

Office use only

EXEMPTION

NUMBER EXEM 251213724

Fish Resources Management Act 1994
Section 7

INSTRUMENT OF EXEMPTION

I, Tim Nicholas, Director, Aquatic Resource Management, as delegate for the Minister for Fisheries, pursuant to Section 7(1) of the *Fish Resources Management Act 1994* (the Act), HEREBY EXEMPT the class of persons specified in **Schedule 1** from all or 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 purpose set out in **Schedule 4**, subject to the conditions set out in **Schedule 5**.

Schedule 1

Persons

1. All persons holding a Recreational Fishing from Boat Licence (RFBL); or
2. All persons operating under the authority of a Fishing Tour Operator's Licence (FTOL).

Schedule 2

Activity

Use octopus trigger traps for recreational fishing purposes prohibited by the *Fish Traps Restriction Notice 1990* and the *Fish Traps Prohibition Notice 1994*.

Schedule 3

Period

From the date of signing of this instrument until 31 December 2025.

Schedule 4

Purpose

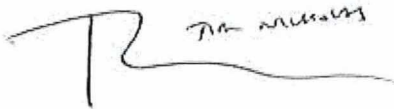
To allow up to a maximum of six octopus trigger traps to be used for recreational fishing for octopus by persons holding a RFBL and all persons operating under the authority of a FTOL to provide information for implementation of more permanent management arrangements for the recreational fishery pursuant to section 7(2)(e).

Schedule 5 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 or a person operating under the authority of a FTOL when conducting a fishing tour.
2. A person must not operate more than 6 octopus trigger traps at any one time.
3. A person must not set or pull more than 6 octopus trigger traps in any one day. Any reference to "one day" in this exemption has the meaning described in Regulation 3 of the *Fish Resources Management Regulations 1995*.
4. A person must not set or pull an octopus trigger trap in Marine Protected Areas including: State Marine Nature Reserves, Marine Parks, Fish Habitat Protection Areas or Reef Observation Areas; in which recreational octopus fishing or rock lobster potting is prohibited.
5. Fishing activities conducted under the authority of this Exemption must be carried out in accordance with all other relevant fisheries legislation.
6. The master of a boat, or any other person operating under this Exemption, must not cause or permit more than a maximum of 18 octopus trigger traps to be set or pulled from a boat on any one day.
7. All octopus trigger traps authorised under this exemption must conform to the following descriptions approved by the Department of Primary Industries and Regional Development prior to use:
 - a. Octopus Trigger Trap Design
 - i. A maximum of 6 octopus trigger traps can be used by the holder of a RBFL or person operating under the authority of a FTOL. No more than 2 traps may be combined in a cradle or on a single line.
 - ii. Each octopus trigger trap is to comprise one chamber only. The chamber will have a single entrance and a self-closing door.
 - iii. Made of rigid inflexible material which will not be capable of ensnaring or entangling crabs or other fish.
 - b. Octopus Trigger Trap Colour and Marking
 - i. RBFL holders and a person operating under the authority of a FTOL are prohibited from using green coloured octopus trigger traps.
 - ii. 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'; or
 - iii. The FTOL licence number followed by a dash and the letter 'O'.
 - c. Ropes, Floats and Marking

When set, each octopus trigger 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:

- i. 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.
 - ii. 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 octopus trigger trap followed by a dash and the letter 'O'; or
 - iii. is branded or stamped in legible characters not less than 60 mm high and 10 mm wide with the FTOL licence number followed by a dash and the letter 'O'.
 - iv. is fluorescent orange coloured.
 - v. When more than 20 meters of rope length (combined trap line and float rig) is attached to a trap, fishers must ensure that the top half of the trap line is hung vertically in the water column.
 - vi. From 1 April to 30 November each year, fishers must ensure that the top half of the trap line is hung vertically in the water column.
8. Any octopus 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.
9. Loss of an octopus trigger trap must be reported to a Fisheries Officer or Supervising Fisheries Officer of the Department of Primary Industries and Regional Development as soon as possible by email to enquiries@dpird.wa.gov.au. Information including last known trap location, licence number, trap identification number, number of traps lost and fisher details must be provided.
10. No bait other than plastic lures and Light Emitting Diodes (LEDs) is to be used in an octopus trigger trap.
11. 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 with the least possible injury.
12. Recreational octopus fishers and persons operating under the authority of a FTOL under this Exemption are prohibited from pulling octopus trigger traps from 7.30 pm to 4.30 am in summer (15 October - 31 March) and from 6.00 pm to 6.00 am in winter (1 April - 14 October).



Tim Nicholas
Director, Aquatic Resource Management

Dated this 27th day of March 2024