



# **Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995**

**Statutory Rules No. 7, 1995**

made under the

*Fisheries Management Act 1991*

## **Compilation No. 9**

<b>Compilation date:</b>	17 March 2015
<b>Includes amendments up to:</b>	SLI No. 18, 2015
<b>Registered:</b>	18 March 2015

Prepared by the Office of Parliamentary Counsel, Canberra

---

## About this compilation

### **This compilation**

This is a compilation of the *Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995* that shows the text of the law as amended and in force on 17 March 2015 (the *compilation date*).

This compilation was prepared on 16 March 2015.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### **Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw ([www.comlaw.gov.au](http://www.comlaw.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

### **Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### **Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

### **Self-repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

---

---

# Contents

<b>Part 1—Introductory</b>	1
1 Name of regulations .....	1
2 Interpretation .....	1
<b>Part 2—Disposal of Southern Bluefin Tuna to tuna farms</b>	3
2B Definitions .....	3
2C Meaning of <i>holder of permit for carrier boat</i> .....	3
2D Conditions of statutory fishing rights .....	4
2E Statutory fishing right holders to give returns .....	4
2F Returns .....	4
<b>Part 4—Miscellaneous</b>	7
7 Conversion of processed weight to live weight .....	7
<b>Endnotes</b>	8
<b>Endnote 1—About the endnotes</b>	8
<b>Endnote 2—Abbreviation key</b>	9
<b>Endnote 3—Legislation history</b>	10
<b>Endnote 4—Amendment history</b>	11



Error! No text of specified style in document. Error! No text of specified style in document.

Introductory **Part 1**

Error! No text of specified style in document. Error! No text of specified style in document.

---

## Regulation 1

### Part 1—Introductory

#### 1 Name of regulations

These regulations are the *Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995*.

#### 2 Interpretation

- (1) In these regulations, unless the contrary intention appears:

*Act* means the *Fisheries Management Act 1991*.

*nominated boat* means a boat that is entered in the Register as a nominated boat in respect of a statutory fishing right.

*processed form* means Southern Bluefin Tuna in processed form A or processed form B, but does not include Southern Bluefin Tuna that has been processed in any other manner.

*processed form A* means Southern Bluefin Tuna that has been gilled and gutted so that:

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

*processed form B* means Southern Bluefin Tuna that has been gilled and gutted so that:

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

*SBT Plan* means the Southern Bluefin Tuna Fishery Management Plan 1995 made under subsection 17(1) of the Act.

*Southern Bluefin Tuna research program* means an internationally co-ordinated program of research about Southern Bluefin Tuna that:

Error! No text of specified style in document.**Error! No text of specified style in document.**

**Part 1** Introductory

Error! No text of specified style in document.**Error! No text of specified style in document.**

Regulation2

---

- (a) is endorsed by the Commission for the Conservation of Southern Bluefin Tuna; and
  - (b) involves taking Southern Bluefin Tuna for research and commercial purposes;
    - (i) in the high seas fishing zone; or
    - (ii) outside the SBT Fishery area; using a foreign boat.
- (1A) For the purposes of the definitions of *processed form A* and *processed form B*, the tail of Southern Bluefin Tuna is wholly removed if it is removed by cutting through the backbone near the base of the tail.
- (2) Expressions that are used in the SBT Plan and in these regulations have the same meaning in these regulations as in that plan.
- Note: Terms defined in the Fisheries Management Act 1991 have the same meanings in these regulations.

Error! No text of specified style in document. Error! No text of specified style in document.

Disposal of Southern Bluefin Tuna to tuna farms **Part 2**

Error! No text of specified style in document. Error! No text of specified style in document.

Regulation 2B

---

## **Part 2—Disposal of Southern Bluefin Tuna to tuna farms**

### **2B Definitions**

In this Part:

*AFMA agent*, for a farm transfer, means the agent appointed by AFMA to carry out activities in relation to the transfer.

*authorised representative*, for a statutory fishing right holder, means a person authorised by the statutory fishing right holder and for whom AFMA has a specimen signature.

*carrier boat* means a boat that is equipped for towing tow cages.

*farm transfer* means the transfer of Southern Bluefin Tuna from a tow cage to a grow out cage.

*grow out cage* means a cage that is:

- (a) kept on a tuna farm; and
- (b) suitable for caging Southern Bluefin Tuna for fattening.

*Managing Director* has the same meaning as in the *Fisheries Administration Act 1991*.

*tow cage* means a cage that:

- (a) is suitable for caging Southern Bluefin Tuna; and
- (b) can be attached to a carrier boat.

### **2C Meaning of holder of permit for carrier boat**

In this Part, a reference to the holder of the permit for a carrier boat includes a reference to an agent of that person.

Error! No text of specified style in document.**Error! No text of specified style in document.**

**Part 2** Disposal of Southern Bluefin Tuna to tuna farms

Error! No text of specified style in document.**Error! No text of specified style in document.**

## Regulation 2D

### **2D Conditions of statutory fishing rights**

---

For paragraph 42(1)(a) of the Act, a statutory fishing right that authorises the use of a boat to take Southern Bluefin Tuna from the SBT Fishery is subject to the conditions set out in regulations 2E and 2F.

### **2E Statutory fishing right holders to give returns**

- (1) This regulation applies to a statutory fishing right holder if:
  - (a) a quantity of Southern Bluefin Tuna taken by use of the statutory fishing right holder's nominated boat is transferred to a tow cage; and
  - (b) the tow cage is towed to a tuna farm for a farm transfer of the Southern Bluefin Tuna; and
  - (c) the farm transfer takes place.
- (2) The statutory fishing right holder, or an authorised representative of the holder, must make a return for the farm transfer.
- (3) The statutory fishing right holder or authorised representative must give the return to the AFMA agent for the farm transfer within 40 days after the last Southern Bluefin Tuna fish transferred to the tow cage is transferred.

### **2F Returns**

- (1) A return for a farm transfer must:
  - (a) be in a form approved by AFMA; and
  - (b) be signed by:
    - (i) the statutory fishing right holder; or
    - (ii) the authorised representative; and
  - (c) include the full name of the person signing the return (*the signatory*).
- (2) The return must also include:

**Error! No text of specified style in document.**Error! No text of specified style in document.

Disposal of Southern Bluefin Tuna to tuna farms**Part 2**

**Error! No text of specified style in document.**Error! No text of specified style in document.

## Regulation2F

- 
- (a) the identifying number (if any) of the tow cage used for the farm transfer; and
  - (b) a statement of the total number of Southern Bluefin Tuna that died in the period:
    - (i) beginning when the tow ended; and
    - (ii) ending when the last Southern Bluefin Tuna fish transferred during the farm transfer was transferred to the farm; and
  - (c) if the tow cage was towed to the tuna farm by 1 carrier boat—any return mentioned in subregulation (3) given to the signatory; and
  - (d) if the tow cage was towed to the tuna farm by 2 or more carrier boats in succession—any returns mentioned in subregulation (4) given to the signatory; and
  - (e) the record mentioned in subregulation (5) (*AFMA agent's record*) that the AFMA agent for the farm transfer has given to the signatory; and
  - (f) a declaration by the signatory that:
    - (i) the statement mentioned in paragraph (b) is accurate; and
    - (ii) the signatory has watched the AFMA agent carry out an average weight sampling procedure for the farm transfer; and
    - (iii) the signatory believes that the AFMA agent's record given to the signatory is accurate.
- (3) For paragraph (2)(c), the return is the return made by the holder of the permit for the carrier boat about:
- (a) the transfer of the Southern Bluefin Tuna to the tow cage; and
  - (b) the tow of the tow cage to the tuna farm.
- (4) For paragraph (2)(d), the returns are:
- (a) the return made by the holder of the permit for the first carrier boat to tow the tow cage towards the tuna farm about:

Error! No text of specified style in document.**Error! No text of specified style in document.**

**Part 2** Disposal of Southern Bluefin Tuna to tuna farms

Error! No text of specified style in document.**Error! No text of specified style in document.**

## Regulation 2F

---

- (i) the transfer of the Southern Bluefin Tuna to the tow cage; and
  - (ii) the part of the tow of the tow cage towards the tuna farm carried out by the boat; and
  - (b) for each other carrier boat—the return made by the holder of the permit for the carrier boat about the part of the tow to, or towards, the tuna farm carried out by the boat.
- (5) For paragraph (2)(e), the AFMA agent’s record is the record that the Managing Director has required the AFMA agent, by written notice under the agent’s contract, to keep about:
- (a) the average weight sampling procedure that is to be carried out for the farm transfer in accordance with that notice; and
  - (b) the number of Southern Bluefin Tuna transferred; and
  - (c) the calculation of the total weight of live Southern Bluefin Tuna transferred.

Note: Under regulation 2C, a reference to the holder of the permit for a carrier boat includes a reference to an agent of that person.

Error! No text of specified style in document. Error! No text of specified style in document.

Miscellaneous **Part 4**

Error! No text of specified style in document. Error! No text of specified style in document.

Regulation 7

---

## Part 4—Miscellaneous

### 7 Conversion of processed weight to live weight

(1) If, for the purposes of giving effect to any provision of the Act, the weight of whole Southern Bluefin Tuna is to be calculated from its weight in processed form, the weight is to be calculated in accordance with the formula in subregulation (2) or (3), as the case requires.

(2) If Southern Bluefin Tuna is in processed form A, the weight is to be calculated in accordance with the formula:

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

where ***Processed Weight*** is the weight, measured in kilograms, of the Southern Bluefin Tuna in processed form A.

(3) If Southern Bluefin Tuna is in processed form B, the weight is to be calculated in accordance with the formula:

$$1.12 \times \text{Processed Weight} + N \times \text{Kilograms}$$

where:

***Processed Weight*** is the weight, measured in kilograms, of the batch of Southern Bluefin Tuna in processed form B; and

***N*** is the number of Southern Bluefin Tuna in the batch being weighed.

## Endnotes

Endnote 1—About the endnotes

---

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the amendment is set out in the endnotes.

**Endnote 2—Abbreviation key**

A = Act	orig = original
ad = added or inserted	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
am = amended	pres = present
amdt = amendment	prev = previous
c = clause(s)	(prev...) = previously
C[x] = Compilation No. x	Pt = Part(s)
Ch = Chapter(s)	r = regulation(s)/rule(s)
def = definition(s)	Reg = Regulation/Regulations
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislative Instruments	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LI = Legislative Instrument	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md) = misdescribed amendment	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

## Endnotes

### Endnote 3—Legislation history

---

### Endnote 3—Legislation history

<b>Number and year</b>	<b>FRLI registration or gazettal</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
1995 No 7	3 Feb 1995	3 Feb 1995 (r 1)	
1995 No 125	9 June 1995	9 June 1995 (r 1)	—
1995 No 295	20 Oct 1995	20 Oct 1995 (r 1)	—
1995 No 359	30 Nov 1995	30 Nov 1995 (r 1)	—
1997 No 234	10 Sept 1997	10 Sept 1997 (r 1)	—
1998 No 363	22 Dec 1998	22 Dec 1998 (r 2)	—
2004 No 254	26 Aug 2004	1 Dec 2004 (r 2)	—
2009 No 318	26 Nov 2009 (F2009L04289)	26 Nov 2009 (r 2)	—
2011 No 135	3 Aug 2011 (F2011L01592)	4 Aug 2011 (r 2)	—
18, 2015	16 Mar 2015 (F2015L00301)	17 Mar 2015 (s 2)	—

---

**Endnote 4—Amendment history**


---

<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
Part 1 heading.....	ad 1998 No 363
r 1.....	rs 1998 No 363
r 2.....	am 1995 No 125; 1995 No 295; 1995 No 359
r 2A.....	ad 1995 No 359
	rs 1997 No 234
	am 2009 No 318
	rep No 18, 2015
<b>Part 2</b>	
Part 2.....	ad 1998 No 363
r 2B.....	ad 1998 No 363
r 2C.....	ad 1998 No 363
r 2D.....	ad 1998 No 363
r 2E.....	ad 1998 No 363
r 2F.....	ad 1998 No 363
Part 3 heading.....	ad 1998 No 363
	rep 2011 No 135
Part 3.....	rep 2011 No 135
r 3.....	am 2004 No 254
	rep 2011 No 135
r 4.....	rep 2011 No 135
r 5.....	rep 2004 No 254
r 6.....	rep 2004 No 254
<b>Part 4</b>	
Part 4 heading.....	ad 1998 No 363
r 7.....	rs 1995 No 125

---