

## **Fish Resources Management Amendment Regulations 2023**

SL 2023/2

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Fish Resources Management Amendment Regulations 2023*.

**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 1 February 2023.

**3. Regulations amended**

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

**4. Regulation 3 amended**

- (1) In regulation 3(1) delete the definition of *single-sided fillet*.
- (2) In regulation 3(1):
  - (a) in the definition of *demersal finfish* delete “column 1 or Subdivision 2 column 1;” and insert:

column 1, Subdivision 2 column 1 or Subdivision 3 column 1;
  - (b) in the definition of *large pelagic finfish* before “column 1;” insert:

Subdivision 1 column 1 or Subdivision 2

**5. Regulation 16B replaced**

Delete regulation 16B and insert:

**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.

**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.

**6. Regulation 16D amended**

- (1) In regulation 16D(1) in the Table item 6 column 2 delete paragraph (a) and insert:

- (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

- (2) In regulation 16D(2)(b) delete “single-sided”.

**7. Regulation 16DA replaced**

Delete regulation 16DA and insert:

**16DA. Demersal finfish on boats**

- (1) The master of a boat, other than a fishing 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.

**8. Regulation 31A amended**

- (1) Delete regulation 31A(1)(d) and insert:

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

- (2) In regulation 31A(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation: a fine of

(3) Delete regulation 31A(2) and insert:

(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.

(4) In regulation 31A(3) delete “fish other than rock lobster.” and insert:

fish.

Note: The heading to amended regulation 31A is to read:

**Limits on type of bait for rock lobster**

**9. Regulation 35 amended**

(1) In regulation 35:

(a) in paragraph (c)(ii) delete “consumption;” and insert:

consumption; or

(b) after paragraph (c)(ii) insert:

(iii) a rock lobster tail that is stored on a boat being used by a person who holds a fishing tour operator’s licence in the course of conducting a fishing tour and is, or will be, prepared for consumption in the course of carrying on a business;

(c) delete paragraph (d) and insert:

(d) if the part is not a rock lobster tail — the part was separated from a whole rock lobster while on the landward side of the high water mark; or

- (e) if the part is a rock lobster tail —
  - (i) the part was separated from a whole rock lobster while on the landward side of the high water mark; and
  - (ii) the part is stored with its shell, and tail clip or tail punch as required under regulation 31, remaining intact.

(2) In regulation 35 delete the Penalty and insert:

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.

Note: The heading to amended regulation 35 is to read:

**Possession or sale of rock lobster parts**

**10. Regulation 45 amended**

(1) Delete regulation 45(1) and insert:

(1) In this regulation —

***closed season*** —

- (a) means the period —
  - (i) beginning on 1 February in a year and ending on 31 March in that year; and
  - (ii) beginning on 1 August in a year and ending on the last day of term 3 (as determined for government schools under the *School Education Act 1999* section 117) in that year; and
  - (iii) beginning on the 1<sup>st</sup> day of term 4 (as determined for government schools under the *School Education Act 1999* section 117) in a year and ending on 15 December in that year;

but

- (b) does not include the period beginning on 29 March 2024 and ending on 31 March 2024;

***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) In regulation 45(2) delete the Penalty and insert:

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) Delete regulation 45(3) and insert:

- (3) Subregulation (2)(a), (b) and (c) do not apply to or in respect of demersal scalefish taken by a person —
  - (a) for a commercial purpose in accordance with an authorisation; or
  - (b) during a fishing tour on a charter boat.
- (4) Subregulation (2)(a) and (c) do 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.

Note: The heading to amended regulation 45 is to read:

**Closed season for recreational fishing for demersal scalefish in West Coast Region**

## **11. Regulation 61 amended**

(1) In regulation 61(4) delete “Subject to subregulation (4a), the” and insert:

The

(2) Delete regulation 61(4a) and insert:

- (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.

Note: The heading to amended regulation 61 is to read:

**Labelling requirements for sale of fish**

**12. Regulation 64E amended**

- (1) At the end of regulation 64E(1) insert:

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

- (2) Delete regulation 64E(3) and insert:

- (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.

- (3) At the end of regulation 64E delete the Penalty.

Note: The heading to amended regulation 64E is to read:

**Limit on number of rods, reels, lines and baits used for recreational fishing**

**13. Regulation 64OB amended**

- (1) In regulation 64OB(2)(a) after “fishing” insert:

from an island

- (2) In regulation 64OB(3) delete the definition of *Dampier Archipelago waters* and insert:

*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).

Note: The heading to amended regulation 64OB is to read:

**Restrictions on use of haul and set nets**

**14. Regulation 65B amended**

In regulation 65B(1) and (2) delete “region.” and insert:

Region other than the Abrolhos Island Fish Habitat Protection Area.

Note: The heading to amended regulation 65B is to read:

**Bag limits for demersal finfish (West Coast Region other than Abrolhos Island Fish Habitat Protection Area)**

**15. Regulation 65BA inserted**

After regulation 65B insert:



**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.

**16. Regulation 65C amended**

- (1) In regulation 65C(1):
  - (a) after “Division 2” insert:

Subdivision 1
  - (b) delete “Division” (2<sup>nd</sup> occurrence) and insert:

Subdivision
- (2) In regulation 65C(2):
  - (a) after “Division 2” insert:

Subdivision 1
  - (b) delete “Division.” and insert:

Subdivision.

Note: The heading to regulation 65C is to read:

**Bag limits for large pelagic finfish (regions other than Abrolhos Island Fish Habitat Protection Area)**

**17. Regulation 65CA inserted**

After regulation 65C insert:

**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.

**18. Regulation 156 amended**

In regulation 156 in the Table delete “16B, 16DA,” and insert:

15(2), 15(3), 16(2), 16(3), 16DA(1),

**19. Regulation 158 amended**

In regulation 158 in the Table under the heading “**Provisions of these regulations**” delete “16B,” and insert:

15(2), 15(3), 16(2), 16(3), 16DA(1),

**20. Schedule 2 amended**

- (1) In Schedule 2 Part 2 Division 3 Subdivision 1 clause 2(1) delete “1 November in a year and ending on 31 January in the following year.” and insert:

1 October in a year and ending on 31 December in that year.

- (2) In Schedule 2 Part 2 Division 3 Subdivision 2 delete the items for:

Cod, Breaksea

Dhufish, West Australian

Groper, Baldchin

**21. Schedule 3 Division 1 Subdivision 1 heading amended**

In the heading to Schedule 3 Division 1 Subdivision 1 delete “region” and insert:

**Region**

**22. Schedule 3 Division 1 Subdivision 1 amended**

In Schedule 3 Division 1 Subdivision 1 in the item for Dhufish, West Australian in column 2 delete “1” and insert:

2

**23. Schedule 3 Division 1 Subdivision 2 heading amended**

In the heading to Schedule 3 Division 1 Subdivision 2 delete “region” and insert:

**Region other than Abrolhos Islands Fish Habitat Protection Area**

**24. Schedule 3 Division 1 Subdivision 2 amended**

In Schedule 3 Division 1 Subdivision 2 in the item for Dhufish, West Australian in column 2 delete “1” and insert:

2

**25. Schedule 3 Division 1 Subdivision 3 inserted**

At the end of Schedule 3 Division 1 insert:

**Subdivision 3 — Abrolhos Island Fish Habitat Protection Area**

[r. 65BA]

<b>Fish</b>	<b>Species bag limit for one day</b>	<b>Grouped bag limit of all species of demersal finfish for one day</b>
Boarfish .....	1	1
Coral Trout and Coronation Trout.....	1	
Dhufish, West Australian.....	1	
Dory, John and Mirror .....	1	
Emperor and Seabream.....	1	
Foxfish, Western and Pigfish.....	1	

<b>Fish</b>	<b>Species bag limit for one day</b>	<b>Grouped bag limit of all species of demersal finfish for one day</b>
Groper, Baldchin and Tuskfish .....	1	
Groper, Western Blue .....	1	
Hapuku, Bass Groper, Eightbar Grouper and Trevalla(s), Blue-Eye .....	1	
Redfish, Bight (Red Snapper, Nannygai) and Swallowtail .....	1	
Rockcod, all species except 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	

**26. Schedule 3 Division 2 Subdivision 1 heading inserted**

At the beginning of Schedule 3 Division 2 insert:

**Subdivision 1 — Regions other than Abrolhos Island Fish Habitat Protection Area**

**27. Schedule 3 Division 2 Subdivision 2 inserted**

At the end of Schedule 3 Division 2 insert:

**Subdivision 2 — Abrolhos Island Fish Habitat Protection Area**

[r. 65CA]

<b>Fish</b>	<b>Species bag limit for one day</b>	<b>Grouped bag limit of all species of large pelagic finfish for one day</b>
Amberjack, Samsonfish and Yellowtail Kingfish .....	1	1
Barracouta (Gemfish).....	1	
Barracuda .....	1	
Billfish (Marlin, Sailfish) and Swordfish.....	1	
Cobia .....	1	
Dolphinfish (Mahi Mahi).....	1	

<b>Fish</b>	<b>Species bag limit for one day</b>	<b>Grouped bag limit of all species of large pelagic finfish for one day</b>
Mackerel (Grey, School, Shark, Spanish, Spotted) and Wahoo .....	1	
Sharks and Rays.....	1	
Trevally, Giant and Golden .....	1	
Tuna (Bigeye, Longtail, Mackerel, Skipjack, Southern Bluefin, Yellowfin and Dogtooth).....	1	

**28. Schedule 3 Division 6 amended**

In Schedule 3 Division 6 in the item for Crab, Blue Swimmer (Blue Manna) in column 2 delete “region)” and insert:

Region)

**29. Schedule 12 amended**

In Schedule 12 Part 2:

(a) in item 2 delete “16B,” and insert:

15(2), 15(3), 16(2), 16(3),

(b) in item 4 delete “64E,” and insert:

64E(1), 64E(3), 64E(4), 64E(5),

(c) in item 5 delete “16DA” and insert:

16DA(1),

**30. Schedule 13 amended**

Delete Schedule 13 clause 3(5A) and insert:

(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.

Note: The heading to regulation 65A is to read:

**Bag limits for demersal finfish (regions other than West Coast Region)**

K. COLLERAN, Clerk of the Executive Council.