

# Fisheries (General and Fees) Regulations 2006

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 Living Marine Resources Management Act 1995.

15 May 2006

W. J. E. COX

Governor

By His Excellency's Command,

D. E. LLEWELLYN

Minister for Primary Industries and Water

## PART 1 - Preliminary

### 1. Short title

These regulations may be cited as the Fisheries (General and Fees) Regulations 2006.

### 2. Commencement

- (1) These regulations, other than regulation 7A, take effect on 31 May 2006.
- (2) Regulation 7A takes effect on 1 November 2006.

### 3. Interpretation

In these regulations –

*abalone* means fish of the genus *Haliotis*;

*abalone deed of agreement* means a deed of agreement –

(a) made under section 99 of the Act; or

(b) continued in force under section 14 of the Marine Resources (Savings and Transitional) Act 1995;

*Act* means the Living Marine Resources Management Act 1995;

**area A** means the area of State waters adjacent to the south and west coasts of the mainland of Tasmania between an imaginary straight line due south from Whale Head near South East Cape and an imaginary straight line due west from the mouth of the Wild Wave River near Sandy Cape;

**Bass Strait area** means the area of State waters adjacent to the north coast of Tasmania and the Furneaux Group of islands in Bass Strait bounded in the west by the line of longitude 145° 22' 42" East and in the east by an imaginary line beginning where the line of longitude 147° 27' 00" East meets the high-water mark of the north coast of the mainland of Tasmania in Anderson Bay, then running due north until its junction with the line of latitude 40° 39' South, then due east along that line of latitude to the limit of State waters;

**bivalve** means fish of the class Bivalvia;

**blacklip abalone** means fish of the species *Haliotis rubra*;

**child** means a person under the age of 16 years;

**Couta Rocks area** means the area of State waters adjacent to the west coast of Tasmania bounded in the north by an imaginary line running due west from the mouth of the Arthur River to the limit of State waters and in the south by an imaginary line running due west from Wild Wave River near Sandy Cape to the limit of State waters;

**east coast area** means the area of State waters adjacent to the east, south-east and south coasts of Tasmania bounded in the north by an imaginary line starting from the northern side of the mouth of the Great Musselroe River at Musselroe Bay, running due west for 100 metres, following the shoreline 100 metres from shore to the northernmost tip of Musselroe Point, running due north until intersection with the line of latitude 40° 48' 00" South and running due east to the outer limit of State waters and bounded in the south by an imaginary straight line running due south from Whale Head near South East Cape to the outer limit of State waters;

**finfish** means fish of the class Osteichthyes;

**fish merchant** means –

(a) the holder of any licence other than a fishing licence (recreational); or

(b) a person who carries on the business of selling fish;

**fishing licence (abalone dive)** means a fishing licence (abalone dive) within the meaning of the *Fisheries (Abalone) Rules 2009*;

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

**Grade 1 penalty** means the penalty specified in regulation 5 of the Penalty Regulations;

**Grade 2 penalty** means the penalty specified in regulation 6 of the Penalty Regulations;

**Grade 3 penalty** means the penalty specified in regulation 7 of the Penalty Regulations;

**greenlip abalone** means fish of the species *Haliotis laevis*;

**GST** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth;

**holder of a fishing licence (abalone dive)** includes a supervisor of such a licence;

**King Island greenlip area** means the area of State waters adjacent to King Island bounded by the line of latitude 40° 20' 00" South in the south, the line of longitude 143° 30' 00" East in the west, the line of latitude 39° 30' 00" South in the north and the line of longitude 144° 30' 00" East in the east;

**licensing year** means the period beginning on 1 September each year and ending at midnight on 31 August the following year;

**mother boat** means a fishing vessel that –

(a) under normal circumstances is not to be towed on land on a trailer; and

(b) . . . . .

(c) is used to transport holders of a fishing licence (abalone dive) on fishing trips for abalone; and

(d) is used by holders of a fishing licence (abalone dive) –

(i) to act as a diving platform to take abalone for commercial purposes; or

(ii) to operate a dinghy from that acts as a diving platform to take abalone for commercial purposes;

**north coast blacklip area** means the area of State waters adjacent to the north coast of mainland Tasmania bounded by an imaginary line starting at the point where the line of longitude 145° 22' 42" East meets the high-water mark near Cowrie Point and running due north along that line of longitude until its junction with the line of latitude 40° 35' 00" South, then east along that line of latitude until its junction with the line of longitude 147° 27' 00" East and then south along that line of longitude to the high-water mark of the north coast of the mainland of Tasmania in Anderson Bay;

**northern area** means the area of State waters adjacent to the north, north-west and north-east coasts of the mainland of Tasmania and King Island, and those State waters north of a line bounded in the east by an imaginary line from the northern side of the mouth of the Great Musselroe River at Musselroe Bay running due west

for 100 metres, then following the shoreline 100 metres from shore to the northernmost tip of Musselroe Point, then running due north until intersection with the line of latitude 40° 48' 00" South, and running due east to the outer limit of State waters, and bounded in the west by an imaginary straight line running due west from the mouth of the Arthur River to the outer limit of State waters;

***northern blacklip area*** means the area of State waters adjacent to the north, north-west and north-east coasts of the mainland of Tasmania and King Island, and those State waters generally north of a line bounded in the east by an imaginary line from the northern side of the mouth of the Great Musselroe River at Musselroe Bay running due west for 100 metres, then following the shoreline 100 metres from shore to the northernmost tip of Musselroe Point, then running due north until intersection with the line of latitude 40°48' 00" South, and running due east to the outer limit of State waters, and bounded in the west by an imaginary line from the northernmost point of Woolnorth Point to Brown Rocks then running due west to the limit of State waters;

***north-west area*** means the area of State waters adjacent to the west coast and north-west coast of Tasmania bounded in the north by an imaginary line running from the northernmost point of Woolnorth Point to Brown Rocks and then running due west to the limit of State waters and in the south by an imaginary line running due west from the mouth of the Arthur River to the limit of State waters;

***Penalty Regulations*** means the *Fisheries (Penalties) Regulations 2011*;

***pensioner*** means a person in receipt of any pension, allowance, supplement or benefit under a law of the Commonwealth;

***Perkins Bay greenlip area*** means –

(a) the area of State waters adjacent to the north coast of Tasmania bounded by an imaginary line running due north along the line of longitude 147° 27' 00" East until its junction with the line of latitude 40° 35' 00" South, then west along that line of latitude until its junction with the line of longitude 145° 2' 52.2" East and then south along that line of longitude; and

(b) the area of State waters adjacent to the north coast of Tasmania known as Robbins Passage bounded on the east by an imaginary line running due north along the line of longitude 145° 2' 52.2" East and bounded on the west by an imaginary line running due north along the line of longitude 144° 55' 00" East;

***processing operation*** means treating fish by a process that includes any one or more of the following:

(a) cutting up;

(b) breaking up;

- (c) shelling;
- (d) skinning;
- (e) shucking;
- (f) filleting;
- (g) cooking;
- (h) voiding;
- (i) purging;
- (j) packing;
- (k) freezing;
- (l) canning;

**restricted zone** means the State waters inshore of an imaginary line extending from Cape DeGerando to Cape Sonnerat to Mistaken Cape to Cape Frederick Henrick, other than the waters of Blackman Bay west of an imaginary straight line from the southern most extent of the spit to the northern most part of Little Chinaman Bay;

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

**scallop** means fish of the species –

- (a) *Equichlamys bifrons* (commonly known as queen scallop); or
- (b) *Pecten fumatus* (commonly known as commercial scallop); or
- (c) *Mimachlamys asperrimus* (commonly known as doughboy scallop);

**shell length**, in relation to an abalone, means the diameter of the abalone shell at its widest, whether the shell is broken or chipped or not;

**southern area** means the area of State waters adjacent to the east, south-east, south, south-west and west coasts of Tasmania bounded in the north on the east coast by an imaginary line from the northern side of the mouth of the Great Musselroe River at Musselroe Bay running due west for 100 metres, following the shoreline 100 metres from shore to the northernmost tip of Musselroe Point, running due north until its junction with the line of latitude 40° 48' 00" South, and then running due east to the outer limit of State waters, and bounded in the north on the west coast by an imaginary line running due west from the mouth of the Arthur River to the limit of State waters;

*sporophyll* means that part of an algal stem containing or producing spores;

*Undaria* means –

(a) exotic marine alga *Undaria pinnatifida* (commonly known as wakame); and

(b) sporophyll of that alga;

*wild*, in relation to any species or kind of fish, means State waters other than those to which a marine farming licence specifying that species or kind of fish relates.

## **PART 2 - Minimum sizes**

### **4. Taking or possessing abalone**

(1) A person who is not the holder of a fishing licence (abalone dive) must not take abalone with a shell length less than 127 millimetres.

Penalty:

Grade 3 penalty.

(2) A person must not have possession of abalone with a shell length less than 127 millimetres unless that person –

(a) is the holder of a fishing licence (abalone dive); or

(b) is the holder of a fish processing licence; or

(c) has bought or received the abalone from a fish merchant.

Penalty:

Grade 3 penalty.

(3) The holder of a fishing licence (abalone dive) must not take or have possession of abalone with a shell length less than 110 millimetres.

Penalty:

Grade 3 penalty.

### **5. Taking or possessing greenlip abalone**

A person must not take or have possession of greenlip abalone with a shell length less than 132 millimetres.

Penalty:

Grade 3 penalty.

## **6. Possession by fish processing licence holder**

(1) The holder of a fish processing licence must not have possession of –

(a) abalone with a shell length less than 110 millimetres; or

(b) greenlip abalone with a shell length less than 132 millimetres; or

(c) abalone taken from State waters with a smaller shell length than that which may legally be taken from those waters by the holder of a fishing licence (abalone dive).

Penalty:

Grade 3 penalty.

(2) Subregulation (1)(a) and (b) do not apply to abalone that has been cultivated elsewhere than in the wild.

(3) The holder of a fish processing licence must ensure that, prior to a processing operation, abalone cultivated elsewhere than in the wild is stored separately from abalone taken from the wild.

Penalty:

Grade 3 penalty.

**7.**

## **7A. Taking or possessing abalone in certain waters**

(1) The holder of a fishing licence (abalone dive) must not take abalone with a shell length less than 140 millimetres from any of the waters within area A.

Penalty:

Grade 3 penalty.

(2) The holder of a fishing licence (abalone dive) must not have possession of any abalone with a shell length less than 140 millimetres in area A or on land within one kilometre of any of the waters within area A unless –

(a) the holder is undertaking a fishing trip on a mother boat; and

**(b)** the mother boat is in State waters north of an imaginary line running due west from Cape Sorell to the limit of State waters or in Macquarie Harbour or the Channel into Macquarie Harbour; and

**(c)** the abalone has a shell length not less than 132 millimetres.

Penalty:

Grade 3 penalty.

**(3)** The holder of a fishing licence (abalone dive) must not take abalone with a shell length less than 127 millimetres from the northern blacklip area other than the Bass Strait area.

Penalty:

Grade 3 penalty.

**(4)** The holder of a fishing licence (abalone dive) must not have possession of any abalone with a shell length less than 127 millimetres in the northern blacklip area other than in the Bass Strait area, or on land within one kilometre of any waters within those waters unless –

**(a)** the holder is undertaking a fishing trip on a mother boat; and

**(b)** the abalone has a shell length not less than 114 millimetres; and

**(c)** the abalone was taken in the Bass Strait area.

Penalty:

Grade 3 penalty.

**(4A)** The holder of a fishing licence (abalone dive) must not take abalone with a shell length less than 114 millimetres from the Bass Strait area other than the north coast blacklip area.

Penalty:

Grade 3 penalty.

**(4B)** The holder of a fishing licence (abalone dive) must not have possession of any abalone with a shell length less than 114 millimetres in the Bass Strait area other than the north coast blacklip area unless –

**(a)** the holder of the fishing licence (abalone dive) is undertaking a fishing trip on a mother boat; and

**(b)** the abalone has a shell length not less than 110 millimetres; and

**(c)** the abalone was taken in the north coast blacklip area.

Penalty:

Grade 3 penalty.

**(5)** The holder of a fishing licence (abalone dive) must not have possession of abalone with a shell length less than 132 millimetres in the waters of the north-west area or on land within one kilometre of those waters.

Penalty:

Grade 3 penalty.

**(6)** The holder of a fishing licence (abalone dive) must not take abalone with a shell length less than 136 millimetres from the Couta Rocks area.

Penalty:

Grade 3 penalty.

**(7)** The holder of a fishing licence (abalone dive) must not have possession of any abalone with a shell length less than 136 millimetres in the Couta Rocks area or on land within one kilometre of any waters within the Couta Rocks area unless –

**(a)** the holder is undertaking a fishing trip on a mother boat; and

**(b)** the abalone has a shell length not less than 132 millimetres.

Penalty:

Grade 2 penalty.

**(8)** The holder of a fishing licence (abalone dive) must not take abalone with a shell length less than 132 millimetres from the waters of the north-west area.

Penalty:

Grade 3 penalty.

**(9)** The holder of a fishing licence (abalone dive) must not have possession of abalone with a shell length less than 138 millimetres in the waters of the east coast area or on land within one kilometre of those waters unless –

**(a)** the abalone was taken in the northern blacklip area, Bass Strait area or north coast blacklip area; and

**(b)** the abalone does not have a shell length less than 110 millimetres; and

**(c)** the holder is undertaking a fishing trip on a mother boat; and

**(d)** the mother boat is in State waters bounded in the north by the eastern boundary of the northern blacklip area and in the south by an imaginary straight line running due east from the tip of St Helens Point to the limit of State waters or within the waters of Georges Bay.

Penalty:

Grade 3 penalty.

**(10)** The holder of a fishing licence (abalone dive) must not take abalone with a shell length less than 138 millimetres from the waters of the east coast area.

Penalty:

Grade 3 penalty.

**(11)** The holder of a fishing licence (abalone dive) must not take greenlip abalone with a shell length less than 150 millimetres from, or have possession of greenlip abalone with a shell length less than 150 millimetres in, the King Island greenlip area or on land within one kilometre of any of those waters.

Penalty:

Grade 3 penalty.

**(12)** The holder of a fishing licence (abalone dive) must not take greenlip abalone with a shell length less than 145 millimetres from, or have possession of greenlip abalone that has a shell length of less than 145 millimetres in, waters other than those in the Perkins Bay greenlip area.

Penalty:

Grade 3 penalty.

**(13)** The holder of a fishing licence (abalone dive) must not take greenlip abalone with a shell length less than 132 millimetres from, or have possession of greenlip abalone with a shell length less than 132 millimetres in, the Perkins Bay greenlip area.

Penalty:

Grade 3 penalty.

**(14)** A person who is not the holder of a fishing licence (abalone dive) must not take or have possession of greenlip abalone with a shell length less than 145 millimetres in State waters, other than waters in the Perkins Bay greenlip area.

Penalty:

Grade 3 penalty.

**(15)** A person must not take abalone with a shell length less than 138 millimetres in the southern area.

Penalty:

Grade 3 penalty.

**(16)** A person who is not the holder of a fishing licence (abalone dive) must not possess any abalone with a shell length less than 138 millimetres in the southern area or on land within one kilometre of any waters within the southern area unless that person –

**(a)** is the holder of a fish processing licence; or

**(b)** has bought or received the abalone from a fish merchant.

Penalty:

Grade 3 penalty.

## **8. Taking or possessing certain abalone**

**(1)** A person must not take or have possession of any abalone with a shell length less than 110 millimetres that has been cultivated elsewhere than in the wild unless the person –

**(a)** is the holder of a marine farming licence authorising abalone farming; or

**(b)** is acting with the authority of the holder of such a licence; or

**(c)** is the holder of a fish processing licence who has bought or received the abalone from the holder of a marine farming licence authorising abalone farming;  
or

**(d)** has bought or received the abalone from a fish merchant.

Penalty:

Grade 3 penalty.

(2) A person must not take or have possession of any greenlip abalone with a shell length less than 132 millimetres that has been cultivated elsewhere than in the wild unless the person –

(a) is the holder of a marine farming licence authorising abalone farming; or

(b) is acting with the authority of the holder of such a licence; or

(c) is the holder of a fish processing licence who has bought or received the abalone from the holder of a marine farming licence authorising abalone farming;  
or

(d) has bought or received the abalone from a fish merchant.

Penalty:

Grade 3 penalty.

### **PART 3 - Fees**

#### **9. Beach price for abalone deed of agreement**

(1) For the purpose of fees payable under an abalone deed of agreement, the beach price is the average price per kilogram of abalone paid by abalone purchasers to the holders of fishing licences (abalone quota), holders of fishing licences (abalone) or holders of fishing licences (abalone dive).

(2) The price per kilogram of abalone paid must be the true value taking into account –

(a) each payment and other forms of payments; and

(b) any rights, privileges or benefits paid directly or indirectly for the abalone.

(3) In this regulation –

***abalone purchaser*** means a person who has purchased more than 80 tonnes of abalone in the preceding 12 months.

#### **9A. Fee under 1994 abalone deed of agreement**

(1) Pursuant to clause 4.5 of the 1994 abalone deed of agreement, the fee to be paid during the next 2 terms of that deed of agreement is a fee determined in accordance with Schedule 2A.

(2) In this regulation –

**1994 abalone deed of agreement** means the deed of agreement made on 30 June 1994 pursuant to section 7 of the *Fisheries Act 1959* in respect of the right to take and acquire abalone for commercial purposes in State fishing waters, as –

(a) continued in force under section 14 of the *Marine Resources (Savings and Transitional) Act 1995*; and

(b) renewed under clause 4 thereof for a further term of 10 years commencing on 1 January 2004 ("the current term");

**fee** means the fee referred to in clause 5.2 of the 1994 abalone deed of agreement; **next 2 terms**, of the 1994 abalone deed of agreement, means the 2 terms immediately following the current term.

## 10. Fees

(1) The fees specified in Part 1 of Schedule 1 are prescribed as the fees payable in respect of the fishing licence matters to which they respectively relate.

(2) The fees specified in Part 2 of Schedule 1 are prescribed as the fees payable in respect of the fish processing licence matters to which they respectively relate.

(3) The fees specified in Part 3 of Schedule 1 are prescribed as the fees payable in respect of the handling licence matters to which they respectively relate.

(4) The fees specified in Part 4 of Schedule 1 are prescribed as the fees payable in respect of the marine farming licence matters to which they respectively relate.

(5) The fees specified in Schedule 2 are prescribed as the fees payable in respect of the miscellaneous matters to which they respectively relate.

(6) The fees specified in Schedules 1 and 2, other than item 6 of Schedule 2, are GST exempt.

(7) The fees specified in item 6 of Schedule 2 are GST inclusive.

## 11. Fees for fishing licence (abalone quota)

In addition to the payment of the fee specified in Part 1 of Schedule 1 for the renewal of a fishing licence (abalone quota), the following fees are payable for that licence:

(a) a quarterly fee to take and acquire abalone, calculated and payable in respect of each billing period, as if the licence were a deed of agreement made under section 7 of the former *Fisheries Act 1959*;

(b) a fee (if any) determined under section 99(3) of the Act in respect of the renewal as if the licence were an abalone deed of agreement.

## PART 4 - Miscellaneous

### 12. Notifiable decisions

The decisions specified in Part 1 of Schedule 3 are prescribed as decisions in respect of which a notice is to be served under section 280 of the Act.

### 13. Appealable determinations

The determinations specified in Part 2 of Schedule 3 are prescribed as determinations after a review in respect of which a person may appeal to the Appeal Tribunal under section 283 of the Act.

### 14. Prohibition on taking certain fish

(1) A person must not take or be in possession of a keyhole limpet or limpet of any of the superfamilies Fissurellacea, Patellacea or Siphonariacea.

Penalty:

Grade 2 penalty.

(2) Subregulation (1) does not apply to an Aborigine who is engaged in an Aboriginal activity.

(3) A person, in State waters, must not take or be in possession of the following:

(a) any species of pipehorse, pipefish, seahorse or seadragon of the family Syngnathidae;

(b) a handfish of the family Brachionichthyidae;

(c) a threefin blenny of the genus *Forsterygion*.

Penalty:

Grade 2 penalty.

(4) A person must not take, or be in possession of, any of the following:

(a) great white shark (*Carcharodon carcharias*);

(b) basking shark (*Cetorhinus maximus*);

(c) grey nurse shark (*Carcharias taurus*);

(d) megamouth shark (*Megachasma pelagios*);

(e) whale shark (*Rhincodon typus*).

Penalty:

Grade 2 penalty.

## **15. Prescribed classes for storage of fish**

For the purpose of section 69 of the Act, abalone, giant crab, rock lobster and scallop are prescribed classes of fish.

## **15A. Prescribed species for seizure of fish**

For the purpose of section 200(c)(ii) of the Act, abalone, giant crab, rock lobster and scallop are prescribed species of fish.

## **16. Commercially protected fish**

The following are prescribed as classes of fish for the purpose of section 100 of the Act:

(a) abalone;

(b) cast bullkelp (*Durvillaea potatorum*) in the waters of the West Coast of Tasmania from Cape Grim to Cape Sorell.

## **17. Prescribed matters for fish processing offence**

For the purpose of section 67(1)(b) of the Act –

(a) the prescribed quantity of fish is 10 tonnes; and

(b) the prescribed fish is all fish other than abalone, giant crab, rock lobster and scallop; and

(c) the prescribed period is one licensing year.

## **18. Prescribed apparatus illegally used**

For the purpose of section 268(1A)(c) of the Act, the prescribed apparatus is a fish trap.

## **18A. Prescribed fish for definition of Aboriginal activity**

For the purpose of paragraph (b) of the definition of "Aboriginal activity" in section 3 of the Act, the fish specified in Schedule 3A are prescribed fish.

## **19. Industry levy**

A levy payable by a person under section 279 of the Act is due and payable when the person applies for or renews a licence under which an activity to which the levy relates is undertaken.

## **20. Noxious fish**

The following species of fish are noxious fish in State waters:

- (a) Northern Pacific seastar (*Asterias amurensis*);
- (b) European carp (*Cyprinus carpio*);
- (c) black striped mussel (*Mytilopsis sallei*);
- (d) European shore crab (*Carcinus maenas*) (also known as green crab);
- (e) *Undaria pinnatifida*, other than in the restricted zone;
- (f) giant fan worm (*Sabella spallanzanii*);
- (g) green algae (*Caulerpa taxifolia*).

## **21. Keeping records**

The following people are prescribed persons for the purpose of section 145 of the Act:

- (a) a person who at any time in the preceding 5 years was the holder of an authorisation;
- (b) a person approved under section 87 or 88 of the Act.

### **21A. Prescribed purposes for changes to management plans**

- (1) For the purpose of section 48A(1)(f) of the Act, extending the duration of a management plan for a period not exceeding 12 months is a prescribed purpose.
- (2) Despite subregulation (1), extending the duration of a management plan for a period not exceeding 12 months is not a prescribed purpose for the purpose of section 48A(1)(f) of the Act if that management plan has previously been changed for that purpose under that section.

## 22. Legislation rescinded

The legislation specified in Schedule 4 is rescinded.

### SCHEDULE 1 - Licence fees

#### Regulation 10

#### PART 1 - Fishing licences

1.	<i>Fishing licence (personal)</i> Grant or renewal	90 fee units
2.	<i>Fishing licence (vessel)</i>	
	(a) Renewal	300 fee units
	(b) Transfer	
	(i) for a period not exceeding 2 years (whether or not the transfer includes all licences specified on the fishing certificate)	100 fee units
	(ii) to comply with a court order (whether or not the transfer includes all licences specified on the fishing certificate)	100 fee units
	(iii) in settlement of an estate (whether or not the transfer includes all licences specified on the fishing certificate)	100 fee units
	(iv) if parties to the transfer are persons "related by family" within the meaning of <u>section 7 of the Relationships Act 2003</u> (whether or not the transfer includes all licences specified on the fishing certificate)	100 fee units
	(v) in all other cases	1 500 fee units
	(c) Variation	
	(i) change of fishing vessel	200 fee units
	(ii) removal of fishing vessel	100 fee units
	(iii) entry of fishing vessel	200 fee units
3.	<i>Fishing licence (abalone dive)</i>	
	(a) Renewal	100 fee units
	(b) Transfer	250 fee units
	(c) Granting approval of other form of supervision of activity under licence	200 fee units
	(d) Variation (de-authorise quota)	50 fee units
4.	<i>Fishing licence (abalone quota)</i>	
	Renewal	\$100
5.	<i>Fishing licence (commercial dive)</i>	
	(a) Renewal	400 fee units
	(b) Transfer	250 fee units
	(c) Variation	200 fee units
6.	<i>Fishing licence (mackerel – category A)</i>	
	(a) Renewal (no quota)	50 fee units

	(b) Variation (increase quota), each tonne	4.03 fee units
7.	<i>Fishing licence (mackerel – category B)</i>	
	Renewal	7 500 fee units
8.	<i>Fishing licence (recreational)</i>	
	(a) Grant or renewal –	
	(i) one licence (pensioner)	20 fee units
	(ii) one licence (child)	20 fee units
	(iii) one licence (other)	35 fee units
	(iv) each additional licence	5 fee units
	(b) Variation –	
	(i) application	5 fee units
	(ii) each additional licence	5 fee units
	(c) Tags – replacement	5 fee units
	(d) Licence certificate – replacement	5 fee units
9.	<i>Fishing licence (scallop)</i>	
	(a) Renewal –	
	(i) fixed component	8 fee units per scallop quota unit
	(ii) plus research levy component	2 fee units
	(iii) plus fisheries management component	622 fee units plus 4.4 fee units per scallop quota unit
	(b) Transfer of licence	250 fee units
	(c) Transfer of permanent scallop quota units, per application	100 fee units
	(d) Variation (seasonal quota transfer)	50 fee units
10.	<i>Fishing licence (scallop spat collection)</i>	
	(a) Grant or renewal	935 fee units
	(b) plus per hectare or part thereof	45 fee units
	(c) Variation (change, removal or entry of fishing vessel)	50 fee units
11.	<i>Fishing licence (giant crab)</i>	
	(a) Renewal, each quota unit	135 fee units
	(b) Transfer of licence	250 fee units
	(c) Transfer of permanent giant crab units, per application	100 fee units
	(d) Variation (seasonal quota transfer)	50 fee units
12.	<i>Fishing licence (rock lobster)</i>	
	(a) Renewal, each quota unit	190 fee units
	(b) Transfer of licence	500 fee units
	(c) Transfer of permanent rock lobster units, per application	100 fee units

(d) Variation (seasonal quota transfer)	50 fee units
13. <i>Fishing licence (recreational special rock lobster)</i>	
Application for 14-day licence	30 fee units
14. <i>Fishing licence (general trawl) – Renewal</i>	200 fee units
15. <i>Fishing licence (limited trawl) – Renewal</i>	200 fee units
16. <i>Fishing licence (marine plant)</i>	
(a) Grant (if King Island bull kelp only specified)	100 fee units
(b) Renewal (if King Island bull kelp only specified)	50 fee units
(c) Grant or renewal (all other cases)	300 fee units
17. <i>Fishing licence (Undaria) – Renewal</i>	500 fee units
18. <i>Fishing licence (mussel spat collection)</i>	
(a) Grant or renewal	935 fee units
(b) plus per hectare, or part thereof	45 fee units
(c) Variation (change, removal or entry of fishing vessel)	50 fee units
19. <i>Scalefish licences</i>	
(a) Fishing licence (purse seine net)	
(i) renewal	340 fee units
(ii) transfer	250 fee units
(b) Fishing licence (beach seine A)	
(i) renewal	340 fee units
(ii) transfer	250 fee units
(c) Fishing licence (beach seine B)	
(i) renewal	210 fee units
(ii) transfer	250 fee units
(d) Fishing licence (scalefish A)	
(i) renewal	340 fee units
(ii) transfer	250 fee units
(e) Fishing licence (scalefish B)	
(i) renewal	210 fee units
(ii) transfer	250 fee units
(f) Fishing licence (scalefish C)	
renewal	140 fee units
(g) Fishing licence (banded morwong)	
(i) renewal	340 fee units plus 10 fee units per banded morwong quota unit
(ii) transfer	250 fee units
(iii) permanent transfer of banded morwong quota units, per application	100 fee units

(iv) variation (seasonal quota transfer)	50 fee units
(h) Fishing licence (wrasse)	
(i) renewal	210 fee units
(ii) transfer	250 fee units
(i) Fishing licence (Australian salmon)	
(i) renewal	680 fee units
(ii) transfer	250 fee units
(j) Fishing licence (small-mesh gillnet)	
(i) renewal	210 fee units
(ii) transfer	250 fee units
(k) Fishing licence (southern calamari)	
(i) renewal	510 fee units
(ii) transfer	250 fee units
(l) fishing licence (octopus)	
(i) renewal	4 750 fee units
(ii) transfer	250 fee units
(iii) variation	50 fee units
20. <i>Fishing licence (automatic squid jig)</i>	
(a) renewal	500 fee units
(b) transfer	250 fee units
21. <i>Shellfish licences</i>	
(a) Fishing licence (clam – Georges Bay North)	
(i) renewal	2 000 fee units
(ii) transfer	250 fee units
(iii) variation	50 fee units
(b) Fishing licence (clam – Georges Bay South)	
(i) renewal	2 000 fee units
(ii) transfer	250 fee units
(iii) variation	50 fee units
(c) Fishing licence (cockle – Ansons Bay)	
(i) renewal	2 000 fee units
(ii) transfer	250 fee units
(iii) variation	50 fee units
(d) Fishing licence (native oyster – Georges Bay)	
(i) renewal	2 000 fee units

(ii) transfer	250 fee units
(iii) variation	50 fee units
(e) Fishing licence (Pacific oyster)	
(i) grant or renewal	100 fee units
(ii) variation	50 fee units

## PART 2 - Fish processing licences

1. Grant or renewal, per licensing year, in respect of –	
(a) any amount of rock lobster, abalone, giant crab or scallop; or	150 fee units
(b) 10 tonnes or more of other species or combination of other species	150 fee units
2. Endorsement for rock lobster and/or giant crab	
(a) processing less than 5 tonnes per licensing year	150 fee units
(b) processing 5 tonnes or more per licensing year	1 150 fee units
3. Endorsement for abalone	1 150 fee units
4. Endorsement for scallop	150 fee units

## PART 3 - Handling licences

1. Grant or renewal	150 fee units
2. Endorsement for rock lobster and/or giant crab –	
(a) handling less than 5 tonnes per licensing year	100 fee units
(b) handling 5 tonnes or more per licensing year	1 100 fee units

## PART 4 - Marine farming licences

1. Renewal or variation in respect of species not farmed on land –	
(a) <i>Bivalve</i>	
(i) one species	835 fee units
(ii) each additional species	100 fee units
(b) <i>Finfish</i>	
(i) one species	1 750 fee units
(ii) each additional species	100 fee units
(c) <i>Seaweed</i>	400 fee units
(d) <i>Abalone</i>	
(i) one species	1 550 fee units
(ii) each additional species	100 fee units
(e) <i>Other species</i>	100 fee units

2. Renewal or variation in respect of species farmed on land –	
(a) <i>Abalone</i>	
(i) one species	1 550 fee units
(ii) each additional species	100 fee units
(b) <i>Other species</i>	300 fee units
3. Transfer –	
(a) for species farmed on land	300 fee units
(b) for species not farmed on land	480 fee units

## SCHEDULE 2 - Miscellaneous fees

### Regulation 10(6)

1. Application under <u>section 89</u> of Act for approval of another form of supervision of activity under licence	50 fee units
2. Application for grant of licence where original licence has expired. This fee does not apply to fish processing licences, handling licences and the following types of fishing licences: personal, recreational, marine plant, mussel spat collection and Pacific oyster	licence renewal fee plus 100 fee units
3. Examination of register kept under <u>section 249</u> of Act	10 fee units
4. Obtaining copy or extract from register kept under <u>section 298</u> of Act	10 fee units
5. Obtaining list of entries from register kept under <u>section 298</u> of Act –	
(a) first 200 names	20 fee units
(b) each additional 200 names, or part thereof	10 fee units
6. Purchase of tags for tagging rock lobster –	
(a) horn tag – per tag	0.28 fee units
(b) tail tag – per tag	0.55 fee units
(c) meat only – per tag	0.35 fee units

## SCHEDULE 2A - Fee under 1994 Abalone Deed of Agreement

### Regulation 9A

### 1. Interpretation

In this Schedule –

***billing period*** means billing period under clause 5 of the 1994 abalone deed of agreement;

***BP*** or "beach price" means the beach price calculated under regulation 9;

***Fee%*** means the fee percentage calculated under clause 3;

***financial year*** means the 12-month period commencing on 1 July in any year;

*relevant billing period*, for a fee, means the billing period for which the fee is to be calculated.

## 2. Calculation of fee

The fee is to be determined in accordance with the following formula:

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## 3. Fee percentage

(1) The fee percentage is to be calculated in accordance with the following table:

Fee percentage per kg		Indexed beach price
0.00%	@	\$7.00 and below
4.00%	@	\$7.01 to \$29.99
4.00%	@	\$30.00
12.00%	@	\$70.00 and all beach prices thereafter

(2) For the purposes of the table in subclause (1), the BP is to be indexed in accordance with the following formula:

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where –

$i_1$  is indexation, calculated under subclauses (3) and (4), of the value of a fee unit.

(3) The formula for the purposes of the definition of  $i_1$  in subclause (2) is:

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where –

$i_1$  is, subject to subclause (4), the value of indexation for the financial year in which the relevant billing period occurs;

$i_0$  is the value of indexation immediately preceding  $i_1$ ;

$B$  is the value of a fee unit for the financial year in which the relevant billing period occurs;

$C$  is the value of a fee unit for the financial year immediately preceding  $B$ .

(4) For the financial year commencing on 1 July 2013,  $i_1$  is 1.00.

(5) For beach prices falling between the amounts \$30.00 and \$70.00 in the table in subclause (1) the fee percentage is the percentage, expressed to three decimal places, which appears on a straight line interpolation between the percentages listed for those amounts in the column headed "Fee percentage per kg".

### **SCHEDULE 3 - Decisions and determinations**

Regulations 12 and 13

#### **PART 1 - Notifiable decisions**

	Decision to be notified	Made by	Provision of Act
1.	Which fishing certificate is to specify which fishing licence	Secretary	section 63
2.	Grant of or refusal to grant licence other than a refusal under – (a) section 78(2A); or  (b) section 78(2) to the extent that refusal is based on the grounds in section 78(1)(d)	Minister	section 78
3.	Issue of licence as separate instrument or as endorsement on fishing certificate	Minister	section 79
4.	Renewal of or refusal to renew licence	Minister	section 81
5.	Transfer of or refusal to transfer licence	Minister	section 82
6.	Transfer of or refusal to transfer quota or entitlement under licence	Minister	section 82
7.	Variation of or refusal to vary licence	Minister	section 83
8.	Approval of or refusal to approve leasing, sub-leasing or lending of licence	Minister	section 87
9.	Approval of or refusal to approve person as substitute licensee	Minister	section 88
10.	Approval of or refusal to approve another form of supervision of activity under licence	Minister	section 89
11.	Requirement to destroy noxious fish	Minister	section 130
12.	Addition, variation, revocation or substitution of conditions of approval to engage in activity in marine resources protected area	Minister	section 133
13.	Revocation of approval to engage in activity in marine resources protected area	Minister	section 134
14.	Approval of or refusal to approve application for return of seized thing	Secretary	section 232
15.	Extension of time for payment, waiver or refund of whole or part, acceptance of lesser amount, or grant or refusal to grant application for extension of time for payment of any fee, charge or royalty	Minister	section 275

#### **PART 2 - Appealable determinations after review**

	Determination	Provision of Act
1.	Substituting, confirming or revoking decision relating to which fishing certificate is to specify which fishing licence	section 63
2.	Substituting, confirming or revoking decision relating to grant of or refusal to grant licence other than a refusal under – (a) section 78(2A); or  (b) section 78(2) to the extent that refusal is based on the grounds in section 78(1)(d)	section 78

3.	Substituting, confirming or revoking decision relating to issue of licence as separate instrument or as endorsement on fishing certificate	section 79
4.	Substituting, confirming or revoking decision relating to renewal of or refusal to renew licence	section 81
5.	Substituting, confirming or revoking decision relating to transfer of or refusal to transfer licence	section 82
6.	Substituting, confirming or revoking decision relating to transfer of or refusal to transfer quota or entitlement under a licence	section 82
7.	Substituting, confirming or revoking decision relating to variation of or refusal to vary licence	section 83
8.	Substituting, confirming or revoking decision relating to approval of or refusal to approve leasing, sub leasing or lending licence	section 87
9.	Substituting, confirming or revoking decision relating to approval of or refusal to approve person as substitute licensee	section 88
10.	Substituting, confirming or revoking decision relating to approval of or refusal to approve another form of supervision of activity under licence	section 89
11.	Substituting, confirming or revoking decision relating to requirement to destroy noxious fish	section 130
12.	Substituting, confirming or revoking decision relating to addition, variation, revocation or substitution of condition of approval to engage in activity in marine resources protected area	section 133
13.	Substituting, confirming or revoking decision relating to revocation of approval to engage in activity in marine resources protected area	section 134
14.	Substituting, confirming or revoking decision relating to approval of or refusal to approve application for return of seized thing	section 232
15.	Substituting, confirming or revoking decision relating to extension of time for payment, waiver or refund of whole or part, acceptance of lesser amount, or grant or refusal to grant application for extension of time for payment of any fee, charge or royalty	section 275

### **SCHEDULE 3A - Prescribed fish for definition of Aboriginal activity**

#### Regulation 18A

	<b>Common or used name</b>	<b>Scientific name</b>
	<i>Shellfish</i>	
1.	Banded or Silver Kelp shell	<i>Bankivia fasciata</i>
2.	Black Crow or Black Nerite	<i>Nerita atramentosa</i>
3.	Blue and Brown Gulls or Banded Periwinkle	<i>Nodilittorina unifasciata</i>
4.	Buckies, Pheasant shell or Painted Lady	<i>Phasianella australis</i>
5.	Cats' Teeth or Estuarine Mud Whelk shell	<i>Batillariella estuarina</i>
6.	Cats' Teeth or Lined Rissoina	<i>Rissoina lintea</i>
7.	Cats' Teeth or Variegated Rissoina	<i>Rissoina variegata</i>
8.	Dark and Yellow Buttons or Conniwink	<i>Bembicium melanostomum</i>
9.	Gold-mouth Conniwink	<i>Bembicium auratum</i>
10.	Jewelled Top shell	<i>Calliostoma armillata</i>
11.	King Maireener or Choice Sea-weed shell	<i>Phasianotrochus eximius</i>
12.	Maireener (Pink-tipped Kelp shell)	<i>Phasianotrochus apicinus</i>
13.	Maireener (Rainbow Kelp shell)	<i>Phasianotrochus irisodontes</i>
14.	Mud Whelk shell	<i>Zeacumantus diemenensis</i>
15.	Oat or Dove shells	<i>Mitrella</i> spp.

16.	Otherside Penguins or Pygmy Margin shell	<i>Mesoginella pygmaeoides</i>
17.	Penguin	<i>Austroginella muscaria</i>
18.	Rice or Rye shell	<i>Truncatella scalarina</i>
19.	Striped Dog Whelk	<i>Nassarius pauperatus</i>
20.	Striped Buttons or Striped-mouth Conniwink	<i>Bembicium nanum</i>
21.	Toothies, Toosies or Delicate Air Breather shell	<i>Marinula xanthostoma</i>
22.	Top shell	<i>Clanculus dunkeri</i>
23.	Wedge shell	<i>Paphies cuneata</i>
24.	White Dog Whelk	<i>Nassarius nigellus</i>
	<i>Marine Plants</i>	
25.	All species of seagrass, seaweed and other aquatic vascular plants	

#### **SCHEDULE 4 - Legislation rescinded**

#### Regulation 22

*Fisheries (General and Fees) Amendment Regulations 2005* (No. 157 of 2005)

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

Notified in the *Gazette* on 24 May 2006.

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

#### **Table Of Amendments**

<b>Citation</b>	<b>Serial Number</b>	<b>Date of commencement</b>
Fisheries (General and Fees) Regulations 2006	S.R. 2006, No. 34	31.5.2006 (all except r. 7A)
Fisheries (General and Fees) Amendment Regulations 2006	S.R. 2006, No. 93	20.9.2006 (Pt. 2)
		1.11.2006 (Pt. 3)
Fisheries (General and Fees) Regulations 2006	S.R. 2006, No. 34	1.11.2006 (r. 7A)
Fisheries (General and Fees) Amendment Regulations 2007	S.R. 2007, No. 58	1.8.2007
Fisheries (General and Fees) Amendment Regulations 2008	S.R. 2008, No. 68	1.7.2008
Fisheries (General and Fees) Amendment Regulations 2009	S.R. 2009, No. 156	16.12.2009
Fisheries (General and Fees) Amendment Regulations (No. 2) 2009	S.R. 2009, No. 157	31.12.2009

Fisheries (General and Fees) Amendment Regulations (No. 3) 2009	S.R. 2009, No. 179	11.1.2010
Fisheries (General and Fees) Amendment Regulations 2010	S.R. 2010, No. 96	22.9.2010
Fisheries (General and Fees) Amendment Regulations 2011	S.R. 2011, No. 13	7.3.2011
Fisheries (General and Fees) Amendment Regulations (No. 2) 2011	S.R. 2011, No. 123	14.12.2011