

TASMANIA

FISHERIES (COMMERCIAL DIVE) RULES 2021
STATUTORY RULES 2021, No. 119

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FISHERIES (COMMERCIAL DIVE) RULES 2021

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

Dated 3 December 2021.

GUY BARNETT
Minister for Primary Industries and Water

PART 1 – PRELIMINARY

1. Short title

These rules may be cited as the *Fisheries (Commercial Dive) Rules 2021*.

2. Commencement

These rules take effect on 16 February 2022.

3. Interpretation

(1) In these rules –

abalone means fish of the genus *Haliotis*;

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

commercial dive direct sales receipt means a receipt in an approved form that –

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- (a) relates to the sale, transfer or transit of fish taken under the authority of a fishing licence (commercial dive); and
- (b) is part of a record required to be kept under the Act;

commercial dive fishery means the taking of controlled fish, for commercial purposes, by diving in State waters;

commercial diver's docket means a docket in an approved form that –

- (a) relates to the taking of fish under the authority of a fishing licence (commercial dive); and
- (b) is part of the records required to be kept under the Act;

controlled fish means –

- (a) periwinkles; or
- (b) sea urchins; or
- (c) a fish of a kind specified in an endorsement on a licence under rule 9;

direct sale, of controlled fish, means a sale of controlled fish –

- (a) to a person other than a fish processor; or

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- (b) if the fish have not been caufed or in some other way processed;

diving means diving, or swimming, below the surface of the water;

fish cauf means apparatus used to hold live fish;

fish cauf site, in relation to a licence, means the location where the holder of the licence is authorised under the licence to hold live fish in a fish cauf;

fish processor means the holder of a fish processing licence;

Grade 1 penalty means the penalty specified in regulation 5 of the *Fisheries (Penalties) Regulations 2021*;

Grade 2 penalty means the penalty specified in regulation 6 of the *Fisheries (Penalties) Regulations 2021*;

Grade 3 penalty means the penalty specified in regulation 7 of the *Fisheries (Penalties) Regulations 2021*;

kind includes genus and family;

landing site means an area specified in Schedule 1;

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

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on, a vessel, includes being on a dinghy, a tender or a small auxiliary craft being used in connection with the vessel;

periwinkle means mollusc of the species *Lunella undulata*;

point of sale means the point at which a purchaser of controlled fish takes possession of the controlled fish;

prior fishing report means a report, provided before undertaking a fishing trip under the authority of a fishing licence (commercial dive), that is part of records required to be kept under the Act;

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;

reporting service means a service approved by the Secretary under subrule (2);

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

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sea urchin means sea urchin of the genus *Heliocidaris* or *Centrostephanus*;

shellfish has the same meaning as in the *Fisheries (Shellfish) Rules 2017*;

Undaria means –

- (a) exotic marine alga *Undaria pinnatifida* (commonly known as wakame); and
- (b) sporophyll of that alga;

whole weight, in relation to a fish, means the whole weight of the fish before it is dismembered, dried, shelled or otherwise processed.

- (2) The Secretary may approve a service as the service that may receive reports for the purposes of these rules.
- (3) In these rules, a reference to the holder of a fishing licence includes a person who has been granted approval to use the licence in accordance with section 87 of the Act.

4. Application of rules

These rules apply to the commercial dive fishery.

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5. Duration of rules

These rules continue in force for a period of 10 years.

6. Consultation arrangements

The Minister is to consult with the relevant fishing body in relation to the commercial dive fishery about any changes relating to –

- (a) the areas where fishing may occur; and
- (b) any matter relating to the characteristics of controlled fish; and
- (c) the opening and closing of the fishery; and
- (d) fishing gear; and
- (e) limits on the taking and possession of controlled fish.

PART 2 – LICENCES

7. Classes of fishing licence

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

- (a) class commercial dive, fishing licence (commercial dive);
- (b) class personal, fishing licence (personal);
- (c) class vessel, fishing licence (vessel).

8. Authority of licences

A fishing licence (commercial dive) authorises the holder of the licence to, for commercial purposes –

- (a) take and possess controlled fish; and
- (b) take and possess shellfish by diving if the holder of the licence also holds a fishing licence (shellfish); and
- (c) take and possess *Undaria* by diving if the holder of the licence is acting under an authority to take *Undaria*.

9. Endorsement of licences

The Secretary may endorse a fishing licence (commercial dive) to allow the holder of the

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licence to take, for commercial purposes, fish of a kind specified in the endorsement.

10. Restriction on holding licences

The holder of a fishing licence (commercial dive) must not hold more than 3 fishing licences (commercial dive) at any one time.

Penalty: Grade 3 penalty.

11. Cap on number of licences

The Minister is to ensure that no more than 53 fishing licences (commercial dive) are in force at any one time.

PART 3 – GENERAL MANAGEMENT OF FISHERY

12. Closed and open seasons, &c.

- (1) The Minister, by published notice, may determine –
 - (a) the dates of the closed season for all or part of the commercial dive fishery; and
 - (b) the dates of the open season for all or part of the commercial dive fishery.
- (2) The Minister, by published notice, may also determine any part of the commercial dive fishery to be closed to or in respect of such activities for such periods as are specified in the notice.
- (3) The holder of a fishing licence (commercial dive) must not contravene a determination in force under subrule (2) in respect of the commercial dive fishery.

Penalty: Grade 3 penalty.

- (4) The holder of a fishing licence (commercial dive) must not take controlled fish of a particular kind from State waters during a closed season, for those State waters, in respect of the commercial dive fishery for controlled fish of that kind.

Penalty: Grade 3 penalty.

- (5) The holder of a fishing licence (commercial dive) must not dive in State waters during a

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closed season, in respect of the commercial dive fishery for controlled fish of a particular kind, if that holder of the licence already has controlled fish of that kind on board the vessel from which that diving takes place.

Penalty: Grade 3 penalty.

- (6) A published notice under this rule may be –
- (a) combined with another such notice; and
 - (b) revoked by another such notice.

13. Minimum size limits

- (1) The Minister, by published notice, may determine a minimum size limit for controlled fish of any kind.
- (2) The holder of a fishing licence (commercial dive) must not be in possession of controlled fish if –
 - (a) a minimum size limit has been determined under subrule (1) for that kind of controlled fish; and
 - (b) more than 10% by number of the controlled fish of that kind in the possession of the holder of the licence are smaller than that minimum size limit.

Penalty: Grade 3 penalty.

14. Catch limits

The Minister, by published notice, may, for controlled fish of any kind, determine the maximum whole weight of controlled fish that may be taken, during such periods as are specified in the notice, from all, or any specified part of, the commercial dive fishery.

15. Holding of controlled fish by licence holder

The holder of a fishing licence (commercial dive) must not, in State waters, possess controlled fish other than –

- (a) at a fish cauf site that is endorsed on the licence; or
- (b) on a fishing vessel; or
- (c) at a marine farm.

Penalty: Grade 3 penalty.

16. Possession, &c., of fish caufs by licence holder

The holder of a fishing licence (commercial dive) must not, while fishing under the authority of the licence –

- (a) be in possession of a fish cauf; or
- (b) place controlled fish in a fish cauf –

unless the licence is endorsed for the use of a fish cauf.

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Penalty: Grade 3 penalty.

17. Use of fish caufs by licence holder

- (1) This rule applies to a fishing licence (commercial dive) that is endorsed for the use of a fish cauf.
- (2) The holder of a licence to which this rule applies must not –
 - (a) use a fish cauf anywhere other than at the fish cauf site endorsed on the licence for that use; or
 - (b) place a controlled fish in a fish cauf unless the commercial diver's docket for the controlled fish has been completed; or
 - (c) hold in a fish cauf controlled fish that have been taken –
 - (i) under the authority of another licence unless the person who landed the controlled fish has issued a commercial dive direct sales receipt, in respect of the controlled fish, to the holder of the licence to which this rule applies; or
 - (ii) for recreational purposes.

Penalty: Grade 3 penalty.

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- (3) If the holder of a licence to which this rule applies uses a fish cauf, the holder of the licence must ensure that –
- (a) controlled fish taken on one day are not placed in the same fish cauf as controlled fish taken on another day; and
 - (b) controlled fish taken under the authority of a particular fishing licence (commercial dive) are not placed in the same fish cauf as controlled fish taken under the authority of another fishing licence; and
 - (c) controlled fish of one kind taken on a day are not placed in the same fish cauf as controlled fish of a different kind taken on the same day; and
 - (d) each fish cauf holding controlled fish is clearly marked with the following information:
 - (i) the date on which the controlled fish were placed in the fish cauf;
 - (ii) the number of the commercial diver's docket completed in relation to the controlled fish or the name of the person who landed the controlled fish and the number of the commercial dive direct sales receipt completed in relation to those controlled fish to the holder of the licence to which this rule applies.

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Penalty: Grade 1 penalty.

- (4) The holder of a licence to which this rule applies must not, at any time after the first 30 days of a new licensing year, hold in a fish cauf any controlled fish taken in the previous licensing year.

Penalty: Grade 1 penalty.

- (5) The holder of a licence to which this rule applies, on placing controlled fish in a fish cauf, must record –
- (a) the kind and weight of the controlled fish so placed; and
 - (b) the time and date of the placement.

Penalty: Grade 3 penalty.

- (6) The holder of a licence to which this rule applies, on removing controlled fish from a fish cauf, must record –
- (a) the kind and weight of the controlled fish so removed; and
 - (b) the time and date of the removal.

Penalty: Grade 3 penalty.

- (7) The holder of a licence to which this rule applies must keep a record made under subrule (5) or (6) –
- (a) for at least 5 years; and

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(b) in good condition.

Penalty: Grade 2 penalty.

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PART 4 – RECORDS AND REPORTING

18. Commercial diver’s docket – Part A

- (1) If the holder of a fishing licence (commercial dive) takes controlled fish under the authority of the licence, the holder must complete the information relating to the taking of the controlled fish in Part A of a commercial diver’s docket before the first of the following occurs:
 - (a) the end of the day on which the controlled fish are taken;
 - (b) the controlled fish leave the relevant landing site;
 - (c) the controlled fish are transferred or sold to any person.

Penalty: Grade 2 penalty.

- (2) The holder of a fishing licence (commercial dive) must ensure that information entered in Part A of a commercial diver’s docket by the holder under subrule (1) is recorded in a clear and legible manner on each page of that docket.

Penalty: Grade 2 penalty.

19. Commercial diver’s docket – Part B

- (1) The holder of a fishing licence (commercial dive) must not cauf, or in any other way process, controlled fish of any kind in a fish cauf unless –

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- (a) the controlled fish were weighed, separately from controlled fish of another kind, before being placed in the fish cauf; and
- (b) after the controlled fish were so weighed –
 - (i) the holder of the licence accurately recorded the total weight of the controlled fish, as weighed under paragraph (a), in Part B(1) of the commercial diver’s docket relating to the controlled fish; and
 - (ii) the holder of the licence completed Part B(1) of that docket with the word “self” to indicate that the holder of the licence would be the processor of the controlled fish.

Penalty: Grade 2 penalty.

- (2) The holder of a fishing licence (commercial dive) must ensure that information entered in Part B of a commercial diver’s docket by the holder under subrule (1) is recorded in a clear and legible manner on each page of that docket.

Penalty: Grade 2 penalty.

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Part 4 – Records and Reporting

20. Further requirements relating to commercial diver's docket – Part B

- (1) This rule applies to the holder of a fishing licence (commercial dive) if the holder of the licence sells or transfers controlled fish of any kind without having first caufed, or in some other way processed, the fish in a fish cauf.
- (2) The holder of a fishing licence (commercial dive) to which this rule applies must, at the point of sale of the controlled fish being sold by the holder of the licence –
 - (a) if the purchaser of the fish is a fish processor – give the fish processor the commercial diver's docket relating to the controlled fish to enable the fish processor to complete Part B(1) of that docket in respect of the fish; or
 - (b) if the purchaser of the fish is not a fish processor – accurately record the whole weight of the controlled fish being sold in Part B(2) of the commercial diver's docket relating to the fish.

Penalty: Grade 2 penalty.

- (3) The holder of a fishing licence (commercial dive) to which this rule applies must ensure that information entered in Part B of a commercial diver's docket by the holder of the licence pursuant to subrule (2) is recorded in a clear and legible manner on each page of that docket.

Penalty: Grade 2 penalty.

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- (4) A fish processor who is given a commercial diver's docket by the holder of a fishing licence (commercial dive) under subrule (2) in relation to any controlled fish must –
- (a) immediately complete Part B(1) of that docket in respect of the fish; and
 - (b) on completion of Part B(1), immediately return that docket to the holder of the licence.

Penalty: Grade 1 penalty.

21. Completed commercial diver's docket – duty of licence holder

- (1) The holder of a fishing licence (commercial dive) must ensure that the pink sheet of a commercial diver's docket, in which the holder has recorded information under this Part, is sent to the Secretary within 48 hours after the docket is completed.

Penalty: Grade 2 penalty.

- (2) The holder of a fishing licence (commercial dive) must keep the white sheet of a commercial diver's docket completed in accordance with this Part –
- (a) for at least 5 years; and
 - (b) in good condition.

Penalty: Grade 2 penalty.

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22. Completed commercial diver’s docket – duty of fish processor

- (1) A fish processor must not take possession of controlled fish from the holder of a fishing licence (commercial dive) under rule 20 unless the fish processor has been given –
 - (a) if the controlled fish were at any time held in a fish cauf before the fish processor took possession of them, the original copy of the commercial dive direct sales receipt relating to the sale or transfer of the controlled fish; or
 - (b) in any other case, the yellow sheet of the commercial diver’s docket completed in relation to the controlled fish.

Penalty: Grade 2 penalty.

- (2) A fish processor who takes possession of controlled fish from the holder of a fishing licence (commercial dive) must –
 - (a) keep, with the controlled fish while they are being processed, the yellow sheet of the completed commercial diver’s docket, or the original copy of the commercial dive direct sales receipt, relating to the controlled fish; and
 - (b) keep that yellow sheet of the docket or that original direct sales receipt –
 - (i) for at least 5 years; and

(ii) in good condition.

Penalty: Grade 2 penalty.

23. Certain dockets to be maintained

The holder of a fishing licence (commercial dive) must maintain in good condition each commercial diver's docket –

- (a) in which information has been recorded by the holder under this Part; and
- (b) that is not in the possession of the Secretary, or a fish processor, in accordance with this Part.

Penalty: Grade 2 penalty.

24. Commercial dive direct sales receipt

(1) The holder of a fishing licence (commercial dive) who makes a direct sale of controlled fish that have been caufed must –

- (a) on removing the controlled fish from a fish cauf for the purposes of the sale, complete, as soon as is practicable, a commercial dive direct sales receipt in respect of the amount of controlled fish to be purchased; and
- (b) ensure that the commercial dive direct sales receipt accompanies the controlled fish to the point of sale; and

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- (c) at the point of sale, ensure that the original completed commercial dive direct sales receipt in respect of the controlled fish is issued to the purchaser of the fish; and
- (d) after the sale of the fish, keep a copy of the completed commercial dive direct sales receipt completed in respect of the sale –
 - (i) for at least 5 years; and
 - (ii) in good condition.

Penalty: Grade 2 penalty.

- (2) The holder of a fishing licence (commercial dive) who makes a direct sale of controlled fish that have not been caufed must –
 - (a) complete, as soon as is practicable, a commercial dive direct sales receipt in respect of the amount of controlled fish to be purchased; and
 - (b) ensure that the original completed commercial dive direct sales receipt in respect of the controlled fish –
 - (i) is issued to the purchaser of the fish at the point of sale for the fish; or
 - (ii) if the purchaser is not present at the point of sale, accompanies the

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controlled fish to the purchaser of the fish; and

- (c) after the sale of the fish, keep a copy of the completed commercial dive direct sales receipt completed in respect of the sale –
- (i) for at least 5 years; and
 - (ii) in good condition.

Penalty: Grade 2 penalty.

25. Prior fishing report

- (1) The holder of a fishing licence (commercial dive), not more than 24 hours before entering State waters for the purposes of taking controlled fish under the authority of the licence, must make a prior fishing report to the reporting service.

Penalty: Grade 2 penalty.

- (2) The holder of a fishing licence (commercial dive) must nominate, in a prior fishing report made under subrule (1) in respect of the taking of controlled fish, the part of the fishery where he or she intends to take the controlled fish.

Penalty: Grade 2 penalty.

- (3) On receipt of a prior fishing report under subrule (1) from the holder of a fishing licence (commercial dive), the reporting service is to issue a report receipt number to the holder.

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26. Cancellation of prior fishing report

- (1) The holder of a fishing licence (commercial dive) who has made a prior fishing report under rule 25(1) must make a report, that cancels the prior fishing report, to the reporting service.
- (2) A report under subrule (1) is to be made within 2 hours after the holder of the licence intended to take controlled fish as proposed in the prior fishing report to be cancelled.
- (3) On receipt of a report under subrule (1) from the holder of a fishing licence (commercial dive), the reporting service is to issue a report receipt number to the holder.

PART 5 – OFFENCES

27. Taking fish for commercial purposes

- (1) A person must not take sea urchins or periwinkles for commercial purposes unless the person is the holder of –
- (a) a fishing licence (commercial dive); and
 - (b) a fishing licence (personal).

Penalty: Grade 3 penalty.

- (2) A person must not take fish for commercial purposes by diving unless the person is the holder of –
- (a) a fishing licence (commercial dive); and
 - (b) a fishing licence (personal).

Penalty: Grade 3 penalty.

- (3) Subrule (2) does not apply to the taking of abalone by the holder of a fishing licence (abalone dive).

28. Permitted methods for taking sea urchins

- (1) The holder of a fishing licence (commercial dive) must not take sea urchins other than –
- (a) by hand; or
 - (b) with tongs; or

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(c) with a single pronged hook.

Penalty: Grade 2 penalty.

(2) Subrule (1) does not apply to the taking of sea urchins for the purposes of culling the number of sea urchins.

(3) In this rule –

tongs means an apparatus –

(a) used for holding things; and

(b) consisting of 2 arms each having a single prong or flattened end no more than 100 millimetres wide.

29. Holder of licence not to engage in other fishing

(1) A person must not, while fishing under the authority of a fishing licence (commercial dive), take fish other than controlled fish.

Penalty: Grade 3 penalty.

(2) A person must not, while fishing under the authority of a fishing licence (commercial dive), engage in any recreational fishing for which a licence is required under the Act.

Penalty: Grade 2 penalty.

30. Certain vessels not to be used while diving commercially

The holder of a fishing licence (commercial dive) must not take controlled fish using a fishing vessel that –

- (a) is not specified in a fishing licence (vessel); or
- (b) is not an auxiliary vessel, within the meaning of the *Fisheries Rules 2019*, of a fishing vessel specified in a fishing licence (vessel).

Penalty: Grade 3 penalty.

31. Diving, &c., from certain vessels prohibited

A person must not dive, or otherwise enter the water, from a vessel if that vessel is being used by another person for fishing under the authority of a fishing licence (commercial dive), unless the first-mentioned person is also the holder of –

- (a) a fishing licence (commercial dive); or
- (b) a fishing licence (abalone dive).

Penalty: Grade 2 penalty.

32. Possession of abalone on vessels used in fishery

- (1) A person who is on a vessel being used for fishing under the authority of a fishing licence (commercial dive) must not be in possession of

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abalone in State waters, unless each diver on the vessel is the holder of –

- (a) a fishing licence (commercial dive); and
- (b) a fishing licence (abalone dive).

Penalty: Grade 3 penalty.

(2) In this rule –

diver on a vessel, means –

- (a) a person who has gone diving from the vessel; or
- (b) a person on the vessel who –
 - (i) is preparing to go diving from the vessel; or
 - (ii) has just been diving from the vessel; or
 - (iii) although subparagraph (i) or (ii) may not instantly apply, is wearing any diving attire or diving equipment; or
 - (iv) although subparagraph (i), (ii) or (iii) may not instantly apply, is in possession of diving attire or diving equipment that he or she either owns or has borrowed for personal use.

33. Possession of rock lobster barred on vessels used in fishery

A person who is on a vessel being used for fishing under the authority of a fishing licence (commercial dive) must not be in possession of rock lobster in State waters.

Penalty: Grade 3 penalty.

34. Possession of certain equipment barred on vessels used in fishery

(1) A person who is on a vessel being used for fishing under the authority of a fishing licence (commercial dive) must not be in possession of any of the following on that vessel:

- (a) a rock lobster pot;
- (b) a rock lobster ring;
- (c) a rock lobster;
- (d) a giant crab trap.

Penalty: Grade 3 penalty.

(2) Subrule (1) does not apply in respect of a rock lobster pot or a rock lobster ring if –

- (a) the rock lobster pot or rock lobster ring was not present on the fishing vessel at the time at which the vessel commenced the fishing trip; and

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- (b) the owner of the rock lobster pot or rock lobster ring is not able to be identified, or established, from the pot or ring; and
- (c) not more than one such rock lobster pot, or one such rock lobster ring, is present on the vessel.

(3) In this rule –

giant crab trap means a trap within the meaning of the *Fisheries (Giant Crab) Rules 2013*;

rock lobster pot has the same meaning as in the *Fisheries (Rock Lobster) Rules 2011*;

rock lobster ring has the same meaning as in the *Fisheries (Rock Lobster) Rules 2011*.

(4) For the avoidance of doubt, a reference to taking in this rule is not restricted to taking by diving.

35. Recording and providing report receipt number

A person to whom a report receipt number is issued by a reporting service under rule 25 or 26 must –

- (a) record the report receipt number; and
- (b) provide the report receipt number if required to do so by a fisheries officer.

Penalty: Grade 2 penalty.

PART 6 – MISCELLANEOUS

36. Transitional provision

- (1) A public notice under the former rules that was in force and effect immediately before the commencement day is taken to be a published notice, under and for the purposes of these rules, in force and having effect according to its terms until whichever of the following first occurs:
 - (a) the public notice is rescinded;
 - (b) the public notice is spent in its application.
- (2) A reference, in a public notice under the former rules that is in force and having effect on the commencement day by virtue of this rule, to live weight is taken to be a reference to whole weight within the meaning of rule 3 and rule 14.
- (3) In this rule –

commencement day means the day on which these rules take effect;

former rules means the *Fisheries (Commercial Dive) Rules 2011*.

37. Infringement notice offences and penalties

For section 234 of the Act –

- (a) an offence under a rule specified in column 2 of Schedule 2 is prescribed as

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an offence in respect of which an infringement notice may be served; and

- (b) the penalty specified in column 3 of that Schedule in respect of an offence is the applicable penalty for that offence.

38. Legislation rescinded

The legislation specified in Schedule 3 is rescinded.

SCHEDULE 1 – LANDING SITES

Rule 3

The following areas are landing sites for the purposes of these rules:

- (a) at Great Musselroe Bay, the area within a radius of 200 metres on the landward side from the high-tide mark closest to the point of landing in Great Musselroe Bay;
- (b) at Bluff Hill Point, the area within a radius of 200 metres on the landward side from the high-tide mark closest to the point of landing in Mawson Bay;
- (c) at Couta Rocks, the area within a radius of 200 metres on the landward side from the high-tide mark closest to the point of landing at Couta Rocks;
- (d) at Garden Point near Port Arthur, the area within a radius of 500 metres on the landward side from the high-tide mark closest to the launching ramp in Long Bay;
- (e) at a place within 5 kilometres of Granville Harbour, the area within a radius of 1 500 metres on the landward side from the high-tide mark closest to the point of landing;

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- (f) at Green Point near Marrawah, the area of Green Point Road to the intersection of Green Point Road and Comeback Road;
- (g) at Ocean Beach, the area within a radius of 200 metres on the landward side from the high-tide mark closest to the point of landing at Braddon Point;
- (h) at Petal Point, the area within a radius of 150 metres on the landward side from the high-tide mark closest to the commencement of the access road at the southern end of Lemons Beach;
- (i) at South Arm, the area within a radius of 500 metres on the landward side from the high-tide mark closest to the launching ramp in Halfmoon Bay;
- (j) at Temma, the area within a radius of 200 metres on the landward side from the high-tide mark closest to the point of landing in Temma Harbour;
- (k) at Trial Harbour, the area within a radius of 300 metres on the landward side from the high-tide mark closest to the point of landing in Trial Harbour;
- (l) at Southport, at the boat ramp on the northern side of the Southport narrows, an area that is within 50 metres of the landward side of the high-water mark of that boat ramp, including Kingfish Beach Road in an easterly direction from that

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boat ramp until that road intersects with the Huon Highway, and an area 30 metres in any direction from the centre of that intersection;

- (m) at any other place, the area within a radius of 50 metres on the landward side from the high-tide mark closest to the point of landing.

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**SCHEDULE 2 – INFRINGEMENT NOTICE OFFENCES
AND PENALTIES**

Rule 37

	Rule	Penalty (penalty units)
1.	Rule 12(3)	5
2.	Rule 12(4)	5
3.	Rule 12(5)	5
4.	Rule 13(2)	2
5.	Rule 15	2
6.	Rule 16	2
7.	Rule 17(2)	2
8.	Rule 17(3)	2
9.	Rule 17(4)	2
10.	Rule 17(5)	2
11.	Rule 17(6)	2
12.	Rule 17(7)	2
13.	Rule 18(1)	2
14.	Rule 18(2)	2
15.	Rule 19(1)	2
16.	Rule 19(2)	2

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	Rule	Penalty (penalty units)
17.	Rule 20(2)	2
18.	Rule 20(3)	2
19.	Rule 21(1)	2
20.	Rule 21(2)	2
21.	Rule 22(1)	2
22.	Rule 22(2)	2
23.	Rule 24(1)	2
24.	Rule 27(1)	4
25.	Rule 27(2)	4
26.	Rule 29(1)	4
27.	Rule 29(2)	3
28.	Rule 30	2
29.	Rule 31	3
30.	Rule 32(1)	3
31.	Rule 33	3
32.	Rule 34(1)	3

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SCHEDULE 3 – LEGISLATION RESCINDED

Rule 38

Fisheries (Commercial Dive) Rules 2011 (No. 6 of 2011)

Fisheries (Commercial Dive) Amendment Rules 2014 (No. 98
of 2014)

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Notified in the *Gazette* on 15 December 2021.

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 provide for the management of the commercial dive fishery.