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Fisheries (Processing and Handling) Rules 2010

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Fisheries (Processing and Handling) Rules 2010

I make the following rules under the Living Marine Resources Management Act 1995 .

7 December 2010

BRYAN GREEN

Minister for Primary Industries and Water

PART 1 - Preliminary

1. Short title

These rules may be cited as the Fisheries (Processing and Handling) Rules 2010 .

2. Commencement

These rules take effect on 1 January 2011.

3. Interpretation

In these rules, unless the contrary intention appears –

abalone means fish of the genus *Haliotis*;

Act means the Living Marine Resources Management Act 1995 ;

cancellation report means a report, containing approved information, made by approved means to a reporting service;

commercial abalone dive docket means a docket, relating to abalone quota, that is part of records required to be kept under the Act;

commercial giant crab quota docket means a docket, relating to giant crab quota, that is part of records required to be kept under the Act;

commercial rock lobster quota docket means a docket, relating to rock lobster quota, that is part of records required to be kept under the Act;

dispatch report means a report, containing approved information, made by approved means to a reporting service;

export means transport beyond the limits of State waters;

fish cauf means fishing apparatus used for holding fish in State waters;

fish dispatch docket means a docket, relating to the movement of abalone, rock lobster or giant crab, that is part of records required to be kept under the Act;

fish receipt docket means a docket, relating to the receipt of abalone, rock lobster or giant crab, that is part of records required to be kept under the Act;

form of abalone, rock lobster or giant crab, means –

- (a) live; or
- (b) dead in shell; or
- (c) dead not in shell; or
- (d) canned; or
- (e) frozen; or
- (f) dried;

giant crab means crab of the species *Pseudocarcinus gigas*;

Grade 3 penalty means the penalty specified in regulation 7 of the Fisheries Penalties Regulations 2001 ;

holder, in relation to a licence, includes a person authorised as a supervisor in respect of the licence;

holding tank means a tank on land (or on or in a jetty or other structure attached to land) used to hold abalone, giant crab or rock lobster;

immediate proximity, in relation to premises, a site or a place, means –

(a) within 100 metres from the premises, site or place; or

(b) within a greater distance as the Secretary by public notice may specify for the purposes of the definition of "immediate proximity" in the Fisheries (Giant Crab) Rules 2006 or Fisheries (Rock Lobster) Rules 2006 ;

landed, in relation to abalone, rock lobster or giant crab, means when any abalone, rock lobster or giant crab, or any abalone container, rock lobster container or giant crab container –

(a) is taken ashore; or

(b) makes contact with a jetty or other artificial extension of land after the abalone, rock lobster or giant crab has been taken;

licence means –

(a) a fish processing licence; or

(b) a handling licence;

live weight means the weight of any abalone, rock lobster, or giant crab, that –

(a) is alive or dead; and

(b) has not undergone a processing operation;

movement report means a report, containing approved information, made by approved means to a reporting service;

place means any building or structure, whether permanent or temporary;

prior movement report means a report, containing approved information, made by approved means to a reporting service;

processing operation means treating fish by any one or more of the following processes:

(a) cutting up;

(b) breaking up;

(c) shelling;

(d) skinning;

(e) shucking;

(f) filleting;

(g) cooking;

(h) drying;

(i) curing;

(j) smoking;

(k) voiding;

(l) purging;

(m) packing, for the purpose of dispatching the fish from the processing premises;

(n) freezing;

(o) canning;

processing premises means –

(a) any place, vessel or vehicle in respect of which a fish processing licence is in force; or

(b) any place specified in a fish processing licence as a place where fish may be held or stored;

receipt report means a report, containing approved information, made by approved means to a reporting service;

reporting service means a reporting service approved under rule 11 ;

rock lobster means rock lobster of the genus *Jasus*;

site of unloading of abalone, giant crab or rock lobster, or container of abalone, giant crab or rock lobster, means –

(a) the first point where the abalone, giant crab or rock lobster, or container of abalone, giant crab or rock lobster –

(i) is unloaded; or

(ii) makes contact with a jetty or other artificial extension of land; or

(b) any other site determined by the Secretary to be a site of unloading;

unit of weight includes –

(a) a bin, crate or other container capable of being used to transport or move fish; and

(b) a collection of bins, crates or other containers capable of being used to transport or move fish;

weighing instrument means a measuring instrument, as defined in the National Measurement Act 1960 of the Commonwealth, used for weighing.

4. Application of rules

These rules apply to the processing and handling of abalone, rock lobster and giant crab.

5. Duration of rules

These rules continue in force for a period of 10 years from the day on which they come into effect.

PART 2 - Possession, Storing and Transportation

6. Possession of abalone, rock lobster and giant crab at certain places

(1) The holder of a fish processing licence must not, for commercial purposes, have possession of abalone at a place unless the licence specifies that –

- (a) abalone may be processed at that place; or
- (b) abalone may be held or stored at that place.

Penalty: Grade 3 penalty.

(2) The holder of a fish processing licence or handling licence must not, for commercial purposes, have possession of rock lobster at a place unless the licence specifies that –

- (a) rock lobster may be processed at that place; or
- (b) rock lobster may be held or stored at that place.

Penalty: Grade 3 penalty.

(3) The holder of a fish processing licence or handling licence must not, for commercial purposes, have possession of giant crab at a place unless the licence specifies that –

- (a) giant crab may be processed at that place; or
- (b) giant crab may be held or stored at that place.

Penalty: Grade 3 penalty.

7. Holding or storing farmed abalone

(1) The holder of a fish processing licence must not hold or store abalone that has been cultivated on a marine farm except –

- (a) in a holding tank which is clearly marked with the word "farm"; or
- (b) in a bin, crate, box or other container which –
 - (i) is clearly marked with the word "farm"; or
 - (ii) has a blue tag securely fixed to it that is clearly marked with the word "farm".

Penalty: Grade 3 penalty.

(2) Subrule (1) does not apply to abalone meat that is in the process of being removed from its shell or has been removed from its shell.

(3) The holder of a fish processing licence must not hold or store, in a holding tank, abalone that has been cultivated on a marine farm, if the holding tank also contains abalone that has been taken from the wild, unless the abalone cultivated on a marine farm is held or stored in a separate bin, crate, box, or other container, that –

- (a) is clearly marked with the word "farm"; or
- (b) has a blue tag securely fixed to it that is clearly marked with the word "farm".

Penalty: Grade 3 penalty.

8. Transporting farmed abalone

(1) The holder of a fish processing licence must not transport abalone that has been cultivated on a marine farm unless any bin, crate, box or other container in which the abalone is held or stored while being transported –

(a) is clearly marked with the word "farm"; or

(b) has a blue tag securely fixed to it that is clearly marked with the word "farm".

Penalty: Grade 3 penalty.

(2) Subrule (1) does not apply to abalone meat that is in the process of being removed from its shell or has been removed from its shell.

(3) The holder of a fish processing licence must not transport abalone that has been cultivated on a marine farm in any bin, crate, box, or other container, that also contains abalone that has been taken from the wild.

Penalty: Grade 3 penalty.

(4) Subrule (3) does not apply to abalone that has been through a processing operation and leaves the immediate proximity of processing premises for immediate export in accordance with rule 26 .

9. Transporting to certain places

(1) The holder of a fish processing licence must not cause or permit abalone to be transported to a place for the purpose of holding or storing unless the licence specifies that abalone may be held or stored at that place.

Penalty: Grade 3 penalty.

(2) The holder of a fish processing licence or handling licence must not cause or permit rock lobster to be transported to a place for the purpose of holding or storing unless the licence specifies that rock lobster may be held or stored at that place.

Penalty: Grade 3 penalty.

(3) The holder of a fish processing licence or handling licence must not cause or permit giant crab to be transported to a place for the purpose of holding or storing unless the licence specifies that giant crab may be held or stored at that place.

Penalty: Grade 3 penalty.

10. Transporting after taking possession

(1) The holder of a fish processing licence who takes possession of abalone for commercial purposes from the holder of a fishing licence (abalone dive) must not cause or permit that abalone to be transported from the place where he or she took possession to a place not specified in the licence as a place in Tasmania where abalone may be processed or stored.

Penalty: Grade 3 penalty.

(2) The holder of a fish processing licence or handling licence who takes possession of rock lobster for commercial purposes from the holder of a fishing licence (rock lobster) must not cause or permit that rock lobster to be transported from the place where he or she took possession to a place not specified in the licence as a place where rock lobster may be processed or stored.

Penalty: Grade 3 penalty.

(3) The holder of a fish processing licence or handling licence who takes possession of giant crab for commercial purposes from the holder of a fishing licence (giant crab) must not cause or permit that giant crab to be transported from the place where he or she took possession to a place not specified in the licence as a place where giant crab can be processed or stored.

Penalty: Grade 3 penalty.

(4) This rule does not apply to any abalone, rock lobster or giant crab transported to processing premises, located within Tasmania and specified in the licence of another holder of a fish processing licence, when sold to, or for the purpose of sale to, or otherwise provided for the use or benefit of, that other holder of a fish processing licence.

(5) This rule does not apply to any abalone, rock lobster or giant crab taken possession of by the holder of a fish processing licence at processing premises specified in the fish processing licence.

(6) For the purpose of this rule, the transport of fish has not concluded if an interruption or diversion occurs for the purpose of taking possession of other fish.

PART 3 - Reporting

Division 1 - Reports

11. Reporting service

The Secretary may approve –

- (a) a reporting service to receive reports under these rules; and
- (b) the means by which the reports are to be made; and
- (c) the information to be provided in the reports.

12. Movement reports

(1) Subject to subrule (6), the holder of a fish processing licence who takes possession of abalone within the immediate proximity of the site of unloading must make, or cause to be made, a movement report to the reporting service in respect of the movement of the abalone –

- (a) before the abalone is moved from the immediate proximity of the site of unloading; or
- (b) if there is no reasonable opportunity to make the movement report before the abalone is moved from the immediate proximity of the site of unloading, at whichever of the following is the earlier:
 - (i) at the first reasonable opportunity to do so;
 - (ii) at least 15 minutes before the abalone enters the immediate proximity of any processing premises.

Penalty: Grade 3 penalty.

(2) Subject to subrule (6), the holder of a fish processing licence who takes possession of abalone from the holder of a fishing licence (abalone dive) at a place other than the immediate proximity of the site of unloading or the immediate proximity of processing premises specified in the fish processing licence must make, or cause to be made, a movement report to the reporting service in respect of the movement of the abalone –

- (a) before the abalone is moved from the immediate proximity of the place where the holder of a fishing licence (abalone dive) took possession; or
- (b) if there is no reasonable opportunity to make the movement report before the abalone is moved from the immediate proximity of the place where the holder of a fishing licence (abalone dive) took possession, at whichever of the following is the earlier:
 - (i) at the first reasonable opportunity to do so;
 - (ii) at least 15 minutes before the abalone enters the immediate proximity of any processing premises.

Penalty: Grade 3 penalty.

(3) Subject to subrule (6), the holder of a fish processing licence or handling licence who takes possession of rock lobster within the immediate proximity of the site of unloading must make, or cause to be made, a movement report to the reporting service in respect of the movement of the rock lobster –

- (a) before the rock lobster is moved from the immediate proximity of the site of unloading; or
- (b) if there is no reasonable opportunity to make the movement report before the rock lobster is moved from the immediate proximity of the site of unloading, at whichever of the following is the earliest:
 - (i) at the first reasonable opportunity to do so;

(ii) at least 15 minutes before the rock lobster enters the immediate proximity of any processing premises;

(iii) at least 15 minutes before the rock lobster enters the immediate proximity of any place specified in the licence as a place where rock lobster may be stored or processed.

Penalty: Grade 3 penalty.

(4) Subject to subrule (6), the holder of a fish processing licence or handling licence who takes possession of giant crab within the immediate proximity of the site of unloading must make, or cause to be made, a movement report to the reporting service in respect of the movement of the giant crab –

(a) before the giant crab is moved from the immediate proximity of the site of unloading; or

(b) if there is no reasonable opportunity to make the movement report before the giant crab is moved from the immediate proximity of the site of unloading, at whichever of the following is the earliest:

(i) at the first reasonable opportunity to do so;

(ii) at least 15 minutes before the giant crab enters the immediate proximity of any processing premises;

(iii) at least 15 minutes before the giant crab enters the immediate proximity of any place specified in the licence as a place where giant crab may be stored or processed.

Penalty: Grade 3 penalty.

(5) In determining what is the first reasonable opportunity, the following are to be taken into account:

(a) the location of the site of unloading;

(b) the ability to communicate the information.

(6) The holder of a licence is not required to make a movement report under this rule if –

(a) the processing premises to which the abalone, rock lobster or giant crab is to be moved or transported are within the immediate proximity of the site of unloading; or

(b) the holder is the holder of a handling licence and does not move or transport the rock lobster or giant crab beyond the immediate proximity of the site of unloading before making a dispatch report.

13. Requirement to weigh and record weight

(1) The holder of a licence who is required to make a movement report under rule 12(1), (3) or (4) must weigh with a weighing instrument any abalone, rock lobster or giant crab within the immediate proximity of the site of unloading, before moving the abalone, rock lobster or giant crab.

Penalty: Grade 3 penalty.

(2) The holder of a licence who is required to make a movement report under rule 12(2) and who takes possession of abalone under that rule at a place, must, before moving the abalone, weigh the abalone with a weighing instrument within the immediate proximity of the place.

Penalty: Grade 3 penalty.

(3) The holder of a licence who is required to make a prior movement report under rule 14 must weigh with a weighing instrument any abalone, rock lobster or giant crab within the immediate proximity of the site of unloading before that abalone, rock lobster or giant crab enters any place capable of being fully enclosed within the processing premises.

Penalty: Grade 3 penalty.

(4) The holder of a licence to whom subrule (3) applies must ensure that –

(a) the weight of the abalone, rock lobster or giant crab that is required to be weighed under that subrule is recorded in a clear and legible manner on an approved form before the abalone, rock lobster or giant crab enters any place capable of being fully enclosed within the processing premises; and

(b) the abalone, rock lobster or giant crab that make up a unit of weight as recorded on the approved form must be –

(i) clearly identified with a number or letter so as to allow identification of the unit of weight as recorded on the approved form; and

(ii) kept together until the completion of a fish receipt docket in accordance with rule 25 .

Penalty: Grade 3 penalty.

14. Prior movement reports

If the holder of a licence is not required to make a movement report under rule 12 , the holder must make, or cause to be made, a prior movement report to the reporting service at least 30 minutes before any abalone, rock lobster or giant crab is moved from the site of unloading.

Penalty: Grade 3 penalty.

15. Receipt reports

(1) The holder of a fish processing licence must make a receipt report to the reporting service within 15 minutes after receiving any abalone, rock lobster or giant crab within the immediate proximity of processing premises.

Penalty: Grade 3 penalty.

(2) The holder of a handling licence must make a receipt report to the reporting service within 15 minutes after receiving any rock lobster or giant crab that is to be –

(a) put in a fish cauf or holding tank; or

(b) stored at a place specified in the licence to be a place where rock lobster or giant crab can be stored.

Penalty: Grade 3 penalty.

(3) The holder of a fish processing licence must not process or put any rock lobster or giant crab in a fish cauf or holding tank unless a receipt report relevant to the rock lobster or giant crab has been made to the reporting service.

Penalty: Grade 3 penalty.

(4) The holder of a handling licence must not put any rock lobster or giant crab in a fish cauf or holding tank unless a receipt report relevant to the rock lobster or giant crab has been made to the reporting service.

Penalty: Grade 3 penalty.

(5) For the purposes of this rule, the time at which any abalone, rock lobster or giant crab is received is –

(a) within 30 minutes after the time the abalone, rock lobster or giant crab enters the immediate proximity of –

(i) processing premises not within the immediate proximity of the site of unloading; or

(ii) the place specified in a handling licence as a place where rock lobster or giant crab can be held or stored; or

(b) if the abalone, rock lobster or giant crab is delivered to processing premises, or a place specified in a handling licence as a place where rock lobster or giant crab can be held or stored, within the immediate proximity of the site of unloading, at whichever of the following is the earlier:

(i) the time that the last abalone, rock lobster or giant crab relating to the relevant commercial abalone dive docket, commercial rock lobster quota docket or commercial giant crab quota docket enters any place capable of being fully enclosed within the premises or the place specified in the handling licence;

(ii) within 3 hours after the time that the prior movement report or movement report in respect of that abalone, rock lobster or giant crab was made; or

(c) if the rock lobster or giant crab –

(i) is delivered to the holder of a handling licence within 3 hours after the time when a prior movement report or movement report was made in respect of the rock lobster or giant crab; and

(ii) is placed in a fish cauf or holding tank that is not within the immediate proximity of the site of unloading and is not within a temporary or permanent building or structure –

within 30 minutes after the rock lobster or giant crab enters the immediate proximity of that fish cauf or holding tank; or

(d) if rock lobster or giant crab –

(i) is delivered to the holder of a handling licence within 3 hours after the time when a prior movement report or movement report was made in respect of the rock lobster or giant crab; and

(ii) is placed in a fish cauf or holding tank that is within the immediate proximity of the site of unloading and not within a temporary or permanent building structure –

the time when the last rock lobster or giant crab relating to the relevant commercial rock lobster quota docket or commercial giant crab quota docket is put in that fish cauf or holding tank; or

(e) if rock lobster or giant crab –

(i) is delivered to the holder of a handling licence within 3 hours after the time when a prior movement report or movement report was made in respect of the rock lobster or giant crab; and

(ii) is stored at a place specified in the handling licence as a place where rock lobster or giant crab can be held or stored and that place is not within the immediate proximity of the site of unloading –

within 30 minutes after the rock lobster or giant crab enters the proximity of that place; or

(f) if rock lobster or giant crab –

(i) is delivered to the holder of a handling licence within 3 hours after the time when a prior movement report or movement report was made in respect of that rock lobster or giant crab; and

(ii) is stored at a place specified in the handling licence as a place where rock lobster or giant crab can be held or stored and that place is within the immediate proximity of the site of unloading –

the time when the last rock lobster or giant crab relating to the relevant commercial rock lobster quota docket or commercial giant crab quota docket enters any building or structure.

16. Dispatch reports

(1) The holder of a fish processing licence must make a dispatch report to the reporting service before any abalone, rock lobster or giant crab leaves the immediate proximity of the processing premises.

Penalty: Grade 3 penalty.

(2) Subrule (1) does not apply in respect of –

(a) any abalone, rock lobster or giant crab sold from the processing premises by retail to the public; or

(b) the sale by wholesale to a person within Tasmania of –

- (i) 20 abalone or fewer; or
- (ii) 20 rock lobster or fewer; or
- (iii) 5 giant crab or fewer.

(3) The holder of a handling licence must make a dispatch report to the reporting service at least 2 hours before any rock lobster or giant crab leaves any place for the purpose of being received by a person other than the holder of the handling licence.

Penalty: Grade 3 penalty.

- (4) Subrule (3) does not apply in respect of –
- (a) any rock lobster or giant crab sold by retail to the public; or
 - (b) any sale, by wholesale to a person within Tasmania, of –
 - (i) 20 rock lobster or fewer; or
 - (ii) 5 giant crab or fewer.

17. Alternative arrangements

Rules 12 , 14 , 15 and 16 do not apply in relation to the holder of a licence if –

- (a) the licence has a condition specifying alternative arrangements relating to reporting requirements; and
- (b) the holder of the licence complies with the specified condition.

18. Making reports

Except with the written approval of the Secretary, a person must not make a report to the reporting service more than 24 hours before the activity to which the report relates is carried out.

Penalty: Grade 3 penalty.

19. Cancellation reports

If a person who makes a prior movement report, a movement report or a dispatch report to the reporting service does not carry out the activity to which the report relates, the person must make a cancellation report to the reporting service within 2 hours after the activity was supposed to have been carried out.

Penalty: Grade 3 penalty.

20. False, misleading or incomplete information

A person must not –

- (a) omit any relevant information from a report required to be made to the reporting service under these rules; or
- (b) give any false or misleading information in a report required to be made to the reporting service under these rules.

Penalty: Grade 3 penalty.

21. Provision of receipt number

A person who is issued with a report receipt number by the reporting service must provide that number to a fisheries officer when required to do so.

Penalty: Grade 3 penalty.

Division 2 - Commercial quota docketts

22. Commercial docket

(1) Subject to subrule (6), the holder of a fish processing licence who takes possession of any abalone within the immediate proximity of the site of unloading must complete, or cause to be completed, Part B of the commercial abalone dive docket to which the abalone relates before the abalone is moved from the immediate proximity of the site.

Penalty: Grade 3 penalty.

(2) Subject to subrule (6), the holder of a fish processing licence who takes possession of any abalone from the holder of a fishing licence (abalone dive) at a place other than the immediate proximity of the site of unloading must, at the time of taking possession, complete, or cause to be completed, Part B of the commercial abalone dive docket to which the abalone relates.

Penalty: Grade 3 penalty.

(3) Subject to subrule (6), the holder of a fish processing licence or handling licence who takes possession of any rock lobster within the immediate proximity of the site of unloading must complete, or cause to be completed, Part B of the commercial rock lobster quota docket to which the rock lobster relates before the rock lobster is moved from the immediate proximity of the site.

Penalty: Grade 3 penalty.

(4) Subject to subrule (6), the holder of a fish processing licence or handling licence who takes possession of any giant crab within the immediate proximity of the site of unloading must complete, or cause to be completed, Part B of the commercial giant crab quota docket to which the giant crab relates before the giant crab is moved from the immediate proximity of the site.

Penalty: Grade 3 penalty.

(5) Subrule (4) does not apply to the holder of a fish processing licence or handling licence who takes possession of giant crab from the holder of a fishing licence (rock lobster) if the holder of the fishing licence (rock lobster) complies with rule 65 of the Fisheries (Rock Lobster) Rules 2006.

(6) If the holder of a licence is not required to complete, or cause to be completed, Part B of the commercial abalone dive docket, commercial rock lobster quota docket or commercial giant crab quota docket because –

(a) the processing premises to which the abalone, rock lobster or giant crab is to be moved or transported are within the immediate proximity of the site of unloading of the abalone, rock lobster or giant crab; or

(b) the holder of the licence is also the holder of a handling licence and he or she does not move or transport the abalone, rock lobster or giant crab beyond the immediate proximity of the site of unloading of the abalone, rock lobster or giant crab before making a dispatch report –

the holder must ensure that Part B of the docket is completed before completing a receipt docket or, if the holder is the holder of a handling licence who is not required to complete a receipt docket, before making a dispatch report.

Penalty: Grade 3 penalty.

23. Dockets to be carried by driver

(1) The driver of a vehicle transporting abalone from the immediate proximity of the site of unloading of the abalone must ensure that the yellow sheet of the completed commercial abalone dive docket is carried with the abalone to which the commercial abalone dive docket relates.

Penalty: Grade 3 penalty.

(2) The driver of a vehicle transporting rock lobster from the immediate proximity of the site of unloading of the rock lobster must ensure that the yellow sheet of the completed commercial rock lobster quota docket is

carried with the rock lobster to which the commercial rock lobster quota docket relates.

Penalty: Grade 3 penalty.

(3) The driver of a vehicle transporting giant crab from the immediate proximity of the site of unloading of the giant crab must ensure that the yellow sheet of the completed commercial giant crab quota docket is carried with the giant crab to which the commercial giant crab quota docket relates.

Penalty: Grade 3 penalty.

(4) Subrule (3) does not apply to the driver of a vehicle who takes possession of giant crab from the holder of a fishing licence (rock lobster) if the holder of the fishing licence (rock lobster) complies with rule 65 of the Fisheries (Rock Lobster) Rules 2006 .

24. Keeping of dockets

(1) The holder of a fish processing licence who receives abalone must keep the yellow sheet of the completed commercial abalone dive docket, in good condition, at the processing premises or other approved place for 5 years.

Penalty: Grade 3 penalty.

(2) The holder of a fish processing licence who receives rock lobster must keep the yellow sheet of the completed commercial rock lobster quota docket, in good condition, at the processing premises or other approved place for 5 years.

Penalty: Grade 3 penalty.

(3) The holder of a fish processing licence who receives giant crab must keep the yellow sheet of the completed commercial giant crab quota docket, in good condition, at the processing premises or other approved place for 5 years.

Penalty: Grade 3 penalty.

(4) The holder of a handling licence who receives rock lobster or giant crab must keep the yellow sheet of the completed commercial rock lobster quota docket or commercial giant crab quota docket, in good condition, for 5 years.

Penalty: Grade 3 penalty.

(5) Subrules (3) and (4) do not apply to the holder of a fish processing licence or handling licence who receives giant crab from the holder of a fishing licence (rock lobster) if the fishing licence (rock lobster) holder complies with rule 65 of the Fisheries (Rock Lobster) Rules 2006 .

Division 3 - Receipt and dispatch dockets

25. Fish receipt dockets

(1) The holder of a fish processing licence must complete, or cause to be completed, a fish receipt docket within 15 minutes after receiving any abalone, rock lobster or giant crab within the immediate proximity of the processing premises.

Penalty: Grade 3 penalty.

(2) The holder of a handling licence must complete, or cause to be completed, a fish receipt docket within 15 minutes after receiving any rock lobster or giant crab within the immediate proximity of a place specified in the licence as a place where rock lobster or giant crab may be held or stored, if that rock lobster or giant crab is to be held or stored at that place.

Penalty: Grade 3 penalty.

(3) The holder of a handling licence must complete, or cause to be completed, a fish receipt docket within 15 minutes after receiving any rock lobster or giant crab that he or she has placed in a fish cauf or holding tank that is not within a temporary or permanent building or structure.

Penalty: Grade 3 penalty.

(4) The holder of a fish processing licence must, within 7 days after receiving any abalone, rock lobster or giant crab, ensure that the Secretary receives the green sheet of a completed fish receipt docket.

Penalty: Grade 3 penalty.

(5) The holder of a handling licence must, within 7 days after receiving any rock lobster or giant crab, ensure that the Secretary receives the green sheet of a completed fish receipt docket.

Penalty: Grade 3 penalty.

(6) The holder of a fish processing licence must keep, or cause to be kept, the yellow sheet of a completed fish receipt docket, in good condition, at the processing premises or other approved place for 5 years.

Penalty: Grade 3 penalty.

(7) The holder of a handling licence must keep, or cause to be kept, the yellow sheet of a completed fish receipt docket, in good condition, for 5 years.

Penalty: Grade 3 penalty.

(8) It is a defence to any proceedings under subrules (4) and (5) for the holder of a licence to prove that the green sheet of the completed fish receipt docket was posted to the Secretary within 6 days after the holder of the licence received the abalone, rock lobster or giant crab.

(9) The time at which any abalone, rock lobster or giant crab is received for the purpose of this rule is the time determined in accordance with rule 15(5) .

26. Completing fish dispatch dockets

(1) The holder of a fish processing licence must complete a fish dispatch docket before any abalone, rock lobster or giant crab leaves the immediate proximity of the processing premises.

Penalty: Grade 3 penalty.

(2) The holder of a handling licence must complete a fish dispatch docket before any rock lobster or giant crab leaves any place for the purpose of being received by a person other than the holder of the handling licence.

Penalty: Grade 3 penalty.

(3) Subrules (1) and (2) do not apply in respect of any abalone, rock lobster or giant crab sold by retail to the public.

(4) The holder of a licence must –

(a) ensure that the green sheet of the completed fish dispatch docket is received by the Secretary within 7 days after the docket was completed; and

(b) deliver the completed white sheet of the docket with the abalone, rock lobster or giant crab to the person receiving the abalone, rock lobster or giant crab.

Penalty: Grade 3 penalty.

(5) It is a defence to any proceedings under subrule (4)(a) for the holder of a licence to prove that the green sheet of the completed fish dispatch docket was posted to the Secretary within 6 days the holder of the licence received the abalone, rock lobster or giant crab.

(6) A person who drives a vehicle that transports abalone, rock lobster or giant crab from processing premises, or any other place specified as a storage location as a condition of a fish processing licence, must ensure that the white sheet of the completed fish dispatch docket accompanies the abalone, rock lobster or giant crab to which the fish dispatch docket relates.

Penalty: Grade 3 penalty.

(7) A person who drives a vehicle that transports rock lobster or giant crab from a place where the holder of a handling licence is required to complete a fish dispatch docket under subrule (2) must ensure that the white sheet of the completed fish dispatch docket accompanies the rock lobster or giant crab to which the fish dispatch docket relates.

Penalty: Grade 3 penalty.

27. Keeping fish dispatch dockets

(1) The holder of a fish processing licence must keep the yellow sheet of the completed fish dispatch docket, in good condition, at the processing premises for 5 years.

Penalty: Grade 3 penalty.

(2) The holder of a handling licence must keep the yellow sheet of the completed fish dispatch docket, in good condition, for 5 years.

Penalty: Grade 3 penalty.

(3) A person who receives abalone, rock lobster or giant crab from the holder of a licence must keep the white sheet of the completed fish dispatch docket, in good condition, for 5 years.

Penalty: Grade 3 penalty.

(4) Subrule (3) does not apply to a person who purchases abalone, rock lobster or giant crab by retail.

28. Labelling of abalone packaging

(1) The holder of a fish processing licence must ensure that any abalone that leaves the immediate proximity of the processing premises for the purpose of, or with the intent of, being exported has a clearly visible label attached to the packaging of the abalone specifying –

(a) the full name of the holder of the fish processing licence who packaged the abalone or the full name of the person on whose behalf the abalone was packaged; and

(b) the approved Australian Quarantine and Inspection Service number for the processing premises or the licence holder's fish processing licence entitlement number; and

(c) the weight of the abalone contained in the package; and

(d) the date when the abalone was packaged; and

(e) the form the abalone was in when packaged.

Penalty: Grade 3 penalty.

(2) In this rule –

packaging means any package or container by which abalone is wholly encased, enclosed, contained or packed and, in the case of abalone carried or intended to be carried in more than one package or container, includes each package or container.

Division 4 - Records

29. Records relating to fish processing

(1) The holder of a fish processing licence must keep records relating to the following matters:

(a) in relation to each receipt or purchase of abalone, rock lobster or giant crab by or on behalf of the holder –

- (i) the date of receipt or purchase; and
- (ii) the weight of the abalone, rock lobster or giant crab received or purchased in any form; and
- (iii) the number of containers or packages of the abalone, rock lobster or giant crab received or purchased in any form; and
- (iv) the price paid or consideration given for the abalone, rock lobster or giant crab; and
- (v) the name and address of the person from whom the abalone, rock lobster or giant crab were received or purchased;

(b) in relation to each abalone, rock lobster or giant crab processing operation carried out by or on behalf of the holder –

- (i) the date of processing; and
- (ii) the form and weight of the abalone, rock lobster or giant crab before having undergone a processing operation; and
- (iii) the form and the weight of the abalone, rock lobster or giant crab after having undergone a processing operation;

(c) in relation to each sale or consignment of abalone, rock lobster or giant crab made by or on behalf of the holder –

- (i) the date of the sale or consignment; and
- (ii) the weight of the abalone, rock lobster or giant crab sold or consigned in any form; and
- (iii) the price or consideration received for the abalone, rock lobster or giant crab; and
- (iv) the name and address of the purchaser or consignee;

(d) the daily stock by weight of abalone, rock lobster or giant crab held by or on behalf of the holder.

Penalty: Grade 3 penalty.

(2) The holder of a fish processing licence must keep a record of all abalone, rock lobster and giant crab going into and out of the processing premises on a daily basis so that the daily stock of abalone, rock lobster and giant crab may be determined for any given day.

Penalty: Grade 3 penalty.

30. Records relating to handling

The holder of a handling licence must make and maintain records relating to the following matters:

(a) in relation to each receipt or purchase of rock lobster or giant crab by or on behalf of the holder –

- (i) the date of receipt or purchase; and
- (ii) the weight of the rock lobster or giant crab received or purchased in any form; and
- (iii) the number of containers or packages of the rock lobster or giant crab received or purchased in any form; and
- (iv) the price paid or consideration given for the rock lobster or giant crab; and

- (v) the name and address of the person from whom the rock lobster or giant crab were received or purchased;
- (b) in relation to each sale or consignment of rock lobster or giant crab made by or on behalf of the holder –
 - (i) the date of the sale or consignment; and
 - (ii) the weight of the rock lobster or giant crab sold or consigned in any form; and
 - (iii) the price or consideration received for the rock lobster or giant crab; and
 - (iv) the name and address of the purchaser or consignee;
- (c) the daily stock by weight of rock lobster or giant crab held by or on behalf of the holder in Tasmania or elsewhere.

Penalty: Grade 3 penalty.

PART 4 - Miscellaneous

31. Accurate weighing and measuring instruments to be used

The holder of a handling licence or a fish processing licence must maintain and use accurate measuring and weighing instruments to determine the information required to complete any commercial abalone dive docket, commercial rock lobster quota docket, commercial giant crab quota docket, fish receipt docket or fish dispatch docket under these rules.

Penalty: Grade 3 penalty.

32. Conflicts of interest

(1) Unless otherwise approved, a natural person who lands abalone must not complete Part B of a commercial abalone dive docket as the holder of a fish processing licence or as an agent of that licence.

Penalty: Grade 3 penalty.

(2) Unless otherwise approved, a natural person who lands rock lobster must not complete Part B of a commercial rock lobster quota docket as the holder of a fish processing licence.

Penalty: Grade 3 penalty.

(3) Unless otherwise approved, a natural person who lands giant crab must not complete Part B of a commercial giant crab quota docket as the holder of a fish processing licence.

Penalty: Grade 3 penalty.

33. Infringement notice offences and penalties

For section 234 of the Act –

(a) an offence under a rule specified in Schedule 1 is prescribed as an offence in respect of which an infringement notice may be served; and

(b) the penalty specified in that Schedule in respect of that offence is the applicable penalty for that offence.

SCHEDULE 1 - Infringement notice offences and penalties

Rule 33

	Rule	Penalty units
1.	6(1)	4
2.	6(2)	4
3.	6(3)	4
4.	7(1)	2
5.	7(3)	2
6.	8(1)	2
7.	8(3)	2
8.	9(1)	2
9.	9(2)	2
10.	9(3)	2
11.	10(1)	2
12.	10(2)	2
13.	10(3)	2
14.	12(1)	2
15.	12(2)	2
16.	12(3)	2
17.	12(4)	2
18.	13(1)	3
19.	13(2)	3
20.	13(3)	3
21.	13(4)	3
22.	14	2
23.	15(1)	2
24.	15(2)	2
25.	15(3)	2
26.	15(4)	2
27.	16(1)	2
28.	16(3)	2
29.	18	1
30.	19	1
31.	20	3
32.	21	2
33.	22(1)	2
34.	22(2)	2
35.	22(3)	2
36.	22(4)	2
37.	22(6)	2
38.	23(1)	3
39.	23(2)	3
40.	23(3)	3
41.	24(1)	2
42.	24(2)	2
43.	24(3)	2
44.	24(4)	2
45.	25(1)	2

46.	25(2)	2
47.	25(3)	2
48.	25(4)	2
49.	25(5)	2
50.	25(6)	2
51.	25(7)	2
52.	26(1)	2
53.	26(2)	2
54.	26(4)	2
55.	26(6)	3
56.	26(7)	3
57.	27(1)	2
58.	27(2)	2
59.	27(3)	2
60.	28(1)	2
61.	29(1)	3
62.	29(2)	3
63.	30	3
64.	31	3
65.	32(1)	2
66.	32(2)	2
67.	32(3)	2

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