

Office use only

EXEMPTION
NUMBER: 2927

Fish Resources Management Act 1994
Section 7(2) (a)

INSTRUMENT OF EXEMPTION

I, Michael McMullan, Director Aquatic Resources Management, as delegate for the Minister for the Department of Fisheries, pursuant to s.7(1) of the Act, HEREBY EXEMPT the persons named in **Schedule 1** from all or any provisions of this Act which would otherwise prevent those persons from lawfully pursuing the activity described in **Schedule 2**, for the purpose set out in **Schedule 3**, subject to the conditions listed in **Schedule 4**.

Schedule 1

Person

1. All persons holding a Recreational Fishing from Boat Licence.

Schedule 2

Activity

1. Use octopus trigger traps in Western Australian marine waters for recreational fishing purposes.

Schedule 3

Period and Purpose

1. From the date of signing of this instrument until 31 March 2020.
2. Allow up to a maximum of 6 octopus trigger traps to be used for recreational fishing for octopus on a three year trial basis to provide information for implementation of more permanent management arrangements for the recreational fishery.

Schedule 4 Standard Conditions

1. In order to use octopus trigger traps under this Exemption there is a requirement that fishing can only be undertaken by the holder of a RBFL.

2. A person may not operate more than six octopus trigger traps at any one time.

3. A person must not set or pull more than six octopus trigger traps in any one day

4. A person must not set or pull an octopus trigger trap in a sanctuary zone or any other zone within a Marine Park in which recreational octopus fishing or rock lobster potting is prohibited.

5. All octopus trigger traps authorised under this Exemption must conform to the following descriptions:

i. Trap Design

- a) A maximum of six octopus trigger traps can be used by the holder of a RBFL. No more than two traps may be combined in a cradle or on a single line.
- b) Each octopus trigger trap is to comprise one chamber only. The chamber will have a single entrance and a self-closing door.
- c) Made of rigid inflexible material which will not be capable of ensnaring or entangling crabs or other fish. Any trigger trap must be approved by the Department prior to use.

ii. Trap Colour and Marking

- a) Recreational fishers are prohibited from using green coloured octopus trigger traps.
- b) Each trap must be permanently branded or stamped in legible characters not less than 60 mm high and 10 mm wide with the RBFL gear identification number of the person setting or pulling the trap followed by a dash and the letter 'O'.

iii. Floats and Marking

When set, each trap, or each end of a line of traps, must have a line attached that is buoyed on the surface of the water by a float that:

- a) is of a diameter of not less than 150 mm if the float is spherical and, in any other case, and a length of not less than 200 mm and a width of not less than 100 mm.
- b) is branded or stamped in legible characters not less than 60 mm high and 10 mm wide with the RBFL gear identification number of the person setting or pulling the trap followed by a dash and the letter 'O'.
- c) is fluorescent orange coloured.

6. Any trigger trap used under this exemption must be designed in such a way as to prevent it from being able to take any fish once the door of the trap has closed.

7. A maximum of 18 traps may be set or pulled from a boat on any one day.
8. Loss of an octopus trigger trap must be reported to the officer in charge nearest Department of Fisheries office.
9. No bait other than plastic lures and Light Emitting Diodes (LEDs) is to be used in an octopus trigger trap.
10. All fish (other than octopus) taken in the octopus trigger trap must be returned to the water immediately upon discovery that they have been taken.
11. Recreational octopus fishers operating under this Exemption are prohibited from setting or pulling octopus trigger traps from 7.30 pm to 4.30 am in summer (15 November-31 March) and from 6.00 pm to 6.00 am in winter (1 April-14 November).



Michael McMullan
Director, Aquatic Resources Management

Dated this 24TH day of March 2017