

Fisheries (Infringement Notices) Regulations 2011

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*.

26 July 2011

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

BRYAN GREEN

Minister for Primary Industries and Water

1. Short title

These regulations may be cited as the *Fisheries (Infringement Notices) Regulations 2011*.

2. Commencement

These regulations take effect on 8 August 2011.

3. Interpretation

In these regulations –

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

4. Offences under Act

For the purposes of section 234(1) of the Act –

(a) an offence against a provision of the Act specified in column 2 of the table in Schedule 1 is a prescribed offence; and

(b) the penalty specified in column 4 of that table in respect of a prescribed offence is the penalty applicable to the prescribed offence.

5. Offences under *Fisheries (General and Fees) Regulations 2016*

For the purposes of section 234(1) of the Act –

(a) an offence against a provision of the *Fisheries (General and Fees) Regulations 2016* specified in column 2 of the table in Schedule 2 is a prescribed offence; and

(b) the penalty specified in column 4 of that table in respect of a prescribed offence is the penalty applicable to the prescribed offence.

6.

SCHEDULE 1 - Offences under Living Marine Resources Management Act 1995

Regulation 4

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|---------------|---|----------------------------|
| Item | Section | General description of offence | Penalty (penalty units) |
| 1. | <u>15(2)</u> | Contravening condition of permit | 3 |
| 2. | <u>60(1)</u> | Fishing without a licence | 4 |
| 3. | <u>64</u> | Marine farming without a licence | 4 |
| 4. | <u>86A</u> | Contravening condition of licence | 3 |
| 5. | <u>89(1)</u> | Failing to ensure activity is supervised | 3 |
| 6. | <u>89(4)</u> | Failing to ensure activity complies with Act | 3 |
| 7. | <u>89(7)</u> | Failing to designate or identify person as supervisor | 2 |
| 8. | <u>135(2)</u> | Taking protected fish | 3 |
| 9. | <u>139(1)</u> | Cutting, damaging, destroying or removing prescribed marine plants | 1 |
| 10. | <u>143(3)</u> | Failing to comply with a research area order | 2 |
| 11. | <u>145(1)</u> | Failing to keep records | 1 |
| 12. | <u>145(2)</u> | Failing to supply records | 1 |
| 13. | <u>167</u> | Failing to return identity card | 1 |
| 14. | <u>262(1)</u> | Purchasing, possessing or selling illegally taken or possessed fish | 3 |
| 15. | <u>270(2)</u> | Contravening biosecurity direction | 4 |

SCHEDULE 2 - Offences under *Fisheries (General and Fees) Regulations 2016*

Regulation 5

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------|------------|--|----------------------------|
| Item | Regulation | General description of offence | Penalty (penalty units) |
| 1. | 4(1) | Person who does not hold fishing licence (abalone dive) taking undersize abalone | 2 |
| 2. | 4(2) | Possessing undersize abalone unless holder of prescribed licence or abalone are bought or received from fish merchant | 2 |
| 3. | 4(3) | Holder of fishing licence (abalone dive) taking or possessing undersize abalone | 5 |
| 4. | 5 | Taking or possessing undersize greenlip abalone | 2 |
| 5. | 6(1)(a) | Holder of fish processing licence possessing undersize abalone (other than cultivated abalone) | 3 |
| 6. | 6(1)(b) | Holder of fish processing licence possessing undersize greenlip abalone (other than cultivated abalone) | 3 |
| 7. | 6(1)(c) | Holder of fish processing licence possessing abalone taken from State waters with smaller shell length than may legally be taken from those waters by holder of fishing licence (abalone dive) | 3 |
| 8. | 7(2) | Holder of fishing licence (abalone dive) taking undersize abalone from any waters within area A | 5 |
| 9. | 7(3) | Holder of fishing licence (abalone dive) possessing undersize abalone in area A, or on land within one kilometre of any waters within area A, other than in prescribed circumstances | 5 |
| 10. | 7(4) | Holder of fishing licence (abalone dive) taking undersize abalone from northern blacklip area other than Bass Strait area | 5 |
| 11. | 7(5) | Holder of fishing licence (abalone dive) possessing undersize abalone in northern blacklip area other than Bass Strait area, or on land within one kilometre of any waters within those waters, other than in prescribed circumstances | 5 |
| 12. | 7(6) | Holder of fishing licence (abalone dive) taking undersize abalone from Bass Strait area other than north coast blacklip area | 5 |
| 13. | 7(7) | Holder of fishing licence (abalone dive) possessing undersize abalone in Bass Strait area other than north coast blacklip area, other than in prescribed circumstances | 5 |
| 14. | 7(8) | Holder of fishing licence (abalone dive) possessing undersize abalone in waters of north-west area, or on land within one kilometre of those waters | 5 |
| 15. | 7(9) | Holder of fishing licence (abalone dive) taking undersize abalone from Couta Rocks area | 5 |
| 16. | 7(10) | Holder of fishing licence (abalone dive) possessing undersize abalone in Couta Rocks area, or on land within one kilometre of any waters within that area, other than in prescribed circumstances | 5 |
| 17. | 7(11) | Holder of fishing licence (abalone dive) taking undersize abalone from waters of north-west area | 5 |
| 18. | 7(12) | Holder of fishing licence (abalone dive) possessing undersize abalone in waters of east coast area, or on land within one kilometre of those waters, other than in prescribed circumstances | 5 |
| 19. | 7(13) | Holder of fishing licence (abalone dive) taking undersize abalone from waters of east coast area | 5 |
| 20. | 7(14) | Holder of fishing licence (abalone dive) taking or possessing undersize greenlip abalone from or in King Island greenlip area, or on land within one kilometre of any of those waters | 5 |
| 21. | 7(15) | Holder of fishing licence (abalone dive) taking or possessing undersize greenlip abalone from or in waters other than those in Perkins Bay greenlip area | 5 |
| 22. | 7(16) | Holder of fishing licence (abalone dive) taking or possessing undersize greenlip abalone from or in Perkins Bay greenlip area | 5 |
| 23. | 7(17) | Taking or possessing undersize greenlip abalone in State waters other than in waters in Perkins Bay greenlip area, without holding fishing licence (abalone dive) | 5 |
| 24. | 7(18) | Taking undersize abalone in southern area | 5 |
| 25. | 7(19) | Person not holding fishing licence (abalone dive) possessing undersize abalone in southern area, or on land within one kilometre of any waters within that area, unless that person holds fish processing licence or abalone was bought or received from fish merchant | 5 |
| 26. | 8(1) | Taking or possessing undersize cultivated abalone unless holder of prescribed licence, or otherwise authorised, or abalone bought or received from fish merchant | 2 |
| 27. | 8(2) | Taking or possessing undersize cultivated greenlip abalone unless holder of prescribed licence, or otherwise authorised, or abalone bought or received from fish merchant | 2 |
| 28. | 15(1) | Taking or possessing keyhole or other prescribed kinds of limpet, unless Aborigine engaged in Aboriginal activity | 2 |
| 29. | 15(3) | Taking or possessing in State waters species of prescribed kinds | 2 |
| 30. | 15(4) | Taking or possessing great white or other prescribed kinds of shark | 2 |
| 31. | 25 | Unauthorised possession of unused docket book | 3 |
| 32. | 26 | Failure to return unused docket within prescribed time | 2 |

SCHEDULE 3

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

Notified in the *Gazette* on 3 August 2011.

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

Table Of Amendments

| Citation | Serial Number | Date of commencement |
|---|----------------------|-----------------------------|
| Fisheries (Infringement Notices) Regulations 2011 | S.R. 2011, No. 73 | 8.8.2011 |
| Fisheries (Infringement Notices) Amendment Regulations 2015 | S.R. 2015, No. 101 | 24.12.2015 |
| Fisheries (Infringement Notices) Amendment Regulations 2016 | S.R. 2016, No. 31 | 24.5.2016 |