

Office use only

EXEMPTION
NUMBER:

3106

Fish Resources Management Act 1994

Section 7(1)

INSTRUMENT OF EXEMPTION

I, Nathan Harrison, Director, Aquatic Resource Management, as delegate of the Minister for Fisheries, pursuant to section 7(1) of the *Fish Resources Management Act 1994*, HEREBY EXEMPT the class of persons in **Schedule 1** from section 46 of the *Fish Resources Management Act 1994*, Regulation 10 and Part 2 of Schedule 2 of the *Fish Resources Management Regulations 1995* which would otherwise prevent those persons specified in **Schedule 1** from lawfully pursuing the activities specified in **Schedule 2**, for the period specified in **Schedule 3** for the purposes specified in **Schedule 4**, and subject to the conditions specified in **Schedule 5**.

Schedule 1 Persons

- (a) Holders of, and persons operating under the authority of, a West Coast Rock Lobster Managed Fishery Licence (MFL).
- (b) Registered receivers under the *West Coast Rock Lobster Managed Fishery Management Plan 2012*.
- (c) Persons acting for, or on behalf of, a registered receiver under the *West Coast Rock Lobster Managed Fishery Management Plan 2012*.
- (d) Recipients of rock lobster consigned for personal consumption in accordance with the *West Coast Rock Lobster Managed Fishery Management Plan 2012*.
- (e) Persons who legally purchase or obtain lobster which has been received by a registered receiver in accordance with the *West Coast Rock Lobster Managed Fishery Management Plan 2012*.

Schedule 2 Activity

The taking, possession, selling and consignment of setose western rock lobster, by the persons described in paragraph (a) of **Schedule 1**.

The possession, selling and consigning of setose western rock lobster, by the persons described in paragraph (b) and (c) of **Schedule 1**.

The possession of setose western rock lobster, by the persons described in paragraph (d) of **Schedule 1**.

The possession and selling of setose western rock lobster by person described in paragraph (e) of **Schedule 1**.

Schedule 3 Period

This Exemption applies from 1 May 2018 until 31 October 2018.

Schedule 4 Purpose

To provide further information on permitting the retention of setose western rock lobster in contributing to reducing whale entanglements in the West Coast Rock Lobster Managed Fishery, and to provide the industry with the opportunity to further market setose western rock lobster.

Schedule 5 Conditions

- (a) Classes of persons described in **Schedule 1** paragraph (a) must ensure that all other fishing activity is undertaken in accordance with the *West Coast Rock Lobster Managed Fishery Management Plan 2012*, *Fish Resources Management Act 1994* and *Fish Resources Management Regulations 1995* and all other relevant legislation.
- (b) Classes of persons described in **Schedule 1** paragraph (b) and (c) must ensure all lobster are processed, transported and consigned as if they were processed, transported and consigned in accordance with the provisions in *West Coast Rock Lobster Managed Fishery Management Plan 2012*.
- (c) Classes of persons described in **Schedule 1** paragraph (d) must ensure all lobster in their possession are tail clipped and in accordance with the *West Coast Rock Lobster Managed Fishery Management Plan 2012*.
- (d) Classes of persons described in **Schedule 1** paragraph (e) must ensure that they have a copy of a receipt for any lobster purchased from a registered receivers or retailers.



Nathan Harrison
DIRECTOR, AQUATIC RESOURCE MANAGEMENT
As delegate of the MINISTER FOR FISHERIES

Dated this 27th day of April 2018