

Office use only

EXEMPTION
NUMBER:

Fish Resources Management Act 1994

Section 7(2)(e)

INSTRUMENT OF EXEMPTION

I, Jo Kennedy, Director, Aquatic Resource Management, as delegate of the Minister for Fisheries, pursuant to section 7(2)(e) 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 activity 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) The holder of a Fish Processor Licence that authorises the processing of rock lobster, and persons acting on their behalf.
- (b) Persons acting for, or on behalf of, a registered receiver under the *West Coast Rock Lobster Managed Fishery Management Plan 2012*.
- (c) Persons who legally purchase or obtain lobster which has been received in accordance with the *West Coast Rock Lobster Managed Fishery Management Plan 2012* or the *South Coast Crustacean Managed Fishery Management Plan 2015*.

Schedule 2 Activity

The possession, consignment and sale of totally protected western rock lobster as described in Division 1, Part 2 of Schedule 2 of the *Fish Resources Management Regulations 1995*, by the persons described in paragraph (a) or (b) of **Schedule 1**.

The possession of totally protected western rock lobster as described in Division 1, Part 2 of Schedule 2 of the *Fish Resources Management Regulations 1995*, by the persons described in paragraph (c) of Schedule 1.

Schedule 3 Period

From the date of signing to 30 November 2019.

**Schedule 4
Purpose**

To enable setose western rock lobsters taken under exemption in the West Coast Rock Lobster Managed Fishery and the South Coast Crustacean Managed Fishery to be held after 31 October 2019 and to allow setose western rock lobsters taken under exemption in the above mentioned fisheries which become tarspot or berried to continue to be held and sold by processors and registered receivers.

**Schedule 5
Conditions**

- (a) Classes of persons described in **Schedule 1** paragraph (c) must ensure that they have a copy of a receipt for any lobster purchased from a registered receivers or retailers.



**Jo Kennedy
DIRECTOR, AQUATIC RESOURCE MANAGEMENT
As delegate of the MINISTER FOR FISHERIES**

Dated this 3rd day of May 2019