

Fish Resources Management Amendment Regulations (No. 4) 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 4) 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Fish Resources Management Regulations 1995*.

4. Regulation 38 amended

- (1) Delete regulation 38(2) and insert:

- (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.

- (2) In regulation 38(3) delete the Penalty and insert:

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

5. Regulation 123A amended

In regulation 123A(2)(b) delete “one month” and insert:

60 days

6. Regulation 156 amended

In regulation 156 in the Table after “64AA(2),” insert:

64OB(1),

7. Schedule 1 amended

Delete Schedule 1 Part 3 item 3(10) and insert:

(10)	Gascoyne Demersal Scalefish Managed Fishery —	
(a)	for class A units, per unit	23.17
(b)	for class B units, per unit	8.53

8. Schedule 13 replaced

Delete Schedule 13 and insert:

Schedule 13 — Specifications for rock lobster pots

[r. 38(2)]

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.

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)).

3. Escape gaps

- (1) A rock lobster pot used in waters east of 115° 08.091' east longitude must have inserted in it a device or devices to create at least one escape gap.
- (2) A rock lobster pot used in waters south of 21° 47.12' south latitude and west of 115° 08.091' east longitude must have inserted in it a device or devices to create at least 3 escape gaps.
- (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 —
 - (a) be as nearly as practicable rectangular in shape; and
 - (b) when measured internally, 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.

R. KENNEDY, Clerk of the Executive Council.
