



Fisheries Management Regulations 2019

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 21 March 2019

Peter Cosgrove
Governor-General

By His Excellency's Command

Richard Colbeck
Assistant Minister for Agriculture and Water Resources
Parliamentary Secretary to the Minister for Agriculture and Water Resources

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Part 1—Preliminary

1 Name

This instrument is the *Fisheries Management Regulations 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 October 2019.	1 October 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Fisheries Management Act 1991*.

4 Simplified outline of this instrument

This instrument affects the operation and administration of the Act in various ways.

The application of the Act extends to areas outside the AFZ that are specified in Part 2 of this instrument and Schedule 1 to this instrument.

There are short ways of referring to certain areas in the AFZ for managing fishing in those areas (see Part 3 and Schedule 2).

To conserve the marine environment, there is a limit on the length of boats that may be used for fishing in the AFZ (see Part 4).

Special procedures must be followed in making fishing rights available by tender (see Part 5).

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Under the Act, AFMA may cancel a fishing concession if payments relating to the fishing concession have not been made within a period set by Part 6 of this instrument.

Fishing concessions are subject to conditions, including those set out in Part 7 (and Schedules 3 to 5) which deal with such things as nominating boats for fishing concessions, catch limits and protecting the marine environment.

Holders of fish receiver permits must keep records and give information to AFMA in accordance with Part 8.

Masters and owners of boats must ensure information such as identification codes allocated by AFMA, and names and radio call signs of foreign boats, are clearly displayed on the boats. Certain information must also be given to AFMA.

Under the Act, AFMA may direct that fishing not occur in part of a fishery. It is an offence for the master of a boat to navigate the boat in certain ways in an area subject to such a direction (see Division 3 of Part 9).

There are rules about the keeping and disposing of fishing equipment an officer finds in the AFZ if the owner of the equipment is unknown (see Division 4 of Part 9).

There are rules about identifying and disclosing identifying information about persons detained because they are reasonably suspected of having committed an offence using a foreign boat and who are not Australian citizens or Australian residents (see Part 10).

Part 11 provides for administrative matters, including:

- (a) information that must be included in certain registers; and
- (b) collection and disclosure by AFMA of information relevant to law enforcement, border protection, fisheries or the marine environment; and
- (c) the operation of the Statutory Fishing Rights Allocation Review Panel; and
- (d) the placement of caveats on the transfer of certain fishing concessions; and
- (e) fees; and
- (f) infringement notices providing for payment to AFMA as an alternative to prosecution for contravention of sections 93, 95 and 100 of the Act.

Part 12 sets out transitional provisions.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) AFMA;
- (b) AFZ;

- (c) Australian boat and Australian-flagged boat;
- (d) boat;
- (e) coastal waters;
- (f) fish;
- (g) fishery, fishing, fishing concession, fishing permit and fishing right;
- (h) high seas;
- (i) officer.

(1) In this instrument:

Act means the *Fisheries Management Act 1991*.

Antarctic Convergence has the same meaning as in the Convention on the Conservation of Antarctic Marine Living Resources, as in force at the time when this instrument commences (see in particular paragraph 4 of Article 1 of the Convention).

Note: The Convention on the Conservation of Antarctic Marine Living Resources is in the Australian Treaty Series 1982 No. 9 ([1982] ATS 9) and could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

approved vessel monitoring system means a vessel monitoring system in a class approved under section 9.

boat statutory fishing right means a statutory fishing right to use a boat in a managed fishery granted under any of the following:

- (a) the *Eastern Tuna and Billfish Fishery Management Plan 2010*;
- (b) the *Northern Prawn Fishery Management Plan 1995*;
- (c) the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*;
- (d) the *Western Tuna and Billfish Fishery Management Plan 2005*.

closed zone: see subsection 85(1).

concession holder means the holder of a licence, permit, or right, that is a fishing concession.

Coral Sea Fishery means the fishery of that name referred to in item 1 of the table in section 18.

crustacean means fish of the subphylum Crustacea.

declared fishery means a fishery in respect of which a declaration under subsection 91(1) of the Act is in force.

designated quota statutory fishing right means a quota statutory fishing right granted under any of the following:

- (a) the *Bass Strait Central Zone Scallop Fishery Management Plan 2002*;
- (b) the *Heard Island and McDonald Islands Fishery Management Plan 2002*;
- (c) the *Macquarie Island Toothfish Fishery Management Plan 2006*;
- (d) the *Small Pelagic Fishery Management Plan 2009*;
- (e) the *Southern Bluefin Tuna Fishery Management Plan 1995*.

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Eastern Skipjack Fishery means the fishery of that name referred to in item 2 of the table in section 18.

eligible person means a person who is registered as an eligible person for a grant of a fishing right under section 26 of the Act.

finfish means fish of the class Osteichthyes.

gear statutory fishing right means a statutory fishing right to use particular fishing equipment in a managed fishery granted under either of the following:

- (a) the *Northern Prawn Fishery Management Plan 1995*;
- (b) the *Southern Squid Jig Fishery Management Plan 2005*.

giant crab means fish of the species *Pseudocarcinus gigas*.

Heard Island and McDonald Islands Fishery means the area of the fishery under the *Heard Island and McDonald Islands Fishery Management Plan 2002*.

interaction means physical contact that:

- (a) occurs between an organism and one or more of the following:
 - (i) an individual other than an observer;
 - (ii) a nominated boat;
 - (iii) any object on board, or attached to, a nominated boat, other than equipment that is being used by an observer;
 - (iv) a nominated boat's equipment; and
- (b) is of a kind that could cause the organism to be distressed.

IUU vessel list means an Illegal, Unreported and Unregulated vessel list established by a governing commission for an international fisheries management organisation, as in force from time to time.

Macquarie Island Toothfish Fishery means the fishery area under the *Macquarie Island Toothfish Fishery Management Plan 2006*.

mollusc means fish of the phylum Mollusca.

nominated boat, in relation to a fishing concession, means a boat that is specified in, or nominated for the purposes of, the fishing concession in accordance with section 32 of the Act and section 33 of this instrument.

Norfolk Island Inshore Fishery means the fishery of that name referred to in item 3 of the table in section 18.

Norfolk Island Offshore Demersal Finfish Fishery means the fishery of that name referred to in item 4 of the table in section 18.

Northern Bluefin Tuna means fish of the species *Thunnus thynnus* and includes the subspecies *Thunnus orientalis*.

Northern Prawn Fishery target species means:

- (a) prawns; or
- (b) molluscs of the subclass Coleoidea (commonly known as squid) or of the family Pectinidae (commonly known as scallops).

northern waters means the area described in clause 1 of Schedule 3.

North West Slope Trawl Fishery means the fishery of that name referred to in item 5 of the table in section 18.

observer means a person approved by AFMA to carry out the functions of an observer.

operating, in relation to an approved vessel monitoring system, means sending a signal that:

- (a) is in a format that has been approved by AFMA; and
- (b) identifies accurately the location of the boat to which the vessel monitoring system is fitted.

outer envelope: see paragraph 23(b).

possess, in relation to fish on a nominated boat, includes control.

prawn means a crustacean of:

- (a) the family Aristeidae, Penaeidae or Solenoceridae (all commonly known as prawns); or
- (b) the family Nephropidae (commonly known as scampi); or
- (c) the family Scyllaridae (commonly known as bugs); or
- (d) the infraorder Caridea (commonly known as shrimp or carid prawns).

prawn fishery waters means the area described in Part 1 of Schedule 5.

precedence list has the same meaning as in Division 4 of Part 3 of the Act (see subsection 28(2) of the Act).

processed form: a Southern Bluefin Tuna is in processed form if it is in processed form A or processed form B.

processed form A: a Southern Bluefin Tuna is in ***processed form A*** if it has been gilled and gutted so that:

- (a) the gill plates are removed; and
- (b) the tail is wholly removed (see subsection (2)).

processed form B: a Southern Bluefin Tuna is in ***processed form B*** if it has been gilled and gutted so that:

- (a) the gill plates are not removed; and
- (b) the tail is not wholly removed (see subsection (2)).

protected community means a listed threatened ecological community within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*.

protected organism means an organism that is:

- (a) part of a protected community; or
- (b) a protected species.

protected species means:

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- (a) a listed threatened species within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* (other than a conservation dependent species within the meaning of that Act); or
- (b) a listed marine species within the meaning of that Act; or
- (c) a listed migratory species within the meaning of that Act; or
- (d) a whale.

provision subject to an infringement notice means section 93, 95 or 100 of the Act.

Queensland waters means waters that are within:

- (a) the coastal waters of Queensland; or
- (b) those parts of the AFZ that are within the scheduled area for Queensland under Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

quota statutory fishing right means a right described in paragraph 21(1)(a) or (b) of the Act.

registration envelope: see paragraph 23(a).

reserve price, in relation to a tender process, means the minimum bid amount that will be accepted as a tender.

reserve price envelope: see section 26.

scheduled species, in relation to a fishing permit, means a species for which quota units are specified in an attachment to the permit.

shark means fish of the class Chondrichthyes.

South Australian waters means the area described in clause 2 of Schedule 4.

Southern Bluefin Tuna means fish of the species *Thunnus maccoyii* (Castelnau, 1872).

Southern Bluefin Tuna Fishery has the same meaning as SBT Fishery area has in the *Southern Bluefin Tuna Fishery Management Plan 1995*.

South Tasman Rise Fishery means the fishery of that name referred to in item 6 of the table in section 18.

Tasmanian waters means the area described in clause 3 of Schedule 4.

tender means a tender for the grant of a fishing right.

tender envelope: see paragraph 23(b).

tender manager, in relation to a tender process, means:

- (a) if AFMA appoints an independent tender manager in relation to a tender process—that independent tender manager; or
- (b) otherwise—AFMA.

trawling includes board trawling, midwater or pelagic trawling and Danish seining.

trip means:

- (a) for the Heard Island and McDonald Islands Fishery—a voyage in a boat to or from any port inside or outside Australia for the purpose of exercising a right under a fishing concession; or
- (b) for the Macquarie Island Toothfish Fishery—a voyage in a boat to or from any port inside or outside Australia for the purpose of exercising a right under a fishing concession; or
- (c) for the high seas—a voyage in a boat to or from any port inside or outside Australia for the purpose of exercising a right under a fishing concession; or
- (d) in any other case—a voyage in a boat to Australia or from Australia for the purpose of exercising a right under a fishing concession.

tuna means:

- (a) fish of the family Scombridae (commonly known as tuna and tuna-like fish), other than fish of the genera *Scomberomorus*, *Scomber*, *Acanthocybium*, *Grammatorcynus* and *Rastrelliger* (commonly known as mackerel); or
- (b) fish of the family Istiophoridae or Xiphiidae (commonly known as billfish); or
- (c) fish of the family Bramidae (commonly known as pomfrets or Ray's bream).

unforeseen emergency includes the following:

- (a) a threat to the safety of human life;
- (b) a threat to the safety of a boat and property on board a boat;
- (c) the giving of assistance to a person, boat or aircraft in danger or distress;
- (d) a serious danger to navigation on or near a boat's course;
- (e) a failure, malfunction or defect that caused, or is likely to cause, serious damage to a boat, or that interfered with, or is likely to interfere with, the normal control of a boat.

vessel monitoring system has the meaning given by subsection 167B(4) of the Act.

Victorian waters means the area described in clause 1 of Schedule 4.

Western Deepwater Trawl Fishery means the fishery of that name referred to in item 7 of the table in section 18.

Western Skipjack Fishery means the fishery of that name referred to in item 8 of the table in section 18.

WGS84: see subsection 6(2).

- (2) For the purposes of the definitions of **processed form A** and **processed form B** in subsection (1), the tail of a Southern Bluefin Tuna is wholly removed if it is removed by cutting through the backbone near the base of the tail.

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6 Geographic coordinates

- (1) Except as otherwise indicated, geographic coordinates in this instrument are expressed in terms of the Geocentric Datum of Australia 1994 (commonly known as GDA94).

Note: The Geocentric Datum of Australia 1994 was published in Gazette No. GN35 of 6 September 1995.

- (2) In this instrument, a reference to WGS84 is a reference to the World Geodetic System 1984.

- (3) In this instrument, GDA94 and WGS84 are taken to be equivalent.

Note: See *US National Imagery and Mapping Agency, Technical Report—NIMA TR8350.2 Third Edition (including amendments to 23 June 2004)—Department of Defense World Geodetic System 1984—Its Definition and Relationships with Local Geodetic Systems*, in particular Chapters 2.2.1 and 7.

7 Conversion of weight for Southern Bluefin Tuna in the Southern Bluefin Tuna Fishery

- (1) For the purposes of giving effect to any provision of the Act or this instrument that requires the weight of Southern Bluefin Tuna taken from the Southern Bluefin Tuna Fishery to be calculated in processed form, the weight is to be calculated in accordance with subsection (2) or (3).

- (2) If the tuna is in processed form A, the weight is the amount, expressed in kilograms, calculated using the formula:

$$1.176 \times \text{Processed weight}$$

where:

processed weight is the weight, measured in kilograms, of the tuna.

- (3) If the tuna is in processed form B, the weight is the amount, expressed in kilograms, calculated using the formula:

$$\left(1.12 \times \text{Processed weight} \right) + N$$

where:

N is the number of tuna in the batch being weighed.

processed weight is the weight, measured in kilograms, of the batch of tuna.

8 Determining length of boat

For the purposes of this instrument, the length of a boat is the overall length of the boat determined in accordance with section 10 of the *Shipping Registration Act 1981*.

9 Approved vessel monitoring systems

- (1) AFMA may approve one or more classes of vessel monitoring systems for the purposes of this instrument.
- (2) AFMA may vary or revoke an approval under this section.
- (3) AFMA must ensure that information about an approval, or the variation or revocation of an approval, is published on AFMA's website.

Part 2—Application of Act to areas outside the AFZ

10 Simplified outline of this Part

The Act extends to 6 areas outside the AFZ:

- (a) waters off the Australian Antarctic Territory; and
- (b) waters of most of the southern hemisphere outside the exclusive economic zone of any country (in relation to persons who are fishing for Southern Bluefin Tuna or Northern Bluefin Tuna, or in relation to boats being used for fishing for Southern Bluefin Tuna or Northern Bluefin Tuna); and
- (c) waters over the South Tasman Rise (south of Tasmania); and
- (d) waters that are subject to the Convention on the Conservation of Antarctic Marine Living Resources; and
- (e) waters that are subject to the Southern Indian Ocean Fisheries Agreement; and
- (f) waters that are subject to the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean.

In these areas, the Act applies to:

- (a) Australian citizens; and
- (b) corporations that are incorporated in Australia or carry out activities mainly in Australia; and
- (c) Australian boats and Australian-flagged boats that are not Australian boats; and
- (d) persons aboard such boats.

11 Antarctic waters

For the purposes of subsection 8(1) of the Act, the Act applies, in respect of all waters within 200 nautical miles seaward of the baseline by reference to which the territorial limits of the Australian Antarctic Territory are defined under international law, to:

- (a) Australian citizens; and
- (b) bodies corporate that are incorporated in Australia or carry on activities mainly in Australia; and
- (c) Australian boats and Australian-flagged boats that are not Australian boats; and
- (d) persons on board boats to which paragraph (c) applies.

12 High seas fishing zone

- (1) For the purposes of subsection 8(1) of the Act, the Act applies, in respect of the area of waters described in Part 1 of Schedule 1 to this instrument (the *high seas fishing zone*), to:
 - (a) Australian citizens; and
 - (b) bodies corporate that are incorporated in Australia or carry on activities mainly in Australia; and
 - (c) Australian boats and Australian-flagged boats that are not Australian boats; and
 - (d) persons on board boats to which paragraph (c) applies.
- (2) However, the Act does not apply in relation to the high seas fishing zone to:
 - (a) persons who are not fishing for Southern Bluefin Tuna or Northern Bluefin Tuna; or
 - (b) boats that are not being used for fishing Southern Bluefin Tuna or Northern Bluefin Tuna.

13 South Tasman Rise

For the purposes of subsection 8(1) of the Act, the Act applies, in respect of the area of waters described in Part 2 of Schedule 1 to this instrument, to:

- (a) Australian citizens; and
- (b) bodies corporate that are incorporated in Australia or carry on activities mainly in Australia; and
- (c) Australian boats and Australian-flagged boats that are not Australian boats; and
- (d) persons on board boats to which paragraph (c) applies.

14 Convention on the Conservation of Antarctic Marine Living Resources

- (1) For the purposes of subsection 8(1) of the Act, the Act applies, in respect of the area of waters covered by the Convention on the Conservation of Antarctic Marine Living Resources, as in force at the time when this instrument commences, to:
 - (a) Australian citizens; and
 - (b) bodies corporate that are incorporated in Australia or carry on activities mainly in Australia; and
 - (c) Australian boats and Australian-flagged boats that are not Australian boats; and
 - (d) persons on board boats to which paragraph (c) applies.

Note: The Convention on the Conservation of Antarctic Marine Living Resources is in the Australian Treaty Series 1982 No. 9 ([1982] ATS 9) and could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

- (2) Subsection (1) only applies to areas outside the AFZ (see subsection 8(1) of the Act).

Note: To find out where the outer limits of the AFZ are, see the definition of *Australian fishing zone* in subsection 4(1) of the Act.

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15 Southern Indian Ocean Fisheries Agreement

For the purposes of subsection 8(1) of the Act, the Act applies, in respect of the area of waters covered by the Southern Indian Ocean Fisheries Agreement, as in force at the time when this instrument commences, to:

- (a) Australian citizens; and
- (b) bodies corporate that are incorporated in Australia or carry on activities mainly in Australia; and
- (c) Australian boats and Australian-flagged boats that are not Australian boats; and
- (d) persons on board boats to which paragraph (c) applies.

Note: The Southern Indian Ocean Fisheries Agreement is in the Australian Treaty Series 2012 No. 21 ([2012] ATS 21) and could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

16 Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean

For the purposes of subsection 8(1) of the Act, the Act applies, in respect of the area of waters covered by the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, as in force at the time when this instrument commences, to:

- (a) Australian citizens; and
- (b) bodies corporate that are incorporated in Australia or carry on activities mainly in Australia; and
- (c) Australian boats and Australian-flagged boats that are not Australian boats; and
- (d) persons on board boats to which paragraph (c) applies.

Note: The Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean is in the Australian Treaty Series 2012 No. 28 ([2012] ATS 28) and could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Part 3—References to areas of the AFZ

17 Simplified outline of this Part

For the purposes of managing fishing, some areas of the AFZ may be referred to briefly as follows:

- (a) Coral Sea Fishery;
- (b) Eastern Skipjack Fishery;
- (c) Norfolk Island Inshore Fishery;
- (d) Norfolk Island Offshore Demersal Finfish Fishery;
- (e) North West Slope Trawl Fishery;
- (f) South Tasman Rise Fishery;
- (g) Western Deepwater Trawl Fishery;
- (h) Western Skipjack Fishery.

Those areas are described in detail in Schedule 2.

18 Referring to areas of waters within the AFZ

- (1) For the purposes of paragraph 168(2)(p) of the Act, an area mentioned in an item of the following table may be referred to by the name mentioned in that item for the purposes of managing fishing activities in the AFZ.

Specified areas of waters within the AFZ

Item	Name	Area
1	Coral Sea Fishery	The area specified in Part 1 of Schedule 2
2	Eastern Skipjack Fishery	The areas specified in Part 2 of Schedule 2
3	Norfolk Island Inshore Fishery	The area specified in Part 3 of Schedule 2
4	Norfolk Island Offshore Demersal Finfish Fishery	The area specified in Part 4 of Schedule 2
5	North West Slope Trawl Fishery	The area specified in Part 5 of Schedule 2
6	South Tasman Rise Fishery	The area specified in Part 6 of Schedule 2
7	Western Deepwater Trawl Fishery	The area specified in Part 7 of Schedule 2
8	Western Skipjack Fishery	The areas specified in Part 8 of Schedule 2

- (2) However, the areas mentioned in items 2 and 8 of the table in subsection (1) are prescribed only for the purposes of managing commercial fishing for skipjack tuna by purse-seining.

Part 4—Regulation of boats to conserve the marine environment

19 Simplified outline of this Part

To conserve the marine environment, boats that are more than 130 metres long must not be used in the AFZ.

20 Regulation of boats to conserve the marine environment

- (1) This section is made for the purposes of section 14 of the Act.
- (2) A person commits an offence of strict liability if:
 - (a) the person uses a boat to engage in fishing in the AFZ; and
 - (b) the boat is more than 130 metres in length (see section 8 of this instrument).

Penalty: 25 penalty units.

Part 5—Tenders

Division 1—Preliminary

21 Simplified outline of this Part

AFMA may manage a process to select persons to be granted fishing rights by tender itself, or may appoint an independent manager to manage the process on AFMA's behalf. AFMA may also appoint a probity auditor to oversee the process.

There are rules about how tenders are to be made, dealt with and ranked for the purposes of selecting the persons.

22 Administration of the tender process

If a grant of fishing rights is to be made by tender:

- (a) AFMA may manage the tender process itself or may appoint an independent tender manager to manage the process on AFMA's behalf; and
- (b) AFMA may appoint a probity auditor to oversee the tender process.

Division 2—Applications and tender process

23 Applications under subsection 26(1) of the Act

If a person has applied under subsection 26(1) of the Act for registration as an eligible person for a grant of a fishing right:

- (a) the application must be enclosed in a sealed, opaque envelope on which is written the word 'registration' (the *registration envelope*); and
- (b) the registration envelope and the envelope referred to in paragraph 27(3)(b) of the Act (the *tender envelope*) must be submitted together enclosed in a sealed, opaque envelope (the *outer envelope*).

Note: Subsection 27(2) of the Act requires an application for registration as an eligible person to be accompanied by a tender. Subsection 27(3) of the Act sets out requirements for the tender.

24 Opening outer envelopes

- (1) As soon as practicable after the closing date for tenders, the tender manager is to open each outer envelope.
- (2) The tender manager must ensure, if AFMA has appointed a probity auditor for the tender process, that the auditor and the tender manager are present at the opening of the outer envelopes.
- (3) The following procedure must then be carried out:
 - (a) for each outer envelope, the tender manager is to open the registration envelope inside it and record:
 - (i) the name of the person who submitted the enclosed registration application; and
 - (ii) whether a tender envelope was submitted with the application; and
 - (iii) whether any other conditions of the tender in relation to the contents of, or markings on, the outer envelope have been complied with;
 - (b) the tender manager must not open any tender envelope, but is to nominate a place where the tender envelopes will be kept until they are opened under section 27;
 - (c) the tender manager is to keep the original registration applications or, if the tender manager is not AFMA, give the applications to AFMA;
 - (d) AFMA:
 - (i) is to assess the registration applications under section 26 of the Act to determine each applicant's eligibility for the grant of fishing rights in accordance with the conditions for registration in the Act and the plan of management for the fishery concerned; and
 - (ii) if the tender manager is not AFMA—is then to give the tender manager a list of the eligible persons.

Division 3—Recording and ranking of tenders

25 Application procedures if fishery divided into sectors

If:

- (a) the fishery in which fishing rights are to be allocated is divided into sectors by a plan of management for the fishery; and
- (b) fishing rights in 2 or more sectors of the fishery are to be allocated by one tender process;

the tender manager is to carry out the ranking procedure set out in this Division for each of those sectors.

26 Procedures for reserve price

If AFMA sets a reserve price, AFMA must, before the closing time for tenders, place a written statement of the reserve price in a sealed envelope (the *reserve price envelope*) and, if AFMA is not the tender manager, give the envelope to the tender manager.

27 Tenders—recording and ranking

The procedure for recording and ranking tenders is as follows:

- (a) the tender manager is to open the tender envelope for each eligible person;
- (b) the tender manager is to record, for each eligible person:
 - (i) the person's name; and
 - (ii) the amount bid by the person per fishing right; and
 - (iii) whether the person's bid is invalid and, if it is, the reason why it is invalid (see section 28 for how invalid bids are dealt with); and
 - (iv) any other information required by the conditions of tender;
- (c) the tender manager is to rank the tenders, except invalid bids, submitted by eligible persons according to the amount bid per fishing right;
- (d) if 2 or more tenderers bid the same amount per fishing right, they are to be ranked equally;
- (e) if AFMA has set a reserve price, the tender manager is then to open the reserve price envelope and record, for each tender, whether the amount bid is less than, equal to or higher than the reserve price (see section 28 for how bids less than the reserve price are dealt with);
- (f) if the conditions of tender set a minimum number of fishing rights that a tenderer may acquire, the tender manager is then to record, for each tender, whether the minimum number that the tenderer will accept is equal to or more than the minimum number set by the conditions;
- (g) if the conditions of tender set a maximum number of fishing rights that a tenderer may acquire, the tender manager is then to record, for each tender, whether the maximum number that the tenderer is prepared to acquire is equal to or less than the maximum number set by the conditions;
- (h) subject to section 28, the tender manager is to prepare a precedence list setting out for each eligible person who tendered:

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- (i) the person's name and contact details; and
 - (ii) the amount bid per fishing right; and
 - (iii) if the conditions of tender allow a tenderer to specify the maximum number of fishing rights that the tenderer is prepared to acquire, or the minimum number of fishing rights that the tenderer will accept, at the amount bid—those maximum and minimum numbers;
- (i) if the conditions of tender allow a tenderer to acquire less than all of the available fishing rights—the precedence list must also set out the matters provided for in section 29;
 - (j) if the tender manager is not AFMA, the tender manager is then to give AFMA a report incorporating the precedence list.

28 Certain persons not to be placed on precedence list

- (1) If:
 - (a) an eligible person has tendered; and
 - (b) either the bid is less than the reserve price or is invalid;then the person is not to be recorded on the precedence list.

Note: A grant of a fishing right is made to persons on the precedence list only (see section 29 of the Act).

- (2) For a person who, under subsection (1), is not recorded on the precedence list, the tender manager must record:
 - (a) the person's name; and
 - (b) the reason why the person is not recorded on the precedence list.
- (3) The fact that a person is not placed on the precedence list does not affect the person's registration as an eligible person.

29 Procedures if tenderer can acquire less than all available rights

- (1) For the purposes of paragraph 27(i), the precedence list must also set out the number of fishing rights to which each tenderer is entitled, determined as set out in subsections (3), (4), (5), (6) and (7) of this section.
- (2) Subsection (1) applies whether or not the conditions of tender also allow a tenderer to specify, at the amount tendered per fishing right:
 - (a) the maximum number of fishing rights that the tenderer is prepared to acquire; or
 - (b) the minimum number of fishing rights that the tenderer will accept.
- (3) For each tender, if a person ranked above another tenderer has tendered for less than all the available fishing rights, the next-highest-ranked tenderer is entitled to the lesser of:
 - (a) the remaining number of fishing rights; and
 - (b) the number of fishing rights that the other tenderer has tendered for.
- (4) If:
 - (a) a tenderer nominates a minimum number of fishing rights that the tenderer will accept for an amount bid; and

- (b) that number is greater than the number of fishing rights remaining after deducting the entitlements of all higher-ranked tenderers from the total number of fishing rights offered;
the tenderer is not entitled to those fishing rights, even if the amount bid per fishing right is higher than that of the next-highest-ranked tenderer.
- (5) If a tenderer does not nominate a minimum number of fishing rights that the tenderer will accept for an amount bid, the tenderer is taken to have nominated, as the minimum number at that amount:
- (a) one fishing right; or
 - (b) if AFMA has set a minimum number of fishing rights that a person may accept—that number.
- (6) If 2 or more tenderers are equally ranked, their respective entitlements to fishing rights are to be proportional to the maximum number of fishing rights that each is prepared to accept at the amount bid.
- (7) However, a tender is to be disregarded if the granting of entitlements in accordance with subsection (6) would lead to the tenderer being granted less than any minimum number of fishing rights that:
- (a) the tenderer would accept; or
 - (b) the conditions of tender specify as the minimum that a tenderer may acquire.

Part 6—Prescribed period for payment

30 Simplified outline of this Part

Under the Act, AFMA may cancel a fishing concession if the concession holder has not, within a period prescribed by the regulations:

- (a) paid money relating to the concession; or
- (b) made a satisfactory arrangement relating to the money.

This Part prescribes the period.

31 Prescribed period for payment

For the purposes of paragraph 39(1)(c) of the Act, the prescribed period is 21 days.

Part 7—Standard conditions for fishing concessions

Division 1—Preliminary

32 Simplified outline of this Part

Section 42B of the Act lets regulations prescribe conditions that apply to fishing concessions. This Part prescribes a number of conditions about:

- (a) nominating boats for fishing concessions; and
- (b) vessel monitoring systems and observers; and
- (c) disposing of fish taken in declared fisheries only to holders of fish receiver permits; and
- (d) catch limits for specified areas; and
- (e) processing fish; and
- (f) protecting the marine environment and reporting certain interactions with protected organisms.

Division 2—Nominated boats

33 Nominated boat must be used on trip

- (1) For the purposes of section 42B of the Act, this section prescribes conditions that apply to a fishing concession that is:
 - (a) a fishing permit; or
 - (b) any of the following:
 - (i) a boat statutory fishing right;
 - (ii) a gear statutory fishing right;
 - (iii) a designated quota statutory fishing right.
- (2) A boat must not be used on a trip for the purpose of exercising a right under a fishing permit unless:
 - (a) the boat is specified in the permit; or
 - (b) the boat is nominated for the purposes of the permit under subsection 32(1A) or (1B) of the Act and the requirements of subsection (4) of this section are satisfied in relation to the nomination.
- (3) A boat must not be used on a trip for the purpose of exercising a right under a statutory fishing right mentioned in paragraph (1)(b) unless the boat is nominated for the statutory fishing right and the requirements of subsection (4) are satisfied in relation to the nomination.

Note: It is not necessary to nominate a boat for a quota statutory fishing right granted under any of the following:

- (a) the *Eastern Tuna and Billfish Fishery Management Plan 2010*;
 - (b) the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*;
 - (c) the *Western Tuna and Billfish Fishery Management Plan 2005*.
- (4) The requirements of this subsection are satisfied in relation to the nomination of a boat for the fishing concession if:
 - (a) the nomination is made by the concession holder by written notice given to AFMA; and
 - (b) the owner of the boat has consented to its nomination; and
 - (c) the boat is not nominated by another person for another fishing concession; and
 - (d) for a fishing concession that is not a designated quota statutory fishing right—another boat is not nominated for the fishing concession; and
 - (e) the boat has an approved vessel monitoring system that is capable of operating at all times; and
 - (f) the boat is able to carry safely an observer, the observer's safety equipment and the observer's monitoring equipment for the duration of a trip; and
 - (g) the boat meets any requirements of the Act (including this or any other instrument under the Act) that apply to the boat; and
 - (h) in the case of a boat that is to replace a boat that has been previously nominated—the fishing concession has not been suspended under section 38 of the Act.

- (5) It is a condition of the fishing concession that a boat nominated under this section must not be used unless the boat is on the register applicable to the fishing concession.

Division 3—Vessels on IUU vessel list

34 Conditions

For the purposes of section 42B of the Act, this Division prescribes conditions that apply to fishing concessions.

35 Concession holders not to use vessels on IUU vessel list

The holder of a fishing concession must not use a boat for fishing under the fishing concession if the boat is on an IUU vessel list.

Division 4—Vessel monitoring systems

36 Conditions

For the purposes of section 42B of the Act, this Division prescribes conditions that apply to fishing concessions.

37 Concession holder to ensure that vessel monitoring system is fitted and operating

- (1) The holder of a fishing concession must ensure that each nominated boat is fitted with an approved vessel monitoring system.
- (2) The holder of a fishing concession must take all reasonable steps to ensure that the approved vessel monitoring system on a nominated boat is operating at all times.
- (3) If the approved vessel monitoring system stops operating, the holder of the fishing concession must ensure that AFMA is informed as soon as practicable after the holder of the concession becomes aware that the vessel monitoring system has stopped operating.

Section 38

Division 5—Observers on nominated Australian boats

38 Conditions

For the purposes of section 42B of the Act, this Division prescribes conditions that apply to a fishing concession if the nominated boat for the fishing concession is an Australian boat.

39 Requirement to carry observer

- (1) An observer must be carried on board the nominated boat for a fishing concession for a particular trip if AFMA has decided that a person should be placed on the boat as an observer for that trip in order to assist AFMA to pursue its objectives or in the performance of its functions by doing one or more of the following:
 - (a) monitoring compliance with Australia's international obligations;
 - (b) collecting data or samples;
 - (c) monitoring the taking of fish that the holder of the concession is authorised to take under the Act or this instrument;
 - (d) monitoring the taking of any fish or protected organism taken as bycatch, or any impact that the activities under the concession may have on any fish or protected organism.
- (2) AFMA may give notice of a decision under subsection (1):
 - (a) orally; or
 - (b) in writing; or
 - (c) by email addressed to the holder of the fishing concession at the holder's email address registered under the Act.

40 Concession holder to ensure provision for observer and equipment

- (1) If an observer is to be carried on a nominated boat for a particular trip, the holder of the fishing concession must ensure that:
 - (a) the observer; and
 - (b) the observer's safety equipment; and
 - (c) the observer's monitoring equipment;are on board the boat when the boat commences the trip.
- (2) The holder of the fishing concession must ensure that an observer is provided with adequate food and accommodation while the observer is on board the boat during a trip.
- (3) The holder of the fishing concession must ensure that an observer is carried safely on the boat.

41 Concession holder to ensure observer is able to perform functions

- (1) If an observer is on board a nominated boat during a trip, the holder of the fishing concession must ensure that the observer:

- (a) is given assistance by the holder of the concession, the master of the boat and crew members of the boat; and
 - (b) is given access to all parts of the boat;to the extent reasonably necessary to enable the observer to do anything that applies under subsection 39(1).
- (2) The holder of the fishing concession must not interfere with, or obstruct, the observer in the course of collecting data or samples.
- (3) The holder of the fishing concession must ensure that:
 - (a) the master of the boat; and
 - (b) crew members of the boat;do not interfere with, or obstruct, the observer in the course of collecting data or samples.

Division 6—Disposal of fish taken in declared fisheries

42 Conditions

For the purposes of section 42B of the Act, this Division prescribes conditions that apply to fishing concessions for a declared fishery.

43 Fish to be disposed of to fish receiver permit holder

- (1) The holder of a fishing concession for a declared fishery must ensure that fish taken and retained under the concession are disposed of only to a holder of a fish receiver permit.
- (2) This section does not apply in relation to fish taken under an aquarium sector permit granted by AFMA for the Coral Sea Fishery.

Division 7—Catch limits in northern waters

44 Conditions

- (1) For the purposes of section 42B of the Act, this section prescribes conditions that apply to the following fishing concessions:
 - (a) a foreign fishing licence that authorises the use of a boat for taking tuna in northern waters;
 - (b) a fishing permit that authorises the use of a boat for taking tuna in northern waters;
 - (c) a fishing right that includes the right to take tuna in northern waters.
- (2) The concession holder must not possess on the nominated boat more than 2 fish of one or more species mentioned in clause 2 of Schedule 3.
- (3) The concession holder must not possess on the nominated boat more than 10 fish of one or more species mentioned in clause 3 of Schedule 3.
- (4) The concession holder must not possess on the nominated boat more than 20 fish of one or more species mentioned in clause 4 of Schedule 3.

Division 8—Catch limits for Victorian waters

45 Interpretation

- (1) For the purposes of this Division, the weight of a fish is taken to be the weight of the whole fish before it has undergone any preparation.
- (2) For the purposes of this Division, if a concession holder lands fish at a place on or within the coastline of Victoria, the concession holder is to be treated as having taken the fish in Victorian waters.

46 Conditions

For the purposes of section 42B of the Act, this Division prescribes conditions that apply to the following fishing concessions:

- (a) a foreign fishing licence that authorises the use of a boat for fishing in Victorian waters;
- (b) a fishing permit that authorises the use of a boat for taking fish in Victorian waters;
- (c) a fishing right that includes the right to take fish in Victorian waters.

47 Crustaceans

- (1) The concession holder must not take the following fish from Victorian waters:
 - (a) school prawns (*Metapenaeus macleayi*);
 - (b) eastern king prawns (*Melicertus plebejus*).

Note 1: The Commonwealth has made an arrangement with Victoria under Part 5 of the Act. On account of that arrangement, as it exists on the commencement of this instrument, rock lobster (family Palinuridae) may not be taken under a concession granted under the Act.

Note 2: The concession holder may take any other species of crustaceans from Victorian waters.

- (2) The concession holder must not possess on the nominated boat:
 - (a) more than 50 kilograms of crustaceans not of a species mentioned in Part 2 of Schedule 4; or
 - (b) within the amount of crustaceans referred to in paragraph (a):
 - (i) more than 5 giant crabs; or
 - (ii) more than 10 kilograms of inshore (or bay) bugs (family Scyllaridae).

Note: The species mentioned in Part 2 of Schedule 4 are target species, and are subject to specific management arrangements under Part 3 of the Act.

48 Molluscs

The concession holder must not possess on the nominated boat more than 50 kilograms of specimen shells or shellfish (class Gastropoda).

Note 1: The Commonwealth has made an arrangement with Victoria under Part 5 of the Act. On account of that arrangement, as it exists on the commencement of this instrument,

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abalone (any species of family Haliotidae) may not be taken under a concession granted under the Act.

Note 2: A concession holder may take any other species of molluscs from Victorian waters.

49 Finfish

- (1) The concession holder must not take finfish of a species mentioned in clause 7 of Schedule 4 from Victorian waters.

Note: The concession holder may take finfish of any other species from Victorian waters.

- (2) The concession holder must not possess on the nominated boat:
- (a) more than 200 kilograms of finfish of one or more species mentioned in clause 8 of Schedule 4; or
 - (b) within the amount of finfish referred to in paragraph (a):
 - (i) more than 10 yellowtail kingfish (*Seriola lalandi*); or
 - (ii) more than 20 kilograms of striped trumpeter (*Latris lineata*); or
 - (iii) more than 50 kilograms of snapper (*Chrysophrys auratus*).
- (3) This section does not apply to fish taken by trawling.

Section 50

Division 9—Catch limits for South Australian waters

50 Interpretation

- (1) For the purposes of this Division, the weight of a fish is taken to be the weight of the whole fish before it has undergone any preparation.
- (2) For the purposes of this Division, if a concession holder lands fish at a place on or within the coastline of South Australia, the concession holder is to be treated as having taken the fish in South Australian waters.

51 Conditions

For the purposes of section 42B of the Act, this Division prescribes conditions that apply to the following fishing concessions:

- (a) a foreign fishing licence that authorises the use of a boat for fishing in South Australian waters;
- (b) a fishing permit that authorises the use of a boat for taking fish in South Australian waters;
- (c) a fishing right that includes the right to take fish in South Australian waters.

52 Crustaceans

- (1) The concession holder:
 - (a) must not take prawns of any species, other than a species mentioned in Part 2 of Schedule 4, from South Australian waters; and
 - (b) must not take more than 5 giant crabs from South Australian waters per trip.

Note 1: The Commonwealth has made an arrangement with South Australia under Part 5 of the Act. On account of that arrangement, as it exists on the commencement of this instrument, rock lobster (species of family Palinuridae) may not be taken under a concession granted under the Act.

Note 2: The concession holder may take any other species of crustaceans from South Australian waters.

- (2) The concession holder must not possess on the nominated boat more than 200 kilograms of bay bugs (family Scyllaridae).
- (3) The concession holder must not possess on the nominated boat more than 50 kilograms of crustaceans of one or more species not mentioned in Part 2 of Schedule 4.

Note: The species mentioned in Part 2 of Schedule 4 are target species, and are subject to specific management arrangements under Part 3 of the Act.

53 Molluscs

- (1) The concession holder must not possess on the nominated boat:

- (a) more than 500 kilograms of mollusc that are not of a species mentioned in Part 3 of Schedule 4; or
- (b) within the amount of molluscs referred to in paragraph (a)—more than 50 kilograms of specimen shells or shellfish (class Gastropoda).

Note 1: The Commonwealth has made an arrangement with South Australia under Part 5 of the Act. On account of that arrangement, as it exists on the commencement of this instrument, abalone (species of family Haliotidae) may not be taken under a concession granted under the Act.

Note 2: A concession holder may take any other species of molluscs from South Australian waters.

- (2) The concession holder must not take scallops (species of family Pectinidae) from South Australian waters.

Note: A concession holder may take any other species of molluscs from South Australian waters.

54 Finfish

- (1) The concession holder must not take finfish of a species mentioned in clause 9 of Schedule 4 from South Australian waters.

Note: The concession holder may take any other species of finfish from South Australian waters.

- (2) The holder must not take more than 200 kilograms of finfish of one or more species mentioned in clauses 10, 11 and 12 of Schedule 4 from South Australian waters per trip by trawling.
- (3) The holder must not take more than 200 kilograms of finfish of one or more species mentioned in clauses 10, 11, 12 and 13 of Schedule 4 from South Australian waters per trip by a method other than trawling.
- (4) The holder must not take from South Australian waters more than:
 - (a) 20 kilograms of finfish of one or more species mentioned in clause 10 of Schedule 4 per trip; or
 - (b) 50 kilograms of finfish of one or more species mentioned in clause 11 of Schedule 4 per trip; or
 - (c) 10 yellowtail kingfish (*Seriola lalandi*) per trip; or
 - (d) 100 kilograms of mullocky (*Argyrosomus japonicus*) per trip.

Division 10—Catch limits for Tasmanian waters

55 Interpretation

- (1) For the purposes of this Division, the weight of a fish is taken to be the weight of the whole fish before it has undergone any preparation.
- (2) For the purposes of this Division, if a concession holder lands fish at a place on or within the coastline of Tasmania, the concession holder is to be treated as having taken the fish in Tasmanian waters.

56 Conditions

For the purposes of section 42B of the Act, this Division prescribes conditions that apply to the following fishing concessions:

- (a) a foreign fishing licence that authorises the use of a boat for fishing in Tasmanian waters;
- (b) a fishing permit that authorises the use of a boat for taking fish in Tasmanian waters;
- (c) a fishing right that includes the right to take fish in Tasmanian waters.

57 Crustaceans

- (1) The concession holder must not take prawns of any species, other than a species mentioned in clause 4 of Schedule 4, from Tasmanian waters.

Note 1: The Commonwealth has made an arrangement with Tasmania under Part 5 of the Act. On account of that arrangement, as it exists on the commencement of this instrument, rock lobster (species of family Palinuridae) may not be taken under a concession granted under the Act.

Note 2: The concession holder may take any other species of crustaceans from Tasmanian waters.

- (2) The concession holder must not possess on the nominated boat:
 - (a) more than 50 kilograms of crustaceans of a species not mentioned in Part 2 of Schedule 4; or
 - (b) within the amount of crustaceans referred to in paragraph (a)—more than 5 giant crabs.

Note: The species mentioned in Part 2 of Schedule 4 are target species, and are subject to specific management arrangements under Part 3 of the Act.

58 Molluscs

- (1) The concession holder must not take limpets or keyhole limpets (superfamilies Fissurellacea, Patellacea and Siphonariacea) from Tasmanian waters.

Note 1: The Commonwealth has made an arrangement with Tasmania under Part 5 of the Act. On account of that arrangement, as it exists on the commencement of this instrument, abalone (species of family Haliotidae) may not be taken under a concession granted under the Act.

Note 2: A concession holder may take any other species of molluscs from Tasmanian waters.

- (2) The concession holder must not possess on the nominated boat:
- (a) more than 500 kilograms of molluscs not of a species mentioned in Part 3 of Schedule 4; or
 - (b) within the amount of molluscs referred to in paragraph (a)—more than 50 kilograms of specimen shells or shellfish (class Gastropoda).

Note: The species mentioned in Part 3 of Schedule 4 are target species, and are subject to specific management arrangements under Part 3 of the Act.

59 Finfish

- (1) The concession holder must not take finfish of a species mentioned in clause 14 of Schedule 4 from Tasmanian waters.
- (2) The concession holder must not possess on the nominated boat more than 20 kilograms of bastard trumpeter (*Latridopsis forsteri*).
- (3) The concession holder must not possess on the nominated boat more than 50 kilograms of blue groper (*Achoerodus gouldii*).
- (4) The concession holder must not possess on the nominated boat:
 - (a) more than 250 kilograms of finfish of one or more species that are mentioned in clause 15 of Schedule 4; or
 - (b) within the amount of finfish referred to in paragraph (a), more than 150 kilograms of striped trumpeter (*Latris lineata*).

60 Other species

The concession holder must not take any fish of a species mentioned in clause 16 of Schedule 4 from Tasmanian waters.

Division 11—Catch limits for prawn fishery waters

61 Conditions

For the purposes of section 42B of the Act, this Division prescribes conditions that apply to the following fishing concessions:

- (a) a foreign fishing licence that authorises the use of a boat for fishing for any Northern Prawn Fishery target species in prawn fishery waters;
- (b) a fishing permit that authorises the use of a boat for taking any Northern Prawn Fishery target species in prawn fishery waters;
- (c) a fishing right that includes the right to take any Northern Prawn Fishery target species in prawn fishery waters.

62 Crustaceans

The concession holder must not possess on the nominated boat:

- (a) more than 6 tropical rock lobsters (*Panulirus ornatus*); or
- (b) more than 10 mud crabs of genus *Scylla*.

63 Molluscs

The concession holder must not take a mollusc of a species mentioned in clause 2 of Schedule 5 from prawn fishery waters.

64 Finfish

- (1) The concession holder must not take tuna, except longtail tuna (*Thunnus tonggol*), from prawn fishery waters.
- (2) The concession holder must not take finfish of a species mentioned in clause 3 of Schedule 5 from prawn fishery waters.
- (3) The concession holder must not take longtail tuna (*Thunnus tonggol*) from prawn fishery waters that are Queensland waters.
- (4) The concession holder must not possess on the nominated boat more than 10 finfish of one or more species mentioned in clause 4 of Schedule 5.
- (5) For finfish of one or more species that are mentioned in clause 5 of Schedule 5:
 - (a) if a trip ends in March, April, May or June, the concession holder must not possess on the nominated boat more than 500 kilograms of such finfish; and
 - (b) if a trip ends in any other month, the concession holder must not possess on the nominated boat more than 50 kilograms of such finfish.
- (6) For the purposes of subsection (5), if a fish has been processed while on the boat, the weight of the fish to be used is the whole weight equivalent worked out using one of the following methods:
 - (a) multiply the weight of the gilled and gutted fish by 1.1 and express the result in kilograms;

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- (b) multiply the weight of the fillets from the fish by 2.6 and express the result in kilograms;
- (c) multiply the weight of the headed and gutted fish by 1.4 and express the result in kilograms.

65 Other species

The holder must not take any fish of a species mentioned in clause 6 of Schedule 5 from prawn fishery waters.

Division 12—Fish processing during a trip

66 Conditions

For the purposes of section 42B of the Act, this Division prescribes conditions that apply to fishing concessions.

67 Prohibited ways of processing fish

If a fish of a species mentioned in an item of the following table is taken and retained during a trip, the concession holder must ensure that none of the parts of the fish mentioned in the item are removed from the carcass before the fish is landed and disposed of in accordance with any requirements under the Act.

Prohibited ways of processing fish		
Item	Species	Parts of fish that must not be removed
1	Any species of shark other than the following: (a) angel shark (family Squatinidae); (b) ray; (c) skate; (d) spurdog (of genus <i>Squalus</i>)	The following: (a) the caudal lobe; (b) a dorsal, pectoral or caudal fin
2	Any species of: (a) angel shark (family Squatinidae); or (b) dogfish (family Squalidae)	A dorsal or caudal fin
3	Any species of: (a) ray; or (b) skate	The following: (a) the skin; (b) a fillet
4	Any species of banjo shark (of genus <i>Trygonorrhina</i>)	The following: (a) the skin; (b) a fillet; (c) a pectoral fin; (d) the tail
5	Any species of elephant fish (of family Callorhynchidae, Chimaeridae or Rhinochimaeridae)	The following: (a) the second dorsal fin; (b) the tail

68 Removal of shark liver

- (1) This section applies if a shark is:
 - (a) taken during a trip; and
 - (b) processed during the trip by the removal of its liver.
- (2) The concession holder must ensure that the shark's carcass and the liver are retained for the duration of the trip.
- (3) The concession holder must ensure that the liver is disposed of:

- (a) at the same time as the shark's carcass is disposed of; and
- (b) if section 43 applies—to the same holder of a fish receiver permit.

Division 13—Impacts on the marine environment

69 Conditions

For the purposes of section 42B of the Act, this Division sets out conditions that apply to fishing concessions.

70 No interaction with protected organism

The concession holder must ensure that, as far as practicable, there is no interaction with a protected organism during a trip.

71 Reporting interaction with protected organism

If there is an interaction with a protected organism during a trip and an observer is on board the nominated boat, the concession holder must ensure that the interaction is reported to the observer as soon as practicable.

Note: The concession holder may have an additional obligation to record the interaction in a logbook kept in accordance with a determination made under section 42 of the Act.

72 Requirements if protected organism is injured by interaction

- (1) If during a trip:
 - (a) there is an interaction with a protected organism; and
 - (b) the interaction injures the organism;the concession holder must ensure that the organism is given as much assistance as is practicable.
- (2) If an observer is on board the nominated boat, the concession holder must ensure that the injury is reported to the observer as soon as practicable.

Note: The concession holder may have an additional obligation to record the injury in a logbook kept in accordance with a determination made under section 42 of the Act.

73 Requirements if protected organism killed by interaction

- (1) If during a trip:
 - (a) there is an interaction with a protected organism; and
 - (b) the interaction results in the death of the organism; and
 - (c) an observer is on board the nominated boat;the concession holder must ensure that the death is reported to the observer as soon as practicable.
- (2) If during a trip:
 - (a) there is an interaction with a protected organism; and
 - (b) the interaction results in the death of the organism; and
 - (c) it is necessary to discharge the organism's carcass;

Note: The concession holder may have an additional obligation to record the death in a logbook kept in accordance with a determination made under section 42 of the Act.

the concession holder must ensure that the carcass is discharged from the boat in a way that does not attract birds or mammals to the boat.

Part 8—Fish receiver permits

74 Simplified outline of this Part

Holders of fish receiver permits must keep records, and give AFMA returns, about fish they receive and dispose of.

75 Holder of fish receiver permit to keep records

- (1) For the purposes of paragraph 92(2)(a) of the Act, the holder of a fish receiver permit must make a record in respect of fish received by the holder.
- (2) The record:
 - (a) must be in the form required by a determination by AFMA in force under section 42 of the Act for a logbook in respect of the relevant fishery (being, if the determination so provides, a record in an electronic form); and
 - (b) must include the information required by sections 77 and 78 of this instrument.
- (3) The holder of the fish receiver permit must keep the record for at least 5 years:
 - (a) if the permit specifies premises at which fish received under the permit by the holder of the permit are to be kept while in the possession of the holder—at those premises; or
 - (b) in any other case—at the holder's business or residential premises.

76 Holder of fish receiver permit to give returns of information

- (1) For the purposes of paragraph 92(2)(b) of the Act, the holder of a fish receiver permit must give a return in respect of fish received by the holder within 3 days after receiving the fish.
- (2) The return:
 - (a) must be in a form required by a determination by AFMA in force under section 42 of the Act for returns in respect of the relevant fishery (being, if the determination so provides, a return in an electronic form); and
 - (b) must include the information required by sections 77 and 78 of this instrument.

77 Information about fish received

- (1) A record or return required by section 75 or 76 must include the following information in relation to the receiving of fish:
 - (a) the full name and address of the holder of the fish receiver permit;
 - (b) the full name and address of the person from whom the fish were received;
 - (c) the name of the boat that was used to take the fish;
 - (d) the name and amount (by weight) of each species of fish;

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- (e) the type (if any) of processing to which the fish were subjected before being received;
 - (f) the date on which the fish were received;
 - (g) the full name and office of the person providing the information.
- (2) The record or return must also include:
- (a) the number (if any) of Southern Bluefin Tuna received; and
 - (b) for each Southern Bluefin Tuna received in processed form—whether the Southern Bluefin Tuna was in processed form A or processed form B.
- (3) The record or return must also include the number (if any) of fish received that are of any of the following kinds:
- (a) yellowfin tuna (*Thunnus albacares*);
 - (b) bigeye tuna (*Thunnus obesus*);
 - (c) longtail tuna (*Thunnus tonggol*);
 - (d) albacore tuna (*Thunnus alalunga*);
 - (e) black marlin (*Makaira indica*);
 - (f) blue marlin (*Makaira nigricans*);
 - (g) striped marlin (*Tetrapturus audax*);
 - (h) broadbill swordfish (*Xiphias gladius*);
 - (i) fish of the family Bramidae (commonly known as pomfrets or Ray's bream).

78 Information about fish disposed of

- (1) A record or return required by section 75 or 76 must include the following information in relation to the disposal of fish (except for private or domestic use):
- (a) the full name and address of the holder of the fish receiver permit;
 - (b) the full name and address of the person to whom the holder of the fish receiver permit disposed of the fish;
 - (c) the name and amount (by weight) of each species of fish;
 - (d) the type (if any) of processing to which the fish were subjected before their disposal;
 - (e) the date on which the fish were disposed of;
 - (f) the full name and office of the person providing the information.
- (2) The record or return must also include:
- (a) the number (if any) of Southern Bluefin Tuna disposed of; and
 - (b) for each Southern Bluefin Tuna disposed of in processed form—whether the Southern Bluefin Tuna was in processed form A or processed form B.
- (3) The record or return must also include the number (if any) of fish disposed of that are of any of the following kinds:
- (a) yellowfin tuna (*Thunnus albacares*);
 - (b) bigeye tuna (*Thunnus obesus*);
 - (c) longtail tuna (*Thunnus tonggol*);
 - (d) albacore tuna (*Thunnus alalunga*);

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- (e) black marlin (*Makaira indica*);
 - (f) blue marlin (*Makaira nigricans*);
 - (g) striped marlin (*Tetrapturus audax*);
 - (h) broadbill swordfish (*Xiphias gladius*);
 - (i) fish of the family Bramidae (commonly known as pomfrets or Ray's bream).
- (4) A record or return that relates to the disposal of fish for private or domestic use must include the following information:
- (a) the full name and address of the holder of the fish receiver permit;
 - (b) a declaration that the fish were disposed of for private or domestic use;
 - (c) the name and amount (by weight) of each species of fish;
 - (d) the type (if any) of processing to which the fish were subjected before their disposal;
 - (e) the month in which the fish were disposed of.

Part 9—Operation of boats and equipment

Division 1—Preliminary

79 Simplified outline of this Part

Masters and owners of boats must ensure information such as identification codes allocated by AFMA, and names and radio call signs of foreign boats, are clearly displayed on the boats. Certain information must also be given to AFMA.

Under the Act, AFMA may direct that fishing not occur in parts of the fishery. It is an offence for the master of a boat to navigate the boat in certain ways in an area subject to such a direction.

There are rules about keeping and disposing of fishing equipment an officer finds in the AFZ if the owner of the equipment is unknown.

Division 2—Operation of boats

80 Identification code for a boat

Identification codes

- (1) AFMA must allocate an identification code to any boat that is to be used for the purposes of a fishing right or fishing permit.
- (2) The identification code must be in the form of:
 - (a) a number or numbers; or
 - (b) a letter or letters; or
 - (c) a combination of one or more numbers and one or more letters.

Requirement to display identification code

- (3) The identification code must be displayed clearly and prominently on the boat at all times so that it is visible from the outside of the boat.
- (4) A person commits an offence of strict liability if:
 - (a) the person is the master or owner of a boat; and
 - (b) the boat has been allocated an identification code under subsection (1); and
 - (c) the boat is being used for the purposes of the fishing right or fishing permit for which the identification code was allocated; and
 - (d) the boat does not display its identification code in accordance with subsection (3).

Penalty: 15 penalty units.

Requirement to remove identification code if boat no longer being used

- (5) The identification code must be removed from the boat or obliterated as soon as practicable after the fishing right or fishing permit ceases to apply in relation to the boat.
- (6) A person commits an offence of strict liability if:
 - (a) the person is the master or owner of a boat; and
 - (b) the boat has been allocated an identification code under subsection (1); and
 - (c) the fishing right or fishing permit for which the identification code was allocated ceases to apply in relation to the boat; and
 - (d) the boat's identification code is not removed from the boat or obliterated in accordance with subsection (5).

Penalty: 15 penalty units.

Exception

- (7) Subsections (4) and (6) do not apply in relation to a boat that:
 - (a) is licensed to be used to take fish under a law of a State or Territory; and
 - (b) displays an identifying marking under that law.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

Displaying incorrect information on boat

- (8) A person commits an offence of strict liability if:
- (a) the person is the master or owner of a boat; and
 - (b) the boat has been allocated an identification code under subsection (1); and
 - (c) the boat is being used for the purposes of the fishing right or fishing permit for which the identification code was allocated; and
 - (d) the boat shows a letter or number that is not:
 - (i) the boat's name or identification code; or
 - (ii) an identification marking allocated to the boat under a law of a State or Territory.

Penalty: 15 penalty units.

81 Production of documents on a foreign boat

- (1) This section applies for the purposes of paragraph 168(2)(l) of the Act in relation to a foreign boat that is being used under a foreign fishing licence or a Treaty licence.
- (2) For the purposes of subsection 84(1) of the Act, if a document in a foreign language is given to an officer, the officer may ask the master to give the officer a written translation of the document into English.
- (3) The officer may nominate a person who is to make the translation.
- (4) If the officer asks the master for a translation, the master must give the officer the translation as soon as practicable.

Penalty: 15 penalty units.

- (5) An offence against subsection (4) is an offence of strict liability.
- (6) For the purposes of subsection 84(1) of the Act, if an officer removes a document from the boat to make a copy of, or take an extract from, the document, the officer must:
 - (a) keep the document for no longer than is reasonably necessary to make the copy or take the extract; and
 - (b) allow the master, or a person nominated by the master, to accompany the officer while the officer has the document away from the boat.

82 Identification of the call sign of a foreign boat

- (1) The master of a foreign boat that is being used in the AFZ under a foreign fishing licence must show the boat's international radio call sign on the boat in accordance with subsections (2) and (3).

Penalty: 25 penalty units.

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- (2) The call sign must be displayed clearly and prominently on the boat at all times so that it is visible from the outside of the boat.
- (3) The call sign must be displayed in a position or positions on the boat that makes each sign clearly visible from an aircraft or a boat.
- (4) An offence against subsection (1) is an offence of strict liability.

83 Identification of the name of a foreign boat

- (1) The master of a foreign boat that is being used in the AFZ under a foreign fishing licence must show the boat's name on the boat in accordance with subsection (2).

Penalty: 25 penalty units.

- (2) The name must be displayed clearly and prominently on the boat at all times so that it is visible from the outside of the boat.
- (3) An offence against subsection (1) is an offence of strict liability.

84 Information relating to persons on board a boat

- (1) This section applies in relation to:
 - (a) a boat that is used in the AFZ under a fishing concession; and
 - (b) an Australian boat engaged in fishing outside the AFZ.
- (2) AFMA may, at any time, ask the master of the boat to give it the names, dates of birth, residential addresses and positions of persons on board the boat.
- (3) The master must give the information to AFMA as soon as practicable.

Penalty: 15 penalty units.

- (4) AFMA must not ask the master under subsection (2) more than once in a period of 48 hours.
- (5) An offence against subsection (3) is an offence of strict liability.

Division 3—Closure or partial closure of a fishery

85 Meaning of *closed zone*

- (1) A ***closed zone*** is any part of a fishery that is subject to a direction given under subsection 41A(2) of the Act (for such period or periods as the direction is in force under section 41A of the Act).
- (2) A closed zone relates to a boat if the boat may be used:
 - (a) to engage in fishing in any part of a closed zone under a fishing concession or a foreign master fishing licence; or
 - (b) to engage in fishing for scientific research in any part of a closed zone under a scientific permit.

86 Navigating in area that is a closed zone

Offence

- (1) The master of a boat commits an offence of strict liability if the boat is navigated in an area that is a closed zone that relates to the boat.

Penalty: 25 penalty units.

Exceptions

- (2) Subsection (1) does not apply if information given by the boat's vessel monitoring system shows, for the period that the boat was in the closed zone:
 - (a) that the boat was travelling at a speed of 5 knots or more as worked out under subsection (4); or
 - (b) that:
 - (i) the boat was navigated in the closed zone for a period of 30 minutes or more; and
 - (ii) the boat was stationary (see subsection (5)).

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

- (3) Subsection (1) does not apply if:
 - (a) AFMA had given approval for the boat to be navigated in the closed zone because of an unforeseen emergency, or circumstances beyond the control of the master of the boat; and
 - (b) the boat was navigated in the closed zone in accordance with any instructions given by AFMA.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

Working out a boat's speed

- (4) To work out a boat's speed in knots for the purposes of this section:

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Division 3 Closure or partial closure of a fishery

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- (a) for each consecutive pair of points identified by the boat's vessel monitoring system, identify the shortest distance between the pair of points in a straight line; and
 - (b) divide the distance by the time taken by the boat to travel between the 2 points.
- (5) For the purposes of this section, a boat is taken to be stationary if it is travelling at a speed of 0.5 knots or less as worked out under subsection (4).

Division 4—Unclaimed equipment

87 Sale or disposal of unclaimed equipment

- (1) This section applies to equipment used for fishing if:
 - (a) an officer finds the equipment in the AFZ; and
 - (b) the identity of the owner of the equipment is unknown.
- (2) The officer must keep the equipment in safe custody for 30 days after the day on which it was found.
- (3) If the owner of the equipment has not been identified by the end of the period, AFMA must place a notice in:
 - (a) one or more newspapers circulating in the port in Australia or an external Territory nearest to where the equipment was found; or
 - (b) if there is no newspaper circulating in the port—one or more newspapers nominated by the CEO.
- (4) The notice must:
 - (a) describe the equipment; and
 - (b) identify the place, or approximate place, where it was found; and
 - (c) state that unless the owner of the equipment is identified within 14 days after the date of publication of the newspaper, the equipment may be sold by public auction.
- (5) AFMA may attempt to sell the equipment by public auction if:
 - (a) the owner of the equipment is not identified at the end of 14 days after the date on which the latest of the notices is published; and
 - (b) the equipment is in saleable condition.
- (6) For the purposes of the auction:
 - (a) the Commonwealth is taken to be the absolute owner of the equipment; and
 - (b) an officer may conduct the auction without holding an auctioneer's licence under the law of the State or Territory in which the auction is held; and
 - (c) the proceeds of the sale of the equipment must be paid to AFMA.
- (7) AFMA may direct how the equipment is to be disposed of if:
 - (a) the equipment is not in saleable condition; or
 - (b) the equipment is offered, but not sold, at the auction.
- (8) AFMA may dispose of equipment that is marine debris in such manner as AFMA considers to be appropriate without complying with subsections (2) to (7).

Part 10 Detention of suspected illegal foreign fishers

Division 1 Simplified outline of this Part

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Part 10—Detention of suspected illegal foreign fishers

Division 1—Simplified outline of this Part

88 Simplified outline of this Part

There are rules about the kinds of personal identifier to be obtained from persons detained because they are reasonably suspected of having committed an offence using a foreign boat and are not Australian citizens or Australian residents.

Authorised officers must give such persons certain information before carrying out identification tests to obtain personal identifiers from the persons.

There are also rules about what kinds of personal identifiers may be disclosed to other organisations and which Australian and international organisations they may be disclosed to.

This Part also identifies Australian Government agencies that may disclose information about potentially illegal fishing to foreign governments and intergovernmental bodies.

Division 2—Identifying detainees

89 Personal identifiers

For the purposes of paragraph (g) of the definition of *personal identifier* in subclause 26(1) of Schedule 1A to the Act, other identifiers are as follows:

- (a) a sample of a person's handwriting;
- (b) a photograph of a tattoo, scar or other identifying mark of a person, if the obtaining of the photograph does not involve:
 - (i) the removal of any of the person's clothing; or
 - (ii) the carrying out of an intimate forensic procedure within the meaning of section 23WA of the *Crimes Act 1914*.

90 Personal identifiers detainees must provide

For the purposes of paragraph 28(2)(e) of Schedule 1A to the Act, other types of personal identifier are as follows:

- (a) an audio or a video recording of the detainee (other than a video recording under clause 37 of Schedule 1A to the Act);
- (b) an iris scan of the detainee's eyes;
- (c) a sample of the detainee's handwriting;
- (d) a photograph of a tattoo, scar or other identifying mark of the detainee, if the obtaining of the photograph does not involve:
 - (i) the removal of any of the detainee's clothing; or
 - (ii) the carrying out of an intimate forensic procedure within the meaning of section 23WA of the *Crimes Act 1914*.

91 Personal identifiers officers must require non-citizens to provide by way of identification tests

For the purposes of paragraph 29(1)(a) of Schedule 1A to the Act, the types of personal identifier are as follows:

- (a) fingerprints or handprints of the non-citizen (including those taken using paper and ink or digital livescanning technologies);
- (b) a measurement of the non-citizen's height and weight;
- (c) a photograph or other image of the non-citizen's face and shoulders;
- (d) an audio or a video recording of the non-citizen (other than a video recording under clause 37 of Schedule 1A to the Act);
- (e) an iris scan of the non-citizen's eyes;
- (f) the non-citizen's signature;
- (g) a sample of the non-citizen's handwriting;
- (h) a photograph of a tattoo, scar or other identifying mark of the non-citizen, if the obtaining of the photograph does not involve:
 - (i) the removal of any of the non-citizen's clothing; or
 - (ii) the carrying out of an intimate forensic procedure within the meaning of section 23WA of the *Crimes Act 1914*.

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92 Information to be provided before carrying out identification tests

- (1) For the purposes of paragraph 30(1)(b) of Schedule 1A to the Act, the matters of which the authorised officer must inform the non-citizen before carrying out an identification test are:
- (a) the reason why a personal identifier is required to be provided; and
 - (b) how a personal identifier may be collected; and
 - (c) how any personal identifier that is collected may be used; and
 - (d) the circumstances in which a personal identifier may be disclosed to a third party; and
 - (e) that a personal identifier may be produced in evidence in a court or tribunal in relation to the person; and
 - (f) that the *Privacy Act 1988* applies to a personal identifier, and that the person has a right to make a complaint to the Australian Information Commissioner about the handling of personal information; and
 - (g) that the *Freedom of Information Act 1982* gives a person access to certain information and documents in the possession of the Government of the Commonwealth and its agencies, and that the person has a right to seek access to that information or those documents under that Act, and to seek amendment of records containing personal information that is incomplete, incorrect, out of date or misleading; and
 - (h) if the non-citizen is a minor or an incapable person—how a personal identifier is to be obtained from a minor or incapable person.

Note: Division 3 of Part 5 of Schedule 1A to the Act deals with the identification of minors and incapable persons.

- (2) For the purposes of subclause 30(3) of Schedule 1A to the Act, if a form is to be given to a non-citizen setting out any information mentioned in subsection (1), it must be given to the non-citizen at a time that gives the non-citizen enough time to read and understand the form before the identification test is conducted.

93 Authorising access to video recordings

For the purposes of subclause 41(3) of Schedule 1A to the Act, the types of personal identifier are as follows:

- (a) fingerprints or handprints of a non-citizen (including those taken using paper and ink or digital liveness scanning technologies);
- (b) a measurement of a non-citizen's height and weight;
- (c) a photograph or other image of a non-citizen's face and shoulders;
- (d) an audio or a video recording of a non-citizen (other than a video recording under clause 37 of Schedule 1A to the Act);
- (e) an iris scan of a non-citizen's eyes;
- (f) a non-citizen's signature;
- (g) a sample of a non-citizen's handwriting;
- (h) a photograph of a tattoo, scar or other identifying mark of a non-citizen.

94 Providing video recordings—permitted provision

For the purposes of paragraph 42(2)(f) of Schedule 1A to the Act, the Australian Human Rights Commission is prescribed.

95 Providing video recordings—limitations

For the purposes of paragraph 42(3)(a) of Schedule 1A to the Act, the types of personal identifier are as follows:

- (a) fingerprints or handprints of a non-citizen (including those taken using paper and ink or digital livescanning technologies);
- (b) a measurement of a non-citizen's height and weight;
- (c) a photograph or other image of a non-citizen's face and shoulders;
- (d) an audio or a video recording of a non-citizen (other than a video recording under clause 37 of Schedule 1A to the Act);
- (e) an iris scan of a non-citizen's eyes;
- (f) a non-citizen's signature;
- (g) a sample of a non-citizen's handwriting;
- (h) a photograph of a tattoo, scar or other identifying mark of a non-citizen.

Division 3—Disclosure of identifying information

96 Authorising access to identifying information

For the purposes of subclause 52(3) of Schedule 1A to the Act, the types of personal identifier are as follows:

- (a) fingerprints or handprints of a non-citizen (including those taken using paper and ink or digital livescanning technologies);
- (b) a measurement of a non-citizen's height and weight;
- (c) a photograph or other image of a non-citizen's face and shoulders;
- (d) an audio or a video recording of a non-citizen (other than a video recording under clause 37 of Schedule 1A to the Act);
- (e) an iris scan of a non-citizen's eyes;
- (f) a non-citizen's signature;
- (g) a sample of a non-citizen's handwriting;
- (h) a photograph of a tattoo, scar or other identifying mark of a non-citizen.

97 Authorising disclosure of identifying information

For the purposes of subclause 54(1) of Schedule 1A to the Act, AFMA may authorise the following agencies to disclose identifying information under that subclause:

- (a) the Department of Foreign Affairs and Trade;
- (b) the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

98 Disclosure of identifying information to Australian bodies

For the purposes of paragraph 54(1)(d) of Schedule 1A to the Act, AFMA may authorise the disclosure of identifying information under subclause 54(1) of that Schedule to any of the bodies mentioned in the following table:

Disclosure of identifying information to Australian bodies

Item	Name of body
1	Attorney-General's Department
2	Australian Criminal Intelligence Commission
3	Australian Federal Police
4	Australian Securities and Investments Commission
5	Australian Security Intelligence Organisation
6	Australian Taxation Office
7	Australian Transaction Reports and Analysis Centre (AUSTRAC)
8	Commonwealth Director of Public Prosecutions
9	Department of Agriculture and Water Resources
10	Department of Defence
11	Department of Foreign Affairs and Trade

Disclosure of identifying information to Australian bodies

Item	Name of body
12	Department of Health
13	Department of Home Affairs
14	New South Wales Department of Primary Industries
15	New South Wales Office of Director of Public Prosecutions
16	New South Wales Police Service
17	Northern Territory Department of Industry and Resources
18	Northern Territory Office of Director of Public Prosecutions
19	Northern Territory Police
20	Queensland Department of Agriculture and Fisheries
21	Queensland Office of Director of Public Prosecutions
22	Queensland Police Service
23	South Australian Department of Primary Industries and Regions
24	South Australian Office of Director of Public Prosecutions
25	South Australian Police
26	Tasmanian Department of Primary Industries, Parks, Water and Environment
27	Tasmanian Office of the Director of Public Prosecutions
28	Tasmanian Police
29	Victorian Department of Justice
30	Victorian Department of Economic Development, Jobs, Transport and Resources
31	Office of Public Prosecutions, Victoria
32	Victorian Police
33	Western Australian Department of Fisheries
34	Western Australian Department of Justice
35	Office of Director of Public Prosecutions for Western Australia
36	Western Australian Police Service

99 Disclosure of identifying information to international organisations

For the purposes of paragraph 54(1)(e) of Schedule 1A to the Act, AFMA may authorise the disclosure of identifying information under subclause 54(1) of that Schedule to any of the following organisations:

- (a) Interpol;
- (b) the United Nations;
- (c) any of the intergovernmental organisations (known as Regional Fisheries Bodies) mentioned in the following table:

Disclosure of identifying information to international organisations

Item	Name of intergovernmental organisation
1	Advisory Committee on Fishery Research (ACFR)
2	Asia-Pacific Fishery Commission (APFIC)
3	Bay of Bengal Programme (BOBP-IGO)

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Disclosure of identifying information to international organisations

Item	Name of intergovernmental organisation
4	Comisión de Pesca Continental Para America Latina (COPESCAL)
5	Comisión Permanente del Pacifico Sur (CPPS)
6	Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)
7	Commission for the Conservation of Southern Bluefin Tuna (CCSBT)
8	Committee for Inland Fisheries and Aquaculture for Africa (CIFAA)
9	Coordinating Working Party on Fisheries Statistics (CWP)
10	Council of the Eastern Pacific Tuna Fishing Agreement (CEPTFA)
11	European Inland Fisheries and Aquaculture Advisory Commission (EIFAAC)
12	Fisheries Committee for the Western Central Gulf of Guinea (FCWC)
13	Fishery Committee for the Eastern Central Atlantic (CECAF)
14	Forum Fisheries Agency (FFA)
15	General Fisheries Commission for the Mediterranean (GFCM)
16	Indian Ocean Tuna Commission (IOTC)
17	Inter-American Tropical Tuna Commission (IATTC)
18	International Baltic Sea Fishery Commission (IBSFC)
19	International Commission for the Conservation of Atlantic Tunas (ICCAT)
20	International Council for Exploration of the Sea (ICES)
21	International Pacific Halibut Commission (IPHC)
22	International Whaling Commission (IWC)
23	La Commission Sous-Régionale des Pêches (CSRP)
24	Lake Victoria Fisheries Organization (LVFO)
25	Latin American Fisheries Development Organization (OLDEPESCA)
26	Mekong River Commission (MRC)
27	Network of the Aquaculture Centres in Asia-Pacific (NACA)
28	North Atlantic Fisheries Organisation (NAFO)
29	North Atlantic Salmon Conservation Organization (NASCO)
30	North East Atlantic Fisheries Commission (NEAFC)
31	North Pacific Anadromous Fish Commission (NPAFC)
32	North Pacific Marine Science Organisation (PICES)
33	Northwest Atlantic Fisheries Organization (NAFO)
34	Pacific Salmon Commission (PSC)
35	Regional Commission for Fisheries (RECOFI)
36	Regional Fisheries Advisory Committee for the Southwest Atlantic (CARPAS)
37	Secretariat of the Pacific Community (SPC)
38	Southeast Asian Fisheries Development Center (SEAFDEC)
39	South East Atlantic Fisheries Organisation (SEAFO)
40	Southern Indian Ocean Fisheries Agreement (SIOFA)
41	South Pacific Regional Fisheries Management Organisation (SPRFMO)
42	Southwest Indian Ocean Fisheries Commission (SWIOFC)
43	Western and Central Pacific Fisheries Commission (WCPFC)

Disclosure of identifying information to international organisations

Item Name of intergovernmental organisation

44 Western Central Atlantic Fishery Commission (WECAFC)

45 Western Indian Ocean Tuna Organization (WIOTO)

Division 4—Disclosures relating to illegal fishing activities

100 Authorising disclosure of information relating to illegal fishing activities

- (1) This section is made for the purposes of paragraph 108B(3)(b) of the Act.
- (2) The following agencies are declared to be prescribed agencies for the purposes of subsection 108B(1) of the Act:
 - (a) the Department of Foreign Affairs and Trade;
 - (b) the Department administered by the Minister administering Part XII of the *Customs Act 1901*.

Part 11—Administration

Division 1—Simplified outline of this Part

101 Simplified outline of this Part

Under the Act, information described in Division 2 of this Part must be included in the Register of Statutory Fishing Rights, the High Seas Register and the Fishing Permits Register.

AFMA may collect, and disclose to government bodies, researchers and the holders of fishing concessions concerned, information about:

- (a) possible breaches of laws; and
- (b) border protection; and
- (c) management and monitoring of, and research into, fisheries and the marine environment.

There are rules about the operation of the Statutory Fishing Rights Allocation Review Panel, covering the operation of the Panel's registries and fees for witnesses appearing before the Panel.

There is also a scheme for the placement of caveats on the transfer of certain fishing concessions.

Fees set out in Schedule 6 apply for certain applications, registrations and other matters.

If satisfied that a person has contravened section 93, 95 or 100 of the Act, an officer may issue the person responsible for the contravention with an infringement notice allowing the person to pay an amount to AFMA as an alternative to prosecution.

Division 2—Registers

102 Information to be included in registers

- (1) This section prescribes particulars to be included in:
 - (a) the Register of Fishing Rights for the purposes of paragraph 45(1)(f) of the Act; and
 - (b) the High Seas Register for the purposes of paragraph 57B(2)(i) of the Act; and
 - (c) the Fishing Permits Register for the purposes of paragraph 57H(1)(e) of the Act.
- (2) A particular mentioned in subsection (3) does not apply if:
 - (a) the particular does not exist in relation to the particular fishing concession; or
 - (b) it is not necessary for AFMA to collect the particular, either for its own purposes, or in accordance with an international fisheries agreement.
- (3) For the purposes of subsection (1), the particulars are set out in the following table.

Particulars to be included in registers

Item	Particular
1	For the person to whom the fishing concession is granted: <ol style="list-style-type: none">(a) name; and(b) postal address; and(c) telephone number; and(d) fax number; and(e) email address; and(f) ABN or ACN
2	For any other holder of the fishing concession: <ol style="list-style-type: none">(a) name; and(b) postal address; and(c) telephone number; and(d) fax number; and(e) email address; and(f) ABN or ACN
3	Number of the fishing permit
4	Number of the boat statutory fishing right
5	Number of the quota statutory fishing right
6	Any alphanumeric code assigned for the purposes of the registration of the fishing concession
7	Total weight in kilograms of fish that may be taken for the purposes of the fishing concession
8	Total headrope length in metres that can be used for the purposes of the fishing concession
9	Whether a gear statutory fishing right has been nominated in relation to a boat statutory fishing right

Particulars to be included in registers

Item	Particular
10	Whether a quota statutory fishing right has been nominated in relation to a boat statutory fishing right
11	For a boat that has been nominated for the fishing concession: <ul style="list-style-type: none"> (a) name; and (b) any previous names; and (c) any distinguishing symbol that identifies the boat; and (d) length; and (e) colour; and (f) beam in metres; and (g) gross registered tonnage; and (h) moulded depth in metres; and (i) when it was built; and (j) where it was built; and (k) a code representing the type of boat; and (l) a code representing the gear type used on the boat; and (m) port of registry; and (n) registry number; and (o) whether the boat's registration has previously been cancelled or suspended, and the country which cancelled or suspended the registration; and (p) any previous flag under which it has been operated; and (q) normal crew complement; and (r) a code representing the boat's current flag state; and (s) a code representing any previous flag state; and (t) number of freezers on the boat; and (u) each type of freezer used on the boat; and (v) capacity of each freezer used on the boat; and (w) fish hold capacity; and (x) engine type; and (y) power in kilowatts of the main engine or engines; and (z) serial number of each engine; and (za) aspiration of each engine; and (zb) number of turbochargers; and (zc) type of aftercooler system; and (zd) radio call sign; and (ze) International Radio Call Sign; and (zf) make and model of each communication system on the boat; and (zg) whether the boat is authorised to conduct transshipping in the area of competence for the Indian Ocean Tuna Commission; and (zh) colour photographs of the boat, in high resolution and with sufficient brightness and contrast to show the boat clearly, including: <ul style="list-style-type: none"> (i) a photograph measuring at least 12 cm × 7 cm that shows the full overall length of the starboard side of the boat and all of the boat's structural features along that side; and

Part 11 Administration

Division 2 Registers

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Particulars to be included in registers

Item	Particular
	(ii) a photograph measuring at least 12 cm × 7 cm that shows the full overall length of the port side of the boat and all of the boat's structural features along that side; and (iii) a photograph measuring at least 12 cm × 7 cm that is taken from astern and shows the boat's stern
12	For the owner of a boat that has been nominated for the fishing concession: (a) name; and (b) postal address; and (c) nationality
13	For the master of a boat that has been nominated for the fishing concession: (a) name; and (b) nationality

Division 3—Collection and disclosure of information

103 Collection of information

For the purposes of paragraph 168(2)(u) of the Act, AFMA may collect information relating to:

- (a) possible breaches of the laws of Australia or of a foreign country; or
- (b) the control and protection of Australia's borders; or
- (c) the administration and management of fisheries or marine environments; or
- (d) research or monitoring conducted, or proposed to be conducted, into fisheries or marine environments.

104 Disclosure of information

- (1) This section applies to information, including e-monitoring data and personal information, of the kind referred to in paragraph 168(2)(v) of the Act.
- (2) AFMA may disclose the information:
 - (a) to a government entity if AFMA is satisfied that the information relates to the performance of a function of the entity; or
 - (b) to a person conducting research if AFMA is satisfied that the research is related to, or will support, AFMA's functions or objectives; or
 - (c) in the case of data collected from a vessel monitoring system fitted to a boat that has been nominated for a fishing concession, e-monitoring data or information collected from the holder of a fishing concession (and without limiting paragraph (a) or (b))—to a person who:
 - (i) was the holder of the fishing concession at the time to which the data or information relates; or
 - (ii) has been nominated by a person described in subparagraph (i); or
 - (d) in the case of information relating to the disposal of fish by the holder of a fish receiver permit—to the person who was the holder of the permit when the fish were disposed of.
- (3) In this section:

government entity means:

 - (a) the Commonwealth, a State or a Territory; or
 - (b) an agency or authority of the Commonwealth or of a State or Territory; or
 - (c) a foreign country or part of a foreign country.

Division 4—Statutory Fishing Rights Allocation Review Panel

105 Administrative matters

- (1) For the purposes of paragraph 137(3)(a) of the Act, the Registrar of the Statutory Fishing Rights Allocation Review Panel must ensure that each Registry of the Panel is open for business from 9.30 am to 1.00 pm, and from 2.00 pm to 4.00 pm, on each business day in the place where the Registry is located.
- (2) For the purposes of paragraph 137(3)(a) of the Act, the Registrar of the Panel must:
 - (a) date documents received by the Panel; and
 - (b) for an application for review of a decision to grant a fishing right, acknowledge the application in writing.

106 Fees and allowances for appearing before Panel

For the purposes of subsection 158(1) of the Act, a person who is summoned under paragraph 146(2)(a) of the Act to appear before the Statutory Fishing Rights Allocation Review Panel to give evidence is entitled to be paid the same fees and allowances for expenses in relation to the appearance as are payable under the *Administrative Appeals Tribunal Regulation 2015* to a person summoned to appear before the Administrative Appeals Tribunal.

Division 5—Restrictions on transfers

107 Caveats

- (1) This section is made for the purposes of paragraphs 32A(4)(d) and 46(4D)(d) of the Act and prescribes circumstances that relate to the following fishing concessions:
 - (a) a fishing permit;
 - (b) a fishing right.
- (2) A transfer of a fishing concession (or ownership of a fishing concession) must not be registered if:
 - (a) AFMA has received a notification in the approved form for the purposes of this section; and
 - (b) the notification was made by the concession holder, other than a lessee of the fishing concession; and
 - (c) the notification is expressed as having the effect of placing a caveat on a transfer of the fishing concession for the benefit of another person; and
 - (d) either:
 - (i) the caveat has not been withdrawn by the person for whose benefit the caveat exists by further notification given to AFMA in the approved form; or
 - (ii) the transfer is not being made with the consent of that person given to AFMA in the approved form; and
 - (e) subsection (3) does not apply.
- (3) This subsection applies if AFMA is satisfied, on the application of the concession holder who made the notification, that the transfer should be registered on account of an order made by a court.

Note: Sections 54 and 57K of the Act provide for applications to be made to a prescribed court for an order for the rectification of a register that is relevant to the operation of this section.
- (4) Nothing in this section requires AFMA to be satisfied as to the accuracy or validity of any information or matter that is notified under this section.

Division 6—Fees

108 Fees

- (1) For the purposes of subsections 52(1), 57D(1) and 57J(1) and paragraph 168(2)(e), of the Act, the fee payable for an application, registration, inspection or other matter mentioned in an item in the table in clause 1 of Schedule 6 to this instrument is the fee applicable under that item.
- (2) Despite subsection (1), no fee is payable for an application for the grant of a port permit, or for a variation of a condition of a port permit, for a foreign fishing boat that is engaged in fisheries research activities in collaboration with:
 - (a) the Commonwealth, a State or a Territory; or
 - (b) an agency or authority of the Commonwealth or of a State or Territory.

Division 7—Infringement notices

109 Purpose of Division

This Division is made for the purposes of paragraph 168(2)(i) of the Act, which is about paying penalties to AFMA as an alternative to prosecution under the Act.

110 When an infringement notice may be given

- (1) If an officer believes on reasonable grounds that a person has contravened a provision subject to an infringement notice, the officer may give to the person an infringement notice for the alleged contravention.
- (2) The infringement notice must be given within 12 months after the day on which the contravention is alleged to have taken place.
- (3) A single infringement notice must relate only to a single contravention of a single provision unless subsection (4) applies.
- (4) An officer may give a person a single infringement notice relating to multiple contraventions of a single provision if:
 - (a) the provision requires the person to do a thing within a particular period or before a particular time; and
 - (b) the person fails or refuses to do that thing within that period or before that time; and
 - (c) the failure or refusal occurs on more than 1 day; and
 - (d) each contravention is constituted by the failure or refusal on one of those days.

Note: For continuing offences, see subsection 4K(2) of the *Crimes Act 1914*.

111 Matters to be included in an infringement notice

- (1) An infringement notice must:
 - (a) be identified by a unique number; and
 - (b) state the day on which it is given; and
 - (c) state the name of the person to whom the notice is given; and
 - (d) state the name and contact details of the person who gave the notice, and that the person is authorised to issue the infringement notice; and
 - (e) give brief details of the alleged contravention, or each alleged contravention, to which the notice relates, including:
 - (i) the provision that was allegedly contravened; and
 - (ii) the maximum penalty that a court could impose if the provision were contravened; and
 - (iii) the time (if known) and day of, and the place of, the alleged contravention; and
 - (f) state the amount that is payable under the notice; and
 - (g) give an explanation of how payment of the amount is to be made; and

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- (h) state that, if the person to whom the notice is given pays the amount within 28 days after the day the notice is given, then (unless the notice is withdrawn) the person will not be liable to be prosecuted in a court for the alleged contravention; and
 - (i) state that payment of the amount is not an admission of guilt or liability; and
 - (j) state that the person may apply to the CEO to have the period in which to pay the amount extended; and
 - (k) state that the person may choose not to pay the amount and, if the person does so, the person may be prosecuted in a court for the alleged contravention; and
 - (l) set out how the notice can be withdrawn; and
 - (m) state that if the notice is withdrawn, the person may be prosecuted in a court for the alleged contravention; and
 - (n) state that the person may make written representations to the CEO seeking the withdrawal of the notice.
- (2) If the notice relates to only one alleged contravention of the provision by the person, the amount to be stated in the notice for the purposes of paragraph (1)(f) is the lesser of:
- (a) one-fifth of the maximum penalty that a court could impose on the person for that contravention; and
 - (b) 12 penalty units where the person is an individual, or 60 penalty units where the person is a body corporate.
- (3) If the notice relates to more than one alleged contravention of the provision by the person, the amount to be stated in the notice for the purposes of paragraph (1)(f) is the lesser of:
- (a) one-fifth of the amount worked out by adding together the maximum penalty that a court could impose on the person for each offence; and
 - (b) either:
 - (i) if the person is an individual—the number of penalty units worked out by multiplying the number of alleged contraventions by 12; or
 - (ii) if the person is a body corporate—the number of penalty units worked out by multiplying the number of alleged contraventions by 60.

112 Extension of time to pay amount

- (1) A person to whom an infringement notice has been given may apply to the CEO for an extension of the period referred to in paragraph 111(1)(h).
- (2) If the application is made before the end of that period, the CEO may, in writing, extend that period. The CEO may do so before or after the end of that period.
- (3) If the CEO extends that period, a reference in this Division, or in a notice or other instrument under this Division, to the period referred to in paragraph 111(1)(h) is taken to be a reference to the period as so extended.
- (4) If the CEO does not extend that period, a reference in this Division, or in a notice or other instrument under this Division, to the period referred to in

paragraph 111(1)(h) is taken to be a reference to the period that ends on the later of the following days:

- (a) the day that is the last day of the period referred to in paragraph 111(1)(h);
- (b) the day that is 7 days after the day the person was given notice of the CEO's decision not to extend.

- (5) The CEO may extend the period more than once under subsection (2).

113 Withdrawal of an infringement notice

Representation seeking withdrawal of notice

- (1) A person to whom an infringement notice has been given may make written representations to the CEO seeking the withdrawal of the notice.

Withdrawal of notice

- (2) The CEO may withdraw an infringement notice given to a person (whether or not the person has made written representations seeking the withdrawal).
- (3) When deciding whether or not to withdraw an infringement notice (the **relevant infringement notice**), the CEO:
 - (a) must take into account any written representations seeking the withdrawal that were given by the person to the CEO; and
 - (b) may take into account the following:
 - (i) whether a court has previously imposed a penalty on the person for a contravention of a provision subject to an infringement notice;
 - (ii) the circumstances of the alleged contravention;
 - (iii) whether the person has paid an amount, stated in an earlier infringement notice, for a contravention of a provision subject to an infringement notice if the contravention is constituted by conduct that is the same, or substantially the same, as the conduct alleged to constitute the contravention in the relevant infringement notice;
 - (iv) any other matter the CEO considers relevant.

Notice of withdrawal

- (4) Notice of the withdrawal of the infringement notice must be given to the person. The withdrawal notice must state:
 - (a) the person's name and address; and
 - (b) the day the infringement notice was given; and
 - (c) the identifying number of the infringement notice; and
 - (d) that the infringement notice is withdrawn; and
 - (e) that the person may be prosecuted in a court for the alleged contravention.

Refund of amount if infringement notice withdrawn

- (5) If:
 - (a) the CEO withdraws the infringement notice; and
 - (b) the person has already paid the amount stated in the notice;

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AFMA must refund to the person an amount equal to the amount paid.

114 Effect of payment of amount

- (1) If the person to whom an infringement notice for an alleged contravention of a provision is given pays the amount stated in the notice before the end of the period referred to in paragraph 111(1)(h):
 - (a) any liability of the person for the alleged contravention is discharged; and
 - (b) the person may not be prosecuted in a court for the alleged contravention; and
 - (c) the person is not regarded as having admitted guilt or liability for the alleged contravention; and
 - (d) the person is not regarded as having been convicted of the alleged offence.
- (2) Subsection (1) does not apply if the notice has been withdrawn.

115 Effect of this Division

This Division does not:

- (a) require an infringement notice to be given to a person for an alleged contravention of a provision subject to an infringement notice; or
- (b) affect the liability of a person for an alleged contravention of a provision subject to an infringement notice if:
 - (i) the person does not comply with an infringement notice given to the person for the contravention; or
 - (ii) an infringement notice is not given to the person for the contravention; or
 - (iii) an infringement notice is given to the person for the contravention and is subsequently withdrawn; or
- (c) prevent the giving of 2 or more infringement notices to a person for an alleged contravention of a provision subject to an infringement notice; or
- (d) limit a court's discretion to determine the amount of a penalty to be imposed on a person who is found to have contravened a provision subject to an infringement notice.

116 Delegation by CEO

The CEO may, in writing, delegate the following powers and functions to an officer:

- (a) the power under section 112 to extend the period referred to in paragraph 111(1)(h) in relation to an infringement notice;
- (b) the power under section 113 to withdraw an infringement notice.

Part 12—Transitional provisions

Division 1—Simplified outline of this Part

117 Simplified outline of this Part

This Part deals with matters of a transitional nature relating to the making or amendment of this instrument.

Division 2—Provisions for this instrument as originally made

118 Things done under the *Fisheries Management Regulations 1992* or the *Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995*

- (1) If:
 - (a) a thing was done for a particular purpose under the *Fisheries Management Regulations 1992*, or the *Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995*, as in force immediately before those instruments were repealed; and
 - (b) the thing could be done for that purpose under this instrument;
the thing has effect for the purposes of this instrument as if it had been done for that purpose under this instrument.
- (2) Without limiting subsection (1), a reference in that subsection to a thing being done includes a reference to a notice, application, or other instrument being given or made.

119 Infringement notices

- (1) Division 7 of Part 11 applies in relation to an alleged contravention of a provision subject to an infringement notice whether the alleged contravention occurs before, on or after the commencement of this instrument.
- (2) However, Part 10 of the *Fisheries Management Regulations 1992*, as in force immediately before the repeal of that instrument, continues to apply to an infringement notice given under that Part before that repeal.

Schedule 1—Application of Act outside the AFZ

Note: See sections 12 and 13.

Part 1—High seas fishing zone

1 High seas fishing zone

- (1) For the purposes of section 12, the area is so much of the area of waters, bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table, as is outside the AFZ and not within the exclusive economic zone of another country.

High seas fishing zone	
Item	Description
1	The equator at its intersection with the meridian 50°00'00"W
2	East along the equator to its intersection with the meridian 140°00'00"W
3	South along that meridian to its intersection with the parallel 60°00'00"S
4	West along that parallel to its intersection with the meridian 50°00'00"W
5	North along that meridian to the starting point

- (2) The geographic coordinates used in this clause are expressed in terms of WGS84.

Part 2—South Tasman Rise

2 South Tasman Rise

- (1) For the purposes of section 13, the area is the area of waters bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

South Tasman Rise	
Item	Description
1	The intersection of the outer limit of the AFZ south of Tasmania with the meridian 150°00'00"E
2	South along that meridian to its intersection with the parallel 48°30'00"S
3	West along that parallel to its intersection with the meridian 146°30'00"E
4	North along that meridian to the intersection with the outer limit of the AFZ south of Tasmania
5	Generally easterly then north-easterly along that outer limit to the starting point

- (2) The geographic coordinates used in this clause are expressed in terms of WGS84.

Schedule 2—References to areas of the AFZ

Note: See section 18.

Part 1—Area of the Coral Sea Fishery

1 Area of the Coral Sea Fishery

The area of the Coral Sea Fishery is the area within the AFZ bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area of the Coral Sea Fishery	
Item	Description
1	The point 24°30'00"S 154°40'00"E
2	North along the meridian 154°40'00"E to its intersection with the parallel 22°15'00"S
3	North-westerly along the geodesic to 18°45'00"S 152°35'00"E
4	North-westerly along the geodesic to 18°20'S 148°20'00"E
5	North-westerly along the geodesic to 15°00'00"S 146°00'00"E
6	North-westerly along the geodesic to 13°00'00"S 145°00'00"E
7	North along the meridian 145°00'00"E to its intersection with the outer limit of the AFZ
8	Generally south-easterly, north-easterly, south-easterly, south-westerly then south-easterly along that outer limit to its intersection with the parallel 24°30'00"S
9	West along the parallel 24°30'00"S to the starting point

Part 2—Areas of the Eastern Skipjack Fishery

2 Areas of the Eastern Skipjack Fishery

- (1) Area A of the Eastern Skipjack Fishery is the area within the AFZ bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area A of the Eastern Skipjack Fishery	
Item	Description
1	The intersection of the southern coastline of Australia at mean low water with the meridian 141°00'00"E
2	South along that meridian to its intersection with the outer limit of the AFZ
3	Generally south-easterly, north-easterly then north-westerly along that outer limit to its intersection with the meridian 142°30'00"E
4	South along that meridian to its intersection with the northern coastline of the mainland at mean low water, in the vicinity of Cape York
5	Generally southerly along that coastline at mean low water to the starting point

Note 1: The Protected Zone within the meaning of the *Torres Strait Fisheries Act 1984* is excluded from the AFZ by operation of section 9 of the Act.

Note 2: At the time of the making of this instrument, the Commonwealth had entered into arrangements under Part 5 of the Act which mean that, for the purposes of the description of this fishery, the coastal waters of Queensland, Victoria and South Australia are taken to be in the AFZ (see section 76 of the Act).

- (2) Area B of the Eastern Skipjack Fishery is the area within the AFZ that is adjacent to Norfolk Island, other than the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area B of the Eastern Skipjack Fishery	
Item	Description
1	The point 28°35'00"S 167°25'00"E
2	East along the parallel 28°35'00"S to its intersection with the meridian 168°25'00"E
3	South along that meridian to its intersection with the parallel 29°50'00"S
4	West along that parallel to its intersection with the meridian 167°25'00"E
5	North along that meridian to the starting point

Part 3—Area of the Norfolk Island Inshore Fishery

3 Area of the Norfolk Island Inshore Fishery

The area of the Norfolk Island Inshore Fishery is the area within the AFZ bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area of the Norfolk Island Inshore Fishery	
Item	Description
1	The point 28°38'00"S 167°40'00"E
2	East along the parallel 28°38'00"S to its intersection with the meridian 168°20'00"E
3	South along that meridian to its intersection with the parallel 29°45'00"S
4	West along that parallel to its intersection with the meridian 167°40'00"E
5	North along that meridian to the starting point

Part 4—Area of the Norfolk Island Offshore Demersal Finfish Fishery

4 Area of the Norfolk Island Offshore Demersal Finfish Fishery

The area of the Norfolk Island Offshore Demersal Finfish Fishery is the area within the AFZ surrounding Norfolk Island, excluding the area constituted by the Norfolk Island Inshore Fishery.

Part 5—Area of the North West Slope Trawl Fishery

5 Area of the North West Slope Trawl Fishery

The area of the North West Slope Trawl Fishery is the area within the AFZ bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area of the North West Slope Trawl Fishery	
Item	Description
1	The intersection of the meridian 114°00'00"E with the parallel 21°37'00"S
2	North along the meridian to the outer limit of the AFZ
3	Generally north-easterly along the outer limit of the AFZ to the point 13°13'00"S 118°29'00"E
4	South-easterly along the geodesic to the point 13°56'00"S 120°01'00"E
5	North-easterly along the geodesic to the point 13°15'00"S 121°49'00"E
6	North-easterly along the geodesic to the point 12°30'00"S 123°06'00"E
7	Generally north-westerly, north-easterly, south-easterly then south-westerly along the outer limit of the territorial sea adjacent to Ashmore Reef to the point 12°19'00"S 123°21'00"E
8	North-easterly along the geodesic to the point 11°55'00"S 125°00'00"E
9	South-westerly along the geodesic to the point 13°19'00"S 124°00'00"E
10	West along the parallel 13°19'00"S to its intersection with the meridian 123°49'00"E
11	South-westerly along the geodesic to the point 13°35'00"S 123°37'00"E
12	Southerly along the geodesic to the point 14°00'00"S 123°36'00"E
13	South-westerly along the geodesic to the point 14°03'00"S 123°25'00"E
14	South-westerly along the geodesic to the point 14°13'00"S 123°10'00"E
15	West along the parallel 14°13'00"S to its intersection with the meridian 122°53'00"E
16	South-westerly along the geodesic to the point 14°56'00"S 121°42'00"E
17	South-westerly along the geodesic to the point 15°00'00"S 121°38'00"E
18	South-westerly along the geodesic to the point 15°23'00"S 121°25'00"E
19	South-westerly along the geodesic to the point 15°36'00"S 121°08'00"E
20	South-westerly along the geodesic to the point 15°47'00"S 120°59'00"E
21	South-westerly along the geodesic to the point 16°20'00"S 120°50'00"E
22	South along the meridian 120°50'00"E to its intersection with the parallel 16°48'00"S
23	South-westerly along the geodesic to the point 17°00'00"S 120°47'00"E
24	South-westerly along the geodesic to the point 17°12'00"S 120°35'00"E
25	South-westerly along the geodesic to the point 17°39'00"S 120°10'00"E
26	South-westerly along the geodesic to the point 17°55'00"S 119°11'00"E
27	South-westerly along the geodesic to the point 18°01'00"S 119°00'00"E
28	South-westerly along the geodesic to the point 19°00'00"S 117°14'00"E
29	South-westerly along the geodesic to the point 19°09'00"S 116°50'00"E

Schedule 2 References to areas of the AFZ

Part 5 Area of the North West Slope Trawl Fishery

Clause 5

Area of the North West Slope Trawl Fishery	
Item	Description
30	South-westerly along the geodesic to the point 19°11'00"S 116°28'00"E
31	South-westerly along the geodesic to the point 19°17'00"S 116°05'00"E
32	South-westerly along the geodesic to the point 19°30'00"S 115°50'00"E
33	South-westerly along the geodesic to the point 19°40'00"S 115°25'00"E
34	South-westerly along the geodesic to the point 19°55'00"S 115°14'00"E
35	South-westerly along the geodesic to the point 20°03'00"S 115°03'00"E
36	South-westerly along the geodesic to the point 20°15'00"S 114°55'00"E
37	South-westerly along the geodesic to the point 20°35'00"S 114°47'00"E
38	Southerly along the geodesic to the point 20°53'00"S 114°43'00"E
39	South along the meridian 114°43'00"E to its intersection with the parallel 21°00'00"S
40	South-westerly along the geodesic to the point 21°30'00"S 114°06'00"E
41	South-westerly along the geodesic to the starting point

Part 6—Area of the South Tasman Rise Fishery

6 Area of the South Tasman Rise Fishery

The area of the South Tasman Rise Fishery is the area within the AFZ bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area of the South Tasman Rise Fishery	
Item	Description
1	The intersection of the outer limit of the AFZ with the meridian 150°00'00"E south of Tasmania
2	South along that meridian to its intersection with the parallel 48°30'00"S
3	West along that parallel to its intersection with the meridian 146°30'00"E
4	North along that meridian to the intersection with the outer limit of the AFZ
5	Generally north-easterly along that outer limit to the starting point

Part 7—Area of the Western Deepwater Trawl Fishery

7 Area of the Western Deepwater Trawl Fishery

The area of the Western Deepwater Trawl Fishery is the area within the AFZ bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area of the Western Deepwater Trawl Fishery	
Item	Description
1	The point 21°37'00"S 114°00'00"E
2	South-westerly along the geodesic to the point 21°41'00"S 113°57'00"E
3	South-westerly along the geodesic to the point 21°48'00"S 113°51'00"E
4	Southerly along the geodesic to the point 22°01'00"S 113°47'00"E
5	Southerly along the geodesic to the point 22°12'00"S 113°45'00"E
6	South-westerly along the geodesic to the point 22°50'00"S 113°26'00"E
7	South-westerly along the geodesic to the point 23°20'00"S 113°13'00"E
8	South-westerly along the geodesic to the point 23°36'00"S 113°02'00"E
9	South-westerly along the geodesic to the point 24°06'00"S 112°37'00"E
10	South-westerly along the geodesic to the point 24°25'00"S 112°25'00"E
11	South-westerly along the geodesic to the point 24°39'00"S 112°19'00"E
12	Southerly along the geodesic to the point 25°00'00"S 112°14'00"E
13	Southerly along the geodesic to the point 25°33'00"S 112°12'00"E
14	Southerly along the geodesic to the point 26°00'00"S 112°18'00"E
15	South-easterly along the geodesic to the point 26°24'00"S 112°30'00"E
16	South-easterly along the geodesic to the point 26°50'00"S 112°44'00"E
17	South-easterly along the geodesic to the point 27°20'00"S 112°55'00"E
18	South-easterly along the geodesic to the point 27°55'00"S 113°10'00"E
19	South-easterly along the geodesic to the point 28°35'00"S 113°29'00"E
20	South-easterly along the geodesic to the point 29°00'00"S 113°46'00"E
21	South-easterly along the geodesic to the point 29°54'00"S 114°25'00"E
22	South-easterly along the geodesic to the point 30°40'00"S 114°41'00"E
23	South-easterly along the geodesic to the point 31°14'00"S 114°55'00"E
24	Southerly along the geodesic to the point 31°48'00"S 115°01'00"E
25	South-easterly along the geodesic to the point 31°58'00"S 115°13'00"E
26	South-westerly along the geodesic to the point 32°16'00"S 115°05'00"E
27	South-westerly along the geodesic to the point 32°53'00"S 114°41'00"E
28	South-westerly along the geodesic to the point 33°10'00"S 114°34'00"E
29	South-westerly along the geodesic to the point 33°30'00"S 114°29'00"E
30	Southerly along the geodesic to the point 34°00'00"S 114°27'00"E
31	Southerly along the geodesic to the point 34°20'00"S 114°30'00"E
32	South-easterly along the geodesic to the point 34°41'00"S 114°40'00"E

Area of the Western Deepwater Trawl Fishery	
Item	Description
33	South-easterly along the geodesic to the point 34°52'00"S 114°50'00"E
34	South-easterly along the geodesic to the point 34°58'00"S 115°00'00"E
35	South-easterly along the geodesic to the point 35°01'00"S 115°08'00"E
36	South along the meridian 115°08'00"E to its intersection with the outer limit of the AFZ
37	Generally north-westerly along the outer limit to its intersection off the north-west coast of Australia with the meridian 114°00'00"E
38	South along that meridian to the starting point

Part 8—Areas of the Western Skipjack Fishery

8 Area of the Western Skipjack Fishery

The area of the Western Skipjack Fishery consists of Western Skipjack Fishery subarea 1 (see clause 9) and Western Skipjack Fishery subarea 2 (see clause 10).

9 Western Skipjack Fishery subarea 1

The area of Western Skipjack Fishery subarea 1 is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area of the Western Skipjack Fishery—subarea 1	
Item	Description
1	The intersection of the northern coastline of Australia at mean low water with the meridian 142°30'00"E
2	North along that meridian to the outer limit of the AFZ
3	Generally westerly, southerly then easterly along the outer limit of the AFZ to its intersection with the meridian 141°00'00"E off the southern coastline of Australia
4	North along that meridian to its intersection with the southern coastline of Australia at mean low water
5	Generally westerly, northerly then easterly along that coastline to the starting point

Note 1: The Protected Zone within the meaning of the *Torres Strait Fisheries Act 1984* is excluded from the AFZ by operation of section 9 of the Act.

Note 2: At the time of the making of this instrument, the Commonwealth had entered into arrangements under Part 5 of the Act which mean that, for the purposes of the description of this fishery, the coastal waters of Northern Territory, Western Australia and South Australia are taken to be in the AFZ (see section 76 of the Act).

10 Western Skipjack Fishery subarea 2

The area of Western Skipjack Fishery subarea 2 is those parts of the AFZ surrounding the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands, excluding the territorial sea adjacent to those Territories.

Schedule 3—Catch limits for fishing in northern waters

Note: See the definition of *northern waters* in subsection 5(1) and section 44.

Part 1—Northern waters

1 Northern waters

The area for the purposes of the definition of *northern waters* in subsection 5(1) is that part of the AFZ that is within the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area of northern waters	
Item	Description
1	The intersection of the southern coastline of Australia at mean low water with the meridian 129°00'00"E
2	South along that meridian to the outer limit of the AFZ
3	Generally westerly, northerly, easterly then southerly along that outer limit to its second intersection with the parallel 28°10'00"S off the east coast of Australia
4	West along that parallel to its intersection with the coastline of Australia at mean low water
5	Generally northerly, westerly, southerly then easterly along that coastline to the starting point

Note: At the time of the making of this instrument, the Commonwealth had entered into arrangements under Part 5 of the Act which mean that, for the purposes of the description of this fishery, the coastal waters of Queensland, Northern Territory, Western Australia and South Australia are taken to be in the AFZ (see section 76 of the Act).

Part 2—Restricted species for northern waters

2 Species with limit of 2 fish

For the purposes of subsection 44(2), the following table sets out species of fish that are subject to the catch limit prescribed by that subsection.

Species with limit of 2 fish		
Item	Common name	Scientific name
1	Amberjack	<i>Seriola dumerili</i>
2	Cobia that are in northern waters east of the boundary between Northern Territory and Queensland waters (see clause 5)	<i>Rachycentron canadus</i>
3	Yellowtail kingfish	<i>Seriola lalandi</i>

3 Species with limit of 10 fish

For the purposes of subsection 44(3), the following table sets out species of fish that are subject to the catch limit prescribed by that subsection.

Species with limit of 10 fish		
Item	Common name	Scientific name
1	Australian bonito	<i>Sarda australis</i>
2	Australian spotted mackerel	<i>Scomberomorus munroi</i>
3	Bass groper	<i>Polyprion americanus</i>
4	Blue eye trevalla	<i>Hyperoglyphe antarctica</i>
5	Cod	Any species of family Serranidae that is commonly known as cod
6	Dog toothed tuna	<i>Gymnosarda unicolor</i>
7	Emperor	Any species of family Lethrinidae or family Lutjanidae that is commonly known as emperor
8	Frigate mackerel	<i>Auxis thazard</i>
9	Grouper	Any species of family Serranidae that is commonly known as grouper
10	Hapuku	<i>Polyprion oxygeneios</i>
11	Leaping bonito	<i>Cybiosarda elegans</i>
12	Long-jawed mackerel	<i>Rastrelliger kanagurta</i>
13	Mackerel tuna	<i>Euthynnus affinis</i>
14	Mahi mahi that are in northern waters west of the boundary between Northern Territory and Queensland waters (see clause 5)	<i>Coryphaena hippurus</i>
15	Oriental bonito	<i>Sarda orientalis</i>
16	Rainbow runner	<i>Elagatis bipinnulata</i>

Species with limit of 10 fish

Item	Common name	Scientific name
17	Shark mackerel	<i>Grammatorcynus bicarinatus</i>
18	Snapper	<i>Chrysophrys auratus</i>
19	Spanish mackerel	<i>Scomberomorus commerson</i>
20	Trevally	Any species of family Carangidae (except species of genus <i>Seriola</i>)
21	Tropical snapper	Any species of family Lethrinidae or family Lutjanidae that is commonly known as tropical snapper
22	Tuskfish	Any species of family Labridae that is commonly known as tuskfish
23	Wrasse	Any species of family Labridae that is commonly known as wrasse

4 Species with limit of 20 fish

For the purposes of subsection 44(4), the following table sets out species of fish that are subject to the catch limit prescribed by that subsection.

Species with limit of 20 fish

Item	Common name	Scientific name
1	Butterfly mackerel	<i>Gasterochisma melampus</i>
2	Rockcod	Any species of family Serranidae that is commonly known as rockcod
3	Shark	Any species of subclass Elasmobranchii
4	Slender tuna	<i>Allothunnus fallai</i>
5	Wahoo	<i>Acanthocybium solandri</i>

5 Boundary between Northern Territory and Queensland waters

For the purposes of this Part, the boundary between Northern Territory and Queensland waters is the boundary between the scheduled area for the Northern Territory, and the scheduled area for Queensland, under Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Schedule 4—Catch limits for Victorian, South Australian and Tasmanian waters

Note: See sections 45 to 60.

Part 1—Areas of application

1 Victorian waters

- (1) The area for the purposes of the definition of *Victorian waters* in subsection 5(1) is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table (excluding any area covered by subclause (2)).

Area of Victorian waters	
Item	Description
1	The intersection of the coastline at mean low water with the border between New South Wales and Victoria
2	South-easterly along the geodesic towards the point 37°35'00"S 150°10'00"E to the intersection of the geodesic with a line parallel to, and 3 nautical miles from, the coastline at mean low water
3	Along that line to its intersection with the geodesic that is a continuation of the land border between New South Wales and Victoria
4	South-easterly along that geodesic to its intersection with the outer limit of the AFZ
5	Generally southerly along that outer limit to its intersection with the parallel 39°11'54.2900"S
6	Westerly along the loxodrome to the point 39°11'54.6590"S 143°40'00.0000"E
7	South along the meridian 143°40'00.0000"E to its intersection with the parallel 40°00'00"S
8	West along that parallel to its intersection with the meridian 140°57'56.8883"E
9	North along that meridian to its intersection with the coastline of Victoria at mean low water
10	Along the coastline of Victoria at mean low water to the starting point

Note: At the time of the making of this instrument, the Commonwealth had entered into arrangements under Part 5 of the Act which mean that, for the purposes of the description of this fishery, the coastal waters of Victoria are taken to be in the AFZ (see section 76 of the Act).

- (2) This subclause covers the following areas:
- (a) the area described in Part 1 (Wilsons Promontory Marine Reserve) of Schedule 4 to the *National Parks Act 1975* (Vic.) as in force on 1 November 1997;
 - (b) the area described in Part 2 (Wilsons Promontory Marine Park) of Schedule 4 to the *National Parks Act 1975* (Vic.) as in force on 1 November 1997;
 - (c) the area described in Part 7 (Bunurong Marine Park) of Schedule 4 to the *National Parks Act 1975* (Vic.) as in force on 1 November 1997;
 - (d) the area described in Schedule 2 (Point Lonsdale) to the *Harold Holt Marine Reserves Proclamation 1979* (Vic.), published in the Government Gazette of Victoria, No. 11 on 7 February 1979;

- (e) the area described in Schedule 3 (Point Nepean) to the *Harold Holt Marine Reserves Proclamation 1979* (Vic.), published in the Government Gazette of Victoria, No. 11 on 7 February 1979.

2 South Australian waters

The area for the purposes of the definition of **South Australian waters** in subsection 5(1) is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area of South Australian waters	
Item	Description
1	The point on the meridian 140°57'56.8883"E that is the intersection of the coastline at mean low water with the border between South Australia and Victoria
2	South along that meridian to its intersection with the outer limit of the AFZ
3	Generally westerly along that outer limit to its intersection with the meridian 129°00'00"E
4	North along that meridian to its intersection with the parallel 31°45'00"S
5	Northerly along the geodesic to the intersection of the coastline at mean low water with the border between South Australia and Western Australia
6	Along the coastline of South Australia at mean low water to the starting point

Note: At the time of the making of this instrument, the Commonwealth had entered into arrangements under Part 5 of the Act which mean that, for the purposes of the description of this fishery, the coastal waters of South Australia are taken to be in the AFZ (see section 76 of the Act).

3 Tasmanian waters

- (1) The area for the purposes of the definition of **Tasmanian waters** in subsection 5(1) is the area bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table (excluding any area covered by subclause (2)).

Area of Tasmanian waters	
Item	Description
1	The point 40°00'00.0000"S 140°57'56.8883"E
2	South along the meridian 140°57'56.8883"E to its intersection with the outer limit of the AFZ
3	Generally southerly, easterly then northerly along that outer limit to its intersection with the parallel 39°11'54.2900"S
4	Westerly along the loxodrome to the point 39°11'54.6590"S 143°40'00.0000"E
5	South along the meridian 143°40'00.0000"E to its intersection with the parallel 40°00'00"S
6	West along that parallel to the starting point

Note: At the time of the making of this instrument, the Commonwealth had entered into arrangements under Part 5 of the Act which mean that, for the purposes of the description of this fishery, the coastal waters of Tasmania are taken to be in the AFZ (see section 76 of the Act).

- (2) This subclause covers the following areas:

Schedule 4 Catch limits for Victorian, South Australian and Tasmanian waters
Part 1 Areas of application

Clause 3

- (a) the area known as South West National Park, being all waters to the north and east of a line extending from Hilliard Head to Point Vincent;
- (b) the area known as Nine Pin Point Marine Nature Reserve, being all waters within 500 metres of Nine Pin Point;
- (c) the area known as Tinderbox Marine Nature Reserve, being the area of waters bounded by a notional line beginning at Piersons Point and running progressively as follows:
 - (i) 200 metres due east;
 - (ii) generally southerly and westerly 200 metres from and parallel to the low water mark to the point 43°03.84'S, 147°19.13'E;
 - (iii) due north to the high water mark;
 - (iv) generally northerly and easterly along the high water mark to the starting point;
- (d) the area known as Governor Island Marine Nature Reserve, being the area of waters bounded by a line beginning at the southernmost point of Governor Island and running progressively as follows:
 - (i) due south for 400 metres;
 - (ii) generally easterly, northerly and westerly at 600 metres from and parallel to the low water mark to its intersection with the notional line of longitude that passes through the northernmost point of Governor Island.

Part 2—Crustaceans

4 Prawns

For the purposes of Divisions 8, 9 and 10 of Part 7 of this instrument, the following table sets out species of crustaceans that are not subject to the catch limits applying under those Divisions.

Prawns		
Item	Common name	Scientific name
1	Deepwater prawn	<i>Haliporoides cristatus</i>
2	Prawn	Any species of genus <i>Aristeus</i>
3	Red prawn	<i>Aristeomorpha foliacea</i>
4	Royal red prawn	<i>Haliporoides sibogae</i>
5	Scarlet prawn	<i>Plesiopenaeus edwardsianus</i>

5 Other crustaceans

For the purposes of Divisions 8 and 9 of Part 7 of this instrument, the following table sets out species of crustaceans that are not subject to the catch limits applying under those Divisions.

Other crustaceans		
Item	Common name	Scientific name
1	Carid	Any species of family Pandalidae

Clause 6

Part 3—Molluscs

6 Molluscs

For the purposes of Divisions 9 and 10 of Part 7 of this instrument, the following table sets out species of molluscs that are not subject to the catch limits applying under those Divisions.

Molluscs		
Item	Common name	Scientific name
1	Arrow squid	<i>Nototodarus gouldi</i>
2	Red ocean squid	<i>Ommastrephes bartrami</i>
3	Scallops	Any species of family Pectinidae
4	Southern ocean arrow squid	<i>Todarodes filippovae</i>
5	Yellowback squid	<i>Sthenoteuthis oualaniensis</i>

Part 4—Finfish

Division 1—Victorian waters

7 Species not to be taken

For the purposes of subsection 49(1), the following table sets out species of finfish that must not be taken from Victorian waters.

Species not to be taken		
Item	Common name	Scientific name
1	Australian anchovy	<i>Engraulis australis</i>
2	Australian salmon	Any species of genus <i>Arripis</i> that is commonly known as Australian salmon
3	Blue sprat	<i>Spratelloides robustus</i>
4	King George whiting	<i>Sillaginodes punctatus</i>
5	Pilchard	<i>Sardinops neopilchardus</i>
6	Sprat	<i>Chupea bassensis</i>
7	Wrasse	Any species of family Labridae that is commonly known as wrasse

8 Species subject to limits

For the purposes of subsection 49(2), the following table sets out species of finfish that are subject to the catch limits prescribed by that subsection.

Species subject to limits		
Item	Common name	Scientific name
1	Barracouta	<i>Thyrsites atun</i>
2	Leatherjackets	Any species of family Monacanthidae
3	Snapper	<i>Chrysophrys auratus</i>
4	Striped trumpeter	<i>Latris lineata</i>
5	Yellowtail kingfish	<i>Seriola lalandi</i>

Division 2—South Australian waters

9 Species not to be taken

For the purposes of subsection 54(1), the following table sets out species of finfish that must not be taken from South Australian waters.

Species not to be taken		
Item	Common name	Scientific name
1	Australian anchovy	<i>Engraulis australis</i>
2	Australian salmon/Tommy ruff	Any species of genus <i>Arripis</i> that is commonly known as Australian salmon or Tommy ruff
3	Australian sardine (pilchard)	<i>Sardinops sagas</i>
4	Australian sprat	<i>Sprattus novaehollandiae</i>
5	Banded morwong	<i>Cheilodactylus spectabilis</i>
6	Black bream	<i>Acanthopagrus butcheri</i>
7	Bluespotted goatfish	<i>Upeneichthys vlamingii</i>
8	Blue sprat	<i>Spratelloides robustus</i>
9	Dusky morwong	<i>Dactylophora nigricans</i>
10	Grassy (rock) flathead	<i>Platycephalus laevigatus</i>
11	King gar	<i>Scomberesox scombroides</i>
12	King George whiting	<i>Sillaginodes punctatus</i>
13	Luderick	<i>Girrella tricuspidata</i>
14	Magpie morwong	<i>Cheilodactylus nigripes</i>
15	Sea sweep	<i>Scorpius aequipinnis</i>
16	Snook	<i>Sphyræna novaehollandiae</i>
17	Southern garfish	<i>Hyporhamphus melanochir</i>
18	Wrasse	Any species of family Labridae that is commonly known as wrasse
19	Yellow eye mullet	<i>Aldrichetta forsteri</i>
20	Yellowfin whiting	<i>Sillago schomburgkii</i>

10 Species with combined catch limit of 20 kilograms per trip

For the purposes of subsections 54(2), (3) and (4), the following table sets out species of finfish that are subject to the catch limits prescribed by those subsections.

Species with combined limit of 20 kilograms per trip		
Item	Common name	Scientific name
1	Bastard trumpeter	<i>Latridopsis forsteri</i>
2	Striped trumpeter	<i>Latris lineata</i>

11 Species with combined catch limit of 50 kilograms per trip

For the purposes of subsections 54(2), (3) and (4), the following table sets out species of finfish that are subject to the catch limits prescribed by those subsections.

Species with combined limit of 50 kilograms per trip		
Item	Common name	Scientific name
1	Blue groper	<i>Achoerodus gouldii</i>
2	Snapper	<i>Chrysophrys auratus</i>

12 Other controlled species

For the purposes of subsections 54(2) and (3), the following table sets out species of finfish that are subject to the catch limits prescribed by those subsections.

Other controlled species		
Item	Common name	Scientific name
1	Mulloway	<i>Argyrosomus japonicus</i>
2	Yellowtail kingfish	<i>Seriola lalandi</i>

Note: These species are also subject to catch limits prescribed by subsection 54(4).

13 Other species to be taken into account for total catch limit

For the purposes of subsection 54(3), the following table sets out species of finfish that are also subject to the catch limit prescribed by that subsection (applying only to fish taken by a method other than trawling).

Other species relevant to total catch limit		
Item	Common name	Scientific name
1	Black reef leatherjacket	<i>Eubalichthys bucephalus</i>
2	Chinaman leatherjacket	<i>Nelusetta ayraudi</i>
3	Fanbelly leatherjacket	<i>Monacanthus chinensis</i>
4	Parrotfish (or knifejaw)	<i>Oplegnathus woodwardi</i>

Division 3—Tasmanian waters

14 Species not to be taken

For the purposes of subsection 59(1), the following table sets out species of finfish that must not be taken from Tasmanian waters.

Species not to be taken		
Item	Common name	Scientific name
1	Australian anchovy	<i>Engraulis australis</i>
2	Australian salmon/Tommy ruff	Any species of genus <i>Arripis</i> that is commonly known as Australian salmon or Tommy ruff
3	Australian sardine (pilchard)	<i>Sardinops sagas</i>
4	Australian sprat	<i>Sprattus novaehollandiae</i>
5	Banded morwong	<i>Cheilodactylus spectabilis</i>
6	Black bream	<i>Acanthopagrus butcheri</i>
7	Bluespotted goatfish	<i>Upeneichthys vlamingii</i>
8	Blue sprat	<i>Spratelloides robustus</i>
9	Dusky morwong	<i>Dactylophora nigricans</i>
10	Grassy (rock) flathead	<i>Platycephalus laevigatus</i>
11	King gar	<i>Scomberesox scombroides</i>
12	King George whiting	<i>Sillaginodes punctatus</i>
13	Luderick	<i>Girrella tricuspidata</i>
14	Magpie morwong	<i>Cheilodactylus nigripes</i>
15	Mulloway	<i>Argyrosomus hololepidotus</i>
16	Sea sweep	<i>Scorpius aequipinnis</i>
17	Snook	<i>Sphyræna novaehollandiae</i>
18	Southern garfish	<i>Hyporhamphus melanochir</i>
19	Wrasse	Any species of family Labridae that is commonly known as wrasse
20	Yellow eye mullet	<i>Aldrichetta forsteri</i>
21	Yellowfin whiting	<i>Sillago schomburgkii</i>

15 Species subject to combined limit

For the purposes of subsection 59(4), the following table sets out species of finfish that are subject to the catch limits prescribed by that subsection.

Species subject to combined limit		
Item	Common name	Scientific name
1	Snapper	<i>Chrysophrys auratus</i>
2	Striped trumpeter	<i>Latris lineata</i>
3	Yellowtail kingfish	<i>Seriola lalandi</i>

Part 5—Other species

16 Other species not to be taken from Tasmanian waters

For the purposes of section 60, the following table sets out other species of fish that must not be taken from Tasmanian waters.

Other species not to be taken		
Item	Common name	Scientific name
1	Handfish	Any species of family Brachionichthyidae
2	Seahorses and pipefish	Any species of family Sygnathidae
3	Three-finned blennies	Any species of family Tripterygiidae

Schedule 5 Catch limits for prawn fishery waters
Part 1 Prawn fishery waters

Clause 1

Schedule 5—Catch limits for prawn fishery waters

Note: See the definition of *prawn fishery waters* in subsection 5(1) and sections 61 to 65.

Part 1—Prawn fishery waters

1 Prawn fishery waters

The area for the purposes of the definition of *prawn fishery waters* in subsection 5(1) is the coastal waters and waters within the AFZ bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area of prawn fishery waters	
Item	Description
1	The intersection of the northern coastline of Australia at mean low water with the meridian 126°58'00"E
2	North along that meridian to the outer limit of the AFZ
3	North-easterly then south-easterly along that outer limit to its intersection with the meridian 141°20'00"E
4	South along that meridian to its intersection with the northern coastline of Australia at mean low water
5	Generally southerly along that coastline to the starting point

Note 1: The Protected Zone within the meaning of the *Torres Strait Fisheries Act 1984* is excluded from the AFZ by operation of section 9 of the Act.

Note 2: At the time of the making of this instrument, the Commonwealth had entered into arrangements under Part 5 of the Act which mean that, for the purposes of the description of this fishery, the coastal waters of Queensland, Western Australia and Northern Territory are taken to be in the AFZ (see section 76 of the Act).

Part 2—Molluscs

2 Species not to be taken

For the purposes of section 63, the following table sets out species of molluscs that must not be taken from prawn fishery waters.

Species not to be taken		
Item	Common name	Scientific name
1	Pearl shell	Any species of the genus <i>Pinctada</i>
2	Trepang	Any species of class Holothuroidea
3	Trochus	Any species of family Trochidae

Part 3—Finfish

3 Species not to be taken

For the purposes of subsection 64(2), the following table sets out species of finfish that must not be taken from prawn fishery waters.

Species not to be taken		
Item	Common name	Scientific name
1	Barramundi	<i>Lates calcarifer</i>
2	Barred javelin	<i>Pomadasys kaakan</i>
3	Blue (threadfin) salmon	<i>Eleutheronema tetradactylum</i>
4	Jewfish	<i>Nibea squamosa</i> , <i>Protonibea diacanthus</i>
5	King threadfin	<i>Polydactylus sheridani</i>
6	Queenfish	<i>Scomberoides lysan</i> , <i>S. commersonianus</i>

4 Species with a combined limit of 10 fish

For the purposes of subsection 64(4), the following table sets out species of finfish that are subject to the catch limit prescribed by that subsection.

Species with a combined limit of 10 fish		
Item	Common name	Scientific name
1	Broad barred Spanish (Grey) mackerel	<i>Scomberomorus semifasciatus</i>
2	Gold band snapper	<i>Pristipomoides multidens</i>
3	Narrow barred Spanish mackerel	<i>Scomberomorus commerson</i>
4	Rockcod	Any species of family Serranidae that is commonly known as rockcod
5	Sweet lips	Any species of family Lethrinidae that is commonly known as sweet lips

5 Catch limits by weight

For the purposes of subsection 64(5), the following table sets out species of finfish that are subject to the catch limits prescribed by that subsection.

Catch limits by weight		
Item	Common name	Scientific name
1	Crimson snapper	<i>Lutjanus erythropterus</i>
2	Saddle-tailed snapper	<i>Lutjanus malabaricus</i>
3	Red emperor	<i>Lutjanus sebae</i>

Part 4—Other species

6 Other species not to be taken

For the purposes of section 65, the following table sets out other species of fish that must not be taken from prawn fishery waters.

Other species not to be taken		
Item	Common name	Scientific name
1	Coral	
2	Sharks, rays and skates	Any species of subclass Elasmobranchii

Clause 1

Schedule 6—Fees

Note: See section 108.

1 Fees

The following table sets out the fees prescribed for the purposes of the Act.

Fees			
Item	Column 1 Description	Column 2 Fee (if online portal not used)	Column 3 Fee (if online portal used)
1	Application under section 32 of the Act for the grant of a fishing permit to fish in a fishery within the AFZ:		
	(a) if the application is for a new fishing permit in connection with the expiry of an existing fishing permit; or	\$160	Nil
	(b) if the application is for a new fishing permit that is not in connection with the expiry of an existing fishing permit that authorises the carrying or transshipping of fish	\$160	Nil
2	Application under section 32 of the Act for the grant of a new fishing permit (known as a High Seas Permit) to fish in the fishery outside the AFZ that is not in an area of waters south of the Antarctic Convergence:		
	(a) if the application is being made in connection with the expiry of an existing fishing permit; or	\$160	Nil
	(b) if the application is not being made in connection with the expiry of an existing fishing permit	\$160	\$160
3	Application for the variation, revocation or specification, under subsection 32(8) of the Act, of a condition or conditions of:		
	(a) if the application is for a variation to take account of the transfer of quota units of a scheduled species of fish:		
	(i) to that concession from another concession in the same fishery; or	\$115	Nil
	(ii) from that concession to another concession for the same fishery; or	\$115	Nil
	(b) in any other case	\$300	\$300
4	Giving notice under paragraph 32(1A)(b) of the Act of the nomination of another Australian boat in lieu of the boat specified in one or more permits	\$115	Nil
5	Giving notice under subsection 32(1B) of the Act of the nomination of an Australian boat to one or more permits	\$115	Nil
6	Giving notice under subsection 32(1B) of the Act of the nomination of an Australian boat if the notice is given at the same time as a nomination of the boat for a	Nil	Nil

Clause 1			
Fees			
Item	Column 1 Description	Column 2 Fee (if online portal not used)	Column 3 Fee (if online portal used)
	statutory fishing right		
7	Application under subsection 32A(2) of the Act for the transfer of one or more permits	\$115	Nil
8	Nomination of a boat for a statutory fishing right under subsection 33(3) of this instrument	\$115	Nil
9	Application under subsection 46(3) of the Act to register the transfer or lease of a fishing right	\$115	Nil
10	Registration under subsection 46(4A) of the Act of a claim to an interest in a fishing right	\$160	Registration is not available via the portal
11	Cancellation under subsection 46(4B) of the Act of the registration of a claim to an interest in a fishing right	\$160	Cancellation is not available via the portal
12	Application for an extract of a register under the Act	\$30	Nil
13	Inspecting a register under the Act	\$430	Nil
14	Application under subsection 91(2) of the Act for:		
	(a) a new fish receiver permit in connection with the expiry of an existing fish receiver permit; or	\$245	Nil
	(b) a new fish receiver permit that is not in connection with the expiry of an existing fish receiver permit	\$245	\$245
15	Application under subsection 91(6) of the Act for the variation of a condition of a fish receiver permit	\$160	\$160
16	Application under subsection 94(1) of the Act for a port permit	\$860	Application is not available via the portal
17	Application under subsection 94(5) of the Act for the variation of a condition of a port permit	\$400	Application is not available via the portal
18	Application under subsection 4(2) of the Act for a declaration that a foreign boat is taken to be an Australian boat	\$1,790	Application is not available via the portal
19	Application to validate a European Community catch document	\$85	Application is not available via the portal
20	Application to validate a catch export document	\$85	Application is not available via the portal
21	Application for an Electronic Dissostichus Catch Document	\$165	Application is not available via the portal
22	Application for a quota holding statement	\$30	Nil
23	Application for a quota transaction statement	\$30	Nil

Schedule 6 Fees

Clause 1

Fees

Item	Column 1 Description	Column 2 Fee (if online portal not used)	Column 3 Fee (if online portal used)
24	Application to enter into an arrangement for the payment of a fee, levy, charge or other amount relating to a fishing concession	\$220	Application is not available via the portal
25	Application under the Act or this instrument for which a fee is not prescribed in another item of this Schedule Note: The fee will be calculated on the basis of the time taken by AFMA to assess and action the application, multiplied by the hourly cost to AFMA of the staff involved.	The cost to AFMA of providing the service	Nil
