

CONTENTS

Fisheries (Mackerel) Rules 1999
Part 1 - Preliminary
1. Short title

Fisheries (Mackerel) Rules 1999

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

3 October 1999

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Minister for Primary Industries, Water and Environment

PART 1 - Preliminary

1. Short title

These rules may be cited as the *Fisheries (Mackerel) Rules 1999*.

2. Commencement

These rules take effect on 1 January 2000.

3. Interpretation

(1) In these rules –

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

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

"**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;

"**mackerel**" means fish of any of the following species:

(a) *Trachurus declivis* (commonly known as jack mackerel);

(b) *Trachurus murphyi* (commonly known as Peruvian jack mackerel);

(c) *Trachurus novaezelandiae* (commonly known as yellowtail mackerel);

(d) *Emmelichthys nitidus* (commonly known as redbait);

(e) *Scomber australasicus* (commonly known as blue mackerel);

"mackerel fishing licence" means –

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

(b) a fishing licence (mackerel B);

"open season" means a season or period during which the mackerel fishery is open;

"Penalty Regulations" means the *Fisheries Penalties Regulations 2001*;

"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.

(2) Any expression in these rules which is not defined in subrule (1) but is defined in the Act has the meaning as so defined.

4. Duration of rules

These rules continue in force until 31 December 2008.

5. Consultation arrangements

The Minister must consult with the appropriate fishing body in respect of any changes relating to –

(a) any area where fishing may occur; and

(b) any matter relating to the characteristic of fish; and

(c) the opening and closing of the fishery; and

(d) fishing gear; and

(e) limits on taking and possessing fish.

6. Classes of fishing licences

For the purpose of these rules, a fishing licence is one of the following classes:

(a) class mackerel –

(i) fishing licence (mackerel A); or

(ii) fishing licence (mackerel B);

(b) class rock lobster, fishing licence (rock lobster).

PART 2 - General provisions

7. Taking mackerel

A person must not, in State waters, take or possess more than 100 kg of mackerel using a fishing vessel that exceeds 20 metres in length unless the person is the holder of a mackerel licence, fishing licence (rock lobster) or an appropriate Commonwealth authority.

Penalty:

Fine not exceeding the applicable Grade 2 penalty.

8. Authority of mackerel fishing licences

(1) A fishing licence (mackerel A) only authorises the holder, in State waters –

(a) to use the fishing vessel specified in the licence; and

(b) to take mackerel not exceeding the quantity specified in the licence.

(2) A fishing licence (mackerel B) only authorises the holder, in State waters –

(a) to use the fishing vessel specified in the licence; and

(b) to take mackerel during the open season.

(3) A mackerel fishing licence authorises the holder to use a purse seine net in State waters.

9. Quantity of mackerel

The Minister is not to grant a mackerel fishing licence, or vary the quantity of mackerel that a holder of that licence may take under that licence so that the total quantity of mackerel authorised to be taken by the holders of mackerel fishing licences exceeds the total allowable catch for that fish.

10. Prohibition and restriction on use of fishing gear

The provisions of Part 5 of the *Fisheries (Scalefish) Rules 2001* apply to the holder of a mackerel fishing licence as if a reference to a fishing licence were a reference to a mackerel fishing licence.

11. Open season and closure of fishery

(1) The open season for the mackerel fishery is between 1 September in one year and 31 August in the following year, both days inclusive.

(2) The Minister, by public notice, may determine that all or part of the mackerel fishery be closed for holders of mackerel fishing licences during any period specified in the notice.

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

Notified in the *Gazette* on 13 October 1999.

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