

Fisheries (Scalefish) Rules 2004

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

18 October 2004

S. Kons

Minister for Primary Industries and Water

PART 1 - Preliminary

1. Short title

These rules may be cited as the Fisheries (Scalefish) Rules 2004.

2. Commencement

These rules take effect on 1 November 2004.

3. Interpretation

(1) In these rules –

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

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

"**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 trap**" means a trap that –

(a) is not more than 500 millimetres long, 350 millimetres wide and 250 millimetres high; and

(b) has an entrance that is not more than 65 millimetres at its widest; and

(c) has a mesh size not less than 10 millimetres and not more than 40 millimetres;

"**banded morwong quota unit balance**" means the quantity of banded morwong allocated to a licence for a quota period, less the quantity of banded morwong taken from the TAC area and landed under the authority of that licence in that quota period;

"**beach seine net**" means an encircling net that –

(a) has a bag or 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;

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

(a) has a mouth held open by trawl doors or warps 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;

"buoy" means a buoy that complies with rule 84;

"cast net" means a circular or elliptical net with a diameter of no more than 6 metres that has a loaded bottomline 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;

"catch year" means a period starting on 1 June in one year and ending on 31 May in the following year;

"commercial fishing licence" means a fishing licence of a class specified in item 1, 2, 3, 4, 5, 7, 8 or 9 of the table contained in rule 10;

"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 specified in item 8 of the table in rule 10;

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

(a) has a mouth 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;

"dinghy" means a boat that is used, or is capable of being used, as an auxiliary boat to a fishing vessel;

"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 1999*;

"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;

"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 fishing gear for holding fish used in State waters;

"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 but only one with an entrance or entrances that allow fish into the trap and that entrance or each of those entrances measure no more than 250 millimetres across its longest dimension;

"fishing licence (giant crab)" has the same meaning as in the *Fisheries (Giant Crab) Rules 2006*;

"fishing trip" means a trip undertaken for fishing, commencing on departure of the vessel from land, a pier, jetty or artificial extension of land and ending on the return of the vessel to land, a pier, jetty or artificial extension of land;

"gear licence" means a fishing licence of a kind specified in item 3, 4, 7, 8 or 9 of the table in rule 10 or a fishing licence (Australian salmon);

"giant crab" has the same meaning as in the *Fisheries (Giant Crab) Rules 2006*;

"gillnet" means a net, also known as a set net, that is –

(a) a graball net; or

(b) a mullet net; or

(c) a shark net; or

(d) a small-mesh gillnet; or

(e) a special small-mesh gillnet;

"graball net" means a single-mesh net that –

(a) has a loaded 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 Penalty Regulations;

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

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

"headline length" means the length of a net as determined in accordance with rule 11;

"holder of a licence" includes, except in rule 18(3)(a), a person who is approved to use the licence under section 89(2) of the Act;

"holding tank" means fishing gear 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;

"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, jetty or other artificial extension of land; or

(b) bringing a vessel containing scalefish ashore or in contact with a pier, jetty or other 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 take or land scalefish; and

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

"licensing year" means the period beginning on 1 March each year and ending at midnight on the last day of February 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 1999*;

"marker buoy" means a buoy marked in accordance with these rules;

"market value" means the market value of banded morwong determined by the Secretary in accordance with [rule 58J](#);

"mesh size", in relation to a net, means the average measurement of 10 adjoining meshes in the net, where the measurement of a mesh is the distance between the inside surface of diagonally opposite knots of the mesh, measured when –

- (a) the mesh is held taut; and
- (b) the other 2 diagonally opposite knots are touching each other;

"mullet net" means a single-mesh net that –

- (a) has a loaded 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 gillnet" means a gillnet used for non-commercial fishing;

"non-commercial fishing" means the part of the scalefish fishery comprising the following activities:

- (a) the taking or possessing of scalefish for recreational fishing;
- (b) the taking or possessing of scalefish by an Aborigine engaged in an Aboriginal activity;

"octopus pot" means a pot that –

- (a) is used, or is capable of being used, for taking octopus; and
- (b) is not more than 5 litres in volume;

"offshore waters" means State waters that are not –

- (a) coastal waters; or
- (b) within the limits of the State;

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

"pre-fishing report" means a report made to the reporting service by approved means and containing approved information;

"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 specified in item 6 of the table in [rule 10](#);

"reporting service" means a service approved under [rule 58F](#);

"rock lobster pot" has the same meaning as in the *Fisheries (Rock Lobster) Rules 2006*;

"rock lobster ring" has the same meaning as in the *Fisheries (Rock Lobster) Rules 2006*;

"scalefish licence" means a fishing licence specified in item 4 of the table contained in rule 10;

"seine licence" means a fishing licence specified in item 3 of the table in rule 10;

"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 fin" means a fin from a shark;

"shark net" means a single-mesh net of a type authorised by the Commonwealth that –

(a) has a loaded 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 –

(a) Blackman Bay; or

(b) D'Entrecasteaux Channel; or

(c) East Coast waters; or

(d) Frederick Henry Bay and Norfolk Bay; or

(e) Georges Bay; or

(f) Great Oyster Bay; or

(g) Mercury Passage; or

(h) Pitt Water; or

(i) Port Sorell; or

(j) River Derwent; or

(k) River Tamar;

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

(a) has a loaded 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;

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

(a) has a loaded 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 squid jigs attached;

"**TAC area**" means State waters (other than the Tamar River) off the north, east and south coasts of Tasmania within the area bounded –

(a) in the north by line of latitude 40° 40' South; and

(b) in the west (for waters off the south coast) by an imaginary straight line starting at Whale Head and running due south; and

(c) in the west (for waters off the north coast) by an imaginary straight line starting at Low Head and running due north;

"**transit report**" means a report made to the reporting service by approved means and containing approved information;

"**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;

"**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) For the purposes of rules 73AA and 73, 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 (2), these rules apply to the scalefish fishery.

(1A) A provision of these rules that relates to non-commercial fishing applies to all "waters relevant to the State", as defined in the Act.

(1B) 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.

(2) These rules, other than rule 7, 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 2014.

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 –

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

PART 2 - General

7. 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.

8. Measurement of scalefish

The size of any species or type of scalefish 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 of the fish to the tip of the tail of the fish;
- (d) in the case of any other species or type of scalefish, from the tip of the snout of the fish to the end of the tail.

9. Closed and open season for scalefish

(1) In this rule –

"closed season" means the period determined under subrule (2) during which all or part of the scalefish fishery is closed;

"open season" means the period determined under subrule (2) during which all or part of the scalefish fishery is open.

(2) The Minister, by notice published in the *Gazette*, 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.

(3) A person must not take scalefish from State waters that are closed to the scalefish fishery for that kind of scalefish.

Penalty:

Grade 3 penalty.

10. 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 (general trawl) fishing licence (limited trawl)
9. class squid	fishing licence (automatic squid jig)

11. Measurement of nets

The length of a net 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, excluding any rope attached between the net and any buoy or similar marker at, or near, the surface of the water.

12. 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.

13. Calculation of weight

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 7](#).

PART 3 - Commercial Licences

Division 1 - Licences

14. 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, except a fishing licence (octopus) granted to a person before 1 March 2010;

(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), a fishing licence (personal) 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 preceding 28 February; and

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

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

15. Fishing for commercial purposes

A person must not take scalefish for commercial purposes in State waters unless the person holds –

(a) an appropriate authority; or

(b) a gear licence, a fishing licence (vessel) and a fishing licence (personal); 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.

Division 2 - Endorsements on licences

16. Endorsement of fishing licences

(1) The Secretary may endorse a fishing licence to allow the holder of the licence –

(a) to use the fishing gear specified on the licence in the waters specified in respect of that fishing gear; and

(b) to take, possess or 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 only take scalefish in accordance with the endorsement on the licence when operating under the authority of that endorsement.

Penalty:

Grade 3 penalty.

17. Small-mesh gillnet endorsement

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

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

(b) a 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.

17A. Special small-mesh gillnet endorsement

The holder of a fishing licence (personal) that is endorsed for the use of special small-mesh gillnet must not carry 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.

18. Non-transferable fishing licence (class scalefish)

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

(2) 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.

(3) A scalefish licence that is endorsed as a non-transferable fishing licence may only be used by –

(a) the holder of the licence; or

(b) a person who was a supervisor of the licence when it was endorsed as a non-transferable licence.

19. Beach seine net endorsement

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 carry the catch caught with such a net.

Penalty:

Grade 3 penalty.

20. Endorsement to use fishing gear

(1) A person must not take fish under the authority of a fishing licence (personal) that is endorsed for the use of a specified kind of fishing gear unless the person also holds a gear licence that authorises the use of that kind of fishing gear.

Penalty:

Grade 3 penalty.

(2) Subrule (1) does not apply to a person who holds a fishing licence (personal) that is endorsed for the use of –

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

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

(c) special small-mesh gillnet; or

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

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

(3) If a person holds –

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

(b) a gear licence that authorises the use of that kind of fishing gear –

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

Penalty:

Grade 3 penalty.

21. Gillnet endorsement 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 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.

Division 3 - Taking, selling and possessing certain fish species for commercial purposes

22. Prohibition on commercial fishing

(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 2 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:

- (a) the River Derwent;
- (b)
- (c) Macquarie Harbour;
- (d) Port Sorell.

Penalty:

Grade 2 penalty.

23. 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 a person who holds a fishing licence (rock lobster) from taking or using marblefish for bait.

23A. 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 (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.

24. Sale of bream

A person must not sell bream without a receipt for that bream showing that the bream were taken in waters other than waters relevant to the State.

Penalty:

Grade 3 penalty.

25. 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 has 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 take wrasse that has a total weight exceeding 30 kilograms in any one day unless the person is –

- (a)** the holder of a fishing licence (wrasse); or
- (b)** the holder of a fishing licence (rock lobster) who has possession of the wrasse for use as bait.

Penalty:

Grade 2 penalty.

26. Use of fishing vessel for taking mackerel

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

Penalty:

Grade 2 penalty.

(2) Subrule (1) does not apply to –

(a) a person who takes or 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.

27. Taking fish by purse seine net

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.

28. Taking fish by lampara net

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.

29. Taking fish by small-mesh gillnet

A person must not use or carry on a fishing vessel 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.

Division 4 - Commercial fishing gear

30. Use of fishing gear

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

- (a) is used or intended to be used to take scalefish; and
- (b) is in excess of the amount of gear authorised under a licence or authority.

Penalty:

Grade 3 penalty.

(2) Subrule (1) does not apply to a person –

- (a) taking scalefish in accordance with a licence or Commonwealth authority that authorises the use of that fishing gear to take scalefish; or
- (b) taking scalefish for non-commercial fishing with fishing gear that does not require a fishing licence (class recreational).

31. Fishing gear on commercial fishing trip

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

Penalty:

Grade 3 penalty.

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

32. Fishing gear on vessel carrying other vessel

A person on a fishing vessel that carries another fishing vessel must not –

- (a) carry more fishing gear on either vessel than the combined maximum that is authorised in respect of both vessels; or
- (b) use more fishing gear on one of the vessels than the amount of fishing gear that is authorised to be used from that vessel.

Penalty:

Grade 3 penalty.

32A. 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 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 to land 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 is to be taken to prohibit the holder of a fishing licence (vessel) for a mother boat from being in possession of, or carrying on board the mother boat, prescribed scalefish taken by a prescribed licensee.

(4) In this rule –

"**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 the fishing licence (vessel) for the smaller licensed fishing vessel to hold scalefish taken during the fishing trip;

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

"**prescribed scalefish**" means banded morwong, wrasse or Australian salmon.

33. Use of dinghies

(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 –

(a) use more than 2 dinghies; or

(b) use a dinghy that is longer than the fishing vessel specified in the fishing licence (vessel).

Penalty:

Grade 2 penalty.

(2)

(3)

(4) The holder of a fishing licence (vessel) who is not the holder of a seine licence or a fishing licence (Australian salmon) must not, in taking scalefish, use –

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

(b) a dinghy that is longer than that fishing vessel.

Penalty:

Grade 2 penalty.

(5) The holder of a fishing licence (vessel) must ensure that each side of the hull of a dinghy 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 dinghy.

Penalty:

Grade 2 penalty.

34. Use of 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.

Penalty:

Grade 2 penalty.

35. Possessing graball net

A person 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.

36. Commercial graball net

(1) A person must not carry on a fishing vessel, or use, a commercial 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 carry 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 carrying or using more than half the amount of commercial graball net authorised under the licence.

Penalty:

Grade 2 penalty.

37. Use of squid jigs, dipnets and spears

(1) A person who holds a fishing licence (vessel), a fishing licence (personal) and a fishing licence (scalefish C) at the same time may –

- (a) carry 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.

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

- (a) carry 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.

(3) A person who holds a gear licence other than a licence specified in subrule (1) or (2) may –

- (a) carry 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.

(4) A person who holds an authorisation to carry on a fishing vessel, or use, squid jigs for commercial purposes and who is not the holder of a fishing licence (automatic squid jig) must not carry on a fishing vessel, or use, at any one time, more than –

- (a) 4 automatic squid-jigging machines; or
- (b) fish attraction lamps exceeding a total power rating of 2 000 watts.

Penalty:

Grade 1 penalty.

(5) A person who holds an authorisation to carry on a fishing vessel, or use, squid jigs for commercial purposes and who is not fishing under the authority of a fishing licence (automatic squid jig) must not, at any one time, use more than 5 squid jigs.

Penalty:

Grade 1 penalty.

37A. Carrying or using squid jigs at same time as seine net in south-east waters

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

Penalty:

Grade 2 penalty.

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

Penalty:

Grade 2 penalty.

(3) Subrules (1) and (2) do 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.

37B. Use of dinghy if using squid jigs

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

Penalty:

Grade 2 penalty.

38. Traps and hooks

The holder of both a fishing licence (wrasse) and a fishing licence (scalefish C) may carry 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 carried on that vessel or are being used.

39. Fishing licence (scalefish A)

The holder of a fishing licence (scalefish A) may carry 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.

40. Fishing licence (scalefish B)

The holder of a fishing licence (scalefish B) may carry 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.

41. Fishing licence (scalefish C)

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

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

(b) 200 hooks; or

(c) one fish trap.

42. Fishing licence (rock lobster)

(1) The holder of a fishing licence (rock lobster) may carry 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 carry 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).

43. Fishing licence (small-mesh gillnet)

The holder of a fishing licence (small-mesh gillnet) may carry on a fishing vessel or use not more than –

(a) 600 metres in length of small-mesh gillnet; or

(b) small-mesh gillnets each of which is not more than 200 metres in length.

44. Small-mesh gillnet net depth

A person must not carry on a fishing vessel, or use, a small-mesh gillnet that has a net depth of more than 75 meshes while carrying, or using, more than half the amount of small-mesh gillnet authorised by the person's licence.

Penalty:

Grade 2 penalty.

45. Fishing licence (purse seine net)

(1) The holder of a fishing licence (purse seine net) must not carry on a fishing vessel, or use –

(a) a purse seine net with a headline length of more than 600 metres; or

(b) a lampara net with a headline length of more than 600 metres.

Penalty:

Grade 2 penalty.

(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 carrying on a fishing vessel more than one seine net at any time.

46. Use of purse seine nets on fishing vessels

A person must not, while on a fishing vessel in State waters, carry, or use, a purse seine net or a lampara net unless –

(a) the person is the holder of a fishing licence (purse seine net) and the fishing vessel is the vessel specified on that licence; or

(b) the person is the holder of a fishing licence (Australian salmon).

47. Fishing licence (beach seine)

(1) The holder of a fishing licence (beach seine A) may carry 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 carry 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)

(1) A fishing licence (automatic squid jig) authorises the holder of that licence to take and possess only Gould's squid.

(2) A fishing licence (automatic squid jig) authorises the holder of that licence to carry on a fishing vessel, and use, the following fishing gear:

- (a) automatic squid-jigging machines;
- (b) squid lines;
- (c) fish attraction lamps.

49. Fishing licence (general trawl)

The holder of a fishing licence (general trawl) must not –

- (a) carry 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.

50. Restrictions on fishing licence (general trawl)

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

Penalty:

Grade 2 penalty.

(2) If a Danish seine net has a whiting codend attached, the holder of a fishing licence (general trawl) 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 (general trawl) 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) in Anderson Bay;

(c) south of an imaginary straight line from the north-east tip of East Sandy Point to the tower on Hardwicks Hill near Croppies Point;

(d) in Frederick Henry Bay and Norfolk Bay;

(e) in Great Oyster Bay;

(f) in Mercury Passage;

(g) 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;

(h) in the River Derwent;

(i) in the D'Entrecasteaux Channel.

Penalty:

Grade 2 penalty.

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

51. Fishing licence (limited trawl)

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

(a) carry 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.

52. Restrictions on fishing licence (limited trawl)

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

Penalty:

Grade 2 penalty.

(2) The holder of a fishing licence (limited trawl) must not use a Danish seine net 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"; and

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

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

Penalty:

Grade 2 penalty.

53. Fishing licence (limited trawl) ceases to have effect

The Minister may cancel a fishing licence (limited trawl) 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.

54. 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 (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 2 penalty.

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

Penalty:

Grade 2 penalty.

Division 5 - Australian salmon

55. Authority of fishing licence (Australian salmon)

The holder of a fishing licence (Australian salmon) may 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.

56. Carrying Australian salmon

(1) On any one occasion, a person must not carry 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 more than that amount of Australian salmon.

Penalty:

Grade 3 penalty.

(2) The holder of a fishing licence (personal) may carry 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.

57. 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 up to an imaginary straight line extending from Cape Deslacs through the southern end of Sloping Island and ending at 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 between Webber Point and 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 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 a fishing licence (Australian salmon).

Penalty:

Grade 2 penalty.

58. Fishing licences (Australian salmon) by-catch provisions

(1) The holder of a fishing licence (Australian salmon) using fishing gear authorised by the licence must not take and carry 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 uses fishing gear authorised by that licence.

Penalty:

Grade 2 penalty.

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

Division 6 - Banded morwong

58A. 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.

58B. Total allowable catch

(1) Unless otherwise determined by the Secretary by notice published in the *Gazette*, the quota period during 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).

58C. Restrictions relating to fish caufs

(1) The holder of a fishing licence (banded morwong) must not be in possession of a fish cauf in State waters unless –

(a) the fish cauf is at all times within the close proximity of the licensee; or

(b) the licence is endorsed for the use of a fish cauf.

Penalty:

Grade 3 penalty.

(2) The holder of a fishing licence (banded morwong) must not use a fish cauf to hold banded morwong unless –

(a) the use of the fish cauf is at all times carried out under the close and direct supervision of the licensee; or

(b) the licence is endorsed for the use of a fish cauf.

Penalty:

Grade 3 penalty.

(3) The holder of a fishing licence (banded morwong) that is endorsed for the use of a fish cauf must not place a fish cauf anywhere other than at a place specified in the licence.

Penalty:

Grade 3 penalty.

58D. Restrictions relating to holding tanks

(1) The holder of a fishing licence (banded morwong) must not –

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

(b) place banded morwong 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 fishing licence (banded morwong) that is endorsed for the use of a holding tank must not place a holding tank anywhere other than at a place specified in the licence.

Penalty:

Grade 3 penalty.

58E. Records relating to fish caufs and holding tanks

(1) The holder of a fishing licence (banded morwong) that is endorsed for the use of a holding tank must keep approved records in relation to the use of that tank.

Penalty:

Grade 3 penalty.

(2) The holder of a fishing licence (banded morwong) 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.

58F. Reporting service

(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; 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.

58G. Restrictions on transfer of banded morwong quota units

(1) The Minister is not to transfer banded morwong quota units to a person who is not the holder of a fishing licence (banded morwong).

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

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

- (a) 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
- (b) the quantity of banded morwong for those banded morwong quota units has not already been caught.

(4) The Minister is not to transfer partially caught banded morwong quota units.

(5) However, subrule (3)(b) and subrule (4) do not apply to the permanent transfer of banded morwong quota units that are transferred with the fishing licence (banded morwong) in which the banded morwong quota units are specified.

58H. 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 2 penalty.

(2) If a person is convicted of an offence under subrule (1), the Minister may divest the person of the interests in excess of 2 licences and reallocate those interests by any means the Minister considers appropriate.

58I. 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 2 penalty.

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

58J. 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 made under subrule (1).

58K. Taking and possessing banded morwong in TAC area

(1) 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 in the licence.

Penalty:

Grade 2 penalty.

(2) However, subrule (1) does not apply to banded morwong possessed in the TAC area if they were taken outside the TAC area and the licence holder, no earlier than 2 hours before entering the TAC area, made a transit report about the entry.

(3) 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.

58L. Banded morwong quota unit balance not to be exceeded

(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:

In the case of –

(a) the relevant quota unit balance being exceeded by fewer than 400 banded morwong, Grade 2 penalty; or

(b) the relevant quota unit balance being exceeded by 400 or more banded morwong, 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 transit report 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 fewer than 400 banded morwong; and

(b) the licensee pays or agrees to pay an administrative penalty to the Crown –

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 by such date or within such period as that person and the Minister have agreed for the purpose, the unpaid amount may be recovered in a court of competent jurisdiction as a debt due to the Crown.

(5) In this rule –

"administrative penalty" means –

- (a) for 40 or fewer banded morwong, 1.5 times their market value; and
- (b) for more than 40 but fewer than 400 banded morwong, 2 times their market value.

58M. Records to be completed

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

Penalty:

Grade 3 penalty.

58N. 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.

58O. Pre-fishing reports

The holder of a fishing licence (banded morwong) must not take, or be in possession of, banded morwong for commercial purposes in the TAC area unless the licensee, before entering the TAC area, makes a pre-fishing report.

Penalty:

Grade 3 penalty.

PART 4 - Non-commercial fishing

Division 1 - Non-commercial fishing gear

59. Use of nets or set lines for recreational fishing

(1) This rule does not apply to –

- (a) fishing for commercial purposes; or
- (b) an Aborigine engaged in an Aboriginal activity.

(2) A person must not take scalefish using a beach seine net unless the person is the holder of a fishing licence (recreational beach seine net).

Penalty:

Grade 3 penalty.

(3) A person must not take scalefish using a graball net unless the person is the holder of a fishing licence (recreational graball net).

Penalty:

Grade 3 penalty.

(4) A person must not take scalefish using a mullet net unless the person is the holder of a fishing licence (recreational mullet net).

Penalty:

Grade 3 penalty.

(5) A person must not take scalefish using a set line, unless the person is the holder of a fishing licence (recreational set line).

Penalty:

Grade 3 penalty.

59A. Use of nets or set lines for non-commercial fishing

(1) The holder of a fishing licence (recreational beach seine net) or an Aborigine engaged in an Aboriginal activity may use one beach seine net no more than 50 metres in length to take scalefish for non-commercial fishing.

(2) The holder of a fishing licence (recreational graball net) or an Aborigine engaged in an Aboriginal activity may use one graball net no more than 50 metres in length to take scalefish for non-commercial fishing.

(3) The holder of a fishing licence (recreational mullet net) or an Aborigine engaged in an Aboriginal activity may use one mullet net no more than 25 metres in length and no more than 33 meshes in net depth to take scalefish for non-commercial fishing.

(4) The holder of a fishing licence (recreational set line) or an Aborigine engaged in an Aboriginal activity may use one set line to take scalefish for non-commercial fishing.

(5) The holder of a licence referred to in subrule (1), (2), (3) or (4) or an Aborigine engaged in an Aboriginal activity must not use more fishing gear than is authorised by that subrule or under that licence.

Penalty:

Grade 3 penalty.

(6) The holder of a licence referred to in subrule (1), (2), (3) or (4) or an Aborigine engaged in an Aboriginal activity must not use fishing gear of a different length or net depth than is authorised by that subrule or under that licence.

Penalty:

Grade 3 penalty.

(7) 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.

60. Identification of fishing gear used for non-commercial fishing

(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 number to the fishing licence; and
- (b) advise the holder of the fishing licence of that number.

(2) A person who uses, for non-commercial fishing, a graball net, mullet net or set line must –

- (a) mark, legibly and clearly, the person's unique identifying code –
 - (i) on at least one of the marker buoys required for the net or set line; and
 - (ii) in figures not less than 70 millimetres high and 12 millimetres wide; and
- (b) ensure that the only marks on the buoys are marks required under these rules; and
- (c) attach the buoy securely to the net or set line; and
- (d) ensure the code marked on the buoy remains clear and legible; and
- (e) ensure that the same code is displayed on any buoys attached to the net.

Penalty:

Grade 2 penalty.

(3) A person who uses, for non-commercial fishing, a combined set line must –

- (a) mark, clearly and legibly, the person's unique identifying code –
 - (i) on at least one of the marker buoys required for the combined set line; and
 - (ii) in figures not less than 70 millimetres high and 12 millimetres wide; and

(b) ensure that, for each person who combines his or her set line into the combined set line, at least one marker buoy is attached to the combined set line displaying that person's unique identifying code; and

(c) comply with the requirements of subrule (2)(b), (c) and (d) as if the combined set line was an individual set line.

Penalty:

Grade 2 penalty.

(4) In this rule –

"**combined set line**" means a set line that has been combined, in accordance with rule 68(5), with the set line or set lines of another person or persons;

"**unique identifying code**" means –

(a) for an Aborigine engaged in an Aboriginal activity, a unique code allotted to that person by the Office of Aboriginal Affairs or by other means approved by the Secretary; and

(b) for a licence holder, the licence number allotted to that person under subrule (1).

61. Fishing gear tags used for recreational fishing

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

(a) a fishing licence (recreational graball net);

(ab) a fishing licence (recreational set line);

(b) a fishing licence (recreational mullet net).

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

Penalty:

Grade 2 penalty.

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

(a) the holder of the licence may use the fishing gear without a tag for 14 days after the date on which the tag was lost or destroyed if a buoy attached to the fishing gear 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 gear under that licence if the tag issued in respect of that fishing gear 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.

Division 2 - Non-commercial fishing gear

62.

63. Recreational mullet nets

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.

64. Use of gillnets on vessels

(1) A person must not use a gillnet to take scalefish for non-commercial fishing unless the person is –

(a) an Aborigine engaged in an Aboriginal activity; or

(b) the holder of a fishing licence (recreational graball net); or

(c) the holder of a fishing licence (recreational mullet net).

Penalty:

Grade 3 penalty.

(2) A person authorised under subrule (1) to take scalefish using a gillnet must not take scalefish using, at any one time, more gillnets than –

(a) one graball net; and

(b) one mullet net.

Penalty:

Grade 1 penalty.

(3) A person carrying non-commercial gillnets on a vessel must ensure that, at any one time, no more than 3 non-commercial gillnets are carried on the vessel.

Penalty:

Grade 1 penalty.

65. Use of cast net

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

Penalty:

Grade 2 penalty.

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

Penalty:

Grade 2 penalty.

66. Restrictions on use of fishing gear

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

(a) lines that have no more than 5 hooks attached and 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)

(c) one bait trap;

(d) one cast net;

(e) lines having up to 3 squid jigs on each line;

(f) one bait net;

(g) spears;

(h) landing nets;

(i) one dipnet.

Penalty:

Grade 2 penalty.

(2)

(3)

67.

68. Use of set lines for non-commercial fishing

(1) A person must not use a set line to take scalefish for non-commercial fishing 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 carrying set lines on a vessel must ensure that, at any one time, no more than 4 set lines for non-commercial fishing are carried on the vessel.

Penalty:

Grade 1 penalty.

(3) A person must not take scalefish for non-commercial fishing using more than one set line.

Penalty:

Grade 1 penalty.

(4) A person must not take scalefish for non-commercial fishing using a set line that has more than 30 hooks.

Penalty:

Grade 1 penalty.

(5) A person must not combine one of their set lines with the set line of another person and set it in the water unless –

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

(b) the water depth is more than 150 metres; and

(c) each of the other persons is the holder of a fishing licence (recreational set line) or an Aborigine engaged in an Aboriginal activity; and

(d) each of the other persons is present on the vessel when the combined set line is set and retrieved; and

- (e) the total number of hooks on the combined set line is not more than 120; and
- (f) a marker buoy for the combined set line is attached and marked in accordance with rule 60(3).

Penalty:

Grade 1 penalty.

- (6) A person who has combined set lines under subrule (5) must not set another set line.

Penalty:

Grade 1 penalty.

- (7) A person using a longline for non-commercial fishing must ensure that a marker buoy is attached to each end of the longline.

Penalty:

Grade 2 penalty.

- (8) A person using a dropline for non-commercial fishing must ensure that a marker buoy is attached to the upper end of the dropline.

Penalty:

Grade 2 penalty.

- (9) For the purposes of this rule (other than subrule (5)(f)) a marker buoy means a buoy that is attached and marked in accordance with rule 60(2) and –

- (a) in the case of a buoy attached to a longline, with the letters "LL"; or
- (b) in the case of a buoy attached to a dropline, with the letters "DL".

Division 3 - Limits on taking and possessing scalefish species

69. Possession limits

- (1) This rule does not apply to a person who –

- (a) is the holder of a commercial fishing licence and is fishing under the authority of that licence; or
- (b) has a Commonwealth authority that authorises the possession of more of that species of scalefish than the limit specified in Schedule 4 and the person is fishing under that authority; or
- (c) has proof that the fish were purchased.

- (2) Subject to subrules (4), (5) and (6), a person must not take, or be in possession of, more of a species or type of scalefish than the possession limit specified in column 3 of Schedule 4 for that species or type of scalefish.

Penalty:

Grade 2 penalty.

(3) For the purposes of subrule (2), possession includes fish kept at the principal residence of a person.

(4) A person in State waters must not take, or be in possession of, more striped trumpeter than the possession limit specified for striped trumpeter in column 4 of Schedule 4.

Penalty:

Grade 2 penalty.

(5) A person in State waters must not take, or be in possession of, more blue-eye trevalla than the possession limit specified for blue-eye trevalla in column 4 of Schedule 4.

Penalty:

Grade 2 penalty.

(6) A person in south east waters, must not take, or be in possession of, more southern calamari than the possession limit specified for southern calamari in column 4 of Schedule 4.

Penalty:

Grade 2 penalty.

(7) For the purposes of this rule, 2 fillets of fish are equivalent to one fish.

69A. Boat limits

(1) The person in charge of a vessel must not be in possession of, or have on board the vessel, more of a species or type of scalefish than the boat limit specified in Schedule 4 for that species or type of scalefish.

Penalty:

Grade 2 penalty.

(2) However, the person in charge of a vessel is not guilty of an offence under subrule (1) if the person, or another person on board the vessel –

(a) is the holder of a commercial fishing licence and the scalefish were taken under the authority of that licence; or

(b) has a Commonwealth authority that authorises the possession of more of that species or type of scalefish than the boat limit specified in Schedule 4 and the fish were taken under that authority; or

(c) has proof that the scalefish were purchased.

(3) For the purposes of this rule, a person is taken to be in charge of a vessel if the person reasonably appears to a fisheries officer to be in charge of the vessel.

PART 5 - Taking and possessing shark

70. Taking or possessing shark

(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) unless the person is the holder of an appropriate authority and is fishing under 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) In this rule –

"shark" includes a shark carcass.

71. Taking shark in shark refuge area

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

Penalty:

Grade 3 penalty.

(2) 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.

72. 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.

PART 5A - Octopus

72A. Taking and possessing octopus

(1) A person 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 the holder of a fishing licence (octopus).

Penalty:

Grade 2 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 Manson Point, unless the person is the holder of a fishing licence (personal).

Penalty:

Grade 2 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 Manson 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 Manson Point –

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

Penalty:

Grade 2 penalty.

72B. 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 north-east octopus zone and north-west 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 1 penalty.

(7) In this rule –

"north-east octopus zone" means all State waters east of the line of longitude 147° East and north of the line of latitude 41° South;

"north-west octopus zone" means all State waters west of the line of longitude 147° East and north of the line of latitude 41° South.

72C. Setting or hauling octopus pots in respect of other licences

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.

72D. Using octopus pots

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

Penalty:

Grade 1 penalty.

(2) Unless otherwise authorised by the Secretary, the holder of a fishing licence (octopus) must not use an octopus pot with a door.

Penalty:

Grade 1 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) In this rule –

"door", in respect of an octopus pot, means a flap or other device that would restrict an octopus from escaping from the octopus pot.

72E. 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 marked with a surface marker buoy; and
- (c) each of the surface marker buoys is clearly and legibly marked with –
 - (i) the distinguishing mark of the fishing vessel for which the octopus pot is used; and
 - (ii) the letters "OP".

Penalty:

Grade 1 penalty.

72F. Restricted areas

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 5; or
- (b) the waters in the north-east region specified in Part 2 of Schedule 5; or

(c) a shark refuge area.

Penalty:

Grade 3 penalty.

72G. Grant of fishing licence (octopus)

Schedule 13 has effect with respect to the granting of a fishing licence (octopus).

PART 6 - Use of commercial and non-commercial fishing gear

73AA. Setting of gillnets generally

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

Penalty:

Grade 2 penalty.

(2) A person must not, in a shark refuge area, set or leave –

(a) a non-commercial gillnet for a continuous period of more than 2 hours; or

(b) a commercial gillnet for a continuous period of more than 6 hours.

Penalty:

Grade 2 penalty.

(3) Subrules (1) and (2) do not apply to a person who sets or leaves a gillnet in accordance with rule 73(3)(a), (b), (c) or (d).

73. Setting of gillnets during night

(1) This rule does not apply to gillnets that are shark nets.

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

(a) one hour after sunset; and

(b) one hour before sunrise.

Penalty:

Grade 2 penalty.

(3) Subrule (2) does not apply to –

(a) the setting or leaving of a commercial gillnet in the waters of Macquarie Harbour; or

(b) the setting or leaving of a non-commercial gillnet, marked with a buoy in accordance with subrule (4), in the waters of Macquarie Harbour; or

(c) 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

(d) 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.

(4) For the purposes of subrule (3)(b), the non-commercial gillnet must be marked with a buoy that –

(a) is spherical in shape; 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.

(5) A non-commercial gillnet that is marked with a buoy in accordance with subrule (4) must not be set or left in the waters of Macquarie Harbour between –

(a) 2 hours after sunrise; and

(b) 2 hours before sunset.

Penalty:

Grade 2 penalty.

74.

75. Fish caught in rock lobster pot, rock lobster ring or giant crab trap

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

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

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

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

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

76. Seine nets

A person who uses a seine net –

(a) must empty the net of scalefish while the net is in the water; and

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

Penalty:

Grade 2 penalty.

77. Weight of 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 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 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.

78. Automatic hook-baiting and hook-setting gear

(1) In this rule –

"automatic hook-baiting and hook-setting gear" means any device which baits and sets hooks automatically.

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

Penalty:

Grade 2 penalty.

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

(a) has a Commonwealth authority that authorises the use of automatic hook-baiting and hook-setting gear and is fishing under that authority; or

(b) holds a foreign fishing licence in force under the Commonwealth Act.

Penalty:

Grade 2 penalty.

79. 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.

80. Fish nets

(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.

(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.

Penalty:

Grade 2 penalty.

PART 7 - Gear Marking

81. Commercial and recreational gear marking buoys

(1) The holder of a fishing licence (vessel) must ensure that the distinguishing mark is marked legibly and clearly on the main buoy attached to the hauling line of every fish trap and 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 "F.T." by attaching it to the hauling line of that fish trap within one metre of the main buoy.

Penalty:

Grade 1 penalty.

(3) A distinguishing mark made for the purposes of subrule (1), or a mark made for the purposes of subrule (2), must be not less than 70 millimetres in height and not less than 12 millimetres in width.

(4) The holder of a fishing licence (vessel) must ensure –

(a) that the distinguishing mark made for the purposes of subrule (1), or the mark made for the purposes of subrule (2), remain legible and clear; and

(b) that the buoys bear only that distinguishing mark or mark.

Penalty:

Grade 1 penalty.

82. Marking buoys used on commercial gillnets

(1) The holder of a fishing licence that authorises the use of a small-mesh gillnet, shark net or graball net must not use that net unless the net has the distinguishing mark of the fishing vessel from which it is used clearly and legibly marked in letters not less than 70 millimetres high and not less than 12 millimetres wide on each of the surface marker buoys used to mark the net.

Penalty:

Grade 2 penalty.

(2) A person using a net under subrule (1) for commercial purposes must ensure that a buoy marked under that subrule bears only the distinguishing mark referred to in that subrule.

Penalty:

Grade 2 penalty.

(3) 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 marker buoy and at the other end by a white marker buoy; or

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

(b) at least one marker buoy on the net is –

(i) not less than 195 millimetres in diameter at its narrowest point; and

(ii) marked in accordance with subrule (1); and

(iii) designed specifically as a buoy.

Penalty:

Grade 1 penalty.

83. Marking buoys used on non-commercial gillnets

A person using a non-commercial gillnet must ensure that –

(a) the net is marked with 2 white buoys that are attached to the gillnet; and

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

Penalty:

Grade 2 penalty.

84. Nature of buoys

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

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

(b) is specifically designed as a buoy.

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 73(3)(b).

(3) The holder of a fishing licence (banded morwong) using graball nets to take banded morwong in accordance with the licence may use marker buoys –

- (a) that float on the surface of the water; and
- (b) that are any colour; and
- (c) that are any shape.

PART 8 - Prohibited and Restricted use of Fishing Gear

Division 1 - Lines

85. Prohibited use of set lines

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

- (a) any of the waters in the north-west region specified in Part 1 of Schedule 5; or
- (b) any of the waters in the north-east region specified in Part 2 of Schedule 5; or
- (c) any of the waters in the southern region specified in Part 3 of Schedule 5; or
- (d) any shark refuge area.

Penalty:

Grade 2 penalty.

Division 2 - Nets

86. Prohibited use of nets other than landing 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 in the north-west region specified in Part 1 of Schedule 5; or
- (b) any of the waters in the north-east region specified in Part 2 of Schedule 5; or
- (c) any of the waters in the southern region specified in Part 3 of Schedule 5; or
- (d) the waters of the River Derwent that are upstream of an imaginary 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 Mersey waters;

(b) Forth River;

(c) River Leven waters;

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

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

(e) 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) Nothing in subrule (2) prevents a person who is qualified in accordance with rule 89(1)(a) or (b) from using a gillnet in the waters specified in paragraph (da) of subrule (2).

87. Prohibited use of nets other than bait nets and landing nets

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 –

(a) Ansons Bay; or

(b) Moulting Lagoon; or

(c) King Bay; or

(d) Pelican Bay; or

(e) the waters enclosed north of an imaginary straight line extending from Point Bagot to the first point of land due east of Point Bagot.

Penalty:

Grade 2 penalty.

88. 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 line from Turnbull Head to Milner Head; or

(c) Macquarie Harbour; or

(d) Robbins Passage; or

(e) Recherche Bay west of an imaginary 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 west of an imaginary line from Southport Bluff to Burnett Point.

Penalty:

Grade 2 penalty.

89. 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 21 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 6.

Penalty:

Grade 2 penalty.

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

(a) Eaglehawk Bay; or

(b) Georges Bay; or

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

(d) Robbins Passage; or

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

(f) The Narrows at Southport bounded in the east by an imaginary line from Martins Point at the end of Deephole Bay; or

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

Penalty:

Grade 2 penalty.

90. Prohibited use of beach seine net

(1) A person who holds 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) 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.

(3) 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.

90A. Prohibited use of purse seine 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) Promise Bay in the area of water 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.

Penalty:

Grade 2 penalty.

91. 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 carry on a fishing vessel or use small-mesh gillnet and graball net if the combined length of the nets exceeds the greater of the following lengths –

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

(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.

91A. Restriction on commercial use of landing nets

In 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.

Division 3 - Traps

92. Prohibited use of traps

A person must not set or use a trap in –

(a) any of the waters in the north-west region specified in Part 1 of Schedule 5; or

- (b) any of the waters in the north-east region specified in Part 2 of Schedule 5; or
- (c) any of the waters in the southern region specified in Part 3 of Schedule 5; or
- (d) the waters of the River Derwent; or
- (e) the waters of the D'Entrecasteaux Channel; or
- (f) Ansons Bay; or
- (g) Moulting Lagoon; or
- (h) King Bay; or
- (i) Pelican Bay; or
- (j) the waters enclosed north of an imaginary straight line extending from Point Bagot to the first point of land due east of Point Bagot.

Penalty:

Grade 2 penalty.

Division 4 - Spears

93. Prohibited use of spears

A person must not use a spear to take scalefish in any of the following waters:

- (a) River Mersey waters;
- (b) River Leven waters;
- (c) Inglis River waters.

Penalty:

Grade 2 penalty.

93A. Taking certain fish with spears

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

Penalty:

Grade 2 penalty.

PART 9 - Catch and by-catch limits

94. Limits on taking or possessing certain scalefish

(1) The holder of a fishing licence (personal) who is not operating in accordance with a Commonwealth authority must not –

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

(b) 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 (*Thunnus alalunga*), skipjack tuna (*Katsuwonus pelamis*), longtail tuna (*Thunnus tongol*) and Rays bream (family Bramidae) (pomfret);

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

(iii) 50 kilograms in total of hapuku (*Polyprion oxygeneios*), bass (*Polyprion americanus*) and bass groper (*Polyprion moene*);

(iv) 50 kilograms of blue-eye trevalla;

(v) 100 kilograms of blue grenadier (*Macruronus novaezelandiae*);

(vi) 50 kilograms of gemfish (*Rexea solandri*);

(vii) 50 kilograms of redfish (*Centroberyx affinis*); or

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

(i) orange roughy (*Hoplostethus atlanticus*);

(ii) deepwater flathead (*Neoplatycephalus conatus*);

(iii) king dory (*Cyttus traversi*);

(iv) black oreodory (*Allocyttus niger*);

(v) spiky oreodory (*Neocyttus rhomboidalis*);

(vi) smooth oreodory (*Pseudocyttus maculatus*);

(vii) warty oreodory (*Allocyttus verrucosus*);

(viii) ox-eye oreodory (*Oreosoma atlanticum*);

(ix) yelloweye redfish (*Centroberyx australis*);

(x) southern bluefin tuna;

(xi) northern bluefin tuna (*Thunnus thynnus*);

(xii) billfish (families Istiophoridae and Xiphiidae).

Penalty:

Grade 2 penalty.

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

(3) 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 gear 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 2 penalty.

(4) 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) 100 kilograms of blue-eye trevalla;

(iii) 200 kilograms of pink ling (*Genypterus blacodes*);

(iv) 50 kilograms of gemfish;

(iva) 50 kilograms of inshore crab;

(v) 20 kilograms of garfish;

(vi) 30 fish of bastard trumpeter;

(vii) 30 fish of flathead;

(viii) 15 fish of southern calamari;

(ix) 60 fish of blue warehou;

(x) 60 fish of jackass morwong; 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.

Penalty:

Grade 2 penalty.

(5) 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.

(6) 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) striped trumpeter;

(b) snapper;

(c) yellowtail kingfish.

Penalty:

Grade 3 penalty.

(7) 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 2 penalty.

95. Limits on possessing boarfish

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.

95A. Limits on taking and possessing inshore crab

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 2 penalty.

96. Limits on 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 –

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

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

(i) striped trumpeter;

(ii) snapper;

(iii) yellowtail kingfish; or

(c) more than the following weight of the following scalefish:

(i) 20 kilograms of bastard trumpeter;

(ii) 50 kilograms of blue groper (*Achoerodus gouldii*);

(iii) 50 kilograms of bight redfish (*Centroberyx gerrardi*).

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 type:

- (a) Australian anchovy;
- (b) Australian salmon or tommy ruff of the genus *Arripis*;
- (c) banded morwong;
- (d) black bream (*Acanthopagrus butcheri*);
- (e) blue sprat;
- (f) dusky morwong (*Dactylophora nigricans*);
- (g) garfish;
- (h) grassy (rock) flathead (*Platycephalus laevigatus*);
- (i) king gar;
- (j) King George whiting (*Sillaginodes punctata*);
- (k) luderick (*Girrella tricuspidata*);
- (l) magpie morwong (*Cheilodactylus nigripes*);
- (m) mulloway (*Argyrosomus hololepidotus*);
- (n) Australian sardine;
- (o) red mullet (*Upeneichthys vlamingii*);
- (p) sea sweep (*Scorpiis aequipinnis*);
- (q) snook (*Sphyraena novaehollandiae*);
- (r) Australian sprat;
- (s) wrasse;
- (t) yelloweye mullet (*Aldrichetta forsteri*);
- (u) yellowfinned whiting (*Sillago schomburgkii*).

Penalty:

Grade 3 penalty.

97. Limits on holder 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 –

(a) take, or be in possession of, more than 200 kilograms in total of any scalefish other than the scalefish specified in paragraph (b); or

(b) take, or be in possession of, more than 250 kilograms in total of the following scalefish:

(i) striped trumpeter;

(ii) snapper;

(iii) yellowtail kingfish; or

(c) take, or be in possession of, more than the following weight of the following scalefish:

(i) 20 kilograms of bastard trumpeter;

(ii) 50 kilograms of blue groper (*Achoerodus gouldii*);

(iii) 50 kilograms of bight redfish (*Centroberyx gerrardi*).

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 type:

(a) Australian anchovy;

(b) Australian salmon or tommy ruff of the genus *Arripis*;

(c) banded morwong;

(d) black bream (*Acanthopagrus butcheri*);

(e) blue sprat;

(f) dusky morwong (*Dactylophora nigricans*);

(g) garfish (*Hyporhamphus melanochir*);

(h) grassy (rock) flathead (*Platycephalus laevigatus*);

(i) king gar;

- (j) King George whiting (*Sillaginodes punctata*);
- (k) luderick (*Girrella tricuspidata*);
- (l) magpie morwong (*Cheilodactylus nigripes*);
- (m) mulloway (*Argyrosomus hololepidotus*);
- (n) Australian sardine;
- (o) red mullet (*Upeneichthys vlamingii*);
- (p) sea sweep (*Scorpiis aequipinnis*);
- (q) snook (*Sphyraena novaehollandiae*);
- (r) Australian sprat;
- (s) wrasse (family Labridae);
- (t) yelloweye mullet (*Aldrichetta forsteri*);
- (u) yellowfinned whiting (*Sillago schomburgkii*).

Penalty:

Grade 3 penalty.

(3) Any scalefish taken in State waters by a person who holds an appropriate authority and a scalefish licence are considered to have been taken under the authority of the person's scalefish licence and –

- (a) are to be recorded in the holder's scalefish records in accordance with rule 102; and
- (b) are not to exceed the possession limit, if any, set by these rules for the kind of scalefish taken.

98. Limits on taking and possessing bait fish species & king garfish

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 blue sprat;
- (c) 10 kilograms of hardyhead;
- (d) 20 kilograms of king garfish;
- (e) 10 kilograms of pilchard;
- (f) 10 kilograms of sprat.

Penalty:

Grade 2 penalty.

99. Limits on taking and possessing squid

(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 2 penalty.

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

100. Limits on possessing certain scalefish

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 8 in State waters.

Penalty:

Grade 2 penalty.

PART 10 - Miscellaneous

100A. Protection of female breeding stock for inshore crab

A person must not –

- (a) take, be in possession of, buy or sell 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.

101. Use of scalefish species as bait

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

- (a) banded morwong;
- (b) bastard trumpeter;
- (c) bigeye tuna;

- (d) boarfish;
- (e) gummy shark;
- (f) pelagic shark;
- (g) fish of the family Salmonidae;
- (h) school shark;
- (i) southern bluefin tuna;
- (j) striped trumpeter;
- (k) yellowfin tuna.

Penalty:

Grade 2 penalty.

101A. Landing striped trumpeter

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.

102. Completion of scalefish records

(1) The holder of a commercial fishing licence must complete approved records relating to the taking of scalefish –

- (a) within 4 hours immediately after landing the scalefish; and
- (b) before any of the scalefish are moved outside the landing area; and
- (c) before any of the scalefish 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.

(2) An approved record under subrule (1) is part of the records required to be kept under section 145 of the Act.

103. Infringement notice offences and penalties

For section 42(2) of the Act –

(a) an offence against a provision of these rules specified in column 1 of Schedule 9 and generally described in column 2 of that Schedule is a prescribed offence; and

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

104. Grant of fishing licence (southern calamari)

Schedule 10 has effect with respect to the grant of a fishing licence (southern calamari).

105. Allocation of banded morwong quota units

Schedule 11 has effect with respect to the allocation of banded morwong quota units.

106. Catch history for southern calamari and banded morwong

Schedule 12 has effect with respect to a claim for southern calamari catch history or banded morwong catch history.

SCHEDULE 1 - Fish Species and Interpretation

Rule 3(2)

Species	Definition
"Australian anchovy"	means fish of the species <i>Engraulis australis</i>
"Australian salmon"	means fish of the genus <i>Arripis</i>
"Australian sardine"	means fish of the species <i>Sardinops neopilchardus</i>
"Australian sprat"	means fish of the species <i>Sprattus novaehollandiae</i>
"banded morwong"	means fish of the species <i>Cheilodactylus spectabilis</i>
"bastard trumpeter"	means fish of the species <i>Latridopsis forsteri</i> (also known as silver trumpeter)
"bigeye tuna"	means fish of the species <i>Thunnus obesus</i>
"blue-eye trevalla"	means fish of the species <i>Hyperoglyphe antarctica</i>
"blue mackerel"	means fish of the species <i>Scomber australasicus</i>
"blue sprat"	means fish of the species <i>Spratelloides robustus</i>
"blue warehou"	means fish of the species <i>Seriolella brama</i>
"boarfish"	means fish of the family Pentacerotidae
"bream"	means fish of the genus <i>Acanthopagrus</i>
"common jack mackerel"	means fish of the species <i>Trachurus declivis</i>
"elephantfish"	means fish of the species <i>Callorhinchus milii</i>
"flathead"	means fish of the family Platycephalidae
"flounder"	means fish of the families Bothidae and Pleuronectidae
"garfish"	means fish of the family Hemiramphidae
"Gould's squid"	means squid of the species <i>Nototodarus gouldi</i>
"gummy shark"	means fish of the species <i>Mustelus antarcticus</i>
"hardyhead"	means fish of the family Atherinidae
"inshore crab"	means crab of the species <i>Nectocarcinus tuberculosus</i> (velvet crab) and

	<i>Plagusia chabrus</i> (red bait crab)
"jackass morwong"	(also known as perch) means fish of the species <i>Nemadactylus macropterus</i>
"king gar"	means fish of the species <i>Scomberesox saurus</i>
"leatherjacket"	means fish of the family Monacanthidae
"longsnout boarfish"	means fish of the species <i>Pentaceropsis recurvirostris</i>
"mackerel"	means fish of any of the following species: (a) <i>Scomber australasicus</i> (commonly known as blue mackerel); (b) <i>Trachurus declivis</i> (commonly known as common jack mackerel); (c) <i>Trachurus murphyi</i> (commonly known as Peruvian jack mackerel); (d) <i>Emmelichthys nitidus</i> (commonly known as redbait); (e) <i>Trachurus novaezelandiae</i> (commonly known as yellowtail scad)
"marblefish"	means fish of the species <i>Aplodactylus arctidens</i>
"mullet"	means fish of the family Mugilidae
"octopus"	means fish of the genus Octopus
"pelagic shark"	means sharks of the species <i>Isurus oxyrinchus</i> and <i>Prionace glauca</i> , also known as shortfin mako and blue shark, respectively
"redbait"	means fish of the species <i>Emmelichthys nitidus</i>
"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 species of crab <i>Nectocarcinus tuberculosus</i> and <i>Plagusia chabrus</i>
"school shark"	(also known as snapper shark) means fish of the species <i>Galeorhinus galeus</i>
"shark"	means all chondrichthyan fishes
"silver trevally"	means fish of the species <i>Pseudocaranx dentex</i>
"snapper"	means fish of the species <i>Pagrus auratus</i>
"southern bluefin tuna"	means fish of the species <i>Thunnus maccoyii</i>
"southern calamari"	means squid of the species <i>Sepioteuthis australis</i>
"squid"	means molluscs of the order Teuthoidea
"striped trumpeter"	means fish of the species <i>Latris lineata</i>
"wrasse"	means fish of the family Labridae
"yellowtail kingfish"	means fish of the species <i>Seriola lalandi</i>

SCHEDULE 2 - Areas and Interpretation

Area	Definition
"Ansons Bay"	means the State waters enclosed west of an imaginary straight line extending from the southern tip of Abbottsbury Point to Police Point in the north-east of the State
"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
"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" 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
"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
"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
"Frederick Henry Bay and Norfolk Bay"	means the waters within – (a) an imaginary straight line between North West Head and Cape Contrariety; and (b) Pitt Water and Pipe Clay Lagoon – apart from the waters in Eaglehawk Bay bounded in the west by an imaginary straight line from Sympathy Point to Heather Point
"Georges Bay"	means the waters enclosed west of an imaginary straight line between Grants Point and St Helens Point
"Great Oyster Bay"	means the waters enclosed north of an imaginary straight line from Weatherhead Point on Freycinet Peninsula to Seaford Point
"Macquarie Harbour"	means the waters upstream of an imaginary straight line from Macquarie Heads to the opposite shore
"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
"north-east region"	means the region from Point Sorell eastward and southward to the northern end of Friendly Beaches, including Flinders Island
"north-west region"	means the region from Low Rocky Point northward and eastward to Point Sorell, including King Island
"Pitt Water"	means the waters upstream of an imaginary straight line from Sandy Point to Tiger Head

"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
"River Derwent"	means the waters upstream of an imaginary straight line from Dennes Point to Cape Direction
"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
"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
"River Tamar"	means the waters upstream of an imaginary straight line from Low Head to West Head
"Robbins Passage"	means the waters bounded in the west by an imaginary straight line from Woolnorth Point to the northern extreme of Kangaroo Island to Bird Point on Robbins Island and an imaginary straight line in the east from Cape Elie on Robbins Island to Shipwreck Point on Perkins Island
"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
"southern region"	means the region from the northern end of Friendly Beaches southward and westward to Low Rocky Point

SCHEDULE 3 - Size Limits

Rule 7

	Species or type of fish	Minimum size of fish (mm)	Maximum size of fish (mm)
1.	Australian salmon	200	-
2.	Banded morwong	360	460
3.	Bastard trumpeter	380	-
3A.	Blue warehou	250	-
4.	Bream	250	-
5.	Flathead	300	-
6.	Flounder	250	-
7.	Garfish	250	-
8.	Jackass morwong (perch)	250	-
9.	Leatherjacket	200	-

10.	Longsnout boarfish	450	-
11.	Mullet	250	-
12.	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	-
13.	Silver trevally	200	-
13A.	Snapper	300	-
14.	Striped trumpeter	500	-
16.	Wrasse	300	-

SCHEDULE 4 - Possession and Boat Limits

Column 1	Column 2	Column 3	Column 4	Column 5
	Species or type of fish	Possession limit generally (per person)	Possession limit in certain waters (per person)	Boat limit
1.	Albacore tuna	10 fish	-	-
2.	All shark species (except school shark, gummy shark and elephantfish) – combined total	2 fish	-	-
3.	All shark species (including school shark and gummy shark) except elephantfish – combined total per boat	-	-	5 fish
4.	Australian salmon	15 fish	-	-
5.	Bait species – anchovy, Australian sardine, Australian sprat, blue sprat and hardyhead – combined total	5 kg	-	-
6.	Banded morwong	2 fish	-	-
7.	Bastard trumpeter	10 fish	-	-
8.	Blue mackerel	30 fish	-	-
9.	Blue warehou	20 fish	-	-
10.	Blue-eye trevala	8 fish	5 fish	-
11.	Boarfish species – combined total	2 fish	-	-
12.	Bream	10 fish	-	-
13.	Cod (family Maridoe) – combined total	30 fish	-	-
14.	Common jack mackerel	30 fish	-	-
15.	Elephantfish	2 fish	-	-
16.	Flathead	30 fish	-	-
17.	Flounder	30 fish	-	-
18.	Garfish	30 fish	-	-
19.	Gould's squid	15 fish	-	-

20.	Inshore crab	15 fish	-	-
21.	Leatherjacket	15 fish	-	-
22.	Mullet	15 fish	-	-
23.	Prawns (family Penaeidae) – combined total	2 kg	-	-
24.	Redbait	30 fish	-	-
25.	School shark and gummy shark – combined total	2 fish	-	-
26.	Snapper	5 fish	-	-
27.	Southern calamari	15 fish	10 fish	-
28.	Striped trumpeter	8 fish	4 fish	-
29.	Tuna – southern bluefin, yellowfin, bigeye tuna – combined total	2 fish	-	-
30.	Whiting (family Sillaginide) – combined total	30 fish	-	-
31.	Wrasse	10 fish	-	-
32.	Yellowtail kingfish	5 fish	-	-
33.	Any other scalefish species	15 fish per species	-	-

SCHEDULE 5 - Regions

Part 8

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, 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
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. Grassy Harbour, enclosed by an imaginary straight line from the end of the jetty at Jetty Point to Sandblow Point
13. Henty River, within 100 metres to seaward of the mouth of the river
14. Hibbs Lagoon, from the mouth of that lagoon
15. 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
16. Macquarie Harbour, south and east of an imaginary straight line from Gordon Point to Charcoal Burners Bluff
17. Mosquito Inlet, from the northern extremity of Black Banks to Egging Point and west to the shore of Robbins Island
18. Pieman River, upstream from an imaginary straight line through Pieman Head along longitude 144° 55' East
19. Sea Elephant River, from the mouth of that river on King Island
20. Stanley, west of an imaginary straight line 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
21. Sulphur Creek, upstream from the railway bridge

PART 2 - North-east region

Waters

- 1AA. Ansons Bay, means the State waters that are enclosed west of an imaginary straight line extending from the southern tip of Abottsbury Point to Police Point in the north-east of the State
1. Boobyalla Inlet, upstream from an imaginary straight line from Campbells Point east to the opposite shore on the Tasmanian mainland
2. Brid River and waters south of an imaginary straight line from the eastern extremity of Barnbogle Beach to the boat ramp at the southern end of Old Pier Beach and the old wharf piles
3. Cameron Inlet on Flinders Island, upstream from an imaginary straight line from the north-western tip of Planter Beach west to the opposite shore
- 3A. Doctors Creek, north of the Douglas River and Bicheno
4. Douglas River, north of Bicheno
5. Four Mile Creek, near St Patricks Head
6. Little Musselroe River
7. Musselroe Bay, upstream from an imaginary straight line from the point known as Ryan's Arm at longitude 148° 9' 8" East north to the opposite shore
8. 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
9. Pipers River, from the mouth of that river

10. River Tamar, upstream from an imaginary straight line from Point Rapid to Sheeptail Point
11. Saltwater Inlet
12. Scamander River
13. 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. Arch Island in D'Entrecasteaux Channel, within 100 metres of the low-water mark of any land comprising Arch Island (also known as Arch Rock)
2. Bream Creek
3. Browns River and waters inshore and west of an imaginary straight line from Bonnet Point to Soldiers Rocks at Blackmans Bay and Kingston
4. Buxton River, upstream from an imaginary straight line from the south-eastern extremity of Horrels Point to Penquite Point
5. 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
6. Catamaran River, upstream from the mouth and including those waters within 200 metres to seaward of the mouth
7. Coal River, north of the causeway across the western arm of Pitt Water
8. 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
10. Esperance River, upstream from an imaginary straight line between Slacks Point and Hawkers Point
11. Huon River, upstream from the line of latitude from the navigation light on Brabazon Point to the western side of the river
12. 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) Earlham 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

13. Lisdillon River and Lisdillon Lagoon, upstream from an imaginary straight line from the southern extremity of Lisdillon Beach west to the opposite shore
14. Little Swanport Estuary and Little Swanport River, upstream from an imaginary straight line north from Limekiln Point to the opposite shore
15. Lune River, upstream from the line of latitude 43° 26' 50" South across the channel between Hastings Bay and Bream Bay in the north and Major Honnors Bay and Jagers Bay in the south
16. Mayfield River
17. Meredith River, north of Swansea
18. 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
19. Patersons Arch, within 200 metres of the lookout on the point west of Patersons Arch on the Tasman Peninsula
20. Pipe Clay Lagoon
21. Pitt Water
22. Prosser River
23. Tarooma waters, as defined in the *Fisheries Rules 1999*
24. 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 6 - Persons permitted to use gillnet in shark refuge areas

Rule 89

Persons permitted

1. The holder of a fishing licence (personal), fishing licence (vessel) and gear 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 is 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 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 if the gillnet is used within 200 metres of 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.
6. The holder of a fishing licence (personal) that is endorsed for the waters of Frederick Henry Bay and Norfolk 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 the western extremity of Spectacle Island;
- (b) 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 to Deer Point;
- (l) from Deer Point to Ironstone Point;
- (m) from Ironstone Point to a point of latitude 42° 57.5' South and longitude 147° 43.8' East;
- (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 low-water mark outside the Maria Island National Park;
- (ea) River Tamar waters downstream of a line from the northern extremity of Garden Island to the George Town Monument;
- (f) River Derwent.

SCHEDULE 7 - Conversion Rates for Whole Fish

Rule 13

Species	Gutted	Headed and Gutted	Filletted
Blue grenadier	1.1	1.5	2.1
Blue warehou	1.1	1.5	2.1
Blue-eye trevalla	1.1	1.4	2.3
Flathead	1.1	1.5	2.5
Gemfish	1.1	1.25	2

John dory	1.1	1.5	2.6
Mirror dory	1.1	1.5	2.5
Ocean perch	1.1	1.5	2.5
Orange roughy	1.1	2	4
Pink ling	1.1	1.5	2.1
Redfish	1.1	1.5	2.5
Silver trevally	1.1	1.5	2.5
Spotted warehou	1.1	1.5	2.5
Other	1.1	1.5	2.5

SCHEDULE 8 - Limited scalefish

Rule 100

Scalefish

1. The following fish of the order Gobiesociformes:
 - (a) broad-headed clingfish (*Cochleocephalus* sp.);
 - (b) cardinal clingfish (*Creocheilichthys 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 caudimaculatus*);
 - (c) bridled goby (*Arenigobius bifrenatus*);
 - (d) Castelnau's goby (*Nesogobius pulchellus*);
 - (e) Castelnau's wrasse (*Dotalabus 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 auroptilus*);
 - (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 prowfish (*Aetapcus armatus*);
 - (d) warty prowfish (*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 trilli*).
7. Seamothe (*Acanthopegasus lancifer*).

SCHEDULE 9 - Infringement Notice Offences and Penalties

Rule 103

	Column 1	Column 2	Column 3
Item	Rule	General description of offence	Penalty units
1.	7	Taking, buying, selling or possessing certain undersize or oversize fish	1
2.	15	Taking scalefish commercially without prescribed licence or appropriate authority	2

3.	17	Carrying on fishing vessel or using more small-mesh gillnet or combination of net than allowed	2
4.	17A	Carrying on fishing vessel or using more special small-mesh gillnet or combination of net than allowed	2
5.	23(1)	Taking or possessing marblefish for commercial purposes unless holder of a fishing licence (banded morwong)	1
5A.	23A(1)	Taking or possessing southern calamari in south east waters for commercial purposes if not holder of prescribed licence	2
5B.	23A(4)	Holder of fishing licence (personal) taking or possessing more than 10 southern calamari in south east waters in 24-hour period if not holder of prescribed licence	3
6.	25(1)	Selling live wrasse without licence or receipt	1
7.	25(2)	Possessing wrasse with total weight exceeding 30kg without prescribed licence	1
8.	25(3)	Taking more than 30kg of wrasse in one day without prescribed licence	1
9.	30(1)	Carrying on fishing vessel or using fishing gear, used or intended to be used to take scalefish, in excess of authorised amount	2
10.	31(1)	Carrying on fishing vessel or using fishing gear in excess of authorised amount on commercial scalefish fishing trip	2
11.	32(a)	Carrying on a fishing vessel that carries another fishing vessel, or on that other vessel, more fishing gear than the combined maximum authorised amount	2
12.	32(b)	Using on a fishing vessel that carries another fishing vessel, or on that other vessel, more fishing gear than authorised amount	2
13.	32A(1)	Holder of fishing licence (vessel) using mother boat to take scalefish for commercial purposes other than to assist prescribed licensee	2
14.	32A(2)	Holder of fishing licence (vessel) for a mother boat using the mother boat to land prescribed scalefish without prescribed licensee on board mother boat at time	2
15.	33(1)(a)	Holder of fishing licence (vessel) and either seine licence or fishing licence (Australian salmon) using more than two dinghies on a fishing trip	2
16.	33(1)(b)	Holder of fishing licence (vessel) and either seine licence or fishing licence (Australian salmon) using dinghy that is longer than the specified fishing vessel on a fishing trip	2
18.	33(4)(a)	Holder of a fishing licence (vessel) using more than one dinghy to take scalefish if not holder of seine licence or fishing licence (Australian salmon)	2
19.	33(4)(b)	Holder of fishing licence (vessel) using dinghy that is longer than the specified fishing vessel if not holder of seine licence or fishing licence (Australian salmon)	2
20.	33(5)	Holder of fishing licence (vessel) failing to ensure letter "D" displayed on dinghy as required	2
21.	36(1)	Carrying on fishing vessel or using commercial graball net with net depth of more than 50 meshes without prescribed licence	2
22.	36(2)	Holder of fishing licence (scalefish A or scalefish B) carrying on fishing vessel or using commercial graball net with net depth of more than 50 meshes when carrying or using more than half of authorised amount of commercial graball net	2
23.	37A(1)	Carrying squid jig on fishing vessel while carrying purse seine, beach	2

		seine or Danish seine net if not holder of fishing licence (southern calamari) or licence that authorises use of that fishing gear	
24.	37A(2)	Using squid jig on fishing vessel while using purse seine, beach seine or Danish seine net if not holder of fishing licence (southern calamari) or licence that authorises use of that fishing gear	2
25.	37B	Holder of fishing licence (vessel) using squid jigs from dinghy while using squid jigs from fishing vessel	2
26.	44	Carrying on fishing vessel or using small-mesh gillnet with net depth of more than 75 meshes while carrying or using more than half the amount of small-mesh gillnet authorised	2
27.	45(1)	Holder of fishing licence (purse seine net) carrying on fishing vessel or using purse seine or lampara net with headline length of more than 600 metres	2
28.	45(2)	Holder of fishing licence (purse seine net) using more than one seine net at any one time	2
29.	49(a)	Holder of fishing licence (general trawl) carrying more Danish seine nets on fishing vessel than specified in licence	2
30.	49(b)	Holder of fishing licence (general trawl) using more than one Danish seine net at any one time	2
31.	51(a)	Holder of fishing licence (limited trawl) carrying more Danish seine nets on fishing vessel than specified in licence	2
32.	51(b)	Holder of fishing licence (limited trawl) using more than one Danish seine net at a time	2
33.	58(1)	Holder of fishing licence (Australian salmon) taking and carrying on fishing vessel more than 50kg in total of fish other than Australian salmon unless in accordance with prescribed licence	3
34.	58A	Taking or possessing banded morwong for commercial purposes without licence	3
35.	58C(1)	Holder of fishing licence (banded morwong) possessing fish cauf without licence endorsement or without close supervision	2
36.	58C(2)	Holder of fishing licence (banded morwong) using fish cauf without licence endorsement or without close supervision	2
37.	58C(3)	Holder of fishing licence (banded morwong) placing fish cauf in place not specified in licence	2
38.	58D(1)	Holder of fishing licence (banded morwong) possessing or using holding tank without licence endorsement	2
39.	58D(2)	Holder of fishing licence (banded morwong) placing holding tank in place not specified in licence	2
40.	58E(1)	Holder of fishing licence (banded morwong) failing to keep records in relation to use of holding tanks	2
41.	58E(2)	Holder of fishing licence (banded morwong) failing to keep records in relation to use of fish caufs	2
41A.	58O	Holder of fishing licence (banded morwong) taking or possessing banded morwong for commercial purposes without making pre-fishing report before entering TAC area	1
42.	59(2)	Taking scalefish for non-commercial fishing using beach seine net without licence	2
42A.	59(3)	Taking scalefish for non-commercial fishing using graball net without licence	2

42B.	59(4)	Taking scalefish for non-commercial fishing using mullet net without licence	2
42C.	59(5)	Taking scalefish for non-commercial fishing using set line without licence	2
42D.	59A(5)	Using more fishing gear than authorised	2
43.	59A(7)	Holding more than one of each prescribed licence	2
44.	60(2)	Failing to mark and attach buoy as required to net or set line	1
44A.	60(3)	Failing to mark and attach buoy as required to combined set line	1
45.	61(2)	Holder of certain recreational licence using fishing gear without tag being attached and visible	1
46.	61(4)	Holder of certain recreational licence using fishing gear without tag unless buoy attached and marked as required	1
50.	63	Setting mullet net on seabed that is reef or not predominantly sand	1
51.	64(1)	Using a gillnet to take scalefish for non-commercial fishing unless authorised	2
51A.	64(2)	Using, at any one time, more gillnets than 1 graball net and 1 mullet net to take scalefish for non-commercial fishing	1
51B.	64(3)	Carrying more than 3 non-commercial gillnets on vessel at any one time	1
52.	65(1)	Using cast net other than by hand	1
53.	65(2)	User of cast net failing to attend net	1
54.	66	Taking scalefish for non-commercial fishing using other than specified fishing gear	2
55.	68(1)	Using set line to take scalefish for non-commercial fishing if not holder of prescribed licence or Aborigine engaged in Aboriginal activity	2
55A.	68(2)	Carrying more than 4 set lines on vessel at any one time	1
55B.	68(3)	Taking scalefish for non-commercial fishing using more than one set line at any one time	1
55C.	68(4)	Using a set line with more than 30 hooks for non-commercial fishing	1
55D.	68(5)	Combining set line with another set line other than as prescribed	2
55E.	68(6)	Combining more set lines than prescribed	2
56.	68(7)	Using longline for non-commercial fishing without marker buoy attached to each end	1
57.	68(8)	Using dropline for non-commercial fishing without marker buoy attached to upper end	1
58.	69(2)	Taking or possessing more than specified possession limit of scalefish without commercial fishing licence, Commonwealth authority or proof of purchase	1
58A.	69(4)	Taking or possessing more than specified possession limit of striped trumpeter in State waters	1
58B.	69(5)	Taking or possessing more than specified possession limit of blue-eye trevalla in State waters	1
58C.	69(6)	Taking or possessing more than specified possession limit of southern calamari in south east waters	1
58D.	69A	Possessing or having on board a vessel certain scalefish in excess of prescribed boat limit	2
59.	70(1)	Person on fishing vessel in State waters taking or possessing more than 5 sharks (other than elephantfish) without appropriate authority	3

59A.	70(2)	Taking or possessing more than 100 kilograms of elephantfish in State waters	2
60.	71	Taking shark (other than elephantfish) in shark refuge area	3
60A.	71(2)	Taking more than 5 elephantfish in any one day in shark refuge area	3
60B.	72(1)	Possessing shark without dorsal, pectoral and caudal fins attached	1
61.	72(3)	Possessing shark fins without trunk or body of shark from which they came	2
61A.	72A(1)	Taking or possessing more than 100 kilograms of octopus in State waters	2
61B.	72A(2)	Taking or possessing more than 5 octopuses in specified waters in any one day unless holder of fishing licence (personal)	2
61C.	72B(6)	Failing to comply with condition imposed by Secretary	1
61D.	72E	Contravening provisions of rule concerning the setting of octopus pot	1
61E.	73AA(1)	Setting or leaving gillnet in State waters other than shark refuge area for more than 6 continuous hours	2
61F.	73AA(2)(a)	Setting or leaving non-commercial gillnet in shark refuge area for more than 2 continuous hours	2
61G.	73AA(2)(b)	Setting or leaving commercial gillnet in shark refuge area for more than 6 continuous hours	2
62.	73(2)	Setting or leaving gillnet in State waters between one hour after sunset and one hour before sunrise except in prescribed circumstances	2
62A.	73(4)	Incorrect marking of non-commercial gillnet set or left in Macquarie Harbour at night	2
62B.	73(5)	Setting or leaving non-commercial gillnet marked for night use in Macquarie Harbour outside prescribed times	2
64.	76(a)	Failing to empty seine net in water	2
65.	76(b)	Drawing seine net containing scalefish ashore	2
66.	77	Using mullet net, small-mesh gillnet, shark net or graball net that does not comply with weight requirements	1
67.	80	Using or possessing unauthorised net to take scalefish	1
68.	81(1)	Holder of fishing licence (vessel) failing to ensure main hauling line buoy has clear and legible distinguishing mark	1
69.	81(2)	Holder of fishing licence (vessel) failing to attach additional buoy with required marking to fish trap hauling line	1
70.	81(4)(a)	Holder of fishing licence (vessel) failing to maintain distinguishing marks	1
71.	81(4)(b)	Holder of fishing licence (vessel) failing to ensure buoys bear only required distinguishing mark or specified mark	1
72.	82(1)	Holder of fishing licence using authorised net without distinguishing mark of fishing vessel marked as required on each surface marker buoy	1
73.	82(2)	Holder of fishing licence, commercially using authorised net, failing to ensure buoy bears only distinguishing mark required	1
74.	82(3)	Person commercially using graball net failing to ensure marker and marker buoy requirements are met	1
75.	83(a)	Failing to ensure non-commercial gillnet is marked with 2 white buoys	1
76.	83(b)	Failing to ensure non-commercial gillnet is correctly set	1
77.	85	Setting or using set line in prohibited waters or shark refuge area	2
78.	86(1)	Setting or using net (other than landing net) in certain specified waters	2

79.	86(2)	Person other than holder of fishing licence (personal) appropriately endorsed setting or using net (other than landing net) in certain specified waters	2
80.	87	Setting or using net other than bait net or landing net in certain specified waters	2
81.	88	Setting or using mullet net in certain specified waters	2
82.	89(1)	Person other than person specified in rule setting or using gillnet in shark refuge area	2
83.	89(2)	Setting or using gillnet in certain specified waters	2
84.	90(1)	Setting or using beach seine net in certain specified waters unless holder of an endorsed commercial fishing licence	2
85.	90(2)	Taking Australian salmon with encircling net within one nautical mile of low-water mark in certain specified area otherwise than as permitted	2
86.	90(3)	Holder of fishing licence (personal) taking Australian salmon with beach seine net between Point Sorell and North Point without endorsement	2
87.	90A(a)	Setting or using a purse seine net or beach seine net in specified waters near Coles Bay	2
88.	90A(b)	Setting or using a purse seine net or beach seine net in specified waters near Promise Bay	2
89.	91(1)	Using a small-mesh gillnet in certain specified north coast waters	2
90.	91A	Holder of a commercial fishing licence using a landing net to take scalefish	1
91.	93	Using spear to take scalefish in certain specified waters	1
91A.	93A	Using spear to take bream or boarfish	1
92.	94(1)(a)	Holder of fishing licence (personal) (not operating in accordance with Commonwealth authority) taking or possessing more than prescribed weight of scalefish	1
93.	94(1)(b)	Holder of fishing licence (personal) (not operating in accordance with Commonwealth authority) taking or possessing more than prescribed amount of scalefish	1
94.	94(1)(c)	Holder of fishing licence (personal) (not operating in accordance with Commonwealth authority) taking or possessing prescribed fish	1
95.	94(3)	Holder of fishing licence (rock lobster) using more than prescribed fishing gear to take fish of superclass Pisces	1
96.	94(4)(a)	Holder of fishing licence (rock lobster) taking or possessing more than prescribed amount of scalefish	1
97.	94(4)(b)	Holder of fishing licence (rock lobster) taking or possessing prescribed scalefish	1
98.	94(4)(c)	Holder of fishing licence (rock lobster) landing or unloading more than 150kg of Australian salmon or 30kg of wrasse	1
99.	94(5)	Holder of certain Commonwealth authority taking or possessing fish (of species to which authority applies) other than in accordance with authority	1
100.	94(6)	Holder of fishing licence (personal) taking or possessing more than 250kg in total of prescribed fish	1
100A.	94(7)	Holder of fishing licence (personal) taking or possessing more than 200kg of bastard trumpeter	1
101.	95	Holder of a fishing licence (personal) taking or possessing more than	1

		50kg of boarfish	
102.	96(1)	Holder of appropriate authority who does not hold a scalefish licence, and has possession of or uses shark nets or hooks, taking or possessing more than prescribed limits of scalefish	3
103.	96(2)	Holder of appropriate authority who does not hold scalefish licence, and has possession of or uses shark nets or hooks, taking or possessing prescribed species of scalefish	3
104.	97(1)	Holder of both appropriate authority and a scalefish licence, who has possession of or uses more than certain amount of shark net or hooks, taking or possessing more than prescribed limits of scalefish	3
105.	97(2)	Holder of both appropriate authority and scalefish licence, who has possession of or uses more than certain amount of shark net or hooks, taking or possessing prescribed species of scalefish	3
106.	99(1)	Holder of fishing licence (scalefish C) taking or possessing more than a combined total of 30 Gould's squid or southern calamari	1
107.	101	Using prescribed scalefish as bait in fish traps, rock lobster rings or rock lobster pots, other than in the form of heads and frames, without proof of purchase	1
107A.	101A	Landing a fillet of a striped trumpeter without landing its frame (including head and tail) at same time	1
108.	102(1)	Failing to complete scalefish fishing records as required	2

SCHEDULE 10 - Grant of fishing licence (southern calamari)

Rule 104

1. Eligibility for fishing licence (southern calamari)

(1) An application for a grant of a fishing licence (southern calamari) is to be lodged with the Secretary on or before 22 August 2008.

(2) 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 12.

(3)

2. Eligible catch history

(1) 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.

(2) Southern calamari are not to be included in an eligible catch history for subclause (1) if they were taken by means of a seine net.

(3) 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° South; and

(b) in the south by line of latitude 44° South; and

(c) in the east by line of longitude 148° 30' East; and

(d) in the west by line of longitude 146° 30' East;

"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.

SCHEDULE 11 - Allocation of banded morwong quota units

Rule 105

1. Claim for banded morwong catch history

(1) A person who holds a fishing licence (banded morwong) may make a claim for banded morwong catch history.

(2) 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 12 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.

(3) 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.

(4) 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' South; and
- (b) in the south by line of latitude 44° South; and
- (c) in the east by line of longitude 148° 30' East; and
- (d) in the west by line of longitude 146° 30' East;

"returns" has the same meaning as in clause 2 of Schedule 10.

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 –

- (a) that part of a licence holder's claim for banded morwong catch history in excess of 10 000 kilograms in a licensing year; or
- (b)

3. Determination of average catch history

(1) 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.

(2) 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.

(3) 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 (2) is to be ascertained by reference to the total catch history months for all of those licences combined.

(4) 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 12;

(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).

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 under clause 2;

(b) a determination under clause 3;

(c) an allocation 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 12 - Claims for catch history for southern calamari and banded morwong

Rule 106

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 dead, 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 13 - Grant of Fishing Licence (Octopus)

Rule 72G

1. Eligibility for fishing licence (octopus)

(1) An application for the grant of a fishing licence (octopus) is to be lodged with the Secretary on or before 20 November 2009.

(2) 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.

(3) The Minister may grant up to 2 fishing licences (octopus) to a person if, in the years referred to in subclause (2), 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 27 October 2004.

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

Table Of Amendments

Citation	Serial Number	Date of commencement
Legislation Publication Act 1996	No. 17 of 1996	1.11.2004
Fisheries (Scalefish) Rules 2004	S.R. 2004, No. 91	1.11.2004
Legislation Publication Act 1996	No. 17 of 1996	22.12.2004
Fisheries (Scalefish) Amendment Rules 2007	S.R. 2007, No. 1	24.1.2007
Fisheries (Scalefish) Amendment Rules 2008	S.R. 2008, No. 83	1.8.2008
		1.10.2008
Legislation Publication Act 1996	No. 17 of 1996	26.5.2009 disallowance Gazette 3 June 2009, p. 842
Fisheries (Scalefish) Amendment Rules 2009	S.R. 2009, No. 121	1.11.2009
Legislation Publication Act 1996	No. 17 of 1996	30.3.2011