

Office use only

EXEMPTION
NUMBER:

2939

Fish Resources Management Act 1994

Section 7(2) (b) and 7(2) (e)

INSTRUMENT OF EXEMPTION

I, Heather Brayford, Director General, as delegate of the Minister for Fisheries, 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* and any other provisions of the *Fish Resources Management Act 1994* and its subsidiary legislation that would otherwise prevent those persons from carrying out the activities described in **Schedule 2**, for the period in **Schedule 3** for the purposes set out in **Schedule 4**, subject to the conditions set out 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 2017 until 31 October 2017.

**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.



Heather Brayford
DIRECTOR GENERAL
as delegate of the **MINISTER FOR FISHERIES**

Dated this 11th day of April 2017