

## Contents (2009 - 152)

### Inland Fisheries (General) Regulations 2009

#### Long Title

1. Short title
2. Commencement
3. Interpretation
4. Meaning and measurement of mesh
5. Use of nets limited
6. Offence to have fish taken by unlicensed person
7. Fees
8. Infringement notice offences and penalties

#### Schedule 1 - Fees

Part 1 - Licences and permits

Part 2 - Registration

Part 3 - Registers

#### Schedule 2 - Infringement Notice Offences and Penalties

Part 1 - Offences under Act

Part 2 - Offences under regulations

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### Inland Fisheries (General) Regulations 2009

Version current from 11 July 2018 to date (accessed 18 October 2018 at 11:51)

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## Inland Fisheries (General) Regulations 2009

I, the 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 Inland Fisheries Act 1995 .

30 November 2009

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

D. E. LLEWELLYN

Minister for Primary Industries and Water

## 1. Short title

[Regulation 1 Amended by S.R. 2018, No. 43, Applied:11 Jul 2018] These regulations may be cited as the Inland Fisheries (General) Regulations 2009 .

## 2. Commencement

These regulations take effect on 22 December 2009.

## 3. Interpretation

In these regulations, unless the contrary intention appears –

**Act** means the Inland Fisheries Act 1995 ;

**bank**, in relation to inland waters, includes –

- (a) land within 100 metres of the bank of a river; and
- (b) land within 100 metres of the edge or high-water mark of the inland waters;

**fyke net** means a net –

- (a) that does not exceed 670 millimetres in opening height; and
- (b) that does not exceed 670 millimetres in width; and
- (c) that has mesh of not less than 15 millimetres and not more than 39 millimetres; and
- (d) any wing or leader of which does not exceed 10 metres in length and does not exceed 1 200 millimetres in drop;

**mesh** has the meaning given by regulation 4 ;

**possession** includes control for the use or benefit of any person, whether or not that person has actual possession or custody.

## 4. Meaning and measurement of mesh

- (1) Mesh is one of the spaces bounded by the threads of a net.
- (2) Mesh is measured by being stretched diagonally, the average length of 10 adjoining meshes being taken when the diagonally opposite knots touch each other while the mesh is held taut.

## 5. Use of nets limited

- (1) A person who is on the bank of any inland waters or in or on a boat on any inland waters must not –
  - (a) use a net of any description to take fish for commercial purposes; or
  - (b) have possession of a net for the purpose of taking fish for commercial purposes.

Penalty: Fine of not less than 3 penalty units and not more than 10 penalty units.

- (2) Subregulation (1) does not apply to –

(a) a net used only in a tidal river (other than the Ansons River, Scamander River or Swan River) by a person –

- (i) on a fishing boat to which a fishing licence (vessel) under the Fisheries Rules 2009 relates; or
- (ii) on any other boat or ship in transit to or from any waters beyond the seaward limits of a river; or
- (iii) in accordance with a permit issued under the Act; or

(b) the holder of a commercial freshwater fishing licence using a fyke net or any other net in accordance with the licence.

- (3) [Regulation 5 Subregulation (3) omitted by S.R. 2018, No. 43, Applied:11 Jul 2018] . . . . .

## **6. Offence to have fish taken by unlicensed person**

The holder of a commercial freshwater fishing licence must not –

- (a) at any inland waters, receive or hide any fish caught by a person who is not the holder of a licence; or
- (b) falsely represent that any fish have been caught by the holder of a licence.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

## **7. Fees**

The fees specified in Schedule 1 are prescribed in respect of licences, permits, registrations and registers issued or kept under the Act.

## **8. Infringement notice offences and penalties**

*[Regulation 8 Inserted by S.R. 2018, No. 43, Applied: 11 Jul 2018]*

(1) For the purposes of the Act –

- (a) an offence against a provision of the Act specified in column 2 of the table in Part 1 of Schedule 2 is a prescribed offence in respect of which an infringement notice may be served; and
- (b) an offence against a provision of these regulations specified in column 2 of the table in Part 2 of Schedule 2 is a prescribed offence in respect of which an infringement notice may be served.

(2) A penalty specified in column 3 of a table in Part 1 or 2 of Schedule 2 is prescribed as the penalty payable for the relevant offence specified in column 2 of the relevant table.

# SCHEDULE 1 - Fees

Regulation 7

## PART 1 - Licences and permits

Item	Fee units
1. <i>Commercial freshwater fishing licence</i>	
Application for grant, variation, renewal, transfer or replacement –	
(a) eels	100
(b) other species	150
Issue –	
(a) eels	750
(b) one other species	250
(c) each additional species	100
Variation	100
Renewal (eels) –	750
and each kilogram of fish caught during previous year	0.25
Renewal (other species) –	
(a) one species	250
(b) each additional species	100
Approval of transfer	100
Replacement licence	20
2. <i>Fish farm licence – hobby scale (totally recirculating water)</i>	
Application	50
Issue	50
Variation	20
Renewal	50
Replacement licence	10
3. <i>Fish farm licence – commercial scale 1 (totally recirculating water)</i>	
Application	150
Issue for each year	150
Variation	100
Renewal for each year	150
Approval of transfer	100
Replacement licence	20
4. <i>Fish farm licence – commercial scale 2 (flowthrough water)</i>	
Application	250
Issue –	
(a) each year	250
(b) each megalitre of a water allocation on a licence under the Water Management Act 1999	20
Renewal –	
(a) each year	250
(b) each megalitre of a water allocation on a licence under the Water Management Act 1999	20
Variation	100
Approval of transfer	100
Replacement licence	20
5. <i>Fishing permit</i>	
Application	25
Exemption permit for stocking purposes	60
Exemption permit for other purposes	100

6. *Permission to transport live fish*  
Application for permission to transport live fish

## PART 2 - Registration

<b>Item</b>	<b>Fee units</b>
1. <i>Fish dealer</i>	
Application	50
Issue of certificate of registration	20
Application for renewal	25
Issue of certificate of renewal	20
Application for transfer	25
Transfer	25
2. <i>Private fishery</i>	
Application	150
Issue of certificate of registration	500
Renewal	500

### PART 3 - Registers

Item	Fee units
1. Inspection of register – (a) first 15 minutes (b) each subsequent hour or part of an hour	10 25
2. Copy of, or extract from, register – (a) first 5 pages (b) each subsequent page	5 1

## **SCHEDULE 2 - Infringement Notice Offences and Penalties**

*[Schedule 2 Inserted by S.R. 2018, No. 43, Applied:11 Jul 2018]*

Regulation 8

## PART 1 - Offences under Act

<b>Column 1 Item</b>	<b>Column 2 Section of Act</b>	<b>Column 3 Penalty (penalty units)</b>
1.	Section 21(1)	5
2.	Section 25(3A)	5
3.	Section 29(2)	5
4.	Section 140B(1)	5
5.	Section 144	3
6.	Section 173 (2)	3

## PART 2 - Offences under regulations

<b>Column 1</b> Item	<b>Column 2</b> Regulation	<b>Column 3</b> Penalty (penalty units)
1.	Regulation 5(1)	2

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 9 December 2009

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