Fish Resources Management Amendment
Regulations (No. 4) 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 4) 2012*.

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 10 replaced

Delete regulation 10 and insert:

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.

5. Regulation 124 amended

After regulation 124(2) insert:

(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).

6. **Regulation 124A replaced**

Delete regulation 124A and insert:

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.

7. **Regulation 124C replaced**

Delete regulation 124C and insert:
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.

8. Regulation 124D inserted

After regulation 124C insert:

124D. Recreational fishing (boat) 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.
9. **Schedule 2 heading replaced**

Delete the heading to Schedule 2 and the reference after it and insert:

**Schedule 2 — Protected fish**

[s. 46, 47 and 48A and r. 10]

10. **Schedule 2 Part 3 inserted**

At the end of Schedule 2 insert:

**Part 3 — Recreationally protected fish**

Estuary cod in excess of 30 kg weight or 1000 mm in length.

Malabar cod in excess of 30 kg weight or 1000 mm in length.

11. **Schedule 3 amended**

In the provisions listed in the Table delete the item referring to Cod classified as *Epinephelus* spp.

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By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.