

Fisheries (Infringement Notices) Regulations 2001

I, the Lieutenant-Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Living Marine Resources Management Act 1995*.

30 July 2001

W. J. E. COX

Lieutenant-Governor

By His Excellency's Command,

D. E. LLEWELLYN

Minister for Primary Industries, Water and Environment

1. Short title

These regulations may be cited as the *Fisheries (Infringement Notices) Regulations 2001*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Offences under Act

(1) The offences generally described in Column 2 of Schedule 1 under the respective sections specified in Column 1 of that Schedule are prescribed as the offences under the *Living Marine Resources Management Act 1995* in respect of which infringement notices may be issued.

(2) The penalties specified in Column 3 of Schedule 1 are prescribed as the penalties payable in respect of prescribed offences to which the respective infringement notices relate.

4. Offences under *Fisheries (General and Fees) Regulations 2006*

(1) The offences generally described in Column 2 of Schedule 2 under the respective regulations specified in Column 1 of that Schedule are prescribed as the offences under the *Fisheries (General and Fees) Regulations 2006* in respect of which infringement notices may be issued.

(2) The penalties specified in Column 3 of Schedule 2 are prescribed as the penalties payable in respect of prescribed offences to which the respective infringement notices relate.

5. Offences under *Fisheries Rules 2009*

(1) The offences generally described in Column 2 of Schedule 3 under the respective rules specified in Column 1 of that Schedule are prescribed as the offences under the *Fisheries Rules 2009* in respect of which infringement notices may be issued.

(2) The penalties specified in Column 3 of Schedule 3 are prescribed as the penalties payable in respect of prescribed offences to which the respective infringement notices relate.

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10. Offences under Fisheries (Processing and Handling) Rules 2001

(1) The offences generally described in Column 2 of Schedule 8 under the respective rules specified in Column 1 of that Schedule are prescribed as the offences under the Fisheries (Processing and Handling) Rules 2001 in respect of which infringement notices may be issued.

(2) The penalties specified in Column 3 of Schedule 8 are prescribed as the penalties payable in respect of prescribed offences to which the respective infringement notices relate.

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SCHEDULE 1 - Offences under Living Marine Resources Management Act 1995

Regulation 3

Column 1	Column 2	Column 3
Section	General description of offence	Penalty units
<u>15(2)</u>	Contravening condition of permit	3
<u>60(1)</u>	Fishing without a licence	4
<u>64</u>	Marine farming without a licence	4
<u>86A</u>	Contravening condition of licence	3
<u>89(1)</u>	Failing to ensure activity is supervised	3
<u>89(4)</u>	Failing to ensure activity complies with Act	3
<u>89(7)</u>	Failing to designate or identify person as supervisor	2
<u>135(2)</u>	Taking protected fish	3
<u>139(1)</u>	Cutting, damaging, destroying or removing prescribed marine plants	1
<u>143(3)</u>	Failing to comply with a research area order	2
<u>145(1)</u>	Failing to keep records	1
<u>145(2)</u>	Failing to supply records	1
<u>167</u>	Failing to return identity card	1
<u>262(1)</u>	Purchasing, possessing or selling illegally taken or possessed fish	3
<u>270(2)</u>	Contravening biosecurity direction	4

SCHEDULE 2 - Offences under Fisheries (General and Fees) Regulations 2006

Regulation 4

Column 1	Column 2	Column 3
Regulation	General description of offence	Penalty units
4(1)	Person who does not hold fishing licence (abalone dive) taking undersize abalone	2
4(2)	Possessing undersize abalone unless holding prescribed licence or abalone bought or received from fish merchant	2
4(3)	Holder of fishing licence (abalone dive) taking or possessing undersize abalone	5
5	Taking or possessing undersize greenlip abalone	2
6(1)(a)	Holder of fish processing licence possessing undersize abalone (other than cultivated abalone)	3
6(1)(b)	Holder of fish processing licence possessing undersize greenlip abalone (other than cultivated abalone)	3
6(1)(c)	Holder of fish processing licence possessing abalone taken from State waters with smaller shell length than may legally be taken from those waters by holder of fishing licence (abalone dive)	3
6(3)	Holder of fish processing licence failing to ensure cultivated abalone is stored separately	3
7A(1)	Holder of fishing licence (abalone dive) taking undersize abalone from any waters within area A	5
7A(2)	Holder of fishing licence (abalone dive) possessing undersize abalone in area A or on land within one kilometre of any waters within area A, other than in prescribed circumstances	5
7A(3)	Holder of fishing licence (abalone dive) taking undersize abalone from northern blacklip area other than Bass Strait area	5
7A(4)	Holder of fishing licence (abalone dive) possessing undersize abalone in northern blacklip area other than Bass Strait area or on land within one kilometre of any waters within those waters, other than in prescribed circumstances	5
7A(4A)	Holder of fishing licence (abalone dive) taking undersize abalone from Bass Strait area other than north coast blacklip area	5
7A(4B)	Holder of fishing licence (abalone dive) possessing undersize abalone in Bass Strait area other than north coast blacklip area, unless prescribed circumstances exist	5
7A(5)	Holder of fishing licence (abalone dive) possessing undersize abalone in waters of north-west area or on land within one kilometre of those waters	5
7A(6)	Holder of fishing licence (abalone dive) taking undersize abalone from Couta Rocks area	5
7A(7)	Holder of fishing licence (abalone dive) possessing undersize abalone in Couta Rocks area or on land within one kilometre of any waters within that area, other than in prescribed circumstances	5
7A(8)	Holder of fishing licence (abalone dive) taking undersize abalone from waters of north-west area	5
7A(9)	Holder of fishing licence (abalone dive) possessing undersize abalone in waters of east coast area or on land within one kilometre of those waters, other than in prescribed circumstances	5
7A(10)	Holder of fishing licence (abalone dive) taking undersize abalone from waters of east coast area	5

7A(11)	Holder of fishing licence (abalone dive) taking or possessing undersize greenlip abalone from or in King Island greenlip area or on land within one kilometre of any of those waters	5
7A(12)	Holder of fishing licence (abalone dive) taking or possessing undersize greenlip abalone from or in waters other than those in Perkins Bay greenlip area	5
7A(13)	Holder of fishing licence (abalone dive) taking or possessing undersize greenlip abalone from or in Perkins Bay greenlip area	5
7A(14)	Taking or possessing undersize greenlip abalone in State waters other than in waters in Perkins Bay greenlip area, without holding fishing licence (abalone dive)	5
7A(15)	Taking undersize abalone in southern area	5
7A(16)	Person not holding fishing licence (abalone dive) possessing undersize abalone in southern area or on land within one kilometre of any waters within that area, unless that person holds fish processing licence or abalone was bought or received from fish merchant	5
8(1)	Taking or possessing undersize cultivated abalone unless holder of prescribed licence or otherwise authorised or abalone bought or received from fish merchant	2
8(2)	Taking or possessing undersize cultivated greenlip abalone unless holder of prescribed licence or otherwise authorised or abalone bought or received from fish merchant	2
14(1)	Taking or possessing keyhole or other prescribed kinds of limpet, unless Aborigine engaged in Aboriginal cultural activity	2
14(3)	Taking or possessing in State waters species of prescribed kinds	2
14(4)	Taking or possessing great white or other prescribed kinds of shark	2

SCHEDULE 3 - Offences under Fisheries Rules 2009

Regulation 5

Column 1	Column 2	Column 3
Rule	General description of offence	Penalty units
8(1)	Using, for commercial purposes, unlicensed vessel for fishing or carrying fish	4
9(1)	Taking fish for sale without prescribed licence	4
9(3)	Person other than holder of a fishing licence (personal) supervising prescribed fishing licence or selling fish taken under the authority of prescribed permit	4
13(2)	Taking fish during closed season	4
13(3)	Buying, selling or possessing fish during closed season	3
14(a)	Taking fish in Tarooma waters by diving or swimming	5
14(b)	Possessing abalone or rock lobster in Tarooma waters	5
15(1)	Taking or possessing fish or marine plant from marine nature reserve	5
16(1)(a)	Failing to obtain receipt when acquiring fish for sale or fish for resale from fish merchant	2
16(1)(b)	Failing to keep receipt on premises	1
16(1)(c)	Failing to retain receipt in good condition for 5 years	1
16(1)(d)	Failing to produce receipt when required by fisheries officer	1

16(4)	Possessing fish for sale or resale without authorisation or receipt	2
17(1)	Fish merchant failing to supply receipt in prescribed circumstances	2
17(2)(a)	Fish merchant failing to retain copy of receipt in good condition for 5 years	1
17(2)(b)	Fish merchant failing to produce copy of receipt when required by fisheries officer	2
18(4)	Holder of fishing licence (vessel) failing to display or paint distinguishing mark on vessel or auxiliary boat as prescribed	1
19(1)	Holder of fishing licence (vessel) using more than 2 auxiliary boats from vessel specified in licence	2
19(2)	Holder of fishing licence (vessel) failing to display letter "D" on auxiliary boat as prescribed	1
21(1)	Setting or using certain apparatus with buoy not meeting prescribed requirements	1
21(2)	Holder of an authorisation possessing device to conceal buoy without authorisation	2
24	Operating a vessel with length that does not comply with vessel category on licence without authorisation	4
26	Supervising more than one fishing vessel at same time	4
28(2)	Supervisor of fishing licence (vessel) failing to comply with instructions and failing to fit, retain and operate automatic location communicator as prescribed	3
29	Supervisor of fishing licence (vessel) failing to nominate base port within prescribed time	1
30(1)	Supervisor of fishing licence (vessel) directed to fit an automatic location communicator failing to comply with prescribed requirements relating to means of communication with vessel	2
30(2)	Supervisor of fishing licence (vessel) to which automatic location communicator fitted failing to comply with prescribed requirements relating to alternative means of communication with vessel	2
30(4)	Prescribed person failing to immediately advise holder or supervisor of fishing licence (vessel) that automatic location communicator not operating	2
32(2)	Supervisor of fishing licence (vessel) failing to comply with prescribed requirements when automatic location communicator ceases to operate	3
34(2)	Supervisor of fishing licence (vessel) operating fishing vessel with automatic location communicator in area to be kept clear of	4
35	Setting scallop spat collectors or taking or possessing scallop spat unless prescribed exception applies	4
37(1)	Selling or giving scallop spat to person other than holder of marine farming licence	4
37(2)	Buying or receiving scallop spat from person who does not hold prescribed licence	4
38	Setting muscle spat collectors or taking or possessing muscle spat unless prescribed exemption applies	4
40(1)	Selling or giving muscle spat to person other than holder of marine farming licence	4
40(2)	Buying or receiving muscle spat from person who does not hold prescribed licence	4
41(1)	Taking more than 100 kilograms of octopus during a trip or possessing more than 100 kilograms of octopus	2
41(2)	Taking or possessing more than 5 octopuses in prescribed waters in any one day without prescribed licence	2

42	Taking native marine plant without prescribed licence	1
43(1)	Taking <i>Undaria</i> without prescribed licence	2
43(3)	Taking <i>Undaria</i> on behalf of holder of licence without approval of Secretary	2
43(4)	Holder of fishing licence (<i>Undaria</i>) failing to notify Secretary within prescribed time that approved person no longer employed	2
46(a)	Holder of fishing licence (marine plant) taking species of native marine plant not specified in licence	2
46(b)	Holder of fishing licence (marine plant) taking native marine plant in periods, areas or quantities not specified in licence	2
46(c)	Holder of fishing licence (marine plant) taking native marine plant by method not specified in licence	2
47(a)	Holder of fishing licence (<i>Undaria</i>) taking marine plant other than <i>Undaria</i> under licence	2
47(b)	Holder of fishing licence (<i>Undaria</i>) taking <i>Undaria</i> in periods, areas or quantities not specified in licence	2
47(c)	Holder of fishing licence (<i>Undaria</i>) causing <i>Undaria</i> to be taken by method not specified in licence	2
47(d)	Holder of fishing licence (<i>Undaria</i>) directing or permitting person not approved to take <i>Undaria</i> under licence	2
48(1)	Knowingly placing or releasing <i>Undaria</i> likely to result in its spreading	2
48(2)	Returning <i>Undaria</i> to State waters once it has been removed	2

SCHEDULE 4

SCHEDULE 5

SCHEDULE 5A

SCHEDULE 6

SCHEDULE 7

SCHEDULE 8 - Offences under Fisheries (Processing and Handling) Rules 2001

Regulation 10

Column 1	Column 2	Column 3
Rule	General description of offence	Penalty units
7(1)	Possessing abalone at place other than place specified on licence	4
7(2)	Possessing rock lobster at place other than place specified on licence	4
7(3)	Possessing giant crab at place other than place specified on licence	4
8(1)	Transporting abalone for holding or storing to place other than place specified on licence	2
8(2)	Transporting rock lobster for holding or storing to place other than place specified on licence	2
8(3)	Transporting giant crab for holding or storing to place other than place specified on licence	2

9(1)	Transporting abalone to place other than place specified on licence	2
9(2)	Transporting rock lobster to place other than place specified on licence	2
9(3)	Transporting giant crab to place other than place specified on licence	2
12(1)	Failing to make movement report before abalone moved from site of unloading	2
12(2)	Failing to make movement report before abalone moved from other place	2
12(3)	Failing to make movement report before rock lobster moved from site of unloading	2
12(4)	Failing to make movement report before giant crab moved from site of unloading	2
12(6)	Moving abalone, rock lobster or giant crab without making movement report	2
13(1)	Failing to weigh at site of unloading if required to make movement report	3
13(2)	Failing to weigh as required if required to make prior movement report	3
14	Failing to make prior movement report	2
15	Failing to make receipt report as required	2
16	Failing to make dispatch report as required	3
18	Making report more than 24 hours before activity takes place	1
19	Failing to make cancellation report	1
20	Failing to provide report receipt number	2
21(a)	Omitting relevant information from report	3
21(b)	Giving false or misleading information in report	3
22(1)	Failing to complete Part B of commercial abalone dive docket before abalone is moved	2
22(2)	Failing to complete Part B of commercial abalone dive docket when possession of abalone taken	2
22(3)	Failing to complete Part B of commercial rock lobster quota docket before lobster is moved	2
22(4)	Failing to complete Part B of commercial giant crab quota docket before giant crab is moved	2
22(5)	Failing to complete Part B of commercial abalone dive docket, commercial rock lobster quota docket or commercial giant crab quota docket before making receipt report or dispatch report	2
23(1)	Failing to ensure yellow sheet of completed commercial abalone dive docket is carried with abalone	3
23(2)	Failing to ensure yellow sheet of completed commercial rock lobster quota docket is carried with rock lobster	3
23(3)	Failing to ensure yellow sheet of completed commercial giant crab quota docket is carried with giant crab	3
24(1)	Failing to keep yellow sheet of completed commercial abalone dive docket as required	2
24(2)	Failing to keep yellow sheet of completed commercial rock lobster quota docket as required	2
24(3)	Failing to keep yellow sheet of completed commercial giant crab quota docket as required	2
24(4)	Failing to keep yellow sheet of completed commercial rock lobster quota docket or completed commercial giant crab quota docket as required	2
25(1)	Failing to complete fish receipt docket	2
25(2)	Failing to complete fish receipt docket	2
25(3)	Failing to ensure fish receipt docket is received by Secretary as required	2

25(4)	Failing to ensure fish receipt docket is received by Secretary as required	2
25(5)	Failing to keep yellow sheet of completed fish receipt docket as required	2
25(6)	Failing to keep yellow sheet of completed fish receipt docket as required	2
26(1)	Failing to complete fish dispatch docket as required	2
26(2)	Failing to complete fish dispatch docket as required	2
26(6)	Failing to ensure white sheet of completed fish dispatch docket accompanies abalone, rock lobster or giant crab	3
26(7)	Failing to ensure white sheet of completed fish dispatch docket accompanies rock lobster or giant crab	3
27(1)	Failing to keep yellow sheet of completed fish dispatch docket as required	2
27(2)	Failing to keep yellow sheet of completed fish dispatch docket as required	2
27(3)	Failing to keep white sheet of completed fish dispatch docket as required	2
28(1)	Failing to keep records as required	3
28(2)	Failing to keep records on daily basis	2
29	Failing to keep records as required	2
30	Failing to maintain and use accurate measuring and weighing instruments	2

SCHEDULE 9

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 8 August 2001.

These regulations are administered in the Department of Primary Industries, Water and Environment.

Table Of Amendments

Citation	Serial Number	Date of commencement
Fisheries (Infringement Notices) Regulations 2001	S.R. 2001, No. 83	8.8.2001
Fisheries (Infringement Notices) Amendment Regulations 2001	S.R. 2001, No. 136	1.11.2001
Fisheries (Infringement Notices) Amendment Regulations 2002	S.R. 2002, No. 44	12.6.2002
Fisheries (Infringement Notices) Amendment Regulations 2004	S.R. 2004, No. 140	22.12.2004
Fisheries (Infringement Notices) Amendment Regulations 2005	S.R. 2005, No. 49	15.6.2005
Fisheries (Infringement Notices) Amendment Regulations 2006	S.R. 2006, No. 35	24.5.2006
Fisheries (Infringement Notices) Amendment Regulations (No. 2) 2006	S.R. 2006, No. 55	28.6.2006
Fisheries (Infringement Notices) Amendment Regulations (No. 3) 2006	S.R. 2006, No. 110	1.11.2006
Fisheries (Infringement Notices) Amendment Regulations 2008	S.R. 2008, No. 12	5.3.2008
Fisheries (Infringement Notices) Amendment Regulations (No. 2) 2008	S.R. 2008, No. 75	1.8.2008

Fisheries (Infringement Notices) Amendment Regulations 2009	S.R. 2009, No. 149	1.12.2009
		31.12.2009
Fisheries (Infringement Notices) Amendment Regulations 2010	S.R. 2010, No. 45	16.6.2010
Fisheries (Infringement Notices) Amendment Regulations 2011	S.R. 2011, No. 7	16.2.2011
