4319.]*

## Division 1 — Preliminary

*[Heading inserted: Gazette 1 Oct 2003 p. 4319.]*

***[64V.*** *Deleted: Gazette 29 Jan 2013 p. 308.]*

### 64W. Defences prescribed (Act s. 50(3))

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

(a) for the person charged to prove that the person was acting in accordance with an authority to fish for fish for scientific purposes issued under regulation 178; or

(b) where the person is charged with bringing onto land on any one day more fish than the bag limit of those fish, for the person to prove that he or she —

(i) was in possession of the fish in accordance with regulation 16D(1) Table items 1, 2 and 4; and

(ii) was bringing those fish onto land;

or

(c) for a person charged with bringing onto land on any one day more fish than the bag limit of those fish to prove that regulation 16E(3A) or (3B) applied in respect of the fish immediately before the fish were brought onto land; or

(d) for the person charged with taking, or bringing onto land, on any one day more fish than the bag limit of those fish to prove that —

(i) the person was fishing from a boat; and

(ii) at the time the fish were taken, or brought onto land, the person was acting in accordance with

1 of the following authorities to fish for the fish —

(I) a recreational fishing licence granted under regulation 124;

(II) a recreational (boat) fishing licence granted under regulation 124C;

and

(iii) the quantity of fish taken, or brought onto land, using the boat did not exceed the combined bag limit for the boat in relation to the fish calculated under subregulation (2).

(2) For the purposes of subregulation (1)(d)(iii), the combined bag limit for a boat in relation to a fish is calculated by multiplying the bag limit for the fish by the number of persons who on the day —

(a) are fishing from the boat; and

(b) hold a recreational fishing licence or recreational (boat) fishing licence authorising the persons to fish for the fish.

*[Regulation 64W inserted: Gazette 1 Oct 2003 p. 4319; amended: Gazette 4 Nov 2005 p. 5311-12; 1 Mar 2011 p. 671; 4 Oct 2019 p. 3537-8; SL 2021/118 r. 21.]*

## 64X. Bag limits, application of

(1) A person must not —

(a) take more fish than the bag limit prescribed for a region or other area of the State in that region or area; or

(b) bring onto land in a region or other area of the State more fish than the bag limit prescribed for that region or area; or

(c) bring into any WA waters in a region or other area of the State more fish than the bag limit prescribed for that region or area.

(2) A reference in subregulation (1) to a region or other area of the State includes a reference to the whole State.

(3) Except as otherwise stated, a bag limit provided for in Division 2 is prescribed for all land in the State and all WA waters.

*[Regulation 64X inserted: Gazette 1 Oct 2003 p. 4320; amended: Gazette 28 Jun 2013 p. 2890-1.]*

## Division 2 — Bag limits

*[Heading inserted: Gazette 29 Jan 2013 p. 308.]*

***[64Y- 64ZAA.*** *Deleted: Gazette 29 Jan 2013 p. 308.]*

### 65A. Bag limits for demersal finfish (regions other than West Coast Region)

(1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Division 1 Subdivision 1 directly opposite a species of fish specified in column 1 of that Subdivision is the bag limit in respect of fish of that species in the South Coast, Gascoyne and North Coast regions.

(2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing “Grouped bag limit” in Schedule 3 Division 1 Subdivision 1 is the bag limit in respect of all species of fish specified in that Subdivision in the South Coast, Gascoyne and North Coast regions.

(3) Despite subregulation (2), no grouped bag limit applies to Redfish, Bight (Red Snapper, Nannygai), Redfish, Yelloweye and Swallowtail in the South Coast region.

*[Regulation 65A inserted: Gazette 29 Jan 2013 p. 308-9; amended: Gazette 4 Oct 2019 p. 3609-10; SL 2021/118 r. 22; SL 2026/85 r. 6.]*

### 65B. Bag limits for demersal finfish (West Coast Region other than Abrolhos Island Fish Habitat Protection Area)

(1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Division 1 Subdivision 2 directly opposite a species of fish specified in column 1 of that Subdivision is the bag limit in respect of fish of that species in the West Coast Region other than the Abrolhos Island Fish Habitat Protection Area.

(2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing "Grouped bag limit" in Schedule 3 Division 1 Subdivision 2 is the bag limit in respect of all species of fish specified in that Subdivision in the West Coast Region other than the Abrolhos Island Fish Habitat Protection Area.

*[Regulation 65B inserted: Gazette 29 Jan 2013 p. 309; amended: Gazette 4 Oct 2019 p. 3610; SL 2021/118 r. 23; SL 2023/2 r. 14.]*

### 65BA. Bag limits for demersal finfish (Abrolhos Island Fish Habitat Protection Area)

(1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Division 1 Subdivision 3 directly opposite a species of fish specified in column 1 of that Subdivision is the bag limit in respect of fish of that species in the Abrolhos Island Fish Habitat Protection Area.

(2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing "Grouped bag limit" in Schedule 3 Division 1 Subdivision 3 is the bag limit in respect of all species of fish specified in that Subdivision in the Abrolhos Island Fish Habitat Protection Area.

*[Regulation 65BA inserted: SL 2023/2 r. 15.]*

### 65C. Bag limits for large pelagic finfish (regions other than Abrolhos Island Fish Habitat Protection Area)

(1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Division 2 Subdivision 1 directly opposite a species of fish specified in column 1 of that Subdivision is the bag limit in respect of fish of that species.

(2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing "Grouped bag limit" in Schedule 3 Division 2 Subdivision 1 is the bag limit in respect of all species of fish specified in that Subdivision.

*[Regulation 65C inserted: Gazette 29 Jan 2013 p. 309-10; amended: Gazette 4 Oct 2019 p. 3610; SL 2021/118 r. 24; SL 2023/2 r. 16.]*

### 65CA. Bag limits for large pelagic finfish (Abrolhos Island Fish Habitat Protection Area)

(1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Division 2 Subdivision 2 directly opposite a species of fish specified in column 1 of that Subdivision is the bag limit in respect of fish of that species.

(2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing "Grouped bag limit" in Schedule 3 Division 2 Subdivision 2 is the bag limit in respect of all species of fish specified in that Subdivision.

*[Regulation 65CA inserted: SL 2023/2 r. 17.]*

### 65CB. Bag limits for sharks and rays

For the purposes of section 50 of the Act, the bag limit for all species of sharks and rays is the quantity specified in Schedule 3 Division 2 Subdivision 3.

*[Regulation 65CB inserted: SL 2026/85 r. 7.]*

### 65D. Bag limits for nearshore or estuarine finfish

(1) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Division 3 directly opposite a species of fish specified in column 1 of that Division (***nearshore or estuarine finfish***) is the bag limit in respect of fish of that species.

(2) For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing "Grouped bag limit" in Schedule 3 Division 3 is the bag limit in respect of all species of fish specified in that Division.

*[Regulation 65D inserted: Gazette 29 Jan 2013 p. 310; amended: Gazette 4 Oct 2019 p. 3610.]*

### 65E. Bag limit for freshwater finfish

For the purposes of section 50 of the Act, the quantity of fish specified under the heading commencing "Grouped bag limit" in Schedule 3 Division 4 is the bag limit in respect of all species of fish specified in that Division (***freshwater finfish***).

*[Regulation 65E inserted: Gazette 28 Jun 2013 p. 2891; amended: Gazette 4 Oct 2019 p. 3610.]*

### 65F. Bag limits for other finfish

(1A) In this regulation —

***finfish*** does not include the following fish —

(a) Carp, European;

(b) Goldfish;

(c) Redfin;

(d) fish of the genus *Oreochromis spp*. (entire genus).

(1B) For the purposes of section 50 of the Act, the quantity of fish specified in column 2 of Schedule 3 Division 5 directly opposite

a species of fish specified in column 1 of that Division is the bag limit in respect of fish of that species.

(1) For the purposes of section 50 of the Act, the bag limit for Bait Fish and Hardyhead is 9 litres.

(2) For the purposes of section 50 of the Act, the bag limit in respect of all species of finfish specified in Schedule 3 Division 5 and all other species of finfish not otherwise referred to in this Division is a grouped bag limit of 30.

*[Regulation 65F inserted: Gazette 29 Jan 2013 p. 310; amended: Gazette 28 Jun 2013 p. 2891-2; 20 Feb 2015 p. 679; 4 Oct 2019 p. 3610.]*

### 65G. Bag limits for crustaceans

For the purposes of section 50 of the Act, the quantity of crustaceans specified in column 2 of Schedule 3 Division 6 directly opposite a species, or group of species, of crustaceans specified in column 1 of that Division is the bag limit in respect of crustaceans of that species or group of species.

*[Regulation 65G inserted: Gazette 29 Jan 2013 p. 310; amended: Gazette 28 Jun 2013 p. 2892; 4 Oct 2019 p. 3610.]*

### 65H. Bag limits for molluscs and other invertebrates

For the purposes of section 50 of the Act, the quantity of molluscs or invertebrates specified in column 2 of Schedule 3 Division 7 directly opposite a species, or group of species, of molluscs or invertebrates specified in column 1 of that Division is the bag limit in respect of molluscs or invertebrates of that species or group of species.

*[Regulation 65H inserted as regulation 66H: Gazette 29 Jan 2013 p. 311; renumbered as regulation 65H: Gazette 18 Jun 2013 p. 2296; amended: Gazette 28 Jun 2013 p. 2892; 4 Oct 2019 p. 3610.]*

*[Division 3 deleted: Gazette 29 Jan 2013 p. 311.]*

*[Division 4 deleted: Gazette 3 Feb 2009 p. 227.]*

# Part 5 — Fish processing

## 65. Classes of fish prescribed (Act s. 82(2)(a))

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

(a) rock lobsters; and

(b) prawns; and

(c) scallops.

## 66. Fish processor's licences, conditions of

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 authorises 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 CEO 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 scheduled fish disease; or

(ii) any disease or condition that the person cannot identify;

(e) the holder of the licence must notify the CEO 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 CEO;

(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.

*[Regulation 66 amended: Gazette 6 Jul 2007 p. 3389; 24 Sep 2013 p. 4438.]*

# Part 6 — Aquaculture

## 67. Aquaculture leases, application for

(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 CEO; and

(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.

*[Regulation 67 amended: Gazette 6 Jul 2007 p. 3389.]*

## 68. Classes of fish etc. prescribed (Act s. 91(a) and (d))

(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; and

(b) all fish, excluding marron, in respect of display or ornamental hobby purposes; and

(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 in relation to a dam or lake on private land —

(a) in the area described in Schedule 6 — yabbie, koonac and gilgie; and

(b) in any area of the State — black bream.

*[Regulation 68 amended: Gazette 25 Sep 1998 p. 5299; 4 Oct 2019 p. 3610.]*

## 69A. Classes of fish prescribed (Act s. 92A(4))

(1) In this regulation —

***live import list*** means the list of specimens that are to be taken to be suitable for live import established under the *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth) section 303EB as amended from time to time;

***ornamental fish*** means fish of a species that is —

(a) included in the live import list Part 1 or Part 2; and

(b) not referred to in Schedule 3.

(2) For the purposes of section 92A(4) of the Act the fish referred to in the Table are prescribed fish.

**Table**

| |
|---|
| Barramundi |
| Bream, Black |
| Clams of species *Tridacna derasa* |
| Clams of species *Tridacna maxima* |

| |
|---|
| Cod, Murray |
| Gilgie |
| Koonac |
| Marron |
| Ornamental fish |
| Perch, Golden |
| Perch, Silver |
| Trout, Brown |
| Trout, Rainbow |
| Yabbie |

*[Regulation 69A inserted: Gazette 30 May 2014 p. 1717-18; amended: Gazette 4 Oct 2019 p. 3610.]*

**69. Aquaculture licences, conditions of**

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 CEO; and

(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; and

(ii) the number and type of fish; and

(iii) the value and date of the sale;

and

(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 a form approved by the CEO and must —

(i) securely attach the original of the consignment note to the marron or to the receptacle, container or package containing the fish; and

(ii) retain a copy of the consignment note at the place where aquaculture is carried out under the licence;

*[(iii) deleted]*

and

(d) the holder of the licence must notify the CEO 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 scheduled fish disease; or

(ii) any disease or condition that the person cannot identify;

and

(e) the holder of the licence must notify the CEO 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; and

(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; and

(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 CEO; 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 CEO.

*[Regulation 69 amended: Gazette 13 Aug 1999 p. 3826; 6 Jul 2007 p. 3389; 24 Sep 2013 p. 4438; SL 2024/263 r. 16.]*

# Part 7 — Noxious fish

## 70. Species prescribed (Sch. 5 and Act s. 103)

The species of fish described by a scientific name listed in Schedule 5 column 1 are prescribed under section 103 of the Act to be noxious fish in the area described in Schedule 5 column 3 for the purposes of the Act.

*[Regulation 70 inserted: Gazette 22 Oct 2014 p. 4088.]*

# Part 8 — Designated fishing zones

## 71. Fisheries officer may restrict activities etc. in zones

(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; or

(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

### 72. Terms used

In this Part, unless the contrary intention appears —

***approved*** means approved by the CEO;

***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 which authorises fishing for rock lobster in the reserve;

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

*[Regulation 72 amended: Gazette 6 Jul 2007 p. 3389; 1 Mar 2013 p. 1092; 27 Aug 2013 p. 4056.]*

### 73. Application of this Part

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

## Division 2 — Jetties

### 74. Construction and modification of jetties and moorings

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

(2) If the CEO gives approval following an application under subregulation (1), that approval may be subject to such conditions as the CEO 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 CEO 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.

*[Regulation 74 amended: Gazette 6 Jul 2007 p. 3389.]*

## 75. Unauthorised use of jetties and moorings

(1) A person, other than —

(a) the owner of; or

(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

### 76. CEO may waive requirements of this Division

(1) The CEO 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.

*[Regulation 76 amended: Gazette 6 Jul 2007 p. 3389.]*

### 77. Camps associated with rock lobster licences, transfer of etc.

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

(a) transfer that licence; or

(b) redistribute an 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 CEO considers it appropriate, the CEO may approve an application, made under subregulation (1), to transfer or remove an associated camp, and the CEO 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 CEO considers it appropriate, the CEO may approve an application, made under subregulation (4), to relocate, and the CEO 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.

*[Regulation 77 amended: Gazette 14 Nov 2001 p. 5978; 6 Jul 2007 p. 3389.]*

**78. Camp not transferred etc. under r. 77 becomes unauthorised structure**

(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 CEO,

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

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

(a) a transfer, a redistribution of an 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 CEO; 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 unauthorised structure under subregulation (1).

*[Regulation 78 amended: Gazette 14 Nov 2001 p. 5978; 6 Jul 2007 p. 3389.]*

**79. Building standards, owners' duties as to**

(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.

**80. Minor structural changes to buildings, requirements for**

(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; and

(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 CEO 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; or

(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.

*[Regulation 80 amended: Gazette 6 Jul 2007 p. 3389.]*

**81. New buildings and major structural changes to buildings, requirements for**

(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; and

(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 CEO prior to the CEO giving or withholding approval; and

(c) obtain the written approval of the CEO.

(2) Approval under subregulation (1) is subject to such conditions that the CEO 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; or

(b) one store shed; or

(c) one ablution block; or

(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 unauthorised structure for the purposes of Division 5, unless the CEO 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 CEO obtained under subregulation (1).

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

*[Regulation 81 amended: Gazette 15 Jan 1999 p. 113; 6 Jul 2007 p. 3389.]*

## Division 4 — Power and maintenance

***[82, 83.*** *Deleted: Gazette 23 May 2006 p. 1860.]*

### 84. Water tanks etc., occupiers' duties as to

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; and

(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; and

(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.

**85. Generators, installation and use of**

(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 CEO prior to the CEO giving or withholding approval; and

(b) obtain the written approval of the CEO.

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.

*[Regulation 85 amended: Gazette 6 Jul 2007 p. 3389.]*

**86. Machinery noise, fisheries officer's powers as to**

(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 — Unauthorised structures and termination of tenancy

### 87. Terms used

In this Division —

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

***unauthorised 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 unauthorised 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.

### 88. Unauthorised structures, CEO may direct removal of

(1) The CEO may, by written notice served in accordance with regulation 89 and identifying the unauthorised structure to which it relates, direct a person in occupation or control of an unauthorised 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 unauthorised 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.

*[Regulation 88 amended: Gazette 6 Jul 2007 p. 3389.]*

## 89. Service of r. 88 notice

(1) A notice under regulation 88(1) may be served on the owner of, the occupier of or the person in control of, an unauthorised 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 unauthorised 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 unauthorised 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 unauthorised 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 unauthorised structure does not affect the validity of service on the person in apparent occupation of the unauthorised structure, and non-service on the person in apparent occupation of the unauthorised structure does not affect the validity of service on the person in apparent control of the unauthorised structure.

## 90. Non-compliance with r. 88 notice

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 CEO is satisfied —

(a) that the structure is an unauthorised structure; and

(b) that the notice has been properly served; and

(c) that the person has not complied with the notice within the period,

the CEO may, in writing —

(d) authorise a fisheries officer to arrange for the removal of the unauthorised structure and its contents; or

(e) authorise the destruction or sale of the unauthorised structure, or part of that structure, or its contents, or both the structure and its contents; or

(f) authorise the sale of the unauthorised structure or its contents or both on condition that it or they are removed upon sale; or

(g) authorise the recovery of costs, incurred in the removal, destruction or sale of the unauthorised structure, from the owner, occupier or person in control of that structure; or

(h) where the unauthorised 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 unauthorised structure or its contents,

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

*[Regulation 90 amended: Gazette 6 Jul 2007 p. 3389.]*

### 91. Site of unauthorised structure to be cleared completely

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

Penalty: $2 000.

## Division 6 — Share arrangements and dispute procedure

### 92. Share arrangement to be subject of written agreement

(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 CEO.

*[Regulation 92 amended: Gazette 6 Jul 2007 p. 3389.]*

### 93. Disputes over use of shared buildings etc., resolution procedure for

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

*[Regulation 93 amended: Gazette 6 Jul 2007 p. 3389-90.]*

## 94. Independent arbitrators, duties of

(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 CEO 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.

*[Regulation 94 amended: Gazette 6 Jul 2007 p. 3389-90.]*

## 95. Arbitrator's determination to be decided by Minister

(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

### 96. Waste disposal to be in accordance with this Division

(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 CEO, in addition to the penalty specified for contravention of that subregulation.

*[Regulation 96 amended: Gazette 6 Jul 2007 p. 3389-90.]*

### 97. Food waste

(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.

### 98. Paper, plastic, cardboard, bait bags etc.

(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.

**99. Non-hazardous and non-combustible waste**

(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.

**100. Oil, fuel, engine filters and batteries**

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

Penalty: $2 000.

**101. Campsite waste**

(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 CEO.

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

*[Regulation 101 amended: Gazette 6 Jul 2007 p. 3389-90.]*

**102. Sewage**

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; or

(b) through a septic tank disposal system; or

(c) by use of an approved sewage disposal system at an approved site.

Penalty: $500.

**103. Incinerators, construction and use of**

(1) An incinerator for the disposal of waste —

(a) must be constructed in a manner which allows combustion to occur in an efficient manner; and

(b) if constructed wholly or partly of mesh, must be made using a mesh of not more than 50 mm; 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

### 104. Noise to be kept below certain levels

(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.

**105. Vehicles not to be used without CEO's approval**

(1) A person must not bring a vehicle into the reserve unless the CEO 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; and

(b) the person or persons that are allowed to use that vehicle; and

(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.

*[Regulation 105 amended: Gazette 6 Jul 2007 p. 3389-90.]*

*[**105A.** Inserted: Gazette 26 Mar 1999 p. 1279-80. Disallowed: Gazette 25 Jun 1999 p. 2742.]*

**106. Domestic pets prohibited on reserve and boats at jetties**

A person must not —

(a) keep a domestic pet in the reserve; or

(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.

**107. Flora and fauna not to be introduced without approval**

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 CEO and the Department of Conservation and Land Management [1].

Penalty: $2 000.

*[Regulation 107 amended: Gazette 6 Jul 2007 p. 3389-90.]*

**108. Noxious etc. plants, pests etc., control of to be by approved methods**

(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 CEO.

Penalty: $250.

*[Regulation 108 amended: Gazette 6 Jul 2007 p. 3389-90.]*

### 109. Behaviour standards for people; power to direct person to leave

(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.

### 110. Chlorine tarping of boats, restrictions on

(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 m 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.

*[**111.** Deleted: Gazette 30 May 2014 p. 1718.]*

### 112. Weapons prohibited

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

Penalty: $500.

### 113. Open fires prohibited

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

Penalty: $500.

# Part 9A — Fish Habitat Protection Areas

*[Heading inserted: Gazette 23 Dec 2003 p. 5205.]*

## Division 1A — Abrolhos Islands Fish Habitat Protection Area

*[Heading inserted: Gazette 30 May 2014 p. 1719.]*

### 113AA. Notice of travel to Abrolhos Islands Fish Habitat Protection Area

(1) The master of a boat must not use the boat to travel to the Abrolhos Islands Fish Habitat Protection Area unless the master gives notice to the CEO of the period of stay of the boat in the Abrolhos Islands Fish Habitat Protection Area in accordance with this regulation.

Penalty: a fine of $500.

(2) Notice of the period of stay of a boat is given in accordance with this regulation if —

(a) the notice is given in a manner and form approved by the CEO; or

(b) the notice is given under a management plan that applies in respect of the travel; or

(c) the notice is given in connection with an approval to carry out building work or maintenance work in the Abrolhos Islands Fish Habitat Protection Area or the Abrolhos Islands reserve.

*[Regulation 113AA inserted: Gazette 30 May 2014 p. 1719.]*

### 113AB. Notice of stay in Abrolhos Islands Fish Habitat Protection Area

The master of a boat in respect of which a post-landing nomination has been made under the *West Coast Rock Lobster Managed Fishery Management Plan 2012* must not allow the

boat to remain in the Abrolhos Islands Fish Habitat Protection Area unless —

(a) the master gives notice to the CEO of the boat's departure from the Abrolhos Islands Fish Habitat Protection Area in a manner and form approved by the CEO; and

(b) the departure day is within a period of 5 days commencing on the making of the post-landing nomination.

Penalty: a fine of $500.

*[Regulation 113AB inserted: Gazette 30 May 2014 p. 1719-20.]*

## Division 1 — Cottesloe Reef Fish Habitat Protection Area

*[Heading inserted: Gazette 23 Dec 2003 p. 5205.]*

### 113A. Prohibited activities

(1) A person must not fish for a commercial purpose in the Cottesloe Reef waters.

Penalty: $2 000 and the penalty provided in section 222 of the Act.

(2) A person must not engage in recreational fishing in the Cottesloe Reef waters.

Penalty: $2 000 and the penalty provided in section 222 of the Act.

(3) Subregulation (2) does not apply to —

(a) a person who fishes for an abalone; or

(b) a person who fishes for a rock lobster; or

(c) a person who fishes for an osteichthyes using a single rod and line.

(4) A person must not deposit, or cause or permit to be deposited, blood or offal in the Cottesloe Reef waters.

Penalty: $2 000.

(5) A person must not use a jet ski in the Cottesloe Reef waters.

Penalty: $1 000.

(6) A person must not anchor a boat in the Cottesloe Reef waters.

Penalty: $1 000.

*[Regulation 113A inserted: Gazette 23 Dec 2003 p. 5205; amended: Gazette 4 Oct 2019 p. 3610.]*

## Division 2 — Lancelin Island Lagoon Fish Habitat Protection Area

*[Heading inserted: Gazette 23 Dec 2003 p. 5205.]*

### 113B. Prohibited activities

(1) A person must not fish in the Lancelin Island Lagoon.

Penalty: $2 000 and the penalty provided in section 222 of the Act.

(2) A person must not use a jet ski in the Lancelin Island Lagoon.

Penalty: $1 000.

(3) A person must not anchor a boat in the Lancelin Island Lagoon.

Penalty: $1 000.

*[Regulation 113B inserted: Gazette 23 Dec 2003 p. 5205-6.]*

## Division 3 — Kalbarri Blue Holes Fish Habitat Protection Area

*[Heading inserted: Gazette 21 Dec 2007 p. 6326.]*

### 113C. Prohibited activities

(1) A person must not fish in the Kalbarri Blue Holes waters.

Penalty: $2 000 and the penalty provided in section 222 of the Act.

(2) A person must not use a motor boat in the Kalbarri Blue Holes waters.

Penalty: $1 000.

*[Regulation 113C inserted: Gazette 21 Dec 2007 p. 6326.]*

## Division 4 — Point Quobba Fish Habitat Protection Area

*[Heading inserted: Gazette 3 Jul 2009 p. 2679.]*

### 113D. Terms used

In this Division —

***Point Quobba restricted area*** means the portion of the waters of Point Quobba bounded by a line commencing at the intersection of the high water mark on the coastline and 24° 29.075′ south latitude, from there southerly along the geodesic to the intersection of 24° 29.619′ south latitude and 113° 24.440′ east longitude, from there east along the parallel to the intersection of 24° 29.619′ south latitude and 113° 24.975′ east longitude, from there north along the meridian to the intersection of the high water mark on the coastline and 133° 24.975′ east longitude, from there generally north westerly along the high water mark to the commencement point;

***waters of Point Quobba*** has the meaning given in the *Point Quobba Fish Habitat Protection Area Order 2004*.

*[Regulation 113D inserted: Gazette 3 Jul 2009 p. 2679-80.]*

## 113E. Prohibited activities

(1) A person must not fish in the Point Quobba restricted area.

Penalty: $2 000 and the penalty provided in section 222 of the Act.

(2) Subregulation (1) does not apply to —

(a) a person who takes oysters by hand other than for a commercial purpose; or

(b) a person who takes squid using a squid jig without bait.

(3) A person must not use a jet ski in the Point Quobba restricted area.

Penalty: $1 000.

*[Regulation 113E inserted: Gazette 3 Jul 2009 p. 2680.]*

# Part 10 — Register

## 114. Hours, place and fees prescribed (Act s. 124)

(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 —

Department of Primary Industries a
Regional Development
14 Capo D'Orlando Drive
SOUTH FREMANTLE WA 6162

(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.

*[Regulation 114 amended: Gazette 7 Jul 1998 p. 3614; 23 May 2006 p. 1860; 4 Oct 2019 p. 3538-9.]*

## 115. Details prescribed (Act s. 126(e))

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 authorisation or exemption was granted or renewed and the date it expires; and

(b) the authorisation or exemption number specified on each authorisation or exemption; and

(c) any conditions imposed on the authorisation or exemption by the Minister or CEO, either in full, abbreviated or by reference to another text; and

(d) any period during which the authorisation is suspended; and

(e) the nature of any entitlement conferred by the authorisation; and

(f) details of any boat specified in the authorisation.

*[Regulation 115 amended: Gazette 6 Jul 2007 p. 3389-90.]*

**116. Details of security interest prescribed (Act s. 128(2)(c))**

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; and

(b) the date of notation of the interest; and

(c) any entitlement affected by the interest, including, if the entitlement is an entitlement under a management plan and is expressed in terms of units, the number of units, if any, affected by the interest; and

(d) any debt or other pecuniary obligation secured by the interest.

*[Regulation 116 amended: Gazette 30 Nov 2004 p. 5487.]*

# Part 11 — Authorisations

## Division 1 — Commercial fishing

*[Heading inserted: Gazette 29 Jun 2001 p. 3164.]*

### 117. Fishing boats, duties of masters etc. as to licences, LFB numbers etc.

(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 CEO.

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 mm in height and not less than 50 mm in width, except where the boat is one propelled solely by oars in which case those letters and figures may be less than 150 mm but not less than 120 mm 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 —

(a) holds a commercial fishing licence and is fishing for a commercial purpose; or

(b) is a participant in a fishing tour on or from the boat.

Penalty: a fine of $2 000.

(8) A person aboard a fishing boat must not engage in fishing unless the person —

(a) holds a commercial fishing licence and is fishing for a commercial purpose; or

(b) is a participant in a fishing tour on or from the boat.

Penalty: a fine of $2 000.

*[Regulation 117 amended: Gazette 29 Jun 2001 p. 3164; 27 Jun 2003 p. 2390; 6 Jul 2007 p. 3389-90; 2 Nov 2011 p. 4624-5.]*

## 118. Fishing boat licences, grant of

(1) If a person applies to the CEO for the grant of a fishing boat licence authorising a person to use a boat for commercial fishing and the CEO 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; and

(c) a Certificate of Survey has been issued in respect of that boat in accordance with the *W.A. Marine (Surveys and Certificates of Survey) Regulations 1983*; and

(d) the boat does not have the same name as any other licensed fishing boat,

the CEO may grant to the person a fishing boat licence.

(2) Nothing in subregulation (1) prevents the CEO 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.

*[Regulation 118 amended: Gazette 6 Jul 2007 p. 3389.]*

## 118A. Fishing boat licence of no effect in some circumstances

(1) At any time when a managed fishery licence —

(a) has been granted in respect of the West Coast Rock Lobster Managed Fishery declared under the *West Coast Rock Lobster Management Plan 1993* [2]; and

(b) authorises the use in that fishery of the same boat in respect of which a fishing boat licence is in force; and

(c) confers a current entitlement, or a usual entitlement, of less than 60 units,

the authority conferred by the fishing boat licence referred to in paragraph (b) is of no effect.

(2) In subregulation (1) —

***current entitlement*** means the entitlement conferred by a managed fishery licence as —

(a) increased by any entitlement transferred to the licence under section 141 of the Act; or

(b) decreased by any entitlement transferred from the licence under section 141 of the Act;

***usual entitlement*** means the entitlement conferred by a managed fishery licence without regard to any entitlement transferred to or from the licence under section 141 of the Act.

*[Regulation 118A inserted: Gazette 8 Sep 2000 p. 5187; amended: Gazette 14 Nov 2001 p. 5978-9; 18 Nov 2011 p. 4810.]*

**119. Carrier boats, duties of masters etc. as to licences, LCB numbers etc.**

(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 m 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 mm in height and not less than 50 mm 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.

*[Regulation 119 amended: Gazette 15 Jan 1999 p. 113.]*

**120. Carrier boat licences, grant of**

(1) If a person applies to the CEO for the grant of a carrier boat licence authorising that person to use a boat as a carrier boat and the CEO 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 CEO may grant to the person a carrier boat licence.

(2) Nothing in subregulation (1) prevents the CEO 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.

*[Regulation 120 amended: Gazette 6 Jul 2007 p. 3389.]*

**121. Commercial fishing licence, when required**

(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.

**122. Commercial fishing licences, grant of**

(1) If a person applies to the CEO for the grant of a commercial fishing licence authorising that person to engage in commercial fishing and the CEO is satisfied that it is in the better interests of the fishing industry to grant the licence the CEO may do so.

(2) The CEO must issue a receipt to a person who has applied for the grant or renewal of a commercial fishing licence.

(3) A receipt issued under subregulation (2) is to —

(a) be in a form approved by the CEO; and

(b) specify the following —

(i) the name of the person who applied for the grant or renewal of the licence;

(ii) the date on which the receipt was issued.

*[Regulation 122 amended: Gazette 6 Jul 2007 p. 3389; 26 Aug 2014 p. 3083.]*

**123A. Commercial fishing licence receipt may have effect as commercial fishing licence**

(1) In this regulation —

***applicant*** means a person who has applied for the grant or renewal of a commercial fishing licence;

***commercial fishing licence receipt*** means a receipt issued under regulation 122(2).

(2) A commercial fishing licence receipt issued to an applicant has effect as if it was a commercial fishing licence granted to the applicant until —

(a) the CEO gives notice to the applicant of the outcome of the application; or

(b) the expiration of 60 days after the date on which the receipt was issued,

whichever occurs first.

(3) Despite subregulation (2), a commercial fishing licence receipt does not have effect as if it was a commercial fishing licence if the applicant to whom it was issued —

(a) was the holder of a commercial fishing licence which was cancelled, or not renewed, by the CEO; or

(b) has been convicted of an offence against the Act; or

(c) is not in possession of the receipt when engaging in commercial fishing.

*[Regulation 123A inserted: Gazette 26 Aug 2014 p. 3083-4; amended: Gazette 4 Oct 2016 p. 4237.]*

## Division 2 — Recreational fishing

*[Heading inserted: Gazette 29 Jun 2001 p. 3164.]*

### Subdivision 1 — Recreational fishing licence

*[Heading inserted: Gazette 12 Feb 2010 p. 584.]*

**123. Recreational fishing licence, when required**

(1) Subject to subregulations (2) and (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) A person who has not attained the age of 16 years may fish 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 without holding a recreational fishing licence.

(3) A person may fish for rock lobster without holding a recreational fishing licence if the person is —

(a) participating in a fishing tour on a charter boat; or

(b) a master, or a member of the crew, of a charter boat on which a fishing tour is being conducted.

*[Regulation 123 amended: Gazette 12 Feb 2010 p. 584; 1 Mar 2011 p. 675; 2 Nov 2011 p. 4625; 18 Mar 2016 p. 746; 4 Oct 2019 p. 3539.]*

**124. Recreational fishing licences, grant of**

(1) If a person applies to the CEO for the grant of a recreational fishing licence authorising that person to engage in an activity

by way of recreational fishing the CEO 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**

| Item | Activities |
|---|---|
| 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 |

(3) The CEO must issue a receipt to a person who has applied for the grant or renewal of a recreational fishing licence.

(4) A receipt issued under subregulation (3) is to —

(a) be in a form approved by the CEO; and

(b) specify the following —

(i) the date on which the receipt was issued;

(ii) the activity referred to in subregulation (2)(a) in respect of which the application is made;

(iii) any letters and numbers that may be allocated in respect of a licence to which the application relates under subregulation (2)(b).

*[Regulation 124 amended: Gazette 6 Jul 2007 p. 3389; 14 Sep 2012 p. 4373.]*

**124A. Recreational fishing licence receipt may have effect as a recreational fishing licence**

(1) In this regulation —

***applicant*** means a person who has applied for the grant or renewal of a recreational fishing licence;

***recreational fishing licence receipt*** means a receipt issued under regulation 124(3).

(2) A recreational fishing licence receipt issued to an applicant has effect as if it was a recreational fishing licence granted to the applicant until —

(a) the CEO gives notice to the applicant of the outcome of the application; or

(b) the expiration of one month after the date on which the receipt was issued,

whichever occurs first.

(3) Despite subregulation (2), a recreational fishing licence receipt does not have effect as if it was a recreational fishing licence if the applicant to whom it was issued —

(a) was the holder of a recreational fishing licence or a recreational (boat) fishing licence which was cancelled, or not renewed by the CEO; or

(b) has been convicted of an offence against the Act; or

(c) is not in possession of the receipt when engaging in an activity specified in the receipt.

*[Regulation 124A inserted: Gazette 14 Sep 2012 p. 4373-4.]*

## Subdivision 2 — Recreational (boat) fishing licence

*[Heading inserted: Gazette 12 Feb 2010 p. 584.]*

### 124B. Recreational (boat) fishing licence, when required

(1) In this regulation —

***boat*** means a vessel propelled by a motor;

***day*** has the meaning given in section 50 of the Act.

(2) A person who fishes by use of a boat must hold a recreational (boat) fishing licence unless —

(a) the person is not required to hold a recreational (boat) fishing licence under subregulation (3); or

(b) the person is not required to hold a recreational (boat) fishing licence under subregulation (5); or

(c) the person is fishing for a commercial purpose; or

(d) the person is an Aboriginal person not required to hold a recreational fishing licence under section 6 of the Act; or

(e) the person is participating in a fishing tour on board a boat that is specified on a fishing tour operator's licence, or a restricted fishing tour operator's licence, granted under regulation 128J.

Penalty: a fine of $2 000.

(3) A person (an ***unlicensed person***) is not required to hold a recreational (boat) fishing licence to fish by use of a boat if —

(a) at least one person who holds a recreational (boat) fishing licence is on the boat with the unlicensed person; and

(b) on the day on which the unlicensed person fishes by use of the boat, the quantity of fish taken or brought onto land by use of the boat does not exceed any combined bag limit calculated under subregulation (5A).

(4) The master of a boat must ensure that the quantity of fish taken or brought onto land by use of the boat on a day does not exceed any combined bag limit calculated under subregulation (5A).

Penalty: a fine of $2 000.

(5A) For the purposes of subregulations (3)(b) and (4), if —

(a) fish are taken or brought onto land using a boat; and

(b) a bag limit is prescribed in respect of those fish for a region or area,

the combined bag limit for the boat in relation to those fish and that region or area is calculated by multiplying the bag limit by the number of persons who on the day are on the boat and hold a recreational (boat) fishing licence.

(5B) It is a defence in proceedings for an offence under subregulation (4) for the person charged to prove that —

(a) the person took all reasonable steps to determine which of the other persons on the boat on that day held a recreational (boat) fishing licence; and

(b) the person held a reasonable, but mistaken, belief that a person on the boat on the day held a recreational (boat) fishing licence; and

(c) if the person's belief had not been mistaken, the quantity of fish taken or brought onto land by use of the boat on that day would not have exceeded the relevant combined bag limit.

(5) A person is not required to hold a recreational (boat) fishing licence to fish by use of a boat if the person in doing so engages only in an activity set out in the Table to regulation 124 for which the person holds a recreational fishing licence specifying that the person may engage in that activity.

(6) This regulation does not limit the operation of regulation 123.

*[Regulation 124B inserted: Gazette 12 Feb 2010 p. 584-5; amended: Gazette 24 Aug 2011 p. 3405-6; 30 May 2014 p. 1720-1; 23 Jan 2015 p. 401.]*

**124C. Recreational (boat) fishing licences, grant of**

(1) If a person applies to the CEO, the CEO may grant to the person a recreational (boat) fishing licence.

(2) The CEO must issue a receipt to a person who has applied for the grant or renewal of a recreational (boat) fishing licence.

(3) A receipt issued under subregulation (2) is to —

(a) be in a form approved by the CEO; and

(b) specify the date on which the receipt was issued.

*[Regulation 124C inserted: Gazette 14 Sep 2012 p. 4374.]*

**124D. Recreational (boat) fishing licence receipt may have effect as a recreational (boat) fishing licence**

(1) In this regulation —

***applicant*** means a person who has applied for the grant or renewal of a recreational (boat) fishing licence;

***recreational (boat) fishing licence receipt*** means a receipt issued under regulation 124C(2).

(2) A recreational (boat) fishing licence receipt issued to an applicant has effect as if it was a recreational (boat) fishing licence granted to the applicant until —

(a) the CEO gives notice to the applicant of the outcome of the application; or

(b) the expiration of one month after the date on which the receipt was issued,

whichever occurs first.

(3) Despite subregulation (2), a recreational (boat) fishing licence receipt does not have effect as a recreational (boat) fishing licence if the applicant to whom it was issued —

(a) was the holder of a recreational fishing licence or a recreational (boat) fishing licence which was cancelled or not renewed by the CEO; or

(b) has been convicted of an offence against the Act; or

(c) is not in possession of the receipt when engaging in an activity specified in the receipt.

*[Regulation 124D inserted: Gazette 14 Sep 2012 p. 4374-5.]*

*[Division 3: r. 125, 126 deleted: Gazette 30 Jun 2015 p. 2332; r. 127, 128 deleted: Gazette 4 Sep 2007 p. 4520.]*

*[Division 4: r. 128A, 128B, 128D, 128E, 128G-128H deleted: Gazette 30 May 2014 p. 1735; r. 128C, 128F deleted: Gazette 27 Jun 2003 p. 2390.]*

## Division 5 — Fishing tour operators

*[Heading inserted: Gazette 29 Jun 2001 p. 3171.]*

### 128IA. Term used: boat

In this Division —

***boat*** means a vessel propelled by a motor.

*[Regulation 128IA inserted: Gazette 30 May 2014 p. 1726.]*

### 128I. Requirements for person conducting fishing tour using boat

A person who uses a boat to conduct a fishing tour for a commercial purpose in a zone set out in Schedule 15 —

(a) must be the master of the boat; and

(b) must be authorised under a fishing tour operator's licence or a restricted fishing tour operator's licence for that zone to conduct the fishing tour.

Penalty: a fine of $10 000.

*[Regulation 128I inserted: Gazette 30 May 2014 p. 1726.]*

**128J. Fishing tour operator's licence, grant of**

(1) If a person applies to the CEO for the grant of a fishing tour operator's licence to conduct a fishing tour for a commercial purpose in a zone set out in Schedule 15 and the CEO is satisfied that —

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

(b) it is in the interests of the management of commercial and recreational fishing to grant the licence,

the CEO may grant to the person a fishing tour operator's licence for that zone.

(1a) If a person applies to the CEO for the grant of a restricted fishing tour operator's licence to conduct a fishing tour for a commercial purpose in a zone set out in Schedule 15 and the CEO is satisfied that —

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

(b) it is in the interests of the management of commercial and recreational fishing to grant the licence,

the CEO may grant to the person a restricted fishing tour operator's licence for that zone.

(2) A fishing tour operator's licence or a restricted fishing tour operator's licence is to —

(a) specify the name and business address of the holder of the licence; and

(ba) specify the name of each person authorised to conduct a fishing tour under the licence; and

(b) specify the licence number; and

(c) specify the period for which the licence has been granted; and

(d) specify the zone or a part of a zone in which a fishing tour may be conducted under the licence; and

*[(e) deleted]*

(f) specify any conditions that the CEO has imposed in relation to the grant of the licence; and

(g) specify the following in relation to each boat that may be used in connection with a tour conducted under the licence —

(i) the name of the boat;

(ii) the length of the boat;

(iii) the licence number of the boat (if any);

and

(h) specify the number of passengers nominated by the holder of the licence as the maximum number of passengers participating in a tour conducted under the licence.

(3) A person must not be specified under subregulation (2)(ba) on a fishing tour operator's licence, or restricted fishing tour operator's licence, unless the CEO is satisfied that the person is a fit and proper person to conduct a fishing tour under the licence.

(4) A person must not continue to be specified under subregulation (2)(ba) on a fishing tour operator's licence or a restricted fishing tour operator's licence if the CEO ceases to be

satisfied that the person is a fit and proper person to conduct a fishing tour under the licence.

*[Regulation 128J inserted: Gazette 29 Jun 2001 p. 3171-2; amended: Gazette 27 Jun 2003 p. 2391; 6 Jul 2007 p. 3389; 30 May 2014 p. 1727-8.]*

### 128K. Master of licensed fishing boat to notify Department of fishing tour

The master of a licensed fishing boat that is also authorised to be used on a fishing tour must, before taking the boat from the port to conduct a fishing tour for a commercial purpose, give notice of the tour in a manner and form approved by the CEO to the office of the Department nearest to that port.

Penalty: a fine of $2 000.

*[Regulation 128K inserted: Gazette 4 Oct 2019 p. 3539-40.]*

### 128L. Documents to be carried on boat etc. connected with fishing tour

(1) The master of a boat used for or in connection with a fishing tour must cause to be kept on board the boat, vehicle or aircraft —

(a) the fishing tour operator's licence or the restricted fishing tour operator's licence under which the conduct of the tour is authorised; and

(b) any other authorisation relating to the boat or its crew required to be held under the Act,

or legible copies of those documents.

Penalty: $2 000.

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

(3) The master of a boat used in connection with a fishing tour must cause the exemption or a legible copy of it to be kept on board the boat.

Penalty: $500.

*[Regulation 128L inserted: Gazette 29 Jun 2001 p. 3172-3; amended: Gazette 27 Jun 2003 p. 2392; 6 Jul 2007 p. 3389; 30 May 2014 p. 1728-9.]*

**128MA. Boats used in connection with fishing tour**

(1A) In this regulation —

***current identification sticker***, in relation to a boat, means the identification sticker for the boat issued to the holder of a fishing tour operator's licence or a restricted fishing tour operator's licence at the later of the following times —

(a) the time the licence was granted;

(b) the time the licence was last renewed.

(1) A fishing tour operator's licence or a restricted fishing tour operator's licence is subject to the following conditions —

(a) that no more than one tour may be conducted under the licence at any one time;

(aa) that each boat used in connection with a fishing tour conducted under the licence must be a boat that is specified on the licence under regulation 128J(2)(g);

(b) that no more than one boat with a length of 7.5 m or longer will be used in connection with a fishing tour conducted under the licence at any one time;

(c) that during a fishing tour conducted under the licence, each boat used in connection with the tour must be within 5 nautical miles of each other boat used in connection with the tour.

(2) The holder of a fishing tour operator's licence or a restricted fishing tour operator's licence must ensure that a boat used in

connection with a fishing tour conducted under the licence is identified by affixing the current identification sticker for the boat to the wheel house or another prominent position on the boat.

Penalty for an offence under this subregulation: a fine of $2 000.

*[Regulation 128MA inserted: Gazette 30 May 2014 p. 1729; amended: Gazette 30 May 2014 p. 1735; 7 Aug 2015 p. 3203-4; 4 Oct 2019 p. 3540.]*

### 128M. Operators etc. to ensure participants in fishing tour comply with recreational fishing laws

A person who holds a fishing tour operator's licence or a restricted fishing tour operator's licence or a person who is conducting a fishing tour must not permit or suffer any person participating in a fishing tour to engage in fishing in a manner contrary to the provisions of the Act applicable to recreational fishing.

Penalty: $2 000.

*[Regulation 128M inserted: Gazette 29 Jun 2001 p. 3173; amended: Gazette 27 Jun 2003 p. 2392; 30 May 2014 p. 1730.]*

*[**128N.** Deleted: Gazette 1 Mar 2011 p. 672]*

### 128OA. Shark tourism activities prohibited on fishing tour

(1) A participant in a fishing tour must not —

(a) use a safety cage the purpose of which is to protect swimmers or divers from sharks; or

(b) engage in the tagging or marking of sharks; or

(c) use blood, berley or any vibrating, visual, sonic, electronic, electromagnetic or other equipment for the purpose of attracting sharks.

Penalty: $2 000.

(2) The person conducting a fishing tour must not —

(a) provide or use, or allow participants in the tour to use, a safety cage the purpose of which is to protect swimmers or divers from sharks; or

(b) engage, or allow participants in the tour to engage, in the tagging or marking of sharks; or

(c) provide or use, or allow participants in the tour to use, blood, berley or any vibrating, visual, sonic, electronic, electromagnetic or other equipment for the purpose of attracting sharks.

Penalty: $10 000.

*[Regulation 128OA inserted: Gazette 4 Dec 2012 p. 5920; amended: Gazette 30 May 2014 p. 1730.]*

### 128O. Sale of fish taken on fishing tour prohibited

A person who holds a fishing tour operator's licence or a restricted fishing tour operator's licence or a person acting on a licence holder's behalf must not sell any fish taken on a tour conducted under the licence.

Penalty: $10 000.

*[Regulation 128O inserted: Gazette 29 Jun 2001 p. 3174; amended: Gazette 27 Jun 2003 p. 2392.]*

### 128P. Boat not to be used for both commercial fishing and fishing tour during single trip

A person who uses a licensed fishing boat that is specified in a fishing tour operator's licence or a restricted fishing tour operator's licence for or in connection with commercial fishing and a fishing tour in the course of a single trip commits an offence.

Penalty: $5 000.

*[Regulation 128P inserted: Gazette 27 Jun 2003 p. 2393.]*

*[**128Q.** Deleted: Gazette 1 Mar 2011 p. 672]*

**128R. Person in charge of restricted fishing tour not to permit rod on boat**

A person conducting a fishing tour under a restricted fishing tour operator's licence must not permit a rod to be kept on board a boat during any period that the boat is being used for the tour.

Penalty: $5 000.

*[Regulation 128R inserted: Gazette 27 Jun 2003 p. 2393; amended: Gazette 30 May 2014 p. 1730.]*

**128S. Restricted fishing tours, limits on fishing etc. by participants etc.**

(1) In this regulation —

***restricted fishing tour*** means a fishing tour conducted by virtue of a restricted fishing tour operator's licence.

(2) The master of a boat used for a restricted fishing tour must not allow a participant on the tour to bring onto land any fish from the boat.

Penalty for this subregulation: a fine of $5 000.

(3) The master of a boat being used for a restricted fishing tour must not —

(a) commence the tour with any fish on the boat; or

(b) allow any fish to remain on the boat at the end of the tour.

Penalty for this subregulation: a fine of $10 000.

(4) The master of a boat being used for a restricted fishing tour must not allow participants on the tour to take more than a reasonable quantity of fish for a meal for those on the boat at the time the fish is taken.

Penalty for this subregulation: a fine of $5 000.

(5) It is a defence in proceedings for an offence against subregulation (3) for the person charged to prove that the fish was purchased from a person other than a participant on the tour for the purpose of providing meals for participants on a tour on the boat.

*[Regulation 128S inserted: Gazette 27 Jun 2003 p. 2393-4; amended: Gazette 4 Nov 2005 p. 5312; 30 May 2014 p. 1730; SL 2024/114 r. 4.]*

## 128T. Landing demersal finfish prohibited

(1) The master of a boat used for a fishing tour conducted under a fishing tour operator's licence in the West Coast Region must not —

(a) bring onto land a demersal finfish, whether it is a whole fish or is filleted, from the boat; or

(b) allow a participant on the tour to bring onto land a demersal finfish, whether it is a whole fish or is filleted, from the boat.

Penalty for this subregulation: a fine of $5 000.

(2) It is a defence in proceedings for an offence against subregulation (1) for the person charged to prove that —

(a) at the time the demersal finfish was taken there were 1 or more current quota tags on the boat; and

(b) for a fish that is a relevant demersal finfish —

(i) that is a whole fish — the fish is landed with a current quota tag attached to the fish in the prescribed way; or

(ii) that is filleted — the fish is landed with a current quota tag stored with the fillets and the locking mechanism of the quota tag is engaged.

(3) In subregulation (2) —

***prescribed way***, for attaching a current quota tag to a relevant demersal finfish that is a whole fish, means —

(a) the quota tag is inserted through the mouth and gill slit of the fish; and

(b) the locking mechanism of the quota tag is engaged;

***quota tag*** has the meaning given in regulation 128U(1);

***relevant demersal finfish*** means a fish of any of the following species —

(a) Cod, Breaksea;

(b) Dhufish, West Australian;

(c) Groper, Baldchin;

(d) Snapper (Pink Snapper).

*[Regulation 128T inserted: SL 2024/114 r. 5.]*

**128U. CEO must determine method and allocate quota tags for purposes of r. 128T**

(1) In this regulation —

***licensee*** means a holder of a fishing tour operator's licence to conduct a fishing tour for a commercial purpose in the West Coast Region;

***quota period*** means a year ending on 30 June;

***quota tag*** means a tag —

(a) in a form approved by the CEO; and

(b) that specifies —

(i) the quota period for which the tag is current; and

(ii) a distinguishing letter and number (tag serial number) allocated in respect of the tag.

(2) For the purposes of regulation 128T, the CEO must —

(a) determine a method, that the CEO is satisfied meets the purposes referred to in subregulation (4), for determining the number of quota tags to be allocated under subregulation (3)(a) to licensees for a quota period; and

(b) publish the method on the Department's website.

(3) The CEO must also, for the purposes of regulation 128T, for a quota period —

(a) allocate, in accordance with the method most recently published, quota tags to licensees; and

(b) issue the quota tags accordingly.

(4) The purposes of a method determined by the CEO under subregulation (2)(a) are to —

(a) maintain the sustainability of demersal finfish in the West Coast Region; and

(b) provide a fair and reasonable way of allocating quota tags to licensees.

(5) A method determined under subregulation (2)(a) may provide for no quota tags to be allocated to a licensee for a quota period.

(6) The CEO —

(a) may amend or replace a method determined under subregulation (2)(a); and

(b) must publish the amended method or replacement method on the Department's website.

*[Regulation 128U inserted: SL 2024/114 r. 5.]*

## Division 6A — Replacement of cancelled authorisations

*[Heading inserted: Gazette 1 Jul 2011 p. 2722.]*

### 129A. Terms used

In this Division —

***authorisation*** means a managed fishery licence granted in respect of the West Coast Rock Lobster Managed Fishery;

***cancelled authorisation*** means authorisation No. 1450 or No. 1493;

***former authorisation holder*** means the person who held authorisation No. 1450 or No. 1493 immediately before it was cancelled under section 224;

***section 224*** has the meaning given in section 78A(1) of the Act.

*[Regulation 129A inserted: Gazette 1 Jul 2011 p. 2722.]*

### 129B. CEO may grant certain replacement authorisations

(1) If —

(a) a former authorisation holder applies on or before 15 August 2011 to the CEO for the grant of an authorisation; and

(b) the application is accompanied by —

(i) an application fee of $329.00; and

(ii) the relevant replacement authorisation fee set out in subregulation (3),

the CEO may grant to the former authorisation holder an authorisation to replace the former authorisation holder's cancelled authorisation.

(2) When an authorisation is granted to replace a cancelled authorisation, the replacement authorisation —

(a) confers the same authority and entitlement that were conferred by the cancelled authorisation immediately before it was cancelled; and

(b) is subject to the same conditions to which the cancelled authorisation was subject immediately before it was cancelled.

(3) The replacement authorisation fee —

(a) for the grant of an authorisation to replace authorisation No. 1450 — is $82 180;

(b) for the grant of an authorisation to replace authorisation No. 1493 — is $100 878.

*[Regulation 129B inserted: Gazette 1 Jul 2011 p. 2722-3.]*

## Division 6 — General

*[Heading inserted: Gazette 29 Jun 2001 p. 3174.]*

### 129. Lost etc. authorisations, replacement of

(1) The holder of an authorisation that has been lost, damaged or destroyed may apply to the CEO for a replacement for the authorisation.

(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 4 of Part 1 of Schedule 1.

*[Regulation 129 amended: Gazette 6 Jul 2007 p. 3389; 9 Jun 2009 p. 1911.]*

### 130. Conditions of licences, imposition of etc.

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

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

(3) The CEO 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.

*[Regulation 130 amended: Gazette 6 Jul 2007 p. 3389.]*

*[**130A.** Deleted: Gazette 30 May 2014 p. 1735.]*

**131. Grounds for refusal of transfer of authorisations etc. prescribed (Act s. 140(2)(b))**

(1) The CEO may, under section 140(2)(b) of the Act, refuse to transfer an authorisation or part of an entitlement under an authorisation on the grounds that —

(a) the proposed transferor or transferee has not provided information, or further information, required by the CEO for a proper consideration of the application, or has refused to verify such information by statutory declaration; or

(b) where the authorisation is held in respect of a boat, the boat is unseaworthy, lost or destroyed; or

(ba) where the holder has 2 or more authorisations and all of those authorisations are not simultaneously being transferred to the same transferee, in the opinion of the CEO, it is not in the best interests of the fishery to transfer the authorisation; or

(c) the holder has not used the authorisation in the previous 2 years; or

(d) the holder has been convicted of an offence against —

(i) the Act or these regulations; or

(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;

or

(e) in the opinion of the CEO, a condition of the authorisation has been contravened; or

(f) the authorisation was obtained by fraud or misrepresentation; or

(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;

or

(h) a fee, charge or levy payable in respect of the authorisation has not been paid when it became due; or

(i) the transfer would contravene a condition of the authorisation or be contrary to a provision of a management plan; or

(j) a conviction has been recorded in respect of the authorisation under section 224(1) of the Act.

(2) For the purposes of subregulation (1)(j), a conviction is taken to have been recorded in respect of an authorisation if —

(a) a conviction has been recorded in respect of another authorisation under section 224(1) of the Act; and

(b) the other authorisation ceases to have effect because the management plan in respect of which it was granted is revoked or expired; and

(c) the holding of the other authorisation was a fact that the CEO took into account when granting the authorisation.

*[Regulation 131 amended: Gazette 29 Jun 2001 p. 3175; 6 Jul 2007 p. 3389; 9 Sep 2014 p. 3239-40.]*

**132. Short term use of boat instead of lost etc. licensed fishing boat etc., authorisation of**

(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 CEO may, on application by the holder of the licence, authorise 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 CEO in a form approved for that purpose by the CEO; 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 CEO.

(4) The CEO 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 CEO 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.

*[Regulation 132 amended: Gazette 6 Jul 2007 p. 3389.]*

**133. Duration of licences**

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.

**134. Renewal of licences**

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

*[Regulation 134 amended: Gazette 6 Jul 2007 p. 3389.]*

**135. Application fees**

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.

**136. Recreational fishing licence fee halved for pensioners etc.**

(1) In this regulation —

***recreational fishing licence*** includes a recreational (boat) fishing licence applied for under regulation 124C.

(2) Where a recreational fishing licence is applied for by —

(a) a person under the age of 16 years; or

(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;

or

(c) a person who is the spouse, widow or widower of a person referred to in paragraph (b); or

(ca) a person who —

(i) is the de facto partner of a person referred to in paragraph (b); or

(ii) if the person referred to in paragraph (b) has died, was the de facto partner of that person immediately before the death of that person;

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.

*[Regulation 136 amended: Gazette 30 Jun 2003 p. 2603; 12 Feb 2010 p. 585-6.]*

**137. Fees for grant or renewal of authorisation**

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

(1a) Any term used in a subitem of Schedule 1 Part 3 item 3 has the same meaning as it is given in the management plan for that managed fishery.

(2) If the relevant management plan provides for the payment by instalments of a fee set out in item 3 of Part 3 of Schedule 1, the fee may be paid in 2 or 3 instalments in accordance with the relevant management plan.

(3) If a fee referred to in subregulation (2) is to be paid by instalments, a surcharge of —

(a) 10% of that fee; or

(b) any lesser percentage of that fee, if such a percentage is specified in the relevant management plan,

is payable with the first instalment.

(4) If an instalment of a fee, including the surcharge if payable with that instalment, is not paid on or before the day specified in the relevant management plan (the ***due date***) —

(a) the full amount outstanding of the fee becomes immediately payable; and

(b) the authority conferred by the authorisation to which the fee applies is of no effect during the period from the due date until the day on which the full amount outstanding of the fee is paid.

(5) In subregulation (4) —

***full amount outstanding of the fee*** includes the surcharge payable under subregulation (3).

(6) If —

(a) an application is made under regulation 124; and

(b) the application relates to 2 or more of the activities set out in the Table to that regulation,

the fees set out in Schedule 1 Part 3 item 8 to be paid in respect of the grant of the recreational fishing licence are each to be reduced by 10%.

(7) Subregulation (8) applies if —

(a) an application is made by a person under regulation 124 relating to one or more of the activities set out in the Table to that regulation; and

(b) at the same time an application is made by the person under regulation 124C.

(8) If this subregulation applies —

(a) the fee or fees set out in Schedule 1 Part 3 item 8 to be paid in respect of the grant of the recreational fishing licence; and

(b) the fee set out in Schedule 1 Part 3 item 9 to be paid in respect of the grant of the recreational (boat) fishing licence,

are each to be reduced by 10%.

*[Regulation 137 amended: Gazette 24 Dec 1996 p. 7114; 5 Sep 2006 p. 3615; 12 Feb 2010 p. 586.]*

**138. Transfer of part of entitlement not permitted in some cases**

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

**139. Change of name or address, duty to notify CEO**

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

Penalty: $200.

*[Regulation 139 amended: Gazette 6 Jul 2007 p. 3389.]*

# Part 12 — Fish trafficking

*[Heading inserted: Gazette 18 Jun 2013 p. 2296.]*

## 140. Priority fish

(1) For the purposes of paragraph (a) of the definition of ***priority fish*** in section 153 of the Act each of the species of fish set out in the Table is declared to be a priority species.

**Table**

| |
|---|
| Abalone, Brownlip |
| Abalone, Greenlip |
| Abalone, Roe's |
| Barramundi |
| Coral Trout |
| Dhufish, West Australian |
| Groper, Baldchin |
| Snapper (Pink Snapper) |

(2) For the purposes of paragraph (b) of the definition of ***priority fish*** in section 153 of the Act each of the following groups of species of fish are declared to be a priority group of species —

(a) all species of rock lobster;

(b) all species of finfish.

*[Regulation 140 inserted: Gazette 18 Jun 2013 p. 2296-7; amended: Gazette 4 Oct 2019 p. 3611.]*

## 141. Commercial quantity

For the purpose of paragraph (a) of the definition of ***commercial quantity*** in section 153 of the Act —

(a) the quantity for fish of a priority species is 10 times the bag limit for that species; and

(b) the quantity for rock lobster is 10 times the bag limit for rock lobster; and

(c) the quantity for finfish is 100 kg of fillets.

*[Regulation 141 inserted: Gazette 18 Jun 2013 p. 2297.]*

***[142, 143.*** *Deleted: Gazette 30 Dec 2004 p. 6965.]*

# Part 13A — Control of disease in pearl oysters

*[Heading inserted: Gazette 24 Sep 2013 p. 4438.]*

## 144A. Terms used

(1) In this Part —

***approval to transport*** means approval given under regulation 144G(1);

***approved*** means approved by the CEO;

***batch*** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

***certificate of health*** means a certificate issued under regulation 144F;

***destroy*** means to entirely consume by fire or to bury in the ground at a depth of not less than 183 cm;

***disease*** means, subject to subregulation (2) —

(a) a disease mentioned in Schedule 18; or

(b) a disease that is not mentioned in Schedule 18, but appears not to be an exotic disease within the meaning given in the *Exotic Diseases of Animals Act 1993* section 4(1);

***disinfect*** means to expose to an approved agent or preparation capable of destroying pathogenic organisms;

***farm lease*** has the meaning given in the *Pearling Act 1990* section 3(1);

***hatchery*** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

***hatchery licence*** has the meaning given in the *Pearling Act 1990* section 3(1);

***hatchery permit*** has the meaning given in the *Pearling Act 1990* section 3(1);

***inspector*** has the meaning given in the *Pearling Act 1990* section 3(1);

***length*** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

***pearl oyster farm*** has the meaning given in the *Pearling Act 1990* section 3(1);

***quarantine site*** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

***settlement*** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

***spat*** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

***spat collector*** has the meaning given in the *Pearling (General) Regulations 1991* regulation 3(1);

***Western Australian pearl oyster fishery*** means the waters so defined in the *Pearling (Joint Authority Pearl Oyster Fishery) (Declaration of Zones) Notice 1992*;

***zone*** has the meaning given in the *Pearling Act 1990* section 3(1).

(2) A reference in this Part to disease includes a reference to —

(a) the presence of signs of disease; and

(b) the presence of the causative agent of disease; and

(c) test results consistent with the presence of disease or the presence of the causative agent of disease; and

(d) other evidence of disease,

and ***diseased*** has a corresponding meaning.

*[Regulation 144A inserted: Gazette 24 Sep 2013 p. 4438-40.]*

## 144B. Transport of pearl oysters into State

(1) A person shall not transport live pearl oysters in the State unless —

(a) the pearl oysters are of Western Australian origin; or

(b) the transportation is authorised by the CEO.

Penalty: a fine of $5 000.

(2) In this regulation pearl oysters are of Western Australian origin if —

(a) in the case of hatchery produced spat, the spat is derived from pearl oysters taken from zone 1, 2 or 3 of the Western Australian pearl oyster fishery; or

(b) in the case of spat collected from a spat collector, the spat collector is located in zone 1, 2 or 3 of the Western Australian pearl oyster fishery; or

(c) in the case of pearl oysters taken from the wild, the pearl oysters were taken from zone 1, 2 or 3 of the Western Australian pearl oyster fishery.

*[Regulation 144B inserted: Gazette 24 Sep 2013 p. 4440-1.]*

**144C. Spat samples to be taken, preserved etc.**

(1) The holder of a hatchery licence or a hatchery permit shall take a sample from each batch of spat that is settled in the hatchery —

(a) within 4 days of the end of settlement; and

(b) every subsequent 14th day, unless a certificate of health is in force in respect of the batch; and

(c) not more than 24 hours before the spat is moved out of the hatchery.

(2) A sample taken for the purposes of subregulation (1) is to be —

(a) a random sample of not less than —

(i) for a sample taken under subregulation (1)(a) or (b), 50 spat; or

(ii) for a sample taken under subregulation (1)(c), 150 spat each of which is 2 mm or more in length;

and

(b) preserved in a solution of between 5% and 10% of formalin in sea water; and

(c) stored in the manner directed by an approved fish pathologist and labelled with the date the sample was taken and the batch number; and

(d) retained —

(i) if the batch of spat is taken from the hatchery to a quarantine site, until all spat from that batch have been removed from the quarantine site; or

(ii) otherwise, for 6 weeks.

(3) A person shall not tamper with a sample taken under this regulation.

Penalty: a fine of $5 000.

*[Regulation 144C inserted: Gazette 24 Sep 2013 p. 4441-2.]*

**144D. Transport of pearl oysters restricted**

(1) Except as provided in subregulation (2), a person shall not transport pearl oysters —

(a) out of a hatchery; or

(b) off a quarantine site; or

(c) out of a zone of the Western Australian pearl oyster fishery.

Penalty: a fine of $5 000.

(2) Subregulation (1) does not apply if —

(a) there is a certificate of health in force in relation to the pearl oysters; or

(b) the pearl oysters are transported in accordance with an approval to transport.

*[Regulation 144D inserted: Gazette 24 Sep 2013 p. 4442.]*

**144E. Sampling for disease testing**

(1) A sample of pearl oysters that is to be submitted to an approved fish pathologist for disease testing is to be —

(a) a random sample of as many pearl oysters as an approved fish pathologist reasonably requires for testing; and

(b) treated and preserved in the manner directed by an approved fish pathologist.

(2) A person shall not submit a sample of hatchery produced spat for disease testing unless the sample was taken —

(a) at least 40 days after the completion of settlement of that batch; and

(b) when the majority of the spat in the batch are 2 mm or more in length.

(3) An inspector may supervise the taking of samples under this regulation.

(4) A person shall not tamper with a sample taken under this regulation.

Penalty: a fine of $5 000.

(5) A person submitting a sample for disease testing shall also provide to the approved fish pathologist —

(a) a copy of the relevant Notice of Settlement of Spat or Notice of Pearling or Hatchery Activity lodged under the *Pearling (General) Regulations 1991*; and

(b) either —

(i) particulars in writing of any unexplained mortality, or clinical disease, of pearl oysters; or

(ii) a declaration, in the form of Form 8, that no such mortality has occurred and no signs of clinical disease have been seen,

at the hatchery, quarantine site or other place where the pearl oysters are being held, during the previous 12 months.

(6) An approved fish pathologist may require a person submitting a sample for disease testing to —

(a) produce for inspection logbooks and other records kept by the holder of the relevant hatchery licence or hatchery permit; and

(b) provide any other information relating to the health standards of the hatchery, quarantine site, or place where the pearl oysters are being held, that the pathologist considers relevant; and

(c) provide such further samples of pearl oysters as are required for further testing.

(7) A person submitting a sample for disease testing must comply with a requirement under subregulation (6).

Penalty: a fine of $5 000.

*[Regulation 144E inserted: Gazette 24 Sep 2013 p. 4442-4.]*

**144F. Certificates of health for pearl oysters**

(1) An approved fish pathologist may issue a certificate of health in relation to pearl oysters if the pathologist has tested, in accordance with subregulation (5), a sample of those pearl oysters and is satisfied that —

(a) the sampled pearl oysters are in good health; and

(b) there is no evidence of an unacceptable level of unexplained mortalities or clinical disease among pearl oysters at that hatchery, quarantine site or other place where the pearl oysters are being held, in the preceding 12 months.

(2) For the purposes of subregulation (1) a sample of pearl oysters is in good health if there is no evidence, among the sampled pearl oysters, of —

(a) any —

(i) virus; or

(ii) protozoan (other than symbiotic or opportunistic protozoa); or

(iii) metazoan parasites; or

(iv) fungal infection; or

(v) bacteria; or

(vi) rickettsiales,

that is —

(vii) associated with lesions, necrosis or inflammation of pearl oysters; or

(viii) known or suspected to be pathogenic to pearl oysters;

or

(b) unexplained lesions; or

(c) an unacceptable level of unexplained mortalities.

(3) A certificate of health remains in force for 2 weeks from the day on which it is issued unless, before then, it ceases to be in force under regulation 144K.

(4) A certificate of health is to be in the form of Form 9.

(5) The tests required by subregulation (1) to be carried out on a sample of pearl oysters are —

(a) a histological examination of as many formalin-seawater fixed pearl oysters as an approved fish pathologist reasonably requires for testing using haematoxylin and eosin stained longitudinal sections of paraffin embedded tissue; and

(b) any other test that the pathologist considers appropriate.

*[Regulation 144F inserted: Gazette 24 Sep 2013 p. 4444-6.]*

**144G. Approval for transport of pearl oysters**

(1) The CEO may, in writing, approve the transport of pearl oysters if —

(a) an approved fish pathologist has tested, in accordance with regulation 144F, a sample of those pearl oysters; and

(b) the fish pathologist —

(i) is not satisfied of the matters referred to in regulation 144F(1)(a) because of the presence of oyster oedema disease in the sample; or

(ii) is not satisfied of the matters referred to in regulation 144F(1)(b) because of the presence of oyster oedema disease among pearl oysters at the hatchery, quarantine site or other place where the pearl oysters are being held, in the preceding 12 months.

(2) An approval to transport remains in force for 2 weeks from the day on which it was given unless, before then, it ceases to be in force under regulation 144K.

*[Regulation 144G inserted: Gazette 24 Sep 2013 p. 4446.]*

**144H. Consequences if certificate of health not issued**

(1) Where a sample of pearl oysters is submitted for disease testing but the approved fish pathologist is not satisfied of the matters referred to in regulation 144F(1)(a) and (b) the pathologist is to give written notice to the person who submitted the sample —

(a) stating that a certificate of health will not be issued in relation to the pearl oysters; and

(b) setting out the reasons why not; and

(c) advising the person that if the reason for not issuing the certificate of health is the presence of oyster oedema disease in the sample, he or she may apply to the CEO for an approval to transport the pearl oysters —

(i) out of a hatchery; or

(ii) off a quarantine site; or

(iii) out of a zone of the Western Australian pearl oyster fishery.

(2) Unless otherwise authorised by the CEO a person given a notice under subregulation (1) shall —

(a) within 24 hours of receiving the notice destroy, under the supervision of an inspector and in a manner approved by the CEO —

(i) all pearl oysters being held in the hatchery, quarantine site or other place from which the sample was taken; and

(ii) such other pearl oysters as the CEO directs;

and

(b) clean, disinfect and treat all equipment used in relation to the pearl oysters, in a manner approved by the CEO; and

(c) where the pearl oysters are in a hatchery, clean, disinfect and treat all water used in the hatchery, in a manner approved by the CEO.

(3) An inspector may give such additional directions as the inspector considers appropriate in relation to —

(a) the destruction of the pearl oysters; and

(b) the cleaning, disinfecting or treatment of water and equipment; and

(c) the prevention or containment of disease.

*[Regulation 144H inserted: Gazette 24 Sep 2013 p. 4446-7.]*

### 144I. Pathologist to notify inspector as to certificate of health

An approved fish pathologist to whom a sample of pearl oysters is submitted for disease testing is to notify an inspector in Broome within 24 hours of —

(a) issuing a certificate of health; or

(b) determining that the pathologist is not prepared to issue a certificate of health,

in respect of the pearl oysters.

*[Regulation 144I inserted: Gazette 24 Sep 2013 p. 4448.]*

### 144J. CEO to notify approval to transport

Within 24 hours after giving an approval to transport pearl oysters, the CEO is to give notice of that approval to —

(a) an inspector; and

(b) the fish pathologist who tested the sample of pearl oysters to which the approval relates.

*[Regulation 144J inserted: Gazette 24 Sep 2013 p. 4448.]*

### 144K. Consequences of more than one batch of spat at quarantine site

(1) If a batch of spat is moved to a quarantine site at which there is already a batch of spat, any certificate of health or approval to transport in force in respect of that existing batch ceases to be in force.

(2) If 2 or more batches of spat are kept on a quarantine site at the same time, the holder of the farm lease for the pearl oyster farm on which the quarantine site is located —

(a) shall keep the batches separate in an approved manner; and

(b) shall sample all of the batches simultaneously; and

(c) must not submit a sample for disease testing unless it was taken at least 6 weeks after the arrival of the most recent batch.

(3) If an approved fish pathologist is not satisfied of the matters referred to in regulation 144F(1)(a) and (b) in relation to a sample from one batch held on a quarantine site —

(a) the pathologist is not to issue a certificate of health in respect of any of the other batches held on the quarantine site; and

(b) is to give a notice under regulation 144H(1) in respect of each of those other batches, even if the pathologist has not tested them.

*[Regulation 144K inserted: Gazette 24 Sep 2013 p. 4448-9.]*

**144L. Removal of spat from quarantine site**

The holder of the farm lease for a pearl oyster farm on which a quarantine site is located is to remove all spat in a batch from the quarantine site —

(a) by the next 31 December after the batch is moved to the quarantine site; or

(b) within 3 months of the batch being moved to the quarantine site,

whichever occurs first.

*[Regulation 144L inserted: Gazette 24 Sep 2013 p. 4449.]*

# Part 13B — Control of disease in abalone

*[Heading inserted: Gazette 24 Sep 2013 p. 4449.]*

## 144M. Restriction on moving live abalone into State

No person shall move live abalone into the State, except —

(a) with the written approval of the CEO; and

(b) in compliance with any terms, conditions and restrictions set out in the written approval.

Penalty: a fine of $10 000.

*[Regulation 144M inserted: Gazette 24 Sep 2013 p. 4449-50; amended: SL 2024/263 r. 17.]*

# Part 13 — Miscellaneous offences

## 144. Certain activities in bays etc. and as to use of traps prohibited

(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.

## 145. Explosives or noxious substances, carriage of on boats

(1) A person must not in WA waters carry on, or in, a boat any explosive or noxious substance unless so authorised 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, authorise 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; and

(b) the purpose for which it may be carried; and

(c) the period of time within which it must be carried; and

(d) the boat on, or in, which it may be carried.

## 146. Explosive or noxious substance used to take fish, presumptions as to possession of

(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.

### 147A. Arranging for transport by courier business of fish taken recreationally

(1) In this regulation —

***courier business*** means a business that —

(a) has an established place of business; and

(b) carries on the business of transporting freight.

(2) A person must not enter into a contract or other agreement with a person who operates a courier business for the courier business to transport fish that have been taken by recreational fishing.

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

*[Regulation 147A inserted: Gazette 29 Jan 2013 p. 311.]*

### 147B. Installation of fish aggregating device without approval of CEO

A person must not install any part of a fish aggregating device in WA waters unless —

(a) the person has submitted a proposal for the fish aggregating device to the CEO in the approved form; and

(b) the CEO has notified the person in writing that the proposal is approved.

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

*[Regulation 147B inserted: Gazette 30 May 2014 p. 1722.]*

# Part 14 — Fisheries officers

## 147. Warrant form prescribed (Act s. 187)

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

## 148. Ways of disposing of fish prescribed (Act s. 194)

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; or

(b) sold at public auction, by tender or by private contract; or

(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.

## 149. Accounts prescribed (Act s. 194)

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 Account [3] continued under section 238 of the Act, where the fish was the subject of an offence, or suspected offence, relating to aquaculture, commercial fishing, or processing; and

(b) the Recreational Fishing Account [4] established under section 239 of the Act in all other cases.

*[Regulation 149 amended: Gazette 30 May 2014 p. 1735.]*

## 150. Applying for compensation (Act s. 197(3))

(1) An application to the CEO 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.

*[Regulation 150 amended: Gazette 6 Jul 2007 p. 3389.]*

# Part 15 — Legal proceedings

## 151. Method for determining size etc. of fish prescribed (Act s. 214)

The method prescribed under section 214 of the Act to determine —

(a) the length of a whole 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; and

(c) the weight of fish that is packaged and frozen, is by weighing the fish together with any packaging and liquid that is not easily removable from the fish; and

(d) the length of a fillet or fish trunk is as set out in Part 3 of Schedule 8.

*[Regulation 151 amended: Gazette 1 Oct 2003 p. 4327; 4 Nov 2005 p. 5312-13.]*

## 152. Australian datum prescribed (Act s. 216)

(1) The Geocentric Datum of Australia (the ***GDA***) is the prescribed Australian datum for the purposes of section 216 of the Act.

(2) The reference ellipsoid for the GDA is the Geodetic Reference System 1980 (***GRS80***) ellipsoid with a semi-major axis of 6 378 137 m exactly and an inverse flattening (l/f) of 298.257 222 101.

(3) The reference frame for the GDA is realised by the coordinates of the following Australian Fiducial Network geodetic stations referred to the GRS80 ellipsoid determined within the

International Earth Rotation Service Terrestrial Reference Frame 1992 (ITRF92) at the epoch of 1994.0 —

| No. | Name | South latitude | East longitude | Ellipsoidal height |
|---|---|---|---|---|
| AU 012 | Alice Springs | 23° 40′ 12.44592″ | 133° 53′ 07.84757″ | 603.358 m |
| AU 013 | Karratha | 20° 58′ 53.17004″ | 117° 05′ 49.87255″ | 109.246 m |
| AU 014 | Darwin | 12° 50′ 37.35839″ | 131° 07′ 57.84838″ | 125.197 m |
| AU 015 | Townsville | 19° 20′ 50.42839″ | 146° 46′ 30.79057″ | 587.077 m |
| AU 016 | Hobart | 42° 48′ 16.98506″ | 147° 26′ 19.43548″ | 41.126 m |
| AU 017 | Tidbinbilla | 35° 23′ 57.15627″ | 148° 58′ 47.98425″ | 665.440 m |
| AU 019 | Ceduna | 31° 52′ 00.01664″ | 133° 48′ 35.37527″ | 144.802 m |
| AU 029 | Yaragadee | 29° 02′ 47.61687″ | 115° 20′ 49.10049″ | 241.291 m |

*[Regulation 152 inserted: Gazette 19 Aug 2003 p. 3715.]*

## 153. Way of giving notice prescribed (Act s. 219(1))

The way prescribed for the CEO 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.

*[Regulation 153 amended: Gazette 6 Jul 2007 p. 3389.]*

## 154. Things forfeited to Crown, disposal of

(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; or

(b) to be sold at public auction, by tender or by private contract; or

(c) to be destroyed, as specified by the CEO.

(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 CEO 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.

*[Regulation 154 amended: Gazette 6 Jul 2007 p. 3389.]*

**155. Accounts prescribed (Act s. 221(2))**

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 Account [3] continued under section 238 of the Act, where the thing was forfeited in respect of an offence relating to aquaculture, commercial fishing, or processing; or

(b) the Recreational Fishing Account [4] established under section 239 of the Act in all other cases.

*[Regulation 155 amended: Gazette 30 May 2014 p. 1735.]*

**156. Provisions of regulations prescribed (Act s. 222(1))**

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 14(1), 14(4), 15(2), 15(3), 16(2), 16(3), 16DA(1), 16E(3C), 22(1), 22AA(2), 31(2), 31(3), 31(4), 31A(1), 35, 35A, 38B, 38C, 38D(2), 38D(3), 38E, 38EB(1), 38F, 38H, 38I(1), 38J, 38K, 38M, 38N(1), 38O(1), 41(1), 41(2A), 45(2), 55G(1), 55G(2), 56A, 64(5), 64AA(2), 64AA(2B), 64OB(1), 113A(1), 113A(2), 113B(1), 121, 128O, 130 and 147A(2).

*[Regulation 156 amended: Gazette 21 Dec 1999 p. 6408; 29 Dec 2000 p. 7979; 29 Jun 2001 p. 3175; 14 Nov 2001 p. 5979; 29 Nov 2002 p. 5655; 1 Oct 2003 p. 4327;*

*28 Nov 2003 p. 4775; 23 Dec 2003 p. 5206; 4 Nov 2005 p. 5313; 11 Nov 2005 p. 5566; 22 Dec 2005 p. 6227; 10 Nov 2006 p. 4709; 4 Sep 2007 p. 4520; 29 Sep 2009 p. 3867; 27 Aug 2010 p. 4106; 1 Mar 2011 p. 672; 2 Aug 2011 p. 3168; 29 Jan 2013 p. 312; 18 Jun 2013 p. 2297; 28 Jun 2013 p. 2893; 27 Aug 2013 p. 4056; 30 May 2014 p. 1722 and 1736; 4 Oct 2016 p. 4237; 4 Oct 2019 p. 3540; SL 2021/118 r. 25; SL 2023/2 r. 18; SL 2024/263 r. 18.]*

### 157. Values prescribed (Act s. 222(4)(a), (b))

(1) For the purposes of section 222(4)(a) of the Act, the value per unit of weight of the fish is —

(a) for a fillet of finfish, $30 per kg; or

(b) for a fin of a shark or ray removed from the fish trunk, $120 per kg; or

(c) otherwise, the amount per kg of fish set out in Schedule 9 for fish of that kind.

(2) For the purposes of section 222(4)(b) of the Act, the value per fish is —

(a) for a fin of a shark or ray removed from the fish trunk, $24 per fin; or

(b) otherwise, the amount per fish set out in Schedule 9 for that kind of fish.

*[Regulation 157 inserted: Gazette 10 Nov 2006 p. 4709; amended: Gazette 29 Sep 2009 p. 3867.]*

### 158. Offences prescribed (Act s. 224(1)(a))

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, 74(1) and (2), 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).

**Provisions of these regulations**

Regulations 13, 15(2), 15(3), 16(2), 16(3), 16DA(1), 31A(1), 31A(2), 32(1), 35, 38, 55G(1), 55G(2), 55H(2), 63, 64, 64Q, 71(3), 117(1), 119(2), 128MA(2), 128OA(2), 128O, 128P, 130(4), 145(1) and 176.

*[Regulation 158 amended: Gazette 29 Jun 2001 p. 3175; 14 Nov 2001 p. 5979; 29 Nov 2002 p. 5655; 11 Feb 2003 p. 412; 1 Oct 2003 p. 4328; 31 Oct 2003 p. 4562; 10 Nov 2006 p. 4709; 27 Aug 2010 p. 4106; 4 Dec 2012 p. 5920; 4 Sep 2013 p. 4179; 30 May 2014 p. 1736; 26 Aug 2014 p. 3084; 23 Jan 2015 p. 401; 30 Jun 2015 p. 2332; SL 2023/2 r. 19.]*

### 159. Offences prescribed (Act s. 228(1))

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

### 160. Infringement notice form prescribed (Act s. 229(1))

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

### 161. Withdrawal of infringement notice form prescribed (Act s. 231(1))

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

## 162. Modified penalties prescribed (Act s. 229(2))

(1) 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.

(2) In Schedule 12 —

***notional bag limit***, in relation to totally protected fish of a particular species, means the bag limit that applies to fish of that species that are not totally protected.

*[Regulation 162 amended: Gazette 18 Jun 2013 p. 2297.]*

# Part 16 — Financial provisions

## 163. Times prescribed for special purpose audits (Act s. 240)

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 moneys paid to the industry body under section 240(5) of the Act were expended by the body.

# Part 17 — Miscellaneous

## Division 1 — Guidelines

### 164. Ways of publishing guidelines prescribed (Act s. 246 and 247)

(1) The CEO 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 CEO is to make copies of published guidelines available to the public free of charge at the offices of the Department.

*[Regulation 164 amended: Gazette 6 Jul 2007 p. 3389.]*

### 165. Form of notice to attend inquiry etc. (Act s. 249(3))

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

## Division 2 — Exclusive licences

### 166. Applications for exclusive licences

(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 CEO; and

(b) accompanied by the fee set out in item 13 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.

*[Regulation 166 amended: Gazette 6 Jul 2007 p. 3389; 9 Jun 2009 p. 1911.]*

**167. Effect of exclusive licences**

(1) An exclusive licence is granted and has effect subject to the Act and does not authorise 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.

**168. Form of exclusive licences**

An exclusive licence is to be in a form approved by the CEO.

*[Regulation 168 amended: Gazette 6 Jul 2007 p. 3389-90.]*

**169. Renewal after expiry of exclusive licences (Act s. 139)**

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

### 170. Some draft exclusive licences to go before Parliament

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

### 171. Conditions of exclusive licences

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; or

(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.

**172. Who can fish in areas the subject of exclusive licences**

(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 authorised 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

**173. Notice prohibiting activities, form of (Act s. 255(1))**

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

**174. Notice of variation or revocation, form of (Act s. 255(2)(c))**

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.

*[**175.** Deleted: Gazette 30 Dec 2004 p. 6965.]*

## Division 4 — General

**176. Non-endemic fish, approval to import into WA etc.**

(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 CEO; or

(b) the written authority of the CEO 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 CEO in a form approved for that purpose by the CEO; and

(b) is to be accompanied by the fee set out in item 15 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 CEO.

(4) The CEO 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 CEO 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 CEO.

(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.

*[Regulation 176 amended: Gazette 6 Jul 2007 p. 3389-90; 9 Jun 2009 p. 1912.]*

## 177. Disease control at fish processing or aquaculture places

(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 scheduled fish disease; or

(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 CEO from the holder of the licence as a debt due.

(4) The CEO 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); and

(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 CEO under subregulation (4).

Penalty: $10 000.

*[Regulation 177 amended: Gazette 6 Jul 2007 p. 3389-90; 24 Sep 2013 p. 4450.]*

### 178. Fish for scientific purposes, authority to fish for

(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 CEO.

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

(a) is to be made to the CEO in a form approved for that purpose by the CEO; and

(b) is to be accompanied by the fee set out in item 14 of Part 2 of Schedule 1.

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

(4) The CEO 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 CEO 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.

*[Regulation 178 amended: Gazette 6 Jul 2007 p. 3389-90; 9 Jun 2009 p. 1912.]*

### 179. Fish for genetic etc. analysis, approval to take etc.

(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 CEO; or

(b) the written authority of the CEO 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 CEO in a form approved for that purpose by the CEO; and

(b) is to be accompanied by the fee set out in item 18 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 CEO.

(5) The CEO 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 CEO 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.

*[Regulation 179 amended: Gazette 6 Jul 2007 p. 3389-90; 9 Jun 2009 p. 1912.]*

### 180. Categories of fish (Sch. 4)

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.

*[Regulation 180 amended: Gazette 1 Oct 2003 p. 4328; 4 Nov 2005 p. 5313.]*

### 181A. Certain things are not personal property for purposes of *Personal Property Securities Act 2009* (Cwlth)

In accordance with the *Personal Property Securities Act 2009* (Commonwealth) section 10 the definition of ***licence*** paragraph (d), the following rights, entitlements or authorities are declared not to be personal property for the purposes of that Act —

(a) a fishing boat licence granted under regulation 118(1);

(b) a carrier boat licence granted under regulation 120(1);

(c) a commercial fishing licence granted under regulation 122;

(d) a recreational fishing licence granted under regulation 124(1);

(e) a recreational (boat) fishing licence granted under regulation 124C;

*[(f), (g) deleted]*

(h) a fishing tour operator's licence granted under regulation 128J(1);

(i) a restricted fishing tour operator's licence granted under regulation 128J(1a).

*[Regulation 181A inserted: Gazette 22 Nov 2011 p. 4848; amended: Gazette 30 May 2014 p. 1736; 30 Jun 2015 p. 2332.]*

## 181. Fees and charges, reduction and waiver of

The CEO may authorise the reduction, waiver or refund, in whole or in part, of any fee or charge provided for in these regulations or in a management plan if the CEO considers it appropriate to do so.

*[Regulation 181 amended: Gazette 26 Mar 1999 p. 1280 (disallowed: Gazette 25 Jun 1999 p. 2742); amended: Gazette 13 Aug 1999 p. 3827; 6 Jul 2007 p. 3389-90.]*

# Part 18 — Savings and transitional provisions

## 182. Limited entry fisheries under repealed Act (Act s. 74)

(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) deleted]*

*[Regulation 182 amended: Gazette 23 May 2006 p. 1860.]*

## 183. Citation of notices

(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**

| | |
|---|---|
| *South Coast Salmon Fishery Notice 1982* | *South Coast Salmon Management Plan 1982* |
| *South-West Coast Salmon Fishery Notice 1982* | *South-West Coast Salmon Management Plan 1982* |

*[**184, 185.** Deleted: Gazette 23 May 2006 p. 1861.]*

**186. Certain notices under repealed Act continued as orders (Act s. 43)**

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 CEO.

*[Regulation 186 amended: Gazette 6 Jul 2007 p. 3389-90.]*

# Schedule 1 — Fees

*[Heading inserted: Gazette 9 Jun 2009 p. 1912.]*

## Part 1 — General fees

*[Heading inserted: Gazette 9 Jun 2009 p. 1912.]*

**Table**

| **Fees** | **$** |
|---|---|
| 1. Application for an exemption under section 7(4) — | |
| (a) if one of the purposes is for commercial purposes (as provided by section 7(2)(e) of the Act) | 2 465.00 |
| (b) if the application does not include commercial purposes (as provided by section 7(2)(a), (b), (c), (d), (f) and (g) of the Act) | 322.00 |
| 2. Copy of entry on, or extract from, the register (reg. 114(2)(a)) | 35.00 |
| 3. Access to the register in electronic form (reg. 114(2)(b)) | 35.00 |
| 4. Application for replacement authorisation (reg. 129) | 22.00 |

*[Part 1 inserted: Gazette 9 Jun 2009 p. 1912; amended: Gazette 6 May 2011 p. 1609-10; 30 Jun 2015 p. 2333; 7 Oct 2016 p. 4375; 7 Jul 2017 p. 3696.]*

# Part 2 — Application fees

[reg. 135]

*[Heading inserted: Gazette 9 Jun 2009 p. 1913.]*

| **Fee** | | **$** |
|---|---|---|
| 1. | Fishing boat licence, grant or renewal (reg. 118) | 92.00 |
| | For transfer | 463.00 |
| | For variation | 463.00 |
| 2. | Carrier boat licence, grant or renewal (reg. 120) | 92.00 |
| | For transfer | 503.00 |
| | For variation | 503.00 |
| 3. | Commercial fishing licence, grant or renewal (reg. 122) | 92.00 |
| *[4, 5. deleted]* | | |
| 6. | Application for authority to use another boat (reg. 132) | 463.00 |
| 7. | Grant of permit under section 80 of the Act | 491.00 |
| 8. | Fish processor's licence under section 83 of the Act | 427.00 |
| | For renewal | 96.00 |
| | For transfer | 427.00 |
| | For variation (other than as set out in item 9) | 427.00 |
| 9. | Variation of fish processor's licence to change place at which fish may be processed under the licence | 427.00 |

| **Fee** | | **$** |
|---|---|---|
| 10. | Aquaculture lease, grant or renewal (reg. 67) | 2 597.00 |
| 11. | Aquaculture licence under section 92 of the Act — | |
| | In respect of freehold land | 180.00 |
| | In respect of non-freehold land | 814.00 |
| | For renewal | 92.00 |
| | For transfer (freehold land) | 180.00 |
| | For transfer (non-freehold land) | 599.00 |
| | For variation (freehold land) | 180.00 |
| | For variation (non-freehold land) | 599.00 |
| 12. | Authorisation under section 66 of the Act | 348.00 |
| | For renewal | 92.00 |
| | For transfer | 463.00 |
| | For variation | 463.00 |
| 13. | Exclusive licence, grant or renewal (reg. 166) | 814.00 |
| 14. | Authority to take fish for scientific purposes (reg. 178) | 92.00 |
| 15. | Authority to bring in non-endemic fish (reg. 176) | 162.00 |
| 16. | Temporary transfer of part entitlements under section 141 of the Act | 162.00 |

| **Fee** | | **$** |
|---|---|---|
| 17. | Register — notation under section 127 of the Act | 162.00 |
| | Register — variation under section 131 of the Act | 162.00 |
| | Register — removal of record under section 131 of the Act | 162.00 |
| 18. | Authority to take or handle fish for genetic or chemical extraction or analysis (reg. 179) | 793.00 |
| 19. | Restricted fishing tour operator's licence (reg. 128J) | 73.00 |
| | For renewal | 78.00 |
| | For transfer | 235.00 |
| | For variation | 235.00 |
| 20. | Fishing tour operator's licence (reg. 128J) | 73.00 |
| | For renewal | 78.00 |
| | For transfer | 235.00 |
| | For variation | 235.00 |

*[Part 2 inserted: Gazette 9 Jun 2009 p. 1913-14; amended: Gazette 12 Feb 2010 p. 586; 6 May 2011 p. 1610-11; 30 May 2014 p. 1736; 30 Jun 2015 p. 2334-5; 7 Jul 2017 p. 3696-7.]*

## Part 3 — Fees for the grant or renewal of authorisations

[reg. 137]

*[Heading inserted: Gazette 9 Jun 2009 p. 1915.]*

| **Fee** | | **$** |
|---|---|---|
| 1. | Fish processor's licence<br>Types of processing establishments — | |
| (a) | processing establishment that is erected on land and that is used for processing either rock lobsters or prawns | 862.00 |
| (b) | processing establishment that is erected on land and that is used for processing both rock lobsters and prawns | 1 581.00 |
| (c) | processing establishment that is erected on land and that is used for processing any fish including rock lobsters and prawns | 2 125.00 |
| (d) | processing establishment that is erected on land and that is used for processing any fish including either rock lobsters or prawns | 1 280.00 |
| (e) | processing establishment that is erected on land and that is used for processing any fish other than rock lobsters and prawns | 420.00 |
| (f) | seagoing processing establishment that is used solely for processing fish including rock lobsters and prawns taken by it | 420.00 |
| (g) | seagoing processing establishment that is used solely for processing fish including rock lobsters and prawns taken by other boats | 420.00 |

| **Fee** | **$** |
|---|---|
| 2. Aquaculture licence | |
| (a) any licence other than a licence referred to in paragraph (b) | 363.00 |
| (b) a licence that authorises the aquaculture of marron only and is subject to the condition that the sale of the marron is prohibited unless — (i) the marron are of a length not less than 76 mm; and | |
| (ii) the majority of the marron are sold to persons who hold an aquaculture licence or a fish processor's licence; and (iii) no more than 100 kg of marron in total is sold to persons who do not hold an aquaculture licence or a fish processor's licence during the period for which the licence remains in force | No fee |
| 3. Managed fishery licence fees | |
| (1) Abalone Managed Fishery, the sum obtained by multiplying the total kg of entitlement conferred by the licence (but excluding any entitlement transferred to or from the licence under section 141 of the Act) by the fee for each kg, as follows — | |
| (a) for greenlip abalone, per kg | 7.62 |
| (b) for brownlip abalone, per kg | 7.62 |
| (c) for Roe's abalone, per kg | 0.68 |
| (2) Abrolhos Islands and Mid West Trawl Managed Fishery, per licence | 38 754.50 |
| (3) Broome Prawn Managed Fishery, per licence | 39.22 |

| **Fee** | | | **$** |
|---|---|---|---|
| (4) | Cockburn Sound (Fish Net) Managed Fishery, per licence | | 724.13 |
| (5) | Cockburn Sound (Line and Pot) Managed Fishery — | | |
| | (a) | per licence | 142.42 |
| | (b) | per unit of entitlement conferred by the licence | 0.98 |
| (6) | Cockburn Sound (Mussel) Managed Fishery, per licence | | 122.00 |
| (7) | Exmouth Gulf Prawn Managed Fishery, per licence | | 46 963.01 |
| (8) | Gascoyne Demersal Scalefish Managed Fishery — | | |
| | (a) | per class A unit of entitlement | 2.04 |
| | (b) | per class B unit of entitlement | 6.43 |
| (9) | Kimberley Crab Managed Fishery, per unit of entitlement conferred by the licence | | 2.48 |
| (10) | Kimberley Gillnet and Barramundi Managed Fishery, per licence | | 11 479.02 |
| (11) | Kimberley Prawn Managed Fishery — | | |
| | (a) | per Class 1 licence | 512.26 |
| | (b) | per Class 2 licence | 512.26 |
| (12) | Mackerel Managed Fishery, the sum obtained by multiplying the number of units of entitlement conferred by the licence by the fee for each unit as follows — | | |
| | (a) | per class 1A unit of entitlement | 27.40 |
| | (b) | per class 1B unit of entitlement | 0.02 |
| | (c) | per class 2A unit of entitlement | 13.21 |

| **Fee** | | **$** |
|---|---|---|
| | (d) per class 2B unit of entitlement | 4.51 |
| | (e) per class 3A unit of entitlement | 6.73 |
| | (f) per class 3B unit of entitlement | 1.04 |
| (13) | Marine Aquarium Fish Managed Fishery — | |
| | (a) per licence | 2 012.00 |
| | (b) per class C unit of entitlement | 0.39 |
| | (c) per class G unit of entitlement | 0.09 |
| | (d) per class L unit of entitlement | 0.04 |
| | (e) per class S unit of entitlement | 0.17 |
| (14) | Nickol Bay Prawn Managed Fishery, per licence | 5 663.73 |
| (15) | Northern Demersal Scalefish Managed Fishery — | |
| | (a) per Area 1 licence | 54.15 |
| | (b) for an Area 2 licence, per zone A unit of entitlement | 64.27 |
| | (c) for an Area 2 licence, per zone B unit of entitlement | 355.88 |
| | (d) for an Area 2 licence, per zone C unit of entitlement | 4.52 |
| (16) | Octopus Interim Managed Fishery, the sum obtained by multiplying the number of units of entitlement conferred by the licence by the fee for each unit as follows — | |
| | (a) per class 1 unit of entitlement | 6.26 |
| | (b) per class 2 unit of entitlement | 10.65 |

| **Fee** | | **$** |
|---|---|---|
| | (c) per class 3 unit of entitlement | 0.99 |
| (17) | Onslow Prawn Managed Fishery — | |
| | (a) per class A licence | 1 323.66 |
| | (b) per class B licence | 22.63 |
| | (c) per class C licence | 22.63 |
| | (d) per class D licence | 22.63 |
| (18) | Pilbara Crab Managed Fishery, per unit of entitlement conferred by the licence | 8.85 |
| (19) | Pilbara Fish Trawl Interim Managed Fishery, per fish trawl unit of entitlement conferred by the licence | 23.28 |
| (20) | Pilbara Trap Managed Fishery, per trap unit of entitlement conferred by the licence | 45.37 |
| (21) | Shark Bay Beach Seine and Mesh Net Managed Fishery, per licence | 3 928.08 |
| (22) | Shark Bay Crab Managed Fishery, per unit of entitlement conferred by the licence | 4.82 |
| (23) | Shark Bay Prawn Managed Fishery, per unit of entitlement conferred by the licence | 455.62 |
| (24) | Shark Bay Scallop Managed Fishery — | |
| | (a) per class A licence | 28 520.88 |
| | (b) per class B licence | 7 469.75 |
| (25) | South Coast Crustacean Managed Fishery, the sum obtained by multiplying the number of units of entitlement conferred by the licence by the fee for each unit as follows — | |
| | (a) per zone 1 unit of entitlement | 59.94 |

| **Fee** | | **$** |
|---|---|---|
| | (b) per zone 2 unit of entitlement | 15.23 |
| | (c) per zone 3 unit of entitlement | 30.38 |
| | (d) per zone 4 unit of entitlement | 9.52 |
| (26) | South Coast Estuarine Managed Fishery, per licence | 2 613.01 |
| (27) | South Coast Line and Fish Trap Managed Fishery — | |
| | (a) per class A licence | 1 097.03 |
| | (b) per class B licence | 296.00 |
| | (c) per class C zone 1 licence | 212.31 |
| | (d) per class D zone 2 licence | 74.53 |
| (28) | South Coast Nearshore Net Managed Fishery, per licence | 79.75 |
| (29) | South Coast Purse Seine Managed Fishery, the sum obtained by multiplying the number of units of entitlement conferred by the licence by the fee for each unit as follows — | |
| | (a) per zone 1 unit of entitlement | 173.19 |
| | (b) per zone 2 unit of entitlement | 9.27 |
| | (c) per zone 3 unit of entitlement | 112.94 |
| | (d) per zone 4 unit of entitlement | 136.99 |
| (30) | South Coast Salmon Managed Fishery, per licence | 125.67 |
| (31) | South Coast Scallop Managed Fishery, per licence | 12 342.93 |

| **Fee** | | **$** |
|---|---|---|
| (32) | Southern Demersal Gillnet and Demersal Longline Managed Fishery, the sum obtained by multiplying the number of units of entitlement conferred by the licence by the fee for each unit as follows — | |
| | (a) per zone 1 unit of entitlement | 8.23 |
| | (b) per zone 2 unit of entitlement | 11.80 |
| | (c) per zone 3 unit of entitlement | 8.23 |
| (33) | South West Coast Salmon Managed Fishery, per licence | 782.16 |
| (34) | South West Trawl Managed Fishery — | |
| | (a) per zone A licence | 1 640.17 |
| | (b) per zone B licence | No fee |
| (35) | Specimen Shell Managed Fishery, per licence | 1 030.00 |
| (36) | West Coast (Beach Bait Fish Net) Managed Fishery, per licence | 160.21 |
| (37) | West Coast Deep Sea Crustacean Managed Fishery, the sum obtained by multiplying the number of units of entitlement conferred by the licence by the fee for each unit as follows — | |
| | (a) per class A unit of entitlement | 58.24 |
| | (b) per class B unit of entitlement | 2.41 |
| | (c) per class C unit of entitlement | 14.37 |

| **Fee** | | **$** |
|---|---|---|
| (38) | West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery, per unit of entitlement conferred by the licence | 1.10 |
| (39) | West Coast Demersal Scalefish Interim Managed Fishery, the sum obtained by multiplying the number of units of entitlement conferred by the licence by the fee for each unit as follows — | |
| | (a) for the Kalbarri Area, per unit of entitlement | 5.67 |
| | (b) for the Mid-West Area, per unit of entitlement | 3.80 |
| | (c) for the South-West Area, per unit of entitlement | 9.92 |
| (40) | West Coast Estuarine Managed Fishery — | |
| | (a) per Area 1 licence | 4 588.58 |
| | (b) per Area 2 licence | 8 274.45 |
| | (c) per Area 3 licence | 3 509.50 |
| (41) | West Coast Purse Seine Managed Fishery, per licence | 2 082.23 |
| (42) | West Coast Rock Lobster Managed Fishery, the sum obtained by multiplying the number of units of entitlement conferred by the licence by the fee for each unit as follows — | |
| | (a) per zone A unit of entitlement | 22.62 |
| | (b) per zone B unit of entitlement | 32.44 |
| | (c) per zone C unit of entitlement | 32.76 |
| *[4.* | *deleted]* | |

| **Fee** | | | **$** |
|---|---|---|---|
| 5. | Fishing tour operator's licence (r. 128J(1)) — | | |
| | (a) | if the nominated maximum number of passengers participating in a fishing tour conducted under the licence is — | |
| | | (i) 5 passengers or fewer | 1 200.00 |
| | | (ii) between 6 and 10 passengers | 1 700.00 |
| | | (iii) between 11 and 15 passengers | 2 200.00 |
| | | (iv) between 16 and 20 passengers | 2 700.00 |
| | | (v) between 21 and 25 passengers | 3 200.00 |
| | | (vi) 26 passengers or more | 3 700.00 |
| | (b) | in addition to the fee determined under item 5(a), if the licence authorises the conduct of a fishing tour in more than one zone, for each additional zone | 700.00 |

| **Fee** | | **$** |
|---|---|---|
| | (c) in addition to the fee determined under item 5(a), if the licence is varied to increase the aggregate maximum surveyed passenger carrying capacity of all of the boats that may be used to conduct a fishing tour under the licence | The amount that is the difference between the fee for the licence before the variation and the fee determined under item 5(a) for the licence as varied |
| 6A. | Restricted fishing tour operator's licence (r. 128J(2)) — | |
| | (a) for all restricted fishing tour operator's licences | 500.00 |
| | (b) in addition to the fee specified in item 6A(a), if the licence authorises the conduct of a fishing tour in more than one zone, for each additional zone | 500.00 |
| 6. | Fishing boat licence<br>Types of boat — | |
| | (1) a boat 6.5 m or longer | 315.00 |
| | (2) a boat shorter than 6.5 m | 85.00 |
| *[7.* | *deleted]* | |

| **Fee** | | | **$** |
|---|---|---|---|
| 8. | Recreational fishing licence (r. 124) — | | |
| | (a) | fishing for rock lobster | 50.00 |
| | (b) | fishing for marron | 50.00 |
| | (c) | fishing for abalone | 50.00 |
| | (d) | 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 | 50.00 |
| | (e) | fishing by means of a fishing net | 50.00 |
| 9. | Recreational (boat) fishing licence (r. 124C) | | 40.00 |

*[Part 3 inserted: Gazette 9 Jun 2009 p. 1915-20; amended: Gazette 10 Sep 2009 p. 3539; 12 Feb 2010 p. 586-7; 28 May 2010 p. 2384-5; 27 Aug 2010 p. 4106; 10 Sep 2010 p. 4347; 2 Dec 2010 p. 6031-4; 6 May 2011 p. 1611-12; 24 Aug 2011 p. 3406-8; 9 Sep 2011 p. 3683; 17 Oct 2012 p. 4979-80; 19 Oct 2012 p. 5017-20; 2 Nov 2012 p. 5277-8; 18 Dec 2012 p. 6593; 4 Sep 2013 p. 4180-3; 15 Nov 2013 p. 5238; 19 Nov 2013 p. 5283; 30 May 2014 p. 1731-2 and 1736; 12 Aug 2014 p. 2903-7; 31 Oct 2014 p. 4199-200; 4 Nov 2014 p. 4203; 30 Jun 2015 p. 2332; 30 Sep 2015 p. 3919-23; 8 Jan 2016 p. 22; 4 Oct 2016 p. 4237; 7 Oct 2016 p. 4376-9; 7 Jul 2017 p. 3697; 1 Sep 2017 p. 4652-5; 26 Jun 2018 p. 2380-2; 4 Oct 2019 p. 3541-7; SL 2021/166 r. 4; SL 2022/134 r. 4; SL 2024/158 r. 4; SL 2024/263 r. 19; SL 2025/160 r. 4; SL 2026/65 r. 4.]*

# Schedule 2 — Protected fish

[s. 46, 47 and 48A and r. 10]

*[Heading inserted: Gazette 14 Sep 2012 p. 4375.]*

## Part 1 — Commercially protected fish

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

Billfish (marlins, sailfish and spearfish).

Oyster of the Families Ostreidae and Pteriidae.

Setose western rock lobster —

(a) taken from; or

(b) in the possession of, or consigned by, a person on a boat on; or

(c) brought onto land from,

waters south of 21° 44′ south latitude and west of 116° east longitude during the period beginning on 1 November in a year and ending on 30 April in the following year.

Sharks and Rays, other than sharks or rays that are totally protected fish.

In this Part —

***setose*** means a female rock lobster that has fine hair-like filaments (*ovigerous setae*) —

(a) for the attachment of eggs on the branched structures (*biramous endopodites*) forming part of the swimmerets (*pleopods*) underneath its tail; or

(b) that, although not capable of the attachment of eggs as described in paragraph (a), are in the process of lengthening as part of the development of the rock lobster to sexual maturity.

*[Part 1 amended: Gazette 12 Sep 1997 p. 5154; 5 Dec 1997 p. 7123; 1 Oct 2003 p. 4344; 10 Nov 2006 p. 4709; 4 Sep 2007 p. 4520; 18 Nov 2011 p. 4810; 23 Jan 2015 p. 401; 4 Oct 2019 p. 3547-8.]*

# 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 rock lobster with eggs or spawn attached beneath its body.

Tarspot western rock lobster —

(a) taken from; or

(b) in the possession of, or consigned by, a person on a boat on; or

(c) brought onto land from,

waters south of 21° 44′ south latitude and west of 116° east longitude.

In this Division —

***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 ($5^{th}$) pair of walking legs.

*[Division 1 amended: Gazette 22 Dec 1995 p. 6169; 30 Sep 1997 p. 5418; 7 Jul 1998 p. 3614; 8 Sep 2000 p. 5187-8; 4 Nov 2005 p. 5313; 4 Oct 2019 p. 3548.]*

## Division 2 — Miscellaneous

Abalone in the waters or land between 31° 59.48′ south latitude (the main Cottesloe Groyne) and 32° 03.15′ south latitude (Rous Head) and —

(a) within 800 m of, and on the seaward side of, the high water mark; or

(b) within 200 m of, and on the landward side of, the high water mark.

Balston's Pygmy Perch.

Black-Stripe Minnow.

Common Seadragon.

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

Fish of Class Anthozoa and Class Hydrozoa in Rowley Shoals Marine Park.

Groper, Queensland.

Humphead Maori Wrasse.

Little Pygmy Perch.

Leafy Seadragon.

Molluscs, other than cuttlefish, squid and octopus, in Rowley Shoals Marine Park.

Mud Minnow.

Potato Rockcod.

Pouch Lamprey.

Rays in the waters bounded by a line commencing north-east of White Cliff Point at the intersection of 34° 13.382′ south latitude and 115° 1.470′ east longitude; thence generally north-westerly along the geodesic to the intersection with 34° 13.283′ south latitude and 115° 1.408′ east longitude; thence generally north-easterly to the intersection of 34° 13.062′ south latitude and 115° 1.763′ east longitude; thence generally south-easterly to the intersection of 34° 13.164′ south latitude and 115° 1.826′ east longitude.

Rockcod in Rowley Shoals Marine Park.

Rock Lobster tail weighing less than 140 g.

Salamanderfish.

Sawfish.

Shark, Speartooth.

Sharks, Whaler —

(a) taken from the waters of —

(i) the South Coast Region; or

(ii) the West Coast Region;

and

(b) with an interdorsal fin length of 70 cm or greater.

White Shark.

Western Trout Minnow.

Whale Shark.

Wrasse in Rowley Shoals Marine Park.

In this Division —

***interdorsal fin length*** means the distance between the first and second dorsal fins measured —

(a) from —

(i) the first dorsal fin origin; or

(ii) if all or part of that fin has been removed so that point of origin cannot be ascertained, the anterior end of the cut made to remove the fin or that part of the fin;

(b) to —

(i) the second dorsal fin insertion; or

(ii) if all or part of that fin has been removed so that point of insertion cannot be ascertained, the posterior end of the cut made to remove the fin or that part of the fin;

***Rowley Shoals Marine Park*** means all waters reserved under the *Conservation and Land Management Act 1984* section 13 as Class "A" Marine Reserve No. 3, Rowley Shoals Marine Park.

*[Division 2 amended: Gazette 5 Dec 1997 p. 7123; 19 Jun 1998 p. 3264; 13 Aug 1999 p. 3827; 28 Nov 2003 p. 4776; 22 Dec 2005 p. 6228; 13 Feb 2009 p. 299; 24 Aug 2011 p. 3408; 24 Feb 2012 p. 802; 23 Jan 2015 p. 401; 4 Oct 2019 p. 3548-9; SL 2024/263 r. 20.]*

## Division 3 — Marine or fluvio-marine fish

### Subdivision 1 — Protected by reference to species, area and period

*[Heading inserted: Gazette 28 Feb 2003 p. 662.]*

**1. Snapper (Pink Snapper)**

Snapper (Pink Snapper) —

(a) taken or brought onto land from the waters of the Shark Bay eastern gulf during the period beginning on 1 May in a year and ending on 31 July in that year; or

(b) taken or brought onto land from the waters of the Freycinet Estuary during the period beginning on 15 August in a year and ending on 30 September in that year.

*[Clause 1 inserted: Gazette 15 Sep 2005 p. 4309-10; amended: Gazette 4 Nov 2005 p. 5313; 7 Mar 2006 p. 975; 4 Oct 2019 p. 3549.]*

**2. Baldchin Groper**

(1) Baldchin Groper taken or brought onto land from, or in the possession of a person on, the Abrolhos Islands Fish Habitat Protection Area during the period beginning on 1 October in a year and ending on 31 December in that year.

*[(2) deleted]*

*[Clause 2 inserted: Gazette 1 Oct 2003 p. 4329; amended: Gazette 4 Nov 2005 p. 5313; 29 May 2008 p. 2058; 19 Dec 2008 p. 5363; 30 May 2014 p. 1722; SL 2023/2 r. 20(1).]*

*[**3.** Deleted: Gazette 4 Oct 2019 p. 3549.]*

**4. Western Blue Groper**

(1) Western Blue Groper —

(a) taken or brought onto land from the waters of the Rottnest Island Reserve; or

(b) in the possession of a person on the Rottnest Island Reserve.

(2) In subclause (1) —

***Rottnest Island Reserve*** has the meaning given in the *Rottnest Island Authority Act 1987* section 4.

*[Clause 4 inserted: Gazette 29 May 2008 p. 2058-9; amended: Gazette 4 Oct 2019 p. 3550.]*

**Subdivision 2 — Protected by reference to species length or other factors**

*[Heading inserted: Gazette 4 Oct 2019 p. 3550]*

| Class of fish | If of a length less than the length specified in respect of each class of fish (mm) |
|---|---|
| Amberjack | 600 |
| Barramundi | 550 |
| Bream, Black | 250 |
| Bream, Northwest Black | 250 |
| Bream, Western Yellowfin | 300 |
| Cobbler, Estuary — | |
| (a) when taken by the holder of a commercial fishing licence (partial length) | 320 |
| (b) in any other case (total length) | 430 |
| Cobia | 750 |
| Coral Trout | 450 |
| Dolphinfish (Mahi Mahi) | 500 |
| Emperor, Bluespotted | 300 |
| Emperor, Grass | 300 |
| Emperor, Red | 450 |
| Emperor, Redthroat | 300 |
| Emperor, Spangled | 400 |

| Class of fish | If of a length less than the length specified in respect of each class of fish (mm) |
|---|---|
| Flathead, Longspine | 300 |
| Flathead, Marbled | 300 |
| Flathead, Southern Bluespotted | 300 |
| Flathead, Yellowtail | 300 |
| Flounder | 250 |
| Groper, Western Blue | 500 |
| Javelinfish and Sweetlips | 300 |
| Jewfish, Black | 700 |
| Leatherjacket | 250 |
| Mackerel, Grey | 750 |
| Mackerel, School | 500 |
| Mackerel, Shark | 500 |
| Mackerel, Spanish | 900 |
| Mackerel, Spotted | 500 |
| Mangrove Jack | 300 |
| Mulloway | 500 |
| Pike, Longfin | 300 |
| Redfish, Bight (Red Snapper, Nannygai) | 350 |
| Rockcod, Goldspotted (Estuary Cod) | 400 |
| Salmon, Western Australian (Salmon) | 300 |
| Samsonfish | 600 |

| Class of fish | If of a length less than the length specified in respect of each class of fish (mm) |
|---|---|
| Snapper, Golden (Fingermark) | 300 |
| Snapper (Pink Snapper) — | |
| (a) when taken or brought onto land from the waters of the West Coast Region that are south of 31° 00′ south latitude | 500 |
| (b) when taken or brought onto land from the waters of the West Coast Region that are north of 31° 00′ south latitude | 410 |
| (c) in any other case | 450 |
| Snapper, Queen (Blue Morwong) | 400 |
| Snapper, Stripey | 300 |
| Snook | 300 |
| Tailor | 300 |
| Tarwhine | 250 |
| Threadfin, King | 450 |
| Trevally, Silver (Skipjack) | 250 |
| Tripletail | 300 |
| Tuskfish, Blackspot | 400 |
| Wahoo | 900 |
| Whiting, King George | 280 |
| Yellowtail Kingfish | 600 |

*[Subdivision 2 inserted: Gazette 4 Oct 2019 p. 3550-3; amended: SL 2023/2 r. 20(2); SL 2026/85 r. 8(1)-(9).]*

## Division 4 — Freshwater fish

| Class of fish | If of a length less than the length specified in respect of each class of fish (mm) |
|---|---|
| Grunter, Sooty | 250 |
| Trout, Brown | 300 |
| Trout, Rainbow | 300 |

*[Division 4 amended: Gazette 22 Dec 2005 p. 6229.]*

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

*[Heading inserted: Gazette 4 Oct 2019 p. 3553.]*

### Subdivision 1 — Protected by reference to species, area and period

*[Heading inserted: Gazette 29 Nov 2019 p. 4105.]*

**1. Blue swimmer (blue manna) crab**

Blue swimmer (blue manna) crab taken or brought onto land, during the period beginning on 1 September in a year and ending on 30 November in that year, from —

(a) WA waters on the landward side of the 150 m isobath between 32° 03.23′ south latitude and 33° 27.11′ south latitude; or

(b) the Swan and Canning Rivers.

*[Clause 1 inserted: SL 2024/234 r. 6.]*

### Subdivision 2 — Protected by reference to species length or other factors

*[Heading inserted: Gazette 29 Nov 2019 p. 4105.]*

| Class of fish | If of a length less than the length specified in respect of each class of fish (mm) |
|---|---|
| Crab, Blue Swimmer (Blue Manna) — | |
| (a) when taken by the holder of a commercial fishing licence from the waters of Geographe Bay south of a line drawn from the intersection of 33° 31.8′ south latitude and 115° 0.26′ east longitude (north-west tip of Cape Naturaliste) to the intersection of 33° 18.074′ south latitude and 115° 38.765′ east longitude (McKenna Point Lighthouse) | 128 |
| (b) in any other case | 127 |
| Crab, Brown Mud | 120 |
| Crab, Champagne | 92 |
| Crab, Crystal | 120 |
| Crab, Giant | 140 |
| Crab, Green Mud | 150 |
| Marron — | |
| (a) when taken from marron trophy waters | 90 |
| (b) in any other case | 80 |
| Rock Lobster, Southern | 98.5 |
| Rock Lobster, Tropical | 76 |
| Rock Lobster, Western | 76 |

*[Division 5 inserted: Gazette 4 Oct 2019 p. 3553-4; amended: Gazette 29 Nov 2019 p. 4105.]*

**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 |

## Part 3 — Recreationally protected fish

*[Heading inserted: Gazette 14 Sep 2012 p. 4375.]*

Barramundi in excess of 800 mm in length.

Black stingray taken from the waters of the South Coast Region or the West Coast Region.

Smooth stingray taken from the waters of the South Coast Region or the West Coast Region.

*[Part 3 inserted: Gazette 14 Sep 2012 p. 4375; amended: Gazette 29 Jan 2013 p. 312; 23 Jan 2015 p. 402; 18 Mar 2016 p. 745; 4 Oct 2019 p. 3554; SL 2026/85 r. 8(10).]*

# Schedule 3 — Bag limits

[Pt. 4B]

*[Heading inserted: Gazette 4 Oct 2019 p. 3555.]*

## Division 1 — Bag limits — demersal finfish

*[Heading inserted: Gazette 4 Oct 2019 p. 3555.]*

### Subdivision 1 — Regions other than West Coast Region

[r. 65A]

*[Heading inserted: SL 2026/85 r. 9.]*

| Fish | Species bag limit for 1 day | Grouped bag limit of all species of demersal finfish for 1 day |
|---|---|---|
| Boarfish | 4 | 4 (excluding Redfish, Bight (Red Snapper, Nannygai), Redfish, Yelloweye and Swallowtail in South Coast region) |
| Cod, Barramundi | 4 | |
| Coral Trout | 1 | |
| Coronation Trout | 1 | |
| Dhufish, West Australian | 1 | |
| Dory, John and Mirror | 3 | |
| Emperor and Seabream | 4 | |
| Emperor, Red | 2 | |
| Foxfish | 4 | |
| Groper, Baldchin and Tuskfish | 2 | |
| Groper, Western Blue | 1 | |
| Hapuku, Bass Groper and Trevalla(s), Blue-Eye | 4 | |
| Pearl Perch | 4 | |

| Fish | Species bag limit for 1 day | Grouped bag limit of all species of demersal finfish for 1 day |
|---|---|---|
| Rockcod, all species except Chinaman Rockcod, Coral Trout and Coronation Trout ..... | 4 | |
| Snapper (Pink Snapper) ..... | 2 | |
| Snapper, Queen ..... | 4 | |
| Tropical Snapper, all species except Golden Snapper (Fingermark), Mangrove Jack, Stripey Snapper and Red Emperor..... | 4 | |
| Redfish, Bight (Red Snapper, Nannygai), Redfish, Yelloweye and Swallowtail in South Coast region ..... | 4 | No grouped bag limit applies |

*[Subdivision 1 inserted: SL 2026/85 r. 9.]*

**Subdivision 2 — West Coast Region other than Abrolhos Islands Fish Habitat Protection Area**

[r. 65B]

*[Heading inserted: Gazette 4 Oct 2019 p. 3556; amended: SL 2023/2 r. 23.]*

| Fish | Species bag limit for one day | Grouped bag limit of all species of demersal finfish for one day |
|---|---|---|
| Boarfish..... | 2 | 2 |
| Coral Trout and Coronation Trout ..... | 1 | |
| Dhufish, West Australian..... | 2 | |
| Dory, John and Mirror ..... | 2 | |

| **Fish** | **Species bag limit for one day** | **Grouped bag limit of all species of demersal finfish for one day** |
|---|---|---|
| Emperor and Seabream ..... | 2 | |
| Foxfish ..... | 2 | |
| Groper, Baldchin and Tuskfish ..... | 2 | |
| Groper, Western Blue ..... | 1 | |
| Hapuku, Bass Groper and Trevalla(s), Blue-Eye ..... | 2 | |
| Redfish, Bight (Red Snapper, Nannygai), Redfish, Yelloweye and Swallowtail..... | 2 | |
| Rockcod, all species except Chinaman Rockcod, Coral Trout and Coronation Trout ..... | 2 | |
| Snapper (Pink Snapper) ..... | 2 | |
| Snapper, Queen ..... | 2 | |
| Tropical Snapper, all species except Golden Snapper (Fingermark), Mangrove Jack and Stripey Snapper ..... | 2 | |

*[Subdivision 2 inserted: Gazette 4 Oct 2019 p. 3556-7; amended: SL 2023/2 r. 24; SL 2024/263 r. 21(2); SL 2026/85 r. 10.]*

### Subdivision 3 — Abrolhos Island Fish Habitat Protection Area

[r. 65BA]

*[Heading inserted: SL 2023/2 r. 25.]*

| Fish | Species bag limit for one day | Grouped bag limit of all species of demersal finfish for one day |
|---|---|---|
| Boarfish | 1 | 1 |
| Coral Trout and Coronation Trout | 1 | |
| Dhufish, West Australian | 1 | |
| Dory, John and Mirror | 1 | |
| Emperor and Seabream | 1 | |
| Foxfish | 1 | |
| Groper, Baldchin and Tuskfish | 1 | |
| Groper, Western Blue | 1 | |
| Hapuku, Bass Groper and Trevalla(s), Blue-Eye | 1 | |
| Redfish, Bight (Red Snapper, Nannygai), Redfish, Yelloweye and Swallowtail | 1 | |
| Rockcod, all species except Chinaman Rockcod, Coral Trout and Coronation Trout | 1 | |
| Snapper (Pink Snapper) | 1 | |
| Snapper, Queen | 1 | |
| Tropical Snapper, all species except Golden Snapper (Fingermark), Mangrove Jack and Stripey Snapper | 1 | |

*[Subdivision 3 inserted: SL 2023/2 r. 25; amended: SL 2026/85 r. 11.]*

## Division 2 — Bag limits — large pelagic finfish

*[Heading inserted: Gazette 4 Oct 2019 p. 3557; amended: SL 2026/85 r. 12(1).]*

### Subdivision 1 — Regions other than Abrolhos Island Fish Habitat Protection Area

[r. 65C]

*[Heading inserted: SL 2023/2 r. 26; amended: SL 2026/85 r. 12(2).]*

| Fish | Species bag limit for one day | Grouped bag limit of all species of large pelagic finfish for one day |
|---|---|---|
| Amberjack, Samsonfish and Yellowtail Kingfish ..... | 3 | 3 |
| Barracouta ..... | 3 | |
| Barracuda ..... | 3 | |
| Billfish (Marlin, Sailfish) and Swordfish .... | 1 | |
| Cobia ..... | 3 | |
| Dolphinfish (Mahi Mahi) ..... | 3 | |
| Mackerel (Grey, School, Shark, Spanish, Spotted) and Wahoo ..... | 3 | |
| Trevally, Giant and Golden ..... | 3 | |
| Tuna (Bigeye, Longtail, Mackerel, Skipjack, Southern Bluefin, Yellowfin and Dogtooth) | 3 | |

*[Subdivision 1 (formerly Division 2) inserted: Gazette 4 Oct 2019 p. 3557-8; amended: SL 2024/263 r. 21(3); SL 2026/85 r. 12(3).]*

### Subdivision 2 — Abrolhos Island Fish Habitat Protection Area

[r. 65CA]

*[Heading inserted: SL 2024/263 r. 21(4).]*

| Fish | Species bag limit for one day | Grouped bag limit of all species of large pelagic finfish for one day |
|---|---|---|
| Amberjack, Samsonfish and Yellowtail Kingfish | 3 | 3 |
| Barracouta | 3 | |
| Barracuda | 3 | |
| Billfish (Marlin, Sailfish) and Swordfish | 1 | |
| Cobia | 3 | |
| Dolphinfish (Mahi Mahi) | 3 | |
| Mackerel (Grey, School, Shark, Spanish, Spotted) and Wahoo | 3 | |
| Trevally, Giant and Golden | 3 | |
| Tuna (Bigeye, Longtail, Mackerel, Skipjack, Southern Bluefin, Yellowfin and Dogtooth) | 3 | |

*[Subdivision 2 inserted: SL 2024/263 r. 21(4); amended: SL 2026/85 r. 12(4).]*

### Subdivision 3 — Sharks and rays

[r. 65CB]

*[Heading inserted: SL 2026/85 r. 13.]*

| Fish | Grouped bag limit of all species of sharks and rays for 1 day |
|---|---|
| Sharks and Rays..... | 3 |

*[Subdivision 3 inserted: SL 2026/85 r. 13.]*

## Division 3 — Bag limits — nearshore or estuarine finfish

[r. 65D]

*[Heading inserted: Gazette 4 Oct 2019 p. 3558.]*

| Fish | Species bag limit for one day | Grouped bag limit of all species of nearshore or estuarine finfish for one day |
|---|---|---|
| Albacore ..... | 8 | 16 |
| Barracuda, Striped ..... | 8 | |
| Barramundi ..... | 2 | |
| Bonitos, all species ..... | 8 | |

| **Fish** | **Species bag limit for one day** | **Grouped bag limit of all species of nearshore or estuarine finfish for one day** |
|---|---|---|
| Bream, Black, Northwest Black, Western Yellowfin and Tarwhine ..... | 6 (only 2 Black Bream taken from the waters of the Swan and Canning Rivers may be over 400 mm in length) | |
| Catfish and Estuary Cobbler ..... | 8 | |
| Dart . ..... | 8 | |
| Flathead ..... | 8 | |
| Flounder ..... | 8 | |
| Javelinfish and Sweetlips ..... | 8 | |
| Jewfish, Black ..... | 2 | |
| Leatherjacket ..... | 8 | |
| Mangrove Jack..... | 2 | |
| Mulloway ..... | 2 | |
| Parrotfish ..... | 8 | |
| Pike, Longfin ..... | 8 | |
| Rockcod, Chinaman (Charlie Court) ..... | 4 | |
| Salmon, Western Australian (Salmon) ..... | 4 | |

| **Fish** | **Species bag limit for one day** | **Grouped bag limit of all species of nearshore or estuarine finfish for one day** |
|---|---|---|
| Snapper, Golden (Fingermark) and Stripey ..... | 4 | |
| Snook ..... ..... | 8 | |
| Sweep, Sea ..... | 4 | |
| Tailor ..... | 8 (only 2 of which may be over 500 mm in length) | |
| Threadfin, all species except King ..... | 4 | |
| Threadfin, King ..... | 2 | |
| Trevally and Queenfish, all species except Giant and Golden Trevally, Needleskin Queenfish, and Yellowtail Scad ..... | 8 | |
| Tripletail ..... | 2 | |
| Whiting, King George ..... | 12 | |
| Wrasse ..... | 8 | |

*[Division 3 inserted: Gazette 4 Oct 2019 p. 3558-60.]*

## Division 4 — Bag limits — freshwater finfish

[r. 65E]

*[Heading inserted: Gazette 4 Oct 2019 p. 3561.]*

| Fish | Grouped bag limit of all species of freshwater finfish for one day |
|---|---|
| Catfish ..... | 4 |
| Perch, Striped ..... | |
| Trout, Brown and Rainbow..... | |

*[Division 4 inserted: Gazette 4 Oct 2019 p. 3561.]*

## Division 5 — Bag limits — other finfish

[r. 65F]

*[Heading inserted: Gazette 4 Oct 2019 p. 3561.]*

| Fish | Species bag limit for one day |
|---|---|
| Herring, Australian (Herring) ..... | 20 |

*[Division 5 inserted: Gazette 4 Oct 2019 p. 3561; amended: SL 2022/160 r. 4.]*

## Division 6 — Bag limits — crustaceans

[r. 65G]

*[Heading inserted: Gazette 4 Oct 2019 p. 3561.]*

| Species | Bag limit for one day |
|---|---|
| Crab, Blue Swimmer (Blue Manna) ..... | 5 (in Cockburn Sound or the Swan and Canning Rivers)<br>10 (in Geographe Bay and Inland Waters, including no more than 5 females)<br>10 (in other waters of West Coast Region)<br>20 (in other regions) |
| Crab, Mud, all species ..... | 5 |
| Koonac ..... | N/A |
| Marron ..... | 5 (in marron trophy water)<br>8 (in other waters) |
| Prawn ..... | 9 litres |
| Prawn, Freshwater (Cherabin) ..... | 9 litres |
| Redclaw Crayfish..... | N/A |
| Rock Lobster, all species ..... | 8 (including no more than 4 Tropical Rock Lobsters) |
| Yabbie ..... | N/A |
| Other crustacean species not specified above..... | 10 |

*[Division 6 inserted: Gazette 4 Oct 2019 p. 3561-2; amended: Gazette 29 Nov 2019 p. 4105; SL 2023/2 r. 28; SL 2024/234 r. 7; amended: SL 2024/263 r. 21(5).]*

## Division 7 — Bag limits — molluscs and other invertebrates

[r. 65H]

*[Heading inserted: Gazette 4 Oct 2019 p. 3562.]*

| Species | Bag limit for one day |
|---|---|
| Abalone, Greenlip and Brownlip | 5 |
| Abalone, Roe's | 20 (including no more than 15 taken from Abalone Zone 1) |
| Ark Shell, Cockle, Pipis and Clam, Venus | 2 litres |
| Bloodworm | 1 litre |
| Clam, Giant (other than Tridacna gigas) | 2 |
| Mussel | 9 litres (shell on) |
| Oyster | 20 |
| Razor shell | 20 |
| Scallop | 20 |
| Sea Urchin | 20 |
| Squid, Cuttlefish and Octopus | 15 |
| Zoila Cowry, Bailer Shell and Conch | 10 |
| Other molluscs and invertebrate species not specified | 10 |

*[Division 7 inserted: Gazette 4 Oct 2019 p. 3562.]*

# Schedule 4 — Categories of fish

[s. 259 and r. 180]

*[Heading inserted: Gazette 4 Oct 2019 p. 3563.]*

**Category 1 fish**

Abalone, Brownlip

Abalone, Greenlip

Abalone, Roe's

Amberjack

Barramundi

Billfish (Marlins, Sailfish and Spearfish) and Swordfish

Boarfish

Cobbler, Estuary

Cobia

Common Seadragon

Coral

Coral Trout

Crab, Blue Swimmer (Blue Manna)

Crab, Brown Mud

Crab, Champagne

Crab, Crystal

Crab, Giant

Crab, Green Mud

Dhufish, West Australian

Dolphinfish (Mahi Mahi)

Emperor

Foxfish

Groper, Baldchin

Groper, Bass

Groper, Queensland

Groper, Western Blue

Hapuku

Jewfish, Black

Leafy Seadragon

Live Rock

Mackerel, Grey

Mackerel, Shark

Mackerel, Spanish

Marron

Mulloway

Parrotfish

Pearl Perch

Pigfish

Rays

Redfish, Bight (Red Snapper, Nannygai)

Redfish, Yelloweye

Rock Lobster (all species)

Rockcod

Rockcod, Potato

Sawfish

Seabream

Shark, Speartooth

Shark, Whale

Shark, White

Sharks

Snapper (Pink Snapper)

Snapper, Queen (Blue Morwong)

Snapper, Tropical

Swallowtail

Threadfin, King

Trevalla(s), Blue-Eye

Trevally, Giant

Trevally, Golden

Tripletail

Tuna, Bigeye

Tuna, Dogtooth

Tuna, Longtail

Tuna, Southern Bluefin

Tuna, Yellowfin

Tuskfish

Wahoo

Wrasse, Humphead Maori

Yellowtail Kingfish

**Category 2 fish**

Albacore

Barracuda

Bonito

Bream, Black

Bream, Northwest Black

Bream, Western Yellowfin

Catfish

Cuttlefish

Dart

Flathead

Flounder

Freshwater Crayfish (all species)

Grunter, Sooty

Javelinfish and Sweetlips

John Dory

Leatherjacket

Mullet, Red (Goatfish)

Octopus

Pike

Prawn, Brown Tiger

Prawn, Freshwater (Cherabin)

Prawn, Western King

Prawn, Western School

Queenfish

Razor shell

Salmon, Western Australian (Salmon)

Samsonfish

Scallops

Sea Cucumber

Sea Urchins

Snook

Sole

Squid

Sweep, Banded

Sweep, Sea

Tailor

Tarwhine

Threadfin, Blue

Trevally, Silver (Skipjack)

Trochus

Trout, Brown

Trout, Rainbow

Tuna, Skipjack

Whiting, King George

Whiting, Yellowfin

**Category 3 fish**

Bait Fish

Cockle, Ark Shell and other edible bivalves

Clam, Venus

Freshwater fish (other than freshwater fish listed as category 2 fish)

Garfish

Herring, Australian (Herring)

Longtom

Mackerel, Blue

Mullet

Prawns (other than prawns listed as category 2 fish)

Whiting (other than whiting listed as category 2 fish)

Wrasse (other than wrasse listed as category 1 fish)

**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 4 inserted: Gazette 4 Oct 2019 p. 3563-6; amended: SL 2024/263 r. 22.]*

# Schedule 5 — Noxious fish

[r. 70]

*[Heading inserted: Gazette 22 Oct 2014 p. 4088.]*

In this Schedule —

***Montebello Islands Marine Park*** means all waters reserved under the *Conservation and Land Management Act 1984* section 13 as Class "A" Marine Reserve No. 9, Montebello Islands Marine Park;

***Port of Albany*** means the area described to be the Port of Albany by order made by the Governor under the *Port Authorities Act 1999* section 24(1);

***Port of Bunbury*** means the area described to be the Port of Bunbury by order made by the Governor under the *Port Authorities Act 1999* section 24(1);

***Port of Fremantle*** means the area described to be the Port of Fremantle by order made by the Governor under the *Port Authorities Act 1999* section 24(1).

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Acanthogobius flavimanus* | Yellow Fin Goby | Any area of the State |
| *Acestrorhynchus microlepis* | Pike Characin | Any area of the State |
| *Acipenser baerii baerii* | Siberian Sturgeon | Any area of the State |
| *Acipenser baerii baicalensis* | Baikal Sturgeon | Any area of the State |
| *Acipenser brevirostrum* | Shortnose Sturgeon | Any area of the State |
| *Acipenser dabryanus* | Yangtze Sturgeon | Any area of the State |
| *Acipenser fulvescens* | Lake Sturgeon | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Acipenser gueldenstaedtii* | Russian Sturgeon | Any area of the State |
| *Acipenser medirostris* | Green Sturgeon | Any area of the State |
| *Acipenser mikadoi* | Sakhalin Sturgeon | Any area of the State |
| *Acipenser multiscutatus* | Japanese Sturgeon | Any area of the State |
| *Acipenser naccarii* | Adriatic Sturgeon | Any area of the State |
| *Acipenser nudiventris* | Fringebarbel Sturgeon | Any area of the State |
| *Acipenser oxyrinchus* | | Any area of the State |
| *Acipenser oxyrinchus destotoi* | Gulf Sturgeon | Any area of the State |
| *Acipenser oxyrinchus oxyrinchus* | Atlantic Sturgeon | Any area of the State |
| *Acipenser persicus* | Persian Sturgeon | Any area of the State |
| *Acipenser ruthenus* | Sterlet | Any area of the State |
| *Acipenser schrenckii* | Amur Sturgeon | Any area of the State |
| *Acipenser sinensis* | Chinese Sturgeon | Any area of the State |
| *Acipenser stellatus* | Starry Sturgeon | Any area of the State |
| *Acipenser sturio* | European Sturgeon | Any area of the State |
| *Acipenser transmontanus* | White Sturgeon | Any area of the State |
| *Alfaro amazonus* | | Any area of the State |
| *Alfaro cultratus* | Knife-edged Livebearer | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Alfaro huberi* | | Any area of the State |
| *Allomogurnda nesolepis* | Yellowbelly Gudgeon | Any area of the State |
| *Ameiurus brunneus* | Snail Bullhead | Any area of the State |
| *Ameiurus catus* | White Catfish | Any area of the State |
| *Ameiurus melas* | Black Bullhead | Any area of the State |
| *Ameiurus natalis* | Yellow Bullhead | Any area of the State |
| *Ameiurus nebulosus* | Brown Bullhead | Any area of the State |
| *Ameiurus platycephalus* | Flat Bullhead | Any area of the State |
| *Ameiurus serracanthus* | Spotted Bullhead | Any area of the State |
| *Amia calva* | Bowfin | Any area of the State |
| *Amphibalanus eburneus* (syn. *Balanus eburneus*) | Ivory Barnacle | Any area of the State |
| *Amphibalanus improvisus* (syn. *Balanus improvisus*) | Bay Barnacle | Any area of the State |
| *Anabas cobojius* | Gangetic Climbing Perch | Any area of the State |
| *Anabas testudineus* | Climbing Perch | Any area of the State |
| *Anadara transversa* (syn. *A. demiri*) | Transverse Arc Clam | Any area of the State |
| *Anaspidoglanis macrostoma* | Flatnose Catfish | Any area of the State |
| *Apeltes quadracus* | Four-spined Stickleback | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Arcuatula senhousia* (syn. *Musculista senhousia*) | Asian Bag Mussel, Asian Date Mussel | Any area of the State except in the Swan River and Port of Fremantle |
| *Aristichthys noblis* | Bighead Carp | Any area of the State |
| *Astacus leptodactylus* | Danube Crayfish, Turkish Crayfish | Any area of the State |
| *Asterias amurensis* | Northern Pacific Seastar | Any area of the State |
| *Astyanax aeneus* | Banded Tetra | Any area of the State |
| *Astyanax fasciatus* | Banded Astyanax | Any area of the State |
| *Astyanacinus moorii* | Tetra | Any area of the State |
| *Bagrus ubangensis* | Ubangi Shovelnose Catfish | Any area of the State |
| *Balanus glandula* | Common Acorn Barnacle, White Buckshot Barnacle | Any area of the State |
| *Barbodes hexagonolepis* | Copper Mahseer | Any area of the State |
| *Belonesox belizanus* | Pike Minnow, Pike Killifish | Any area of the State |
| *Beroe ovata* | | Any area of the State |
| *Blackfordia virginica* | | Any area of the State |
| *Bonnemaisonia hamifera* | Bonnemaison's Hook Weed, Pink Cotton Wool | Any area of the State |
| *Boulengerella cuvieri* | Bicuda | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Boulengerella lucius* | Golden Pike-characin | Any area of the State |
| *Boulengerella xyrekes* | | Any area of the State |
| *Boulengerochromis microlepis* | Giant Cichlid, Yellow-belly Cichlid | Any area of the State |
| *Brachidontes pharaonis* | Variable Mussel | Any area of the State |
| *Callinectes sapidus* | Chesapeake Blue Crab, Atlantic Blue Crab, Blue Crab | Any area of the State |
| *Cambarellus patzcuarensis* | Mexican Dwarf Crayfish | Any area of the State |
| *Carcinoscorpius rotundicauda* | Mangrove Horseshoe Crab | Any area of the State |
| *Carcinus maenas* | European Green Crab, European Shore Crab | Any area of the State |
| *Catla catla* | Catla | Any area of the State |
| *Catlocarpio siamensis* | Giant Barb | Any area of the State |
| *Caulerpa taxifolia non-endemic* spp. (or variants) | Aquarium Weed, Feather Alga, Killer Alga | Any area of the State except in the Pilbara and Kimberley Region |
| *Centrarchidae* (entire family) | Banded Sunfish, Spotted Sunfish, Largemouth Bass, Bluegill | Any area of the State |
| *Centropomus* (entire genus) | Snooks (American) | Any area of the State |
| *Chaca bankanensis* | Angler Catfish | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Chaca burmensis* | Burmensis Frogmouth Catfish | Any area of the State |
| *Chaca chaca* | Angler, Frogmouth and Squarehead Catfish | Any area of the State |
| *Channa* spp. (entire genus) | Snakehead | Any area of the State |
| *Charybdis (Charybdis) japonica* | Asian Paddle Crab | Any area of the State |
| *Chthamalus proteus* | Atlantic Barnacle, Caribbean Barnacle | Any area of the State |
| *Cirrhinus cirrhosus* | Mrigal | Any area of the State |
| *Clarias* spp. (entire genus) | Walking Catfish | Any area of the State |
| *Cliona thoosina* | Boring Sponge, Sulfur Sponge | Any area of the State |
| *Codium fragile fragile* (syn. *C. fragile tomentosoides*) | Dead Man's Fingers, Oyster Thief, Broccoli Weed | Any area of the State except in the Port of Albany |
| *Colossoma* spp. (entire genus) | Tambaqui Pacu, Pirapitinga | Any area of the State |
| *Corbicula fluminea* | Asian Clam, Asiatic Clam | Any area of the State |
| *Corbula gibba* (syn. *Varicorbula gibba*) | Basket Shell, European Clam, Basket Shell Clam | Any area of the State |
| *Crassostrea ariakensis* | Suminoe Oyster, Asian Oyster | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Crassostrea virginica* | American Oyster, Eastern Oyster | Any area of the State |
| *Crenicichla lepidota* | Pike Cichlid | Any area of the State |
| *Crepidula fornicata* | Slipper Limpet, Atlantic Slipper Snail | Any area of the State |
| *Ctenobrycon hauxwellianus* | | Any area of the State |
| *Ctenobrycon multiradiatus* | | Any area of the State |
| *Ctenopharyngodon idella* | Grass Carp | Any area of the State |
| *Ctenopoma argentoventer* | Silverbelly Ctenopoma | Any area of the State |
| *Ctenopoma kingsleyae* | Tailspot Ctenopoma | Any area of the State |
| *Ctenopoma multispine* | Manyspined Ctenopoma | Any area of the State |
| *Ctenopoma muriei* | Ocellated Labyrinth Fish | Any area of the State |
| *Ctenopoma nigropannosum* | Twospot Climbing Perch | Any area of the State |
| *Ctenopoma ocellatum* | Eyespot Ctenopoma | Any area of the State |
| *Ctenopoma weeksii* | Mottled Ctenopoma | Any area of the State |
| *Culaea inconstans* | Brook Stickleback | Any area of the State |
| *Didemnum non-endemic* spp. | Colonial Sea Squirt, Colonial Ascidian | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Didemnum perlucidum* | White Sea Squirt, White Ascidian | Montebello Islands Marine Park |
| *Didemnum vexillum* | Colonial Sea Squirt | Any area of the State |
| *Dikerogammarus villosus* | Killer Shrimp | Any area of the State |
| *Dormitator latifrons* | Pacific Fat Sleeper | Any area of the State |
| *Dormitator lebretonis* | | Any area of the State |
| *Dormitator maculatus* | Fat Sleeper | Any area of the State |
| *Dreissena bugensis* | Quagga Mussel | Any area of the State |
| *Dreissena polymorpha* | European Zebra Mussel, Wandering Mussel | Any area of the State |
| *Elassoma* spp. (entire genus) | Pygmy Sunfish | Any area of the State |
| *Electrophorus electricus* | Electric Eel | Any area of the State |
| *Eleotris amblyopsis* | Large Scaled Spiny Cheek Sleeper | Any area of the State |
| *Eleotris andamensis* | | Any area of the State |
| *Eleotris annobonensis* | | Any area of the State |
| *Eleotris aquadulcis* | Freshwater Gudgeon | Any area of the State |
| *Eleotris balia* | | Any area of the State |
| *Eleotris brachyurus* | | Any area of the State |
| *Eleotris daganensis* | | Any area of the State |
| *Eleotris fasciatus* | | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Eleotris feai* | | Any area of the State |
| *Eleotris lutea* | Lutea Sleeper | Any area of the State |
| *Eleotris macrocephala* | | Any area of the State |
| *Eleotris macrolepis* | | Any area of the State |
| *Eleotris mauritianus* | Widehead Sleeper | Any area of the State |
| *Eleotris melanura* | | Any area of the State |
| *Eleotris oxycephala* | | Any area of the State |
| *Eleotris pellegrini* | | Any area of the State |
| *Eleotris perniger* | Smallscaled Spinycheek Sleeper | Any area of the State |
| *Eleotris picta* | Spotted Sleeper | Any area of the State |
| *Eleotris pisonis* | Spinycheek Sleeper | Any area of the State |
| *Eleotris pseudacanthopomus* | | Any area of the State |
| *Eleotris sandwicensis* | Sandwich Island Sleeper | Any area of the State |
| *Eleotris senegalensis* | | Any area of the State |
| *Eleotris soaresi* | | Any area of the State |
| *Eleotris tecta* | | Any area of the State |
| *Eleotris tubularis* | | Any area of the State |
| *Eleotris vittata* | | Any area of the State |
| *Eleotris vomerodentata* | | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Ensis directus* | Jack-knife Clam | Any area of the State |
| *Eriocheir sinensis* | Chinese Mitten Crab | Any area of the State |
| *Eriocheir* spp. | Mitten Crabs | Any area of the State |
| *Erpetoichthys calabaricus* | Reedfish | Any area of the State |
| *Erythrinus* spp. (entire genus) | Trahiras (various) | Any area of the State |
| *Esox* spp. (entire genus) | Pikes (Freshwater) | Any area of the State |
| *Faxonius rusticus* (formerly *Orconectes rusticus*) | Rusty Crayfish | Any area of the State |
| *Fucus evanescens* | Brown Macroalga, Wrack | Any area of the State |
| *Gambusia* spp. (entire genus) | Mosquito Fish | Any area of the State |
| *Gelliodes fibrosa* | Gray Encrusting Sponge | Any area of the State |
| *Geukensia demissa* | Ribbed Mussel | Any area of the State |
| *Gobiomorphus gobioides* | Giant Bully | Any area of the State |
| *Gobiomorphus huttoni* | Redfin Bully | Any area of the State |
| *Gobiomorus dormitor* | Bigmouth Sleeper | Any area of the State |
| *Gobiomorus maculatus* | Pacific Sleeper | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Grateloupia turuturu* | Devil's Tongue Weed, Asian Red Seaweed | Any area of the State |
| *Gymnarchus niloticus* | Aba Aba | Any area of the State |
| *Helicophagus leptorhynchus* | | Any area of the State |
| *Helicophagus waandersii* | | Any area of the State |
| *Hemichromis fasciatus* | Banded Jewelfish | Any area of the State |
| *Hemigrapsus penicillatus* (syn. *Grapsus (Eriocheir) penicillatus*) | Hairy-clawed Shore Crab | Any area of the State |
| *Hemigrapsus sanguineus* | Asian Shore Crab, Japanese Shore Crab | Any area of the State |
| *Hemigrapsus takanoi* | Brush-clawed Shore Crab | Any area of the State |
| *Hepsetus odoe* | African Pike | Any area of the State |
| *Heterandria bimaculata* | Twospot Livebearer | Any area of the State |
| *Heteropneustes fossilis* | Stinging Catfish | Any area of the State |
| *Himantura kittipongi* | | Any area of the State |
| *Himantura krempfi* | Marbled Freshwater Whipray | Any area of the State |
| *Himantura oxyrhyncha* | Marbled Whipray | Any area of the State |
| *Hoplerythrinus* spp. (entire genus) | Trahiras (various) | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Hoplias* spp. (entire genus) | Trahiras (various) | Any area of the State |
| *Hydrocynus* spp. (entire genus) | Tigerfish | Any area of the State |
| *Hydroides dianthus* | Serpulid Tube Worm, Limy Tube Worm | Any area of the State |
| *Hypophthalmichthys molitrix* | Silver Carp | Any area of the State |
| *Hypseleotris cyprinoides* | Tropical Carp-gudgeon | Any area of the State |
| *Hypseleotris tohizonae* | | Any area of the State |
| *Ichthyborinae* (entire subfamily) | African Pike-characin, Tubenose Poacher, Fin Eater | Any area of the State |
| *Ictalurus balsanus* | Balsas Catfish | Any area of the State |
| *Ictalurus dugesii* | Lerma Catfish | Any area of the State |
| *Ictalurus furcatus* | Blue Catfish | Any area of the State |
| *Ictalurus lupus* | Headwater Catfish | Any area of the State |
| *Ictalurus mexicanus* | Rio Verde Catfish | Any area of the State |
| *Ictalurus ochoterenai* | Chapala Catfish | Any area of the State |
| *Ictalurus pricei* | Yaqui Catfish | Any area of the State |
| *Ictalurus punctatus* | Channel Catfish | Any area of the State |
| *Labeo calbasu* | Orange Fin Labeo | Any area of the State |
| *Labeo rohita* | Rohu | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Lates microlepis* | Forktail Lates | Any area of the State |
| *Lates niloticus* | Nile Perch | Any area of the State |
| *Lebiasina bimaculata* | Twospot Lebiasina | Any area of the State |
| *Lepidosiren paradoxa* | South American Lungfish | Any area of the State |
| *Leptolebias aureoguttatus* | | Any area of the State |
| *Leptolebias marmoratus* | Marbled Pearlfish | Any area of the State |
| *Leptolebias minimus* | Barred Tail Pearlfish | Any area of the State |
| *Leptolebias opalescens* | Opal Pearlfish | Any area of the State |
| *Limnoperna fortunei* | Golden Mussel | Any area of the State |
| *Malapterurus* spp. (entire genus) | Electric Catfish | Any area of the State |
| *Maoricolpus roseus* | New Zealand Screwshell | Any area of the State |
| *Marenzelleria non-endemic* spp. | Red-Gilled Mudworm | Any area of the State |
| *Melanotheron melanotheron* | Blackchin Tilapia | Any area of the State |
| *Misgurnus anguillicaudatus* | Weatherloach | Any area of the State |
| *Mnemiopsis leidyi* | Comb Jelly | Any area of the State |
| *Monia nobilis* (syn. *Anomia nobilis*) | Jingle Shell, Saddle Oyster | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Mormyrops anguilloides* | Cornish Jack, Bottlenose | Any area of the State |
| *Mya arenaria* | Soft-shell Clam, Long-neck Clam, Steamer | Any area of the State |
| *Mytella charruana* | Charru Mussel | Any area of the State |
| *Mytilopsis leucophaeata* | Dark False Mussel, Conrad's False Mussel | Any area of the State |
| *Mytilopsis* spp. (entire genus) and *Congeria* spp. (entire genus) | Black-Striped Mussel | Any area of the State |
| *Neogobius melanostomus* | Round Goby | Any area of the State |
| *Notropis* spp. (entire genus) | Shiners | Any area of the State |
| *Noturus albater* | Ozark Madtom | Any area of the State |
| *Noturus baileyi* | Smoky Madtom | Any area of the State |
| *Noturus crypticus* | Chucky Madtom | Any area of the State |
| *Noturus elegans* | Elegant Madtom | Any area of the State |
| *Noturus eleutherus* | Mountain Madtom | Any area of the State |
| *Noturus exilis* | Slender Madtom | Any area of the State |
| *Noturus fasciatus* | Saddled Madtom | Any area of the State |
| *Noturus flavater* | Checkered Madtom | Any area of the State |
| *Noturus flavipinnis* | Yellowfin Madtom | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Noturus flavus* | Stonecat | Any area of the State |
| *Noturus funebris* | Black Madtom | Any area of the State |
| *Noturus furiosus* | Carolina Madtom | Any area of the State |
| *Noturus gilberti* | Orangefin Madtom | Any area of the State |
| *Noturus gladiator* | | Any area of the State |
| *Noturus gyrinus* | Tadpole Madtom | Any area of the State |
| *Noturus hildebrandi hildebrandi* | Least Madtom | Any area of the State |
| *Noturus hildebrandi lautus* | | Any area of the State |
| *Noturus insignis* | Margined Madtom | Any area of the State |
| *Noturus lachneri* | Ouachita Madtom | Any area of the State |
| *Noturus leptacanthus* | Speckled Madtom | Any area of the State |
| *Noturus maydeni* | Black River Madtom | Any area of the State |
| *Noturus miurus* | Brindled Madtom | Any area of the State |
| *Noturus munitus* | Frecklebelly Madtom | Any area of the State |
| *Noturus nocturnus* | Freckled Madtom | Any area of the State |
| *Noturus phaeus* | Brown Madtom | Any area of the State |
| *Noturus placidus* | Neosho Madtom | Any area of the State |
| *Noturus stanauli* | Pygmy Madtom | Any area of the State |
| *Noturus stigmosus* | Northern Madtom | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Noturus taylori* | Caddo Madtom | Any area of the State |
| *Noturus trautmani* | Scioto Madtom | Any area of the State |
| *Orconectes limosus* | Spiny Cheek Crayfish | Any area of the State |
| *Orconectes virilis* | Northern Crayfish, Virile Crayfish | Any area of the State |
| *Oreochromis* spp. (entire genus) | Tilapia (various) | Any area of the State |
| *Oxydoras* spp. (entire genus) | Ripsaw Catfish, Black Doras, Black Shielded Catfish | Any area of the State |
| *Oxyeleotris heterodon* | Sentani Gudgeon | Any area of the State |
| *Oxyeleotris marmorata* | Marble Goby | Any area of the State |
| *Oxyeleotris siamensis* | | Any area of the State |
| *Oxyeleotris urophthalmoides* | | Any area of the State |
| *Oxyeleotris urophthalmus* | | Any area of the State |
| *Pachygrapsus fakaravensis* | Polynesian Grapsid Crab | Any area of the State |
| *Pacifastacus leniusculus* | Signal Crayfish | Any area of the State |
| *Pangasianodon gigas* | Mekong Giant Catfish | Any area of the State |
| *Pangasius bedado* | | Any area of the State |
| *Pangasius bocourti* | Basa Fish | Any area of the State |
| *Pangasius conchophilus* | | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Pangasius djambal* | | Any area of the State |
| *Pangasius elongatus* | | Any area of the State |
| *Pangasius humeralis* | | Any area of the State |
| *Pangasius kinabatanganensis* | | Any area of the State |
| *Pangasius krempfi* | | Any area of the State |
| *Pangasius kunyit* | | Any area of the State |
| *Pangasius larnaudii* | Spot Pangasius | Any area of the State |
| *Pangasius lithostoma* | | Any area of the State |
| *Pangasius macronema* | | Any area of the State |
| *Pangasius mahakamensis* | | Any area of the State |
| *Pangasius mekongensis* | | Any area of the State |
| *Pangasius myanmar* | | Any area of the State |
| *Pangasius nasutus* | | Any area of the State |
| *Pangasius nieuwenhuisii* | | Any area of the State |
| *Pangasius pangasius* | Yellowtailed Catfish | Any area of the State |
| *Pangasius polyuranodon* | | Any area of the State |
| *Pangasius rheophilus* | | Any area of the State |
| *Pangasius sabahensis* | | Any area of the State |
| *Pangasius sanitwongsei* | | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Pangasius tubbi* | | Any area of the State |
| *Paratrygon aiereba* | Discus Ray | Any area of the State |
| *Paravandelia oxyptera* | Parasitic Catfish | Any area of the State |
| *Perna canaliculus* | New Zealand Mussel, New Zealand Green-lipped Mussel, Greenshell Mussel, Kuku, Kutai | Any area of the State |
| *Perna perna* | Brown Mussel | Any area of the State |
| *Perna viridis* | Asian Green Mussel | Any area of the State |
| *Phoxinus erythrogaster* | Southern Redbelly Dace | Any area of the State |
| *Polyodon spathula* | Mississippi Paddlefish | Any area of the State |
| *Potamocorbula amurensis* (syn. *Corbula amurensis*) | Asian Clam, Amur River Clam, Overbite Clam, Brackish-water Corbula | Any area of the State |
| *Procambarus clarkii* | Red Swamp Crayfish | Any area of the State |
| *Procambarus fallax f. virginalis* | Marbled Crayfish, Marmorkrebs | Any area of the State |
| *Protopterus aethiopicus* | Marbled Lungfish | Any area of the State |
| *Protopterus amphibius* | Gilled Lungfish | Any area of the State |
| *Protopterus annectens* | African Lungfish | Any area of the State |
| *Protopterus dolloi* | Slender Lungfish | Any area of the State |
| *Psephurus gladius* | Chinese Swordfish | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Pseudodiaptomus marinus* | Calanoid Copepod | Any area of the State |
| *Pseudoplatystoma fasciatum* | Tiger Catfish | Any area of the State |
| *Pungitius pungitius* | Ninespine Stickleback | Any area of the State |
| *Pygocentrus* spp. (entire genus) | Piranha (various) | Any area of the State |
| *Pylodictis olivaris* | Flathead Catfish | Any area of the State |
| *Rapana venosa* (syn. *R. thomasiana*) | Asian Rapa Whelk, Veined Rapa Whelk | Any area of the State |
| *Rhithropanopeus harrisii* | Harris Mud Crab, White-fingered Mud Crab, Zuiderzee Crab | Any area of the State |
| *Rutilus rutilus* | Roach | Any area of the State |
| *Sabella spallanzanii* | European Fan Worm | Any area of the State except in the West Coast Region and the South Coast Region |
| *Sargassum muticum* | Japweed, Wireweed, Strangle Weed | Any area of the State |
| *Sargochromis* spp. (entire genus) | Pink, Slender, Greenwood's, Mortimer's, Cunene and Green Happy | Any area of the State |
| *Sarotherodon* spp. (entire genus) | Tilapia (various) | Any area of the State |
| *Schilbe angolensis* | | Any area of the State |

| Scientific name | Examples of common names used | Area or areas where fish is prescribed to be noxious |
|---|---|---|
| *Schilbe banguelensis* | Golden Barbel | Any area of the State |
| *Schilbe bocagii* | | Any area of the State |
| *Schilbe brevianalis* | | Any area of the State |
| *Schilbe congensis* | | Any area of the State |
| *Schilbe djemeri* | | Any area of the State |
| *Schilbe durinii* | | Any area of the State |
| *Schilbe grenfelli* | | Any area of the State |
| *Schilbe intermedius* | Silver Catfish | Any area of the State |
| *Schilbe laticeps* | | Any area of the State |
| *Schilbe mandibularis* | | Any area of the State |
| *Schilbe marmoratus* | Shoulderspot Catfish | Any area of the State |
| *Schilbe micropogon* | | Any area of the State |
| *Schilbe moebiusii* | | Any area of the State |
| *Schilbe multitaeniatus* | | Any area of the State |
| *Schilbe mystus* | African Butter Catfish | Any area of the State |
| *Schilbe nyongensis* | | Any area of the State |
| *Schilbe tumbanus* | | Any area of the State |
| *Schilbe uranoscopus* | | Any area of the State |
| *Schilbe yangambianus* | Yangambi Butterbarbel | Any area of the State |
| *Schilbe zairensis* | | Any area of the State |

| **Scientific name** | **Examples of common names used** | **Area or areas where fish is prescribed to be noxious** |
|---|---|---|
| *Serranochromis* spp. (entire genus) | Cichlids | Any area of the State |
| *Serrasalmus* spp. (entire genus) | Piranha (various) | Any area of the State |
| *Siganus luridus* | Dusky Spinefoot | Any area of the State |
| *Siganus rivulatus* | Marbled Spinefoot, Rabbit Fish | Any area of the State |
| *Silurus* spp. (entire genus) | European Catfish, Wels Catfish | Any area of the State |
| *Solidobalanus fallax* | Warm-water Barnacle | Any area of the State |
| *Tilapia* spp. (all except *T. buttikoferi*) | Tilapia (various) | Any area of the State |
| *Tinca tinca* | Tench | Any area of the State |
| *Tomeurus gracilis* | | Any area of the State |
| *Tor* (entire genus) | River Carp, Deccan, High Backed, Jungha, Putitor, Thai Mahseer | Any area of the State |
| *Tortanus (Eutortanus) dextrilobatus* | | Any area of the State |
| *Tridentiger barbatus* | Shokihaze Goby | Any area of the State |
| *Tridentiger bifasciatus* | Shimofuri Goby | Any area of the State |
| *Tridentiger trigonocephalus* | Chameleon Goby, Striped Goby | Any area of the State except the Port of Bunbury, the Port of Fremantle and the Swan River |

| Scientific name | Examples of common names used | Area or areas where fish is prescribed to be noxious |
|---|---|---|
| *Undaria pinnatifida* | Japanese Kelp, Wakame | Any area of the State |
| *Valencia hispanica* | Valencia Toothcarp | Any area of the State |
| *Womersleyella setacea* (syn. *Polysiphonia setacea*) | Red Polysiphonous Macroalga | Any area of the State |
| *Zacco platypus* | Freshwater Minnow | Any area of the State |

*[Schedule 5 inserted: Gazette 22 Oct 2014 p. 4088-115; amended: Gazette 4 Oct 2019 p. 3566-87; SL 2024/263 r. 23.]*

# 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 — List of common and scientific names

[r. 3(2)]

*[Heading inserted: Gazette 4 Oct 2019 p. 3588.]*

## Division 1 — Marine or fluvio-marine fish

*[Heading inserted: SL 2024/263 r. 24.]*

| Common name | Scientific name |
|---|---|
| Albacore | *Thunnus alalunga* |
| Amberjack | *Seriola dumerili* |
| Anchovy, Australian | *Engraulis australis* |
| Bait Fish | Families Clupeidae and Engraulidae |
| Barracouta | Family Gempylidae |
| Barracuda, Great | *Sphyraena barracuda* |
| Barracuda, Striped | *Sphyraena obtusata* |
| Barramundi | *Lates calcarifer* |
| Billfish (Marlins, Sailfish, Spearfish) | Family Istiophoridae |
| Boarfish | Family Pentacerotidae |
| Bonefish | *Albula* spp. |
| Bonito, Leaping | *Cybiosarda elegans* |
| Bonito, Oriental | *Sarda orientalis* |
| Bream, Black | *Acanthopagrus butcheri* |
| Bream, Northwest Black | *Acanthopagrus palmaris* |
| Bream, Western Yellowfin | *Acanthopagrus morrisoni* |
| Catfish | Families Ariidae and Plotosidae |
| Cobbler, Estuary | *Cnidoglanis macrocephalus* |

| Common name | Scientific name |
|---|---|
| Cobbler, Silver | *Neoarius midgleyi* |
| Cobia | *Rachycentron canadum* |
| Cod, Barramundi | *Cromileptes altivelis* |
| Cod, Breaksea | *Epinephelides armatus* |
| Cod, Rankin | *Epinephelus rankini* |
| Coral Trout | *Plectropomus* spp. |
| Coronation Trout | *Variola* spp. |
| Dart | *Trachinotus* spp. |
| Dhufish, West Australian | *Glaucosoma hebraicum* |
| Dolphinfish (Mahi Mahi) | *Coryphaena* spp. |
| Dory, John | *Zeus faber* |
| Dory, Mirror | *Zenopsis nebulosus* |
| Dusky Whaler | *Carcharhinus obscurus* |
| Emperor | *Lethrinus* spp. |
| Emperor, Bluespotted | *Lethrinus punctulatus* |
| Emperor, Grass | *Lethrinus laticaudis* |
| Emperor, Red | *Lutjanus sebae* |
| Emperor, Redthroat | *Lethrinus miniatus* |
| Emperor, Spangled | *Lethrinus nebulosus* |
| Flathead | *Platycephalus* spp. |
| Flathead, Longspine | *Platycephalus grandispinis* |
| Flathead, Marbled | *Platycephalus marmoratus* |
| Flathead, Southern Bluespotted | *Platycephalus speculator* |
| Flathead, Yellowtail | *Platycephalus westraliae* |

| Common name | Scientific name |
|---|---|
| Flounder | Families Pleuronectidae, Bothidae and Paralichthyidae |
| Foxfish | *Bodianus* spp. |
| Garfish | Family Hemiramphidae |
| Groper, Baldchin | *Choerodon rubescens* |
| Groper, Bass | *Polyprion americanus* |
| Groper, Queensland | *Epinephelus lanceolatus* |
| Groper, Western Blue | *Achoerodus gouldii* |
| Grouper, Eightbar | *Hyporthodus octofasciatus* |
| Hapuku | *Polyprion oxygeneios* |
| Hardyhead | Families Atherinidae and Dentatherinidae |
| Herring, Australian (Herring) | *Arripis georgianus* |
| Herring, Giant | *Elops* spp. |
| Herring, Perth | *Nematalosa vlaminghi* |
| Javelinfish and Sweetlips | Family Haemulidae |
| Jewfish, Black | *Protonibea diacanthus* |
| Leatherjacket | Family Monacanthidae |
| Longtom | Family Belonidae |
| Mackerel | Family Scombridae |
| Mackerel, Blue | *Scomber australasicus* |
| Mackerel, Common Jack | *Trachurus declivis* |
| Mackerel, Grey (Broad-barred Mackerel) | *Scomberomorus semifasciatus* |
| Mackerel, Peruvian Jack | *Trachurus murphyi* |

| Common name | Scientific name |
|---|---|
| Mackerel, Scaly | *Sardinella lemuru* |
| Mackerel, School | *Scomberomorus queenslandicus* |
| Mackerel, Shark | *Grammatorcynus bicarinatus* |
| Mackerel, Spanish (Narrow-barred Mackerel) | *Scomberomorus commerson* |
| Mackerel, Spotted | *Scomberomorus munroi* |
| Mangrove Jack | *Lutjanus argentimaculatus* |
| Maray | *Etrumeus jacksoniensis* |
| Milkfish | *Chanos chanos* |
| Mullet | Family Mugilidae |
| Mullet, Red (Goatfish) | Family Mullidae |
| Mullet, Sea | *Mugil cephalus* |
| Mullet, Yelloweye | *Aldrichetta forsteri* |
| Mulloway | *Argyrosomus japonicus* |
| Parrotfish | Subfamily Scarinae |
| Pearl Perch | *Glaucosoma* spp., excluding *G. hebraicum* |
| Pike, Longfin | *Dinolestes lewini* |
| Queenfish | *Scomberoides* spp. |
| Queenfish, Needleskin | *Scomberoides tol* |
| Rays | Superorder Batoidea |
| Rays, Eagle | Family Myliobatidae |
| Ray, Manta | *Manta birostris* |
| Redbait | *Emmelichthys nitidus* |

| Common name | Scientific name |
|---|---|
| Redfish, Bight (Nannygai, Red Snapper) | *Centroberyx gerrardi* |
| Redfish, Yelloweye | *Centroberyx australis* |
| Rockcod | Families Epinephelidae and Serranidae |
| Rockcod, Blackspotted | *Epinephelus malabaricus* |
| Rockcod, Chinaman (Charlie Court) | *Epinephelus rivulatus* |
| Rockcod, Goldspotted (Estuary Cod) | *Epinephelus coioides* |
| Rockcod, Potato | *Epinephelus tukula* |
| Salmon, Atlantic | *Salmo salar* |
| Salmon, Western Australian (Salmon) | *Arripis truttaceus* |
| Samsonfish | *Seriola hippos* |
| Sardine, Australian (Pilchard) | *Sardinops sagax* |
| Sawfish | Family Pristidae |
| Scad, Yellowtail | *Trachurus novaezelandiae* |
| Seabream | *Gymnocranius* spp. and *Monotaxis* spp. |
| Seadragon, Common | *Phyllopteryx taeniolatus* |
| Seadragon, Leafy | *Phycodurus eques* |
| Shark, Northern River | *Glyphis garricki* |
| Shark, Speartooth | *Glyphis glyphis* |
| Shark, Whale | *Rhincodon typus* |
| Shark, White | *Carcharodon carcharias* |

| Common name | Scientific name |
|---|---|
| Sharks | Orders Squatiniformes, Pristiophoriformes, Squaliformes, Hexanchiformes, Carcharhiniformes, Lamniformes, Orectolobiformes and Heterodontiformes |
| Sharks, Whaler | *Carcharhinus* spp. |
| Snapper, Crimson | *Lutjanus erythropterus* |
| Snapper, Deep Water | *Pristipomoides* spp. and *Etelis* spp. |
| Snapper, Goldband | *Pristipomoides multidens* |
| Snapper, Golden (Fingermark) | *Lutjanus johnii* |
| Snapper (Pink Snapper) | *Chrysophrys auratus* |
| Snapper, Queen (Blue Morwong) | *Nemadactylus valenciennesi* |
| Snapper, Saddletail | *Lutjanus malabaricus* |
| Snapper, Stripey | *Lutjanus carponotatus* |
| Snapper, Tropical | Family Lutjanidae |
| Snook | *Sphyraena novaehollandiae* |
| Sole | Family Soleidae |
| Sprat, Blue | *Spratelloides robustus* |
| Sprat, Sandy (Whitebait) | *Hyperlophus vittatus* |
| Stingray, Black | *Bathytoshia lata* |
| Stingray, Smooth | *Bathytoshia brevicaudata* |
| Swallowtail | *Centroberyx lineatus* |
| Sweep, Banded | *Scorpis georgiana* |
| Sweep, Sea | *Scorpis aequipinnis* |
| Swordfish | *Xiphias gladius* |

| Common name | Scientific name |
|---|---|
| Tailor | *Pomatomus saltatrix* |
| Tarwhine | *Rhabdosargus sarba* |
| Threadfin | Family Polynemidae |
| Threadfin, Blue | *Eleutheronema tetradactylum* |
| Threadfin, King | *Polydactylus macrochir* |
| Trevalla(s), Blue-Eye | Family Centrolophidae |
| Trevally | Family Carangidae |
| Trevally, Diamond | *Alectis indica* |
| Trevally, Giant | *Caranx ignobilis* |
| Trevally, Golden | *Gnathanodon speciosus* |
| Trevally, Silver (Skipjack) | *Pseudocaranx* spp. complex |
| Tripletail | *Lobotes surinamensis* |
| Tuna, Bigeye | *Thunnus obesus* |
| Tuna, Dogtooth | *Gymnosarda unicolor* |
| Tuna, Longtail | *Thunnus tonggol* |
| Tuna, Mackerel | *Euthynnus affinis* |
| Tuna, Skipjack | *Katsuwonus pelamis* |
| Tuna, Southern Bluefin | *Thunnus maccoyii* |
| Tuna, Yellowfin | *Thunnus albacares* |
| Tuskfish | *Choerodon* spp. excluding *C. rubescens* |
| Tuskfish, Blackspot | *Choerodon schoenleinii* |
| Tuskfish, Blue | *Choerodon cyanodus* |
| Wahoo | *Acanthocybium solandri* |

| Common name | Scientific name |
|---|---|
| Whiting ..... | *Sillago* spp. |
| Whiting, Goldenline ..... | *Sillago analis* |
| Whiting, King George ..... | *Sillaginodes punctatus* |
| Whiting, Southern School ..... | *Sillago bassensis* |
| Whiting, Yellowfin ..... | *Sillago schomburgkii* |
| Wrasse ..... | Subfamily Labrinae |
| Wrasse, Humphead Maori ..... | *Cheilinus undulatus* |
| Yellowtail Kingfish..... | *Seriola lalandi* |

*[Division 1 inserted: SL 2024/263 r. 24; amended: SL 2026/85 r. 14.]*

## Division 2 — Freshwater fish

*[Heading inserted: Gazette 4 Oct 2019 p. 3595.]*

| Common name | Scientific name |
|---|---|
| Carp, European ..... | *Cyprinus carpio* |
| Cobbler, Freshwater ..... | *Tandanus bostocki* |
| Cod, Murray ..... | *Maccullochella peeli* |
| Eel, Southern Shortfin ..... | *Anguilla australis* |
| Goldfish ..... | *Carassius auratus* |
| Grunter, Sooty ..... | *Hephaestus fuliginosus* |
| Lamprey, Pouch ..... | *Geotria australis* |
| Minnow, Black-Stripe ..... | *Galaxiella nigrostriata* |
| Minnow, Mud ..... | *Galaxiella munda* |
| Minnow, Western Trout ..... | *Galaxias truttaceus* |
| Perch, Balston's Pygmy ..... | *Nannatherina balstoni* |
| Perch, Golden ..... | *Macquaria ambigua* |

| Common name | Scientific name |
|---|---|
| Perch, Little Pygmy ..... | *Nannoperca pygmaea* |
| Perch, Silver ..... | *Bidyanus bidyanus* |
| Perch, Striped..... | Family Terapontidae |
| Redfin ..... | *Perca fluviatilis* |
| Salamanderfish ..... | *Lepidogalaxias salamandroides* |
| Trout, Brown ..... | *Salmo trutta* |
| Trout, Rainbow ..... | *Oncorhynchus mykiss* |

*[Division 2 inserted: Gazette 4 Oct 2019 p. 3595-6; SL 2024/263 r. 25.]*

## Division 3 — Crustaceans

*[Heading inserted: SL 2024/263 r. 26.]*

| Common name | Scientific name |
|---|---|
| Crab ..... | *Chaceon*, *Hypothalassia*, *Ovalipes*, *Portunus*, *Pseudocarcinus* and *Scylla* spp. |
| Crab, Blue Swimmer (Blue Manna) ..... | *Portunus armatus* |
| Crab, Brown Mud ..... | *Scylla olivacea* |
| Crab, Champagne ..... | *Hypothalassia acerba* |
| Crab, Coral ..... | *Charybdis feriata* |
| Crab, Crystal ..... | *Chaceon albus* |
| Crab, Giant ..... | *Pseudocarcinus gigas* |
| Crab, Green Mud ..... | *Scylla serrata* |
| Crab, Sand ..... | *Ovalipes australiensis* and *Portunus sanguinolentus* |

| Common name | Scientific name |
|---|---|
| Freshwater Crayfish ..... | *Cherax* spp. excluding *C. tenuimanus* and *C. cainii* |
| Gilgie ..... | *Cherax quinquecarinatus* and *C. crassimanus* |
| Koonac ..... | *Cherax plebejus* and *C. glaber* |
| Marron ..... | *Cherax tenuimanus* and *C. cainii* |
| Prawn ..... | Superfamilies Penaeoidea and Caridea |
| Prawn, Banana ..... | *Penaeus indicus* and *Penaeus merguiensis* |
| Prawn, Brown Tiger ..... | *Penaeus esculentus* |
| Prawn, Freshwater (Cherabin) ..... | *Macrobrachium* spp. |
| Prawn, Western King ..... | *Melicertus latisulcatus* |
| Prawn, Western School ..... | *Metapenaeus dalli* |
| Redclaw Crayfish..... | *Cherax quadricarinatus* |
| Rock Lobster ..... | *Jasus* and *Panulirus* spp. |
| Rock Lobster, Southern ..... | *Jasus edwardsii* |
| Rock Lobster, Tropical ..... | *Panulirus* spp. excluding *P. cygnus* |
| Rock Lobster, Western ..... | *Panulirus cygnus* |
| Yabbie ..... | *Cherax destructor* |

*[Division 3 inserted: SL 2024/263 r. 26.]*

## Division 4 — Molluscs

*[Heading inserted: SL 2024/263 r. 26.]*

| Common name | Scientific name |
|---|---|
| BIVALVES | |
| Ark Shell | Family Arcidae |
| Clam, Giant | *Tridacna gigas* |
| Clam, Venus | Family *Veneridae* |
| Cockle | *Anadara* spp. |
| Mussel | Family Mytilidae |
| Mussel, Blue | *Mytilus galloprovincialis* |
| Oyster | Family Ostreidae |
| Pipis | Family Donacidae |
| Razor Shell | Family Pinnidae |
| Scallop | Family Pectinidae |
| | |
| CEPHALOPODS | |
| Cuttlefish | *Sepia* spp. |
| Octopus | Family Octopodidae |
| Squid | Order Teuthoidea |
| | |
| GASTROPODS | |
| Abalone | *Haliotis* spp. |
| Abalone, Brownlip | *Haliotis conicopora* |
| Abalone, Greenlip | *Haliotis laevigata* |
| Abalone, Roe's | *Haliotis roei* |

| Common name | Scientific name |
|---|---|
| Bailer Shell ..... | Family Volutidae |
| Conch ..... | Family Strombidae |
| Trochus ..... | *Rochia nilotica* |
| Zoila Cowry ..... | Family Cypraeidae |

*[Division 4 inserted: SL 2024/263 r. 26.]*

## Division 5 — Other

*[Heading inserted: SL 2024/263 r. 26.]*

| Common name | Scientific name |
|---|---|
| Bloodworm ..... | *Polycirrus* spp. |
| Coral ..... | Class Anthozoa and Class Hydrozoa |
| Live Rock ..... | Family Corallinaceae, Class Polychaeta, Class Crinoidea, Class Ascidiacea, Class Ophiuroidea, Phylum Bryozoa and Phylum Porifera and dead fish of Class Anthozoa and Class Hydrozoa |
| Sea Cucumber ..... | Class Holothuroidea |
| Sea Urchin ..... | Family Echinometridae |

*[Division 5 inserted: SL 2024/263 r. 26.]*

# Schedule 8

[reg. 151]

## Determination of characteristics of fish

## Part 1 — Length

| Column 1<br>Name of fish | Column 2<br>Method of determining length |
|---|---|
| 1. Cobbler, Estuary and Freshwater Cobbler | By measuring in a direct line —<br>(a) for partial length, from the base of the anterior edge of the caudo dorsal fin to the tip of the tail; and<br>(b) for total length, from the point of the snout, excluding the barbels, to the tip of the tail. |
| 2. Crab, Champagne Crab, Giant | By measuring from the inside of the frontal groove midway between the eyes on the anterior margin of the carapace along the mid-ventral line of the carapace to the posterior margin where it joins the abdomen. |
| 2a. Crab, Crystal | By measuring across the carapace at the widest point. |
| 2b. Crab, any other | 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. |
| 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. |

| Column 1<br>Name of fish | Column 2<br>Method of determining length |
|---|---|
| 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 1 amended: Gazette 15 Jan 1999 p. 113; 13 Nov 2007 p. 5694; 4 Oct 2019 p. 3599.]*

## Part 2 — Method of determining the volume of fish

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

## Part 3 — Method of determining the length of fish trunks and fillets

*[Heading inserted: Gazette 4 Nov 2005 p. 5317.]*

A fish trunk or fillet is to be measured —

(a) when the fish is lying flat; and

(b) without being held; and

(c) lengthwise along the longest part of the fish to which both the skin and the flesh of the fish extends; and

(d) in the case of a fillet, the measurement is not to include any part of the head or tail of the fish still attached.

*[Part 3 inserted: Gazette 4 Nov 2005 p. 5317.]*

# Schedule 9 — Determining the value of fish

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

*[Heading inserted: Gazette 4 Oct 2019 p. 3599.]*

| Species of fish | Value per unit of weight ($/kg) | Value per fish ($) |
|---|---|---|
| Abalone, Brownlip (shucked) | 90.00 | 24.00 |
| Abalone, Brownlip (whole weight) | 35.00 | 23.00 |
| Abalone, Greenlip (shucked) | 110.00 | 25.00 |
| Abalone, Greenlip (whole weight) | 40.00 | 25.00 |
| Abalone, Roe's (shucked) | 60.00 | 3.00 |
| Abalone, Roe's (whole weight) . | 26.00 | 3.00 |
| Albacore | 3.50 | 14.00 |
| Amberjack | 3.00 | 15.00 |
| Ark Shell | 10.00 | 0.25 |
| Bait Fish | 4.50 | 0.20 |
| Barracuda | 2.00 | 10.00 |
| Barramundi | 10.00 | 40.00 |
| Boarfish | 5.00 | 15.00 |
| Bonito | 6.50 | 22.00 |
| Bream, Black | 8.00 | 4.00 |
| Bream, Northwest Black | 6.00 | 12.00 |
| Bream, Western Yellowfin | 5.00 | 2.00 |
| Catfish | 2.00 | 1.00 |
| Clam, Venus | 8.00 | 0.20 |
| Cobbler, Estuary | 5.00 | 3.00 |
| Cobia | 3.50 | 35.00 |

| Species of fish | Value per unit of weight ($/kg) | Value per fish ($) |
|---|---|---|
| Cockle Shell | 3.00 | 0.10 |
| Cod, Breaksea | 10.50 | 21.00 |
| Cod, Rankin | 8.00 | 32.00 |
| Coral | 80.00 | - |
| Coral Trout | 16.00 | 36.00 |
| Crab, Blue Swimmer (Blue Manna) | 9.00 | 5.00 |
| Crab, Brown Mud | 22.00 | 12.00 |
| Crab, Champagne | 15.00 | 30.00 |
| Crab, Crystal | 17.00 | 42.50 |
| Crab, Giant | 39.00 | 128.00 |
| Crab, Green Mud | 22.00 | 12.00 |
| Cuttlefish | 4.00 | 2.50 |
| Dart | 2.50 | 2.50 |
| Dhufish, West Australian | 17.50 | 70.00 |
| Dolphinfish (Mahi Mahi) | 5.50 | 11.00 |
| Dory, John | 9.00 | 18.00 |
| Emperor, all species except Bluespotted Emperor, Grass Emperor and Spangled Emperor | 6.00 | 12.00 |
| Emperor, Bluespotted | 4.50 | 10.80 |
| Emperor, Grass | 7.00 | 17.50 |
| Emperor, Red | 12.00 | 36.00 |
| Emperor, Spangled | 6.00 | 15.00 |
| Flathead | 8.00 | 7.00 |

| Species of fish | Value per unit of weight ($/kg) | Value per fish ($) |
|---|---|---|
| Flounder | 12.50 | 6.00 |
| Foxfish | 7.00 | 4.00 |
| Garfish | 6.00 | 2.00 |
| Groper, Baldchin | 13.00 | 39.00 |
| Groper, Bass | 9.50 | 57.00 |
| Groper, Queensland | 10.00 | 100.00 |
| Groper, Western Blue | 6.00 | 48.00 |
| Grouper, Eightbar | 8.00 | 48.00 |
| Grunter, Sooty | 5.00 | 2.50 |
| Hapuku | 8.00 | 64.00 |
| Hardyhead | 3.00 | 0.50 |
| Harlequin Fish | 2.00 | 2.00 |
| Herring, Australian (Herring) | 1.00 | 0.50 |
| Javelinfish | 4.00 | 4.00 |
| Jewfish, Black | 6.50 | 26.00 |
| Leatherjacket | 3.00 | 3.00 |
| Live Rock | 8.00 | - |
| Longtom | 1.00 | 0.50 |
| Mackerel, Blue | 4.00 | 1.00 |
| Mackerel, Grey | 7.00 | 35.00 |
| Mackerel, Shark | 3.00 | 12.00 |
| Mackerel, Spanish | 8.00 | 40.00 |
| Mangrove Jack | 5.50 | 14.00 |
| Marlin | 2.00 | 100.00 |

| Species of fish | Value per unit of weight ($/kg) | Value per fish ($) |
|---|---|---|
| Marron | 36.00 | 5.00 |
| Mullet | 2.50 | 2.00 |
| Mullet, Red (Goatfish) | 3.50 | 2.00 |
| Mulloway | 4.50 | 11.00 |
| Mussel | 3.00 | 0.10 |
| Octopus | 12.00 | 6.00 |
| Oyster | 10.00 | 0.60 |
| Parrotfish | 6.00 | 12.00 |
| Pearl Perch | 7.50 | 15.00 |
| Pigfish | 7.00 | 3.50 |
| Pike | 2.00 | 1.00 |
| Pipi | 3.00 | 0.10 |
| Prawn, all species except Brown Tiger, Western King and Western School | 2.00 | 0.10 |
| Prawn, Brown Tiger | 13.00 | 1.00 |
| Prawn, Freshwater (Cherabin) | 7.00 | 0.30 |
| Prawn, Western King | 12.00 | 1.00 |
| Prawn, Western School | 4.00 | 0.50 |
| Queenfish | 3.50 | 12.00 |
| Rays | 4.00 | 60.00 |
| Razor Shell | 5.00 | 1.00 |
| Redfish, Bight (Red Snapper, Nannygai) | 8.00 | 17.00 |
| Redfish, Yelloweye | 8.00 | 17.00 |
| Rockcod, Blackspotted | 7.00 | 42.00 |

| Species of fish | Value per unit of weight ($/kg) | Value per fish ($) |
|---|---|---|
| Rockcod, Goldspotted (Estuary Cod) | 7.00 | 42.00 |
| Rockcod, Potato | 10.00 | 100.00 |
| Rock Lobster | 50.00 | 25.00 |
| Rock Lobster (tail weight) | 60.00 | 15.00 |
| Sailfish | 1.00 | 40.00 |
| Salmon, Western Australian (Salmon) | 1.00 | 2.50 |
| Samsonfish | 2.00 | 10.00 |
| Sardine, Australian (Pilchard) | 1.00 | 0.20 |
| Sawfish | 10.00 | 500.00 |
| Scallop (shucked) | 18.00 | 0.50 |
| Scallop (whole weight) | 6.00 | 1.00 |
| Seabream | 7.00 | 14.00 |
| Sea Cucumber | 9.50 | 4.00 |
| Seadragon, Common | - | 100.00 |
| Seadragon, Leafy | - | 100.00 |
| Sea Urchin | 20.00 | 2.00 |
| Shark, all species except Speartooth, Whale and White | 6.00 | 90.00 |
| Shark, Speartooth | 10.00 | 500.00 |
| Shark, Whale | 10.00 | 500.00 |
| Shark, White | 10.00 | 500.00 |
| Snapper, Deep Water | 8.00 | 24.00 |
| Snapper, Goldband | 9.00 | 27.00 |
| Snapper, Golden (Fingermark) | 8.00 | 16.00 |

| Species of fish | Value per unit of weight ($/kg) | Value per fish ($) |
|---|---|---|
| Snapper (Pink Snapper) | 8.50 | 25.50 |
| Snapper, Queen (Blue Morwong) | 4.00 | 10.00 |
| Snapper, Tropical | 7.00 | 14.00 |
| Snook | 2.00 | 1.00 |
| Sole | 6.00 | 2.50 |
| Spearfish | 1.00 | 25.00 |
| Squid | 13.00 | 4.00 |
| Swallowtail | 3.50 | 3.00 |
| Sweep, Banded | 1.00 | 0.50 |
| Sweep, Sea | 3.00 | 2.00 |
| Sweetlips | 4.50 | 4.50 |
| Swordfish | 10.00 | 50.00 |
| Tailor | 5.00 | 4.00 |
| Tarwhine | 5.00 | 2.50 |
| Threadfin, Blue | 4.00 | 12.00 |
| Threadfin, King | 9.00 | 27.00 |
| Trevalla(s), Blue-Eye | 6.00 | 24.00 |
| Trevally, Giant | 3.50 | 8.00 |
| Trevally, Golden | 3.50 | 8.00 |
| Trevally, Silver (Skipjack) | 3.00 | 1.00 |
| Trochus | 9.50 | 2.00 |
| Trout, Brown | 7.00 | 3.00 |
| Trout, Rainbow | 7.00 | 3.00 |
| Tripletail | 2.00 | 5.00 |

| Species of fish | Value per unit of weight ($/kg) | Value per fish ($) |
|---|---|---|
| Tuna, Bigeye | 13.00 | 39.00 |
| Tuna, Dogtooth | 3.50 | 35.00 |
| Tuna, Longtail | 4.50 | 22.50 |
| Tuna, Skipjack | 6.50 | 19.50 |
| Tuna, Southern Bluefin | 9.00 | 18.00 |
| Tuna, Yellowfin | 8.00 | 16.00 |
| Tuskfish | 7.00 | 21.00 |
| Wahoo | 6.00 | 30.00 |
| Whiting, all species except King George and Yellowfin | 4.50 | 1.00 |
| Whiting, King George | 15.50 | 6.00 |
| Whiting, Yellowfin | 6.00 | 1.50 |
| Wrasse, Brown Spot | 6.00 | 2.50 |
| Wrasse, Humphead Maori | 25.00 | 100.00 |
| Wrasse, King | 3.00 | 2.00 |
| Yabbie | 12.00 | 2.00 |
| Yellowtail Kingfish | 3.00 | 15.00 |
| Zoila Cowry | - | 50.00 |
| All fish not otherwise listed in this Schedule | 1.00 | 1.00 |

*[Schedule 9 inserted: Gazette 4 Oct 2019 p. 3599-606; amended: SL 2024/263 r. 27.]*

# Schedule 10 — Non-endemic species of fish permitted to be brought into the State

[r. 176]

*[Heading inserted: Gazette 4 Oct 2019 p. 3606.]*

## Division 1 — Species of fish endemic to areas of Australia outside the State

*[Heading inserted: Gazette 4 Oct 2019 p. 3606.]*

1. Cod, Murray
2. Eel, Southern Shortfin
3. Perch, Golden
4. Perch, Silver
5. Redclaw Crayfish
6. Yabbie

*[Division 1 inserted: Gazette 4 Oct 2019 p. 3606-7; amended: SL 2024/263 r. 28.]*

## Division 2 — Species of fish not endemic to Australia

*[Heading inserted: Gazette 4 Oct 2019 p. 3607.]*

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

*[Division 2 inserted: Gazette 4 Oct 2019 p. 3607.]*

# Schedule 11

[reg. 59]

## Authorised trade names of fish

| Fish | Trade name |
|---|---|
| Barramundi | Barramundi |
| Dhufish, West Australian | Dhufish |

*[Schedule 11 amended: Gazette 1 Oct 2003 p. 4345.]*

# Schedule 12

## Modified penalties

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

| | Offence | Modified penalty $ |
|---|---|---|
| | **Part 1 — Sections of the Act** | |
| 1A. | Section 7(7), for a contravention of a condition of an exemption granted for purposes mentioned in section 7(2)(e) | 750.00 |
| 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) a quantity of category 1 fish that is less than or equal to the notional bag limit | 200.00 |
| | (b) a quantity of category 1 fish that is more than the notional bag limit | 1 000.00 |
| | (ca) category 1 fish for which there is no bag limit | 400.00 |
| | (c) a quantity of category 2 fish that is less than or equal to the notional bag limit | 100.00 |
| | (d) a quantity of category 2 fish that is more than the notional bag limit | 500.00 |
| | (e) a quantity of category 3 fish that is less than or equal to the notional bag limit | 75.00 |
| | (f) a quantity of category 3 fish that is more than the notional bag limit | 375.00 |
| | (g) a quantity of category 4 fish that is less than or equal to the notional bag limit | 50.00 |
| | (h) a quantity of category 4 fish that is more than the notional bag limit | 200.00 |
| 3. | Section 47, 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 |

| | Offence<br>Part 1 — Sections of the Act | Modified penalty $ |
|---|---|---|
| 4A. | Section 48A, relating to category 1 fish ..... | 500.00 |
| 4. | Section 49 ..... | 200.00 |
| 5. | Section 50(3), relating to — | |
| | (a) a quantity of category 1 fish that is less than or equal to twice the bag limit ..... | 200.00 |
| | (b) a quantity of category 1 fish that is more than twice the bag limit ..... | 1 000.00 |
| | (c) a quantity of category 2 fish that is less than or equal to twice the bag limit ..... | 100.00 |
| | (d) a quantity of category 2 fish that is more than twice the bag limit ..... | 500.00 |
| | (e) a quantity of category 3 fish that is less than or equal to twice the bag limit ..... | 75.00 |
| | (f) a quantity of category 3 fish that is more than twice the bag limit ..... | 375.00 |
| | (g) a quantity of category 4 fish that is less than or equal to twice the bag limit ..... | 50.00 |
| | (h) a quantity of category 4 fish that is more than twice the bag limit ..... | 200.00 |
| 6. | Section 51(2), relating to — | |
| | (a) a quantity of category 1 fish that is less than or equal to twice the possession limit ..... | 200.00 |
| | (b) a quantity of category 1 fish that is more than twice the possession limit ..... | 1 000.00 |
| | (c) a quantity of category 2 fish that is less than or equal to twice the possession limit ..... | 100.00 |
| | (d) a quantity of category 2 fish that is more than twice the possession limit ..... | 500.00 |
| | (e) a quantity of category 3 fish that is less than or equal to twice the possession limit ..... | 75.00 |
| | (f) a quantity of category 3 fish that is more than twice the possession limit ..... | 375.00 |

| | Offence<br>**Part 1 — Sections of the Act** | Modified penalty $ |
|---|---|---|
| | (g) a quantity of category 4 fish that is less than or equal to twice the possession limit | 50.00 |
| | (h) a quantity of category 4 fish that is more than twice the possession limit | 200.00 |
| 7AA. | Section 74(2), for a contravention of — | |
| | (a) a provision of a management plan that prohibits a person from doing any thing in excess of an entitlement | 3 000.00 |
| | (b) any other provision of a management plan | 750.00 |
| 7AB. | Section 77(2) | 750.00 |
| 7A. | Section 96 | 400.00 |
| 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 1 amended: Gazette 13 Feb 2009 p. 300; 24 Feb 2012 p. 803; 18 Dec 2012 p. 6591; 18 Jun 2013 p. 2297-9; 27 Aug 2013 p. 4057; 7 Aug 2015 p. 3204.]*

| | Offence<br>**Part 2 — Regulations** | Modified penalty $ |
|---|---|---|
| 1. | Regulation 108 | 50.00 |
| 2. | Regulations 12(3), 15(2), 15(3), 16(2), 16(3), 39, 40, 42, 43 and 64L | 75.00 |
| 3. | Regulations 14(4), 22(1), 22AA(2), 32(1), 55FA, 56, 60, 61, 64F, 64G, 64H, 64I(5), 64J, 64K, 64Q, 74, 75, 77, 79, 80, 81, 84, 85, 86, 91, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 109, 110, 112, 113, 113AA, 113AB, 113A(5), 113A(6), 113B(2), 113B(3), 113C(2), 113E(3), 117(4), 128L(3), 128MA(2) and 144 | 100.00 |

| | Offence<br>**Part 2 — Regulations** | Modified penalty $ |
|---|---|---|
| 4. | Regulations 12(1) and (2), 14(1), 16E(3C), 31(2), 31(3), 31A(1), 32(1A), 32(1C), 35, 35A, 36(1), 38, 38B, 38C, 38DA, 38D(3), 38E, 38EA, 38EB, 38F, 38GA, 41, 55I, 56A, 62, 63, 64, 64AA(2), 64AA(2B), 64C(1), 64DA, 64E(1), 64E(3), 64E(4), 64E(5), 64NA, 64O, 64OAA(2), 64OAA(3), 64OB, 64OD, 64OE(1) and (2), 64P, 64QA, 71, 113A(1), 113A(2), 113A(4), 113B(1), 113C(1), 113E(1), 123(1), 124B(2), 124B(4), 128L(1), 128M, 128S(2) and 145 ..... | 200.00 |
| 5. | Regulations 16DA(1), 38D(2), 38H, 38I(1), 38J, 38K, 38L, 38M, 38N(1), 38O(1), 45(2), 55G(1) and (2), 64S(1), 64S(3), 64T, 117(1), (2), (6), (7) and (8), 119(2) and (6), 121(1) and (2), 128I, 128K, 128P, 128R, 128S(3) and (4) and 144M ..... | 400.00 |
| 6. | Regulation 128O, relating to — | |
| | (a) category 1 fish ..... | 400.00 |
| | (b) category 2 fish ..... | 200.00 |
| | (c) category 3 fish ..... | 100.00 |
| | (d) category 4 fish ..... | 100.00 |
| 7. | Regulation 130(4), for a contravention of a condition of — | |
| | (a) a fishing boat licence, carrier boat licence or commercial fishing licence..... | 400.00 |
| | (b) any other licence granted under Part 11 ..... | 100.00 |
| 8. | Regulation 59(2) ..... | 500.00 |

*[Part 2 amended: Gazette 8 Sep 2000 p. 5188; 29 Dec 2000 p. 7979; 29 Jun 2001 p. 3179-80; 14 Nov 2001 p. 5979; 29 Nov 2002 p. 5655; 27 Jun 2003 p. 2394-5; 1 Oct 2003 p. 4345-6; 28 Nov 2003 p. 4776; 23 Dec 2003 p. 5206; 4 Nov 2005 p. 5317; 11 Nov 2005 p. 5566; 22 Dec 2005 p. 6239; 23 May 2006 p. 1861; 29 Dec 2006 p. 5892; 6 Jul 2007 p. 3389; 4 Sep 2007 p. 4521; 21 Dec 2007 p. 6326; 19 Dec 2008 p. 5363; 3 Jul 2009 p. 2680; 29 Sep 2009 p. 3882; 8 Dec 2009 p. 4997-8; 12 Feb 2010 p. 587; 27 Aug 2010 p. 4107; 1 Mar 2011 p. 672-3; 2 Nov 2011 p. 4625; 18 Dec 2012 p. 6591-2; 29 Jan 2013 p. 319; 28 Jun 2013 p. 2894; 27 Aug 2013 p. 4057; 30 May 2014 p. 1724-5 and 1737; 12 Aug 2014 p. 2907; 23 Jan 2015*

*p. 406-7; 30 Jun 2015 p. 2332; 7 Aug 2015 p. 3204-5; 18 Mar 2016 p. 745; 4 Oct 2019 p. 3607; SL 2021/118 r. 27; SL 2023/2 r. 29; SL 2024/263 r. 29.]*

# Schedule 13 — Specifications for rock lobster pots

[r. 38(2)]

*[Heading inserted: Gazette 4 Oct 2016 p. 4237.]*

**1. Construction and dimensions of pot**

(1) A rock lobster pot must not 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.

(2) A rock lobster pot must be constructed of a rigid material that is not capable of snaring or entangling a rock lobster.

(3) A rock lobster pot must not exceed —

(a) 1 000 mm in diameter or width at its widest point; or

(b) 500 mm in height.

*[Clause 1 inserted: Gazette 4 Oct 2016 p. 4237-8.]*

**2. Entrance or neck of pot**

(1) A rock lobster pot must have only one entrance or neck which —

(a) must be positioned on the upper surface of the pot with the entrance or neck parallel to the base of the pot; and

(b) must be constructed wholly of a rigid material; and

(c) must be either —

(i) circular with an opening throughout of not less than 160 mm in diameter; or

(ii) rectangular with an opening throughout of not less than 160 mm by 160 mm;

and

(d) must not contain any device capable of restricting the egress of fish.

(2) A rock lobster pot does not fail to conform to the specification set out in subclause (1) by reason only that it is constructed with, or has fitted to it, a sea lion exclusion device (as defined in regulation 38(3)).

*[Clause 2 inserted: Gazette 4 Oct 2016 p. 4238.]*

### 3. Escape gaps

(1) A rock lobster pot must have inserted in it a device or devices to create at least one escape gap if used in the following waters —

(a) WA waters off the southern coast of WA east of 115° 08.091′ east longitude;

(b) WA waters off the south-western coast of WA south of 34° 24′ south latitude and west of 115° 08.091′ east longitude.

(2) A rock lobster pot must have inserted in it a device or devices to create at least 3 escape gaps if used in waters that are WA waters off the western coast of WA that are between 21° 44′ south latitude and 34° 24′ south latitude.

(2A) Subclause (2) does not apply to a rock lobster pot used in waters mentioned in subclause (1)(a).

(3) A rock lobster pot referred to in subclause (1) or (2) must not have any obstruction positioned so as to restrict the movement of rock lobsters through an escape gap or to reduce the internal measurements of an escape gap.

(4) Each escape gap required under this clause must be constructed of a rigid material that when affixed to the pot is not vertically flexible or capable of reducing the internal measurements of the escape gap.

(5) Each escape gap required under this clause must be, as nearly as practicable, rectangular in shape.

(5A) When measured internally, each escape gap required under this clause must measure not less than 305 mm in length and not less than 54 mm in height.

(6) Each escape gap required under this clause must be positioned —

(a) on a side of the pot, other than the upper surface or base of the pot; and

(b) so that the longer sides of the escape gap are generally parallel to the base of the pot and the lower internal edge of the escape gap is no more than 110 mm from the base of the pot; and

(c) if the pot has less than 4 escape gaps, in accordance with subclause (7).

(7) For subclause (6)(c) —

(a) one escape gap must be positioned opposite the hauling rope attachment point or points; and

(b) any other escape gap must be positioned as far away as is practicable from the hauling rope attachment point or points.

*[Clause 3 inserted: Gazette 4 Oct 2016 p. 4238-9; amended: Gazette 4 Oct 2019 p. 3607-8; SL 2023/2 r. 30.]*

# Schedule 14

# Forms

*[Form 1 deleted: Gazette 30 Dec 2004 p. 6965.]*

## Form 2

[reg. 147]

*Fish Resources Management Act 1994*
(Section 187)

**WARRANT TO ENTER AND SEARCH**

This is a warrant authorising a fisheries officer to enter and search:

| | |
|---|---|
| Place:<br><br>Time:<br>(specify hours or at any time) | |

This warrant ceases to have effect:

| | |
|---|---|
| Date:<br><br>Time: | |

I ..... Justice of the Peace of ..... .....
am satisfied by application supported by evidence 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 authorise ..... , 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 2 amended: Gazette 29 May 2008 p. 2059.]*

# Form 3

[reg. 160]

*Fish Resources Management Act 1994*
(Section 229(1))

## INFRINGEMENT NOTICE

No. of notice:
Authorisation Nos.:

To:

Postcode:

It is alleged that you have committed an offence:

| | | | |
|---|---|---|---|
| When and where: | When: | a.m./p.m. on the day of | 20 . |
| | 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 of the service of this notice by paying the modified penalty in person at any Post Office or Post Office Agency.

OR

2. Elect to have this matter dealt with before a COURT by completing the Court Election on the reverse side.

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

**Election for Court**
To have this matter dealt with by a Court, complete the details on back of this form and send it to —

Prosecutions Officer
Department of Primary Industries and Regional Development
14 Capo D'Orlando Drive
SOUTH FREMANTLE WA 6162

A summons will then be issued to you.

*[Back of Form 3]*

I elect to have this matter heard by a Court.
*(Please use block letters)*
Surname _____
Given Names _____
Address _____
_____Postcode _____

Signature _____
Date _____/ _____/ _____

*[Form 3 amended: Gazette 10 Nov 2006 p. 4710-11; 4 Oct 2019 p. 3608.]*

## Form 4

[reg. 161]

*Fish Resources Management Act 1994*
(Section 231(1))

### WITHDRAWAL OF INFRINGEMENT NOTICE

No. of notice:

To:

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

No. of notice:

To:

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:

| | |
|---|---|
| You must:<br>Attend before the appointed person: ☐<br>Produce the following documents before the appointed person: ☐ | |

Information about the inquiry:

| | |
|---|---|
| Where you must go: | |
| When: | Time Date Month Year<br>and then from day to day until the end of the inquiry or until excused by the appointed person. |

Information about this notice:

| | |
|---|---|
| Issued at: | Date: |
| by: | (appointed person) |
| Signature: | |
| Telephone contact: | |

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

[reg. 173]

*Fish Resources Management Act 1994*
(Section 255(1))

## 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

[r. 144E(5)(b)(ii)]

*Fish Resources Management Act 1994*

**DECLARATION REGARDING MORTALITY AND DISEASE OF PEARL OYSTERS**

Name: _____

Address: _____

_____

Phone no: _____

I declare that:

1. The sample of pearl oysters with which this declaration is submitted was taken on _____ from pearl oysters being held at (*location of hatchery, quarantine site etc.*)

   _____

   _____

2. No unexplained mortalities have occurred, and no signs of clinical disease have been seen, in the last 12 months among pearl oysters being held at that place.

Signature: _____

Date: _____

*[Form 8 inserted: Gazette 24 Sep 2013 p. 4450-1.]*

## Form 9

[r. 144F(4)]

*Fish Resources Management Act 1994*

**CERTIFICATE OF HEALTH — PEARL OYSTERS**

Name: _____

Address: _____

_____

Phone no: _____

I am an approved fish pathologist and certify that:

1. This certificate has been issued in respect of a sample of pearl oysters marked _____ which was taken from pearl oysters being held at (*location of hatchery, quarantine site etc*.) _____ _____ The sample was delivered to me for disease testing on _____ by _____

2. I have no reason to doubt the information given as to the origins of the pearl oysters or the levels of mortality or clinical disease in the hatchery, quarantine site or other place where the pearl oysters are being held.

3. The following tests were carried out for clinical disease or significant pathogens.

| Test | Number tested | Date | Result |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

4. No clinical disease or significant pathogen was detected in the sample.

**Form 9**

5.* The following genetic tests were carried out _____

_____

with the following results _____

_____

and no genetic components not of Western Australian origin were detected.

* Delete if inapplicable.

Signature: _____
Approved fish pathologist

Date: _____

OFFICE USE ONLY

1. AHL No: _____

2. Name of licensee or permit holder: _____

*[Form 9 inserted: Gazette 24 Sep 2013 p. 4451-2.]*

# Schedule 15 — Tour management zones

[r. 128J]

*[Heading inserted: Gazette 29 Jun 2001 p. 3180; amended: Gazette 30 May 2014 p. 1737.]*

**1. Zone 1: Pilbara/Kimberley**

Pilbara and Kimberley Region

*[Clause 1 inserted: Gazette 1 Oct 2003 p. 4346.]*

**2. Zone 2: Gascoyne**

Gascoyne Region

*[Clause 2 inserted: Gazette 1 Oct 2003 p. 4346; amended: Gazette 23 May 2006 p. 1861.]*

**3. Zone 3: West Coast**

West Coast Region

*[Clause 3 inserted: Gazette 23 Jan 2015 p. 407.]*

**4. Zone 4: South Coast**

South Coast Region

*[Clause 4 inserted: Gazette 23 Jan 2015 p. 407.]*

# Schedule 16 — Abalone zones

[r. 3(1)]

*[Heading inserted: Gazette 10 Nov 2006 p. 4711; amended: Gazette 27 Aug 2013 p. 4057; 4 Oct 2019 p. 3609.]*

**1. Abalone Zone 1: Busselton Jetty to Greenough River mouth**

All —

(a) WA waters; and

(b) all land in the State,

that are on the seaward side of the high water mark and are —

(c) in the area that is —

(i) south of 28° 51.9′ south latitude; and

(ii) north of 33° 29′ south latitude; and

(iii) west of the high water mark along the west coast between those 2 parallels;

or

(d) in the area that is bounded by a line commencing at the intersection of 115° 20.675′ east longitude and the high water mark in Geographe Bay (Busselton Jetty) and extending —

(i) north along that meridian to its intersection with 33° 29′ south latitude; and

(ii) east along that parallel to its intersection with the high water mark; and

(iii) then generally south westerly along the high water mark to the intersection with 115° 20.675′ east longitude.

*[Clause 1 inserted: Gazette 10 Nov 2006 p. 4711-12.]*

**2. Abalone Zone 2: Greenough River mouth to Northern Territory border**

All —

(a) WA waters; and

(b) land in the State,

that are on the seaward side of the high water mark and north of 28° 51.9′ south latitude.

*[Clause 2 inserted: Gazette 10 Nov 2006 p. 4712.]*

**3. Abalone Zone 3: Busselton Jetty to South Australian border**

All —

(a) WA waters; and

(b) land in the State,

that are on the seaward side of the high water mark and south of 28° 51.9′ south latitude excluding Abalone Zone 1.

*[Clause 3 inserted: Gazette 10 Nov 2006 p. 4712.]*

# Schedule 17 — Fish diseases

[r. 3]

*[Heading inserted: Gazette 24 Sep 2013 p. 4453.]*

## Division 1 — Diseases of crustaceans

*[Heading inserted: Gazette 24 Sep 2013 p. 4453.]*

Crayfish plague

GAV/LOV virus of prawns

Infectious hypodermal and haemopoietic necrosis virus

Infectious myonecrosis

Microsporidiosis

Milky haemolymph diseases of spiny lobster (Panulirus spp.)

Monodon slow growth syndrome

Necrotising hepatopancreatitis

Taura syndrome

White spot disease

White tail disease

Yellowhead disease

*[Division 1 inserted: Gazette 24 Sep 2013 p. 4453.]*

## Division 2 — Diseases of molluscs

*[Heading inserted: Gazette 24 Sep 2013 p. 4453.]*

Abalone viral ganglioneuritis

Abalone viral mortality

Acute viral necrosis in scallops

Akoya oyster disease

Bonamiosis

Haplosporidiosis

Infection with Bonamia ostreae

Infection with Bonamia exitiosa

Infection with Marteilia refringens

Infection with Marteilioides chungmuensis

Infection with Perkinsus marinus

Iridovirus

Marteiliosis

Mikrocytosis (Mykrycytois mackini)

Perkinsosis

Withering syndrome of abalone

*[Division 2 inserted: Gazette 24 Sep 2013 p. 4453-4.]*

## Division 3 — Diseases of other fish

*[Heading inserted: Gazette 24 Sep 2013 p. 4454.]*

Aeromonas salmonicida infection (Goldfish ulcer disease)

Aeromonas salmonicida infection (Furunculosis)

Bacterial kidney disease (Renibacterium salmoninarium)

Channel catfish virus disease

Enteric redmouth disease (Yersinia ruckeri)

Enteric septicaemia of catfish (Edwardsiella ictaluri)

Epizootic haematopoietic necrosis — European catfish virus

Epizootic haemopoietic necrosis (Redfin virus)

Epizootic ulcerative syndrome

European sheatfish virus

Grouper iridoviral disease

Gyrodactylosis (Gyrodactylus salaris)

Herpesvirus infection of Koi carp

Infectious haematopoietic necrosis

Infectious pancreatic necrosis

Infectious salmon anaemia

Piscirickettsiosis

Red sea bream iridoviral disease

Spring viraemia of carp

Viral encephalopathy and retinopathy

Viral haemorrhagic septicaemia

Whirling disease of salmonids

*[Division 3 inserted: Gazette 24 Sep 2013 p. 4454-5.]*

# Schedule 18 — Diseases of pearl oysters

[r. 144A]

*[Heading inserted: Gazette 24 Sep 2013 p. 4455.]*

Akoya oyster disease

Bonamiosis

Haplosporidiosis

Infection with Bonamia ostreae

Infection with Bonamia exitiosa

Infection with Marteilia refringens

Infection with Marteilioides chungmuensis

Infection with Perkinsus marinus

Iridovirus

Marteiliosis

Mikrocytosis (Mykrycytois mackini)

Oyster oedema disease

Perkinsosis

*[Schedule 18 inserted: Gazette 24 Sep 2013 p. 4455-6.]*

# Notes

This is a compilation of the *Fish Resources Management Regulations 1995* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, or versions that include editorial changes made under the *Legislation Act 2021* Part 3, see the compilation table. For provisions affected by editorial changes see the editorial changes table. For provisions that have not yet come into operation see the uncommenced provisions table.

## Compilation table

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Regulations 1995* | 29 Sep 1995 p. 4503-646 | 1 Oct 1995 (see r. 2 and *Gazette* 29 Sep 1995 p. 4649) |
| *Fish Resources Management Amendment Regulations 1995* | 22 Dec 1995 p. 6169 | 22 Dec 1995 |
| *Fish Resources Management Amendment Regulations 1996* | 30 Aug 1996 p. 4318-21 | 30 Aug 1996 |
| *Fish Resources Management Amendment Regulations (No. 2) 1996* | 24 Dec 1996 p. 7114 | 24 Dec 1996 |
| *Fish Resources Management Amendment Regulations (No. 3) 1996* | 24 Dec 1996 p. 7115 | 24 Dec 1996 |
| *Fish Resources Management Amendment Regulations 1997* | 27 Mar 1997 p. 1693-4 | 1 Apr 1997 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 2) 1997* | 4 Jul 1997 p. 3474-8 | 4 Jul 1997 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 3) 1997* | 12 Sep 1997 p. 5152-4 | 12 Sep 1997 |
| *Fish Resources Management Amendment Regulations (No. 5) 1997* | 30 Sep 1997 p. 5415-16 | 30 Sep 1997 |
| *Fish Resources Management Amendment Regulations (No. 4) 1997* | 30 Sep 1997 p. 5417-18 | 30 Sep 1997 |
| *Fish Resources Management Amendment Regulations (No. 6) 1997* | 5 Dec 1997 p. 7121-3 | 5 Dec 1997 |
| *Fish Resources Management Amendment Regulations (No. 7) 1997* | 5 Dec 1997 p. 7123 | 5 Dec 1997 |
| *Fish Resources Management Regulations (No. 8) 1997* | 2 Jan 1998 p. 25-8 (correction 9 Jan 1998 p. 205) | 2 Jan 1998 |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations 1998* | 19 Jun 1998 p. 3263-4 | 19 Jun 1998 |
| *Fish Resources Management Amendment Regulations (No. 2) 1998* | 7 Jul 1998 p. 3613-14 | 7 Jul 1998 |
| *Fish Resources Management Amendment Regulations (No. 3) 1998* | 25 Sep 1998 p. 5298-300 | 25 Sep 1998 |
| *Fish Resources Management Amendment Regulations (No. 4) 1998* | 15 Jan 1999 p. 112-13 | 15 Jan 1999 |
| *Fish Resources Management Amendment Regulations 1999* [5] | 26 Mar 1999 p. 1279-80 | 26 Mar 1999 |
| *Fish Resources Management Amendment Regulations (No. 2) 1999* | 23 Apr 1999 p. 1716 | 23 Apr 1999 |
| *Fish Resources Management Amendment Regulations (No. 3) 1999* | 4 Jun 1999 p. 2269-70 | 4 Jun 1999 |
| *Fish Resources Management Amendment Regulations (No. 4) 1999* | 4 Jun 1999 p. 2270-1 | 4 Jun 1999 |
| *Fish Resources Management Amendment Regulations (No. 6) 1999* | 13 Aug 1999 p. 3825-7 | 13 Aug 1999 |
| *Fish Resources Management Amendment Regulations (No. 7) 1999* | 28 Sep 1999 p. 4699 | 28 Sep 1999 |
| *Fish Resources Management Amendment Regulations (No. 8) 1999* | 21 Dec 1999 p. 6406-10 | 21 Dec 1999 |
| *Fish Resources Management Amendment Regulations (No. 9) 1999* | 21 Dec 1999 p. 6411 | 21 Dec 1999 |
| *Fish Resources Management Amendment Regulations 2000* | 7 Apr 2000 p. 1813-14 | 7 Apr 2000 |
| **Reprint of the *Fish Resources Management Regulations 1995* as at 2 Jun 2000** (includes amendments listed above) (correction in *Gazette* 11 Aug 2000 p. 4693) | | |
| *Fish Resources Management Amendment Regulations (No. 2) 2000* | 25 Aug 2000 p. 4905 | 25 Aug 2000 |
| *Fish Resources Management Amendment Regulations (No. 3) 2000* | 8 Sep 2000 p. 5185-8 | 8 Sep 2000 |
| *Fish Resources Management Amendment Regulations (No. 5) 2000* | 26 Sep 2000 p. 5516-17 | 26 Sep 2000 |
| *Fish Resources Management Amendment Regulations (No. 7) 2000* | 6 Oct 2000 p. 5589-90 | 6 Oct 2000 |
| *Fish Resources Management Amendment Regulations (No. 6) 2000* | 24 Oct 2000 p. 5965 | 24 Oct 2000 |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations (No. 8) 2000* | 3 Nov 2000 p. 6103 | 3 Nov 2000 |
| *Fish Resources Management Amendment Regulations (No. 9) 2000* | 29 Dec 2000 p. 7905-7 | 29 Dec 2000 |
| *Fish Resources Management Amendment Regulations (No. 4) 2000* | 29 Dec 2000 p. 7965-79 | 29 Dec 2000 |
| **Reprint of the *Fish Resources Management Regulations 1995* as at 2 Mar 2001** (includes amendments listed above) | | |
| *Fish Resources Management Amendment Regulations (No. 2) 2001* | 27 Mar 2001 p. 1725 | 31 Mar 2001 (see r. 2) |
| *Fish Resources Management Amendment Regulations 2001* | 29 Jun 2001 p. 3161-81 | 29 Jun 2001 |
| *Fish Resources Management Amendment Regulations (No. 5) 2001* | 13 Jul 2001 p. 3465-6 | 13 Jul 2001 |
| *Fish Resources Management Amendment Regulations (No. 7) 2001* | 25 Sep 2001 p. 5283 | 25 Sep 2001 |
| *Fish Resources Management Amendment Regulations (No. 10) 2001* | 12 Oct 2001 p. 5581 | 12 Oct 2001 |
| *Fish Resources Management Amendment Regulations (No. 12) 2001* | 31 Oct 2001 p. 5789 | 31 Oct 2001 |
| *Fish Resources Management Amendment Regulations (No. 4) 2001* | 14 Nov 2001 p. 5977-9 | 14 Nov 2001 |
| *Fish Resources Management Amendment Regulations (No. 11) 2001* | 20 Nov 2001 p. 6010-11 | 20 Nov 2001 |
| *Fish Resources Management Amendment Regulations (No. 13) 2001* | 18 Dec 2001 p. 6489-92 | 1 Jan 2002 (see r. 2) |
| *Fish Resources Management Amendment Regulations 2002* | 22 Jan 2002 p. 359 | 22 Jan 2002 |
| *Fish Resources Management Amendment Regulations (No. 2) 2002* | 26 Feb 2002 p. 785-7 | 1 Mar 2002 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 5) 2002* | 3 May 2002 p. 2219 | 3 May 2002 |
| **Reprint of the *Fish Resources Management Regulations 1995* as at 17 May 2002** (includes amendments listed above) | | |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations (No. 7) 2002* | 28 Jun 2002 p. 3065-7 | 1 Jul 2002 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 8) 2002* | 10 Sep 2002 p. 4593-4 | 1 Oct 2002 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 9) 2002* | 29 Nov 2002 p. 5652-3 | 29 Nov 2002 |
| *Fish Resources Management Amendment Regulations (No. 10) 2002* | 29 Nov 2002 p. 5653 | 29 Nov 2002 |
| *Fish Resources Management Amendment Regulations (No. 11) 2002* | 29 Nov 2002 p. 5654-7 | 29 Nov 2002 |
| *Fish Resources Management Amendment Regulations (No. 13) 2002* | 29 Nov 2002 p. 5657-8 | 1 Jan 2003 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 14) 2002* | 13 Dec 2002 p. 5795-8 | 1 Jan 2003 (see r. 2) |
| *Fish Resources Management Amendment Regulations 2003* | 11 Feb 2003 p. 411-12 | 11 Feb 2003 |
| *Fish Resources Management Amendment Regulations (No. 3) 2003* | 21 Feb 2003 p. 633-4 | 21 Feb 2003 |
| *Fish Resources Management Amendment Regulations (No. 2) 2003* | 28 Feb 2003 p. 660-3 | 1 Mar 2003 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 4) 2003* | 7 Mar 2003 p. 743-8 | 7 Mar 2003 |
| *Fish Resources Management Amendment Regulations (No. 6) 2003* | 3 Jun 2003 p. 1979-82 | 1 Jul 2003 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 5) 2003* | 27 Jun 2003 p. 2389-95 | 1 Jul 2003 (see r. 2) |
| *Equality of Status Subsidiary Legislation Amendment Regulations 2003* Pt. 13 | 30 Jun 2003 p. 2581-638 | 1 Jul 2003 (see r. 2 and *Gazette* 30 Jun 2003 p. 2579) |
| *Fish Resources Management Amendment Regulations (No. 7) 2003* | 19 Aug 2003 p. 3714-15 | 8 Nov 2003 (see r. 2 and *Gazette* 2 Sep 2003 p. 3923) |
| *Fish Resources Management Amendment Regulations (No. 12) 2003* | 19 Sep 2003 p. 4118 | 1 Oct 2003 (see r. 2) |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations (No. 11) 2003* | 19 Sep 2003 p. 4119-25 | 19 Sep 2003 |
| *Fish Resources Management Amendment Regulations (No. 8) 2003* | 1 Oct 2003 p. 4279-347 | 1 Oct 2003 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 9) 2003* | 31 Oct 2003 p. 4561-2 | 8 Nov 2003 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 15) 2003* | 31 Oct 2003 p. 4562-3 | 8 Nov 2003 (see r. 2) |
| **Reprint 4: The *Fish Resources Management Regulations 1995* as at 14 Nov 2003** (includes amendments listed above) | | |
| *Fish Resources Management Amendment Regulations (No. 16) 2003* | 28 Nov 2003 p. 4774-6 | 28 Nov 2003 |
| *Fish Resources Management Amendment Regulations (No. 14) 2003* | 23 Dec 2003 p. 5204-6 | 23 Dec 2003 |
| *Fish Resources Management Amendment Regulations 2004* | 9 Jan 2004 p. 141-2 | 9 Jan 2004 |
| *Fish Resources Management Amendment Regulations (No. 2) 2004* | 17 Feb 2004 p. 599-600 | 1 Mar 2004 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 3) 2004* | 6 Apr 2004 p. 1132-4 | 6 Apr 2004 |
| *Fish Resources Management Amendment Regulations (No. 6) 2004* | 28 May 2004 p. 1895-902 (as amended 29 Jun 2004 p. 2524) | 1 Jul 2004 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 5) 2004* | 29 Jun 2004 p. 2522-3 | 29 Jun 2004 |
| *Fish Resources Management Amendment Regulations (No. 9) 2004* | 30 Sep 2004 p. 4187-8 | 30 Sep 2004 |
| *Fish Resources Management Amendment Regulations (No. 4) 2004* | 30 Nov 2004 p. 5486-7 | 30 Nov 2004 |
| *Fish Resources Management Amendment Regulations (No. 10) 2004* | 30 Dec 2004 p. 6965 | 1 Jan 2005 (see r. 2 and *Gazette* 31 Dec 2004 p. 7130) |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations 2005* | 1 Mar 2005 p. 877-8 | 1 Mar 2005 |
| *Fish Resources Management Amendment Regulations (No. 2) 2005* | 3 Jun 2005 p. 2490-1 | 3 Jun 2005 |
| *Fish Resources Management Amendment Regulations (No. 4) 2005* | 22 Jul 2005 p. 3372-5 | 1 Sep 2005 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 6) 2005* | 15 Sep 2005 p. 4309-10 | 15 Sep 2005 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 5) 2005* | 16 Sep 2005 p. 4313-17 | 4 Oct 2005 (see r. 2) |
| **Reprint 5: The *Fish Resources Management Regulations 1995* as at 14 Oct 2005** (includes amendments listed above) (correction in *Gazette* 9 Jun 2006 p. 2030) | | |
| *Fish Resources Management Amendment Regulations (No. 3) 2005* | 4 Nov 2005 p. 5299-317 | 4 Nov 2005 |
| *Fish Resources Management Amendment Regulations (No. 8) 2005* | 11 Nov 2005 p. 5565-6 | 11 Nov 2005 |
| *Fish Resources Management Amendment Regulations (No. 7) 2005* | 22 Dec 2005 p. 6215-39 | 1 Jan 2006 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 3) 2006* | 7 Feb 2006 p. 619-21 | 1 Mar 2006 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 4) 2006* | 7 Mar 2006 p. 975 | 7 Mar 2006 |
| *Electricity Corporations (Consequential Amendments) Regulations 2006* r. 80 | 31 Mar 2006 p. 1299-357 | 1 Apr 2006 (see r. 2) |
| *Fish Resources Management Amendment Regulations 2006* | 23 May 2006 p. 1857-61 | 1 Jul 2006 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 5) 2006* | 5 Sep 2006 p. 3615-17 | 5 Sep 2006 |
| **Reprint 6: The *Fish Resources Management Regulations 1995* as at 6 Oct 2006** (includes amendments listed above) | | |
| *Fish Resources Management Amendment Regulations (No. 6) 2006* | 10 Nov 2006 p. 4703 | 10 Nov 2006 |
| *Fish Resources Management Amendment Regulations (No. 8) 2006* | 10 Nov 2006 p. 4704-12 | 10 Nov 2006 |
| *Fish Resources Management Amendment Regulations (No. 7) 2006* | 29 Dec 2006 p. 5888-92 | 29 Dec 2006 |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations (No. 2) 2007* | 16 Feb 2007 p. 489-90 | 1 Mar 2007 (see r. 2) |
| *Fish Resources Management Amendment Regulations (No. 5) 2007* | 12 Jun 2007 p. 2717-19 | 1 Jul 2007 (see r. 2) |
| *Fish Resources Management Amendment Regulations 2007* | 6 Jul 2007 p. 3387-90 | 6 Jul 2007 |
| *Fish Resources Management Amendment Regulations (No. 6) 2007* | 14 Aug 2007 p. 4099-102 | r. 1 and 2: 14 Aug 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Aug 2007 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 7) 2007* | 4 Sep 2007 p. 4519-21 | r. 1 and 2: 4 Sep 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Sep 2007 (see r. 2(b)) |
| **Reprint 7: The *Fish Resources Management Regulations 1995* as at 19 Oct 2007** (includes amendments listed above) | | |
| *Fish Resources Management Amendment Regulations (No. 4) 2007* | 13 Nov 2007 p. 5691-4 | r. 1 and 2: 13 Nov 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2008 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 8) 2007* | 21 Dec 2007 p. 6325-6 | r. 1 and 2: 21 Dec 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 22 Dec 2007 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations 2008* | 5 Feb 2008 p. 301-2 | r. 1 and 2: 5 Feb 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Mar 2008 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 3) 2008* | 27 May 2008 p. 2040-2 | r. 1 and 2: 27 May 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 28 May 2008 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 2) 2008* | 29 May 2008 p. 2055-9 | r. 1 and 2: 29 May 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 30 May 2008 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 11) 2008* | 21 Nov 2008 p. 4926-7 | r. 1 and 2: 21 Nov 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Dec 2008 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations (No. 8) 2008* | 19 Dec 2008 p. 5361-3 | r. 1 and 2: 19 Dec 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 2) 2009* | 3 Feb 2009 p. 227 | r. 1 and 2: 3 Feb 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Feb 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 3) 2009* | 11 Feb 2009 p. 287-9 | r. 1 and 2: 11 Feb 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Feb 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations 2009* | 13 Feb 2009 p. 297-300 | r. 1 and 2: 13 Feb 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Feb 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 8) 2009* | 13 Mar 2009 p. 760-1 | r. 1 and 2: 13 Mar 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Mar 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 5) 2009* | 27 Mar 2009 p. 922 | r. 1 and 2: 27 Mar 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Mar 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 9) 2009* | 9 Jun 2009 p. 1911-20 | r. 1 and 2: 9 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 10) 2009* | 3 Jul 2009 p. 2679-80 | r. 1 and 2: 3 Jul 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Jul 2009 (see r. 2(b)) |
| **Reprint 8: The *Fish Resources Management Regulations 1995* as at 7 Aug 2009** (includes amendments listed above) (correction in *Gazette* 1 Sep 2009 p. 3397) | | |
| *Fish Resources Management Amendment Regulations (No. 12) 2009* | 18 Aug 2009 p. 3237-8 | r. 1 and 2: 18 Aug 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Aug 2009 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations (No. 15) 2009* | 10 Sep 2009 p. 3539 | r. 1 and 2: 10 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Sep 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 14) 2009* | 29 Sep 2009 p. 3863-82 | r. 1 and 2: 29 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Oct 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 13) 2009* | 13 Oct 2009 p. 4031-4 | r. 1 and 2: 13 Oct 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Oct 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 16) 2009* | 5 Nov 2009 p. 4411-15 | r. 1 and 2: 5 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 6 Nov 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 4) 2009* | 6 Nov 2009 p. 4470-1 | r. 1 and 2: 6 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Nov 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 18) 2009* | 8 Dec 2009 p. 4993-8 (printer's correction 15 Dec 2009 p. 5140) | r. 1 and 2: 8 Dec 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Dec 2009 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations 2010* | 12 Feb 2010 p. 584-7 | r. 1 and 2: 12 Feb 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Mar 2010 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 2) 2010* | 12 Feb 2010 p. 587-8 | r. 1 and 2: 12 Feb 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Feb 2010 (see r. 2(b)) |
| **Reprint 9: The *Fish Resources Management Regulations 1995* as at 9 Apr 2010** (includes amendments listed above) | | |
| *Fish Resources Management Amendment Regulations (No. 4) 2010* | 28 May 2010 p. 2383-5 | r. 1 and 2: 28 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 29 May 2010 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations (No. 3) 2010* | 23 Jul 2010 p. 3402-6 | r. 1 and 2: 23 Jul 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Jul 2010 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 6) 2010* | 27 Aug 2010 p. 4106-11 | r. 1 and 2: 27 Aug 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Aug 2010 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 7) 2010* | 10 Sep 2010 p. 4347 | r. 1 and 2: 10 Sep 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Sep 2010 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 8) 2010* | 8 Oct 2010 p. 5134-5 | r. 1 and 2: 8 Oct 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Oct 2010 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 9) 2010* | 2 Dec 2010 p. 6031-4 | r. 1 and 2: 2 Dec 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Dec 2010 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations 2011* | 1 Mar 2011 p. 667 | r. 1 and 2: 1 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Mar 2011 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 2) 2011* | 1 Mar 2011 p. 668-73 | r. 1 and 2: 1 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Mar 2011 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 3) 2011* | 1 Mar 2011 p. 673-5 | r. 1 and 2: 1 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Mar 2011 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 4) 2011* | 29 Mar 2011 p. 1151-3 | r. 1 and 2: 29 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Mar 2011 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 5) 2011* | 6 May 2011 p. 1609-12 | r. 1 and 2: 6 May 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations (No. 7) 2011* Pt. 2 | 1 Jul 2011 p. 2721-3 | 1 Jul 2011 (see r. 2(b)) |
| **Reprint 10: The *Fish Resources Management Regulations 1995* as at 4 Jul 2011** (includes amendments listed above) | | |
| *Fish Resources Management Amendment Regulations (No. 6) 2011* | 2 Aug 2011 p. 3166-8 | r. 1 and 2: 2 Aug 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Aug 2011 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 8) 2011* | 2 Aug 2011 p. 3168-9 | r. 1 and 2: 2 Aug 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Aug 2011 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 10) 2011* | 24 Aug 2011 p. 3405-9 | r. 1 and 2: 24 Aug 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Aug 2011 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 11) 2011* | 9 Sep 2011 p. 3682-3 | r. 1 and 2: 9 Sep 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Sep 2011 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 9) 2011* | 2 Nov 2011 p. 4619-25 | r. 1 and 2: 2 Nov 2011 (see r. 2(a)); Regulations other than r. 1, 2 and 9: 3 Nov 2011 (see r. 2(c)); r. 9: 15 Nov 2011 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 12) 2011* | 18 Nov 2011 p. 4809-10 | r. 1 and 2: 18 Nov 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Nov 2011 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 13) 2011* | 22 Nov 2011 p. 4847-8 | r. 1 and 2: 22 Nov 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Nov 2011 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 14) 2011* | 20 Dec 2011 p. 5374-5 | r. 1 and 2: 20 Dec 2011 (see r. 2(a)); Regulations other than r. 1, 2, 4 and 6: 21 Dec 2011 (see r. 2(c)); r. 4 and 6: 8 Jan 2012 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations 2012* | 24 Feb 2012 p. 801-3 | r. 1 and 2: 24 Feb 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Feb 2012 (see r. 2(b)) |
| **Reprint 11: The *Fish Resources Management Regulations 1995* as at 13 Apr 2012** (includes amendments listed above) | | |
| *Fish Resources Management Amendment Regulations (No. 3) 2012* | 22 Jun 2012 p. 2778-9 | r. 1 and 2: 22 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Jun 2012 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 4) 2012* | 14 Sep 2012 p. 4372-5 | r. 1 and 2: 14 Sep 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Sep 2012 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 5) 2012* | 25 Sep 2012 p. 4517-21 | r. 1 and 2: 25 Sep 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Sep 2012 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 10) 2012* | 17 Oct 2012 p. 4979-80 | r. 1 and 2: 17 Oct 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Oct 2012 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 8) 2012* | 19 Oct 2012 p. 5017-20 | r. 1 and 2: 19 Oct 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 20 Oct 2012 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 11) 2012* | 2 Nov 2012 p. 5277-8 | r. 1 and 2: 2 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Nov 2012 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 6) 2012* | 4 Dec 2012 p. 5919-20 | r. 1 and 2: 4 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Dec 2012 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 7) 2012* | 18 Dec 2012 p. 6591-2 | r. 1 and 2: 18 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Dec 2012 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations (No. 13) 2012* | 18 Dec 2012 p. 6592-3 | r. 1 and 2: 18 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2013 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 2) 2013* | 29 Jan 2013 p. 301-19 | r. 1 and 2: 29 Jan 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Feb 2013 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 14) 2012* | 1 Mar 2013 p. 1091-2 | r. 1 and 2: 1 Mar 2013 (see r. 2(a)); Regulations other than r. 1 & 2: 1 Mar 2013 [6] |
| *Fish Resources Management Amendment Regulations (No. 3) 2013* | 18 Jun 2013 p. 2295-9 | r. 1 and 2: 18 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Jun 2013 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 4) 2013* | 28 Jun 2013 p. 2887-904 | r. 1 and 2: 28 Jun 2013 (see r. 2(a)); r. 13: 29 Jun 2013 (see r. 2(b)(i) and *Gazette* 18 Jun 2013 p. 2295); Regulations other than r. 1, 2 and 13: 29 Jun 2013 (see r. 2(c)) |
| **Reprint 12: The *Fish Resources Management Regulations 1995* as at 19 Jul 2013** (includes amendments listed above) | | |
| *Fish Resources Management Amendment Regulations (No. 6) 2013* | 27 Aug 2013 p. 4053-7 | r. 1 and 2: 27 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Aug 2013 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 7) 2013* | 4 Sep 2013 p. 4179-83 | r. 1 and 2: 4 Sep 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Sep 2013 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 5) 2013* | 24 Sep 2013 p. 4437-56 | r. 1 and 2: 24 Sep 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Sep 2013 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 11) 2013* | 15 Nov 2013 p. 5238 | r. 1 and 2: 15 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Nov 2013 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations (No. 8) 2013* | 19 Nov 2013 p. 5283-91 | r. 1 and 2: 19 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 20 Nov 2013 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations 2014* | 30 May 2014 p. 1713-37 | Pt. 1: 30 May 2014 (see r. 2(a)); Pt. 2 and 3: 31 May 2014 (see r. 2(b)); Pt. 4: 1 Jul 2014 (see r. 2(c)) |
| *Fish Resources Management Amendment Regulations (No. 5) 2014* | 12 Aug 2014 p. 2903-7 | r. 1 and 2: 12 Aug 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Aug 2014 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 4) 2014* | 26 Aug 2014 p. 3082-4 | r. 1 and 2: 26 Aug 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Aug 2014 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 3) 2014* | 9 Sep 2014 p. 3239-40 | r. 1 and 2: 9 Sep 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Sep 2014 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 6) 2014* | 22 Oct 2014 p. 4087-115 | r. 1 and 2: 22 Oct 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Oct 2014 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 7) 2014* | 31 Oct 2014 p. 4199-200 | r. 1 and 2: 31 Oct 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Nov 2014 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 8) 2014* | 4 Nov 2014 p. 4203 | r. 1 and 2: 4 Nov 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Nov 2014 (see r. 2(b)) |
| **Reprint 13: The *Fish Resources Management Regulations 1995* as at 14 Nov 2014** (includes amendments listed above) | | |
| *Fish Resources Management Amendment Regulations 2015* | 23 Jan 2015 p. 399-407 | r. 1 and 2: 23 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Jan 2015 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations (No. 2) 2015* | 20 Feb 2015 p. 679-80 | r. 1 and 2: 20 Feb 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Mar 2015 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 3) 2015* | 30 Jun 2015 p. 2331-2 | r. 1 and 2: 30 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 5) 2015* | 30 Jun 2015 p. 2333-5 | r. 1 and 2: 30 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 4) 2015* | 7 Aug 2015 p. 3200-5 | r. 1 and 2: 7 Aug 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Aug 2015 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 6) 2015* | 30 Sep 2015 p. 3919-23 | r. 1 and 2: 30 Sep 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Oct 2015 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 8) 2015* | 8 Jan 2016 p. 21-2 | r. 1 and 2: 8 Jan 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Jan 2016 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations 2016* | 18 Mar 2016 p. 743-5 | r. 1 and 2: 18 Mar 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Mar 2016 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 3) 2016* | 18 Mar 2016 p. 746 | r. 1 and 2: 18 Mar 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Mar 2016 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 4) 2016* | 4 Oct 2016 p. 4236-9 | r. 1 and 2: 4 Oct 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Oct 2016 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 5) 2016* | 7 Oct 2016 p. 4375-9 | r. 1 and 2: 7 Oct 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Oct 2016 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|---|---|
| **Reprint 14: The *Fish Resources Management Regulations 1995* as at 9 Dec 2016** (includes amendments listed above) | | |
| *Fisheries Regulations Amendment (Fees) Regulations 2017* Pt. 2 | 7 Jul 2017 p. 3695-7 | 8 Jul 2017 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 2) 2017* | 1 Sep 2017 p. 4651-5 | r. 1 and 2: 1 Sep 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Sep 2017 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 3) 2017* | 27 Oct 2017 p. 5416 | r. 1 and 2: 27 Oct 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Oct 2017 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 2) 2018* | 26 Jun 2018 p. 2379-82 | r. 1 and 2: 26 Jun 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2018 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations 2019* | 4 Oct 2019 p. 3527-611 | r. 1 and 2: 4 Oct 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Oct 2019 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 3) 2019* | 29 Nov 2019 p. 4101-5 | r. 1 and 2: 29 Nov 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Nov 2019 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations 2021* | SL 2021/118 2 Jul 2021 | r. 1 and 2: 2 Jul 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Jul 2021 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 2) 2021* | SL 2021/166 24 Sep 2021 | r. 1 and 2: 24 Sep 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Sep 2021 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations 2022* | SL 2022/128 5 Jul 2022 | r. 1 and 2: 5 Jul 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 6 Jul 2022 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 2) 2022* | SL 2022/134 15 Jul 2022 | r. 1 and 2: 15 Jul 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Jul 2022 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 3) 2022* | SL 2022/160 23 Sep 2022 | r. 1 and 2: 23 Sep 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Oct 2022 (see r. 2(b)) |

| Citation | Published | Commencement |
|---|---|---|
| *Fish Resources Management Amendment Regulations 2023* | SL 2023/2<br>27 Jan 2023 | r. 1 and 2: 27 Jan 2023 (see r. 2(a));<br>Regulations other than r. 1 and 2: 1 Feb 2023 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations 2024* | SL 2024/64<br>1 May 2024 | r. 1 and 2: 1 May 2024 (see r. 2(a));<br>Regulations other than r. 1 and 2: 2 May 2024 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 3) 2024* | SL 2024/114<br>26 Jun 2024 | r. 1 and 2: 26 Jun 2024 (see r. 2(a));<br>Regulations other than r. 1 and 2: 27 Jun 2024 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 4) 2024* | SL 2024/158<br>7 Aug 2024 | r. 1 and 2: 7 Aug 2024 (see r. 2(a));<br>Regulations other than r. 1 and 2: 8 Aug 2024 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 5) 2024* | SL 2024/234<br>13 Nov 2024 | r. 1 and 2: 13 Nov 2024 (see r. 2(a));<br>Regulations other than r. 1 and 2: 1 Dec 2024 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 2) 2024* | SL 2024/263<br>11 Dec 2024 | r. 1 and 2: 11 Dec 2024 (see r. 2(a));<br>Regulations other than r. 1 and 2: 12 Dec 2024 (see r. 2(b)) |
| ***Fish Resources Management Regulations 1995* with editorial changes as at 26 Jun 2025** | | |
| *Fish Resources Management Amendment Regulations (No. 4) 2025* | SL 2025/160<br>3 Sep 2025 | r. 1 and 2: 3 Sep 2025 (see r. 2(a));<br>Regulations other than r. 1 and 2: 4 Sep 2025 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 3) 2026* | SL 2026/65<br>13 May 2026 | r. 1 and 2: 13 May 2026 (see r. 2(a));<br>Regulations other than r. 1 and 2: 1 Jul 2026 (see r. 2(b)) |
| *Fish Resources Management Amendment Regulations (No. 4) 2026* | SL 2026/85<br>27 May 2026 | r. 1 and 2: 27 May 2026 (see r. 2(a));<br>r. 3-5: 28 May 2026 (see r. 2(b));<br>Regulations other than r. 1-5: 1 Jun 2026 (see r. 2(c)) |

## Editorial changes table

The *Legislation Act 2021* Part 3 authorises the Parliamentary Counsel to make editorial changes to laws. This power cannot be used to change the effect of a law. If an editorial change is made to a law, the law has effect as if the change had been made by another law that amended the law and commenced on the day on which the change is made.

To see the editorial changes included in a version of a law, see the compare document for that version on the WA legislation website.

| **Provision/s affected** | **Authorising provision of *Legislation Act 2021* Part 3** | **Effective date of change** |
|---|---|---|
| r. 3 def. *finfish*, r. 16DB(1) and Sch. 2 and 7 [7] | s. 38 | 26 Jun 2025 |

## Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA Legislation website.

| **Citation** | **Published** | **Commencement** |
|---|---|---|
| *Fish Resources Management Amendment Regulations (No. 5) 2026* r. 3-9 | SL 2026/216 14 Oct 2026 | 1 Nov 2026 (see r. 2(b)) |

## Other notes

1 Under the *Public Sector Management Act 1994* the names of departments may be changed. At the time of this compilation the former Department of Conservation and Land Management is called the Department of Parks and Wildlife.

2 Revoked by the *West Coast Rock Lobster Management Plan Revocation Notice 2012* (see *Gazette* 21 Dec 2012 p. 6656).

3 The name of the Fisheries Research and Development Fund was changed by the *Financial Legislation Amendment and Repeal Act 2006* (now the *Financial Management (Transitional Provisions) Act 2006*) s. 17 (Sch. 1 cl. 68) to the Fisheries Research and Development Account. This reference was changed under the *Reprints Act 1984* s. 7(3)(h).

4 The name of the Recreational Fishing Fund was changed by the *Financial Legislation Amendment and Repeal Act 2006* (now the *Financial Management (Transitional Provisions) Act 2006*) s. 17 (Sch. 1 cl. 68) to the Recreational Fishing Account. This reference was changed under the *Reprints Act 1984* s. 7(3)(h).

5 Disallowed on 16 Jun 1999, see *Gazette* 25 Jun 1999 p. 2742.

[6] The commencement date of 15 Jan 2013 that was specified in r. 2(b) was before the date of gazettal.

[7] Underlining has been removed from taxonomic ranks to be consistent with current drafting practice.

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