

TASMANIA

**FISHERIES (ROCK LOBSTER) AMENDMENT
RULES 2019**

STATUTORY RULES 2019, No. 62

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FISHERIES (ROCK LOBSTER) AMENDMENT RULES 2019

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

Dated 16 September 2019.

GUY BARNETT
Minister for Primary Industries and Water

1. Short title

These rules may be cited as the *Fisheries (Rock Lobster) Amendment Rules 2019*.

2. Commencement

These rules take effect on 1 November 2019.

3. Principal Rules

In these rules, the *Fisheries (Rock Lobster) Rules 2011** are referred to as the Principal Rules.

4. Rule 3 amended (Interpretation)

Rule 3 of the Principal Rules is amended as follows:

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- (a) by inserting the following definition after the definition of *non-commercial rock lobster fishery*:

north-western region means all State waters bounded in the south by a line running due west at 42° South on the west coast and bounded in the north by a line running northward at 146° 32' 00' East on the north coast;

- (b) by inserting the following definition after the definition of *port of landing*:

published notice means a notice published in one or more of the following ways:

- (a) published in the *Gazette*;
- (b) published on a website operated by, or on behalf, of the Department for the duration of the period for which the notice is in effect;
- (c) published in a newspaper circulating generally in the State;

5. Rule 10A amended (Persons authorised to possess rock lobster outside State waters)

Rule 10A(1) of the Principal Rules is amended by omitting “waters, unless that person is authorised by an endorsement on a fishing licence to be in possession of rock lobster in waters outside State”.

6. Rule 11 amended (Closed and open seasons, &c.)

Rule 11(2) of the Principal Rules is amended by omitting “public” and substituting “published”.

7. Rule 17A inserted

After rule 17 of the Principal Rules, the following rule is inserted in Part 2:

17A. Size limits – female rock lobster from north-western region

- (1) A person must not take any female rock lobster with a carapace shorter than 120 millimetres from the north-western region.

Penalty: Grade 3 penalty.

- (2) A person must not have possession of any female rock lobster with a carapace shorter than 120 millimetres in the north-western region.

Penalty: Grade 3 penalty.

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- (3) It is a defence in proceedings for an offence against subrule (2) if the defendant establishes that –
- (a) at the relevant time, he or she was –
 - (i) the holder of a fishing licence (rock lobster); and
 - (ii) merely transiting the north-western region; and
 - (b) the female rock lobster was taken legally from State waters outside the north-western region.
- (4) If a non-commercial fisher undertakes a fishing trip for rock lobster in the north-western region, he or she must not, within the immediate proximity of the site of unloading, be in possession of any female rock lobster with a carapace shorter than 120 millimetres.

Penalty: Grade 3 penalty.

8. Rule 26 amended (Restrictions on non-commercial setting and use, &c., of rock lobster pots)

Rule 26 of the Principal Rules is amended as follows:

- (a) by omitting from subrule (4)(b) “advises” and substituting “notifies”;

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- (b) by omitting from subrule (4)(c) “advice” and substituting “notification”;
- (c) by omitting from subrule (4)(c) “advises” and substituting “notifies”;
- (d) by inserting the following subrule after subrule (4):
 - (5) For the purposes of subrule (4)(b) and (c), a non-commercial fisher has not notified a fisheries officer unless the non-commercial fisher has complied with any requirements of that fisheries officer in relation to the giving of that notification.

9. Rule 34 amended (Boat limits)

Rule 34 of the Principal Rules is amended as follows:

- (a) by omitting paragraph (b) from subrule (3) and substituting the following paragraphs:
 - (b) at any one time while the vessel is in the northern Bass Strait area, more than 10 rock lobster are on the vessel; or
 - (c) at any one time while the vessel is in the western region (other than the northern Bass Strait

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area), more than 25 rock lobster
are on the vessel.

(b) by inserting the following subrule after
subrule (3):

(4) In this rule –

northern Bass Strait area
means that area of State
waters within the western
region north of a line of
latitude 39° 33' South.

10. Rule 58 amended (All rock lobster to be unloaded)

Rule 58 of the Principal Rules is amended by
inserting after subrule (2) the following :

(3) The holder of a fishing licence (rock
lobster) must unload every female rock
lobster taken from the north-western
region before commencing a fishing trip
in State waters outside the north-western
region.

Penalty: Grade 3 penalty.

(4) The holder of a fishing licence (rock
lobster) must unload every female rock
lobster taken from State waters outside
the north-western region before
commencing a fishing trip in the north-
western region.

Penalty: Grade 3 penalty.

11. Rule 59A amended (Approved ports of landing for catch-cap and other areas)

Rule 59A(1) of the Principal Rules is amended by omitting “public” first occurring and substituting “published”.

12. Rule 75A substituted

Rule 75A of the Principal Rules is rescinded and the following rule is substituted:

75A. Restriction on number of rock lobster pots that may be possessed, set or used in certain waters

(1) In this rule –

60-pot area means the area of State waters bounded in the south by a line running due south at 146° 42’ 19” East on the south coast (South Cape) and bounded in the north by a line running westwards at 41° South on the west coast (Bluff Hill Point).

(2) The holder of a fishing licence (rock lobster) must not, at any one time, set or use or be in possession of, or cause any other person to set or use or be in possession of, more than 50 rock lobster pots, in aggregate, in State waters other than waters in the 60-pot area.

Penalty: Grade 3 penalty.

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- (3) It is a defence in proceedings for an offence under subrule (2) if the defendant establishes that, at the relevant time, he or she was –
- (a) transiting an area of State waters on the way to or from the 60-pot area; and
 - (b) in possession of no more than 60 rock lobster pots.
- (4) The holder of a fishing licence (rock lobster) must not, at any one time, set or use or be in possession of, or cause any other person to set or use or be in possession of, more than 60 rock lobster pots, in aggregate, in the 60-pot area.

Penalty: Grade 3 penalty.

13. Schedule 2 rescinded

Schedule 2 to the Principal Rules is rescinded.

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

Notified in the *Gazette* on 2 October 2019.

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

EXPLANATORY NOTE

(This note is not part of the rules)

These rules amend the *Fisheries (Rock Lobster) Rules 2011* by –

- (a) increasing the minimum size limit for certain female rock lobster; and
- (b) amending the requirements relating to the use of pots; and
- (c) removing the requirement for endorsements for the possession of rock lobster outside State waters; and
- (d) making other minor miscellaneous amendments.