

Fisheries (Scalefish) Rules 2015

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

24 September 2015

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Minister for Primary Industries and Water

PART 1 - Preliminary

1. Short title

These rules may be cited as the *Fisheries (Scalefish) Rules 2015*.

2. Commencement

These rules take effect on 1 November 2015.

3. Interpretation

(1) In these rules –

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

administrative penalty, in relation to a fishing licence (banded morwong), means –

(a) in the case of exceeding the banded morwong quota unit balance for that licence by 10% or less, 1.5 times the market value of that percentage of the quota unit balance; and

(b) in the case of exceeding the banded morwong quota unit balance for that licence by more than 10% and up to 30%, 2 times the market value of that percentage of the quota unit balance;

apparatus licence means –

(a) a fishing licence of a kind specified in item 3, 4, 7, 8 or 9 of the table in rule 7; or

(b) a fishing licence (Australian salmon); or

(c) a fishing licence (octopus);

appropriate authority means a Commonwealth authority to take school shark and gummy shark in State waters;

automatic hook-baiting and hook-setting apparatus means a device which baits and sets hooks automatically;

auxiliary fishing apparatus means a type of apparatus used to deploy or retrieve fishing line for the purposes of non-commercial fishing, other than a setline, a manually operated fishing rod and line, an electric fishing reel mounted on a fishing rod and line or a handline;

auxiliary vessel means a dinghy, tender or other vessel that is –

- (a) part of the equipment of a fishing vessel; and
- (b) transported with, capable of being carried on, and operated solely from, the fishing vessel; and
- (c) not operated further than 2 nautical miles from the fishing vessel;

bait net means an encircling net that is not more than 6 metres in length and 2 metres in depth with a mesh size of not more than 20 millimetres;

bait pump means a hand-operated, non-powered device with a barrel which is inserted into the sand to extract burrowing shrimp, marine worms and other invertebrate bait species by means of a vacuum;

bait trap means a trap that –

- (a) is not more than 500 millimetres long, 350 millimetres wide and 250 millimetres high; and
- (b) has not more than 2 entrances that are not more than 65 millimetres at the widest diameter; and
- (c) has a mesh size not less than 10 millimetres and not more than 40 millimetres;

banded morwong quota docket means a docket, in an approved form, relating to banded morwong;

banded morwong quota unit means a unit that is an entitlement to take one 1 193rd of the total allowable catch for the banded morwong fishery;

banded morwong quota unit balance, for a fishing licence for a quota period, means the quantity of banded morwong allocated to the licence for the quota period that remains to be caught in the quota period;

beach seine net means an encircling net that –

- (a) has a bag or bunt, including a panel that forms a bunt; and
- (b) has a mesh size of not less than 30 millimetres; and
- (c) is not pursed or drawn through rings into the shape of a bag; and
- (d) is not designed to mesh fish;

board trawl net means a netting bag or bag-like net that –

- (a) has a mouth that is held open by trawl doors or by a combination of trawl doors and warps; and
- (b) is drawn along by a fishing vessel; and
- (c) has a mesh size of not less than 90 millimetres;

cast net means a circular or elliptical net with a diameter of not more than 6 metres that has a weighted bottom line around the circumference;

catch history means the history of the amount of scalefish –

(a) caught under the authority of a licence; and

(b) recorded in accordance with the reporting requirements of the licence;

closed season means the period, determined under Division 2 of Part 2, during which all or part of the scalefish fishery is closed;

combined set line means a set line that has been combined, in accordance with rule 130, with the set line or set lines of another person or persons;

commercial berley means commercial bait pellets or processed food products intended for consumption by animals or humans;

commercial fishing licence means a fishing licence of a class specified in items 1, 2, 3, 4, 5, 7, 8 or 9 of the table in rule 7;

commercial gillnet means a gillnet used for taking scalefish for commercial purposes;

Commonwealth authority means any licence, permit, right or other authority relating to a specific fishery granted under the Commonwealth Act;

Danish seine licence means a fishing licence of a class specified in item 8 of the table in rule 7;

Danish seine net means a netting bag or bag-like net that –

(a) has a mouth that is held open by warps but not trawl doors; and

(b) is drawn along by a fishing vessel; and

(c) has a mesh size of not less than 70 millimetres;

day means the 24-hour period commencing at midnight on any calendar day;

demersal longline means a longline that is weighted to the seabed or riverbed;

dipnet means a hand-held net that –

(a) is used to take scalefish; and

(b) is attached to a frame so that the length across the net is not more than one metre; and

(c) has a mesh size of more than 20 millimetres;

distinguishing mark has the same meaning as in the Fisheries Rules 2009;

dropline means a line that –

(a) is set vertically; and

(b) is weighted at one end, with the other end attached to a line or buoy; and

(c) once set, is not attached to a person or vessel;

electric fishing reel means a fishing reel that has a motor to assist winding line onto a spool and does not include a set line;

encircling net means a net, also known as a surround net or seine net, that is –

(a) used to surround or partly surround fish; and

(b) used for taking fish;

fillet, in respect of a fish, means a longitudinal section of flesh of the fish removed from a part of the fish other than its head;

fish cauf means apparatus used to hold live fish;

fish processor means the holder of a fish processing licence;

fish trap means a trap that –

(a) is not more than 2 metres in width by one metre in depth by 2 metres in length; and

(b) has a mesh size of more than 25 millimetres; and

(c) may have more than one chamber; and

(d) has only one chamber with an entrance, or entrances, that –

(i) allow fish into the trap; and

(ii) measure no more than 250 millimetres across the longest dimension of each entrance;

fishing licence (giant crab) has the same meaning as in the Fisheries (Giant Crab) Rules 2013;

fishing trip means a trip on a vessel, undertaken for fishing, that –

(a) commences when the vessel departs from land, a pier, a jetty or an artificial extension of land; and

(b) ends when the vessel returns to land, a pier, jetty or artificial extension of land, with all apparatus on the vessel out of the water;

giant crab has the same meaning as in the Fisheries (Giant Crab) Rules 2013;

gillnet, also known as a set net, means one of the following nets that is set vertically in the water, so that fish swimming into it are entangled in the mesh:

(a) a graball net;

(b) a mullet net;

(c) a shark net;

(d) a small-mesh gillnet;

(e) a special small-mesh gillnet;

graball net means a single-mesh net that –

(a) has a weighted bottom line; and

(b) is intended to be set with its bottom line on the seabed or riverbed; and

(c) has a mesh size of not less than 105 millimetres and not more than 140 millimetres;

Grade 1 penalty means the penalty specified in regulation 5 of the Fisheries (Penalties) Regulations 2011;

Grade 2 penalty means a penalty specified in regulation 6 of the Fisheries (Penalties) Regulations 2011;

Grade 3 penalty means a penalty specified in regulation 7 of the Fisheries (Penalties) Regulations 2011;

headline length means the length of a net as determined in accordance with rule 21;

holding tank means fishing apparatus used to hold live fish on land or on a pier, jetty or other artificial extension of land;

hook includes –

(a) a lure; and

(b) a jig that is not a squid jig; and

(c) a set of ganged hooks;

lampara net means an encircling net that is –

(a) used from a fishing vessel; and

(b) not pursed or drawn through rings into the shape of a bag;

land, in relation to a landing net, means to remove a fish from the water after it has been caught or captured by some other means;

landing means –

(a) bringing scalefish ashore or in contact with a pier, a jetty or another artificial extension of land; or

(b) bringing a vessel containing scalefish ashore or in contact with a pier, a jetty or another artificial extension of land;

landing area means the area on the landward side of the high-water mark within a 200-metre radius of the point of landing;

landing net means a hand-held net that –

(a) is used to land fish; and

(b) is attached to a frame so that the maximum length across the net is not more than 600 millimetres;

licensed fishing vessel means a vessel specified on a fishing licence (vessel);

licensing year, in relation to a commercial fishing licence, means the period beginning on 1 March each year and ending at midnight on the last day of February in the following year;

longline means a line that –

(a) is set horizontally; and

(b) is weighted and buoyed at both ends; and

(c) once set is not attached to a person or a vessel;

mackerel has the same meaning as in the Fisheries (Mackerel) Rules 2009;

mackerel fishing licence has the same meaning as in the Fisheries (Mackerel) Rules 2009;

marker buoy, in the case of –

(a) commercial fishing apparatus, means a buoy marked with a distinguishing mark; and

(b) non-commercial fishing apparatus, means a buoy marked with a unique identifying code;

market value, in relation to banded morwong, means the market value determined by the Secretary in accordance with rule 65;

mesh size, in relation to a net, means the average measurement of 10 adjoining meshes in the net, where each mesh is measured by –

(a) holding the mesh taut; and

(b) holding 2 diagonally opposite knots together so that they are touching each other; and

(c) measuring the distance between the inside surface of the diagonally opposite knots of the mesh that are not touching each other;

mother boat means a fishing vessel that –

(a) is used to transport another, smaller, licensed fishing vessel on a fishing trip for scalefish; and

(b) is used by the holder of a fishing licence (vessel) that specifies the fishing vessel, to hold scalefish taken during the fishing trip;

mullet net means a single-mesh net that –

(a) has a weighted bottom line; and

(b) is intended to be set with its bottom line on the seabed or riverbed; and

(c) has a mesh size of not less than 60 millimetres and not more than 70 millimetres;

non-commercial fishing means the following activities:

(a) the taking or possessing of scalefish by recreational fishing;

(b) the taking or possessing of scalefish by an Aborigine engaged in an Aboriginal activity;

non-commercial gillnet means a gillnet for use in non-commercial fishing;

non-transferable fishing licence means a fishing licence that cannot be transferred and may only be used by the holder of the licence;

north-east octopus zone means all State waters east of the line of longitude 147°E and north of the line of latitude 41°S;

north-west octopus zone means all State waters west of the line of longitude 147°S and north of the line of latitude 41°S;

octopus pot means a container that –

(a) is used, or is capable of being used, for taking octopus; and

(b) is not more than 5 litres in volume;

octopus zone means the north-east octopus zone and the north-west octopus zone;

offshore waters means State waters that are not –

(a) coastal waters; or

(b) within the limits of the State;

open season means the period, determined under Division 2 of Part 2, during which all or part of the scalefish fishery is open;

prescribed licensee means the holder of a licence that authorises the taking of prescribed scalefish;

prescribed scalefish means banded morwong, wrasse or Australian salmon;

purse seine net means an encircling net that –

(a) is used from a fishing vessel; and

(b) is pursed or drawn through rings into the shape of a bag;

recreational licence means a fishing licence of a class specified in item 6 of the table in rule 7;

report, in relation to an activity involving banded morwong, means a report that contains the information required under rule 70 to be provided in a report for such an activity;

reporting service means a service approved under rule 70;

rock lobster pot has the same meaning as in the Fisheries (Rock Lobster) Rules 2011;

rock lobster ring has the same meaning as in the Fisheries (Rock Lobster) Rules 2011;

scalefish means fish of a species specified in Schedule 1;

scalefish licence means a fishing licence of a class specified in item 4 of the table in rule 7;

scalefish record means a record relating to scalefish required to be kept under section 145 of the Act;

seine licence means a fishing licence of a class specified in item 3 of the table in rule 7;

seine net includes –

(a) a beach seine net; and

(b) a lampara net; and

(c) a purse seine net;

set means to place, or attempt to place, in State waters;

set line means a dropline or a longline;

shark includes a shark carcass;

shark net means a single-mesh net, of a type that is authorised for use to take shark under an appropriate authority, that –

(a) has a weighted bottom line; and

(b) is intended to be set with its bottom line on the seabed or riverbed; and

(c) has a mesh size of not less than 150 millimetres and not more than 165 millimetres;

shark refuge area means the following areas:

(a) Blackman Bay;

(b) D'Entrecasteaux Channel;

(c) East Coast waters;

(d) Frederick Henry Bay and Norfolk Bay;

(e) Georges Bay;

(f) Great Oyster Bay;

(g) Mercury Passage;

(h) Pitt Water;

- (i) Port Sorell;
- (j) River Derwent;
- (k) River Tamar;

small-mesh gillnet means a single-mesh net that –

- (a) has a weighted bottom line; and
- (b) is intended to be set with its bottom line on the seabed or riverbed; and
- (c) has a mesh size of not less than 75 millimetres and not more than 100 millimetres;

spear includes –

- (a) a spear gun; and
- (b) any other apparatus with a pointed end that is used to fish;

special small-mesh gillnet means a single-mesh net that –

- (a) has a weighted bottom line; and
- (b) is intended to be set with its bottom line on the seabed or riverbed; and
- (c) has a mesh size of not less than 70 millimetres and not more than 100 millimetres;

squid jig means a baited lure, or artificial lure, that –

- (a) has one or more sets of pointed hooks or spikes; and
- (b) is used to take squid;

squid line means a line with a squid jig attached;

subsidiary vessel means a dinghy, tender or other vessel that is –

- (a) part of the equipment of a vessel used for non-commercial fishing; and
- (b) transported with, capable of being carried on, and operates solely from, the vessel; and
- (c) is not operated further than 2 nautical miles from the vessel;

TAC area means State waters (other than the Tamar River) off the north, east and south coasts of Tasmania that are –

- (a) south of the line of latitude 40°40'S; and
- (b) east of an imaginary straight line starting at Low Head and running due north; and

(c) east of an imaginary straight line starting at Whale Head and running due south;

trawl net means a net, whether fitted with a whiting codend or not, that is –

(a) a Danish seine net; or

(b) a board trawl net;

unique identifying code, in relation to a person, means a unique number allotted to the person by the Secretary under rule 125;

whiting codend means a codend that has a mesh size of not less than 42 millimetres calculated over a length of not more than 400 meshes;

(2) In these rules, a reference to a species or type of fish is a reference to that species or type of fish as defined in Schedule 1.

(3) In these rules, a reference to a body of waters, or a region, by name is a reference to the body of waters or region so named as defined in Schedule 2.

(4) In these rules –

(a) a person is taken to be in charge of a vessel if a fisheries officer has reason to believe that the person is in charge of the vessel; and

(b) 2 fillets of fish are equivalent to one fish.

(5) For the purposes of these rules, a gillnet is set once the entire headline length of the gillnet is placed in the water.

4. Application of rules

(1) Except as provided in subrule (4), these rules apply to the scalefish fishery.

(2) A provision of these rules that relates to non-commercial fishing applies to all waters relevant to the State, as defined in the Act.

(3) A reference to State waters in any provision of these rules that relates to non-commercial fishing is to be read as a reference to waters relevant to the State, as defined in the Act.

(4) These rules, other than rule 8, do not apply to the following activities:

(a) the taking of scalefish for commercial purposes by diving or swimming underwater;

(b) fishing under the authority of a mackerel fishing licence;

(c) fishing for commercial purposes in offshore waters unless fishing under the authority of a fishing licence (rock lobster) or a fishing licence (octopus).

5. Duration of rules

These rules continue in force until 1 November 2025.

6. Consultation arrangements

The Minister must consult with the appropriate advisory committee, established under section 27 of the Act in relation to a fishery referred to in these rules, in respect of any changes relating to the following matters:

- (a) an area where fishing may occur;
- (b) a matter relating to the characteristics of a fish;
- (c) the opening and closing of the fishery;
- (d) fishing apparatus;
- (e) limits on taking and possessing fish;
- (f) the authority to take scalefish using a fishing licence.

PART 2 - General

Division 1 - Preliminary

7. Classes of fishing licences

For the purposes of these rules, a class of licence specified in the following table is made up of the fishing licences specified in respect of that class in that table.

| Class of licence | Fishing licence |
|-------------------------|--|
| 1. class personal | fishing licence (personal) |
| 2. class vessel | fishing licence (vessel) |
| 3. class seine | fishing licence (purse seine net) |
| | fishing licence (beach seine A) |
| | fishing licence (beach seine B) |
| 4. class scalefish | fishing licence (scalefish A) |
| | fishing licence (scalefish B) |
| | fishing licence (scalefish C) |
| | fishing licence (rock lobster) |
| 5. class species | fishing licence (banded morwong) |
| | fishing licence (wrasse) |
| | fishing licence (Australian salmon) |
| | fishing licence (southern calamari) |
| | fishing licence (octopus) |
| 6. class recreational | fishing licence (recreational beach seine net) |
| | fishing licence (recreational graball net) |

| | | |
|----|--------------------------|--|
| | | fishing licence (recreational mullet net) |
| | | fishing licence (recreational rock lobster pot) |
| | | fishing licence (recreational rock lobster ring) |
| | | fishing licence (recreational set line) |
| 7. | class small-mesh gillnet | fishing licence (small-mesh gillnet) |
| 8. | class Danish seine | fishing licence (Danish seine) |
| | | fishing licence (limited Danish seine) |
| 9. | class squid | fishing licence (automatic squid jig) |

8. Size limits of scalefish

A person must not take, buy, sell or be in possession of any fish specified in Schedule 3 that is –

- (a) less than the minimum size specified for that fish in that Schedule; or
- (b) greater than the maximum size specified for that fish in that Schedule.

Penalty:

Grade 2 penalty.

9. Measurements of scalefish

The size of a fish is measured as follows:

- (a) in the case of a garfish, from the upper jaw to the end of the tail;
- (b) in the case of a banded morwong, from the most forward point of the fish to the caudal fork of the tail;
- (c) in the case of a wrasse, from the tip of the snout to the tip of the tail;
- (d) in the case of any other species or type of scalefish, from the tip of the snout to the end of the tail.

10. Weights of scalefish

The weight of scalefish that has been gutted, filleted or headed and gutted before being weighed is calculated by multiplying the weight of the gutted, filleted or headed and gutted fish by the applicable conversion rate specified in Schedule 8.

Division 2 - Seasons for scalefish

11. Closed and open seasons for scalefish

(1) The Minister, by public notice, may determine –

(a) the dates of the closed season for all or part of the scalefish fishery; and

(b) the dates of the open season for all or part of the scalefish fishery; and

(c) that any part of a scalefish fishery is closed to, or in respect of, specific activities for such periods as are specified in the notice.

(2) A person must not –

(a) take scalefish from State waters that are closed to the scalefish fishery for that kind of scalefish; or

(b) be in possession of scalefish in State waters that are closed to the scalefish fishery for that kind of scalefish; or

(c) undertake an activity of a type specified in a determination during the period, and in the fishery, as specified in that determination under subrule (1)(c).

Penalty:

Grade 3 penalty.

(3) A person must comply with a determination in force under subrule (1).

Penalty:

Grade 3 penalty.

(4) A public notice under this rule may be combined with another such public notice.

12. Seasonal closures of striped trumpeter fishery

Subject to a determination made under rule 11(1), a person must not take, or be in possession of, striped trumpeter from State waters between 1 September and 31 October, inclusive, in any year.

Penalty:

Grade 3 penalty.

13. Seasonal closures of squid fishery

Subject to a determination made under rule 11(1), a person must not take, or be in possession of, any squid species, including southern calamari, from upper south-east waters between 15 October and 14 November, inclusive, in any year.

Penalty:

Grade 3 penalty.

14. Seasonal closures of banded morwong fishery

(1) Subject to a determination made under rule 11(1), a person must not take, or be in possession of, banded morwong, from State waters between 1 March and 30 April, inclusive, in any year.

Penalty:

Grade 3 penalty.

(2) Subrule (1) does not apply in respect of the possession of banded morwong held on a fishing vessel or in a fish cauf for which part, or all, of a banded morwong quota docket has been completed before 1 March in any year.

Division 3 - Taking, possessing, &c., of certain fish

15. Taking shark in shark refuge area

A person must not take a shark (other than an elephantfish) in a shark refuge area.

Penalty:

Grade 3 penalty.

16. Shark fins

(1) Except as provided by subrule (2), a person must not, in State waters, be in possession of a shark if the dorsal, pectoral and caudal fins of the shark are not attached to its body.

Penalty:

Grade 2 penalty.

(2) A person may, in State waters, remove part of a caudal fin from a shark if it is removed at

—

(a) the sub-terminal notch; or

(b) the tip of the tail.

(3) A person must not, in State waters, be in possession of shark fins without the trunks or bodies from which they came.

Penalty:

Grade 3 penalty.

17. Taking or possessing groper

A person must not take, or be in possession of, blue groper in State waters.

Penalty:

Grade 3 penalty.

18. Sale of bream

A person must not sell bream unless that person can show evidence that the bream were taken in waters other than waters relevant to the State.

Penalty:

Grade 3 penalty.

Division 4 - Lines

19. Measurement of lines

The length of a line is measured from the first hook or snood on the line to the last hook or snood on the line.

20. Prohibited use of set lines in certain areas

A person must not set, or use, a set line in –

- (a) any of the waters specified in Schedule 6; or
- (b) any shark refuge area; or
- (c) Macquarie Harbour; or
- (d) Southport Bay West.

Penalty:

Grade 2 penalty.

Division 5 - Nets

Subdivision 1 - Nets generally

21. Measurement of nets

The length of a net –

- (a) is measured from the first point of attachment of the head rope to the mesh to the last point of attachment of the head rope to the mesh; and
- (b) excludes any rope attached between the net and any buoy or similar marker at, or near, the surface of the water.

22. Nets in State waters

(1) A person must not use, or be in possession of, a net in State waters for the purpose of, or in connection with, taking scalefish.

Penalty:

Grade 2 penalty.

(2) Subrule (1) does not apply to the following nets:

- (a) a gillnet;
- (b) a beach seine net;
- (c) a bait net;
- (d) a landing net;
- (e) a lampara net;
- (f) a purse seine net;
- (g) a cast net;
- (h) a trawl net;
- (i) a dipnet;
- (j) a shark net.

23. Weight of certain nets

A person must not use a mullet net, small-mesh gillnet, shark net or graball net unless that net –

- (a) is weighted at each end with a weight that –
 - (i) is made of metal, concrete or a similar material; and
 - (ii) weighs at least 2 kilograms; and
 - (iii) is securely tied to the bottom line of the net; or
- (b) is weighted at one end only with a weight that –
 - (i) is made of metal, concrete or a similar material; and
 - (ii) weighs at least 4 kilograms; and
 - (iii) is securely tied to the bottom line of the net; or

(c) when dry, weighs at least 13 kilograms for each 50 metres of its length.

Penalty:

Grade 1 penalty.

Subdivision 2 - Gillnets

24. Prohibited use of gillnets

(1) A person must not set, or use, a gillnet in a shark refuge area unless –

(a) the person –

(i) is the holder of a fishing licence (personal) that is endorsed under rule 54 for the use of gillnet in that shark refuge area; and

(ii) is acting in accordance with that endorsement; or

(b) the person is a person specified in Schedule 7.

Penalty:

Grade 2 penalty.

(2) A person must not set, or use, a gillnet in –

(a) the waters of the River Derwent; or

(b) the waters of Macquarie Harbour that are southward and eastward of an imaginary straight line extending from Coal Head to Steadman Point; or

(c) the waters at Neck Beach; or

(d) the waters at Waubs Bay; or

(e) the waters at Musselroe Bay East; or

(f) the waters at Low Head; or

(g) the waters at Lillico Beach; or

(h) the waters at Parsonage Point; or

(i) the Macquarie Harbour Entrance; or

(j) the waters of Great Oyster Bay north of an imaginary straight line extending from Waterloo Point at Swansea to The Fisheries at Coles Bay; or

(k) Robbins Passage; or

(l) the waters near Stanley to the west of an imaginary straight line extending from the easternmost point of the small headland at the northern end of Godfreys Beach to the easternmost point at the southern end of Godfreys Beach; or

(m) the waters within 200 metres of Spectacle Island in Frederick Henry Bay; or

(n) the waters west of an imaginary straight line extending from a point 200 metres due west from the westernmost point at the northern end of Lagoon Beach to a point 200 metres due north of Black Jack Point; or

(o) the waters within 200 metres of the mouth of the Scamander River; or

(p) Southport Bay West; or

(q) the waters within 100 metres of Stringers Cove at Dover.

Penalty:

Grade 2 penalty.

(3) A person must not use a gillnet as an encircling net.

Penalty:

Grade 2 penalty.

Subdivision 3 - Seine nets

25. Seine nets generally

A person who uses a seine net –

(a) must empty the net of scalefish before the net is removed from the water; and

(b) must not draw the net ashore while scalefish remain in it.

Penalty:

Grade 2 penalty.

26. Use of beach seine nets

A person must not take Australian salmon with an encircling net within one nautical mile of the low-water mark in the area between Point Sorell at Hawley near Devonport and North Point at Stanley unless the net –

(a) is a beach seine net; and

(b) is hauled from land or a beach.

Penalty:

Grade 2 penalty.

27. Prohibited use of purse seine nets and beach seine nets

A person must not set, or use, a purse seine net or beach seine net in the following waters:

(a) Coles Bay east of an imaginary straight line from Hepburn Point running approximately south-east to the western boundary of The Fisheries;

(b) the area of Promise Bay that is east of an imaginary straight line running from Fleurieu Point approximately south in the direction of Weatherhead Point as far as the point of intersection with an imaginary straight line running due west from Regleeta Creek;

(c) Robbins Passage.

Penalty:

Grade 2 penalty.

Subdivision 4 - Other nets

28. Prohibited use of certain nets

(1) A person must not set, or use, a gillnet, seine net, bait net, cast net or any other net that is not a landing net in –

(a) any of the waters specified in Schedule 6; or

(b) the waters of the River Derwent that are upstream of an imaginary straight line from the boat ramp at Crayfish Point to Droughty Point.

Penalty:

Grade 2 penalty.

(2) A person must not set, or use, a gillnet, seine net, bait net, cast net or any other net that is not a landing net in the following waters unless the person is the holder of a fishing licence (personal) endorsed for the use of that net in those waters:

(a) River Tamar upstream of an imaginary straight line from the northern extremity of Garden Island to the George Town Monument;

(b) River Tamar downstream of an imaginary straight line from the northern extremity of Garden Island to the George Town Monument;

(c) Port Sorell and its tributaries south of the line of latitude that goes through the northern end of Dells Point, known as The Tongue.

Penalty:

Grade 2 penalty.

(3) Subrule (2) does not apply to a person who is authorised under rule 24 to use a gillnet in the waters specified in subrule (2)(b) while the person is acting in accordance with that authority.

(4) A person must not set, or use, a gillnet, seine net, cast net or any other net that is not a bait net or landing net in Swanwick Bay.

Penalty:

Grade 2 penalty.

Division 6 - Spears

29. Prohibited use of spears

A person must not use a spear to take scalefish in any of the following rivers, unless the person is using the spear to take flounder for non-commercial purposes:

(a) River Mersey;

(b) River Leven;

(c) Inglis River.

Penalty:

Grade 2 penalty.

30. Taking certain fish with spears

A person must not, in State waters, use a spear to take bream or boarfish.

Penalty:

Grade 2 penalty.

Division 7 - Traps

31. Fish traps

A person must not use, or be in possession of, a trap in State waters that is not a fish trap or a bait trap.

Penalty:

Grade 2 penalty.

32. Prohibited use of traps in certain areas

A person must not set, or use, a fish trap or bait trap in –

- (a) any of the waters specified in Schedule 6; or
- (b) the waters of the River Derwent; or
- (c) the waters of the D'Entrecasteaux Channel; or
- (d) Swanwick Bay.

Penalty:

Grade 2 penalty.

Division 8 - Other apparatus

33. Automatic hook-baiting and hook-setting apparatus

(1) A person must not use automatic hook-baiting and hook-setting apparatus in State waters.

Penalty:

Grade 2 penalty.

(2) A person must not be in possession of automatic hook-baiting and hook-setting apparatus in State waters unless the person –

(a) has a Commonwealth authority that authorises the use of automatic hook-baiting and hook-setting apparatus; or

(b) holds a foreign fishing licence in force under the Commonwealth Act that authorises the use of automatic hook-baiting and hook-setting apparatus.

Penalty:

Grade 2 penalty.

34. Nature of buoys

(1) A person must not set, or use, any apparatus that is required under these rules to be marked with a buoy unless the buoy so used –

(a) has a diameter of not less than 195 millimetres at its narrowest point; and

(b) floats on the surface of water; and

(c) is specifically designed as a buoy; and

(d) is marked with the marks required under these rules in such a way as the marks remain clear and legible while the buoy is in use; and

(e) has no deliberate marks other than the marks required under these rules for the activity for which the buoy is to be used.

Penalty:

Grade 1 penalty.

(2) Subrule (1) does not apply to –

(a) the holder of a fishing licence (banded morwong); or

(b) a buoy that is used for marking a non-commercial gillnet for the purposes of rule 133(8).

(3) Unless otherwise specified, a mark that is required to be placed on a buoy under these rules must be in figures not less than 70 millimetres high and 12 millimetres wide.

35. Fish caught in rock lobster pots, rock lobster rings or giant crab traps

A person may take, or be in possession of, scalefish caught in a rock lobster pot, rock lobster ring or giant crab trap under the authority of –

(a) a fishing licence (rock lobster); or

(b) a fishing licence (giant crab); or

(c) a fishing licence (recreational rock lobster pot); or

(d) a fishing licence (recreational rock lobster ring).

PART 3 - Commercial Fishing

Division 1 - Licences

Subdivision 1 - General

36. Granting of certain licences

(1) This rule applies to a licence of any of the following classes:

(a) class personal, if the licence is endorsed with any endorsement referred to in Division 2 of this Part;

(b) class seine;

(c) class scalefish, other than a fishing licence (rock lobster);

(d) class species;

(e) class small-mesh gillnet;

(f) class Danish seine;

(g) class squid.

(2) A licence to which this rule applies may only be granted to a person if the person lodging the application for the licence –

(a) held –

(i) in the case of an application for a fishing licence (personal) to be endorsed with any endorsement referred to in Division 2 of this Part, a fishing licence (personal) endorsed with those endorsements on the preceding 31 August; or

(ii) in the case of an application for any other licence, a licence the same as that applied for on the last day of the preceding February; and

(b) has not transferred the licence referred to in paragraph (a); and

(c) lodges the application for a licence of a type in accordance with section 77 of the Act within 12 months after the expiry of the licence of that type that he or she currently holds.

37. Fishing for commercial purposes

A person must not take scalefish for commercial purposes in State waters unless the person holds, and takes the scalefish in accordance with –

(a) an appropriate authority; or

(b) a fishing licence (personal), a fishing licence (vessel), a species licence or an apparatus licence; or

(c) a fishing licence (personal) that is endorsed for the use of –

(i) spears to take flounder for commercial purposes; or

(ii) a maximum of 250 metres of beach seine net in waters between Point Sorell at Hawley, near Devonport, and North Point at Stanley; or

(iii) special small-mesh gillnet; or

(iv) small-mesh gillnet in Bass Strait; or

(v) if the person has never held a fishing licence (small-mesh gillnet), small-mesh gillnet in a shark refuge area.

Penalty:

Grade 3 penalty.

38. Prohibition on commercial fishing in certain areas

(1) A person must not take scalefish for commercial purposes in –

(a) Georges Bay; or

(b) the D'Entrecasteaux Channel; or

(c) Ansons Bay.

Penalty:

Grade 3 penalty.

(2) A person must not take scalefish for commercial purposes from the following waters unless the person is the holder of a fishing licence endorsed to take scalefish from those waters, and takes the scalefish in accordance with the endorsement:

(a) the River Derwent;

(b) Macquarie Harbour;

(c) Port Sorell.

Penalty:

Grade 3 penalty.

39. Completion of scalefish records

The holder of a commercial fishing licence must complete scalefish records –

(a) within 4 hours immediately after landing the scalefish; and

(b) before any of the scalefish so landed are moved outside the landing area; and

(c) before any of the scalefish so landed are moved inside a tent or other temporary structure or a building; and

(d) if the licensee is on a fishing trip that lasts longer than 24 hours, before the end of each day of that fishing trip.

Penalty:

Grade 3 penalty.

Subdivision 2 - Types of licences

40. Fishing licence (scalefish A)

The holder of a fishing licence (scalefish A) may possess on a fishing vessel, or use, not more than –

(a) 1 000 metres in length of graball net; and

(b) 200 hooks; and

(c) 2 fish traps.

41. Fishing licence (scalefish B)

The holder of a fishing licence (scalefish B) may possess on a fishing vessel, or use, not more than –

(a) 500 metres in length of graball net; and

(b) 200 hooks; and

(c) 2 fish traps.

42. Fishing apparatus for fishing licence (scalefish A) or fishing licence (scalefish B)

(1) The holder of a fishing licence (scalefish A) or a fishing licence (scalefish B) may –

(a) possess on a fishing vessel squid jigs, landing nets, hand-held dipnets and spears; and

(b) use the squid jigs, hand-held dipnets and spears to take scalefish; and

(c) use the landing nets to land scalefish.

(2) The holder of a fishing licence (scalefish A) or a fishing licence (scalefish B) who is not the holder of a fishing licence (automatic squid jig) may possess on a fishing vessel, or use, at any one time, not more than –

(a) 4 automatic squid-jigging machines; and

(b) fish attraction lamps exceeding a total power rating of 2 000 watts.

(3) Despite subrule (1), the holder of a fishing licence (scalefish A) or a fishing licence (scalefish B) who is not the holder of a fishing licence (automatic squid jig) may possess on a fishing vessel, or use, at any one time, not more than 5 squid jigs, unless operating an automatic squid-jigging machine under the authority of subrule (2).

43. Fishing licence (scalefish C)

(1) The holder of a fishing licence (scalefish C) may possess on a fishing vessel, or use, not more than –

(a) 150 metres in length of graball net; and

(b) 200 hooks; and

(c) one fish trap.

(2) The holder of both a fishing licence (scalefish C) and a fishing licence (wrasse) may possess on a fishing vessel, or use, not more than –

(a) 2 fish traps; and

(b) 10 hooks, as authorised by the fishing licence (scalefish C), if any fish traps are being used from, or on board, the vessel.

(3) The holder of a fishing licence (scalefish C), a fishing licence (personal) and a fishing licence (vessel) at the same time may –

(a) possess on a fishing vessel squid jigs, landing nets and one hand-held dipnet; and

(b) use the squid jigs and the hand-held dipnet to take scalefish; and

(c) use the landing nets to land scalefish.

44. Fishing licence (rock lobster)

(1) The holder of a fishing licence (rock lobster) may possess on a fishing vessel, or use, not more than –

(a) 150 metres in length of graball net; and

(b) 200 hooks; and

(c) 2 fish traps.

(2) The holder of a fishing certificate that specifies both a fishing licence (rock lobster) and either a fishing licence (scalefish A) or a fishing licence (scalefish B), must not possess on a fishing vessel, or use, any more fishing gear than the gear authorised by the fishing licence (scalefish A) or the fishing licence (scalefish B).

(3) A person who holds a fishing licence (rock lobster), a fishing licence (personal) and a fishing licence (vessel) at the same time may –

(a) possess on a fishing vessel squid jigs, landing nets and 2 hand-held dipnets; and

(b) use the squid jigs and the hand-held dipnets to take scalefish; and

(c) use the landing nets to land scalefish.

45. Fishing licence (small-mesh gillnet)

(1) The holder of a fishing licence (small-mesh gillnet) may possess on a fishing vessel, or use –

(a) a small-mesh gillnet that is not more than 200 metres in length; and

(b) up to 600 metres in length of small-mesh gillnet in total.

(2) The holder of a fishing licence (small-mesh gillnet) must not possess on a fishing vessel, or use, a small-mesh gillnet that has a net depth of more than 75 meshes while using, or

possessing, more than half the amount of small-mesh gillnet authorised by the person's licence.

Penalty:

Grade 2 penalty.

(3) A person must not possess on a fishing vessel, or use, a small-mesh gillnet unless the person is the holder of –

(a) a fishing licence (small-mesh gillnet); or

(b) both a fishing licence (personal) that is endorsed for the use of a small-mesh gillnet and a scalefish licence.

Penalty:

Grade 3 penalty.

46. Fishing licence (purse seine net)

(1) The holder of a fishing licence (purse seine net) may possess on a fishing vessel, or use –

(a) a purse seine net with a headline length of not more than 600 metres; or

(b) a lampara net with a headline length of not more than 600 metres.

(2) The holder of a fishing licence (purse seine net) must not use more than one seine net at any one time.

Penalty:

Grade 2 penalty.

(3) However, nothing in subrule (2) prevents the holder of a fishing licence (purse seine net) from possessing on a fishing vessel more than one seine net at any one time.

47. Fishing licence (beach seine)

(1) The holder of a fishing licence (beach seine A) may possess on a fishing vessel, or use, beach seine nets if the total headline length of the nets is not more than 600 metres.

(2) The holder of a fishing licence (beach seine B) may possess on a fishing vessel, or use, beach seine nets if the total headline length of the nets is not more than 150 metres.

48. Fishing licence (automatic squid jig)

The holder of a fishing licence (automatic squid jig) may –

(a) possess on a fishing vessel, and use, the following fishing apparatus in accordance with these rules:

- (i) automatic squid-jigging machines;
 - (ii) squid lines;
 - (iii) fish attraction lamps; and
- (b) take and possess only Gould's squid under the authority of that licence.

Division 2 - Endorsements on licences

49. Endorsement of fishing licences

- (1) The Secretary may endorse a fishing licence to allow the holder of the licence –
- (a) to use the fishing apparatus specified on the licence in the waters specified in respect of that fishing apparatus; and
 - (b) to take or possess, and sell, the species or types of fish specified on the licence.
- (2) A person who is the holder of a fishing licence that is endorsed under subrule (1) must comply with that endorsement when operating under the authority of that endorsement.

Penalty:

Grade 3 penalty.

50. Endorsements to use fishing apparatus

- (1) A person must not take fish under the authority of a fishing licence (personal) using a type of fishing apparatus unless –
- (a) the fishing licence (personal) is endorsed for the use of that type of fishing apparatus; and
 - (b) the person also holds an apparatus licence that authorises the use of that type of fishing apparatus.

Penalty:

Grade 3 penalty.

(2) Subrule (1) does not apply to the holder of a fishing licence (personal) that is endorsed for the use of the following fishing apparatus, if the person is taking fish in accordance with that endorsement:

- (a) spears to take flounder for commercial purposes;
- (b) a maximum of 250 metres of beach seine net in waters between Point Sorell at Hawley, near Devonport, and North Point at Stanley;
- (c) special small-mesh gillnet;

(d) small-mesh gillnet in Bass Strait;

(e) small-mesh gillnet in a shark refuge area, if the person has never held a fishing licence (small-mesh gillnet).

(3) If a person holds –

(a) a fishing licence (personal) that is endorsed for the use of a specified kind of fishing apparatus; and

(b) an apparatus licence that authorises the use of that kind of fishing apparatus –

the person must not, at any time, use more of that fishing apparatus than is authorised by the apparatus licence.

Penalty:

Grade 3 penalty.

51. Small-mesh gillnet endorsements

The holder of a fishing licence (personal) that is endorsed for the use of small-mesh gillnet must not possess on a fishing vessel, or use –

(a) more than 600 metres of small-mesh gillnet; or

(b) a single small-mesh gillnet that is more than 200 metres in length; or

(c) a small-mesh gillnet and a graball net, the combined length of which exceeds the greater of either –

(i) the length of graball net authorised by a scalefish licence held by that holder; or

(ii) the length of small-mesh gillnet authorised by a scalefish licence, held by that holder, to be used.

Penalty:

Grade 3 penalty.

52. Special small-mesh gillnet endorsements

The holder of a fishing licence (personal) that is endorsed for the use of special small-mesh gillnet must not possess on a fishing vessel, or use –

(a) a length of special small-mesh gillnet that exceeds the length of gillnet specified on the endorsement; or

(b) if the holder also holds a scalefish licence or a fishing licence (small-mesh gillnet) –

(i) a length of special small-mesh gillnet that exceeds the length of gillnet authorised by that licence; or

(ii) a length of special small-mesh gillnet and any other gillnet, the combined length of which exceeds the length of gillnet authorised by that licence.

Penalty:

Grade 3 penalty.

53. Beach seine net endorsements

The holder of a fishing licence (personal) that is endorsed for the use of a beach seine net who is not also the holder of a fishing licence (vessel) must not –

(a) use more than one 50-metre beach seine net; or

(b) use any fishing vessel to operate the beach seine net or transport the catch caught with such a net.

Penalty:

Grade 3 penalty.

54. Gillnet endorsements in shark refuge areas

(1) The holder of a fishing licence (personal) that is endorsed for the use of gillnet in a shark refuge area must not use in that shark refuge area –

(a) more gillnet than is specified in the endorsement; or

(b) gillnet that is longer than the length of graball net authorised by a scalefish licence that is also held by that holder.

Penalty:

Grade 3 penalty.

(2) Subrule (1)(b) does not apply if the gillnet is a small-mesh gillnet used in accordance with these rules.

55. Endorsement of licences as non-transferable

(1) The Minister is to endorse a fishing licence (scalefish C) as a non-transferable fishing licence.

(2) A licence specified in subrule (1) may only be used by the holder of that licence.

(3) The Minister is to endorse a fishing licence (scalefish A) or a fishing licence (scalefish B) as a non-transferable fishing licence if the holder of the licence does not have a recorded catch history of scalefish for the period starting on 1 July 1998 and ending on 28 February 2003.

(4) A scalefish licence specified in subrule (3) may only be used by –

(a) the holder of the licence; or

(b) if the licence authorised a person to be a supervisor of the licence at the time the licence was endorsed as a non-transferable licence, the supervisor of the licence.

Division 3 - Commonwealth authorities, &c.

56. Limits for holder of appropriate authority

(1) The holder of an appropriate authority who does not hold a scalefish licence and who is in possession of, or uses, shark nets or hooks in State waters must not take, or be in possession of, more than –

(a) 200 kilograms in total of any scalefish other than the scalefish specified in paragraph (b);
or

(b) 250 kilograms in total of the following scalefish:

(i) snapper;

(ii) striped trumpeter;

(iii) yellowtail kingfish; or

(c) 150 kilograms of striped trumpeter; or

(d) the following weight of the following scalefish:

(i) 20 kilograms of bastard trumpeter;

(ii) 50 kilograms of bight redfish.

Penalty:

Grade 3 penalty.

(2) The holder of an appropriate authority who does not hold a scalefish licence and who is in possession of, or uses, shark nets or hooks in State waters must not take, or be in possession of, scalefish of the following species or types:

(a) Australian anchovy;

(b) Australian salmon;

(c) Australian sardine;

(d) Australian sprat;

(e) banded morwong;

(f) black bream;

- (g) bluespotted goatfish;
- (h) blue sprat;
- (i) dusky morwong;
- (j) king gar;
- (k) King George whiting;
- (l) luderick;
- (m) magpie morwong;
- (n) mulloway;
- (o) rock flathead;
- (p) sea sweep;
- (q) snook;
- (r) southern sea garfish;
- (s) wrasse;
- (t) yelloweye mullet;
- (u) yellowfinned whiting.

Penalty:

Grade 3 penalty.

57. Limits for holders of appropriate authority and scalefish licence

(1) The holder of both an appropriate authority and a scalefish licence who is in possession of, or uses, more than 1 800 metres of shark net or is in possession of more than 1 000 hooks in State waters must not take, or be in possession of, more than –

(a) 200 kilograms in total of any scalefish other than the scalefish specified in paragraph (b);
or

(b) 250 kilograms in total of the following scalefish:

- (i) snapper;
- (ii) striped trumpeter;
- (iii) yellowtail kingfish; or

- (c) 50 kilograms in total of striped trumpeter; or
- (d) the following weight of the following scalefish:

- (i) 20 kilograms of bastard trumpeter;

- (ii) 50 kilograms of bight redfish.

Penalty:

Grade 3 penalty.

(2) The holder of both an appropriate authority and a scalefish licence who is in possession of, or uses, more than 1 800 metres of shark net or is in possession of more than 1 000 hooks in State waters must not take, or be in possession of, scalefish of the following species or types:

- (a) Australian anchovy;
- (b) Australian salmon;
- (c) Australian sardine;
- (d) Australian sprat;
- (e) banded morwong;
- (f) black bream;
- (g) bluespotted goatfish;
- (h) blue sprat;
- (i) dusky morwong;
- (j) king gar;
- (k) King George whiting;
- (l) luderick;
- (m) magpie morwong;
- (n) mulloway;
- (o) rock flathead;
- (p) sea sweep;
- (q) snook;
- (r) southern sea garfish;

(s) wrasse;

(t) yelloweye mullet;

(u) yellowfinned whiting.

Penalty:

Grade 3 penalty.

(3) A person who holds an appropriate authority and a scalefish licence and takes scalefish in State waters –

(a) is considered to have taken that scalefish under the authority of the person's scalefish licence; and

(b) is to record the taking of the scalefish in the person's scalefish records in accordance with rule 39; and

(c) is not to exceed the limit, if any, specified in subrule (1) for the kind of scalefish taken.

Penalty:

Grade 3 penalty.

58. Quota limits on Commonwealth authority

A person who holds a Commonwealth authority to take a species of fish for which a Commonwealth quota applies, or which authorises the taking of that species if the person holds a quota for that species, must not take, or be in possession of, any fish of that species other than in accordance with that authority.

Penalty:

Grade 2 penalty.

59. Possessing graball nets

A person who holds an appropriate authority must not, while on a fishing vessel in State waters, be in possession of a graball net if –

(a) more than 1 800 metres of shark net are being used from, or carried on, the fishing vessel;
or

(b) more than 1 000 hooks are being used from, or carried on, the fishing vessel.

Penalty:

Grade 3 penalty.

60. Taking Australian salmon in certain waters

(1) The holder of a fishing licence (Australian salmon) must not take Australian salmon in any of the following waters:

(a) the waters of –

(i) Blackman Bay; and

(ii) Frederick Henry Bay and Norfolk Bay north of an imaginary straight line extending from Cape Deslacs to Black Jack Point; and

(iii) Port Sorell; and

(iv) the River Derwent; and

(v) the River Tamar;

(b) within 500 metres of the low-water mark at Swimcart Beach between Cosy Corner and Round Hill Point, between 1 December in one year and 31 March in the following year;

(c) within one nautical mile of the low-water mark between Point Sorell at Hawley, near Devonport, and North Point, Stanley;

(d) the waters of Great Oyster Bay north of an imaginary straight line extending from Webber Point to Fleurieu Point, from 1 January in any year to 31 March in that year;

(e) the waters enclosed eastward and northward by an imaginary straight line extending from the Coles Bay boat ramp to the eastern edge of the quarry on the northern side of The Hazards between Rulla Creek and Malunna Creek.

Penalty:

Grade 2 penalty.

(2) The holder of a fishing licence (Australian salmon) must not, in any one day, take a total of 500 kilograms or more of Australian salmon when fishing under the authority of a fishing licence –

(a) that permits the taking and possession of Australian salmon for commercial purposes; and

(b) that is not the person's fishing licence (Australian salmon).

Penalty:

Grade 2 penalty.

61. Taking Australian salmon with certain seine nets

The holder of a fishing licence (Australian salmon) may only take Australian salmon using beach seine nets and purse seine nets with –

- (a) a headline length of not more than 600 metres in total; and
- (b) a mesh size of at least 30 millimetres.

Penalty:

Grade 3 penalty.

62. Possessing Australian salmon

(1) On any one occasion, a person must not possess on a fishing vessel, or land, more than 500 kilograms of Australian salmon, in total weight, unless the person is –

- (a) the holder of a fishing licence (Australian salmon); or
- (b) the holder of a fishing licence (personal) endorsed to take that amount, or more than that amount, of Australian salmon.

Penalty:

Grade 3 penalty.

(2) The holder of a fishing licence (personal) may possess on a fishing vessel an unlimited amount of Australian salmon in addition to the 500 kilograms specified in subrule (1) if –

- (a) that additional amount of Australian salmon is frozen and packed in boxes; or
- (b) the holder has a receipt for the purchase of that Australian salmon.

63. Bycatch for fishing licences (Australian salmon)

(1) The holder of a fishing licence (Australian salmon) using fishing apparatus authorised by that licence must not take, or possess on a fishing vessel, fish of any species or type, other than Australian salmon, that have a total weight exceeding 50 kilograms unless –

(a) the holder also holds one of the following licences and has taken the fish in accordance with that licence:

- (i) a fishing licence (purse seine net);
- (ii) a fishing licence (beach seine A);
- (iii) a fishing licence (beach seine B); and

(b) the holder has used the fishing apparatus authorised by that licence to take the fish in accordance with that licence.

Penalty:

Grade 2 penalty.

(2) Subrule (1) does not apply to taking and possessing common jack mackerel or silver trevally.

Division 5 - Banded morwong

Subdivision 1 - Administration for banded morwong

64. Total allowable catch for banded morwong

(1) Unless otherwise determined by the Secretary by notice published in the *Gazette*, the quota period for which the total allowable catch for the commercial banded morwong fishery may be taken is the period commencing on 1 March in a year and ending on the last day of February in the following year.

(2) The Minister is to allocate the total allowable catch for the commercial banded morwong fishery to the holders of fishing licences (banded morwong) according to the number of banded morwong quota units held by those licensees in respect of those licences immediately before the commencement of the period referred to in subrule (1).

65. Determination of market value

(1) The Secretary may, from time to time, after consultation with the relevant fishing body –

(a) determine the market value of banded morwong; and

(b) publish the determination in the *Gazette*.

(2) A determination under subrule (1) has effect from the date on which the notice is published until the determination is revoked or a further determination is published under that subrule.

66. Maximum licence holdings for banded morwong

(1) A person must not at any one time –

(a) hold more than 2 fishing licences (banded morwong); or

(b) receive any payment, financial advantage or benefit in kind from more than 2 fishing licences (banded morwong).

Penalty:

Grade 3 penalty.

(2) If a person is convicted of an offence under subrule (1), the Minister may divest the person of any fishing licences (banded morwong) in excess of 2 licences and reallocate the banded morwong quota units of the divested licences by any means the Minister considers appropriate.

67. Maximum quota unit holdings

(1) The holder of a fishing licence (banded morwong) must not at any one time or in the same licensing year –

(a) hold more than 200 banded morwong quota units on a licence; or

(b) hold more than 200 banded morwong quota units; or

(c) receive any payment, financial advantage or benefit in kind from more than 200 banded morwong quota units.

Penalty:

Grade 3 penalty.

(2) If a person is convicted of an offence under subrule (1), the Minister may divest the person of his or her interests in excess of 200 banded morwong quota units and reallocate those interests by any means the Minister considers appropriate.

68. Restrictions on transfer of banded morwong quota units

(1) The Minister is not to specify banded morwong quota units on a licence other than a fishing licence (banded morwong).

(2) The Minister is not to transfer banded morwong quota units unless –

(a) the units are transferred to a person who is the holder of a fishing licence (banded morwong); and

(b) the banded morwong quota unit balance for the transferor's fishing licence (banded morwong) is reduced by a quantity equivalent to the number of those banded morwong quota units; and

(c) no banded morwong has been caught under those banded morwong quota units in the quota period within which the units are to be transferred.

(3) However, subrule (2)(c) does not apply to the permanent transfer of banded morwong quota units, whether caught or uncaught, that are transferred with the fishing licence (banded morwong) in which the banded morwong quota units are specified.

69. Banded morwong overcatch provisions

(1) The holder of a fishing licence (banded morwong) must not land banded morwong that have been taken or possessed by the licensee in the TAC area if the quantity of banded morwong landed exceeds the banded morwong quota unit balance for the licence.

Penalty:

Grade 3 penalty.

(2) However, in determining whether the holder of the fishing licence (banded morwong) has committed an offence under subrule (1), banded morwong possessed by the licensee in the TAC area are to be disregarded if –

- (a) those banded morwong were taken outside the TAC area; and
- (b) the licensee made a report, to the reporting service, concerning the movement of those banded morwong no earlier than 2 hours before they entered the TAC area.

(3) If –

(a) the Minister is satisfied that the holder of a fishing licence (banded morwong) has committed an offence under subrule (1) but that the relevant quota unit balance has only been exceeded by 30% or less; and

(b) the licensee pays or agrees to pay an administrative penalty to the Crown by such date, or within such period, as that person and the Minister have agreed for the purpose –

the Minister may accept such payment or agreement to pay and, if so, must waive or, if applicable, discontinue the proceedings for the offence.

(4) If the whole or any part of an amount that a person has agreed to pay under subrule (3) is not paid, the unpaid amount may be recovered in a court of competent jurisdiction as a debt due to the Crown.

70. Reporting services

(1) The Secretary may approve –

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

(2) As soon as practicable after it receives a report under this Division, the reporting service is to issue the maker of the report with a report receipt number.

Subdivision 2 - Taking, &c., of banded morwong

71. Taking and possession of banded morwong

A person must not take, or be in possession of, banded morwong in State waters for commercial purposes unless the person is the holder of a fishing licence (banded morwong).

Penalty:

Grade 3 penalty.

72. Buoys for commercial graball nets used in banded morwong fishery

If the holder of a fishing licence (banded morwong) uses graball nets to take banded morwong in accordance with the licence, those nets may be marked with buoys that are –

- (a) any colour; and

(b) any shape.

73. Taking and possessing banded morwong in TAC area

(1) The holder of a fishing licence (banded morwong) must make a report, to the reporting service, in relation to his or her intention to take banded morwong for commercial purposes in the TAC area, before entering the TAC area.

Penalty:

Grade 3 penalty.

(2) The holder of a fishing licence (banded morwong) must not take, or be in possession of, banded morwong in the TAC area unless the number of banded morwong quota units that may be taken under the licence is specified on the licence.

Penalty:

Grade 2 penalty.

(3) However, subrule (2) does not apply to banded morwong possessed by the licensee in the TAC area if –

(a) the banded morwong were taken outside the TAC area; and

(b) the licensee made a report, to the reporting service, in relation to the transportation of the banded morwong into the TAC area, no earlier than 2 hours before entering the TAC area.

(4) The holder of a fishing licence (banded morwong) must not, while fishing under the authority of that licence, engage in non-commercial fishing for banded morwong.

Penalty:

Grade 3 penalty.

74. Single area trips

The holder of a fishing licence (banded morwong) must not, during a fishing trip for commercial purposes, be in possession of banded morwong taken from the TAC area if the licensee is also in possession of banded morwong taken from waters other than the TAC area.

Penalty:

Grade 3 penalty.

75. Transfer of banded morwong to fish processors

(1) If the holder of a fishing licence (banded morwong) transports banded morwong outside the landing area to a fish processor, the holder of a fishing licence (banded morwong) must –

(a) complete Part A of a banded morwong quota docket before the banded morwong are removed from the landing area; and

(b) before removing banded morwong from the landing area, make a report to the reporting service in relation to that removal; and

(c) send the original sheet of the completed banded morwong quota docket to the Secretary within 48 hours of the time of the receipt as recorded in Part B of the docket.

Penalty:

Grade 3 penalty.

(2) If the holder of a fishing licence (banded morwong) sells or transfers, within the landing area, banded morwong to a fish processor, the holder of the fishing licence (banded morwong) must –

(a) complete Part A of a banded morwong quota docket before the banded morwong are removed from the landing area; and

(b) send the original sheet of the completed banded morwong quota docket to the Secretary within 48 hours of the time of the receipt as recorded in Part B of the docket.

Penalty:

Grade 3 penalty.

(3) A fish processor must complete Part B of the banded morwong quota docket on receipt of banded morwong under this rule.

Penalty:

Grade 3 penalty.

76. Records to be completed

The holder of a fishing licence (banded morwong) who lands banded morwong that have been taken from, or possessed in, State waters must complete the approved records before the banded morwong leave the landing area.

Penalty:

Grade 3 penalty.

Division 6 - Octopus

77. Grant of fishing licence (octopus)

Schedule 14 has effect with respect to the granting of a fishing licence (octopus).

78. Authority of fishing licence (octopus)

(1) A fishing licence (octopus) authorises its holder to take octopus of the following species:

(a) *Octopus pallidus*;

(b) *Octopus tetricus*;

(c) *Octopus maorum*.

(2) A fishing licence (octopus) authorises its holder to take octopus in the octopus zone.

(3) Unless otherwise authorised by the Secretary, the holder of a fishing licence (octopus) must not use more than 10 000 octopus pots.

Penalty:

Grade 3 penalty.

(4) The Secretary may, in writing, authorise the holder of a fishing licence (octopus) to use, for the purposes of scientific research, octopus pots additional to the number permitted under subrule (3).

(5) An authorisation under subrule (4) may be granted on such conditions as the Secretary considers appropriate.

(6) The holder of a fishing licence (octopus) must, if granted an authorisation under subrule (4), comply with the conditions of the authorisation.

Penalty:

Grade 2 penalty.

79. Taking and possessing octopus

(1) The holder of a fishing licence (personal) must not, in State waters –

(a) take more than 100 kilograms of octopus in any one day; or

(b) be in possession of more than 100 kilograms of octopus at any one time –

unless the person is also the holder of a fishing licence (octopus).

Penalty:

Grade 3 penalty.

(2) A person must not, in any one day, take more than 5 octopuses in the waters of Eaglehawk Bay, east of the line of longitude through Mason Point, unless the person is the holder of a fishing licence (personal).

Penalty:

Grade 3 penalty.

(3) A person must not, at any one time, be in possession of more than 5 octopuses in –

(a) the waters of Eaglehawk Bay, east of the line of longitude through Mason Point; or

(b) any land that is within 200 metres of the high-water mark of the waters of Eaglehawk Bay, east of the line of longitude through Mason Point –

unless the person is the holder of a fishing licence (personal).

Penalty:

Grade 3 penalty.

80. Restricted areas to take octopus

The holder of a fishing licence (octopus) must not use an octopus pot in, or take an octopus from –

(a) the waters in the north-west region specified in Part 1 of Schedule 6; or

(b) the waters in the north-east region specified in Part 2 of Schedule 6; or

(c) a shark refuge area.

Penalty:

Grade 3 penalty.

81. Using octopus pots

(1) Unless otherwise authorised by the Secretary, the holder of a fishing licence (octopus) must not use bait in an octopus pot.

Penalty:

Grade 2 penalty.

(2) Unless otherwise authorised by the Secretary, the holder of a fishing licence (octopus) must not use an octopus pot with a door, a flap or other device that would restrict an octopus from escaping from the octopus pot.

Penalty:

Grade 2 penalty.

(3) The holder of a fishing licence (octopus) must not use more than 1 000 octopus pots per line.

Penalty:

Grade 2 penalty.

(4) Unless otherwise authorised by the Secretary, the holder of a fishing licence (octopus) must not use an octopus pot to take fish of any species or type other than octopus.

Penalty:

Grade 2 penalty.

(5) Unless otherwise authorised by the Secretary, the holder of a fishing licence (octopus) must not set or haul octopus pots in respect of another fishing licence (octopus).

Penalty:

Grade 2 penalty.

82. Setting octopus pots

The holder of a fishing licence (octopus) must not set an octopus pot unless –

- (a)** the octopus pot is attached to a longline; and
- (b)** each end of the longline is securely attached to a surface buoy; and
- (c)** each surface buoy attached to the longline is clearly and legibly marked with –
 - (i)** the distinguishing mark in respect of the fishing vessel for which the octopus pot is used; and
 - (ii)** the letters "OP".

Penalty:

Grade 1 penalty.

Division 7 - Other fish

83. Mackerel

(1) A person must not take, or be in possession of, more than 100 kilograms of mackerel on a licenced fishing vessel if the vessel is in State waters and is more than 20 metres in length.

Penalty:

Grade 3 penalty.

(2) Subrule (1) does not apply to –

- (a)** a person who is in possession of mackerel on a vessel that is more than 20 metres in length if the person is acting in accordance with a Commonwealth authority; or
- (b)** the holder of a fishing licence (rock lobster) who takes, or is in possession of, the mackerel for use as bait for taking rock lobster; or
- (c)** the holder of a mackerel fishing licence.

84. Marblefish

(1) A person must not take, or be in possession of, marblefish in State waters for commercial purposes unless the person is the holder of a fishing licence (banded morwong).

Penalty:

Grade 3 penalty.

(2) However, subrule (1) does not prevent the holder of a fishing licence (rock lobster) from taking or using marblefish for bait in accordance with that licence.

85. Sharks

(1) A person, while on a fishing vessel in State waters, must not take, or be in possession of, more than 5 sharks (other than elephantfish) for commercial purposes unless the person is the holder of an appropriate authority and is fishing in accordance with that authority.

Penalty:

Grade 3 penalty.

(2) The holder of a scalefish licence must not, in State waters –

(a) take more than 100 kilograms of elephantfish in any one day; or

(b) be in possession of more than 100 kilograms of elephantfish at any one time.

Penalty:

Grade 3 penalty.

(3) The holder of a scalefish licence must not, in any one day, take more than 5 elephantfish in a shark refuge area.

Penalty:

Grade 3 penalty.

86. Southern calamari

(1) A person must not take, or be in possession of, southern calamari in south-east waters for commercial purposes unless the person is the holder of –

(a) a fishing licence (southern calamari); or

(b) a fishing licence of class scalefish; or

(c) a seine licence; or

(d) a Danish seine licence.

Penalty:

Grade 3 penalty.

(2) However, subrule (1) does not apply to a person who possesses southern calamari in south-east waters if those calamari were taken under the authority of a Commonwealth authority.

(3) The holder of a fishing licence (southern calamari) must not take, or be in possession of, southern calamari for commercial purposes in State waters other than south-east waters when acting under the authority of that fishing licence or any other fishing licence that is specified on the same fishing certificate as the fishing licence (southern calamari).

Penalty:

Grade 3 penalty.

(4) The holder of a fishing licence (personal) must not take, or be in possession of, more than 10 southern calamari in south-east waters in a 24-hour period unless that licensee also holds a fishing licence (southern calamari), a seine licence or a Danish seine licence.

Penalty:

Grade 3 penalty.

87. Wrasse

(1) A person must not sell live wrasse unless the person –

(a) is the holder of a fishing licence (wrasse); or

(b) holds a receipt for the purchase of the wrasse being sold.

Penalty:

Grade 2 penalty.

(2) The holder of a fishing licence (personal) must not be in possession of live or dead wrasse in State waters that have a total weight exceeding 30 kilograms unless the person is –

(a) the holder of a fishing licence (wrasse); or

(b) the holder of a fishing licence (rock lobster) who is in possession of the wrasse for use as bait.

Penalty:

Grade 2 penalty.

(3) The holder of a fishing licence (personal) must not, in any one day, take wrasse that have a total weight exceeding 30 kilograms unless the person is –

(a) the holder of a fishing licence (wrasse); or

(b) the holder of a fishing licence (rock lobster) who takes the wrasse for use as bait.

Penalty:

Grade 2 penalty.

(4) A person who holds both a fishing licence (wrasse) and a fishing licence (rock lobster) is authorised to take, and possess, wrasse in –

(a) any waters in which the person is authorised to take wrasse under his or her fishing licence (wrasse); and

(b) any waters in which the person is authorised to take rock lobster under his or her fishing licence (rock lobster).

Division 8 - Catch and by-catch limits

88. Certain scalefish limits

(1) The holder of a fishing licence (personal) who is not operating in accordance with a Commonwealth authority must not take, or be in possession of, more than –

(a) 200 kilograms of any species or type of scalefish covered under the Commonwealth Act, other than the species specified in paragraph (c); or

(b) the following amounts of scalefish:

(i) 10 fish or 40 kilograms, whichever is greater in weight, in total of albacore tuna, skipjack tuna, longtail tuna and Rays bream;

(ii) 2 fish in total of bigeye tuna and yellowfin tuna;

(iii) 50 kilograms in total of hapuku, bass and bass groper;

(iv) 50 kilograms of blue-eye trevalla;

(v) 100 kilograms of blue grenadier;

(vi) 50 kilograms of gemfish;

(vii) 50 kilograms of redfish; or

(c) take, or be in possession of, the following fish:

(i) billfish;

(ii) black oreodory;

(iii) deepwater flathead;

(iv) king dory;

(v) northern bluefin tuna;

(vi) orange roughy;

(vii) ox-eye oreodory;

(viii) smooth oreodory;

(ix) southern bluefin tuna;

(x) spiky oreodory;

(xi) warty oreodory;

(xii) yelloweye redfish.

Penalty:

Grade 2 penalty.

(2) Subrule (1) does not apply to the holder of a fishing licence (rock lobster).

(3) The holder of a fishing licence (personal) must not be in possession of more than 3 of any of the species, or type of scalefish, specified in Schedule 9 in State waters.

Penalty:

Grade 2 penalty.

(4) The holder of a fishing licence (personal) must not, in State waters, take, or be in possession of, more than 250 kilograms in total of all of the following fish:

(a) snapper;

(b) striped trumpeter;

(c) yellowtail kingfish.

Penalty:

Grade 3 penalty.

(5) The holder of a fishing licence (personal) must not, in State waters –

(a) take more than 200 kilograms of bastard trumpeter in any one day; or

(b) be in possession of more than 200 kilograms of bastard trumpeter at any one time.

Penalty:

Grade 3 penalty.

89. Certain scalefish limits for holder of fishing licence (rock lobster)

(1) A person who is the holder of a fishing licence (rock lobster), when operating under the authority of that licence, must not use more than the following fishing apparatus to take fish of the superclass Pisces:

(a) graball net, the total headline length of which is not more than 150 metres;

(b) 2 fish traps;

(c) trolling lines;

(d) one of the following:

(i) one demersal longline not more than 1 000 metres in length with not more than 200 snoods and hooks attached or capable of being attached;

(ii) 2 droplines to which no more than 200 snoods and hooks are attached or capable of being attached.

Penalty:

Grade 3 penalty.

(2) The holder of a fishing licence (rock lobster), when fishing under the authority of that licence, must not –

(a) take, or be in possession of, more than the following amounts of scalefish:

(i) 10 fish or 40 kilograms, whichever is greater in weight, in total of albacore tuna, skipjack tuna, longtail tuna and Rays bream;

(ii) 30 fish of bastard trumpeter;

(iii) 100 kilograms of blue-eye trevalla;

(iv) 60 fish of blue warehou;

(v) 30 fish of flathead

(vi) 20 kilograms of garfish;

(vii) 50 kilograms of gemfish;

(viii) 50 kilograms of inshore crab;

(ix) 60 fish of jackass morwong;

(x) 200 kilograms of pink ling;

(xi) 15 fish of southern calamari; or

(b) take, or be in possession of, the following scalefish:

(i) bigeye tuna;

(ii) billfish;

(iii) northern bluefin tuna;

(iv) orange roughy;

(v) southern bluefin tuna;

(vi) yellowfin tuna;

(vii) yelloweye redfish; or

(c) land or unload more than –

(i) 150 kilograms of Australian salmon; or

(ii) 30 kilograms of wrasse, unless the person is also a holder of a fishing licence (wrasse).

Penalty:

Grade 3 penalty.

90. Bait fish, small pelagic species & king gar limits

The holder of a fishing licence (personal) must not take, or have possession of, more than the following amounts of each of the following scalefish in State waters:

(a) 10 kilograms of Australian anchovy;

(b) 10 kilograms of Australian sardine;

(c) 10 kilograms of Australian sprat;

(d) 10 kilograms of blue sprat;

(e) 10 kilograms of hardyhead;

(f) 20 kilograms of king gar.

Penalty:

Grade 3 penalty.

91. Boarfish limits

The holder of a fishing licence (personal) must not, in State waters, take, or be in possession of, more than 50 kilograms of boarfish.

Penalty:

Grade 3 penalty.

92. Inshore crab limits

The holder of a fishing licence (scalefish A), fishing licence (scalefish B) or fishing licence (scalefish C) must not, in State waters –

(a) take more than 25 inshore crabs in any one day; or

(b) be in possession of more than 25 inshore crabs at any one time.

Penalty:

Grade 3 penalty.

93. Squid limits for holders of fishing licence (scalefish C)

(1) The holder of a fishing licence (scalefish C) must not take, or be in possession of, any more than 30 Gould's squid, or southern calamari, in total in State waters.

Penalty:

Grade 3 penalty.

(2) Subrule (1) does not apply to a person who holds both a fishing licence (scalefish C) and a fishing licence of class seine.

Division 9 - Commercial fishing apparatus

Subdivision 1 - General

94. Fishing apparatus generally

(1) A person, in State waters, must not possess on a fishing vessel, or use, fishing apparatus that –

(a) is used or intended to be used to take scalefish; and

(b) is in excess of the amount of apparatus authorised under a licence or authority held by that person.

Penalty:

Grade 3 penalty.

(2) However, subrule (1) does not apply to a person who takes scalefish in accordance with a licence, or Commonwealth authority, that authorises the use of that fishing apparatus to take scalefish.

Subdivision 2 - Buoys

95. Marker buoys for fish traps and fish caufs

(1) The holder of a fishing licence (vessel) must ensure that the distinguishing mark in respect of the vessel is on the main buoy attached to the hauling line of each fish trap and each fish cauf used in connection with the fishing vessel.

Penalty:

Grade 1 penalty.

(2) The holder of a fishing licence (vessel) must attach to a fish trap used in connection with the fishing vessel, in addition to the main buoy, a buoy marked with the letters "FT" by attaching it to the hauling line of that fish trap within one metre of the main buoy.

Penalty:

Grade 1 penalty.

96. Marker buoys used on other commercial fishing apparatus

(1) The holder of a commercial fishing licence that authorises the use of –

(a) a gillnet; or

(b) a longline; or

(c) a dropline –

must not use that net or line unless the net or line has the distinguishing mark in respect of the fishing vessel from which it is used marked on each of the marker buoys used to mark the net or line.

Penalty:

Grade 2 penalty.

(2) A person using a graball net for commercial purposes must ensure that –

(a) if the net is used –

(i) in any shark refuge area, it is marked at one end by a red, orange or pink buoy and at the other end by a white buoy; or

(ii) in any other waters, it is marked at either end by a white buoy and a red, orange or pink buoy; and

- (b) at least one buoy on the net is –
- (i) marked in accordance with subrule (1); and
- (ii) designed specifically as a buoy.

Penalty:

Grade 1 penalty.

Subdivision 3 - Danish seine nets

97. Use and possession of trawl nets

(1) A person must not be in possession of a trawl net on a fishing vessel in State waters unless the person –

(a) is the holder of a fishing licence of class Danish seine authorising the person to do so on that fishing vessel; or

(b) is in possession of a trawl net in accordance with a Commonwealth authority that authorises the use of a type of trawl net.

Penalty:

Grade 3 penalty.

(2) A person must not use a board trawl net from a fishing vessel in State waters.

Penalty:

Grade 3 penalty.

98. Fishing licence (Danish seine)

The holder of a fishing licence (Danish seine) must not –

(a) possess more Danish seine nets on the fishing vessel than the number specified in the licence; or

(b) use more than one Danish seine net at any one time.

Penalty:

Grade 3 penalty.

99. Restrictions on fishing licence (Danish seine)

(1) The holder of a fishing licence (Danish seine) must not use a Danish seine net in accordance with that licence if the Danish seine net is being towed by, or is connected to, a vessel that is not the vessel specified in the fishing licence (Danish seine).

Penalty:

Grade 2 penalty.

(2) If a Danish seine net has a whiting codend attached, the holder of a fishing licence (Danish seine) must not use that net in State waters other than the following State waters:

(a) east of the line of longitude extending through Woolnorth Point to the line of longitude extending through Waterhouse Point;

(b) north of an imaginary straight line from Yellow Bluff on North Bruny Island to Outer North Head on the Tasman Peninsula.

Penalty:

Grade 2 penalty.

(3) The holder of a fishing licence (Danish seine) must not use a Danish seine net in the following State waters:

(a) within one nautical mile of any part of the coast of Tasmania, except Ile des Phoques (also known as White Rock);

(b) Anderson Bay;

(c) Frederick Henry Bay and Norfolk Bay;

(d) Great Oyster Bay;

(e) Mercury Passage;

(f) west and north of imaginary straight lines from Cape Degerando to Cape Baudin, from Cape Faure to Ile des Phoques, from Ile des Phoques to Cape Boullanger and from Cape Bernier to Cape Peron;

(g) the River Derwent;

(h) the D'Entrecasteaux Channel.

Penalty:

Grade 2 penalty.

(4) Subrules (2) and (3) do not apply to the holder of a fishing licence (Danish seine) if that licence is endorsed to allow the holder of the licence to use a Danish seine net in those waters, and the holder is acting in accordance with that endorsement.

100. Fishing licence (limited Danish seine)

The holder of a fishing licence (limited Danish seine) must not –

(a) possess more Danish seine nets on the fishing vessel than the number specified in the licence; or

(b) use more than one Danish seine net at any one time under that licence.

Penalty:

Grade 3 penalty.

101. Restrictions on fishing licence (limited Danish seine)

(1) The holder of a fishing licence (limited Danish seine) must not use a Danish seine net in accordance with that licence if the Danish seine net is being towed by, or is connected to, a vessel that is not the vessel specified in the fishing licence (limited Danish seine).

Penalty:

Grade 2 penalty.

(2) The holder of a fishing licence (limited Danish seine) must not use a Danish seine net under the authority of the licence in State waters other than the State waters bounded –

(a) in the north by an imaginary straight line from Tasman Head on South Bruny Island to Cape Raoul on the Tasman Peninsula; and

(b) in the west by the line of longitude 147°17'7"E; and

(c) in the east by the line of longitude 148°E –

and not including State waters that are within one nautical mile of any part of the coast of Tasmania.

Penalty:

Grade 2 penalty.

102. Fishing licence (limited Danish seine) ceases to have effect

The Minister may cancel a fishing licence (limited Danish seine) if the fishing vessel specified in the licence is no longer specified on a Commonwealth authority in relation to the South East Trawl Fishery of the Commonwealth.

Subdivision 4 - Gillnets

103. Use of small-mesh gillnets

(1) A person must not use a small-mesh gillnet in the following areas of State waters:

(a) all waters off the west coast of Tasmania, south of an imaginary straight line starting at Cape Grim and running due west;

(b) all waters off the east coast of Tasmania, south of an imaginary straight line starting at Cape Naturaliste and running due east;

(c) all waters off the south coast of Tasmania.

Penalty:

Grade 2 penalty.

(2) A person must not use a small-mesh gillnet in a shark refuge area unless the person is the holder of a fishing licence (personal) that is endorsed to use small-mesh gillnet in that area.

Penalty:

Grade 2 penalty.

(3) The holder of both a fishing licence (small-mesh gillnet) and a scalefish licence must not possess on a fishing vessel, or use, one or more small-mesh gillnets and one or more graball nets if the combined length of the nets exceeds the greater of the following lengths:

(a) the length of graball net authorised to be used;

(b) the length of small-mesh gillnet authorised to be used.

Penalty:

Grade 2 penalty.

(4) If the holder of both a fishing licence (small-mesh gillnet) and a fishing licence (personal) that is endorsed for the use of small-mesh gillnet in a shark refuge area intends to transfer the fishing licence (small-mesh gillnet), the holder must relinquish any endorsement on the fishing licence (personal) for the use of gillnet in that shark refuge area at the time of the transfer.

Penalty:

Grade 2 penalty.

104. Setting of gillnets

(1) A person must not set or leave a commercial gillnet in State waters for a continuous period of more than 6 hours.

Penalty:

Grade 2 penalty.

(2) A person must not set or leave a commercial gillnet, that is not a shark net, in State waters between –

(a) one hour after sunset; and

(b) one hour before sunrise –

unless the person is the holder of a fishing licence of class scalefish or a fishing licence (small-mesh gillnet).

Penalty:

Grade 2 penalty.

(3) Subrules (1) and (2) do not apply to –

(a) the holder of a fishing licence (personal) that is endorsed to permit the setting of unattended graball nets or small-mesh gillnets in the waters of the north coast of Tasmania bounded –

(i) in the west by a line of latitude through Cape Grim; and

(ii) in the east by a line of latitude through Cape Naturaliste; or

(b) the setting or leaving of a commercial gillnet as authorised under a scalefish licence if the nets are attended by the holder of the scalefish licence.

105. Possession of graball nets

(1) A person must not possess on a fishing vessel, or use, a graball net that has a net depth of more than 50 meshes unless the person is the holder of –

(a) a fishing licence (scalefish A); or

(b) a fishing licence (scalefish B).

Penalty:

Grade 2 penalty.

(2) The holder of a fishing licence (scalefish A) or a fishing licence (scalefish B) must not possess on a fishing vessel, or use, a commercial graball net that has a net depth of more than 50 meshes at the same time as using or possessing more than half the amount of commercial graball net authorised under the licence.

Penalty:

Grade 2 penalty.

106. Shark nets

A person must not, while on a fishing vessel in State waters, be in possession of a shark net unless that person is the holder of an appropriate authority that authorises the possession of a shark net.

Penalty:

Grade 3 penalty.

Subdivision 5 - Seine nets

107. Taking fish by purse seine nets

A person must not take scalefish using a purse seine net unless the person is the holder of –

- (a) a fishing licence (purse seine net); or
- (b) a fishing licence (Australian salmon).

Penalty:

Grade 2 penalty.

108. Seine nets on fishing vessels

A person must not possess on a fishing vessel, or use, in State waters –

- (a) a purse seine net, unless the person is the holder of –
 - (i) a fishing licence (purse seine net) and the fishing vessel is the vessel specified on that licence; or
 - (ii) a fishing licence (Australian salmon); or
- (b) a lampara net, unless the person is the holder of a fishing licence (purse seine net) and the fishing vessel is the vessel specified on that licence.

Penalty:

Grade 2 penalty.

109. Use of beach seine net

(1) The holder of a commercial fishing licence must not set, or use, a beach seine net in any of the following waters unless the person is also the holder of a fishing licence (personal) which is endorsed for the use of that net in those waters:

- (a) Port Sorell;
- (b) the waters between Hawley near Devonport and North Point at Stanley.

Penalty:

Grade 2 penalty.

(2) The holder of a fishing licence (personal) must not take Australian salmon with a beach seine net in the waters between Point Sorell at Hawley near Devonport and North Point at Stanley unless the licence is endorsed to take Australian salmon with a beach seine net in those waters.

Penalty:

Grade 2 penalty.

110. Taking fish by lampara nets

A person must not take scalefish using a lampara net unless the person is the holder of a fishing licence (purse seine net)

Penalty:

Grade 2 penalty.

Subdivision 6 - Vessels

111. Fishing apparatus on commercial fishing trips

(1) During a fishing trip for taking scalefish for commercial purposes, a person must not possess on a fishing vessel, or use, fishing apparatus that is in excess of that authorised by an apparatus licence when taking scalefish under the authority of that apparatus licence.

Penalty:

Grade 3 penalty.

(2) Subrule (1) does not apply to fishing apparatus used, or possessed on board a fishing vessel, as authorised by a Commonwealth authority.

112. Fishing apparatus on vessels transporting other vessels

A person on a fishing vessel that is used to transport another fishing vessel must not –

(a) possess more fishing apparatus on either vessel than the combined maximum that is authorised in respect of both vessels; or

(b) use more fishing apparatus on one of the vessels than the amount of fishing apparatus that is authorised to be used from that vessel.

Penalty:

Grade 3 penalty.

113. Mother boating permitted in certain circumstances

(1) The holder of a fishing licence (vessel) for a mother boat must not, during a fishing trip involving the mother boat, take scalefish for commercial purposes other than as, or to assist, a prescribed licensee.

Penalty:

Grade 3 penalty.

(2) The holder of a fishing licence (vessel) for a mother boat must not use the mother boat for landing prescribed scalefish taken by a prescribed licensee unless the prescribed licensee is on board the mother boat at the time of the landing.

Penalty:

Grade 3 penalty.

(3) Except as provided by subrules (1) and (2), nothing in these rules prohibits the holder of a fishing licence (vessel) in respect of a mother boat from being in possession of, or transporting on board the mother boat, prescribed scalefish taken by a prescribed licensee.

114. Auxiliary vessels

(1) A person who holds a fishing licence (vessel) and either a seine licence or a fishing licence (Australian salmon) must not, on a fishing trip, use –

(a) more than 2 auxiliary vessels; or

(b) an auxiliary vessel that is longer than the fishing vessel specified in the fishing licence (vessel).

Penalty:

Grade 2 penalty.

(2) A person to whom subrule (1) does not apply must not, in taking scalefish, use –

(a) more than one auxiliary vessel from the fishing vessel specified in the licence; or

(b) an auxiliary vessel that is longer than that fishing vessel.

Penalty:

Grade 2 penalty.

(3) The holder of a fishing licence (vessel) must ensure that each side of the hull of an auxiliary vessel used in conjunction with the fishing vessel specified on the licence displays the letter "D" above or forward of the distinguishing mark displayed on each side of the hull of the auxiliary vessel.

Penalty:

Grade 2 penalty.

115. Squid jigs on auxiliary vessels

The holder of a fishing licence (vessel) who holds an authorisation to possess on a fishing vessel, or use, squid jigs must not use squid jigs from an auxiliary vessel while using squid jigs from the authorised fishing vessel specified on the licence.

Penalty:

Grade 2 penalty.

116. Using or possessing squid jigs at same time as seine nets in south-east waters

(1) A person must not possess on a fishing vessel, or use, a squid jig in south-east waters while possessing on a fishing vessel, or using, a purse seine net, beach seine net or Danish seine net on the fishing vessel.

Penalty:

Grade 2 penalty.

(2) Subrule (1) does not apply if the person holds –

(a) a fishing licence (southern calamari); and

(b) a fishing licence that authorises the use of a purse seine net, beach seine net or Danish seine net.

Subdivision 7 - Other apparatus

117. Restrictions on use of landing nets

While taking scalefish under the authority of a commercial fishing licence, a person must not use a landing net except to land the fish.

Penalty:

Grade 2 penalty.

118. Restrictions relating to fish caufs

(1) The holder of a scalefish licence must not –

(a) be in possession of a fish cauf in State waters; or

(b) place any fish in a fish cauf –

unless the licence is endorsed for the use of a fish cauf.

Penalty:

Grade 3 penalty.

(2) The holder of a scalefish licence that is endorsed for the use of a fish cauf must not use a fish cauf except in accordance with that endorsement.

Penalty:

Grade 2 penalty.

(3) The holder of a scalefish licence that is endorsed for the use of a fish cauf must ensure the fish cauf is marked in accordance with rule 95.

Penalty:

Grade 3 penalty.

119. Restrictions relating to holding tanks

(1) The holder of a scalefish licence must not –

(a) be in possession of a holding tank; or

(b) place any fish in a holding tank –

unless the licence is endorsed for the use of a holding tank.

Penalty:

Grade 3 penalty.

(2) The holder of a scalefish licence that is endorsed for the use of a holding tank must not use a holding tank except in accordance with that endorsement.

Penalty:

Grade 2 penalty.

120. Records relating to fish caufs and holding tanks

(1) The holder of a scalefish licence that is endorsed for the use of a fish cauf must keep approved records in relation to the use of that fish cauf.

Penalty:

Grade 3 penalty.

(2) The holder of a scalefish licence that is endorsed for the use of a holding tank must keep approved records in relation to the use of that holding tank.

Penalty:

Grade 3 penalty.

PART 4 - Non-commercial Fishing

Division 1 - General

121. Application of Part

Unless otherwise specified, this Part does not apply to fishing for commercial purposes.

122. Licence holdings for recreational fishing

(1) A person must not hold more than one of each of the following licences:

- (a) fishing licence (recreational beach seine net);
- (b) fishing licence (recreational graball net);
- (c) fishing licence (recreational mullet net);
- (d) fishing licence (recreational set line).

Penalty:

Grade 3 penalty.

(2) A person who has not attained the age of 10 years is not eligible to hold the following licences:

- (a) fishing licence (recreational graball net);
- (b) fishing licence (recreational mullet net);
- (c) fishing licence (recreational set line).

123. Non-commercial catch limits

(1) This rule does not apply to a person in possession of fish if the person has proof that the fish were purchased.

(2) A person must not, in any one day, take more of a species, or a type, of scalefish than the bag limit specified for that species or type of scalefish in Schedule 4 or 5.

Penalty:

Grade 3 penalty.

(3) A person must not possess more of a species, or a type, of scalefish than –

- (a) in the case of a species or type of scalefish referred to in Schedule 4, the possession limit specified for that species or type of scalefish in that Schedule; and
- (b) in the case of a species or type of scalefish referred to in Schedule 5, the possession limit specified for that species or type of scalefish in that Schedule.

Penalty:

Grade 3 penalty.

(4) For the purposes of subrule (3), fish kept at the principal residence of a person are taken to be in his or her possession.

(5) Unless otherwise specified, a person in charge of a vessel must not, in any one day, be in possession of, or have on board the vessel, more of a species or type of scalefish than the boat limit specified for that species or type of scalefish in Schedule 5.

Penalty:

Grade 3 penalty.

(6) For the purposes of subrule (5), a species or type of scalefish that is in the possession of a person, or on board, a subsidiary vessel of a vessel is taken to be in possession of a person, or on board, the vessel.

Division 2 - Non-commercial apparatus

Subdivision 1 - General

124. Permitted fishing apparatus

(1) Unless otherwise authorised by a licence, a person must not take scalefish, using any fishing apparatus other than the following:

(a) lines, electric fishing reels or auxiliary fishing apparatus, with no more than 5 hooks attached to each of the lines or fishing apparatus, where the lines or fishing apparatus are –

(i) attached to, or attached to something in, a vessel if the person is taking scalefish from the vessel; or

(ii) within 20 metres of the person if the person is not taking scalefish from a vessel;

(b) one bait trap;

(c) one bait pump;

(d) one cast net;

(e) lines with no more than 3 squid jigs attached to each line;

(f) one bait net;

(g) spears;

(h) landing nets;

(i) one dipnet.

Penalty:

Grade 2 penalty.

(2) Subrule (1) does not apply to an Aborigine engaged in Aboriginal activity taking scalefish using the following fishing apparatus:

- (a) a gillnet;
- (b) a beach seine net;
- (c) a set line.

125. Unique identifying code for certain fishing apparatus

(1) On the issue of a fishing licence (recreational graball net), a fishing licence (recreational set line) or a fishing licence (recreational mullet net), the Secretary is to –

- (a) allot a unique number to the fishing licence; and
- (b) advise the holder of the fishing licence of the allotted number.

(2) On receipt of an application from an Aborigine for the allotment of a unique number, the Secretary may –

- (a) allot a unique number to the Aborigine; or
- (b) refuse to allot a unique number to the Aborigine.

(3) If the Secretary allots a unique number to the Aborigine, the Secretary must advise the Aborigine of the allotted number.

(4) If the Secretary does not allot a unique number to the Aborigine, the Secretary must give written reasons for his or her decision to the Aborigine.

(5) The Secretary may approve a means of allotting a unique number to an Aborigine intending to engage in an Aboriginal activity, and a number allotted by those means is taken to have been allotted by the Secretary.

Subdivision 2 - Buoys and tags

126. Fishing apparatus tags used for recreational fishing

(1) The Secretary may issue to the holder of any of the following licences a tag for fishing apparatus authorised to be used under the licence:

- (a) a fishing licence (recreational graball net);
- (b) a fishing licence (recreational mullet net);
- (c) a fishing licence (recreational set line)).

(2) The holder of a licence specified in subrule (1) must not use any fishing apparatus under that licence unless the tag issued for that apparatus is attached to the apparatus so that the tag is clearly visible when the apparatus is in use.

Penalty:

Grade 2 penalty.

(3) If a tag issued in relation to fishing apparatus under subrule (1) is lost or destroyed –

(a) the holder of the licence may use the fishing apparatus without a tag for 14 days after the date on which the tag was lost or destroyed, if a buoy attached to the fishing apparatus is clearly marked with that date; and

(b) the Secretary may issue a new tag –

(i) if the holder of the licence presents the licence to the Secretary; and

(ii) if the Secretary is satisfied that the old tag has been lost or destroyed; and

(iii) on payment of the prescribed fee.

(4) The holder of a licence specified in subrule (1) must not use any fishing apparatus under that licence if the tag issued in respect of that fishing apparatus is lost or destroyed unless a buoy is attached to it and the buoy is clearly marked in accordance with subrule (3)(a).

Penalty:

Grade 2 penalty.

Subdivision 3 - Set lines

127. Droplines

(1) A person who uses a dropline must –

(a) attach a marker buoy, that is marked, legibly and clearly with the letters "DL", to the dropline; and

(b) ensure that the marker buoy is securely attached to the upper end of the dropline.

Penalty:

Grade 2 penalty.

(2) Subrule (1) does not apply to an Aborigine who uses, while engaging in an Aboriginal activity, a dropline if –

(a) a buoy, marked with the letters "DL", is attached to the dropline; and

(b) an approved tag is attached to the buoy, or the buoy line, on the dropline; and

(c) the tag is marked, clearly and legibly, with the unique identifying code for the person; and

(d) the tag so attached is –

(i) above the surface of the water; or

- (ii) on the surface of the water; or
- (iii) within 300mm of the surface of the water.

128. Longlines

(1) A person who uses a longline must –

- (a) attach a marker buoy, that is marked, legibly and clearly, with the letters "LL", to the longline; and
- (b) ensure that a marker buoy is securely attached to each end of the longline.

Penalty:

Grade 2 penalty.

(2) Subrule (1) does not apply to an Aborigine who uses, while engaging in an Aboriginal activity, a longline if –

- (a) a buoy, marked with the letters "LL", is attached to the longline; and
- (b) an approved tag is attached to the buoy, or the buoy line, on the longline; and
- (c) the tag is marked, clearly and legibly, with the unique identifying code for the person; and
- (d) the tag so attached is –
 - (i) above the surface of the water; or
 - (ii) on the surface of the water; or
 - (iii) within 300mm of the surface of the water.

129. Individual and combined set lines

(1) A person must not take scalefish using a set line unless the person is –

- (a) the holder of a fishing licence (recreational set line); or
- (b) an Aborigine engaged in an Aboriginal activity.

Penalty:

Grade 3 penalty.

(2) A person must not take scalefish using more than one set line, including a set line used as part of a combined set line.

Penalty:

Grade 2 penalty.

(3) A person must not take scalefish using a set line that has more than 15 hooks.

Penalty:

Grade 2 penalty.

(4) A person must not set or leave a set line in State waters between –

(a) one hour before sunset; and

(b) one hour before sunrise.

Penalty:

Grade 2 penalty.

(5) A person possessing set lines on a vessel must ensure that, at any one time, no more than 4 set lines are on the vessel.

Penalty:

Grade 2 penalty.

130. Combined set lines

(1) A person must not combine one of their set lines with the set line of another person and set it in water of a depth less than 150 metres unless –

(a) the set line is combined with the set line of no more than one other person; and

(b) the other person is –

(i) the holder of a fishing licence (recreational set line); or

(ii) an Aborigine engaged in an Aboriginal activity; and

(c) the other person is present on the vessel when the combined set line is set and retrieved; and

(d) the total number of hooks on the combined set line is not more than 30.

Penalty:

Grade 2 penalty.

(2) A person must not combine one of their set lines with the set line of another person and set it in water of a depth of 150 metres or more unless –

(a) the set line is combined with the set line of no more than 3 other persons; and

(b) each of the other persons is –

- (i) the holder of a fishing licence (recreational set line); or
 - (ii) an Aborigine engaged in an Aboriginal activity; and
- (c) each of the other persons is present on the vessel when the combined set line is set and retrieved; and
- (d) the total number of hooks on the combined set line is not more than 60.

Penalty:

Grade 2 penalty.

(3) A person who uses a combined set line must –

- (a) comply with rule 127 or 128, whichever is relevant to the set line; and
- (b) ensure that each person who combines his or her set line into the combined set line has also complied with rule 127 or 128, whichever is relevant to the set line.

Penalty:

Grade 2 penalty.

Subdivision 4 - Nets

131. Beach seine nets

(1) A person must not take scalefish using a beach seine net unless the person is –

- (a) the holder of a fishing licence (recreational beach seine net); or
- (b) an Aborigine engaged in an Aboriginal activity.

Penalty:

Grade 3 penalty.

(2) The holder of a fishing licence (recreational beach seine net), or an Aborigine engaged in an Aboriginal activity, may not take scalefish using –

- (a) more than one beach seine net; or
- (b) a beach seine net more than 50 metres in length.

Penalty:

Grade 3 penalty.

132. Cast nets

(1) A person must not use a cast net to take scalefish other than by casting, throwing or dropping the net by hand.

Penalty:

Grade 2 penalty.

(2) A person using a cast net to take scalefish must be in attendance at the net at all times the net is in use.

Penalty:

Grade 2 penalty.

133. Gillnets

(1) A person must not take scalefish using, at any one time, more gillnets than –

(a) one graball net; and

(b) one mullet net.

Penalty:

Grade 3 penalty.

(2) Unless otherwise specified, a person using a gillnet must ensure that –

(a) the net is marked with 2 white marker buoys, with one attached to each end of the gillnet; and

(b) when set, the gillnet is in the water and the buoys float on the surface of the water.

Penalty:

Grade 2 penalty.

(3) A person in charge of a vessel must ensure that, at any one time, no more than 3 gillnets are on, or being used from, the vessel.

Penalty:

Grade 2 penalty.

(4) A person must not set or use a gillnet in –

(a) Macquarie Harbour Internal Waters; or

(b) Birchs Narrows; or

(c) Lower Birchs Inlet.

Penalty:

Grade 2 penalty.

(5) A person must not –

(a) in State waters other than a shark refuge area, set or leave a gillnet for a continuous period of more than 6 hours; or

(b) in a shark refuge area, set or leave a gillnet for a continuous period of more than 2 hours.

Penalty:

Grade 2 penalty.

(6) A person must not set or leave a gillnet in State waters between –

(a) one hour before sunset; and

(b) sunrise.

Penalty:

Grade 2 penalty.

(7) Despite subrules (5) and (6), a person may set or leave a graball net in the waters of Macquarie Harbour between –

(a) one hour before sunset; and

(b) one hour after sunrise.

(8) A graball net set or left in accordance with subrule (7) must be marked at each end with a buoy that –

(a) is spherical; and

(b) is red; and

(c) has a diameter of 90 millimetres or more at its narrowest point; and

(d) floats on the surface of the water.

Penalty:

Grade 2 penalty.

(9) A person must not set a graball net marked in accordance with subrule (8) in Macquarie Harbour between –

(a) one hour after sunrise; and

(b) one hour before sunset.

Penalty:

Grade 2 penalty.

134. Graball nets

(1) A person must not take scalefish using a graball net unless the person is –

- (a)** the holder of a fishing licence (recreational graball net); or
- (b)** an Aborigine engaged in an Aboriginal activity.

Penalty:

Grade 3 penalty.

(2) A person must not use a graball net that is more than 50 metres in length.

Penalty:

Grade 3 penalty.

(3) A person who uses a graball net must –

- (a)** attach a marker buoy, that is marked, legibly and clearly, with the letter "G", to the graball net; and
- (b)** ensure the unique identifying code for the person is marked on the buoy.

Penalty:

Grade 2 penalty.

(4) Subrule (3) does not apply to an Aborigine who uses, while engaging in an Aboriginal activity, a graball net if –

- (a)** a buoy, marked with the letter "G", is attached to the graball net; and
- (b)** an approved tag is attached to the buoy, or the buoy line, on the graball net; and
- (c)** the tag is marked, clearly and legibly, with the unique identifying code for the person; and
- (d)** the tag so attached is –
 - (i)** above the surface of the water; or
 - (ii)** on the surface of the water; or
 - (iii)** within 300mm of the surface of the water.

135. Mullet nets

(1) A person must not take scalefish using a mullet net unless the person is –

- (a) the holder of a fishing licence (recreational mullet net); or
- (b) an Aborigine engaged in an Aboriginal activity.

Penalty:

Grade 3 penalty.

- (2) A person must not take scalefish using a mullet net that is more than –
 - (a) 25 metres in length; or
 - (b) 33 meshes in net depth.

Penalty:

Grade 3 penalty.

- (3) A person who uses a mullet net must –
 - (a) attach a marker buoy, that is marked, legibly and clearly, with the letter "M", to the mullet net; and
 - (b) ensure the unique identifying code for the person is marked on the buoy.

Penalty:

Grade 2 penalty.

(4) Subrule (3) does not apply to an Aborigine who uses, while engaging in an Aboriginal activity, a mullet net if –

- (a) a buoy, marked with the letter "M", is attached to the mullet net; and
- (b) a tag is attached to the buoy, or the buoy line, on the mullet net; and
- (c) the tag is marked, clearly and legibly, with the unique identifying code for the person; and
- (d) the tag so attached is –
 - (i) above the surface of the water; or
 - (ii) on the surface of the water; or
 - (iii) within 300mm of the surface of the water.

(5) A person must not set a mullet net on a seabed that –

- (a) is reef; or
- (b) is not predominantly sand.

Penalty:

Grade 1 penalty.

136. Prohibited use of mullet nets

A person must not set, or use, a mullet net in –

- (a) a shark refuge area; or
- (b) Bathurst Harbour east of an imaginary straight line from Turnbull Head to Milner Head; or
- (c) Macquarie Harbour; or
- (d) Robbins Passage; or
- (e) Recherche Bay west of an imaginary straight line from Sullivan Point to the navigation light on Fishers Point; or
- (f) the waters within 200 metres of the mouth of the Scamander River; or
- (g) Southport.

Penalty:

Grade 2 penalty.

Subdivision 5 - Other apparatus

137. Unattended bait traps

A person who uses a bait trap must, when leaving the bait trap unattended –

- (a) attach a buoy or tag to the bait trap marked with the following details:
 - (i) the letters "BT";
 - (ii) the surname and initials of the person;
 - (iii) the year of birth of the person;
 - (iv) the postcode of the residential address of the person; and
- (b) ensure the details required under paragraph (a) are marked, legibly and clearly, on the attached buoy or tag in figures that are not less than 15 millimetres high; and
- (c) ensure the figures marked on the attached buoy or tag are marked in a colour contrasting to that of the buoy or tag.

Penalty:

Grade 2 penalty.

138. Bait pumps

A person must not use a bait pump with a barrel diameter that exceeds 85 millimetres.

Penalty:

Grade 2 penalty.

139. Auxiliary fishing apparatus

A person must not use auxiliary fishing apparatus –

- (a) within the waters specified in Schedule 6; or
- (b) within a shark refuge area; or
- (c) within 100 metres of swimmers; or
- (d) within 100 metres of any vessel, other than the vessel from which the person is using the apparatus; or
- (e) within 400 metres of a boat ramp, wharf, pier, jetty, mooring or artificial extension of land; or
- (f) that has more than 5 hooks; or
- (g) so that the hooks of the apparatus are more than 200 metres from the person operating the apparatus; or
- (h) if the person is more than 20 metres from the apparatus; or
- (i) if the person is –
 - (i) using the apparatus from land; and
 - (ii) is more than 20 metres inland from the high water mark when using the apparatus.

Penalty:

Grade 3 penalty.

PART 5 - Miscellaneous

140. Protection of female breeding stock for inshore crabs

A person must not –

(a) take, be in possession of, buy or sell an inshore crab that has any spawn or eggs attached to it; or

(b) remove any spawn or eggs from an inshore crab; or

(c) be in possession of an inshore crab from which any spawn or eggs have been removed.

Penalty:

Grade 3 penalty.

141. Berley

(1) A person, in State waters, must not use berley, other than commercial berley, that contains the raw flesh, blood, bone, skin or offal of a mammal.

Penalty:

Grade 2 penalty.

(2) A person, in State waters, must not use berley that is not commercial berley for a purpose other than to attract fish for the purpose of fishing.

Penalty:

Grade 2 penalty.

142. Scalefish species as bait or berley

A person, in State waters, must not, without having proof that the fish were purchased, use any of the following species or types of scalefish as bait in fish traps, rock lobster rings or rock lobster pots, or as berley, other than in the form of heads and frames:

(a) albacore tuna;

(b) banded morwong;

(c) bastard trumpeter;

(d) bigeye tuna;

(e) boarfish;

(f) gummy shark;

(g) ocean trout;

(h) pelagic shark;

(i) school shark;

(j) southern bluefin tuna;

(k) striped trumpeter;

(l) yellowfin tuna;

(m) yellowtail kingfish.

Penalty:

Grade 2 penalty.

143. Requirements to land whole fish

A person, in State waters, must not land a fillet of striped trumpeter without landing its frame, including its head and tail, at the same time.

Penalty:

Grade 2 penalty.

144. Infringement notice offences and penalties

For section 42(2) of the Act –

(a) an offence against a provision of these rules specified in column 2 of Schedule 10 is a prescribed offence; and

(b) the penalty specified in column 3 of that Schedule for that offence is its prescribed penalty.

145. Grant of fishing licence (southern calamari)

Schedule 11 has effect with respect to the grant of a fishing licence (southern calamari).

146. Allocation of banded morwong quota units

Schedule 12 has effect with respect to the allocation of banded morwong quota units.

147. Catch history for southern calamari and banded morwong

Schedule 13 has effect with respect to a claim for southern calamari catch history or banded morwong catch history.

148. Transitional

For the purposes of these rules –

(a) a fishing licence (general trawl), in force on the day on which these rules take effect, is taken on and after that day to be a fishing licence (Danish seine) on the same terms and conditions as the fishing licence (general trawl); and

(b) a fishing licence (limited trawl), in force on the day on which these rules take effect, is taken on and after that day to be a fishing licence (limited Danish seine) on the same terms and conditions as the fishing licence (limited trawl).

SCHEDULE 1 - Fish species

Rule 3(2)

| Type of fish | Definition |
|----------------------------|--|
| 1. "albacore tuna" | means fish of the species <i>Thunnus alalunga</i> |
| 2. "anglerfish" | means fish of the order Lophiformes |
| 3. "Atlantic salmon" | means fish of species <i>Salmon salar</i> |
| 4. "Australian anchovy" | means fish of the species <i>Engraulis australis</i> |
| 5. "Australian salmon" | means fish of the genus <i>Arripis</i> |
| 6. "Australian sardine" | means fish of the species <i>Sardinops sagax</i> |
| 7. "Australian sprat" | means fish of the species <i>Sprattus novaehollandiae</i> |
| 8. "banded morwong" | means fish of the species <i>Cheilodactylus spectabilis</i> |
| 9. "bass" | means fish of the species <i>Polyprion americanus</i> |
| 10. "bass groper" | means fish of the species <i>Polyprion moene</i> |
| 11. "bastard trumpeter" | means fish of the species <i>Latridopsis forsteri</i> (also known as silver trumpeter) |
| 12. "bigeye tuna" | means fish of the species <i>Thunnus obesus</i> |
| 13. "bight redfish" | means fish of the species <i>Centroberyx gerrardi</i> |
| 14. "billfish" | means fish of the families Istophoridae and Xophiidae |
| 15. "black bream" | means fish of the species <i>Acanthopagrus butcheri</i> |
| 16. "black oreodory" | means fish of the species <i>Allocyttus niger</i> |
| 17. "blue-eye trevalla" | means fish of the species <i>Hyperoglyphe antarctica</i> |
| 18. "blue grenadier" | means fish of the species <i>Macruronus novaezelandiae</i> |
| 19. "blue groper" | means fish of the genus <i>Achoerodus</i> |
| 20. "blue mackerel" | means fish of the species <i>Scomber australasicus</i> |
| 21. "blue morwong" | means fish of the species <i>Nemadactylus valeniennesi</i> |
| 22. "blue shark" | means fish of the species <i>Prionace glauca</i> |
| 23. "bluespotted flathead" | means fish of the species <i>Platycephalus speculator</i> |
| 24. "bluespotted goatfish" | means fish of the species <i>Upeneichthys vlamingii</i> |

| | | |
|-----|------------------------------|--|
| 25. | "blue sprat" | means fish of the species <i>Spratelloides robustus</i> |
| 26. | "blue warehou" | means fish of the species <i>Seriolella brama</i> |
| 27. | "boarfish" | means fish of the family Pentacerotidae |
| 28. | "bream" | means fish of the genus <i>Acanthopagrus</i> |
| 29. | "common jack mackerel" | means fish of the species <i>Trachurus declivis</i> |
| 30. | "deepwater flathead" | means fish of the species <i>Neoplatycephalus conatus</i> |
| 31. | "dusky morwong" | means fish of the species <i>Dactylophora nigricans</i> |
| 32. | "elephantfish" | means fish of the species <i>Callorhinchus milii</i> |
| 33. | "flathead" | means fish of the family Platycephalidae |
| 34. | "flounder" | means fish of the families Bothidae and Pleuronectidae |
| 35. | "garfish" | means fish of the family Hemiramphidae |
| 36. | "gemfish" | means fish of the species <i>Rexea solandri</i> |
| 37. | "Gould's squid" | means squid of the species <i>Nototodarus gouldi</i> |
| 38. | "grey morwong" | means fish of the species <i>Nemadactylus douglasii</i> |
| 39. | "gummy shark" | means fish of the species <i>Mustelus antarcticus</i> |
| 40. | "gurnards and ocean perches" | means fish of the families Neosebastidae and Sebastidae |
| 41. | "hapuku" | means fish of the species <i>Polyprion oxygeneios</i> |
| 42. | "hardyhead" | means fish of the family Atherinidae |
| 43. | "herring cale" | means fish of the family Osacidae |
| 44. | "inshore crab" | means crab of the families Portunidae and Grapsidae |
| 45. | "invertebrate species" | bait means soldier crabs of the family Mictyridae, sand worms of the family Onuphidae, and shrimps of the suborder Nantantia |
| 46. | "jackass morwong" | means fish of the species <i>Nemadactylus macropterus</i> (also known as perch) |
| 47. | "king dory" | means fish of the species <i>Cyttus traversi</i> |
| 48. | "king gar" | means fish of the species <i>Scomberesox saurus</i> |
| 49. | "King George whiting" | means fish of the species <i>Sillaginodes punctata</i> |
| 50. | "leatherjacket" | means fish of the family Monacanthidae |
| 51. | "longfin pike" | means fish of the species <i>Dinolestes lewini</i> |
| 52. | "longsnout boarfish" | means fish of the species <i>Pentaceropsis recurvirostris</i> |
| 53. | "longtail tuna" | means fish of the species <i>Thunnus tongol</i> |
| 54. | "luderick" | means fish of the species <i>Girella tricuspidata</i> |
| 55. | "mackerel" | means fish of any of the following species: |

- (a) *Scomber australasicus* (commonly known as blue mackerel);
- (b) *Trachurus declivis* (commonly known as common jack mackerel);
- (c) *Trachurus murphyi* (commonly known as Peruvian jack mackerel);
- (d) *Emmelichthys nitidus* (commonly known as redbait);
- (e) *Trachurus novaezelandiae* (commonly known as yellowtail scad);

- 56. "magpie morwong" means fish of the species *Cheilodactylus nigripes*
- 57. "mako shark" means fish of the genus *Isurus*
- 58. "marblefish" means fish of the species *Aplodactylus arctidens*
- 59. "marlin" means fish the family Istiophoridae
- 60. "morwong" means fish of the family Cheilodactylidae
- 61. "mullet" means fish of the family Mugilidae
- 62. "mulloway" means fish of the species *Argyrosomus hololepidotus*
- 63. "northern bluefin tuna" means fish of the species *Thunnus thynnus*
- 64. "ocean trout" means fish of the species *Salmo trutta*
- 65. "octopus" means fish of the genus *Octopus*
- 66. "orange roughy" means fish of the species *Hoplostethus atlanticus*
- 67. "ox-eye oreodory" means fish of the species *Oreosoma atlanticum*
- 68. "pelagic shark" means sharks of the genus *Isurus* and species *Prionace glauca*, also known as mako and blue shark, respectively
- 69. "pink ling" means fish of the species *Genypterus blacodes*
- 70. "prawn" means fish of the family Penaeidae
- 71. "prowfish" means fish of the genus *Aetapcus*
- 72. "Rays bream" means fish of the family Bramidae
- 73. "redbait" means fish of the species *Emmelichthys nitidus*
- 74. "redfish" means fish of the species *Centroberyx affinis*
- 75. "red velvetfish" means fish of the species *Gnathanacanthus goetzei*
- 76. "rock flathead" means fish of the species *Platycephalus laevigatus*
- 77. "sand flathead" means fish of the species *Platycephalus bassensis*
- 78. "scalefish" means the following fish:
 - (a) fish of the superclass Agnatha;
 - (b) fish of the order Amphioxiformes;

- (c) fish of the superclass Pisces;
- (d) fish of the superclass Tetrabranchiata;
- (e) molluscs of the orders Sepioidea, Teuthoidea and Octopoda;
- (f) crustaceans of the suborder Nantantia and families Mictyridae, Portunidae and Grabsidae;
- (g) sandworms of the family Onuphidae;
79. "school shark" means fish of the species *Galeorhinus galeus*, also known as snapper shark
 80. "sea sweep" means fish of the species *Scorpiis aequipinnus*
 81. "shark" means all chondrichthyan fishes
 82. "silver trevally" means fish of the species *Pseudocaranx dentex*
 83. "silver warehou" means fish of the species *Serirolella punctata*
 84. "skipjack tuna" means fish of the species *Katsuwonus pelamis*
 85. "smooth oreodory" means fish of the species *Pseudocyttus maculatus*
 86. "snapper" means fish of the species *Pagrus auratus*
 87. "snook" means fish of the species *Sphyræna novaehollandiae*
 88. "southern bluefin tuna" means fish of the species *Thunnus maccoyii*
 89. "southern calamari" means squid of the species *Sepioteuthis australis*
 90. "southern sea garfish" means fish of the species *Hyporhamphus melanochir*
 91. "spiky oreodory" means fish of the species *Neocyttus rhomboidalis*
 92. "squid" means molluscs of the order Teuthoidea
 93. "striped trumpeter" means fish of the species *Latris lineata*
 94. "swordfish" means fish of the family Xiphiidae
 95. "tailor" means fish of the species *Pomatomus saltatrix*
 96. "tiger flathead" means fish of the species *Platycephalus richardsoni*
 97. "tuna" means fish of the family Scombridae and tribe Thunnini
 98. "warehou" means fish of the genus *Serirolella*
 99. "warty oreodory" means fish of the species *Allocyttus verrucosus*
 100. "whiting" means fish of the genus *Sillago*
 101. "wrasse" means fish of the family Labridae
 102. "yelloweye mullet" means fish of the species *Aldrichetta forsteri*

103. "yelloweye redfish" means fish of the species *Centroberyx australis*
104. "yellowfin tuna" means fish of the species *Thunnus albacares*
105. "yellowfinned whiting" means fish of the species *Sillago schomburgkii*
106. "yellowtail kingfish" means fish of the species *Seriola lalandi*

SCHEDULE 2 - Areas and Interpretation

Rule 3(3)

| Area | Definition |
|------------------------------|---|
| 1. "Anderson Bay" | means the waters south of an imaginary straight line from the north-east tip of East Sandy Point to the tower on Hardwicks Hill near Croppies Point |
| 2. "Ansons Bay" | means the State waters enclosed west of an imaginary straight line extending from the easternmost point of Policemans Point in a north-westerly direction to the southernmost point of the spit originating on the northern side of the bay |
| 3. "Birchs Narrows" | means waters enclosed in the north by an imaginary straight line running due east from the southernmost end of the beach below Henrietta Creek to Shamrock Point, and in the south by an imaginary straight line from the southernmost point of Shamrock Point south to the mouth of Cuthbertson Creek |
| 4. "Blackman Bay" | means the waters within the area bounded – (a) in the west by the western entrance of the Denison Canal; and (b) in the east by an imaginary straight line from the southern extreme of Long Spit due east to the opposite shore of Little Chinaman Bay |
| 5. "D'Entrecasteaux Channel" | means the waters within the area bounded – (a) in the south by an imaginary straight line from Scott Point (situated at the entrance of Port Esperance) to the northern point of Partridge Island and the line of longitude 147°5'54"E between the southernmost point of Partridge Island and Labillardiere Peninsula on Bruny Island; and (b) in the north by an imaginary straight line from Dennes Point on Bruny Island to Piersons Point situated on the |

| | | |
|-----|---------------------------------------|--|
| | | western shore of the River Derwent |
| 6. | "Duck Bay" | means the waters near Smithton enclosed by an imaginary straight line from Kingston Point to Eagle Point, and east and south of the channel between Perkins Island and the Tasmanian mainland known as The Jam |
| 7. | "Eaglehawk Bay" | means the waters enclosed to the east of an imaginary straight line from Heather Point to Sympathy Point |
| 8. | "East Coast waters" | means the waters within 3 nautical miles of any part of the east coast of the State between Seaford Point and an imaginary straight line from Cape Bougainville to Cape Boullanger on Maria Island |
| 9. | "Forth River" | means the waters upstream of an imaginary straight line from The Esplanade west to its intersection with Boys Street across the mouth of the river to the eastern shore of the river and including those waters within 200 metres to seaward of that line |
| 10. | "Frederick Henry Bay and Norfolk Bay" | means the waters within – <ul style="list-style-type: none"> (a) an imaginary straight line between North West Head and Cape Contrariety; and (b) Pitt Water and Pipe Clay Lagoon; and (c) Eaglehawk Bay |
| 11. | "Georges Bay" | means the waters enclosed west of an imaginary straight line from Grants Point to St Helens Point |
| 12. | "Great Oyster Bay" | means the waters enclosed north of an imaginary straight line from Weatherhead Point on Freycinet Peninsula to Seaford Point |
| 13. | "Lillico Beach" | means the waters within a one-kilometre radius of the Lillico Beach penguin-viewing platform |
| 14. | "Lower Birchs Inlet" | means all waters south of a line of latitude 42°28'30"S within Birchs Inlet, known as Pine Creek |
| 15. | "Low Head" | means waters enclosed by an imaginary line that commences at a point 500 metres due north of Low Head, extends in an imaginary straight line to a point at the northernmost tip of Low Head, follows the high water mark in an anticlockwise direction to a point at latitude 41°03'45"S, extends in an imaginary straight line to a point 500 metres west of that point at 41°03'45"S, extends in an imaginary straight line to a point 500 metres west of the westernmost point of Dotterel Point, extends in an |

- imaginary straight line to a point 500 metres west of the northernmost tip of Low Head, extends in an imaginary straight line to a point 500 metres north of that previous point, and returns to a point 500 metres due north of Low Head
16. "Macquarie Harbour" means the waters upstream of an imaginary straight line from Nigger Head due east to Braddon Point
17. "Macquarie Harbour Entrance" means the waters enclosed by an imaginary straight line extending from Nigger Head due east to Braddon Point and a second imaginary straight line extending from the easternmost point of Wellington Head due north to Braddon Point
18. "Macquarie Harbour Internal Waters" means waters enclosed within the imaginary boundary defined by joining the following points in the order in which they are listed below:
- (a) an imaginary straight line from Dead Horse Point to King Point;
 - (b) an imaginary straight line from King Point to Connellys Point;
 - (c) an imaginary straight line from Connellys Point to Sophia Point;
 - (d) an imaginary straight line from Sophia Point to Gould Point, bisecting Philips Island;
 - (e) an imaginary straight line from Gould Point to Charcoal Burners Bluff;
 - (f) an imaginary straight line from Charcoal Burners Bluff to Gordon Point;
 - (g) an imaginary straight line from Gordon Point to Rum Point;
 - (h) an imaginary line that follows the high water mark from Rum Point to Steadman Point;
 - (i) an imaginary straight line from Steadman Point to latitude 42°19'50"S/longitude 145°19'51.2"E;
 - (j) an imaginary straight line from latitude 42°19'50"S/longitude 145°19'51.2"E to latitude 42°18'32"S/longitude 145°18'39.6"E;
 - (k) an imaginary line that follows the high water mark from latitude 42°18'32"S/longitude 145°18'39.6"E to

latitude 42°17'39"S/longitude 145°18'25" E;

(l) an imaginary straight line from latitude 42°17'39"S/longitude 145°18'25"E to latitude 42°17'27"S/longitude 145°17'24"E;

(m) an imaginary line that follows the high water mark from latitude 42°17'27"S/longitude 145°17'24"E to latitude 42°17'02"S/longitude 145°16'22"E;

(n) an imaginary straight line from latitude 42°17'02"S/longitude 145°16'22"E to latitude 42°13'53.1"S/longitude 145°18'33.3"E at the channel marker/navigation beacon;

(o) an imaginary straight line from latitude 42°13'53.1"S/longitude 145°18'33.3"E at the channel marker/navigation beacon to latitude 42°11'51"S/longitude 145°17'26.4"E on Neck Island;

(p) an imaginary straight line from latitude 42°11'51"S/longitude 145°17'26.4"E on Neck Island to Buoy Point;

(q) an imaginary straight line from Buoy Point to Dead Horse Point;

19. "Mercury Passage"

means the waters bounded in the north by an imaginary straight line from Cape Bougainville to Cape Boullanger and in the south by an imaginary straight line from Cape Peron to Cape Bernier

20. "Musselroe Bay East"

means waters upstream of an imaginary straight line, crossing the entrance off Great Musselroe Bay, from the red navigation mark at latitude 40°49'42.24"S/longitude 148°10'25.68"E to the line of latitude that intersects with the high water at latitude 40°49'48.36"S/longitude 148°10'25.7"E to a line from the point known as Ryans Arm at longitude 148°9'14.76"E due north to the opposite shore

21. "Neck Beach"

means waters within an imaginary straight line from the easternmost point of the southern end of Neck Beach to Mars Bluff at the northern end of Neck Beach

22. "north-east region"

means the region from Point Sorell eastward and southward to the northern end of Friendly Beaches, including Flinders Island

23. "north-west region"

means the region from Port Sorell westward and southward to Low Rocky Point, including King Island

| | |
|---------------------------|--|
| 24. "Parsonage Point" | means waters bounded by an imaginary line commencing at the intersection of the high water mark and the line of longitude 145°54'14.76"E to the point latitude 41°2'30.84"S/longitude 145°54'14.76"E to the point latitude 41°2'30.84"S/longitude 145°53'29.4"E then due south to high water mark |
| 25. "Pitt Water" | means the waters upstream of an imaginary straight line from Sandy Point to Tiger Head |
| 26. "Port Sorell" | means the waters upstream of an imaginary straight line from Griffiths Point in the east to Taroona Point in the west at the southern extremity of Hawley Beach |
| 27. "River Derwent" | means the waters upstream of an imaginary straight line from Dennes Point to Cape Direction |
| 28. "River Leven waters" | means the waters of the Leven River upstream of an imaginary straight line between the most seaward extremities of the breakwaters located on each side of the river mouth, including those waters within 100 metres seaward of that line |
| 29. "River Mersey waters" | means the waters of the Mersey River and its tributaries upstream of an imaginary straight line from the seaward extremity of the breakwater located on the western side of the river mouth to the first beacon located on the eastern side of the river mouth, including those waters within 100 metres seaward of that line |
| 30. "River Tamar" | means the waters upstream of an imaginary straight line from Low Head to West Head |
| 31. "Robbins Passage" | means the waters bounded in the west by an imaginary straight line from Woolnorth Point to the northern extreme of Kangaroo Island and an imaginary straight line from the northern extreme of Kangaroo Island to Bird Point on Robbins Island, and in the east by an imaginary straight line from Cape Elie on Robbins Island to Shipwreck Point on Perkins Island, including the waters of Big Bay and Acton Bay |
| 32. "south-east waters" | means the State waters of Tasmania bounded – (a) in the north by the line of latitude running through Lemon Rock, including Great Oyster Bay; and (b) in the west by the line of longitude running through Whale Head |
| 33. "southern region" | means the region from the northern end of Friendly Beaches southward and westward to Low Rocky Point |

| | | |
|-------------------------------|-----|---|
| 34. "Southport" | | means the waters west of an imaginary straight line from Burnett Point to Southport Bluff |
| 35. "Southport West" | Bay | means the waters west of an imaginary straight line running due south from Martyns Point to the southern side of the bay, through The Narrows, to a line across the channel south of Bream Bay at latitude 43°26'45"S (GDA 94) |
| 36. "Swanwick Bay" | | means the waters enclosed north of an imaginary straight line extending from Point Bagot to the first point of land due east of Point Bagot |
| 37. "upper south-east waters" | | means the East Coast waters bounded – (a) in the north by the line of latitude running through Lemon Rock, including Great Oyster Bay; and (b) in the south by the line of latitude running through the northern end of Marion Beach |
| 38. "Waubs Bay" | | means the waters enclosed to the north of an imaginary straight line from the southernmost point of Governor Island west to the Tasmanian mainland, to the west of a second imaginary straight line from the northernmost point of Governor Island to the southernmost point of Diamond Island, and to the south of a third imaginary straight line from the westernmost point of Diamond Island to the northernmost end of Redbill Beach on the Tasmanian mainland |

SCHEDULE 3 - Size Limits

| | | Minimum | Maximum |
|--------------|--|--------------|--------------|
| Type of fish | | size of fish | size of fish |
| | | (mm) | (mm) |
| 1. | Australian salmon | 200 | - |
| 2. | banded morwong | 360 | 460 |
| 3. | bastard trumpeter | 380 | - |
| 4. | blue warehou | 250 | - |
| 5. | bream | 250 | - |
| 6. | flathead (southern bluespotted and rock species) | 400 | - |

| | | | |
|-----|--|-----|---|
| 7. | flathead (other than southern bluespotted and rock species) | 320 | - |
| 8. | flounder | 250 | - |
| 9. | garfish | 250 | - |
| 10. | jackass morwong (perch) | 250 | - |
| 11. | King George whiting | 350 | - |
| 12. | leatherjacket | 200 | - |
| 13. | longsnout boarfish | 450 | - |
| 14. | mullet | 250 | - |
| 15. | school or gummy shark | | |
| | (a) whole | 750 | - |
| | (b) any portion from the middle of the posterior edge of the gill slit nearest the tail to the ventral insertion of the caudal fin | 450 | - |
| 16. | silver trevally | 200 | - |
| 17. | silver warehou | 250 | - |
| 18. | snapper | 300 | - |
| 19. | striped trumpeter | 550 | - |
| 20. | wrasse | 300 | - |
| 21. | yellowtail kingfish | 450 | - |

SCHEDULE 4 - Non-commercial fish limits – General Species

Rule 123

1. Interpretation

In this Schedule –

protected species means species of fish –

(a) specified in regulation 14 of the Fisheries (General and Fees) Regulations 2006; and

(b) protected under section 135 of the Act.

| | Type of fish | Bag limit | Possession limit |
|----|--------------|-----------|------------------|
| 1. | anglerfish | 2 fish | 4 fish |

| | | | |
|-----|---|---------|----------|
| 2. | Australian salmon | 15 fish | 30 fish |
| 3. | barracouta | 15 fish | 30 fish |
| 4. | boarfish species – combined total | 2 fish | 4 fish |
| 5. | breem | 5 fish | 10 fish |
| 6. | cod species – combined total | 15 fish | 30 fish |
| 7. | elephantfish | 2 fish | 4 fish |
| 8. | flathead, not including southern bluespotted and rock – combined total | 20 fish | 30 fish |
| 9. | flathead, southern bluespotted and rock – combined total | 5 fish | 10 fish |
| 10. | flathead, southern bluespotted and rock of 600 millimetres or greater – combined total | 1 fish | - |
| 11. | flounder species – combined total | 15 fish | 30 fish |
| 12. | garfish, including King gar – combined total | 15 fish | 30 fish |
| 13. | gurnard and ocean perch – combined total | 15 fish | 30 fish |
| 14. | herring cale | 5 fish | 10 fish |
| 15. | inshore crab – combined total | 15 fish | 30 fish |
| 16. | invertebrate bait species – combined total | 50 fish | 100 fish |
| 17. | leatherjacket species – combined total | 10 fish | 20 fish |
| 18. | mackerel species – combined total | 30 fish | 60 fish |
| 19. | morwong, banded | 2 fish | 4 fish |
| 20. | morwong, species not including banded – combined total | 10 fish | 20 fish |
| 21. | mullet species – combined total | 15 fish | 30 fish |
| 22. | octopus species – combined total | 5 fish | 10 fish |
| 23. | pike, longfin | 15 fish | 30 fish |
| 24. | prawns | 50 fish | 100 fish |
| 25. | prowfish | 2 fish | 4 fish |
| 26. | red velvetfish | 2 fish | 4 fish |
| 27. | salmonids, Atlantic salmon | 12 fish | 24 fish |
| 28. | salmonids, ocean trout | 12 fish | 24 fish |
| 29. | silver trevally | 10 fish | 20 fish |
| 30. | small pelagic species (Australian anchovy, Australian sardine, Australian sprat, blue sprat and hardyhead) – combined total | 50 fish | 100 fish |

| | | |
|---|---------|---------|
| 31. snapper | 5 fish | 10 fish |
| 32. snook | 5 fish | 10 fish |
| 33. squid, Goulds | 15 fish | 30 fish |
| 34. squid, southern calamari | 10 fish | 20 fish |
| 35. tailor | 5 fish | 10 fish |
| 36. trumpeter, bastard and real bastard | 5 fish | 10 fish |
| 37. warehou, species – combined total | 10 fish | 20 fish |
| 38. whiting, King George | 5 fish | 10 fish |
| 39. whiting, species not including King George – combined total | 15 fish | 30 fish |
| 40. wrasse species – combined total | 5 fish | 10 fish |
| 41. yellowtail kingfish | 5 fish | 10 fish |
| 42. species not specified (excluding protected species) – per species | 5 fish | 10 fish |

SCHEDULE 5 - Non-commercial fish limits – shark and certain scalefish

Rule 123

1. Billfish –

(a) bag limit – 1 marlin and 1 swordfish;

(b) possession limit – 1 marlin and 1 swordfish;

(c) boat limit – 2 marlin and 2 swordfish.

2. Blue-eye trevalla –

(a) bag limit – 5 fish;

(b) possession limit – 10 fish;

(c) boat limit – 25 fish.

3. Sharks and rays, all species combined –

(a) boat limit – 5 fish.

4. Sharks and rays, not including mako, blue, school or gummy sharks, or elephantfish (combined total) –

(a) bag limit – 2 fish;

(b) possession limit – 4 fish.

5. Sharks, mako and blue (combined total) –

(a) bag limit – 1 fish;

(b) possession limit – 2 fish;

(c) boat limit – 2 fish.

6. Sharks, school and gummy (combined total) –

(a) bag limit – 2 fish;

(b) possession limit – 2 fish.

7. Trumpeter, striped –

(a) bag limit – 4 fish;

(b) possession limit – 8 fish;

(c) boat limit – 20 fish.

8. Tuna, albacore –

(a) bag limit – 5 fish;

(b) possession limit – 10 fish.

9. Tuna, skipjack –

(a) bag limit – 10 fish;

(b) possession limit – 20 fish.

10. Tuna, southern bluefin, yellowfin or bigeye (combined total) –

(a) bag limit – 2 fish;

(b) possession limit – 2 fish;

(c) boat limit – 4 fish, of which not more than 2 fish can be of a length of 150 centimetres or greater.

SCHEDULE 6 - Regions

PART 1 - North-west region



Waters

1. Arthur River, upstream from an imaginary straight line from Gardiner Point north to the opposite shore
2. Black River, upstream from the mouth where the river enters Bass Strait between Peggs Beach and Black River Beach and including those waters within 100 metres seaward of that mouth
3. The Blowhole, King Island, within 300 metres of The Blowhole on the east coast of King Island between Naracoopa and the Sea Elephant River
4. Blythe River and its tributaries, upstream from the mouth and including those waters within 100 metres of the seaward extremity of the rocks on the eastern shore at the mouth
5. Cam River, upstream from the mouth and including those waters within 300 metres to seaward of the road bridge
6. Currie Harbour, enclosed by an imaginary straight line from the tip of the westernmost breakwater at the south-western end of Currie Harbour to the north-western extremity of Currie Harbour, known as Devils Gap
7. Detention River, including the waters of Pebbly Bay, upstream from the mouth where the river enters Bass Strait between Hellyer Beach and Forwards Beach and including those waters within 100 metres to seaward of that mouth
8. Don River, upstream from an imaginary straight line from Don Heads in the west to the gun club building on the eastern shore and including those waters within 100 metres to seaward of this line
9. Duck Bay
10. East Inlet and West Inlet, near Stanley, enclosed by an imaginary straight line from the northern extremity of Black River Beach to the eastern extremity of Anthony Beach
11. Emu River and its tributaries, upstream from the mouth and including those waters within 200 metres to seaward of the road bridge
12. Forth River
13. Grassy Harbour, enclosed by an imaginary straight line from the end of the jetty at Jetty Point to Sandblow Point
14. Henty River, within 100 metres to seaward of the mouth of the river
15. Hibbs Lagoon, from the mouth of that lagoon
16. Inglis River, upstream of an imaginary straight line from the seaward extremity of the breakwater on the northern shore of the river to the seaward extremity of the breakwater on the southern side of the river including those waters within 100 metres of that line
17. Macquarie Harbour, south and east of an imaginary straight line from Gordon Point to Charcoal Burners Bluff
18. Mosquito Inlet, from the northern extremity of Black Banks to Egging Point

- and west to the shore of Robbins Island
19. Pieman River, upstream from an imaginary straight line through Pieman Head along longitude 144°55'E
 20. River Leven
 21. River Mersey
 22. Sea Elephant River, from the mouth of that river on King Island
Stanley, west of an imaginary straight line extending from the northern extremity of Black River Beach to a point 500 metres off the shore of the town of Stanley, at the line of longitude of the western face of the western wave wall of the Fishermans Dock, and within 500 metres of the shore in a general easterly direction, and then following the shore to the line of latitude at the eastern extremity of Godfreys Beach
 24. Sulphur Creek, upstream from the railway bridge

PART 2 - North-east region

Waters

1. Ansons Bay
2. Boobyalla Inlet, upstream from an imaginary straight line originating on Murdochs Beach at latitude 40°52'4.5"S/ longitude 147°52'56.9"E and finishing at latitude 40°52'5.4"S/ longitude 47°52'57.5"E on Boobyalla Beach
3. Brid River, and waters south of an imaginary straight line from the eastern extremity of Barnbougale Beach to the boat ramp at the southern end of Old Pier Beach and the old wharf piles
4. Cameron Inlet on Flinders Island, upstream from an imaginary straight line from the north-western tip of Planter Beach west to the opposite shore
5. Douglas River, north of Bicheno
6. Four Mile Creek, near St Patricks Head
7. Georges Bay
8. Little Musselroe River
Musselroe Bay, waters enclosed upstream by an imaginary straight line from the point known as Ryans Arm at longitude 148°14'8"E due north to the opposite shore
9. North East River and Arthurs Creek, upstream from an imaginary straight line from the eastern extremity of Holloway Point south to the northern extremity of Foochow Beach
10. Pipers River, from the mouth of that river
11. River Tamar, upstream from an imaginary straight line from Point Rapid to Sheeptail Point

13. Saltwater Inlet
14. Scamander River
15. Tomahawk River, upstream from an imaginary straight line from the eastern extremity of the northern arm of the river entrance south to Tomahawk Beach

PART 3 - Southern region

Waters

1. Bream Creek
2. Browns River and waters inshore and west of an imaginary straight line from Bonnet Point to Soldiers Rocks at Blackmans Bay and Kingston
3. Buxton River, upstream from an imaginary straight line from the south-eastern extremity of Horrels Point to Penquite Point
4. Carlton River, upstream from an imaginary straight line from the western extremity of Carlton Bluff to the Carlton Beach Surf Lifesaving Club building on the opposite shore
5. Catamaran River, upstream from the mouth and including those waters within 200 metres to seaward of the mouth
6. Coal River, north of the causeway across the western arm of Pitt Water
7. D'Entrecasteaux River, upstream from an imaginary straight line eastwards from the intersection of the Cockle Creek Road and the Leprena Track to the eastern side of the river at the northern extremity of Coal Pit Bight
8. Esperance River, upstream from an imaginary straight line between Slacks Point and Hawkers Point
9. Huon River, upstream from the line of latitude from the navigation light on Brabazon Point to the western side of the river
10. The following lagoons:
 - (a) Blackswan Lagoon, upstream from an imaginary straight line from the southern extremity of Little Lagoon Beach west to the other shore;
 - (b) Bryans Lagoon, from the mouth of that lagoon;
 - (c) Cloudy Bay Lagoon on Bruny Island, upstream from an imaginary straight line from the south-western extremity of the spit at the western end of Cloudy Beaches west to the opposite shore;
 - (d) Earlam Lagoon, from the mouth of that lagoon;
 - (e) Freshwater Lagoon, from the mouth of that lagoon;
 - (f) New River Lagoon, from the mouth of that lagoon;
 - (g) Okehampton Lagoon, from the mouth of that lagoon;

- (h) Saltwater Lagoon, from the mouth of that lagoon;
- (i) Southport Lagoon, from the mouth of that lagoon;
- (j) Troyheleener Lagoon, upstream from the Tasman Highway (A3) road bridge;
- 11. Lisdillon River and Lisdillon Lagoon, upstream from an imaginary straight line from the southern extremity of Lisdillon Beach west to the opposite shore
- 12. Little Swanport Estuary and Little Swanport River, upstream from an imaginary straight line north from Limekiln Point to the opposite shore
- 13. Lune River, upstream from the line of latitude 43°26'50"S across the channel at Bream Bay to the seaward limit boundary across the river at Echo Island
- 14. Meredith River, north of Swansea
- 15. North West Bay River, upstream from an imaginary straight line across North-West Bay from the boat ramp at Dru Point to the western extremity of Stinkpot Bay
- 16. Patersons Arch, within 200 metres of the lookout on the point west of Patersons Arch on the Tasman Peninsula
- 17. Pipe Clay Lagoon
- 18. Pitt Water
- 19. Prosser River
- 20. Taroon waters, as defined in the *Fisheries Rules 2009*
- 21. Waterfall Bay, within 200 metres of the low-water mark of the shore from the main waterfall in Waterfall Bay east to the southern extremity of Waterfall Bluff

SCHEDULE 7 - Persons permitted to use gillnet in shark refuge areas

Rule 24

People permitted

1. The holder of a fishing licence (personal), fishing licence (vessel) and apparatus licence who uses graball nets in the waters of Great Oyster Bay or in East Coast waters if –
 - (a) none of those nets exceeds 200 metres in length; and
 - (b) none of those nets are set within 50 metres of another net; and
 - (c) the total combined length of those nets does not exceed 800 metres.
2. The holder of a fishing licence (personal) that is endorsed for the waters of the River Tamar if the gillnet is used in the shark refuge areas for which the

licence is endorsed.

3. The holder of a fishing licence (personal) that is endorsed for the waters of Port Sorell if the gillnet is used in the shark refuge areas for which the licence is endorsed.

4. The holder of a fishing licence (personal) that is endorsed for the waters of the Mercury Passage if the gillnet is used within 200 metres of the low-water mark and outside the Maria Island National Park.

5. The holder of a fishing licence (personal) that is endorsed for the waters of Frederick Henry Bay and Norfolk Bay, excluding Eaglehawk Bay, if the gillnet is used within 200 metres of the low-water mark of –

(a) the shore of those bays; and

(b) any islands, rocks or reefs within those bays which are exposed at Indian Spring Low Water, except –

(i) Spectacle Island; and

(ii) any waters of Frederick Henry Bay bounded in the north by an imaginary straight line starting from 200 metres north of the northernmost point of Sloping Island, then east in an imaginary straight line to the high water mark on mainland Tasmania and bounded in the south by an imaginary straight line from the southernmost point of Sloping Island east to the high-water mark near the southernmost end of Lagoon Beach on the Tasmanian mainland.

6. The holder of a fishing licence (personal) that is endorsed for the waters of Frederick Henry Bay and Norfolk Bay, excluding Eaglehawk Bay, inshore of the following baselines if the gillnet is used in the shark refuge areas for which the licence is endorsed:

(a) from Tiger Head to 200 metres from the southern extremity of Spectacle Island;

(b) from 200 metres from the southern extremity of Spectacle Island to Spectacle Head;

(c) from the southern extremity of Carlton Bluff to Renard Point;

(d) from Renard Point to Primrose Point;

(e) from Primrose Point to Dorman Point;

(f) from Dorman Point to Fulham Point;

(g) from Fulham Point to the western extremity of Smooth Island;

(h) from the southern extremity of Smooth Island to Chronicle Point;

(i) from Sympathy Point to Parkinsons Point;

(j) from Parkinsons Point to Premaydena Point (otherwise known as Halfway

Bluff);

(k) from Premaydena Point (otherwise known as Halfway Bluff) to Deer Point;

(l) from Deer Point to Ironstone Point;

(m) from Ironstone Point to latitude 42°57.5'S/longitude 147°43.8'E;

(n) from the northern extremity of Green Head to the northern extremity of Sloping Island;

(o) from the southern extremity of Sloping Island to Black Jack Point.

7. The holder of a fishing licence (recreational graball) in the following waters that are open to netting:

(a) D'Entrecasteaux Channel;

(b) East Coast waters;

(c) the waters of Frederick Henry Bay and Norfolk Bay referred to in items 5 and 6;

(d) Great Oyster Bay;

(e) Mercury Passage within 200 metres of the low-water mark outside the Maria Island National Park;

(f) River Tamar waters downstream of a line from the northern extremity of Garden Island to the George Town Monument;

(g) River Derwent.

SCHEDULE 8 - Conversion rates for whole fish

Rule 10

| | Type of scalefish | Gutted | Headed and gutted | Filleted |
|----|--------------------------|---------------|--------------------------|-----------------|
| 1. | blue grenadier | 1.1 | 1.5 | 2.1 |
| 2. | blue-eye trevalla | 1.1 | 1.4 | 2.3 |
| 3. | blue warehou | 1.1 | 1.5 | 2.1 |
| 4. | flathead | 1.1 | 1.5 | 2.5 |
| 5. | gemfish | 1.1 | 1.25 | 2 |
| 6. | john dory | 1.1 | 1.5 | 2.6 |
| 7. | mirror dory | 1.1 | 1.5 | 2.5 |

| | | | | |
|-----|-----------------|-----|-----|-----|
| 8. | ocean perch | 1.1 | 1.5 | 2.5 |
| 9. | orange roughy | 1.1 | 2 | 4 |
| 10. | pink ling | 1.1 | 1.5 | 2.1 |
| 11. | redfish | 1.1 | 1.5 | 2.5 |
| 12. | silver trevally | 1.1 | 1.5 | 2.5 |
| 13. | silver warehou | 1.1 | 1.5 | 2.5 |
| 14. | other scalefish | 1.1 | 1.5 | 2.5 |

SCHEDULE 9 - Limited scalefish

Rule 88(3)

Type of scalefish

1. The following fish of the order Gobiesociformes:
 - (a) broad-headed clingfish (*Cochleoceps* sp.);
 - (b) cardinal clingfish (*Creocele cardinalis*);
 - (c) common stinkfish (*Foetorepus calauropomus*);
 - (d) Hoese's shore eel (*Alabes hoesei*);
 - (e) painted stinkfish (*Eocallionymus papilio*);
 - (f) pygmy shore eel (*Alabes parvulus*);
 - (g) shore eel (*Alabes dorsalis*);
 - (h) Tasmanian clingfish (*Aspasmogaster tasmaniensis*).
2. The following fish of the order Lophiformes:
 - (a) D'Entrecasteaux anglerfish (*Tricophryne furcipilis*);
 - (b) Mitchell's anglerfish (*Tricophryne mitchelli*);
 - (c) prickly anglerfish (*Echinophryne crassispina*);
 - (d) tasselled anglerfish (*Rhycherus filamentosus*).
3. The following fish of the order Perciformes:
 - (a) barber perch (*Caesioperca rasor*);
 - (b) blotch-tailed trachino (*Trachinops caudimaculatis*);
 - (c) bridled goby (*Arenigoius bifrenatus*);

- (d) Castelnau's goby (*Nesogobius pulchellus*);
 - (e) Castelnau's wrasse (*Dotalabrus aurantacus*);
 - (f) common bullseye (*Pempheris multiradiatus*);
 - (g) crimson wrasse (*Suezichthys* sp.);
 - (h) little rock whiting (*Neoodax balteatus*);
 - (i) mado sweep (*Astypichthys strigatus*);
 - (j) marine goby (*Tasmanogobius* sp. 1);
 - (k) opalescent goby (*Nesogobius* sp. 3);
 - (l) orange spot goby (*Nesogobius hinsbyi*);
 - (m) pink sandfish (*Crapatalus* sp.);
 - (n) pygmy rock whiting (*Siphonognathus beddomei*);
 - (o) rainbowfish (*Odax acroptilus*);
 - (p) rosy perch (*Callanthias allportii*);
 - (q) rosy wrasse (*Pseudolabrus psittaculus*);
 - (r) scalyfin (*Parma victoriae*);
 - (s) sculptured goby (*Callogobius mucosus*);
 - (t) twin-barred goby (*Nesogobius* sp. 2);
 - (u) white ear (*Parma microlepis*).
4. The following fish of the order Scorpaeniformes:
- (a) common red rock cod (*Scorpaena ergastulorum*);
 - (b) red velvetfish (*Gnathanacanthus goetzei*);
 - (c) Tasmanian prowlfish (*Aetapcus armatus*);
 - (d) warty prowlfish (*Aetapcus maculatus*).
5. The following fish of the order Tetraodontiformes:
- (a) bridled leatherjacket (*Acanthaluteres spilomelanurus*);
 - (b) pygmy leatherjacket (*Brachaluteres jacksonianus*);
 - (c) Shaw's cowfish (*Aracana aurita*).
6. Sandpaper fish (*Paratrachichthys trailli*).
7. Seamoil (*Acanthopegasus lancifer*).

SCHEDULE 10 - Infringement notice offences and penalties

Rule 144

| Column 1 | Column 2 | Column 3 |
|-----------------|-------------------|----------------------|
| | Rule | Penalty units |
| 1. | <u>Rule 8</u> | 2 |
| 2. | <u>Rule 11(2)</u> | 5 |
| 3. | <u>Rule 11(3)</u> | 5 |
| 4. | <u>Rule 12</u> | 5 |
| 5. | <u>Rule 13</u> | 3 |
| 6. | <u>Rule 14(1)</u> | 5 |
| 7. | <u>Rule 15</u> | 5 |
| 8. | <u>Rule 16(1)</u> | 3 |
| 9. | <u>Rule 16(3)</u> | 5 |
| 10. | <u>Rule 17</u> | 3 |
| 11. | <u>Rule 18</u> | 4 |
| 12. | <u>Rule 20</u> | 3 |
| 13. | <u>Rule 22(1)</u> | 3 |
| 14. | <u>Rule 23</u> | 2 |
| 15. | <u>Rule 24(1)</u> | 3 |
| 16. | <u>Rule 24(2)</u> | 3 |
| 17. | <u>Rule 24(3)</u> | 3 |
| 18. | <u>Rule 25</u> | 3 |
| 19. | <u>Rule 26</u> | 3 |
| 20. | <u>Rule 27</u> | 3 |
| 21. | <u>Rule 28(1)</u> | 3 |
| 22. | <u>Rule 28(2)</u> | 3 |
| 23. | <u>Rule 28(4)</u> | 3 |
| 24. | <u>Rule 29</u> | 3 |
| 25. | <u>Rule 30</u> | 3 |
| 26. | <u>Rule 31</u> | 3 |
| 27. | <u>Rule 32</u> | 3 |
| 28. | <u>Rule 33(1)</u> | 3 |
| 29. | <u>Rule 33(2)</u> | 3 |
| 30. | <u>Rule 34(1)</u> | 1 |
| 31. | <u>Rule 37</u> | 5 |
| 32. | <u>Rule 38(1)</u> | 5 |

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|-----|-------------------|---|
| 33. | <u>Rule 38(2)</u> | 5 |
| 34. | <u>Rule 39</u> | 4 |
| 35. | <u>Rule 45(2)</u> | 4 |
| 36. | <u>Rule 45(3)</u> | 5 |
| 37. | <u>Rule 46(2)</u> | 3 |
| 38. | <u>Rule 49(2)</u> | 5 |
| 39. | <u>Rule 50(1)</u> | 5 |
| 40. | <u>Rule 50(3)</u> | 5 |
| 41. | <u>Rule 51</u> | 5 |
| 42. | <u>Rule 52</u> | 5 |
| 43. | <u>Rule 53</u> | 5 |
| 44. | <u>Rule 54(1)</u> | 5 |
| 45. | <u>Rule 56(1)</u> | 5 |
| 46. | <u>Rule 56(2)</u> | 5 |
| 47. | <u>Rule 57(1)</u> | 5 |
| 48. | <u>Rule 57(2)</u> | 5 |
| 49. | <u>Rule 57(3)</u> | 5 |
| 50. | <u>Rule 58</u> | 4 |
| 51. | <u>Rule 59</u> | 5 |
| 52. | <u>Rule 60(1)</u> | 4 |
| 53. | <u>Rule 60(2)</u> | 4 |
| 54. | <u>Rule 61</u> | 5 |
| 55. | <u>Rule 62(1)</u> | 5 |
| 56. | <u>Rule 63(1)</u> | 4 |
| 57. | <u>Rule 66(1)</u> | 5 |
| 58. | <u>Rule 67(1)</u> | 5 |
| 59. | <u>Rule 69(1)</u> | 4 |
| 60. | <u>Rule 71</u> | 5 |
| 61. | <u>Rule 73(1)</u> | 4 |
| 62. | <u>Rule 73(2)</u> | 3 |
| 63. | <u>Rule 73(4)</u> | 5 |
| 64. | <u>Rule 74</u> | 5 |
| 65. | <u>Rule 75(1)</u> | 3 |
| 66. | <u>Rule 75(2)</u> | 3 |
| 67. | <u>Rule 75(3)</u> | 3 |
| 68. | <u>Rule 76</u> | 3 |
| 69. | <u>Rule 78(3)</u> | 5 |

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|------|-------------------|---|
| 70. | <u>Rule 78(6)</u> | 3 |
| 71. | <u>Rule 79(1)</u> | 5 |
| 72. | <u>Rule 79(2)</u> | 5 |
| 73. | <u>Rule 79(3)</u> | 5 |
| 74. | <u>Rule 80</u> | 5 |
| 75. | <u>Rule 81(1)</u> | 3 |
| 76. | <u>Rule 81(2)</u> | 3 |
| 77. | <u>Rule 81(3)</u> | 3 |
| 78. | <u>Rule 81(4)</u> | 3 |
| 79. | <u>Rule 81(5)</u> | 3 |
| 80. | <u>Rule 82</u> | 2 |
| 81. | <u>Rule 83(1)</u> | 4 |
| 82. | <u>Rule 84(1)</u> | 4 |
| 83. | <u>Rule 85(1)</u> | 5 |
| 84. | <u>Rule 85(2)</u> | 5 |
| 85. | <u>Rule 85(3)</u> | 5 |
| 86. | <u>Rule 86(1)</u> | 5 |
| 87. | <u>Rule 86(3)</u> | 5 |
| 88. | <u>Rule 86(4)</u> | 5 |
| 89. | <u>Rule 87(1)</u> | 4 |
| 90. | <u>Rule 87(2)</u> | 4 |
| 91. | <u>Rule 87(3)</u> | 4 |
| 92. | <u>Rule 88(1)</u> | 4 |
| 93. | <u>Rule 88(3)</u> | 3 |
| 94. | <u>Rule 88(4)</u> | 5 |
| 95. | <u>Rule 88(5)</u> | 4 |
| 96. | <u>Rule 89(1)</u> | 4 |
| 97. | <u>Rule 89(2)</u> | 4 |
| 98. | <u>Rule 90</u> | 4 |
| 99. | <u>Rule 91</u> | 5 |
| 100. | <u>Rule 92</u> | 4 |
| 101. | <u>Rule 93(1)</u> | 4 |
| 102. | <u>Rule 94(1)</u> | 5 |
| 103. | <u>Rule 95(1)</u> | 2 |
| 104. | <u>Rule 95(2)</u> | 2 |
| 105. | <u>Rule 96(1)</u> | 3 |
| 106. | <u>Rule 96(2)</u> | 2 |

| | | |
|------|-------------|---|
| 107. | Rule 97(1) | 5 |
| 108. | Rule 97(2) | 5 |
| 109. | Rule 98 | 4 |
| 110. | Rule 99(1) | 4 |
| 111. | Rule 99(2) | 4 |
| 112. | Rule 99(3) | 4 |
| 113. | Rule 100 | 5 |
| 114. | Rule 101(1) | 4 |
| 115. | Rule 101(2) | 4 |
| 116. | Rule 103(1) | 4 |
| 117. | Rule 103(2) | 4 |
| 118. | Rule 103(3) | 4 |
| 119. | Rule 103(4) | 4 |
| 120. | Rule 104(1) | 4 |
| 121. | Rule 104(2) | 4 |
| 122. | Rule 105(1) | 4 |
| 123. | Rule 105(2) | 4 |
| 124. | Rule 106 | 5 |
| 125. | Rule 107 | 4 |
| 126. | Rule 108 | 4 |
| 127. | Rule 109(1) | 3 |
| 128. | Rule 109(2) | 3 |
| 129. | Rule 110 | 4 |
| 130. | Rule 111(1) | 5 |
| 131. | Rule 112 | 5 |
| 132. | Rule 113(1) | 5 |
| 133. | Rule 113(2) | 5 |
| 134. | Rule 114(1) | 4 |
| 135. | Rule 114(2) | 4 |
| 136. | Rule 114(3) | 4 |
| 137. | Rule 115 | 4 |
| 138. | Rule 116(1) | 4 |
| 139. | Rule 117 | 4 |
| 140. | Rule 118(1) | 5 |
| 141. | Rule 118(2) | 4 |
| 142. | Rule 118(3) | 5 |
| 143. | Rule 119(1) | 5 |

| | | |
|------|-------------|---|
| 144. | Rule 119(2) | 4 |
| 145. | Rule 120(1) | 5 |
| 146. | Rule 120(2) | 5 |
| 147. | Rule 122(1) | 4 |
| 148. | Rule 123(2) | 4 |
| 149. | Rule 123(3) | 4 |
| 150. | Rule 123(5) | 4 |
| 151. | Rule 124(1) | 4 |
| 152. | Rule 126(2) | 4 |
| 153. | Rule 126(4) | 4 |
| 154. | Rule 127(1) | 3 |
| 155. | Rule 128(1) | 3 |
| 156. | Rule 129(1) | 3 |
| 157. | Rule 129(2) | 3 |
| 158. | Rule 129(3) | 2 |
| 159. | Rule 129(4) | 2 |
| 160. | Rule 129(5) | 2 |
| 161. | Rule 130(1) | 2 |
| 162. | Rule 130(2) | 2 |
| 163. | Rule 130(3) | 2 |
| 164. | Rule 131(1) | 3 |
| 165. | Rule 131(2) | 3 |
| 166. | Rule 132(1) | 2 |
| 167. | Rule 132(2) | 2 |
| 168. | Rule 133(1) | 3 |
| 169. | Rule 133(2) | 3 |
| 170. | Rule 133(3) | 3 |
| 171. | Rule 133(4) | 3 |
| 172. | Rule 133(5) | 3 |
| 173. | Rule 133(6) | 3 |
| 174. | Rule 133(8) | 3 |
| 175. | Rule 133(9) | 3 |
| 176. | Rule 134(1) | 4 |
| 177. | Rule 134(2) | 4 |
| 178. | Rule 134(3) | 3 |
| 179. | Rule 135(1) | 3 |
| 180. | Rule 135(2) | 3 |

| | | |
|------|-------------|---|
| 181. | Rule 135(3) | 3 |
| 182. | Rule 135(5) | 2 |
| 183. | Rule 136 | 3 |
| 184. | Rule 137 | 3 |
| 185. | Rule 138 | 3 |
| 186. | Rule 139 | 3 |
| 187. | Rule 140 | 3 |
| 188. | Rule 141(1) | 3 |
| 189. | Rule 141(2) | 3 |
| 190. | Rule 142 | 3 |
| 191. | Rule 143 | 3 |

SCHEDULE 11 - Grant of fishing licence (southern calamari)

Rule 145

1. Eligibility for fishing licence (southern calamari)

The Minister is not to grant a fishing licence (southern calamari) to a person unless –

- (a) the person holds a scalefish licence; and
- (b) the person held the scalefish licence on 18 October 2006 and continued to hold it, without interruption, after that day; and
- (c) the person held that scalefish licence as licensee; and
- (d) the person has an eligible catch history for southern calamari; and
- (e) that catch history has accrued to the person in accordance with clause 3 of Schedule 13.

2. Eligible catch history

(1) In this clause –

eligible waters means waters off the south and east coasts of Tasmania bounded –

- (a) in the north by line of latitude 42°S; and
- (b) in the south by line of latitude 44°S; and
- (c) in the east by line of longitude 148° 30'E; and
- (d) in the west by line of longitude 146° 30'E;

qualifying amount means –

(a) at least 4 tonnes of southern calamari taken in the 24-month period commencing on 1 March 2003; or

(b) at least –

(i) one tonne of southern calamari taken in either of the 12-month periods commencing on 12 August 1997 or 12 August 1998; and

(ii) 500 kilograms of southern calamari taken in each of the 4 consecutive 12-month periods beginning with the period commencing on 12 August 1999;

returns means pages from a scalefish fishing record book certified as complete and correct by the supervisor of the fishing vessel at the time the entries were made;

scalefish fishing record book means a logbook in an approved form used by the holder of a commercial fishing licence for recording scalefish catch.

(2) A person has an eligible catch history for southern calamari if –

(a) the person's catch history is based on returns submitted to the Secretary on or before 31 March 2005; and

(b) those returns show southern calamari as having been taken in –

(i) eligible waters; and

(ii) a qualifying amount.

(3) Southern calamari are not to be included in an eligible catch history for subclause (2) if they were taken by means of a seine net.

SCHEDULE 12 - Allocation of banded morwong quota units

Rule 146

1. Claim for banded morwong catch history

(1) In this clause –

banded morwong catch history area means waters off the south and east coasts of Tasmania bounded –

(a) in the north by line of latitude 40° 30'S; and

(b) in the south by line of latitude 44°S; and

(c) in the east by line of longitude 148° 30'E; and

(d) in the west by line of longitude 146° 30'E;

returns has the same meaning as in clause 2 of Schedule 11.

(2) The holder of a fishing licence (banded morwong) may make a claim for banded morwong catch history.

(3) A claim for banded morwong catch history is to –

(a) be in the approved form; and

(b) be lodged with the Secretary on or before 22 August 2008; and

(c) show the banded morwong catch history that has accrued to the licence holder in accordance with clause 3 of Schedule 13 or been transferred to the licence holder in accordance with clause 4 of that Schedule; and

(d) be based on returns submitted to the Secretary showing banded morwong taken in the banded morwong catch history area.

(4) If a person has held more than one fishing licence (banded morwong), that person's claim for banded morwong catch history may, at that person's discretion, include the catch history relating to all, or any one or more, of those licences.

2. Approval of catch history

(1) The Minister may reject or approve a claim, or part of a claim, for catch history made under clause 1.

(2) In making a decision under subclause (1), the Minister is not to take into account that part of a licence holder's claim for banded morwong catch history in excess of 10 000 kilograms in a licensing year.

3. Determination of average catch history

(1) In this clause –

approved catch history for a licence holder means catch history approved by the Minister in accordance with clause 2;

catch history months means the sum of the following:

(a) the number of fishing months during which a person claiming a catch history for banded morwong held, for the whole or any part of that month, a licence as licensee of that licence;

(b) the number of fishing months during which a person held, for the whole or any part of that month, a licence for which any catch history is claimed by the claimant under an agreement of a kind specified in clause 3(2) of Schedule 13;

(c) the number of fishing months between March 2004 and February 2006 inclusive, except for any month during that period included under paragraph (a) or (b);

fishing month means a calendar month between May 2000 and February 2006 inclusive of those months, other than March and April in any year;

licence means a fishing licence (banded morwong).

(2) If the Minister approves a claim, or part of a claim for catch history for a licence holder, the Minister is to determine the average catch history for the licence holder in respect of the claim.

(3) The average catch history for a licence holder is to be determined by multiplying the number representing the approved catch history for that licence holder by 10 and then dividing it by the number of catch history months applicable to the approved catch history for that licence holder.

(4) If an approved catch history for a licence holder relates to catch history in respect of more than one fishing licence (banded morwong), then the number of catch history months for subclause (3) is to be ascertained by reference to the total catch history months for all of those licences combined.

4. Allocation of banded morwong quota units

(1) The Minister is to allocate banded morwong quota units amongst persons who held a fishing licence (banded morwong) on and from 18 October 2006 until the date of the allocation.

(2) The allocation is to be made in accordance with the ratio of one banded morwong quota unit to each 40 kilograms of average catch history determined for a licence holder under clause 3.

(3) Only whole banded morwong quota units are to be allocated and common rounding is to be used to determine the number of banded morwong quota units to be allocated where the average catch history for a licence holder is not an exact multiple of 40 kilograms.

(4) If the ratio yields a result of more than 200 banded morwong quota units for a licence holder, that holder is to be allocated 200 banded morwong quota units.

5. Review of decision

The following are prescribed decisions for the purpose of section 280 of the Act:

(a) a decision made under clause 2;

(b) a determination made under clause 3;

(c) an allocation made under clause 4.

6. Appeal to Tribunal

A determination under section 282 of the Act relating to banded morwong catch history or the allocation of banded morwong quota units is a prescribed determination for the purpose of section 283 of the Act.

SCHEDULE 13 - Claims for catch history for southern calamari and banded morwong

1. Limitation on use of southern calamari catch history

Southern calamari may be included in a catch history for only one fishing licence (southern calamari).

2. Limitation on use of banded morwong catch history

Banded morwong may be included in a catch history for only one allocation of banded morwong quota units.

3. Accrual of catch history

(1) The catch history for southern calamari or banded morwong taken by use of a fishing vessel specified on a fishing certificate accrues to the licensee named on that fishing certificate at the time the fish were taken.

(2) However, the catch history does not accrue to the licensee referred to in subclause (1) if –

(a) a written agreement in respect of the licensee's scalefish licence, to the satisfaction of the Secretary, was in force that stipulated that any catch history was to accrue to the supervisor of the licence at the time the fish were taken, in which case the catch history accrues to that supervisor; or

(b) in the case of a fishing licence (banded morwong), the Secretary is satisfied that –

(i) the licensee was a temporary holder of the licence; and

(ii) the licensee held an agreement with the beneficial holder of the licence that stipulated that any catch history was to accrue to the beneficial holder during the term of the agreement; and

(iii) the beneficial holder remained the beneficial holder of the licence at all times during the term of the agreement –

in which case the catch history accrues to that beneficial holder; or

(c) the licensee is deceased, in which case the catch history accrues to the executor or administrator of the deceased licensee's estate.

4. Transfer of catch history for banded morwong

A catch history for banded morwong that accrues to the holder of a fishing licence (banded morwong) may be transferred to a purchaser of that licence if a written agreement to that effect, to the satisfaction of the Secretary, exists.

5. Proof of catch history

(1) The Secretary may require a person claiming a catch history for southern calamari or banded morwong to verify that history in the form of documents such as receipts of sale.

(2) If the Secretary is not satisfied as to the matters specified in subclause (1), any scalefish claimed as catch history are to be excluded from the catch history.

SCHEDULE 14 - Granting of Fishing licence (Octopus)

Rule 77

1. Eligibility for fishing licence (octopus)

(1) The Minister is not to grant a fishing licence (octopus) to a person unless the person held permits that authorised the taking of octopus, using octopus pots, in the years 2003, 2004, 2005, 2006 and 2007.

(2) The Minister may grant up to 2 fishing licences (octopus) to a person if, in the years referred to in subclause (1), the person held permits that authorised the taking of octopus using more than one fishing vessel.

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

Notified in the *Gazette* on 14 October 2015.

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

Table Of Amendments

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VIEW THE **AS MADE VERSION**
