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## **Fisheries (General and Fees) Regulations 2016**

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## **Fisheries (General and Fees) Regulations 2016**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the Living Marine Resources Management Act 1995 .

23 May 2016

C. WARNER

Governor

By His Excellency's Command,

JEREMY ROCKLIFF

Minister for Primary Industries and Water

## PART 1 - Preliminary

### 1. Short title

These regulations may be cited as the Fisheries (General and Fees) Regulations 2016 .

### 2. Commencement

These regulations take effect on 24 May 2016.

### 3. Interpretation

In these regulations –

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

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

(a) entered into under section 99 of the Act; or

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

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

**banded morwong** means fish of the species *Cheilodactylus spectabilis*;

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

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

**child** means a person who has not attained the age of 16 years;

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

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

**fish merchant** means –

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

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

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

[Regulation 3 Amended by S.R. 2017, No. 61, Applied:01 Oct 2017] **fish trap** has the same meaning as in the Fisheries (Scalefish) Rules 2015 ;

**fishing licence (abalone dive)** means a fishing licence of a kind referred to in rule 7(a)(i) of the Fisheries (Abalone) Rules 2009 ;

[Regulation 3 Amended by S.R. 2017, No. 61, Applied:01 Oct 2017] **fishing licence (King Island kelp)** means a fishing licence of a kind referred to in rule 6(a)(ii) of the Fisheries (Marine Plant) Rules 2017 ;

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

[Regulation 3 Amended by S.R. 2017, No. 61, Applied:01 Oct 2017] **giant crab trap** means a trap within the meaning of the Fisheries (Giant Crab) Rules 2013 ;

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

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

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

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

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

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

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

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

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

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

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

(ii) [Regulation 3 Amended by S.R. 2017, No. 13, Applied:29 Mar 2017] to operate a fishing vessel, or auxiliary vessel, that acts as a diving platform to take abalone for commercial purposes; or

(iii) [Regulation 3 Amended by S.R. 2017, No. 13, Applied:29 Mar 2017] to undertake a fishing trip which ends on a day other than the day on which it commenced;

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

**pensioner** means a person who is –

(a) the holder of a current Pensioner Concession Card issued in accordance with the Social Security Act 1991 of the Commonwealth; or

(b) [Regulation 3 Amended by S.R. 2017, No. 13, Applied:29 Mar 2017] the holder of a current card issued in accordance with the Veterans' Entitlements Act 1986 of the Commonwealth;

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

(a) cutting up;

(b) breaking up;

(c) shelling;

(d) skinning;

(e) shucking;

(f) filleting;

(g) cooking;

(h) drying;

(i) curing;

(j) smoking;

(k) voiding;

(l) purging;

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

(n) freezing;

(o) canning;

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

**scallop** means fish of the species –

(a) *Equichlamys bifrons* (commonly known as queen scallop); or

(b) *Pecten fumatus* (commonly known as commercial scallop); or

(c) *Mimachlamys asperrimus* (commonly known as doughboy scallop);

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

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

**Undaria** means –

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

(b) sporophyll of that alga;

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

## PART 2 - Minimum sizes

### 4. Taking or possessing abalone

(1) [Regulation 4 Subregulation (1) amended by S.R. 2017, No. 13, Applied:29 Mar 2017] A person must not take abalone with a shell length less than 120 millimetres unless that person is the holder of a fishing licence (abalone dive).

Penalty: Grade 3 penalty.

(2) [Regulation 4 Subregulation (2) amended by S.R. 2017, No. 13, Applied:29 Mar 2017] A person must not have possession of abalone with a shell length less than 120 millimetres unless that person –

- (a) is the holder of a fishing licence (abalone dive); or
- (b) is the holder of a fish processing licence; or
- (c) has bought or received the abalone from a fish merchant.

Penalty: Grade 3 penalty.

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

Penalty: Grade 3 penalty.

### 5. Taking or possessing greenlip abalone

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

Penalty: Grade 3 penalty.

### 6. Possession by fish processing licence holder

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

- (a) abalone with a shell length less than 110 millimetres; or
- (b) greenlip abalone with a shell length less than 132 millimetres; or
- (c) abalone taken from State waters with a smaller shell length than that which may legally be taken from those waters by the holder of a fishing licence (abalone dive).

Penalty: Grade 3 penalty.

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

### 7. Taking or possessing abalone in area A

[Regulation 7 Substituted by S.R. 2017, No. 96, Applied:01 Jan 2018]

(1) In this regulation –

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

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

Penalty: Grade 3 penalty.

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

- (a) the holder is undertaking a fishing trip on a mother boat; and
- (b) the mother boat is –
  - (i) in State waters north of an imaginary line running due west from Cape Sorell to the limit of State waters; or
  - (ii) in Macquarie Harbour or the Channel into Macquarie Harbour; and
- (c) the abalone has a shell length not less than 132 millimetres.

Penalty: Grade 3 penalty.

#### 7A. Taking or possessing abalone in northern blacklip area

[Regulation 7A Inserted by S.R. 2017, No. 96, Applied:01 Jan 2018]

(1) In this regulation –

**Bass Strait area** means the area of State waters adjacent to the north coast of Tasmania and the Furneaux Group of islands in Bass Strait bounded in the west by an imaginary line running from the northernmost point of Woolnorth Point to the point of latitude 40° 37' 14.40" South, longitude 144° 41' 37.87" East, then running due north to the outer limit of State waters and bounded in the east by an imaginary line beginning where the line of longitude 147° 27' 00" East meets the high-water mark of the north coast of the mainland of Tasmania in Anderson Bay, then running due north until its junction with the line of latitude 40° 39' South, then due east along that line of latitude to the outer limit of State waters;

**Bass Strait islands area** means the area of State waters adjacent to the Furneaux Group of islands in Bass Strait as well as the islands in northern Bass Strait bounded in the west by the line of longitude 145° 22' 42" East, and bounded in the south by the line of latitude 40° 39' 00" South;

**north coast blacklip area** means the area of State waters adjacent to the north coast of mainland Tasmania bounded by an imaginary line starting at the point where the line of longitude 145° 22' 42" East meets the high-water mark near Cowrie Point and running due north along that line of longitude until its junction with the line of latitude 40° 39' 00" South, then due east along that line of latitude until its junction with the line of longitude 147° 27' 00" East and then due south along that line of longitude to the high-water mark of the north coast of the mainland of Tasmania in Anderson Bay;

**northern blacklip area** means the area of State waters adjacent to the north, north-west and north-east coasts of the mainland of Tasmania and King Island, and those State waters generally north of a line bounded in the east by an imaginary line from the northern side of the mouth of the Great Musselroe River at Musselroe Bay running due west for 100 metres, then following the shoreline 100 metres from shore to the northernmost tip of Musselroe Point, then running due north until its junction with the line of latitude 40° 48' 00" South, and running due east to the outer limit of State waters, and bounded in the west by an imaginary line from the northernmost point of Woolnorth Point to the point of latitude 40° 37' 14.40" South, longitude 144° 41' 37.87" East, then running due north to the line of latitude 40° 16' 58.41" South, and running due west to the limit of State waters.

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

Penalty: Grade 3 penalty.

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

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

(b) the abalone was taken legally from another part of the fishery.

Penalty: Grade 3 penalty.

(4) The holder of a fishing licence (abalone dive) must not take abalone with a shell length less than 120 millimetres from the Bass Strait area other than the north coast blacklip area and the Bass Strait islands area.

Penalty: Grade 3 penalty.

(5) The holder of a fishing licence (abalone dive) must not have possession of any abalone with a shell length less than 120 millimetres in the Bass Strait area (other than the north coast blacklip area and the Bass Strait islands area) unless –

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

(b) the abalone was taken in the Bass Strait islands area; and

(c) no holder of a fishing licence (abalone dive) has, on that fishing trip, dived or swam in State waters in the Bass Strait area (other than the Bass Strait islands area).

Penalty: Grade 3 penalty.

(6) The holder of a fishing licence (abalone dive) must not have possession of any abalone with a shell length less than 114 millimetres in the Bass Strait islands area.

Penalty: Grade 3 penalty.

#### **7B. Taking or possessing abalone in upper-west blacklip area**

*[Regulation 7B Inserted by S.R. 2017, No. 96, Applied:01 Jan 2018]*

(1) In this rule –

***upper-west blacklip area*** means the area of State waters adjacent to the upper-west coast of Tasmania enclosed by an imaginary line running from the northernmost point of Woolnorth Point to the point of latitude 40° 37' 14.40" South, longitude 144° 41' 37.87" east, then running due north to the line of latitude 40° 16' 58.41" South, then running due west to the line of longitude 144° 26' 18.11" East, then running due south to the line of latitude 41° 21' 58.85" South, then running due east to the mouth of the Wild Wave River near Sandy Cape, and following the line of high water in a generally northerly direction to the point of commencement at Woolnorth Point.

(2) The holder of a fishing licence (abalone dive) must not take abalone from the waters of the upper-west blacklip area with a shell length that is –

(a) in the case of abalone taken on or before 31 December 2018, less than 129 millimetres; or

(b) in the case of abalone taken after 31 December 2019, less than 132 millimetres.

Penalty: Grade 3 penalty.

(3) The holder of a fishing licence (abalone dive) must not have possession of any abalone in the upper-west blacklip area with a shell length that is –

(a) in the case of abalone taken on or before 31 December 2018, less than 129 millimetres; or

(b) in the case of abalone taken after 31 December 2019, less than 132 millimetres –

unless –

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

(d) the abalone was taken legally from another part of the fishery.

Penalty: Grade 3 penalty.

(4) The holder of a fishing licence (abalone dive) must not take blacklip abalone with a shell length less than 132 millimetres from the upper-west blacklip area south of the line of latitude 41° 03' 13.74" South at Arthur River.

Penalty: Grade 3 penalty.

#### **7C. Taking or possessing abalone in east coast area**

*[Regulation 7C Inserted by S.R. 2017, No. 96, Applied:01 Jan 2018]*

(1) In this regulation –

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

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

Penalty: Grade 3 penalty.

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

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

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

(c) the mother boat is in –

(i) State waters bounded in the north by the eastern boundary of the northern blacklip area and in the south by an imaginary straight line running due east from the tip of St Helens Point to the limit of State waters; or

(ii) within the waters of Georges Bay; and

(d) the abalone was taken legally from another part of the fishery.

Penalty: Grade 3 penalty.

#### **7D. Taking or possessing abalone in King Island greenlip area and north coast greenlip area**

*[Regulation 7D Inserted by S.R. 2017, No. 96, Applied:01 Jan 2018]*

(1) In this regulation –

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

**north coast greenlip area** means –

(a) the area of State waters adjacent to the north coast of Tasmania bounded by an imaginary line running due north from the north coast along the line of longitude 147° 27' 00" East until its junction with the line of latitude 40° 39' 00" South, then west along that line of latitude until its junction with the line of longitude 145° 2' 52.2" East and then south along that line of longitude; and

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

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

Penalty: Grade 3 penalty.

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

Penalty: Grade 3 penalty.

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

Penalty: Grade 3 penalty.

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

Penalty: Grade 3 penalty.

#### **7E. Taking or possessing abalone in southern area**

*[Regulation 7E Inserted by S.R. 2017, No. 96, Applied:01 Jan 2018]*

(1) In this regulation –

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

(2) A person who is not the holder of a fishing licence (abalone dive) must not take abalone with a shell length less than 138 millimetres from the southern area.

Penalty: Grade 3 penalty.

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

- (a) is the holder of a fish processing licence; or
- (b) has bought or received the abalone from a fish merchant.

Penalty: Grade 3 penalty.

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

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

- (a) is the holder of a marine farming licence authorising abalone farming; or
- (b) is acting with the authority of the holder of such a licence; or
- (c) is the holder of a fish processing licence who has bought or received the abalone from the holder of a marine farming licence authorising abalone farming; or
- (d) has bought or received the abalone from a fish merchant.

Penalty: Grade 3 penalty.

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

- (a) is the holder of a marine farming licence authorising abalone farming; or
- (b) is acting with the authority of the holder of such a licence; or
- (c) is the holder of a fish processing licence who has bought or received the abalone from the holder of a marine farming licence authorising abalone farming; or
- (d) has bought or received the abalone from a fish merchant.

Penalty: Grade 3 penalty.

## PART 3 - Fees

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

(1) In this regulation –

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

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

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

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

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

### 10. Fee under 1994 abalone deed of agreement

(1) In this regulation –

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

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

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

*fee* means the fee referred to in clause 5.2 of the 1994 abalone deed of agreement;

*next 2 terms*, of the 1994 abalone deed of agreement, means the 2 terms immediately following the renewed term.

(2) Pursuant to clause 4.5 of the 1994 abalone deed of agreement, the fee to be paid during the next 2 terms of that deed of agreement is a fee determined in accordance with Schedule 3 .

### 11. Fees

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

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

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

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

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

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

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

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

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

- (a) a quarterly fee to take and acquire abalone, calculated and payable in respect of each billing period, as if the licence were a deed of agreement made under section 7 of the former *Fisheries Act 1959*;
- (b) a fee (if any) determined under section 99(3) of the Act in respect of the renewal as if the licence were an abalone deed of agreement.

## PART 3A - Marine Plant Royalties

### 12A. Interpretation

[Regulation 12A Inserted by S.R. 2017, No. 61, Applied:01 Oct 2017] In this Part –

**royalty period**, in relation to a fishing licence (King Island kelp), means –

- (a) the period of 5 months commencing on 1 October 2017; and
- (b) each period of 6 months thereafter.

### 12B. Royalties for King Island kelp

[Regulation 12B Inserted by S.R. 2017, No. 61, Applied:01 Oct 2017] The royalty specified in regulation 12C is prescribed as the royalty payable by the holder of a fishing licence (King Island kelp).

### 12C. Calculation of royalty

[Regulation 12C Inserted by S.R. 2017, No. 61, Applied:01 Oct 2017]

- (1) Until 1 September 2018, the royalty payable by the holder of a fishing licence (King Island kelp) is \$30 for each dry tonne of kelp taken under the authority of that licence.
- (2) For the licensing year commencing on 1 September 2018, and for each subsequent licensing year, the royalty payable by the holder of a fishing licence (King Island kelp) is, for each dry tonne of kelp taken under the authority of that licence, an amount calculated in accordance with the following formula:

$$A = B \times \frac{C}{D}$$

where –

**A** is the amount of royalty, rounded down to the nearest dollar;

**B** is \$30;

**C** is the value of the CPI figure for Hobart for the June quarter immediately preceding the licensing year in which the value of the royalty is to apply;

**D** is the value of the CPI figure for Hobart for the June quarter 2017.

- (3) For the purposes of subregulation (2) –

**CPI figure for Hobart** means the Consumer Price Index: All Groups Index Number for Hobart published by the Australian Statistician under the authority of the Census and Statistics Act 1905 of the Commonwealth.

### 12D. Royalty return

[Regulation 12D Inserted by S.R. 2017, No. 61, Applied:01 Oct 2017]

- (1) The holder of a fishing licence (King Island kelp) must, within 2 weeks after the end of each royalty period, submit to the Secretary a return for that royalty period.

Penalty: Grade 2 penalty.

- (2) A return under subregulation (1) is to –

- (a) be in a form approved by the Secretary; and
- (b) contain any details, calculations or information that the Secretary determines are appropriate.

- (3) The Secretary is to –

- (a) in accordance with regulation 12C, calculate the royalty payable under this Part; and
- (b) issue the holder of a fishing licence (King Island kelp) with an invoice for the royalty payable.

**12E. Royalty payable**

*[Regulation 12E Inserted by S.R. 2017, No. 61, Applied:01 Oct 2017]* The royalty is payable by the holder of a fishing licence (King Island kelp) –

- (a) in respect of each royalty period; and
- (b) within 30 days after an invoice for the royalty is issued in writing by the Secretary.

## PART 4 - Miscellaneous

### 13. Notifiable decisions

The decisions specified in Part 1 of Schedule 4 are prescribed as decisions in respect of which a notice is to be served under section 280 of the Act.

### 14. Appealable determinations

The determinations specified in Part 2 of Schedule 4 are prescribed as determinations after a review in respect of which a person may appeal to the Appeal Tribunal under section 283 of the Act.

### 15. Prohibition on taking certain fish

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

Penalty: Grade 2 penalty.

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

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

- (a) any species of pipehorse, pipefish, seahorse or seadragon of the family Syngnathidae;
- (b) a handfish of the family Brachionichthyidae;
- (c) a threefin blenny of the genus *Forsterygion*.

Penalty: Grade 2 penalty.

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

- (a) great white shark (*Carcharodon carcharias*);
- (b) basking shark (*Cetorhinus maximus*);
- (c) grey nurse shark (*Carcharias taurus*);
- (d) megamouth shark (*Megachasma pelagios*);
- (e) whale shark (*Rhincodon typus*).

Penalty: Grade 2 penalty.

### 16. Prescribed classes for storage of fish

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

### 17. Prescribed species for seizure of fish

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

### 18. Commercially protected fish

[Regulation 18 Substituted by S.R. 2017, No. 61, Applied:01 Oct 2017] Abalone is prescribed as a class of commercially protected fish for the purposes of Division 7 of Part 4 of the Act.

### 19. Prescribed matters for fish processing offence

[Regulation 19 Substituted by S.R. 2017, No. 61, Applied:01 Oct 2017] For the purpose of section 67(1)(b) of the Act –

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

- (b) the prescribed quantity of fish is –
  - (i) 100 kilograms for marine plant; and
  - (ii) 10 tonnes for all other prescribed fish; and
- (c) the prescribed period is one licensing year.

**20. Prescribed apparatus illegally used**

[Regulation 20 Substituted by S.R. 2017, No. 61, Applied:01 Oct 2017] For the purpose of section 268(1A)(c) of the Act, the following apparatus is prescribed:

- (a) fish traps;
- (b) giant crab traps.

**21. Prescribed fish for definition of Aboriginal activity**

For the purpose of paragraph (b) of the definition of *Aboriginal activity* in section 3 of the Act, the fish specified in Schedule 5 are prescribed fish.

**22. Industry levy**

A levy payable by a person under section 279 of the Act is due and payable –

- (a) when the person applies for the grant or renewal of a licence under which an activity to which the levy relates is undertaken; or
- (b) within 30 days after the Minister issues written notification that the levy is due and payable.

**23. Noxious fish**

(1) [Regulation 23 Subregulation (1) omitted by S.R. 2017, No. 61, Applied:01 Oct 2017] . . . . .

(2) The following species of fish are noxious fish in State waters:

- (a) Northern Pacific seastar (*Asterias amurensis*);
- (b) European carp (*Cyprinus carpio*);
- (c) black striped mussel (*Mytilopsis sallei*);
- (d) European shore crab (*Carcinus maenas*) (also known as green crab);
- (e) [Regulation 23 Subregulation (2) amended by S.R. 2017, No. 61, Applied:01 Oct 2017] *Undaria pinnatifida*;
- (f) giant fan worm (*Sabella spallanzanii*);
- (g) green algae (*Caulerpa taxifolia*).

**24. Keeping records**

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

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

**25. Unauthorised possession of docket book**

A person or an agent of a person must not have possession of any of the following unused dockets unless the docket was issued to the person and the person is the current holder of a fish processing licence or a handling licence:

- (a) fish dispatch docket;
- (b) fish receipt docket.

Penalty: Grade 3 penalty.

## **26. Return of unused docket book**

A person who was the holder of a fish processing licence or a handling licence, within 14 days after the expiration or cancellation of the licence, must return to the Secretary the following unused dockets issued to that person:

- (a) fish dispatch docket;
- (b) fish receipt docket.

Penalty: Grade 2 penalty.

## **27. Prescribed purposes for changes to management plans**

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

## **28. Prescribed offences and penalties**

*[Regulation 28 Inserted by S.R. 2018, No. 51, Applied:08 Aug 2018]*

- (1) For the purposes of section 234 (1) of the Act –
  - (a) an offence against a provision of the Act specified in column 2 of the table in Part 1 of Schedule 6 is a prescribed offence; and
  - (b) an offence against a provision of these regulations specified in column 2 of the table in Part 2 of Schedule 6 is a prescribed offence.
- (2) A penalty specified in column 3 of a table in Part 1 or Part 2 of Schedule 6 in respect of a prescribed offence is the penalty applicable to the prescribed offence.

# SCHEDULE 1 - Licence fees

Regulation 11(1), (2), (3) and (4)

## PART 1 - Fishing licences

[Part 1 of Schedule 1 Amended by S.R. 2017, No. 61, Applied:01 Oct 2017]

1.	<i>Fishing licence (personal)</i> Grant or renewal	90 fee units
2.	<i>Fishing licence (vessel)</i>	
	(a) Grant of non-transferable licence endorsed for taking of abalone only	400 fee units
	(b) Renewal	300 fee units
	(c) Transfer	
	(i) for a period not exceeding 2 years (whether or not the transfer includes all licences specified on the fishing certificate)	100 fee units
	(ii) to comply with a court order (whether or not the transfer includes all licences specified on the fishing certificate)	100 fee units
	(iii) in settlement of an estate (whether or not the transfer includes all licences specified on the fishing certificate)	100 fee units
	(iv) if parties to the transfer are persons <i>related by family</i> within the meaning of section 7 of the Relationships Act 2003 or in a personal relationship within the meaning of section 6 of that Act (whether or not the transfer includes all licences specified on the fishing certificate)	100 fee units
	(v) in all other cases	1 500 fee units
	(d) Variation	
	(i) change of fishing vessel	200 fee units
	(ii) removal of fishing vessel	100 fee units
	(iii) entry of fishing vessel	200 fee units
3.	<i>Fishing licence (abalone dive)</i>	
	(a) Renewal	100 fee units
	(b) Transfer	250 fee units
	(c) Granting approval under section 87 of the Act for person to act as supervisor	200 fee units
	(d) Variation (de-authorise quota)	50 fee units
	(e) Variation (de-authorise abalone quota)	50 fee units
4.	<i>Fishing licence (abalone quota)</i>	
	Renewal	\$100
5.	<i>Fishing licence (commercial dive)</i>	
	(a) Renewal	400 fee units
	(b) Transfer	250 fee units
	(c) Variation	50 fee units
6.	<i>Fishing licence (mackerel – category A)</i>	
	(a) Renewal (no quota)	50 fee units
	(b) Variation (increase quota), each tonne	4.03 fee units
7.	<i>Fishing licence (mackerel – category B)</i>	
	Renewal	660 fee units
8.	<i>Fishing licence (recreational)</i>	
	(a) Grant or renewal –	
	(i) one licence (pensioner)	20 fee units
	(ii) one licence (child)	20 fee units
	(iii) one licence (other)	35 fee units
	(iv) each additional licence	5 fee units
	(b) Variation –	
	(i) application	5 fee units

	(ii) each additional licence	5 fee units
	(c) Tags – replacement	5 fee units
	(d) Licence certificate – replacement	5 fee units
9.	<i>Fishing licence (scallop)</i>	
	(a) Renewal –	
	(i) fixed component	8 fee units per scallop quota unit
	(ii) plus research levy component	2 fee units
	(iii) plus fisheries management component	622 fee units plus 4.4 fee units per scallop quota unit
	(b) Transfer of licence	250 fee units
	(c) Transfer of permanent scallop quota units, per application	100 fee units
	(d) Variation (seasonal quota transfer)	50 fee units
10.	<i>Fishing licence (scallop spat collection)</i>	
	(a) Grant or renewal	935 fee units
	(b) Variation (change, removal or entry of fishing vessel)	50 fee units
11.	<i>Fishing licence (giant crab)</i>	
	(a) Renewal, each quota unit	135 fee units
	(b) Transfer of licence	250 fee units
	(c) Transfer of permanent giant crab units, per application	100 fee units
	(d) Variation (seasonal quota transfer)	50 fee units
12.	<i>Fishing licence (rock lobster)</i>	
	(a) Renewal, each quota unit	190 fee units
	(b) Transfer of licence	500 fee units
	(c) Transfer of permanent rock lobster units, per application	100 fee units
	(d) Variation (seasonal quota transfer)	50 fee units
13.	<i>Fishing licence (recreational special rock lobster)</i>	
	Application for 14-day licence	30 fee units
14.	<i>Fishing licence (Danish seine) – Renewal</i>	200 fee units
15.	<i>Fishing licence (limited Danish seine) – Renewal</i>	200 fee units
16.	<i>Fishing licence (marine plant)</i>	
	(a) Grant	400 fee units
	(b) Renewal	200 fee units
	(c) Variation	50 fee units
17.	<i>Fishing licence (introduced marine plant)</i>	
	(a) Grant	400 fee units
	(b) Renewal	200 fee units
	(c) Variation	50 fee units
17A.	<i>Fishing licence (Undaria)</i>	
	(a) Grant	4 650 fee units
	(b) Renewal	4 650 fee units
	(c) Variation	50 fee units
17B.	<i>Fishing licence (King Island kelp)</i>	
	(a) Grant	4 650 fee units
	(b) Renewal	4 650 fee units
	(c) Variation	50 fee units
18.	<i>Fishing licence (mussel spat collection)</i>	
	(a) Grant or renewal	935 fee units
	(b) Variation (change, removal or entry of fishing vessel)	50 fee units
19.	<i>Scalefish licences</i>	
	(a) Fishing licence (purse seine net)	
	(i) renewal	340 fee units
	(ii) transfer	250 fee units
	(b) Fishing licence (beach seine A)	

	(i) renewal	340 fee units
	(ii) transfer	250 fee units
	(c) Fishing licence (beach seine B)	
	(i) renewal	210 fee units
	(ii) transfer	250 fee units
	(d) Fishing licence (scalefish A)	
	(i) renewal	340 fee units
	(ii) transfer	250 fee units
	(e) Fishing licence (scalefish B)	
	(i) renewal	210 fee units
	(ii) transfer	250 fee units
	(f) Fishing licence (scalefish C)	
	renewal	140 fee units
	(g) Fishing licence (banded morwong)	
	(i) renewal	340 fee units plus 10 fee units per banded morwong quota unit
	(ii) transfer	250 fee units
	(iii) permanent transfer of banded morwong quota units, per application	100 fee units
	(iv) variation (seasonal quota transfer)	50 fee units
	(h) Fishing licence (wrasse)	
	(i) renewal	210 fee units
	(ii) transfer	250 fee units
	(i) Fishing licence (Australian salmon)	
	(i) renewal	680 fee units
	(ii) transfer	250 fee units
	(j) Fishing licence (small-mesh gillnet)	
	(i) renewal	210 fee units
	(ii) transfer	250 fee units
	(k) Fishing licence (southern calamari)	
	(i) renewal	510 fee units
	(ii) transfer	250 fee units
	(l) fishing licence (octopus)	
	(i) renewal	4 750 fee units
	(ii) transfer	250 fee units
	(iii) variation	50 fee units
20.	<i>Fishing licence (automatic squid jig)</i>	
	(a) renewal	500 fee units
	(b) transfer	250 fee units
21.	<i>Shellfish licences</i>	
	(a) Fishing licence (clam – Georges Bay North)	
	(i) renewal	2 000 fee units
	(ii) transfer	250 fee units
	(iii) variation	50 fee units
	(b) Fishing licence (clam – Georges Bay South)	
	(i) renewal	2 000 fee units
	(ii) transfer	250 fee units
	(iii) variation	50 fee units
	(c) Fishing licence (cockle – Ansons Bay)	
	(i) renewal	2 000 fee units
	(ii) transfer	250 fee units
	(iii) variation	50 fee units
	(d) Fishing licence (native oyster – Georges Bay)	
	(i) renewal	2 000 fee units

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

## PART 2 - Fish processing licences

*[Part 2 of Schedule 1 Amended by S.R. 2017, No. 61, Applied:01 Oct 2017]*

- |    |  |                 |
|----|--|-----------------|
| 1. | Grant or renewal, per licensing year, in respect of –                  |                 |
|    | (a) any amount of abalone, giant crab, rock lobster or scallop; or     | 150 fee units   |
|    | (b) 10 tonnes or more of other species or combination of other species | 150 fee units   |
| 2. | Endorsement for abalone  | 1 150 fee units |
| 3. | Endorsement for banded morwong   | 50 fee units    |
| 4. | Endorsement for giant crab and/or rock lobster –                       |                 |
|    | (a) processing less than 5 tonnes per licensing year                   | 150 fee units   |
|    | (b) processing 5 tonnes or more per licensing year                     | 1 150 fee units |
| 5. | Endorsement for scallop  | 150 fee units   |
| 6. | Endorsement to process kelp from Granville Harbour area                | 1 000 fee units |

### **PART 3 - Handling licences**

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

## PART 4 - Marine farming licences

1.	Renewal or variation in respect of species not farmed on land –	
	(a) <i>Bivalve</i>	835
	(i) one species	fee units
	(ii) each additional species	100 fee units
	(b) <i>Finfish</i>	
	(i) one species	1 750 fee units
	(ii) each additional species	100 fee units
	(c) <i>Seaweed</i>	400 fee units
	(d) <i>Abalone</i>	
	(i) one species	1 550 fee units
	(ii) each additional species	100 fee units
	(e) <i>Other species</i>	100 fee units
2.	Renewal or variation in respect of species farmed on land –	
	(a) <i>Abalone</i>	
	(i) one species	1 550 fee units
	(ii) each additional species	100 fee units
	(b) <i>Other species</i>	300 fee units
3.	Transfer –	
	(a) for species farmed on land	300 fee units
	(b) for species not farmed on land	480 fee units

## SCHEDULE 2 - Miscellaneous fees

Regulation 11(5)

*[Schedule 2 Amended by S.R. 2017, No. 61, Applied:01 Oct 2017]*

- |    |  |  |
|----|--|--|
| 1. | Application under section 87 of Act for approval for person to act as supervisor   | 50 fee units                           |
| 2. | Application for grant of licence where original licence has expired. This fee does not apply to fish processing licences, handling licences and the following types of fishing licences: personal, recreational, marine plant, mussel spat collection and Pacific oyster | licence renewal fee plus 100 fee units |
| 3. | Examination of register kept under section 249 of Act  | 10 fee units                           |
| 4. | Obtaining copy or extract from register kept under section 298 of Act  | 10 fee units                           |
| 5. | Obtaining list of entries from register kept under section 298 of Act –  |  |
|    | (a) first 200 names  | 20 fee units                           |
|    | (b) each additional 200 names, or part thereof   | 10 fee units                           |
| 6. | Purchase of tags for tagging rock lobster –  |  |
|    | (a) horn tag – per tag   | 0.28 fee units                         |
|    | (b) tail tag – per tag   | 0.55 fee units                         |
|    | (c) meat only – per tag  | 0.35 fee units                         |

# SCHEDULE 3 - Fee under 1994 Abalone Deed of Agreement

Regulation 10

## 1. Interpretation

In this Schedule –

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

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

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

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

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

## 2. Calculation of fee

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

$$\text{Fee} = \text{BP} \times \text{Fee}\%$$

## 3. Fee percentage

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

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

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

$$\text{Indexed beach price} = \frac{\text{BP}}{i_1}$$

where –

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

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

$$i_1 = i_0 \times \frac{B}{C}$$

where –

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

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

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

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

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

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

## SCHEDULE 4 - Decisions and determinations

Regulations 13 and 14

### PART 1 - Notifiable decisions

*[Part 1 of Schedule 4 Amended by S.R. 2017, No. 61, Applied:01 Oct 2017]*

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

## PART 2 - Appealable determinations after review

*[Part 2 of Schedule 4 Amended by S.R. 2017, No. 61, Applied:01 Oct 2017]*

	Determination	Provision of Act
1.	Substituting, confirming or revoking decision relating to which fishing certificate is to specify which fishing licence	section 63
2.	Substituting, confirming or revoking decision relating to grant of or refusal to grant licence other than a refusal under – (a) section 78(2A); or (b) section 78(2) to the extent that refusal is based on the grounds in section 78(1) (d)	section 78
3.	Substituting, confirming or revoking decision relating to issue of licence as separate instrument or as endorsement on fishing certificate	section 79
4.	Substituting, confirming or revoking decision relating to renewal of or refusal to renew licence	section 81
5.	Substituting, confirming or revoking decision relating to transfer of or refusal to transfer licence	section 82
6.	Substituting, confirming or revoking decision relating to transfer of or refusal to transfer quota or entitlement under a licence	section 82
7.	Substituting, confirming or revoking decision relating to variation of or refusal to vary licence	section 83
8.	Substituting, confirming or revoking decision relating to approval of or refusal to approve leasing, sub-leasing, lending or supervising of licence	section 87
9.	Substituting, confirming or revoking decision relating to approval of or refusal to approve person as substitute licensee	section 88
10.	Substituting, confirming or revoking decision relating to approval of or refusal to approve another form of supervision of activity under licence	section 89
11.	Substituting, confirming or revoking decision relating to requirement to destroy noxious fish	section 130
12.	Substituting, confirming or revoking decision relating to addition, variation, revocation or substitution of condition of approval to engage in activity in marine resources protected area	section 133
13.	Substituting, confirming or revoking decision relating to revocation of approval to engage in activity in marine resources protected area	section 134
14.	Substituting, confirming or revoking decision relating to approval of or refusal to approve application for return of seized thing	section 232
15.	Substituting, confirming or revoking decision relating to extension of time for payment, waiver or refund of whole or part, acceptance of lesser amount, or grant or refusal to grant application for extension of time for payment of any fee, charge or royalty	section 275

## SCHEDULE 5 - Prescribed fish for definition of Aboriginal activity

Regulation 21

[Schedule 5 Amended by S.R. 2017, No. 61, Applied:01 Oct 2017]

<b>Common or used name</b>	<b>Scientific name</b>
<i>Shellfish</i>	
1. Banded or Silver Kelp shell	<i>Bankivia fasciata</i>
2. Black Crow or Black Nerite	<i>Nerita atramentosa</i>
3. Blue and Brown Gulls or Banded Periwinkle	<i>Nodilittorina unifasciata</i>
4. Buckies, Pheasant shell or Painted Lady	<i>Phasianella australis</i>
5. Cats' Teeth or Estuarine Mud Whelk shell	<i>Batillariella estuarina</i>
6. Cats' Teeth or Lined Rissoina	<i>Rissoina lintea</i>
7. Cats' Teeth or Variegated Rissoina	<i>Rissoina variegata</i>
8. Dark and Yellow Buttons or Conniwink	<i>Bembicium melanostomum</i>
9. Gold-mouth Conniwink	<i>Bembicium auratum</i>
10. Jewelled Top shell	<i>Calliostoma armillata</i>
11. King Maireener or Choice Sea-weed shell	<i>Phasianotrochus eximius</i>
12. Maireener (Pink-tipped Kelp shell)	<i>Phasianotrochus apicinus</i>
13. Maireener (Rainbow Kelp shell)	<i>Phasianotrochus irisodontes</i>
14. Mud Whelk shell	<i>Zeacumantus diemenensis</i>
15. Oat or Dove shells	<i>Mitrella</i> spp.
16. Otherside Penguins or Pygmy Margin shell	<i>Mesoginella pygmaeoides</i>
17. Penguin	<i>Austroginella muscaria</i>
18. Rice or Rye shell	<i>Truncatella scalarina</i>
19. Striped Dog Whelk	<i>Nassarius pauperatus</i>
20. Striped Buttons or Striped-mouth Conniwink	<i>Bembicium nanum</i>
21. Toothies, Toosies or Delicate Air Breather shell	<i>Marinula xanthostoma</i>
22. Top shell	<i>Clanculus dunkeri</i>
23. Wedge shell	<i>Paphies cuneata</i>
24. White Dog Whelk	<i>Nassarius nigellus</i>
<i>Marine Plants</i>	
25. Algae and seaweed of the following divisions: (a) Chlorophyta (green algae); (b) Heterokontophyta of the class Phaeophyceae (brown algae); (c) Rhodophyta (red algae)	
26. Seagrass of the division Magnoliophyta	

## **SCHEDULE 6 - Offences**

*[Schedule 6 Inserted by S.R. 2018, No. 51, Applied:08 Aug 2018]*

Regulation 28

## PART 1 - Offences under the Act

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Section of Act</b>	<b>Penalty (penalty units)</b>
1.	Section 15(2)	3
2.	Section 60(1)	4
3.	Section 64(1)	4
4.	Section 86A	3
5.	Section 89(1)	3
6.	Section 89(4)	3
7.	Section 89(7)	2
8.	Section 135(2)	3
9.	Section 139(1)	1
10.	Section 143(3)	2
11.	Section 145(1)	1
12.	Section 145(2)	1
13.	Section 167	1
14.	Section 262(1)	3
15.	Section 270(2)	4

## PART 2 - Offences under the regulations

Column 1 Item	Column 2 Regulation	Column 3 Penalty (penalty units)
16.	Regulation 4(1)	2
17.	Regulation 4(2)	2
18.	Regulation 4(3)	5
19.	Regulation 5	2
20.	Regulation 6(1)(a)	3
21.	Regulation 6(1)(b)	3
22.	Regulation 6(1)(c)	3
23.	Regulation 7(2)	5
24.	Regulation 7(3)	5
25.	Regulation 7A(2)	5
26.	Regulation 7A(3)	5
27.	Regulation 7A(4)	5
28.	Regulation 7A(5)	5
29.	Regulation 7A(6)	5
30.	Regulation 7B(2)	5
31.	Regulation 7B(3)	5
32.	Regulation 7B(4)	5
33.	Regulation 7C(2)	5
34.	Regulation 7C(3)	5
35.	Regulation 7D(2)	5
36.	Regulation 7D(3)	5
37.	Regulation 7D(4)	5
38.	Regulation 7D(5)	5
39.	Regulation 7E(2)	5
40.	Regulation 7E(3)	5
41.	Regulation 8(1)	2
42.	Regulation 8(2)	2
43.	Regulation 15(1)	2
44.	Regulation 15(3)	2
45.	Regulation 15(4)	2
46.	Regulation 25	3
47.	Regulation 26	2

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

Notified in the *Gazette* on 24 May 2016

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