

TASMANIA

**FISHERIES (GENERAL AND FEES) AMENDMENT
REGULATIONS (No. 4) 2017**

STATUTORY RULES 2017, No. 96

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**FISHERIES (GENERAL AND FEES) AMENDMENT
REGULATIONS (No. 4) 2017**

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

Dated 4 December 2017.

C. WARNER
Governor

By Her Excellency's Command,

JEREMY ROCKLIFF
Minister for Primary Industries and Water

1. Short title

These regulations may be cited as the *Fisheries (General and Fees) Amendment Regulations (No. 4) 2017*.

2. Commencement

These regulations take effect on 1 January 2018.

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3. Principal Regulations

In these regulations, the *Fisheries (General and Fees) Regulations 2016** are referred to as the Principal Regulations.

4. Regulation 7 substituted

Regulation 7 of the Principal Regulations is rescinded and the following regulations are substituted:

7. Taking or possessing abalone in area A

(1) In this regulation –

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

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

Penalty: Grade 3 penalty.

*S.R. 2016, No. 30

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- (3) The holder of a fishing licence (abalone dive) must not have possession of any abalone with a shell length less than 140 millimetres in area A, or on land within one kilometre of any of the waters within area A, unless –
- (a) the holder is undertaking a fishing trip on a mother boat; and
 - (b) the mother boat is –
 - (i) in State waters north of an imaginary line running due west from Cape Sorell to the limit of State waters; or
 - (ii) in Macquarie Harbour or the Channel into Macquarie Harbour; and
 - (c) the abalone has a shell length not less than 132 millimetres.

Penalty: Grade 3 penalty.

7A. Taking or possessing abalone in northern blacklip area

- (1) In this regulation –

Bass Strait area means the area of State waters adjacent to the north coast of Tasmania and the Furneaux Group of islands in

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

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

north coast blacklip area means the area of State waters adjacent to the north coast of mainland Tasmania bounded by an imaginary line starting at the

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point where the line of longitude 145° 22' 42" East meets the high-water mark near Cowrie Point and running due north along that line of longitude until its junction with the line of latitude 40° 39' 00" South, then due east along that line of latitude until its junction with the line of longitude 147° 27' 00" East and then due south along that line of longitude to the high-water mark of the north coast of the mainland of Tasmania in Anderson Bay;

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

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bounded in the west by an imaginary line from the northernmost point of Woolnorth Point to the point of latitude 40° 37' 14.40" South, longitude 144° 41' 37.87" East, then running due north to the line of latitude 40° 16' 58.41" South, and running due west to the limit of State waters.

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

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (abalone dive) must not have possession of any abalone with a shell length less than 127 millimetres in the northern blacklip area (other than the Bass Strait area), or on land within one kilometre of any waters within that area, unless –
- (a) the holder is undertaking a fishing trip on a mother boat; and
 - (b) the abalone was taken legally from another part of the fishery.

Penalty: Grade 3 penalty.

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

Penalty: Grade 3 penalty.

- (5) The holder of a fishing licence (abalone dive) must not have possession of any abalone with a shell length less than 120 millimetres in the Bass Strait area (other than the north coast blacklip area and the Bass Strait islands area) unless –
- (a) the abalone has a shell length not less than 114 millimetres; and
 - (b) the abalone was taken in the Bass Strait islands area; and
 - (c) no holder of a fishing licence (abalone dive) has, on that fishing trip, dived or swam in State waters in the Bass Strait area (other than the Bass Strait islands area).

Penalty: Grade 3 penalty.

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

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Penalty: Grade 3 penalty.

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

(1) In this rule –

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

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

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- (a) in the case of abalone taken on or before 31 December 2018, less than 129 millimetres; or
- (b) in the case of abalone taken after 31 December 2019, less than 132 millimetres.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (abalone dive) must not have possession of any abalone in the upper-west blacklip area with a shell length that is –
 - (a) in the case of abalone taken on or before 31 December 2018, less than 129 millimetres; or
 - (b) in the case of abalone taken after 31 December 2019, less than 132 millimetres –

unless –

- (c) the holder of the fishing licence (abalone dive) is undertaking a fishing trip on a mother boat; and
- (d) the abalone was taken legally from another part of the fishery.

Penalty: Grade 3 penalty.

- (4) The holder of a fishing licence (abalone dive) must not take blacklip abalone with a shell length less than 132 millimetres

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from the upper-west blacklip area south
of the line of latitude 41° 03' 13.74"
South at Arthur River.

Penalty: Grade 3 penalty.

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

(1) In this regulation –

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

(2) The holder of a fishing licence (abalone dive) must not take abalone with a shell

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length less than 138 millimetres from the waters of the east coast area.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (abalone dive) must not have possession of abalone with a shell length less than 138 millimetres in the waters of the east coast area, or on land within one kilometre of those waters, unless –
- (a) the abalone does not have a shell length less than 110 millimetres; and
 - (b) the holder is undertaking a fishing trip on a mother boat; and
 - (c) the mother boat is in –
 - (i) State waters bounded in the north by the eastern boundary of the northern blacklip area and in the south by an imaginary straight line running due east from the tip of St Helens Point to the limit of State waters; or
 - (ii) within the waters of Georges Bay; and
 - (d) the abalone was taken legally from another part of the fishery.

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Penalty: Grade 3 penalty.

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

(1) In this regulation –

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

north coast greenlip area means –

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

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along that line of
longitude; and

- (b) the area of State waters adjacent to the north coast of Tasmania known as Robbins Passage bounded on the east by an imaginary line running due north along the line of longitude 145° 2' 52.2" East and bounded on the west by an imaginary line running due north along the line of longitude 144° 55' 00" East;
- (2) The holder of a fishing licence (abalone dive) must not take greenlip abalone with a shell length less than 150 millimetres from, or have possession of greenlip abalone with a shell length less than 150 millimetres in, the King Island greenlip area, or on land within one kilometre of any waters within the King Island greenlip area.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (abalone dive) must not take greenlip abalone with a shell length less than 145 millimetres from, or have possession of greenlip abalone that has a shell length of less

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than 145 millimetres in, waters other than those in the north coast greenlip area.

Penalty: Grade 3 penalty.

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

Penalty: Grade 3 penalty.

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

Penalty: Grade 3 penalty.

7E. Taking or possessing abalone in southern area

- (1) In this regulation –

southern area means the area of State waters adjacent to the east, south-east, south, south-west and west coasts of Tasmania bounded in the north on the east coast by an imaginary line from the northern

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

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

Penalty: Grade 3 penalty.

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

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(b) has bought or received the
abalone from a fish merchant.

Penalty: Grade 3 penalty.

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

Notified in the *Gazette* on 13 December 2017.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Fisheries (General and Fees) Regulations 2016* by –

- (a) redefining the boundaries of certain parts of the abalone fishery; and
- (b) revising the size limit requirements for abalone.