

TASMANIA

FISHERIES (ROCK LOBSTER) RULES 2022
STATUTORY RULES 2022, No. 67

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
4. Meaning of *transiting directly* – commercial fishing
5. Meaning of *travelling directly* – non-commercial fishing
6. Application of rules
7. Duration of rules
8. Consultation arrangements
9. Classes of fishing licence

PART 2 – GENERAL MANAGEMENT OF FISHERY

Division 1 – Closed and open seasons

10. Closed and open seasons for fishery
11. Closed and open seasons – general restrictions

Division 2 – Authority to take or possess rock lobster

12. Total allowable catch for fishery
13. Persons authorised to take or possess rock lobster in State waters
14. Overall possession limit

Division 3 – Size limits

15. Size limits – general
16. Size limits – commercial fishing
17. Size limits – non-commercial fishing

Division 4 – Miscellaneous

18. Protection of female breeding stock
19. Dismembering rock lobster &c.
20. Rock lobster not to be used as bait in fishing apparatus
21. Rock lobster not to be taken in Tarooma waters
22. Persons authorised to possess untagged or unmarked rock lobster

PART 3 – NON-COMMERCIAL ROCK LOBSTER FISHERY

Division 1 – General requirements

23. Restrictions on non-commercial taking of rock lobster
24. Diving restrictions
25. Restrictions on non-commercial setting and use, &c., of rock lobster pots
26. Restrictions on non-commercial setting and use, &c., of rock lobster rings

Division 2 – Non-commercial fishing licences

27. Authority of recreational fishing licences
28. Limit on number of recreational fishing licences that may be held
29. Children not eligible to hold recreational fishing licences

Division 3 – Bag, possession and boat limits

30. Possession limit – non-commercial fisher
31. Daily bag and possession limits – non-commercial fisher
32. Boat limits in non-commercial fishery
33. Sharing of rock lobster when fishing in group

Division 4 – Marking rock lobster

34. Marking of rock lobster – non-commercial
35. Possession or handling of marked rock lobster generally

36. Possession of marked rock lobster in certain zones of non-commercial rock lobster fishery

Division 5 – Identification &c.

37. Identification of non-commercial fishers
38. Identification of rock lobster pots, rock lobster rings and fish caufs
39. Alternative identification of rock lobster pots and rock lobster rings used in Aboriginal activities
40. Fishing apparatus tags for non-commercial fishers
41. Use of fishing apparatus tags

Division 6 – Miscellaneous

42. Non-commercial use of fish caufs
43. Unattended rock lobster on vessels
44. Taking and possessing giant crab

PART 4 – COMMERCIAL ROCK LOBSTER FISHERY

Division 1 – Taking, catch controls and catch management

45. Taking rock lobster
46. Restrictions on possession of female rock lobster during closed season for female rock lobster
47. Restrictions on possession of rock lobster on fishing vessel during closed season for male rock lobster
48. Persons authorised to possess rock lobster outside of State waters
49. Fishing quota unit balance not to be exceeded
50. Over-catch provisions
51. Deduction of excess catch from quota
52. Commercial rock lobster catch record and quota docket book
53. Deduction from quota at end of quota year
54. Research quota units

Division 2 – Commercial fishing licences

55. Authority of fishing licence (rock lobster)
56. Certain fishing licence (rock lobster) applications to be granted

57. Cap on number of fishing licences (rock lobster)
58. Maximum licence holdings
59. Current copy of licence to be kept on fishing vessel during fishing trip

Division 3 – Quota units

60. Allocation of rock lobster quota units
61. Minimum and maximum quota unit holdings
62. Requirements relating to licences with fewer than 15 quota units
63. Transfer of rock lobster quota units &c.
64. Carry-over of quota unit in exceptional circumstances
65. Carry-over of undercatch in commercial rock lobster fishery
66. Carry-over of partially caught quota unit on same entitlement

Division 4 – Unloading, sale, transfer and transportation controls

67. All rock lobster to be unloaded
68. Rock lobster to be unloaded at port of landing
69. Approved ports of landing for catch-cap and other areas
70. Sale or transfer of rock lobster to fish processor or handler
71. Transportation of rock lobster to fish processor or handler
72. Sale or transfer of rock lobster to person other than fish processor or handler
73. Return of rock lobster not sold or transferred
74. Export of rock lobster by aircraft or vessel
75. Sale or transfer of rock lobster from holding tank
76. Rock lobster to be kept separate during transportation

Division 5 – Miscellaneous controls

77. Possession of abalone on certain fishing vessels
78. Recording, &c., of dead rock lobster
79. Transfer of rock lobster between vessels
80. Fishing in two jurisdictions
81. Prohibition on possession of rock lobster taken from other States
82. Places where rock lobster may be held or stored

83. Retention of rock lobster for personal use

PART 5 – FISHING APPARATUS

Division 1 – Rock lobster pots

84. Restrictions on setting, using and possessing rock lobster pots
85. Tampering with rock lobster pots
86. Restriction on number of rock lobster pots that may be possessed, set or used
87. Restrictions on setting, use and possession of rock lobster pots for commercial purposes
88. Restrictions on length of time rock lobster pots may be continuously set in commercial fishery
89. Setting pots at night
90. Restrictions on number of rock lobster pots that may be set or used
91. Restrictions on where rock lobster pots may be set or used
92. Prescribed specifications for rock lobster pots
93. Marker buoy requirements for rock lobster pots

Division 2 – Rock lobster rings

94. Restrictions on setting, use and possession of rock lobster rings

Division 3 – Fish caufs and holding tanks

95. Restrictions on attaching marker buoys to fish caufs
96. Requirements for commercial use of fish caufs
97. Restrictions and requirements relating to holding tanks

PART 6 – REPORTING AND TRACKING

Division 1 – Reports generally

98. Reporting service
99. When a report is to be made
100. Alternative reporting arrangements
101. False, misleading or incomplete information
102. Measurement of weights
103. Provision of receipt numbers

104. Cancellation report

Division 2 – Reports for non-commercial rock lobster fishery

105. Report for lost or irretrievable rock lobster pot

106. Non-commercial zone transit report

107. Non-commercial closed area transit report

108. Non-commercial fishing report

Division 3 – Reports and docket for commercial rock lobster fishery

109. Pre-fishing report

110. Changing part of fishery report

111. Commercial transit report

112. Unloading report

113. Conflicts of interest

114. Unauthorised possession of unused dockets

Division 4 – Records

115. Records of general information

116. Records of commercial rock lobster catch

PART 7 – MISCELLANEOUS

117. Tagging requirements

118. Tagging exemptions

119. Published notices

120. Presumption as to possession of rock lobster held by children

121. Presumption as to taking or possession of certain rock lobster

122. Transitional provision

123. Infringement notice offences and penalties

SCHEDULE 1 – QUANTITY LIMITS – NON-COMMERCIAL FISHER

SCHEDULE 2 – SIZE LIMIT

SCHEDULE 3 – PORTS OF LANDING

SCHEDULE 4 – PRESCRIBED MANNER OF MARKING ROCK LOBSTER

SCHEDULE 5 – MARKING ROCK LOBSTER FOR PERSONAL USE

**SCHEDULE 6 – INFRINGEMENT NOTICE OFFENCES AND
PENALTIES**

FISHERIES (ROCK LOBSTER) RULES 2022

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

Dated 7 September 2022.

JOANNE PALMER
Minister for Primary Industries and Water

PART 1 – PRELIMINARY

1. Short title

These rules may be cited as the *Fisheries (Rock Lobster) Rules 2022*.

2. Commencement

These rules take effect on 1 November 2022.

3. Interpretation

(1) In these rules –

abalone means fish of the genus *Haliotis*;

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

authorised mooring means a mooring that is authorised by the Marine and Safety Authority, as established under the *Marine and Safety Authority Act 1997*;

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 3

Part 1 – Preliminary

auxiliary vessel means a dinghy, tender or other vessel that is –

- (a) part of the equipment of a fishing vessel; and
- (b) transported with, capable of being carried on, and operates solely from, the fishing vessel; and
- (c) is not operated further than 2 nautical miles from the fishing vessel;

cancellation report means a report relating to cancellation of a report that is part of the records required to be kept under the Act;

carapace means the shell that covers the dorsal surface of the cephalothorax of a rock lobster;

carapace length, of a rock lobster (whether live, dead or processed), means the distance from the anterior surface of the median suture of the frontal tubercle to the posterior edge of the dorsal region of the carapace, excluding any attached hairs;

catch-cap means the portion of the total allowable catch of rock lobster, determined under section 94(2)(c) of the Act, that may be taken from a catch-cap area;

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 1 – Preliminary

r. 3

catch-cap area means an area of State waters determined by the Minister under section 94(2)(b) of the Act to be subject to a catch-cap;

caught, in relation to any rock lobster or a rock lobster quota unit, does not include a rock lobster that –

- (a) is caught in a rock lobster pot or rock lobster ring and returned to the water immediately after being hauled to the deck of a fishing vessel; or
- (b) in accordance with a determination under subrule (2), is deemed by the Secretary not to have been caught;

changing part of fishery report means a report relating to changing the part of the fishery in which rock lobster are to be taken that is part of the records required to be kept under the Act;

child means a natural person who has not attained the age of 10 years;

closed season, in respect of the rock lobster fishery or a part of that fishery, means a season or period during which the fishery, or that part of the fishery, is closed to fishing;

closed season report means a report made after taking male rock lobster during the

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 3

Part 1 – Preliminary

closed season for male rock lobster that is part of the records required to be kept under the Act;

commercial rock lobster and giant crab direct sales quota docket means a docket, in an approved form, relating to rock lobster or giant crab that is part of the records required to be kept under the Act;

commercial rock lobster and giant crab sales receipt means a receipt, in an approved form, relating to rock lobster or giant crab that is part of the records required to be kept under the Act;

commercial rock lobster catch record and quota docket means a docket, in an approved form, relating to rock lobster that is part of the records required to be kept under the Act;

commercial rock lobster catch record and quota docket book means the book of commercial rock lobster catch record and quota dockets most recently issued to a licence holder for the purposes of the Act;

commercial rock lobster fishery means the fishery for rock lobster for commercial purposes that consists of the class of persons who hold a licence to take rock lobster for commercial purposes;

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 1 – Preliminary

r. 3

commercial transit report, in respect of a fishing zone, means a report by the holder of a fishing licence (rock lobster), relating to leaving that fishing zone, that is part of the records required to be kept under the Act;

day means the 24-hour period commencing at midnight on any calendar day;

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 northernmost extremity of Partridge Island and the line of longitude 147° 5' 90" East between the southernmost extremity 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 on the western shore of the River Derwent;

distinguishing mark has the same meaning as in the *Fisheries Rules 2019*;

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

eastern region means –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 3

Part 1 – Preliminary

- (a) all State waters lying eastwards of –
 - (i) (in the north) an imaginary line running due north from the northernmost extremity of Point Sorell to the outer limit of State waters; and
 - (ii) (in the south) an imaginary line running due south from the southernmost extremity of Whale Head to the outer limit of State waters; and
- (b) all islands and tidal sandbars lying within the State waters referred to in paragraph (a) of this definition, with the exception of Flinders Island, Cape Barren Island and Bruny Island;

emergency unloading report means a report made after an emergency unloading of rock lobster that is part of the records required to be kept under the Act;

female rock lobster fishery means such part of the rock lobster fishery where an open season, or a closed season, is determined in respect of female rock lobster;

fish cauf means fishing apparatus used for holding fish in State waters;

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 1 – Preliminary

r. 3

fish cauf report means a report made after rock lobster are placed in a fish cauf that is part of the records required to be kept under the Act;

fish handler means the holder of a handling licence;

fishing quota unit balance, for a fishing licence for a quota year, means the sum of –

- (a) the portion of the total weight of rock lobster quota units specified on the licence that remains to be caught in the quota year; and
- (b) the portion of the total weight of research quota units specified on the licence that remains to be caught in the quota year;

fishing region means –

- (a) the eastern region; or
- (b) the western region; or
- (c) the northern bass strait waters;

fishing trip means a trip on a vessel, undertaken for fishing, or in preparation for fishing, for commercial purposes that –

- (a) commences when the vessel departs from a port, port of

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 3

Part 1 – Preliminary

landing or authorised mooring;
and

- (b) ends when all rock lobster pots have been removed from State waters and the vessel returns to a port, port of landing or authorised mooring;

fishing zone means –

- (a) the northern size limit zone; or
- (b) the southern size limit zone;

fish processor means the holder of a fish processing licence;

giant crab means crab of the species *Pseudocarcinus gigas*;

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*;

holder of a fishing licence includes, except in rules 12, 54, 56, 60, 61 and 63, a person who has approval to use the licence under section 87(2) of the Act;

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 1 – Preliminary

r. 3

holding tank means a tank on land, or on or in a jetty or other structure attached to land, used to hold rock lobster;

immediate proximity, of any place or position, means –

- (a) within 100 metres of the place or position; or
- (b) within such greater distance of the place or position as the Secretary by published notice may specify for the purposes of this definition;

inshore crab means crab of the family *Portunidae* or *Grapsidae*;

irretrievable rock lobster pot report means a report, that is part of the records required to be kept under the Act, made by a non-commercial fisher if the fisher is unable to retrieve a rock lobster pot that has been set by the fisher;

loading holding tank report means a report made after rock lobster are placed in a holding tank that is part of the records required to be kept under the Act;

male rock lobster fishery means such part of the rock lobster fishery where an open season, or a closed season, is determined in respect of male rock lobster;

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 3

Part 1 – Preliminary

movement report means a report relating to the movement of rock lobster that is part of the records required to be kept under the Act;

non-commercial closed area transit report means a report by a non-commercial fisher, relating to fishing apparatus being used for a non-commercial fishing trip, that is part of the records required to be kept under the Act;

non-commercial fisher means –

- (a) the holder of a recreational fishing licence; or
- (b) an Aborigine engaging in an Aboriginal activity;

non-commercial fishing trip means a trip on a vessel where the only persons to take, or intending to take, rock lobster during the trip are persons taking rock lobster for a non-commercial purpose;

non-commercial rock lobster fishery means that part of the rock lobster fishery comprising the taking or possession of rock lobster or giant crab by non-commercial fishers;

non-commercial zone transit report, in relation to a fishing zone, means a report by a non-commercial fisher, relating to leaving that fishing zone, that is part of

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 1 – Preliminary

r. 3

the records required to be kept under the Act;

northern bass strait waters means that area of State waters north of the line of latitude 39° 33' South;

northern size limit zone means, for the purposes of the rock lobster fishery, all State waters northwards of –

- (a) an imaginary line running due east at 43° 13' 18" South from the east coast; and
- (b) an imaginary line running due west at 42° South from the west coast –

including such State waters that are east of an imaginary line through the centre of the width of Denison Canal Bridge in Dunalley such as Blackman Bay;

open season means a season or period during which all or part of the rock lobster fishery is open to fishing;

permanent dwelling includes a dwelling, a shack and the curtilage of a dwelling or shack, other than –

- (a) a portable or demountable dwelling such as a tent; or
- (b) a mobile or transportable dwelling such as a campervan,

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 3

Part 1 – Preliminary

caravan or shipping container,
even when fixed in place; or

- (c) commercial or industrial
premises;

port of landing means a port specified in
Schedule 3;

pre-fishing report means a report made before
a fishing trip to take rock lobster that is
part of the records required to be kept
under the Act;

prescribed manner, of marking the relevant
tail fan segment of a rock lobster,
means –

- (a) punching a hole that is at least 10
millimetres in diameter in the
relevant tail fan segment; or
- (b) removing, by means of a
transverse cut, the posterior
quarter of the relevant tail fan
segment so that only the anterior
three quarters of that segment
remain attached to the rock
lobster;

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

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 1 – Preliminary

r. 3

Department for the duration of the period for which the notice is in effect;

- (c) published in a newspaper circulating generally in the State;

quota year means the period referred to in rule 12(1) during which the total allowable catch for the commercial rock lobster fishery and the non-commercial rock lobster fishery may be taken;

recreational fishing licence means a fishing licence of class recreational as referred to in rule 9(b);

recreational rock lobster fishery means the fishery for rock lobster for recreational purposes that consists of the class of persons who hold a recreational fishing licence;

relevant fishing certificate, in relation to a fishing licence, means the fishing certificate maintained by the Secretary under section 63 of the Act in respect of the fishing licence;

relevant tail fan segment, in relation to marking rock lobster in the prescribed manner, means –

- (a) if the rock lobster is taken in the northern size limit zone, the tail fan segment shown marked in the

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 3

Part 1 – Preliminary

prescribed manner in Part 1 of Schedule 4; or

- (b) if the rock lobster is taken in the southern size limit zone, the tail fan segment shown marked in the prescribed manner in Part 2 of Schedule 4;

reporting service means a service approved under rule 98(1);

required sections, of a docket or record or a part of a docket or record, means, in relation to a licence holder, the sections that are identified in the docket, or record, as a required section in respect of an activity that has been, or is to be, undertaken by the licence holder;

research quota unit means an entitlement to take rock lobster in accordance with rule 54;

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

rock lobster fishery means every activity that involves the taking or possession, under the Act, of rock lobster by any person;

rock lobster pot means –

- (a) a basket, trap, cage or other contrivance (other than a rock lobster ring) that is designed for use, or is capable of being used,

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 1 – Preliminary

r. 3

for or in connection with the taking of rock lobster; or

- (b) a component part of such a basket, trap, cage or other contrivance;

rock lobster ring means a net that –

- (a) consists only of a single fixed ring or hoop to which a mesh of string or twine is attached; and
- (b) is designed for use, or is capable of being used, for or in connection with the taking of rock lobster;

set, a rock lobster pot or rock lobster ring, means to place or attempt to place the rock lobster pot or rock lobster ring in State waters;

site of unloading, of rock lobster, means –

- (a) the first point where the rock lobster or a container containing the rock lobster –
 - (i) is unloaded; or
 - (ii) makes contact with a jetty or artificial extension of land; or
- (b) any other place determined by the Secretary;

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 3

Part 1 – Preliminary

southern size limit zone means, for the purposes of the rock lobster fishery, all State waters southwards of –

- (a) an imaginary line running due east at 43° 13' 18" South from the east coast; and
- (b) an imaginary line running due west at 42° South from the west coast –

including such State waters that are west of an imaginary line through the centre of the width of Denison Canal Bridge in Dunalley such as Frederick Henry Bay, Norfolk Bay and Storm Bay;

State includes Territory;

Taroona waters means Taroona waters as defined in the *Fisheries Rules 2019*;

total number of rock lobster taken means the number of rock lobster taken, in aggregate, by all non-commercial fishers on the same fishing trip or same non-commercial fishing trip;

transiting directly – see rule 4;

travelling directly – see rule 5;

UIC – see rule 37;

unloading means the act of taking rock lobster onto land, or causing or permitting rock lobster to be taken onto

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 1 – Preliminary

r. 3

land, from a fishing vessel, fish cauf or State waters;

unloading report means a report made before unloading rock lobster that is part of the records required to be kept under the Act;

western region means –

- (a) all State waters lying westwards of –
 - (i) (in the north) an imaginary line running due north from the northernmost extremity of Point Sorell; and
 - (ii) (in the south) an imaginary line running due south from the southernmost extremity of Whale Head; and
 - (b) all islands and tidal sandbars lying within the State waters referred to in paragraph (a) of this definition.
- (2) For the purposes of paragraph (b) of the definition of *caught* in subrule (1), the Secretary may determine the circumstances in which a rock lobster is deemed not to have been caught for the purposes of these rules.
- (3) A determination of the Secretary under subrule (2) –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 4

Part 1 – Preliminary

- (a) if it relates to a single licence holder, is to be by written notice given to the licence holder to which the determination relates; or
- (b) in any other case, is to be made by published notice.

4. Meaning of *transiting directly* – commercial fishing

- (1) For the purposes of these rules, a vessel being used for a fishing trip under these rules is transiting directly if the vessel –
 - (a) is travelling to, or from, the fishing zone specified in the pre-fishing report for the trip (the *relevant fishing zone*) by the most practical and direct route; and
 - (b) while not at anchor, is travelling at a speed of at least 3 knots on the route referred to in paragraph (a).
- (2) For the purposes of these rules, a vessel is not transiting directly to, or from, a relevant fishing zone if fishing for rock lobster, including the setting or retrieving of pots, occurs outside the relevant fishing zone.
- (3) Despite subrule (1), a vessel on a fishing trip is still transiting directly if the vessel deviates from the direct route, for the trip under that subrule, for one or more of the following reasons:

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 1 – Preliminary

r. 5

- (a) to assist a person, or vessel, in danger or distress, whether or not that assistance was requested;
- (b) to avoid a serious danger to the vessel or its crew that is on or near, or is anticipated to be on or near, the direct route for the vessel;
- (c) to prevent serious damage to the vessel, or injury or loss of life of its crew;
- (d) due to a failure, malfunction or defect of the vessel that prevents the vessel from taking the direct route;
- (e) to anchor the vessel for a purpose other than fishing for rock lobster.

5. Meaning of *travelling directly* – non-commercial fishing

- (1) For the purposes of these rules, a vessel being used for a non-commercial fishing trip under these rules is travelling directly if the vessel is travelling to or from a fishing zone, or to or from an open area, by the most practical and direct route.
- (2) Despite subrule (1), a vessel on a non-commercial fishing trip is still travelling directly if the vessel deviates from the direct route, for the trip under that subrule, for one or more of the following reasons:

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 6

Part 1 – Preliminary

- (a) to assist a person, or vessel, in danger or distress, whether or not that assistance was requested;
- (b) to avoid a serious danger to the vessel or its crew that is on or near, or is anticipated to be on or near, the direct route for the vessel;
- (c) to prevent serious damage to the vessel, or injury or loss of life of its crew;
- (d) due to a failure, malfunction or defect of the vessel that prevents the vessel from taking the direct route;
- (e) to anchor the vessel for a purpose other than fishing for rock lobster.

6. Application of rules

These rules apply to the rock lobster fishery.

7. Duration of rules

These rules continue in effect for 10 years.

8. Consultation arrangements

The Minister is to consult with the appropriate advisory committee established under section 27 of the Act in relation to the rock lobster fishery about any changes relating to –

- (a) the areas where fishing may occur; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 1 – Preliminary

r. 9

- (b) any matter relating to the characteristics of fish; and
- (c) the opening and closing of the rock lobster fishery; and
- (d) fishing apparatus; and
- (e) limits on the taking and possession of fish.

9. Classes of fishing licence

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

- (a) class rock lobster, fishing licence (rock lobster);
- (b) class recreational –
 - (i) fishing licence (recreational rock lobster dive); or
 - (ii) fishing licence (recreational rock lobster pot); or
 - (iii) fishing licence (recreational rock lobster ring);
- (c) class personal, fishing licence (personal);
- (d) class vessel, fishing licence (vessel).

PART 2 – GENERAL MANAGEMENT OF FISHERY

Division 1 – Closed and open seasons

10. Closed and open seasons for fishery

- (1) The Minister may, by published notice, determine –
 - (a) the dates of the closed season for all or part of the rock lobster fishery, including a catch-cap area; and
 - (b) the dates of the open season for all or part of the rock lobster fishery, including a catch-cap area.
- (2) The Minister may, by published notice, determine any part of the rock lobster fishery, including a catch-cap area, to be closed to or in respect of such activities for such periods as are specified in the notice.
- (3) A person must not contravene a determination in force under subrule (2) in respect of the rock lobster fishery.

Penalty: Grade 3 penalty.

11. Closed and open seasons – general restrictions

- (1) A person must not take rock lobster from State waters that are closed to the rock lobster fishery.

Penalty: Grade 3 penalty.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 2 – General Management of Fishery

r. 11

- (2) A person must not possess male rock lobster during a closed season for the male rock lobster fishery unless the male rock lobster were –
- (a) taken, bought or sold during an open season for the male rock lobster fishery; or
 - (b) in the person's possession during an open season for the male rock lobster fishery; or
 - (c) imported into the State.

Penalty: Grade 3 penalty.

- (3) A person must not possess female rock lobster during a closed season for the female rock lobster fishery unless the female rock lobster were –
- (a) taken, bought or sold during an open season for the female rock lobster fishery; or
 - (b) in the person's possession during an open season for the female rock lobster fishery; or
 - (c) imported into the State.

Penalty: Grade 3 penalty.

- (4) A person must not possess rock lobster in an area of State waters that is closed to the rock lobster fishery.

Penalty: Grade 3 penalty.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 11

Part 2 – General Management of Fishery

- (5) It is a defence in proceedings for an offence under subrule (4), if the defendant establishes that, at the relevant time, the defendant was –
- (a) the holder of a fishing licence (rock lobster); and
 - (b) transiting directly through the relevant area of State waters.
- (6) It is a defence in proceedings for an offence under subrule (4), if the defendant establishes that –
- (a) at the relevant time, the defendant was a non-commercial fisher; and
 - (b) the defendant possessed rock lobster in one of the following areas of State waters:
 - (i) the D’Entrecasteaux Channel;
 - (ii) the River Derwent; and
 - (c) at the relevant time, the rock lobster was on a vessel that was travelling directly through the relevant area of State waters to a public wharf, public boat ramp or public jetty, within the area of State waters, for the purpose of unloading the rock lobster; and
 - (d) within 60 minutes of entering into the relevant area of State waters referred to in paragraph (b), the defendant had made

a non-commercial closed area transit report; and

- (e) all rock lobster were unloaded from the vessel, being used by the defendant, within 60 minutes after arriving at the public wharf, public boat ramp or public jetty, with the rock lobster on board the vessel.

Division 2 – Authority to take or possess rock lobster

12. Total allowable catch for fishery

- (1) The quota period during which the total allowable catch for the commercial rock lobster fishery and the recreational rock lobster fishery may be taken is the period beginning on 1 March in a year and ending on the last day of February in the following year.
- (2) The total allowable catch for the commercial rock lobster fishery and the recreational rock lobster fishery is to be allocated as follows:
 - (a) if the total allowable catch is set at less than 1 700 tonnes –
 - (i) the recreational rock lobster fishery is to be allocated 170 tonnes; and
 - (ii) the commercial rock lobster fishery is to be allocated the total allowable catch minus 170 tonnes;

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 13

Part 2 – General Management of Fishery

- (b) if the total allowable catch is set at 1 700 tonnes or more –
 - (i) the recreational rock lobster fishery is to be allocated 10% of the total allowable catch; and
 - (ii) the commercial rock lobster fishery is to be allocated 90% of the total allowable catch.
- (3) The Minister is to allocate the portion of the total allowable catch allocated to the commercial rock lobster fishery to the holders of fishing licences (rock lobster) according to the number of rock lobster quota units held and owned by those licence holders in respect of those licences immediately before the commencement of the period referred to in subrule (1).

13. Persons authorised to take or possess rock lobster in State waters

A person must not, in State waters, take or possess rock lobster unless –

- (a) the person is the holder of a fishing licence (rock lobster); or
- (b) the person is the holder of a recreational fishing licence; or
- (c) the person is an Aborigine engaging in an Aboriginal activity; or
- (d) the rock lobster is tagged as required under these rules and the person holds a

receipt verifying the purchase of the rock lobster.

Penalty: Grade 3 penalty.

14. Overall possession limit

(1) In this rule –

excess rock lobster means rock lobster in excess of 2 rock lobster;

transfer document means –

- (a) a commercial rock lobster catch record and quota docket; or
 - (b) a commercial rock lobster and giant crab direct sales quota docket; or
 - (c) a commercial rock lobster and giant crab sales receipt.
- (2) A person must not possess more than 2 rock lobster at any one time unless –
- (a) the person is the holder of a fishing licence (rock lobster); or
 - (b) the person is a non-commercial fisher; or
 - (c) the person has purchased the excess rock lobster and –
 - (i) has a receipt verifying that purchase; or

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 15

Part 2 – General Management of Fishery

- (ii) the excess rock lobster are all tagged in accordance with rule 117(3); or
- (d) the person has a transfer document verifying that the excess rock lobster were sold or transferred to the person by the holder of a fishing licence (rock lobster).

Penalty: Grade 3 penalty.

Division 3 – Size limits

15. Size limits – general

- (1) A person must not take, purchase, sell or possess –
 - (a) a male rock lobster that has a carapace shorter than 110 millimetres; or
 - (b) a female rock lobster that has a carapace shorter than 105 millimetres.

Penalty: Grade 3 penalty.

- (2) A person must not take, purchase, sell or possess a rock lobster tail that measures less than 50 millimetres across the widest point of the anterior end of the tail.

Penalty: Grade 3 penalty.

16. Size limits – commercial fishing

- (1) The holder of a fishing licence (rock lobster) must not take or possess rock lobster in a fishing zone, or possess rock lobster within 100 metres of the high-water mark for the fishing zone, if the rock lobster has a carapace shorter than the minimum size specified in Part 1 of Schedule 2 for rock lobster in that fishing zone.

Penalty: Grade 3 penalty.

- (2) It is a defence in proceedings for an offence under subrule (1), with respect to possession of rock lobster, if the defendant establishes that, at the relevant time –
- (a) the defendant –
 - (i) was on a fishing trip undertaken for a commercial purpose in respect of rock lobster in a fishing zone; and
 - (ii) after taking the rock lobster, was transiting directly from that fishing zone during the fishing trip; and
 - (iii) had made a commercial transit report before leaving that fishing zone; and
 - (b) the rock lobster was taken legally from the fishing zone referred to in paragraph (a)(i).

17. Size limits – non-commercial fishing

- (1) A non-commercial fisher who undertakes a non-commercial fishing trip for rock lobster in a fishing zone must not take or possess rock lobster if the rock lobster has a carapace shorter than the minimum size specified in Part 2 of Schedule 2 for rock lobster in that fishing zone.

Penalty: Grade 3 penalty.

- (2) A non-commercial fisher who undertakes a non-commercial fishing trip for rock lobster in a fishing zone must not, within 100 metres of the high-water mark for the fishing zone or within the immediate proximity of the site of unloading for the trip, possess rock lobster that has a carapace shorter than the minimum size specified in Part 2 of Schedule 2 for rock lobster in that fishing zone.

Penalty: Grade 3 penalty.

- (3) Subrule (2) does not apply in respect of a rock lobster that is in the possession of a non-commercial fisher if the rock lobster –

(a) has been lawfully taken from a fishing zone; and

(b) is in the possession of the non-commercial fisher at a permanent dwelling of the non-commercial fisher.

- (4) A person must not sell or possess a rock lobster that has been taken from a fishing zone by a non-commercial fisher if the rock lobster has a

carapace shorter than the minimum size specified in Part 2 of Schedule 2 for rock lobster in that fishing zone.

Penalty: Grade 3 penalty.

Division 4 – Miscellaneous

18. Protection of female breeding stock

A person must not –

- (a) take, purchase, sell or possess female rock lobster having any spawn or eggs attached to it; or
- (b) remove from a female rock lobster any spawn or eggs; or
- (c) remove from a female rock lobster the setae or fibres to which any eggs are or have been attached; or
- (d) possess female rock lobster from which any spawn, eggs, setae or fibres have been removed.

Penalty: Grade 3 penalty.

19. Dismembering rock lobster &c.

(1) A person must not, in State waters –

- (a) dismember or cut up a rock lobster; or
- (b) possess rock lobster that is so dismembered or cut up.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 20

Part 2 – General Management of Fishery

Penalty: Grade 3 penalty.

- (2) A person is not guilty of an offence under subrule (1) by –
- (a) possessing a single dismembered, or cut up, rock lobster on a vessel if –
 - (i) the holder of a fishing licence (rock lobster) is on the vessel; and
 - (ii) the vessel is not in port; or
 - (b) possessing a single dismembered, or cut up, rock lobster on a vessel being used for the purposes of the non-commercial rock lobster fishery if –
 - (i) a non-commercial fisher is on the vessel; and
 - (ii) the vessel is not in port; or
 - (c) possessing a dismembered or cut up rock lobster, or rock lobster meat, that the person proves has been purchased from a fish merchant or retail outlet.

20. Rock lobster not to be used as bait in fishing apparatus

A person must not, in State waters –

- (a) use rock lobster or any part of a rock lobster as bait in any apparatus; or

- (b) cause or allow rock lobster or any part of a rock lobster to be used as bait in any apparatus.

Penalty: Grade 3 penalty.

21. Rock lobster not to be taken in Tarooma waters

A person must not, in Tarooma waters, take or possess rock lobster.

Penalty: Grade 3 penalty.

22. Persons authorised to possess untagged or unmarked rock lobster

A person must not possess rock lobster that is not marked in accordance with rule 34 or tagged in accordance with rule 117, unless that person is –

- (a) a fish processor whose fish processing licence authorises the possession of rock lobster; or
- (b) a fish handler whose handling licence authorises the possession of rock lobster; or
- (c) the holder of a fishing licence (rock lobster).

Penalty: Grade 3 penalty.

**PART 3 – NON-COMMERCIAL ROCK LOBSTER
FISHERY**

Division 1 – General requirements

23. Restrictions on non-commercial taking of rock lobster

- (1) A person must not take rock lobster for non-commercial purposes unless the person is –
- (a) the holder of a recreational fishing licence; or
 - (b) an Aborigine engaging in an Aboriginal activity.

Penalty: Grade 3 penalty.

- (2) A person must not take rock lobster for non-commercial purposes by means of any apparatus other than a rock lobster pot or rock lobster ring.

Penalty: Grade 2 penalty.

- (3) A person must not take rock lobster for non-commercial purposes by means of a rock lobster pot unless the person is –
- (a) the holder of a fishing licence (recreational rock lobster pot); or
 - (b) an Aborigine engaging in an Aboriginal activity.

Penalty: Grade 3 penalty.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 3 – Non-commercial Rock Lobster Fishery

r. 24

- (4) A person must not take rock lobster for non-commercial purposes by means of a rock lobster ring unless the person is –
- (a) the holder of a fishing licence (recreational rock lobster ring); or
 - (b) an Aborigine engaging in an Aboriginal activity.

Penalty: Grade 3 penalty.

- (5) A non-commercial fisher must not, in State waters, possess rock lobster during a non-commercial fishing trip during which fishing for commercial purposes is carried out under the authority of another licence.

Penalty: Grade 3 penalty.

24. Diving restrictions

- (1) In this rule –

noose means a device comprising a loop that is –

- (a) formed from rope, cord or wire; and
 - (b) attached to a pole, rod or tube.
- (2) A person must not take rock lobster for non-commercial purposes by diving unless the person is –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 24

Part 3 – Non-commercial Rock Lobster Fishery

- (a) the holder of a fishing licence (recreational rock lobster dive); or
- (b) an Aborigine engaging in an Aboriginal activity.

Penalty: Grade 3 penalty.

- (3) A person must not, when diving in State waters, take rock lobster by any means other than a bare or gloved hand.

Penalty: Grade 3 penalty.

- (4) A non-commercial fisher must not, in State waters, possess –
 - (a) a crook while diving; or
 - (b) a noose while diving; or
 - (c) a noose on a vessel.

Penalty: Grade 3 penalty.

- (5) In any proceedings for an offence under subrule (4)(c), it is a defence if the defendant establishes that –
 - (a) the relevant noose was a device commonly known as a snooter which was on the relevant vessel only for the purposes of game fishing; and
 - (b) the relevant vessel was –
 - (i) in a port or on an authorised mooring; or

- (ii) on a non-commercial fishing trip during which no diving for rock lobster was carried out.

25. Restrictions on non-commercial setting and use, &c., of rock lobster pots

- (1) A non-commercial fisher must not, in State waters, set, use or possess more than one rock lobster pot at any one time.

Penalty: Grade 3 penalty.

- (2) A non-commercial fisher must not, in State waters, set, use or possess a rock lobster pot during a non-commercial fishing trip during which fishing of any kind for commercial purposes is carried out.

Penalty: Grade 3 penalty.

- (3) A non-commercial fisher must not, in State waters, set a rock lobster pot for a continuous period exceeding 48 hours.

Penalty: Grade 3 penalty.

- (4) A non-commercial fisher is not guilty of an offence under subrule (3) in respect of a rock lobster pot if –

- (a) the rock lobster pot is unable to be retrieved within 48 hours after it is set due to –

- (i) adverse weather conditions; or

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 25

Part 3 – Non-commercial Rock Lobster Fishery

- (ii) mechanical breakdown of, or structural damage to, the vessel from which the rock lobster pot is set; or
 - (iii) illness or incapacity of the non-commercial fisher; or
 - (iv) the non-commercial fisher being unable to locate the rock lobster pot; and
 - (b) in respect of the rock lobster pot referred to in paragraph (a), the non-commercial fisher makes an irretrievable rock lobster pot report to the reporting service no later than 48 hours after the rock lobster pot was set.
- (5) If a non-commercial fisher makes an irretrievable rock lobster pot report in accordance with subrule (4)(b), the non-commercial fisher must comply with the directions of the reporting service, or a fisheries officer, relating to the report.
- Penalty: Grade 3 penalty.
- (6) For the purposes of subrule (5), if there is an inconsistency between a direction from the reporting service under this rule and a direction from a fisheries officer, the direction of the fisheries officer prevails to the extent of the inconsistency.

26. Restrictions on non-commercial setting and use, &c., of rock lobster rings

- (1) A non-commercial fisher must not, in State waters, set, use or possess more than 4 rock lobster rings at any one time.

Penalty: Grade 3 penalty.

- (2) A non-commercial fisher must not, in State waters, set, use or possess a rock lobster ring during a non-commercial fishing trip during which fishing for commercial purposes is carried out.

Penalty: Grade 3 penalty.

Division 2 – Non-commercial fishing licences

27. Authority of recreational fishing licences

- (1) A fishing licence (recreational rock lobster dive) only authorises the licence holder to take rock lobster by means of diving for recreational fishing.
- (2) A fishing licence (recreational rock lobster pot) only authorises the licence holder to –
- (a) use one rock lobster pot to take rock lobster for recreational fishing; and
 - (b) take and possess giant crab in accordance with these rules.
- (3) A fishing licence (recreational rock lobster ring) only authorises the licence holder to use up to 4

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 28

Part 3 – Non-commercial Rock Lobster Fishery

rock lobster rings to take rock lobster for recreational fishing.

28. Limit on number of recreational fishing licences that may be held

A person is not eligible to hold more than one of each of the recreational fishing licences specified in rule 9(b)(i), (ii) and (iii).

29. Children not eligible to hold recreational fishing licences

A child is not eligible to hold a fishing licence, class recreational.

Division 3 – Bag, possession and boat limits

30. Possession limit – non-commercial fisher

A non-commercial fisher must not be in possession of more than 10 rock lobster at any one time.

Penalty: Grade 3 penalty.

31. Daily bag and possession limits – non-commercial fisher

(1) In this rule –

bag limit, in relation to a fishing region, means the number of rock lobster specified in Schedule 1 as the bag limit for that fishing region;

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 3 – Non-commercial Rock Lobster Fishery

r. 31

excess rock lobster, in relation to a fishing region, means rock lobster in excess of the number of rock lobster specified in Schedule 1 as the possession limit for that fishing region.

- (2) On any one day, a non-commercial fisher must not take more rock lobster, from a fishing region, than the bag limit specified in Schedule 1 for that fishing region.

Penalty: Grade 3 penalty.

- (3) On any one day, a non-commercial fisher must not possess more rock lobster in a fishing region, or within 100 metres of the high-water mark of that fishing region, than the possession limit specified in Schedule 1 for that fishing region.

Penalty: Grade 3 penalty.

- (4) Subrule (3) does not apply to excess rock lobster taken, or possessed, by a non-commercial fisher if –

- (a) the non-commercial fisher is a resident of a permanent dwelling within 100 metres of the eastern region; and
- (b) the excess rock lobster in the non-commercial fisher's possession are in that permanent dwelling; and
- (c) the number of rock lobster in the possession of the non-commercial fisher does not exceed 10 rock lobster.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 32

Part 3 – Non-commercial Rock Lobster Fishery

- (5) If a non-commercial fisher takes rock lobster from more than one fishing region in any one day, the non-commercial fisher must not take more than 5 rock lobster in aggregate from those fishing regions in that day.

Penalty: Grade 3 penalty.

32. Boat limits in non-commercial fishery

- (1) This rule applies to the person in charge of a vessel that is being used for a non-commercial fishing trip.
- (2) A person to whom this rule applies in respect of a non-commercial fishing trip must ensure that, at any one time during the trip, there are no more than –
- (a) 5 rock lobster pots on the vessel or being used from the vessel; or
 - (b) 20 rock lobster rings on the vessel or being used from the vessel.

Penalty: Grade 3 penalty.

- (3) A person to whom this rule applies in respect of a non-commercial fishing trip in a fishing region must not have more rock lobster on the vessel than the boat limit specified in Schedule 1 for the fishing region.

Penalty: Grade 3 penalty.

33. Sharing of rock lobster when fishing in group

It is a defence in proceedings for an offence under this Division in respect of a person taking, or possessing, more than the maximum number of rock lobster specified in this Division for a fishing region if –

- (a) the person is one of two or more non-commercial fishers on a non-commercial fishing trip for rock lobster on a vessel; and
- (b) the person and one or more other persons use a rock lobster pot on the non-commercial fishing trip to catch rock lobster; and
- (c) when set, each rock lobster pot used on the non-commercial fishing trip is set no further than 250 metres from each other rock lobster pot set on the trip; and
- (d) while on the non-commercial fishing trip, the person only gives rock lobster taken on the trip if the rock lobster –
 - (i) was caught in the person's rock lobster pot during the trip; and
 - (ii) is given to another person referred to in paragraph (b) in respect of the trip; and
- (e) each rock lobster taken on the non-commercial fishing trip is marked under

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 34

Part 3 – Non-commercial Rock Lobster Fishery

these rules by a person referred to in paragraph (b); and

- (f) after the rock lobster is so marked, each person referred to in paragraph (b) does not have more than the bag limit, as specified in Schedule 1, for the fishing region where the non-commercial fishing trip occurs.

Division 4 – Marking rock lobster

34. Marking of rock lobster – non-commercial

- (1) A non-commercial fisher who takes a rock lobster must ensure that –
 - (a) the rock lobster’s tail fan is marked –
 - (i) in the prescribed manner; and
 - (ii) on the relevant tail fan segment for that rock lobster; and
 - (b) if the rock lobster is taken during a non-commercial fishing trip, the marking required under paragraph (a) is done –
 - (i) within 5 minutes after the rock lobster is brought to the vessel during the trip; and
 - (ii) within 250 metres from where the rock lobster is brought to the vessel during the trip; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 3 – Non-commercial Rock Lobster Fishery

r. 35

-
- (iii) before another rock lobster pot is retrieved onto the vessel; and
 - (iv) before the vessel used for the trip –
 - (A) is piloted from where the rock lobster is brought to the vessel; and
 - (B) returns to the shore; and
 - (c) if the rock lobster is taken in any other way, including but not limited to from the shore, the marking required under paragraph (a) is done –
 - (i) within 5 minutes after the rock lobster is landed; and
 - (ii) within 50 metres of the place of landing.

Penalty: Grade 2 penalty.

- (2) A non-commercial fisher must not possess rock lobster that is not marked in accordance with subrule (1).

Penalty: Grade 3 penalty.

35. Possession or handling of marked rock lobster generally

- (1) A person must not return to the wild a rock lobster that has been marked in the prescribed manner.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 36

Part 3 – Non-commercial Rock Lobster Fishery

Penalty: Grade 3 penalty.

- (2) A person must not purchase or sell a rock lobster that has had part of its tail fan removed.

Penalty: Grade 3 penalty.

36. Possession of marked rock lobster in certain zones of non-commercial rock lobster fishery

- (1) A non-commercial fisher must not possess rock lobster that is marked, in accordance with rule 34, as being from a specific fishing zone of the non-commercial rock lobster fishery –
- (a) on land within 100 metres of the high-water mark of another fishing zone of the non-commercial rock lobster fishery; or
 - (b) in another fishing zone of the non-commercial rock lobster fishery; or
 - (c) in the immediate proximity of a site of unloading in another fishing zone of the non-commercial rock lobster fishery.

Penalty: Grade 3 penalty.

- (2) Subrule (1) does not apply to a non-commercial fisher if, at the relevant time –
- (a) the non-commercial fisher is a resident of a permanent dwelling within 100 metres of the site of unloading referred to in subrule (1)(c); and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 3 – Non-commercial Rock Lobster Fishery

r. 37

- (b) the rock lobster in the non-commercial fisher's possession is in that permanent dwelling.
- (3) It is a defence in proceedings for an offence under subrule (1) if the defendant establishes that, at the relevant time –
 - (a) the marked rock lobster possessed by the defendant was taken legally from the fishing zone of the non-commercial rock lobster fishery in respect of which it is marked; and
 - (b) the defendant was travelling directly from that fishing zone; and
 - (c) the defendant had made a non-commercial zone transit report, in accordance with rule 106, before leaving that fishing zone.

Division 5 – Identification &c.

37. Identification of non-commercial fishers

- (1) Each non-commercial fisher is required to have a unique identifying code (*UIC*) for the purposes of the rock lobster fishery.
- (2) The UIC is to be issued –
 - (a) in the case of the holder of a recreational fishing licence, by the Secretary when the licence is issued; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 38

Part 3 – Non-commercial Rock Lobster Fishery

- (b) in the case of an Aborigine engaging in an Aboriginal activity, by the Secretary or by a means approved by the Secretary.
- (3) Despite subrule (2)(a), if for any reason the holder of a recreational fishing licence is not issued with a UIC when the licence is issued, the Secretary may issue the UIC when the licence is renewed or varied or at such other time as Secretary agrees or considers expedient in the circumstances.
- (4) Subject to subrules (2) and (3), the Secretary must not refuse to issue a UIC to the holder of a recreational fishing licence or, having issued it, take any action purporting to strip the licence holder of the UIC.
- (5) A non-commercial fisher is personally responsible for ensuring that he or she knows his or her UIC.
- (6) The Secretary may issue such notices and advice, answer such queries and take such other measures as the Secretary considers necessary or expedient to make the holders of recreational fishing licences aware of their UIC.
- (7) A UIC is not a transferable or tradeable commodity.

38. Identification of rock lobster pots, rock lobster rings and fish caufs

- (1) In this rule –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 3 – Non-commercial Rock Lobster Fishery

r. 38

standard lettering means in letters or numerals each at least 70 millimetres high and at least 12 millimetres wide.

- (2) A non-commercial fisher must not set or use a rock lobster pot unless –
- (a) a marker buoy is attached to the rock lobster pot; and
 - (b) the non-commercial fisher's UIC is clearly and legibly marked on the marker buoy, in standard lettering; and
 - (c) the letter **P** is clearly and legibly marked on the marker buoy, in standard lettering.

Penalty: Grade 2 penalty.

- (3) A non-commercial fisher must not set or use a rock lobster ring unless –
- (a) a marker buoy is attached to the rock lobster ring; and
 - (b) the non-commercial fisher's UIC is clearly and legibly marked on the marker buoy, in standard lettering; and
 - (c) the letter **R** is clearly and legibly marked on the marker buoy, in standard lettering.

Penalty: Grade 2 penalty.

- (4) A non-commercial fisher must not set or use a fish cauf unless –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 38

Part 3 – Non-commercial Rock Lobster Fishery

- (a) a yellow marker buoy is attached to the fish cauf; and
- (b) the non-commercial fisher's UIC is clearly and legibly marked on the marker buoy, in standard lettering.

Penalty: Grade 2 penalty.

- (5) A non-commercial fisher must ensure that the marker buoy attached to any rock lobster pot, rock lobster ring or fish cauf set or used by the non-commercial fisher does not bear any identifying mark other than a mark required by, as the case requires, subrule (2)(b) and (c), subrule (3)(b) and (c) or subrule (4)(b).

Penalty: Grade 2 penalty.

- (6) Subrule (2)(b), subrule (3)(b), subrule (4)(b) and subrule (5) do not apply to an Aborigine in respect of the setting or use of a rock lobster pot or rock lobster ring when engaging in an Aboriginal activity if –
 - (a) a UIC was issued to that Aborigine by a means approved by the Secretary under rule 37(2)(b); and
 - (b) that UIC is clearly and legibly marked on that rock lobster pot or rock lobster ring in such a way that the UIC is located above the surface of the water, or on the surface of the water, or within 300mm of the surface of the water.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 3 – Non-commercial Rock Lobster Fishery

r. 39

- (7) In any proceedings for an offence under subrule (3), it is a defence if the defendant establishes that the defendant was at all times within the immediate proximity of the rock lobster ring.
- (8) It is not a defence in proceedings for an offence under subrule (2), (3) or (4) for the defendant to establish that the defendant did not know the defendant's UIC.

39. Alternative identification of rock lobster pots and rock lobster rings used in Aboriginal activities

- (1) The Secretary may, by notice published in the *Gazette*, determine the manner in which rock lobster pots and rock lobster rings are to be identified when set or used by an Aborigine who –
 - (a) is engaged in Aboriginal activities; and
 - (b) has been issued a UIC by a means approved by the Secretary under rule 37(2)(b).
- (2) A determination made under subrule (1) may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstances or otherwise, specified in the determination.
- (3) For the purposes of making a determination under subrule (1), and without the generality of that subrule, the Secretary may adopt or incorporate a means of identification, approved

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 40

Part 3 – Non-commercial Rock Lobster Fishery

or recommended by any Aboriginal community body, as a UIC.

- (4) An Aborigine must ensure that a rock lobster pot or rock lobster ring used when engaging in an Aboriginal activity is identified in the manner determined under subrule (1) if that rock lobster pot or rock lobster ring is identified with a UIC issued by a means approved by the Secretary under rule 37(2)(b).

Penalty: Grade 2 penalty.

40. Fishing apparatus tags for non-commercial fishers

The Secretary may issue or approve a unique tag for a non-commercial fisher to use in connection with –

- (a) in the case of the holder of a recreational fishing licence, an apparatus authorised to be used under the licence; or
- (b) in the case of an Aborigine, an apparatus authorised to be used for an Aboriginal activity.

41. Use of fishing apparatus tags

- (1) This rule applies if, under rule 40, the Secretary issues or approves a fishing apparatus tag (the *tag*) for a non-commercial fisher to use in connection with an apparatus.
- (2) The non-commercial fisher must not set or use the apparatus in State waters for the purposes of

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 3 – Non-commercial Rock Lobster Fishery

r. 42

the non-commercial rock lobster fishery unless the tag –

- (a) is attached to the apparatus; and
- (b) is clearly visible on the surface of the water.

Penalty: Grade 2 penalty.

- (3) If a tag is destroyed or lost –
 - (a) the non-commercial fisher, for 14 days after the date of learning of the destruction or loss, may use the apparatus without the tag if a buoy clearly marked with that date is attached to the apparatus; and
 - (b) the Secretary may, if satisfied as to the destruction or loss of the tag, and on payment of the prescribed fee, if any, issue the non-commercial fisher with a new tag.

Division 6 – Miscellaneous

42. Non-commercial use of fish caufs

- (1) In this rule –

compartment means compartment of a fish cauf.

- (2) A non-commercial fisher must not place or hold a rock lobster in a fish cauf unless the rock lobster is marked in accordance with rule 34.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 43

Part 3 – Non-commercial Rock Lobster Fishery

Penalty: Grade 3 penalty.

- (3) A non-commercial fisher must not use more than one fish cauf at any one time.

Penalty: Grade 2 penalty.

- (4) A non-commercial fisher who places or holds a rock lobster in a fish cauf being used by another person must ensure that the rock lobster is placed or held in a compartment that is –

- (a) entirely separate from each compartment in which the other person is holding rock lobster; and
- (b) marked with the non-commercial fisher's UIC.

Penalty: Grade 2 penalty.

- (5) For the purposes of this rule, a fish cauf is taken to be in use if one or more rock lobster are in the fish cauf.

43. Unattended rock lobster on vessels

- (1) If rock lobster is taken during a non-commercial fishing trip, the non-commercial fisher who took the rock lobster must remain in the immediate proximity of the vessel, used for the fishing trip, while the rock lobster is on board the vessel.

Penalty: Grade 2 penalty.

- (2) Subrule (1) does not apply to a non-commercial fisher keeping rock lobster on a vessel if –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 3 – Non-commercial Rock Lobster Fishery

r. 44

-
- (a) the rock lobster is not left unattended on the vessel for a continuous period exceeding 24 hours; and
 - (b) the rock lobster –
 - (i) is marked in accordance with these rules; and
 - (ii) is entirely separate from each compartment, or container, in which another person is holding rock lobster; and
 - (iii) is kept in a container that is marked with the non-commercial fisher's UIC; and
 - (c) the non-commercial fisher is not also using, at the same time, a fish cauf for rock lobster in accordance with rule 42.

44. Taking and possessing giant crab

- (1) A non-commercial fisher, other than the holder of a fishing licence (recreational rock lobster pot), must not take or possess giant crab in State waters.

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (recreational rock lobster pot) must not, in State waters –
 - (a) take more than one giant crab on any one day; or

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 44

Part 3 – Non-commercial Rock Lobster Fishery

- (b) possess more than one giant crab at any one time.

Penalty: Grade 3 penalty.

- (3) The *Fisheries (Giant Crab) Rules 2013* apply in respect of giant crab taken or possessed in accordance with this rule.

PART 4 – COMMERCIAL ROCK LOBSTER FISHERY

Division 1 – Taking, catch controls and catch management

45. Taking rock lobster

- (1) A person must not take rock lobster for commercial purposes unless the person is the holder of –
- (a) a fishing licence (rock lobster); and
 - (b) a fishing licence (personal).

Penalty: Grade 3 penalty.

- (2) A person must not take rock lobster for commercial purposes otherwise than by means of –
- (a) a rock lobster pot; or
 - (b) a rock lobster ring.

Penalty: Grade 3 penalty.

- (3) A person must not take rock lobster for commercial purposes from a vessel unless –
- (a) the vessel is fitted with a vessel monitoring system within the meaning of the *Fisheries Rules 2019* and the vessel monitoring system is operating, within the meaning of those rules, while on a fishing trip where rock lobster are taken or are intended to be taken; or

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 46

Part 4 – Commercial Rock Lobster Fishery

- (b) the Secretary has endorsed the fishing licence (rock lobster), under which the rock lobster are to be taken, with the use of the vessel to so take rock lobster.

Penalty: Grade 3 penalty.

- (4) The holder of a fishing licence (rock lobster) must not use a fishing vessel for the purpose of taking rock lobster if the fishing vessel is not specified on the relevant fishing certificate.

Penalty: Grade 3 penalty.

- (5) The holder of a fishing licence (rock lobster) must not take rock lobster unless the number of rock lobster quota units, and rock lobster research quota units, that may be taken under the licence are specified on the licence.

Penalty: Grade 3 penalty.

- (6) The holder of a fishing licence (rock lobster) must not, during a fishing trip, take rock lobster except in accordance with the pre-fishing report made in respect of the fishing trip.

Penalty: Grade 3 penalty.

46. Restrictions on possession of female rock lobster during closed season for female rock lobster

- (1) The holder of a fishing licence (rock lobster) must not, during a closed season for the female rock lobster fishery, possess female rock lobster in a fish cauf unless the female rock lobster were taken before that closed season commenced.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 46

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (rock lobster) must not, during a closed season for the female rock lobster fishery, possess female rock lobster on a fishing vessel unless the fishing vessel –
- (a) is in a port to which it had returned before, and not left since, that closed season commenced; or
 - (b) is on an authorised mooring to which it had returned before, and not left since, that closed season commenced; or
 - (c) is returning to a port of landing within 48 hours after the commencement of the closed season.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (2), in respect of rock lobster that were lawfully taken, by reason only of the fact that the vessel is transiting directly through an area of State waters.
- (4) The holder of a fishing licence (rock lobster) who, following a fishing trip, possesses female rock lobster on a fishing vessel during a closed season for the female rock lobster fishery must unload the female rock lobster before the fishing vessel is used by any person for a further fishing trip.

Penalty: Grade 3 penalty.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 47

Part 4 – Commercial Rock Lobster Fishery

- (5) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (2) or (4) in respect of any female rock lobster if –
- (a) the licence holder has the approval of a fisheries officer to use alternative arrangements for holding female rock lobster on a fishing vessel during a closed season for the female rock lobster fishery; and
 - (b) the female rock lobster are held in accordance with that approval.
- (6) If an approval under subrule (5) is given orally, the fisheries officer is to confirm that approval in writing to the licence holder as soon as practicable after it is given.

47. Restrictions on possession of rock lobster on fishing vessel during closed season for male rock lobster

- (1) The holder of a fishing licence (rock lobster) who possesses rock lobster on a fishing vessel, including within a fish cauf, during a closed season for the male rock lobster fishery is guilty of an offence unless the licence holder does all of the following:
- (a) makes a closed season report within 24 hours after the commencement of that closed season;
 - (b) within 14 days after the commencement of that closed season –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 47

-
- (i) weighs the rock lobster, if any, that have not been unloaded; and
 - (ii) after the weighing, completes the required sections of Part A of a commercial rock lobster catch record and quota docket; and
 - (iii) sends the pink and yellow sheets of the commercial rock lobster catch record and quota docket (with the required sections of Part A of the docket completed) to the Secretary;
- (c) unloads all the rock lobster before the commencement of that licence holder's first fishing trip of the next open season for the male rock lobster fishery;
- (d) whenever any of the rock lobster are unloaded from the fishing vessel –
- (i) completes a new commercial rock lobster catch record and quota docket in accordance with Part 6; and
 - (ii) enters, on the new commercial rock lobster catch record and quota docket, the number of the docket referred to in paragraph (b)(ii).

Penalty: Grade 3 penalty.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 48

Part 4 – Commercial Rock Lobster Fishery

- (2) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (1) in respect of any rock lobster if –
 - (a) the licence holder has the Secretary's written approval to use alternative arrangements when holding rock lobster on a fishing vessel during a closed season for the male rock lobster fishery; and
 - (b) the rock lobster are held in accordance with that approval.
- (3) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (1) in respect of any rock lobster that were taken legally by reason only of the fact that the vessel is transiting directly through an area of State waters.

48. Persons authorised to possess rock lobster outside of State waters

- (1) A person who possesses rock lobster on a fishing vessel in State waters must unload the rock lobster from that fishing vessel before the fishing vessel goes beyond the limits of State waters.

Penalty: Grade 3 penalty.

- (2) A person is not guilty of an offence under subrule (1) in respect of any rock lobster if –
 - (a) the person has the approval of a fisheries officer to possess rock lobster on a

fishing vessel in waters outside State waters; and

- (b) the rock lobster are held in accordance with that approval.
- (3) If an approval referred to in subrule (2) is given orally, the fisheries officer is to confirm that approval in writing to the licence holder as soon as practicable after it is given.

49. Fishing quota unit balance not to be exceeded

- (1) The holder of a fishing licence (rock lobster) must not, for commercial purposes, take, or in State waters possess, more rock lobster than the fishing quota unit balance for the licence.

Penalty: Grade 3 penalty.

- (2) It is a defence in any proceedings for an offence under subrule (1) in respect of a rock lobster if the defendant establishes that –
 - (a) the rock lobster died after being caught and the defendant complied with rule 78; or
 - (b) the rock lobster was retained for personal use in accordance with rule 83.

50. Over-catch provisions

- (1) In this rule –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 50

Part 4 – Commercial Rock Lobster Fishery

beach price means the monthly average price paid for rock lobster as determined by the Secretary;

excess rock lobster, for a fishing licence, means rock lobster in excess of the licence quota unit balance;

licence quota unit balance, for a fishing licence, means the sum of the following (exclusive of any weight of rock lobster returned to the fishing vessel or fish cauf subject to a cancellation report):

- (a) the weight of the rock lobster quota units specified on the licence that remain to be caught and unloaded at the relevant time;
- (b) the weight of any rock lobster quota units transferred to or from the licence holder since the relevant time;
- (c) the weight of any rock lobster research quota units transferred to or from, or allocated to, the licence since the relevant time;
- (d) the weight of any deduction, permitted by these rules, from a previous quota year;

relevant time means –

- (a) in respect of the period immediately preceding the

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 50

-
- unloading of the first rock lobster in a quota year, the time when, in that quota year, a fishing licence comes into force; or
- (b) in respect of any other period, the time of the commencement of a fishing trip.
- (2) Despite rule 49(1), the holder of a fishing licence (rock lobster) is not guilty of an offence under that rule in respect of any rock lobster if –
- (a) the total amount of rock lobster does not exceed the licence quota unit balance for the licence by more than 30%; and
- (b) the licence holder –
- (i) pays to the Crown, in respect of the excess rock lobster, an amount equivalent to 150% of their beach price; or
- (ii) does one of the following:
- (A) does not commence another fishing trip until additional rock lobster quota units are specified on the licence so as to make its fishing quota unit balance greater than zero;
- (B) requests (if another fishing trip is not

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 51

Part 4 – Commercial Rock Lobster Fishery

commenced in the quota year during which the excess rock lobster are taken or possessed) that the Secretary deduct from the fishing quota unit balance for the licence for the following quota year an amount of rock lobster equivalent to the excess rock lobster.

- (3) The Minister is to ensure that any of the excess rock lobster not paid or accounted for under subrule (2) are deducted from the fishing quota unit balance for the licence for –
- (a) the quota year in which the excess rock lobster are taken; or
 - (b) if that is not practicable, a subsequent quota year.

51. Deduction of excess catch from quota

- (1) In this rule –

excess rock lobster, for a fishing licence, has the same meaning as in rule 50;

licence quota unit balance, for a fishing licence, has the same meaning as in rule 50.

- (2) This rule applies if the holder of a fishing licence (rock lobster) –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 52

-
- (a) takes, or is in State waters in possession of, more rock lobster than the fishing quota unit balance for the licence; and
 - (b) the rock lobster so taken, or possessed in State waters, exceed the licence quota unit balance for the licence by more than 30%.
- (3) The Minister is to deduct the excess rock lobster, up to a maximum of 30% above the fishing quota unit balance for the licence, from –
- (a) the fishing quota unit balance for the licence for the quota year during which the excess rock lobster are taken or possessed; or
 - (b) the fishing quota unit balance for the licence for a subsequent quota year.
- (4) Nothing in this rule is to be taken as preventing any proceedings or other action from being taken in respect of the taking or possession of the excess rock lobster that exceeds the fishing quota unit balance for the licence by more than 30%.

52. Commercial rock lobster catch record and quota docket book

- (1) The holder of a fishing licence (rock lobster) must, during a fishing trip in a quota year, keep the licence holder's commercial rock lobster catch record and quota docket book on the vessel used for the fishing trip.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 53

Part 4 – Commercial Rock Lobster Fishery

Penalty: Grade 2 penalty.

- (2) The holder of a fishing licence (rock lobster) must ensure that a commercial rock lobster catch record and quota docket book kept on a vessel during a fishing trip in a quota year pursuant to subrule (1) contains the white sheet of every commercial rock lobster catch record and quota docket comprising that book (whether or not the docket has been completed).

Penalty: Grade 2 penalty.

53. Deduction from quota at end of quota year

- (1) The holder of a fishing licence (rock lobster) must not possess rock lobster on a fishing vessel after the end of the quota year during which the rock lobster are taken unless the licence holder –
 - (a) within 48 hours after the commencement of the quota year following the quota year in which the rock lobster are taken –
 - (i) weighs the rock lobster; and
 - (ii) after the weighing, completes the required sections of Part A of a commercial rock lobster catch record and quota docket; and
 - (iii) sends the pink and yellow sheets of the commercial rock lobster catch record and quota docket (with the required sections of Part

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 53

A of the docket completed) to the Secretary; and

- (b) unloads all the rock lobster before the commencement of that licence holder's first fishing trip of the quota year following the quota year in which the rock lobster are taken; and
- (c) whenever any of the rock lobster are unloaded –
 - (i) completes a new commercial rock lobster catch record and quota docket in accordance with Part 6; and
 - (ii) enters, on the new commercial rock lobster catch record and quota docket, the number of the docket referred to in paragraph (a)(ii).

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (1) in respect of any rock lobster if –
 - (a) the licence holder has the written approval of a fisheries officer to use alternative arrangements for holding rock lobster on a fishing vessel after the end of a quota year; and
 - (b) the rock lobster are held in accordance with that approval.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 53

Part 4 – Commercial Rock Lobster Fishery

- (3) The holder of a fishing licence (rock lobster) must not hold rock lobster in a fish cauf after the end of the quota year during which the rock lobster are taken unless the licence holder –
- (a) within 48 hours after the commencement of the quota year following the quota year in which the rock lobster are taken –
 - (i) weighs the rock lobster; and
 - (ii) after the weighing, completes the required sections of Part A of a commercial rock lobster catch record and quota docket; and
 - (iii) sends the pink and yellow sheets of the commercial rock lobster catch record and quota docket (with the required sections of Part A of the docket completed) to the Secretary; and
 - (b) unloads all the rock lobster from the fish cauf before placing in the fish cauf any other rock lobster; and
 - (c) whenever any of the rock lobster are unloaded –
 - (i) completes a new commercial rock lobster catch record and quota docket in accordance with Part 6; and
 - (ii) enters, on that new commercial rock lobster catch record and

quota docket, the number of the docket referred to in paragraph (a)(ii).

Penalty: Grade 3 penalty.

54. Research quota units

(1) In this rule –

permanent basis means continuing in force and effect, subject to the Act, indefinitely;

seasonal basis, in relation to transferred research quota units, means research quota units that have force and effect only for the remainder of the term of the licence to which they are transferred.

(2) The Secretary may allocate a research quota unit to the holder of a fishing licence (rock lobster).

(3) A research quota unit allocated to the holder of the fishing licence (rock lobster) under subrule (2) authorises that licence holder to take, for commercial purposes, the weight of rock lobster determined under subrule (4)(a).

(4) The Secretary is to determine –

(a) the weight of rock lobster that may be taken under a research quota unit; and

(b) the conditions on which the rock lobster may be taken.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 55

Part 4 – Commercial Rock Lobster Fishery

- (5) The Secretary is not to allocate research quota units so that the total weight of those research quota units exceeds 1% of the total allowable catch for the commercial rock lobster fishery.
- (6) The holder of a fishing licence (rock lobster) who has been allocated a research quota unit under subrule (2) must comply with the conditions determined under subrule (4)(b).

Penalty: Grade 3 penalty.
- (7) A research quota unit may be transferred on a seasonal basis.
- (8) A research quota unit is not to be transferred on a permanent basis.

Division 2 – Commercial fishing licences

55. Authority of fishing licence (rock lobster)

A fishing licence (rock lobster) only authorises the licence holder to –

- (a) take the weight of rock lobster represented by the rock lobster quota units specified on the licence; and
- (b) take the weight of rock lobster equivalent to the total weight determined under rule 54(4)(a) for the research quota units, if any, specified on the licence; and
- (c) take rock lobster for sale; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 56

-
- (d) use the number of rock lobster pots specified on the licence; and
 - (e) use the fishing vessel specified on the relevant fishing certificate to take rock lobster; and
 - (f) use up to 4 rock lobster rings at any one time; and
 - (g) take up to 50 kilograms of inshore crab during a fishing trip and in State waters possess up to 50 kilograms of inshore crab at any one time.

56. Certain fishing licence (rock lobster) applications to be granted

If the Minister is satisfied that there is no impediment under section 78 of the Act to granting an application for a fishing licence (rock lobster), the Minister is to grant the application if the applicant –

- (a) held a fishing licence (rock lobster) on the 28 February most immediately preceding the application lodgement date; and
- (b) had not, before the application lodgement date, transferred that fishing licence (rock lobster) to another person.

57. Cap on number of fishing licences (rock lobster)

The Minister is to ensure that no more than 312 fishing licences (rock lobster) are in force at any one time.

58. Maximum licence holdings

The holder of a fishing licence (rock lobster) must not –

- (a) hold more than 7 separate fishing licences (rock lobster) at any one time; or
- (b) receive any payment, financial advantage or benefit in kind from more than 7 separate fishing licences (rock lobster).

Penalty: Grade 3 penalty.

59. Current copy of licence to be kept on fishing vessel during fishing trip

- (1) In this rule –

current copy of the licence means the copy of the licence –

- (a) issued for the quota year in which the relevant fishing trip takes place; and
- (b) showing the number of rock lobster pots that the holder of the licence is entitled to use when the relevant fishing trip takes place.

- (2) The holder of a fishing licence (rock lobster) must, during a fishing trip, keep a current copy of the licence on the vessel used for the fishing trip.

Penalty: Grade 2 penalty.

Division 3 – Quota units

60. Allocation of rock lobster quota units

- (1) The Minister is to allocate rock lobster quota units to the holders of fishing licences that entitle the taking of rock lobster for commercial purposes.
- (2) A fishing licence (rock lobster) is to specify the number of rock lobster quota units allocated to the holder of the licence.

61. Minimum and maximum quota unit holdings

- (1) A fishing licence (rock lobster) is to have at least one, but not more than 200, rock lobster quota units specified on the licence.
- (2) The holder of a fishing licence (rock lobster) must not –
 - (a) hold more than 200 rock lobster quota units, in aggregate, on all the fishing licences (rock lobster) held by the licence holder during an open season; or
 - (b) receive any payment, financial advantage or benefit in kind from more than 200

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 62

Part 4 – Commercial Rock Lobster Fishery

rock lobster quota units during an open season.

Penalty: Grade 3 penalty.

- (3) Subrule (2) does not apply to a person during an open season if –
- (a) the person has approval to use a fishing licence (rock lobster), under section 87(2) of the Act, during the open season; and
 - (b) the Minister has specifically authorised the person to hold more than 200 rock lobster quota units, in aggregate, during the open season.

62. Requirements relating to licences with fewer than 15 quota units

- (1) In this rule –

giant crab quota unit has the same meaning as in the *Fisheries (Giant Crab) Rules 2013*;

permanent quota unit, in relation to a licence, means a rock lobster quota unit that, subject to the Act, continues in force and effect indefinitely in respect of that licence;

relevant quota units, in relation to a licence in a quota year, means the rock lobster quota units, whether seasonal or permanent, in respect of which rock

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 62

lobster may be taken under that licence during that quota year.

- (2) The holder of a fishing licence (rock lobster) that has fewer than 15 relevant quota units specified on the licence must not take fish during a quota year, if the holder of the licence does not also hold –
- (a) an authorisation by the Secretary that the licence may be used during the quota year; or
 - (b) a fishing certificate that specifies both –
 - (i) the licence, which has at least one permanent quota unit specified on the licence; and
 - (ii) a fishing licence (giant crab) with at least 15 giant crab quota units attached to the fishing licence (giant crab).

Penalty: Grade 3 penalty.

- (3) If a fishing licence (rock lobster) has fewer than 15 relevant quota units specified on the licence, the Secretary is to endorse the licence with a condition that prohibits the licence from being used to take –
- (a) rock lobster; and
 - (b) scalefish, under the authority of the licence, as authorised under the *Fisheries (Scalefish) Rules 2015*.

63. Transfer of rock lobster quota units &c.

(1) In this rule –

permanent, in relation to transferred rock lobster quota units, means rock lobster quota units that, subject to the Act, continue in force and effect indefinitely;

seasonal, in relation to transferred rock lobster quota units, means rock lobster quota units that have force and effect only for the term, or, if applicable, the remainder of the term, of the licence to which they are transferred.

(2) The Minister is not to transfer rock lobster quota units or research quota units to a person who is not the holder of a fishing licence (rock lobster).

(3) The Minister is not to transfer rock lobster quota units or research quota units unless the fishing quota unit balance for the fishing licence from which they are transferred is reduced by a weight equivalent to the number of rock lobster quota units or research quota units transferred.

(4) The Minister is not to transfer on a permanent basis rock lobster quota units that have been partially caught or research quota units unless they are transferred together with the fishing licence (rock lobster) on which they are specified.

(5) The Minister is not to transfer on a seasonal basis –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 64

- (a) rock lobster quota units that have been partially or fully caught; or
 - (b) research quota units that have been partially or fully caught.
- (6) The Minister is not to transfer a rock lobster quota unit to a person on a permanent basis without also transferring to the person, on both a permanent and seasonal basis, the entitlement to a rock lobster pot.
- (7) The Minister is not to transfer an entitlement to a rock lobster pot to a person on a permanent basis without also transferring to the person, on both a permanent and seasonal basis, a rock lobster quota unit.

64. Carry-over of quota unit in exceptional circumstances

- (1) If –
- (a) the Minister is satisfied that the holder of a fishing licence (rock lobster) has, due to exceptional circumstances, been unable to catch the holder's fishing quota unit balance of rock lobster in the course of a quota year; and
 - (b) the Minister has considered the possible biological implications on the rock lobster fishery that may occur as a result of carrying over the licence holder's relevant uncaught quota –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 65

Part 4 – Commercial Rock Lobster Fishery

the Minister may allow the licence holder to carry an amount of rock lobster quota from the uncaught quota balance to the next quota year.

- (2) The quantity of rock lobster carried over in accordance with subrule (1) may be transferred to another holder of a fishing licence (rock lobster).

65. Carry-over of undercatch in commercial rock lobster fishery

- (1) If the Minister is satisfied that, due to exceptional circumstances, the total allowable catch for the commercial rock lobster fishery has not been taken in respect of a quota year, the Minister may allow each holder of a fishing licence (rock lobster) to carry an amount of rock lobster quota from the total allowable catch from that quota year to the next quota year.
- (2) The Minister may only allow a holder of a fishing licence (rock lobster) to carry an amount of rock lobster quota from the total allowable catch from a quota year under subrule (1) if –
 - (a) the licence holder did not catch the licence holder's quota unit balance of rock lobster for that quota year; and
 - (b) the amount of rock lobster quota to be so carried over, by a licence holder for a quota year, does not exceed the licence holder's uncaught fishing quota unit

balance of rock lobster for that quota year.

- (3) The quantity of rock lobster carried over in accordance with subrule (1) may be transferred to another holder of a fishing licence (rock lobster).

66. Carry-over of partially caught quota unit on same entitlement

The Minister may allow a licence holder to carry over, from one quota year to the next, up to one partially caught rock lobster quota unit from the uncaught rock lobster quota unit balance on the entitlement from which the rock lobster quota unit was fished.

Division 4 – Unloading, sale, transfer and transportation controls

67. All rock lobster to be unloaded

- (1) The holder of a fishing licence (rock lobster) must unload from a vessel every rock lobster on that vessel that is taken under the authority of the licence.

Penalty: Grade 3 penalty.

- (2) Subrule (1) does not apply to a rock lobster that is taken under the authority of a fishing licence (rock lobster) and that is –
 - (a) dealt with in accordance with rule 78; or

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 68

Part 4 – Commercial Rock Lobster Fishery

(b) retained for personal use in accordance with rule 83.

- (3) The holder of a fishing licence (rock lobster) must unload every rock lobster taken from a fishing zone before the licence holder commences a fishing trip in another fishing zone.

Penalty: Grade 3 penalty.

- (4) The holder of a fishing licence (rock lobster) must unload every rock lobster taken from –

(a) a catch-cap area, before commencing a fishing trip outside that catch-cap area; and

(b) outside a catch-cap area before commencing a fishing trip in that catch-cap area.

Penalty: Grade 3 penalty.

68. Rock lobster to be unloaded at port of landing

- (1) The holder of a fishing licence (rock lobster) must not unload rock lobster anywhere other than at a port of landing.

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (rock lobster) must not be in possession of a rock lobster that has been unloaded other than at a port of landing.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 68

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (1) or (2) in respect of any rock lobster if –
- (a) the licence is endorsed with alternative unloading conditions and the rock lobster are unloaded in accordance with those conditions; or
 - (b) the rock lobster have to be unloaded away from a port of landing in an emergency because of a threat to the safety of the fishing vessel or its crew.
- (4) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (1) or (2) in respect of any rock lobster if –
- (a) the licence holder advises a fisheries officer of –
 - (i) the licence holder’s intention to unload the rock lobster at another port in Tasmania; and
 - (ii) the location of the other port; and
 - (b) the advice to the fisheries officer is given at least 6 hours before the rock lobster are unloaded; and
 - (c) the other port is no more than 200 metres from a public street within the meaning of the *Traffic Act 1925*; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 69

Part 4 – Commercial Rock Lobster Fishery

- (d) the rock lobster are unloaded between 6 a.m. and 6 p.m.; and
- (e) the rock lobster are sold to a fish processor or fish handler.

69. Approved ports of landing for catch-cap and other areas

- (1) The Minister may, by published notice, declare one or more ports of landing to be approved ports of landing for –
 - (a) a catch-cap area specified or described in the published notice; or
 - (b) an area of State waters, lying outside a catch-cap area, specified or described in the published notice.
- (2) If, pursuant to subrule (1)(a), there are approved ports of landing for a catch-cap area, the holder of a fishing licence (rock lobster) who takes rock lobster in that catch-cap area must not unload those rock lobster anywhere other than at a port of landing so approved.

Penalty: Grade 3 penalty.

- (3) If, pursuant to subrule (1)(b), there are approved ports of landing for an area of State waters lying outside a catch-cap area, the holder of a fishing licence (rock lobster) who takes rock lobster in that area of State waters must not unload those rock lobster anywhere other than at a port of landing so approved.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 70

Penalty: Grade 3 penalty.

- (4) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (2) or (3) in respect of any rock lobster if –
- (a) the licence is endorsed with alternative unloading conditions and the rock lobster are unloaded in accordance with those conditions; or
 - (b) the rock lobster have to be unloaded away from a relevant approved port of landing in an emergency because of a threat to the safety of the fishing vessel or its crew and the licence holder has the approval of a fisheries officer to unload the rock lobster at another port in Tasmania.

70. Sale or transfer of rock lobster to fish processor or handler

- (1) This rule applies if the holder of a fishing licence (rock lobster) sells or transfers, within the immediate proximity of the site of unloading, rock lobster to a fish processor or fish handler.
- (2) The holder of the fishing licence (rock lobster) is guilty of an offence unless the licence holder made an unloading report at least 2 hours before the rock lobster were unloaded.

Penalty: Grade 3 penalty.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 70

Part 4 – Commercial Rock Lobster Fishery

- (3) The holder of the fishing licence (rock lobster) must –
- (a) complete Part A of a commercial rock lobster catch record and quota docket before the rock lobster are removed from the immediate proximity of the site of unloading; and
 - (b) send the pink sheet of the completed commercial rock lobster catch record and quota docket to the Secretary within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

- (4) The holder of the fishing licence (rock lobster) is not guilty of an offence under subrule (3)(a) if –
- (a) the rock lobster being sold or transferred are unloaded into processing premises located within the immediate proximity of the site of unloading; and
 - (b) the licence holder completes Part A of a commercial rock lobster catch record and quota docket –
 - (i) before the fish processor makes the receipt report relating to the rock lobster specified in that docket; and
 - (ii) before Part B of the docket is completed; and

- (iii) within 15 minutes after the last rock lobster relating to that docket enters any place, within the processing premises, that is fully enclosed.

71. Transportation of rock lobster to fish processor or handler

- (1) This rule applies if the holder of a fishing licence (rock lobster) transports rock lobster to a fish processor or fish handler.
- (2) The holder of the fishing licence (rock lobster) must –
 - (a) make an unloading report at least 2 hours before the rock lobster are unloaded; and
 - (b) complete Part A of a commercial rock lobster catch record and quota docket before the rock lobster are removed from the immediate proximity of the site of unloading; and
 - (c) make a movement report before the rock lobster are removed from the immediate proximity of the site of unloading; and
 - (d) send the pink sheet of the commercial rock lobster catch record and quota docket to the Secretary within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 72

Part 4 – Commercial Rock Lobster Fishery

- (3) The fish processor or fish handler must complete Part B of the commercial rock lobster catch record and quota docket on receipt of the rock lobster.

Penalty: Grade 3 penalty.

72. Sale or transfer of rock lobster to person other than fish processor or handler

- (1) This rule applies if the holder of a fishing licence (rock lobster) sells or transfers rock lobster to a person other than a fish processor or fish handler.
- (2) If no more than 20 rock lobster are sold or transferred, and the sale or transfer occurs within the immediate proximity of the site of unloading, the holder of the fishing licence (rock lobster) must –
 - (a) complete and issue a commercial rock lobster and giant crab sales receipt to the person receiving the rock lobster before the rock lobster are removed from the site of unloading; and
 - (b) tag the rock lobster in accordance with rule 117 before the rock lobster are removed from the site of unloading; and
 - (c) before midnight of the day of the sale or transfer, complete a commercial rock lobster and giant crab direct sales quota docket; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 72

- (d) send the pink sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the Secretary within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

- (3) If no more than 20 rock lobster are sold or transferred, and the sale or transfer occurs outside the immediate proximity of the site of unloading, the holder of the fishing licence (rock lobster) must –
 - (a) make an unloading report at least 2 hours before the rock lobster are removed from the immediate proximity of the site of unloading; and
 - (b) declare, on a commercial rock lobster and giant crab direct sales quota docket, the total weight of rock lobster unloaded before the rock lobster are removed from the site of unloading; and
 - (c) tag the rock lobster in accordance with rule 117 before the rock lobster are removed from the site of unloading; and
 - (d) make a movement report before the rock lobster are removed from the site of unloading; and
 - (e) complete and issue, at the time of the sale or transfer, a commercial rock lobster and giant crab sales receipt to the person receiving the rock lobster; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 72

Part 4 – Commercial Rock Lobster Fishery

- (f) before midnight of the day of the sale or transfer, complete the commercial rock lobster and giant crab direct sales quota docket; and
- (g) send the pink sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the Secretary within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

- (4) If more than 20 rock lobster are sold or transferred, and the sale or transfer occurs within the immediate proximity of the site of unloading, the holder of the fishing licence (rock lobster) must –
 - (a) make an unloading report at least 2 hours before the sale or transfer occurs; and
 - (b) complete a commercial rock lobster and giant crab direct sales quota docket before the rock lobster are removed from the site of unloading; and
 - (c) give the yellow sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the person receiving the rock lobster; and
 - (d) tag the rock lobster in accordance with rule 117 before the rock lobster are removed from the site of unloading; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 72

- (e) make a movement report before the rock lobster are removed from the site of unloading; and
- (f) send the pink sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the Secretary within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

- (5) If more than 20 rock lobster are sold or transferred, and the sale or transfer occurs outside the immediate proximity of the site of unloading, the holder of the fishing licence (rock lobster) must –
 - (a) make an unloading report at least 2 hours before the rock lobster are removed from the immediate proximity of the site of unloading; and
 - (b) declare, on a commercial rock lobster and giant crab direct sales quota docket, the total weight of rock lobster unloaded before the rock lobster are removed from the site of unloading; and
 - (c) tag the rock lobster in accordance with rule 117 before the rock lobster are removed from the site of unloading; and
 - (d) complete the commercial rock lobster and giant crab direct sales quota docket at the time of the sale or transfer; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 73

Part 4 – Commercial Rock Lobster Fishery

- (e) make a movement report before the rock lobster are removed from the site of unloading; and
- (f) give the yellow sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the person receiving the rock lobster; and
- (g) send the pink sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the Secretary within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

- (6) A record or docket, that is completed under these rules in respect of the sale or transfer of a rock lobster to which this rule applies, must be completed in respect of the rock lobster before it is cooked, dismembered, frozen or otherwise processed.

73. Return of rock lobster not sold or transferred

- (1) This rule applies if –
 - (a) the holder of a fishing licence (rock lobster) removes rock lobster from the immediate proximity of the site of unloading in order to sell or transfer the rock lobster to a person other than a fish processor or fish handler; and

- (b) the rock lobster, or any of the rock lobster, are not so sold or transferred.
- (2) The holder of the fishing licence (rock lobster) must not return any of the rock lobster to the fishing vessel from which the rock lobster were unloaded unless that licence holder has made a cancellation report.

Penalty: Grade 2 penalty.

- (3) Within 48 hours after returning any of the rock lobster to the fishing vessel or fish cauf from which the rock lobster were unloaded, the holder of the fishing licence (rock lobster) must –
 - (a) complete the required sections of Part A of a commercial rock lobster and giant crab direct sales quota docket; and
 - (b) send the pink and yellow sheets of that commercial rock lobster and giant crab direct sales quota docket (with the required sections of Part A of the docket completed) to the Secretary.

Penalty: Grade 2 penalty.

74. Export of rock lobster by aircraft or vessel

- (1) This rule applies if the holder of a fishing licence (rock lobster) exports rock lobster by means of –
 - (a) an aircraft; or
 - (b) a vessel other than a fishing vessel.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 74

Part 4 – Commercial Rock Lobster Fishery

- (2) If the rock lobster are exported to a person other than a fish processor or fish handler, the holder of the fishing licence (rock lobster) must –
- (a) make an unloading report at least 2 hours before the rock lobster are removed from the site of unloading; and
 - (b) declare, on a commercial rock lobster and giant crab direct sales quota docket, the total weight of rock lobster unloaded before the rock lobster are removed from the site of unloading; and
 - (c) make a movement report before the rock lobster are removed from the site of unloading; and
 - (d) ensure that Part B of the commercial rock lobster and giant crab direct sales quota docket is completed by a person other than the holder of the fishing licence (rock lobster) before the rock lobster are dispatched from the State; and
 - (e) ensure that the yellow sheet of the completed commercial rock lobster and giant crab direct sales quota docket travels with the consignment of rock lobster; and
 - (f) send the pink sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the Secretary within 48 hours after completing that docket.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 74

Penalty: Grade 3 penalty.

- (3) If the rock lobster are exported to a fish processor or fish handler, the holder of the fishing licence (rock lobster) must –
- (a) make an unloading report at least 2 hours before the rock lobster are unloaded; and
 - (b) complete Part A of a commercial rock lobster catch record and quota docket before the rock lobster are removed from the site of unloading; and
 - (c) make a movement report before the rock lobster are removed from the site of unloading; and
 - (d) ensure that Part B of the commercial rock lobster catch record and quota docket is completed by a person other than the holder of the fishing licence (rock lobster) before the rock lobster are dispatched from the State; and
 - (e) ensure that the yellow sheet of the completed commercial rock lobster catch record and quota docket travels with the consignment of rock lobster; and
 - (f) send the pink sheet of the completed commercial rock lobster catch record and quota docket to the Secretary within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

75. Sale or transfer of rock lobster from holding tank

- (1) This rule applies if the holder of a fishing licence (rock lobster) sells or transfers rock lobster, held in a holding tank, to a person other than a fish processor or fish handler.
- (2) The holder of the fishing licence (rock lobster) must –
 - (a) complete and issue, at the time of the sale or transfer, a commercial rock lobster and giant crab sales receipt to the person receiving the rock lobster; and
 - (b) keep a copy of that commercial rock lobster and giant crab sales receipt –
 - (i) for at least 5 years; and
 - (ii) in a clear and legible manner; and
 - (c) unless the rock lobster are being exported or being sold or transferred to a fish processor or fish handler, tag the rock lobster in accordance with rule 117.

Penalty: Grade 3 penalty.

- (3) A record or docket, that is completed under these rules in respect of the sale or transfer of a rock lobster to which this rule applies, is to be completed in respect of the rock lobster before it is cooked, dismembered, frozen or otherwise processed.

76. Rock lobster to be kept separate during transportation

- (1) A person who is transporting rock lobster to a fish processor, or fish handler, under this Division must ensure that –
- (a) while being transported, the rock lobster taken by the holder of a fishing licence (rock lobster) are held in a tank, or container, that does not contain rock lobster taken by any other holder of such a licence; and
 - (b) before transportation of the rock lobster commences, each tank, or container, holding rock lobster is clearly marked, tagged or labelled with –
 - (i) the fishing zone where the rock lobster were taken; and
 - (ii) the name of the holder of the fishing licence (rock lobster) who took the rock lobster.

Penalty: Grade 3 penalty.

- (2) For the avoidance of doubt, a person transporting rock lobster complies with subrule (1)(b) if –
- (a) the tank or container is clearly marked with a colour or unique means of identification; and
 - (b) each colour, or unique means of identification, used to mark a tank or

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 76

Part 4 – Commercial Rock Lobster Fishery

container corresponds to rock lobster taken from a single fishing zone by a single holder of a fishing licence (rock lobster); and

- (c) the colour, or unique means of identification, used to mark a tank or container is recorded, on each document specified in paragraph (d), in a way that clearly identifies –
 - (i) the colour, or unique means of identification, so used to mark the tank or container; and
 - (ii) the fishing zone and holder of a fishing licence (rock lobster) to which the colour, or unique means of identification, relates; and
 - (d) the colour, or unique means of identification, used to mark a tank or container is recorded on –
 - (i) the relevant commercial rock lobster catch record and quota docket for the rock lobster; and
 - (ii) each relevant form required to be kept under the *Fisheries (Processing and Handling) Rules 2021* in respect of the weight of the rock lobster.
- (3) This rule does not apply to a person who is transporting rock lobster to a fish processor, or

fish handler, under this Division while all the rock lobster being so transported by the person was taken by a single holder of a fishing licence (rock lobster).

Division 5 – Miscellaneous controls

77. Possession of abalone on certain fishing vessels

A person must not possess abalone on a fishing vessel that is being used to take, transport or store rock lobster for commercial purposes.

Penalty: Grade 3 penalty.

78. Recording, &c., of dead rock lobster

- (1) This rule applies if the holder of a fishing licence (rock lobster) finds any dead rock lobster that are –
 - (a) on or from a fishing vessel; or
 - (b) in or from a fish cauf.
- (2) The holder of the fishing licence (rock lobster) must, as soon as practicable after finding the dead rock lobster –
 - (a) record, in the appropriate place on the commercial rock lobster catch record and quota docket for the day of the find, the number or, if the exact number cannot be determined, estimated number of dead rock lobster; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 79

Part 4 – Commercial Rock Lobster Fishery

- (b) if that number or estimated number is more than 20, advise a fisheries officer before the rock lobster are removed from the fishing vessel or the immediate proximity of the fish cauf.

Penalty: Grade 3 penalty.

- (3) The holder of the fishing licence (rock lobster) must comply with such directions as a fisheries officer may give that licence holder regarding the disposal of the dead rock lobster.

Penalty: Grade 3 penalty.

- (4) Dead rock lobster dealt with and disposed of in accordance with this rule –
 - (a) are taken not to have been caught; and
 - (b) are not to be deducted from any rock lobster fishing quota unit balance.

- (5) The holder of a fishing licence (rock lobster) must not sell any rock lobster that have been recorded as dead in a commercial rock lobster catch record and quota docket.

Penalty: Grade 3 penalty.

79. Transfer of rock lobster between vessels

The holder of a fishing licence (rock lobster) must not, unless otherwise authorised to do so by the Secretary, transfer rock lobster, or cause or permit rock lobster to be transferred –

- (a) from one fishing vessel to another fishing vessel; or
- (b) from a fishing vessel to another kind of vessel other than an auxiliary vessel authorised under the *Fisheries Rules 2019* to be used with the fishing vessel.

Penalty: Grade 3 penalty.

80. Fishing in two jurisdictions

The holder of a fishing licence (rock lobster) who has an authority from another State to take rock lobster from that State using the fishing vessel specified on the licence must not –

- (a) use the fishing vessel to take rock lobster in State waters if it has been used to take rock lobster outside State waters since last leaving port; or
- (b) set or use a rock lobster pot in State waters from the fishing vessel if it has been used to set any rock lobster pots outside State waters since last leaving port.

Penalty: Grade 3 penalty.

81. Prohibition on possession of rock lobster taken from other States

- (1) A person must not, in State waters, possess rock lobster that have been taken from the waters of a State other than Tasmania.

Penalty: Grade 3 penalty.

- (2) A person is not guilty of an offence under subrule (1) if the rock lobster were purchased from another State, by anybody, and the person has a receipt verifying that purchase.

82. Places where rock lobster may be held or stored

The holder of a fishing licence (rock lobster) must not hold or store rock lobster, for commercial purposes, at a place other than –

- (a) on the fishing vessel used to take the rock lobster; or
- (b) in a fish cauf endorsed for that use on the licence in accordance with rule 96; or
- (c) in a holding tank specified for that purpose on the licence in accordance with rule 97; or
- (d) at a place that the Secretary has approved in writing for the holding or storage of rock lobster by the licence holder.

Penalty: Grade 3 penalty.

83. Retention of rock lobster for personal use

- (1) In this rule –

personal possession tag means a tag issued or approved under subrule (7).

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 83

-
- (2) The holder of a fishing licence (rock lobster) must not retain, for personal use, more than 5 rock lobster, in aggregate, on a fishing vessel.

Penalty: Grade 2 penalty.

- (3) If the holder of a fishing licence (rock lobster) retains rock lobster for personal use under subrule (2), the licence holder must –
- (a) mark the tail fan of the rock lobster in accordance with Schedule 5 –
 - (i) within 5 minutes of the rock lobster being retained for personal use; and
 - (ii) before the rock lobster is unloaded from the vessel; and
 - (b) record the rock lobster in the licence holder's commercial rock lobster catch record and quota docket book –
 - (i) after the rock lobster is marked in accordance with paragraph (a); and
 - (ii) no later than 5 minutes after the licence holder completes Part A of a commercial rock lobster catch record and quota docket in respect of the fishing trip where the rock lobster was caught; and
 - (c) affix one of the personal possession tags, issued to the licence holder, to the rock

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 83

Part 4 – Commercial Rock Lobster Fishery

lobster as soon as possible after marking the rock lobster in accordance with paragraph (a); and

- (d) keep the personal possession tag so affixed until the rock lobster is consumed.

Penalty: Grade 2 penalty.

- (4) In a quota year, the holder of a fishing licence (rock lobster) must not retain, under subrule (2) for personal use –
 - (a) if the quota year ends before 1 November 2023, more than 30 rock lobster, in aggregate; or
 - (b) if the quota year ends after 1 November 2023, more than 20 rock lobster, in aggregate.

Penalty: Grade 2 penalty.

- (5) A person who is the holder of a fishing licence (rock lobster) and a recreational fishing licence must not, at any one time, possess more than 10 rock lobster of the following kind, in aggregate:
 - (a) rock lobster that the person has retained for personal use under the fishing licence (rock lobster);
 - (b) rock lobster that the person has taken under the recreational fishing licence;

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 4 – Commercial Rock Lobster Fishery

r. 83

- (c) rock lobster that have been gifted, or otherwise given, to the person by another person who –
 - (i) retained the rock lobster for personal use under the other person's fishing licence (rock lobster); or
 - (ii) took the rock lobster under a recreational fishing licence.

Penalty: Grade 3 penalty.

- (6) The holder of a fishing licence (rock lobster) must not –
 - (a) use a personal possession tag more than once; or
 - (b) give a personal possession tag of the licence holder to any other person; or
 - (c) cause or allow any other person to use a personal possession tag of the licence holder.

Penalty: Grade 2 penalty.

- (7) The Secretary may issue or approve personal possession tags for the holder of a fishing licence (rock lobster) to use in connection with this rule.

PART 5 – FISHING APPARATUS

Division 1 – Rock lobster pots

84. Restrictions on setting, using and possessing rock lobster pots

(1) In this rule –

relevant person means –

- (a) the holder of a fishing licence (rock lobster); or
- (b) the holder of a fishing licence (recreational rock lobster pot); or
- (c) an Aborigine engaging in an Aboriginal activity.

(2) A person must not, in State waters, set, use or possess a rock lobster pot unless the person is a relevant person.

Penalty: Grade 3 penalty.

(3) A relevant person must not set, use or possess a rock lobster pot –

- (a) in State waters during a closed season in respect of the relevant person; or
- (b) in a catch-cap area that is closed to fishing by the relevant person.

Penalty: Grade 3 penalty.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 5 – Fishing Apparatus

r. 84

-
- (4) A relevant person is not guilty of an offence under subrule (3) in respect of the setting of a rock lobster pot in State waters during a closed season if the setting occurs after 1 p.m. on the day immediately before the commencement of an open season.
- (5) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (3) in respect of the possession of a rock lobster pot during a closed season, or in a catch-cap area that is closed to fishing, if –
- (a) the rock lobster pot is on a fishing vessel that –
 - (i) is returning to a port of landing within 48 hours after the end of an open season; or
 - (ii) is leaving a port within 60 hours before the commencement of an open season; or
 - (iii) is in a port of landing or on an authorised mooring and not undertaking a fishing trip; or
 - (iv) is returning to port from a part of the rock lobster fishery that is open; or
 - (b) the licence holder has the approval of a fisheries officer to possess the rock lobster pot during the closed season; or
 - (c) the licence holder –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 84

Part 5 – Fishing Apparatus

- (i) has the approval of a fisheries officer to set a rock lobster pot of that kind; and
 - (ii) is complying with that approval.
- (6) A relevant person, other than the holder of a fishing licence (rock lobster), is not guilty of an offence under subrule (3) in respect of the possession of a rock lobster pot in State waters during a closed season if –
 - (a) the relevant person is travelling directly through a closed part of the rock lobster fishery on the way to, or from, an open part of the fishery; and
 - (b) the possession occurs –
 - (i) after 6 a.m. on the day immediately before the commencement of an open season; or
 - (ii) in accordance with a published notice, by the Minister, while that notice is in effect.
- (7) A relevant person, other than the holder of a fishing licence (rock lobster), is not guilty of an offence under subrule (3) in respect of the possession of a rock lobster pot in State waters during a closed season if –
 - (a) the relevant person possessed the rock lobster pot in one of the following areas of State waters:

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 5 – Fishing Apparatus

r. 84

-
- (i) the D'Entrecasteaux Channel;
 - (ii) the River Derwent;
 - (iii) a designated area specified by the Secretary in accordance with subrule (8); and
 - (b) at the relevant time, the relevant person was travelling directly through the relevant area of State waters to a public wharf, public boat ramp or public jetty, within the relevant area specified in paragraph (a); and
 - (c) within 60 minutes of entering into the relevant area referred to in paragraph (a), the relevant person had made a non-commercial closed area transit report; and
 - (d) all rock lobster were unloaded from the vessel, being used by the relevant person, within 60 minutes after first arriving at the public wharf, public boat ramp or public jetty with the rock lobster on board the vessel.
- (8) The Secretary may, by published notice, specify a part of State waters to be a designated area for the purposes of subrule (7)(a)(iii).
- (9) A published notice for the purposes of subrule (8) –
- (a) must clearly identify the part of State waters to which it applies; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 85

Part 5 – Fishing Apparatus

- (b) may specify that it applies in respect of all relevant persons, or a specified class of relevant persons, other than a holder of a fishing licence (rock lobster).

85. Tampering with rock lobster pots

A person must not, in State waters, place rock lobster in a rock lobster pot, or take rock lobster from a rock lobster pot, before the pot is hauled to the surface of the water.

Penalty: Grade 3 penalty.

86. Restriction on number of rock lobster pots that may be possessed, set or used

- (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 westward 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, use or possess, or cause any other person to set, use or possess, more than 50 rock lobster pots, in aggregate, in State waters other than waters within the 60-pot area.

Penalty: Grade 3 penalty.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 5 – Fishing Apparatus

r. 87

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

Penalty: Grade 3 penalty.

87. Restrictions on setting, use and possession of rock lobster pots for commercial purposes

- (1) The holder of a fishing licence (rock lobster) must not, in State waters, set, use or possess, or cause any other person to set, use or possess, more rock lobster pots than the number specified on the licence.

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (1) in respect of a rock lobster pot if –
- (a) the rock lobster pot does not have bait or a bait-holding device; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 88

Part 5 – Fishing Apparatus

- (b) the licence holder has the approval of a fisheries officer to possess and set a rock lobster pot of that kind; and
 - (c) the licence holder is complying with the conditions of that approval.
- (3) The holder of a fishing licence (rock lobster) must not, in State waters, set, use or possess any rock lobster pots under the licence unless the fishing quota unit balance for the licence is greater than zero kilograms.

Penalty: Grade 3 penalty.

- (4) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (3) in respect of the possession of rock lobster pots on a fishing vessel if that fishing vessel is –
- (a) in port or on an authorised mooring; and
 - (b) not undertaking a fishing trip.

88. Restrictions on length of time rock lobster pots may be continuously set in commercial fishery

- (1) The holder of a fishing licence (rock lobster) must not fail to retrieve a rock lobster pot in State waters within the 48-hour period after the rock lobster pot was set.

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (1) in respect of a rock lobster pot if –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 5 – Fishing Apparatus

r. 88

-
- (a) the rock lobster pot cannot be retrieved within 48 hours after it is set because of –
- (i) adverse weather conditions; or
 - (ii) mechanical breakdown of, or structural damage to, the fishing vessel from which the rock lobster pot is set; or
 - (iii) illness or incapacity of the licence holder; and
- (b) the licence holder notifies a fisheries officer in writing, within 48 hours after the rock lobster pot is set, that the rock lobster pot cannot be retrieved within that period and the reason why it cannot be so retrieved; and
- (c) the licence holder, within 48 hours after giving the notice referred to in paragraph (b), advises a fisheries officer of the arrangements made to retrieve the rock lobster pot; and
- (d) the licence holder ensures that the rock lobster pot is retrieved in accordance with such directions as the fisheries officer referred to in paragraph (c) may give the licence holder for its retrieval.
- (3) The holder of a fishing licence is not guilty of an offence under subrule (1) in respect of a rock lobster pot if –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 89

Part 5 – Fishing Apparatus

- (a) the rock lobster pot does not have bait or a bait-holding device; and
- (b) the licence holder has the written approval of a fisheries officer to set a rock lobster pot of that kind; and
- (c) the licence holder is complying with that approval.

89. Setting pots at night

- (1) In this rule –

summer period means the period commencing on 1 November in any year and ending at midnight on 30 April in the following year;

winter period means the period commencing on 1 May in any year and ending at midnight on 31 October in the same year.

- (2) The holder of a fishing licence (rock lobster) must not, in State waters, set a rock lobster pot –
- (a) between 11 p.m. of one day and 4 a.m. of the following day during the summer period; or
 - (b) between 10 p.m. of one day and 5 a.m. of the following day during the winter period.

Penalty: Grade 3 penalty.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 5 – Fishing Apparatus

r. 90

- (3) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (2) in respect of the first time that a pot is set after a pre-fishing report has been made under rule 109.
- (4) Nothing in subrule (2) is to be taken as preventing the holder of a fishing licence (rock lobster) from retrieving a rock lobster pot from State waters lying outside a catch-cap area at any time of day during the summer period or winter period.

90. Restrictions on number of rock lobster pots that may be set or used

- (1) A person must not, in State waters, possess, set or use more than one rock lobster pot at any one time unless the person is the holder of a fishing licence (rock lobster).

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (rock lobster) must not, in State waters, set or use more than 2 rock lobster pots attached to the one line.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (2) in respect of the setting or use of 2 rock lobster pots attached to the one line if –
 - (a) the licence holder has the written approval of a fisheries officer to set rock lobster pots of that kind or, as the case

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 91

Part 5 – Fishing Apparatus

may be, use rock lobster pots of that kind; and

- (b) the licence holder is complying with that approval.

91. Restrictions on where rock lobster pots may be set or used

A person must not set or use a rock lobster pot –

- (a) in the D’Entrecasteaux Channel; or
- (b) in the River Derwent, being the waters upstream of an imaginary straight line from Dennes Point to Cape Direction; or
- (c) in Georges Bay, St Helens, west of the line of longitude of the end of the training wall situated at the entrance to Georges Bay; or
- (d) in Taroona waters; or
- (e) within 300 metres of the blowhole on the eastern side of King Island.

Penalty: Grade 3 penalty.

92. Prescribed specifications for rock lobster pots

- (1) A person must not, in State waters, set, use or possess a rock lobster pot that does not comply with the prescribed requirements under subrule (2) unless otherwise authorised by the Secretary under subrule (3).

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 5 – Fishing Apparatus

r. 92

Penalty: Grade 3 penalty.

- (2) The prescribed requirements for subrule (1) are as follows:
- (a) a rock lobster pot must have –
 - (i) horizontal dimensions that are no more than 1 250 millimetres by 1 250 millimetres; and
 - (ii) a vertical height of no more than 750 millimetres;
 - (b) a rock lobster pot must –
 - (i) have only one neck or entrance; and
 - (ii) have only one chamber capable of trapping rock lobster; and
 - (iii) not contain anything likely to entangle rock lobster in the rock lobster pot;
 - (c) a neck or entrance on a rock lobster pot must be at least 200 millimetres in diameter;
 - (d) a rock lobster pot must have –
 - (i) at least one rectangular escape gap that is at least 57 millimetres high and at least 400 millimetres wide; or

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 92

Part 5 – Fishing Apparatus

- (ii) at least 2 rectangular escape gaps, each of which is at least 57 millimetres high and at least 200 millimetres wide;
- (e) an escape gap in a rock lobster pot must be located –
 - (i) on the side of the rock lobster pot so that –
 - (A) the longer sides of the escape gap are generally parallel to the floor of the rock lobster pot; and
 - (B) the lower internal edge of the escape gap is no more than 150 millimetres above the floor of the rock lobster pot; and
 - (ii) clear of any obstruction that is likely to –
 - (A) restrict the movement, through the escape gap, of rock lobster with a carapace less than 105 millimetres; or
 - (B) otherwise impinge upon, or effectively reduce, the minimum required internal dimensions of the escape gap.

- (3) Despite subrule (1), if the Secretary considers it reasonable in the circumstances to do so, the Secretary may, by written notice to a person or class of persons, approve a rock lobster pot that does not comply with the prescribed requirements under subrule (2) as a rock lobster pot that the person or class of persons may set or use in State waters.

93. Marker buoy requirements for rock lobster pots

- (1) A person must not set or use a rock lobster pot in State waters unless –
- (a) a marker buoy is at all times attached to the rock lobster pot by means of a line long enough for the marker buoy to float on the surface of the water; and
 - (b) the marker buoy is –
 - (i) spherical in shape; and
 - (ii) at least 195 millimetres in diameter; and
 - (iii) specifically designed as a buoy.

Penalty: Grade 3 penalty.

- (2) The person in charge of a fishing vessel must ensure that the fishing vessel's distinguishing mark is marked clearly and legibly on the marker buoy of every rock lobster pot used in connection with the fishing vessel.

Penalty: Grade 3 penalty.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 94

Part 5 – Fishing Apparatus

- (3) A distinguishing mark for the purposes of subrule (2) is to be at least 70 millimetres high and at least 12 millimetres wide.
- (4) A person who owns or is in charge of a fishing vessel must ensure that –
 - (a) a distinguishing mark marked on a marker buoy for the purposes of subrule (2) remains clear and legible; and
 - (b) the marker buoy bears only that distinguishing mark.

Penalty: Grade 1 penalty.

- (5) A person must not, in State waters, possess a device designed to conceal a marker buoy under the surface of the water.

Penalty: Grade 3 penalty.

Division 2 – Rock lobster rings

94. Restrictions on setting, use and possession of rock lobster rings

- (1) A person must not, in State waters, set, use or possess more than 4 rock lobster rings at any one time.

Penalty: Grade 3 penalty.

- (2) A person must not, in State waters, set, use or possess a rock lobster ring having –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 5 – Fishing Apparatus

r. 95

-
- (a) a ring that is more than one metre in diameter; or
 - (b) a hoop that is more than one metre in diameter.

Penalty: Grade 2 penalty.

- (3) The holder of a fishing licence (rock lobster) must not set or use a rock lobster ring in the D'Entrecasteaux Channel.

Penalty: Grade 3 penalty.

- (4) A person must not set or use a rock lobster ring in State waters that are closed to the rock lobster fishery.

Penalty: Grade 3 penalty.

Division 3 – Fish caufs and holding tanks

95. Restrictions on attaching marker buoys to fish caufs

- (1) A person must not attach a marker buoy to a fish cauf unless the marker buoy is –
 - (a) spherical in shape; and
 - (b) at least 195 millimetres in diameter; and
 - (c) specifically designed as a buoy; and
 - (d) marked clearly and legibly with the distinguishing mark of the fishing vessel from which the fish cauf is being used.

Penalty: Grade 1 penalty.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 96

Part 5 – Fishing Apparatus

- (2) A distinguishing mark for the purposes of subrule (1)(d) is to be at least 70 millimetres high and at least 12 millimetres wide.

96. Requirements for commercial use of fish caufs

- (1) Unless a fishing licence (rock lobster), fish processing licence or handling licence is endorsed for the use of a fish cauf, the holder of the relevant licence must not –

- (a) possess a fish cauf; or
- (b) place any rock lobster in a fish cauf.

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (rock lobster) that is endorsed for the use of a fish cauf must not –

- (a) use more fish caufs than the total number of fish caufs specified on that licence; or
- (b) use a fish cauf that is not marked as specified on that licence; or
- (c) use a fish cauf anywhere other than at the location specified on that licence; or
- (d) place in a fish cauf rock lobster that have been taken by another person.

Penalty: Grade 2 penalty.

- (3) The holder of a fishing licence (rock lobster) that is endorsed for the use of a fish cauf must mark

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 5 – Fishing Apparatus

r. 96

the fish cauf with a marker buoy in accordance with rule 95.

Penalty: Grade 2 penalty.

- (4) The holder of a fishing licence (rock lobster), fish processing licence or handling licence must not move a fish cauf from the location specified on the licence.

Penalty: Grade 3 penalty.

- (5) Subrule (4) does not apply to the moving of a fish cauf from the location specified on a fishing licence (rock lobster), fish processing licence or handling licence if –
- (a) the fish cauf is moved for the purpose of –
 - (i) unloading the rock lobster from within the fish cauf; or
 - (ii) returning the fish cauf to the location so specified after it has been so unloaded; and
 - (b) the fish cauf is only moved from the location specified on the relevant licence to a port of landing; and
 - (c) the only vessel used to move the fish cauf under this subrule is –
 - (i) the vessel specified on the relevant fishing licence (rock lobster), fish processing licence or handling licence; or

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 96

Part 5 – Fishing Apparatus

- (ii) an auxiliary vessel of that vessel.
- (6) The holder of a fishing licence (rock lobster), fish processing licence or handling licence must make a fish cauf report within 30 minutes after –
 - (a) placing rock lobster in a fish cauf; or
 - (b) causing rock lobster to be placed in a fish cauf.

Penalty: Grade 3 penalty.

- (7) The holder of a fishing licence (rock lobster) must not place rock lobster in a fish cauf on any day unless the required sections of the licence holder's commercial rock lobster catch record and quota docket have been completed for that day.

Penalty: Grade 3 penalty.

- (8) A person must not remove live rock lobster from a fish cauf for any purpose other than unloading the live rock lobster.

Penalty: Grade 3 penalty.

- (9) The holder of a fishing licence (rock lobster), fish processing licence or handling licence must, if the licence is endorsed for the use of a fish cauf, keep records relating to the following matters:
 - (a) the time and date of each placement of rock lobster in each fish cauf;

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 5 – Fishing Apparatus

r. 97

- (b) for each placement and removal of rock lobster in or from each fish cauf, the number of rock lobster;
- (c) the daily stock, by number, of rock lobster held in each fish cauf.

Penalty: Grade 3 penalty.

- (10) The holder of a fishing licence (rock lobster), fish processing licence or handling licence must keep and maintain a record made for the purposes of subrule (9) –
 - (a) for at least 5 years; and
 - (b) in a clear and legible manner.

Penalty: Grade 3 penalty.

97. Restrictions and requirements relating to holding tanks

- (1) The holder of a fishing licence (rock lobster) must not place rock lobster 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 (rock lobster) that is endorsed for the use of a holding tank must not place, in a holding tank –
 - (a) rock lobster taken by another person; or

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 97

Part 5 – Fishing Apparatus

- (b) rock lobster purchased or obtained from a fish processor or fish handler.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (rock lobster) must not place rock lobster in a holding tank unless the licence holder –

- (a) makes an unloading report at least 2 hours before the rock lobster are unloaded; and
- (b) completes Part A of a commercial rock lobster catch record and quota docket before the rock lobster are removed from the immediate proximity of the site of unloading; and
- (c) sends the pink sheet of that commercial rock lobster catch record and quota docket to the Secretary within 48 hours after completing Part A of that docket; and
- (d) makes a loading holding tank report before the rock lobster are removed from the immediate proximity of the site of unloading.

Penalty: Grade 3 penalty.

- (4) The holder of a fishing licence (rock lobster) that is endorsed for the use of a holding tank must keep records relating to the following matters:

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 5 – Fishing Apparatus

r. 97

- (a) the time and date of each placement of rock lobster in each holding tank;
- (b) for each placement or removal of rock lobster in or from each holding tank, the number of rock lobster;
- (c) the daily stock, by number, of rock lobster held in each holding tank.

Penalty: Grade 3 penalty.

PART 6 – REPORTING AND TRACKING

Division 1 – Reports generally

98. Reporting service

- (1) The Secretary may approve –
 - (a) a reporting service to receive reports made under these rules; 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 these rules, the reporting service is to issue the maker of the report with a report receipt number.

99. When a report is to be made

Except with the written approval of the Secretary, a person must not make a report to the reporting service more than 24 hours before the activity to which the report relates is carried out.

Penalty: Grade 2 penalty.

100. Alternative reporting arrangements

Despite any other provision of these rules, the holder of a licence is not guilty of an offence of failing to make a report to the reporting service

under and in accordance with these rules about any matter if –

- (a) the licence is endorsed with alternative arrangements relating to that requirement to make a report; and
- (b) the licence holder complies with the terms of the endorsement.

101. False, misleading or incomplete information

A person must not –

- (a) omit any relevant information from a report required to be made to the reporting service under these rules; or
- (b) give any false or misleading information in a report required to be made to the reporting service under these rules.

Penalty: Grade 3 penalty.

102. Measurement of weights

- (1) In this rule –

unit of weight has the same meaning as in the *Fisheries (Processing and Handling) Rules 2021*.

- (2) The holder of a fishing licence (rock lobster), a fish processing licence or a handling licence must maintain and use accurate weighing instruments to determine the weight information

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 103

Part 6 – Reporting and Tracking

written on any dockets completed under these rules.

Penalty: Grade 3 penalty.

- (3) A person who completes one of the following documents under these rules must, if information on weight is required to be recorded in kilograms as part of the document, record that weight to two decimal places:
- (a) a commercial rock lobster and giant crab direct sales quota docket;
 - (b) a commercial rock lobster and giant crab sales receipt.

Penalty: Grade 1 penalty.

- (4) A person who completes a document under these rules in relation to the commercial fishery, other than a document to which subrule (3) applies, must, if information on weight is required to be recorded in kilograms as part of the document, record that weight to the nearest kilogram.

Penalty: Grade 1 penalty.

103. Provision of receipt numbers

A person who is issued with a report receipt number, under rule 98(2), by the reporting service must provide that number to a fisheries officer if requested to do so.

Penalty: Grade 2 penalty.

104. Cancellation report

(1) In this rule –

relevant report means one or more of the following reports:

- (a) a pre-fishing report;
 - (b) a changing part of fishery report;
 - (c) a closed season report;
 - (d) a commercial transit report;
 - (e) an unloading report;
 - (f) a movement report;
 - (g) an irretrievable rock lobster pot report;
 - (h) a loading holding tank report;
 - (i) a non-commercial zone transit report;
 - (j) a non-commercial closed area transit report;
 - (k) a report specified by the Secretary, under rule 108, to be a relevant report for the purposes of this rule.
- (2) A person who makes a relevant report to the reporting service under these rules must make a cancellation report to the reporting service if, after making the relevant report, the person does

not carry out the activity to which the relevant report relates.

- (3) A cancellation report under subrule (2) in respect of a relevant report must be made within 2 hours after the time when the activity, to which the relevant report relates, was supposed to have been carried out.

Division 2 – Reports for non-commercial rock lobster fishery

105. Report for lost or irretrievable rock lobster pot

- (1) If required under rule 25(4)(b), a non-commercial fisher must make an irretrievable rock lobster pot report to the reporting service.

Penalty: Grade 2 penalty.

- (2) A report under subrule (1) must be made within 48 hours after the non-commercial fisher's rock lobster pot, to which the report relates, was set.

Penalty: Grade 2 penalty.

106. Non-commercial zone transit report

- (1) A non-commercial fisher must make a non-commercial zone transit report, to the reporting service, before leaving a fishing zone if the non-commercial fisher –
 - (a) is undertaking a non-commercial fishing trip; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 6 – Reporting and Tracking

r. 106

- (b) takes or possesses rock lobster in the fishing zone during the trip; and
- (c) intends to leave the fishing zone –
 - (i) where rock lobster is taken; or
 - (ii) while rock lobster is on board the vessel being used for the trip.

Penalty: Grade 2 penalty.

- (2) A non-commercial zone transit report under subrule (1) –
 - (a) must be made before the non-commercial fisher leaves the fishing zone where the rock lobster were taken; and
 - (b) must not be made less than one hour before the non-commercial fisher leaves that fishing zone; and
 - (c) must be accurate at the time when the non-commercial fisher leaves that fishing zone.

Penalty: Grade 1 penalty.

- (3) A non-commercial fisher is not guilty of an offence under subrule (1) in respect of not making a non-commercial zone transit report if the non-commercial fisher was not able, during the non-commercial fishing trip, to make the non-commercial zone transit report –
 - (a) because of adverse weather conditions;
or

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 107

Part 6 – Reporting and Tracking

- (b) because of mechanical breakdown of, or structural damage to, the vessel on which the non-commercial fisher was undertaking the trip; or
- (c) because of illness or incapacity of the non-commercial fisher; or
- (d) so as to avoid or prevent serious danger or damage to the vessel used by the non-commercial fisher for the trip.

107. Non-commercial closed area transit report

- (1) A non-commercial fisher must make a non-commercial closed area transit report, to the reporting service, if –
 - (a) the non-commercial fisher is undertaking a non-commercial fishing trip; and
 - (b) as part of the non-commercial fishing trip, the non-commercial fisher enters an area of State waters that is closed for the taking of rock lobster, or possessing of rock lobster, by non-commercial fishers (a *closed area*); and
 - (c) there are rock lobster pots, rock lobster rings or rock lobsters on board the vessel being used for the trip.

Penalty: Grade 2 penalty.

- (2) A non-commercial fisher must make a non-commercial closed area transit report under

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 6 – Reporting and Tracking

r. 107

subrule (1) at least one hour before the non-commercial fisher enters the closed area.

Penalty: Grade 2 penalty.

- (3) A non-commercial fisher is not guilty of an offence under subrule (1) or (2) in respect of not making a non-commercial closed area transit report if –
- (a) the non-commercial fisher was not able, during the non-commercial fishing trip, to make the report –
 - (i) because of adverse weather conditions; or
 - (ii) because of mechanical breakdown of, or structural damage to, the vessel on which the non-commercial fisher was undertaking the trip; or
 - (iii) because of illness or incapacity of the non-commercial fisher; or
 - (iv) so as to avoid or prevent serious danger or damage to the vessel used by the non-commercial fisher for the trip; and
 - (b) the non-commercial fisher notifies a fisheries officer in writing, within 24 hours after the report was to be made in accordance with subrule (1)(b), stating –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 108

Part 6 – Reporting and Tracking

- (i) that the non-commercial fisher was not able to make the report; and
- (ii) the reason why the non-commercial was not able to make the report; and
- (c) the non-commercial fisher complies with directions that the fisheries officer, referred to in paragraph (b), gives to the non-commercial fisher with respect to the making of a non-commercial closed area transit report.

108. Non-commercial fishing report

- (1) The Secretary may determine, by published notice, that non-commercial fishers are to report to the Secretary details of any rock lobster taken, or rock lobster fishing undertaken, under these rules.
- (2) A published notice under subrule (1) in respect of a report is to specify –
 - (a) the details to be included, in the report, by non-commercial fishers; and
 - (b) the circumstances in which the report is to be made; and
 - (c) the method by which the report is to be made; and
 - (d) whether, or not, the report is a relevant report for the purposes of rule 104.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 6 – Reporting and Tracking

r. 109

-
- (3) A determination of the Secretary under subrule (1) remains in effect –
- (a) until the expiry date specified in the published notice made in respect of the determination; or
 - (b) if no expiry date is specified in the published notice made in respect of the determination, until the Secretary revokes the determination.
- (4) If required by a determination of the Secretary under subrule (1), a non-commercial fisher must make a report in accordance with the determination.

Penalty: Grade 2 penalty.

Division 3 – Reports and dockets for commercial rock lobster fishery

109. Pre-fishing report

- (1) Unless otherwise authorised by the Secretary, the holder of a fishing licence (rock lobster) must make a pre-fishing report to the reporting service before commencing a fishing trip to take rock lobster.
- Penalty: Grade 2 penalty.
- (2) The holder of a fishing licence (rock lobster) must, in the pre-fishing report for a fishing trip under made subrule (1), state –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 110

Part 6 – Reporting and Tracking

- (a) the fishing zone from which the licence holder intends to take rock lobster; and
- (b) if the licence holder intends to use more than 50 pots during the fishing trip, the maximum number of pots intended to be used during the fishing trip; and
- (c) the licence holder's intention to fish, in relation to that fishing zone –
 - (i) inside a catch-cap area; or
 - (ii) outside a catch-cap area.

Penalty: Grade 2 penalty.

110. Changing part of fishery report

- (1) Subject to subrule (2), the holder of a fishing licence (rock lobster) who has made a pre-fishing report, for the purposes of a fishing trip, may make a changing part of fishery report to the reporting service during that fishing trip to change the licence holder's intention to take or not to take rock lobster, in relation to one or more of the following:
 - (a) a change in the fishing zone;
 - (b) a change in the catch-cap area;
 - (c) a change as to whether the fishing trip is inside, or outside, a catch-cap area.
- (2) The holder of a fishing licence (rock lobster) may only make a changing part of fishery report

under subrule (1) in respect of a fishing trip if, at the time when the report is made –

- (a) the licence holder has not taken rock lobster during, or for the purposes of, the fishing trip; and
 - (b) there is no rock lobster on the vessel on which the fishing trip is conducted; and
 - (c) the licence holder has not set a rock lobster pot during the fishing trip.
- (3) The holder of a fishing licence (rock lobster) must not make a changing part of fishery report, in respect of a pre-fishing report, more than 48 hours after that pre-fishing report is made.

Penalty: Grade 2 penalty.

111. Commercial transit report

- (1) Unless otherwise authorised by the Secretary, the holder of a fishing licence (rock lobster) who is undertaking a fishing trip on a fishing vessel must make a commercial transit report to the reporting service if the licence holder –
- (a) has rock lobster on board the fishing vessel; and
 - (b) is intending to transit directly through State waters other than the fishing zone reported in the licence holder's pre-fishing report, or changing part of fishery report, in respect of the fishing trip.

Penalty: Grade 2 penalty.

- (2) If the holder of a fishing licence (rock lobster) is required to make a report under subrule (1) in respect of a fishing trip, the licence holder must make the report at least 30 minutes before leaving the fishing zone reported in the licence holder's pre-fishing report, or changing part of fishery report, in respect of the fishing trip.

Penalty: Grade 2 penalty.

112. Unloading report

- (1) The holder of a fishing licence (rock lobster) must make an unloading report to the reporting service before unloading rock lobster from a vessel.

Penalty: Grade 2 penalty.

- (2) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (1) in respect of the unloading of rock lobster if –
 - (a) the rock lobster are placed in a fish cauf;
or
 - (b) the rock lobster are sold or transferred to a person other than a fish processor or fish handler and –
 - (i) the sale or transfer occurs within the immediate proximity of the site of unloading; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 6 – Reporting and Tracking

r. 112

- (ii) no more than 20 rock lobster are sold or transferred; or
 - (c) the rock lobster need to be unloaded urgently to avoid the possibility that they might die on account of a significant change in water quality brought about by unforeseen circumstances and the licence holder makes an emergency unloading report within 30 minutes after the time of unloading; or
 - (d) the rock lobster need to be unloaded urgently to ensure the safety of the fishing vessel and the licence holder makes an emergency unloading report within 30 minutes after the time of unloading.
- (3) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (1) in respect of the unloading of 5 or fewer rock lobster for the licence holder's personal use in accordance with rule 83.
- (4) The holder of a fishing licence (rock lobster) who makes an unloading report under subrule (1) –
 - (a) must not unload the rock lobster before the estimated time of unloading given in that report; and
 - (b) must commence unloading the rock lobster within 2 hours after the estimated time of unloading given in that report.

Penalty: Grade 2 penalty.

113. Conflicts of interest

- (1) A natural person who unloads rock lobster must not complete Part B of a commercial rock lobster catch record and quota docket as the holder of a fish processing licence unless that natural person has the written approval of the Secretary to do so.

Penalty: Grade 3 penalty.

- (2) A natural person who receives rock lobster must not complete Part A of a commercial rock lobster catch record and quota docket as the holder of a fishing licence (rock lobster) unless that natural person has the written approval of the Secretary to do so.

Penalty: Grade 3 penalty.

- (3) A natural person who was present when rock lobster were taken must not complete Part B of a commercial rock lobster catch record and quota docket, in respect of that rock lobster, unless that natural person has the written approval of the Secretary to do so.

Penalty: Grade 3 penalty.

114. Unauthorised possession of unused docket

- (1) In this rule –

unused docket means any of the following:

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 6 – Reporting and Tracking

r. 114

- (a) commercial rock lobster catch record and quota docket;
 - (b) commercial rock lobster and giant crab direct sales quota docket;
 - (c) commercial rock lobster and giant crab sales receipt;
 - (d) fish dispatch book;
 - (e) fish receipt book.
- (2) A person must not have possession of an unused docket unless –
- (a) the docket was issued to the person; and
 - (b) the person holds a fishing licence (rock lobster), fish processing licence or handling licence, whichever is relevant to the docket.

Penalty: Grade 3 penalty.

- (3) Subrule (2) does not apply to a person who is acting as the agent of another person if –
- (a) the unused docket was issued to the other person; and
 - (b) the other person holds a fishing licence (rock lobster), fish processing licence or handling licence, whichever is relevant to the docket.

Division 4 – Records

115. Records of general information

- (1) The holder of a fishing licence (rock lobster) must make and retain records within Tasmania that enable the following information to be determined in respect of operations conducted under the licence and in respect of business activities arising in connection with those operations:
 - (a) the date of each sale or consignment of rock lobster made by or on behalf of that licence holder;
 - (b) the exact weight of rock lobster sold or consigned;
 - (c) the form of rock lobster sold or consigned;
 - (d) the price or consideration received for rock lobster;
 - (e) for sales or consignments of 21 or more rock lobster at any one time, the name and address of the purchaser or consignee of the rock lobster.

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (rock lobster) is not guilty of an offence under subrule (1) in respect of the retention of a record outside Tasmania if the licence holder –

- (a) resides outside Tasmania; and
- (b) retains the record at the address specified on the licence; and
- (c) produces the record to a fisheries officer within 7 days after receiving a written request from that fisheries officer for its production.

116. Records of commercial rock lobster catch

- (1) The holder of a fishing licence (rock lobster) must complete a commercial rock lobster catch record and quota docket in accordance with the instructions in the commercial rock lobster catch record and quota docket book –
 - (a) on each day during which fishing occurs; and
 - (b) before that licence holder –
 - (i) first disembarks from a fishing vessel after a fishing trip; or
 - (ii) leaves State waters with rock lobster on a fishing vessel.

Penalty: Grade 2 penalty.

- (2) The holder of a fishing licence (rock lobster) must ensure that the licence holder's commercial rock lobster catch record and quota docket is, during a fishing trip for rock lobster, kept on the fishing vessel used for that fishing trip.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 116

Part 6 – Reporting and Tracking

Penalty: Grade 2 penalty.

PART 7 – MISCELLANEOUS

117. Tagging requirements

(1) In this rule –

rock lobster tag means a tag issued by the Secretary that is –

- (a) in an approved form; and
- (b) marked with a distinctive number allocated by the Secretary; and
- (c) if relevant, in the approved colour.

(2) A person must not possess rock lobster at a place where the business of selling fish is carried on unless –

- (a) the relevant rock lobster tag is securely fastened to a horn of each rock lobster; or
- (b) each rock lobster is tagged in another manner approved by the Secretary.

Penalty: Grade 3 penalty.

(3) A person must not possess, sell or purchase rock lobster for consumption in Tasmania unless –

- (a) the relevant rock lobster tag is securely fastened to a horn of each rock lobster; or
- (b) each rock lobster is tagged in another manner approved by the Secretary.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 117

Part 7 – Miscellaneous

Penalty: Grade 3 penalty.

- (4) Subrules (2) and (3) do not apply to a person in respect of any rock lobster if –
- (a) the person is the holder of a fishing licence (rock lobster) and –
 - (i) is in possession of the rock lobster in State waters; or
 - (ii) is in possession of the rock lobster in a holding tank; or
 - (iii) the rock lobster are 5 or fewer in number and have been retained in accordance with rule 83; or
 - (b) the person is a fish processor and is processing, transporting, holding or storing the rock lobster; or
 - (c) the person is a fish handler and is transporting, holding or storing the rock lobster; or
 - (d) the person is in possession of the rock lobster as a non-commercial fisher and the rock lobster are marked in accordance with rule 34.
- (5) Subrule (3) does not apply to the holder of a fishing licence (rock lobster) in respect of any rock lobster if –
- (a) the licence is endorsed for the use of a holding tank; and

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 7 – Miscellaneous

r. 117

- (b) the rock lobster are being held in a holding tank in order to be sold directly to persons other than fish processors or fish handlers; and
 - (c) each rock lobster that is so sold is tagged with the relevant rock lobster tag in accordance with that subrule as soon as it is removed from the holding tank.
 - (6) The holder of a fishing licence (rock lobster) must not sell or transfer rock lobster to a person other than a fish processor or fish handler unless, before the rock lobster are removed from the immediate proximity of the site of unloading –
 - (a) the relevant rock lobster tag is securely fastened to a horn of each rock lobster; or
 - (b) each rock lobster is tagged in another manner approved by the Secretary.
- Penalty: Grade 3 penalty.
- (7) Subrule (6) does not apply to the holder of a fishing licence (rock lobster) in respect of a rock lobster if it is being –
 - (a) stored for the purposes of export; or
 - (b) transported for the purposes of export.
 - (8) If the holder of a fish processing licence or handling licence (the *vendor*) sells rock lobster to any person in Tasmania who is not a fish processor or fish handler, the vendor must ensure that each rock lobster so sold is tagged in

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 117

Part 7 – Miscellaneous

accordance with subrule (6) before the rock lobster leaves the vendor's possession.

Penalty: Grade 3 penalty.

- (9) Except with the written authorisation of the Secretary, a person (the *transferor*) must not transfer to another person a rock lobster tag that the Secretary has issued to the transferor.

Penalty: Grade 2 penalty.

- (10) A person must not use a rock lobster tag more than once.

Penalty: Grade 3 penalty.

- (11) A person who prepares rock lobster to be sold as a meal must deface each rock lobster tag removed from the rock lobster by cutting the tag diagonally across its numbered face immediately before the meal is prepared.

Penalty: Grade 3 penalty.

- (12) A person must not possess a closed rock lobster tag that –

(a) is not fastened to a rock lobster; or

(b) has not been defaced in accordance with subrule (11).

Penalty: Grade 3 penalty.

- (13) A person is not guilty of an offence in respect of a requirement under this rule if the person –

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

Part 7 – Miscellaneous

r. 118

- (a) is exempt from complying with that requirement pursuant to rule 118; and
- (b) is complying with the conditions, if any, of that exemption.

118. Tagging exemptions

- (1) The Secretary may exempt a person or group of persons from the need to comply with a requirement under rule 117 if the Secretary reasonably considers that –
 - (a) compliance with the requirement is unnecessary, impracticable or unreasonable; and
 - (b) granting the exemption would not be detrimental to the rock lobster fishery.
- (2) An exemption under subrule (1) (a *tagging exemption*) may be granted –
 - (a) on application in accordance with subrule (3); or
 - (b) if the Secretary considers it necessary or desirable, on the Secretary's own initiative.
- (3) An application is to be –
 - (a) in an approved form; and
 - (b) supported by such information or evidence as the Secretary may require,

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 119

Part 7 – Miscellaneous

either at the time of lodgement or subsequently.

- (4) A tagging exemption may be granted –
 - (a) by such means as the Secretary thinks fit; and
 - (b) unconditionally or on such conditions as to duration, supervision, circumstance or otherwise as the Secretary thinks fit.
- (5) A person who has the benefit of a tagging exemption must not contravene a condition of the tagging exemption.

Penalty: Grade 2 penalty.
- (6) The Secretary may, by notice, vary the conditions of, or revoke, a tagging exemption at any time.
- (7) The Secretary is to ensure that a notice refusing an application for a tagging exemption, or a notice varying or revoking a tagging exemption, states the reasons for the action being taken.
- (8) The Secretary may give such public and private notice of a tagging exemption as the Secretary thinks fit.

119. Published notices

A published notice under any of these rules may be –

- (a) combined with another such notice; and

- (b) amended or revoked by another such notice.

120. Presumption as to possession of rock lobster held by children

- (1) In this rule –

adult supervisor, of a child at any place, means –

- (a) the child’s nearest adult relative who is present at the place; or
- (b) if no nearest adult relative of the child is present at the place, a guardian or carer of the child who is present at the place; or
- (c) if an adult referred to in paragraph (a) or (b) is not present at the place but the child is in a vehicle or on a vessel, the adult in charge of the vehicle or vessel (whether that adult is, at the relevant time, physically in or on the vehicle or vessel);

nearest adult relative, of a child at any place, means –

- (a) a parent of the child who is present at the place; or
- (b) if no parent of the child is present at the place, a step-parent of the

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 120

Part 7 – Miscellaneous

- child who is present at the place;
or
- (c) if no person referred to in paragraph (a) or (b) is present at the place, a grandparent of the child who is present at the place;
or
- (d) if no person referred to in paragraph (a), (b) or (c) is present at the place, an adult uncle or aunt of the child who is present at the place; or
- (e) if no person referred to in paragraph (a), (b), (c) or (d) is present at the place, an adult brother, or sister, of the child who is present at the place; or
- (f) if no person referred to in paragraph (a), (b), (c), (d) or (e) is present at the place, an adult half-brother or half-sister of the child who is present at the place.
- (2) For the purposes of these rules and any proceedings for offences under these rules, it is to be presumed that –
- (a) a child cannot, regardless of his or her capacity, possess rock lobster; and
- (b) any rock lobster that a child may be holding, or have about himself or herself, at any place are in the possession of the

adult supervisor, if any, of that child at that place.

121. Presumption as to taking or possession of certain rock lobster

- (1) For the purposes of these rules, and any proceedings for offences under these rules, a rock lobster is presumed to have been taken by a person, and be in the possession of the person, if –
 - (a) the rock lobster is not tagged as required under these rules; and
 - (b) the rock lobster is in the general vicinity of the person; and
 - (c) the person has the means to have taken the rock lobster; and
 - (d) no other person has claimed to have taken, or to have possession, of the rock lobster.
- (2) Subrule (1) may apply to one or more persons in respect of the same rock lobster.

122. Transitional provision

A notice under the *Fisheries (Rock Lobster) Rules 2011*, that had force and effect for the purposes of the rock lobster fishery immediately before the day on which these rules take effect, is taken to be a notice, whether a public notice or a published notice, under and for the purposes of

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

r. 123

Part 7 – Miscellaneous

these rules, having force and effect according to its terms until whichever of the following first occurs:

- (a) the notice is rescinded;
- (b) the notice is spent in its application to all fisheries;
- (c) the notice is spent in its application to the rock lobster fishery;
- (d) the notice is amended or varied in such a way that it ceases to have any application to the rock lobster fishery.

123. Infringement notice offences and penalties

For the purposes of section 234 of the Act –

- (a) an offence against a provision of these rules specified in column 2 of Schedule 6 is prescribed as 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 the offence is the applicable penalty in relation to an infringement notice served for the offence.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 1

SCHEDULE 1 – QUANTITY LIMITS – NON-COMMERCIAL FISHER

				Rule 3
	Area	Bag limit (rock lobster)	Possession limit (rock lobster)	Boat limit (rock lobster)
1.	Eastern region	2	4	10
2.	Western region	5	10	25
3.	Northern Bass Strait waters	2	4	10

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 2

SCHEDULE 2 – SIZE LIMIT

Rule 3

PART 1 – COMMERCIAL SIZE LIMITS

	Fishing zone	Minimum size of male rock lobster (mm)	Minimum size of female rock lobster (mm)
1.	Northern size limit zone	110	120
2.	Southern size limit zone	110	105

PART 2 – NON-COMMERCIAL SIZE LIMITS

	Fishing zone	Minimum size of male rock lobster (mm)	Minimum size of female rock lobster (mm)
1.	Northern size limit zone	110	120
2.	Southern size limit zone	110	105

SCHEDULE 3 – PORTS OF LANDING

Rule 3

1. The following are ports of landing for north-western Tasmania:
 - (a) Bluff Hill Point;
 - (b) within 200 metres of Cousta Rocks;
 - (c) the public wharf at Currie Harbour;
 - (d) Devonport;
 - (e) within Granville Harbour and Sting Ray Bay;
 - (f) within Grassy Harbour;
 - (g) within Nelson Bay;
 - (h) the public unloading wharf at Smithton;
 - (i) Fisherman's Wharf at Stanley;
 - (j) the wharf known as the Craig Moyston wharf at Stanley;
 - (k) the main public wharf, Fisherman's Wharf and Strahan Fisheries Wharf at Strahan;
 - (l) within 200 metres of Temma Harbour;
 - (m) Fisherman's Wharf at Wynyard.

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 3

2. The following are ports of landing for north-eastern Tasmania:
 - (a) Waubs Bay ramp and the public wharf at Bicheno;
 - (b) the boat ramp at Binalong Bay;
 - (c) the public wharf at Bridport;
 - (d) the public wharf at George Town;
 - (e) Killiecrankie;
 - (f) the public wharf at Lady Barron;
 - (g) North East River;
 - (h) Musselroe River;
 - (i) the public wharf, Pike's Jetty and Finger Pier at St Helens;
 - (j) the public wharf at Whitemark;
 - (k) Palana;
 - (l) the public wharf at Beauty Point.

3. The following are ports of landing for southern Tasmania:
 - (a) the public wharf at Coles Bay;
 - (b) the public wharf at Dover;
 - (c) the wharf known as the Craig Moyston wharf at Dover;

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 3

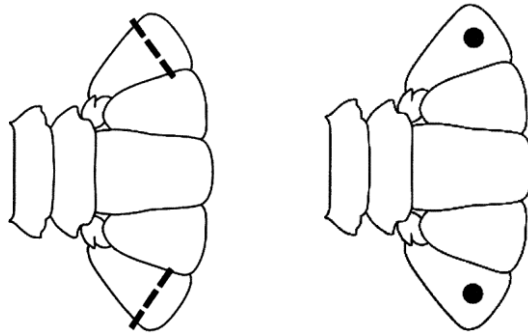
- (d) Blackman Bay Wharf at Dunalley;
- (e) the public wharf at Eaglehawk Neck;
- (f) Gordon Jetty;
- (g) King's Pier, Macquarie Wharf and Victoria Dock at Hobart;
- (h) the public wharf at Kettering;
- (i) North West Bay Marina and the public wharf at Margate;
- (j) the public wharf and the Storm Bay Seafoods wharf at Nubeena;
- (k) the public wharf at Port Arthur;
- (l) the public wharf at Recherche Bay;
- (m) the public wharf at Southport;
- (n) the town wharf, the wharf opposite the town wharf and the deepwater wharf at Triabunna;
- (o) the public wharf at Woodbridge;
- (p) the public jetty at Little Swanport.

**SCHEDULE 4 – PRESCRIBED MANNER OF
MARKING ROCK LOBSTER**

Rule 3

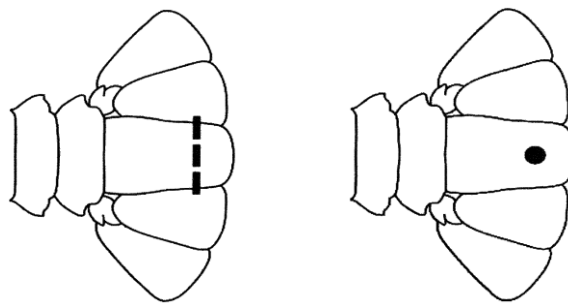
PART 1 – NORTHERN SIZE LIMIT ZONE

The relevant tail fan segment is to be marked in the prescribed manner (as demonstrated in the illustration below) on the outermost uropods on both sides of the rock lobster:



PART 2 – SOUTHERN SIZE LIMIT ZONE

The relevant tail fan segment is to be marked in the prescribed manner (as demonstrated in the illustration below) on the telson of the rock lobster:

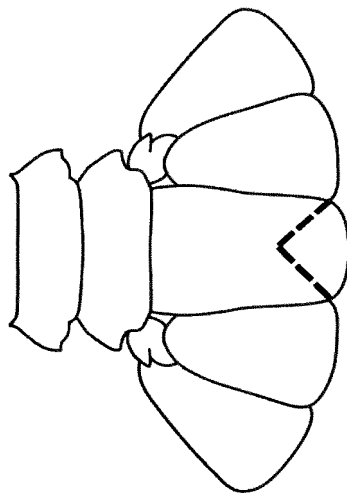


**SCHEDULE 5 – MARKING ROCK LOBSTER FOR
PERSONAL USE**

Rule 83

A rock lobster that is to be retained for personal use by the holder of a fishing licence (rock lobster) must be marked by removing a V-shaped notch (as demonstrated in the illustration below) –

- (a) from the posterior quarter of the central tail fan; and
- (b) so that at least the anterior three-quarters of the central segment remains attached to the rock lobster; and
- (c) where each side of the “V” is at least 20 millimetres.



Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 6

**SCHEDULE 6 – INFRINGEMENT NOTICE OFFENCES
AND PENALTIES**

Rule 123

	Rule	Penalty (penalty units)
1.	Rule 10(3)	10
2.	Rule 11(1)	10
3.	Rule 11(2)	8
4.	Rule 11(3)	8
5.	Rule 11(4)	10
6.	Rule 13	8
7.	Rule 14(2)	6
8.	Rule 15(1)	10
9.	Rule 15(2)	10
10.	Rule 16(1)	10
11.	Rule 17(1)	8
12.	Rule 17(2)	8
13.	Rule 17(4)	8
14.	Rule 18	10
15.	Rule 19(1)	6
16.	Rule 20	5

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 6

	Rule	Penalty (penalty units)
17.	Rule 21	10
18.	Rule 22	5
19.	Rule 23(1)	5
20.	Rule 23(2)	5
21.	Rule 23(3)	5
22.	Rule 23(4)	5
23.	Rule 23(5)	5
24.	Rule 24(2)	5
25.	Rule 24(3)	5
26.	Rule 24(4)	5
27.	Rule 25(1)	6
28.	Rule 25(2)	8
29.	Rule 25(3)	3
30.	Rule 25(5)	3
31.	Rule 26(1)	6
32.	Rule 26(2)	6
33.	Rule 30	10
34.	Rule 31(2)	6

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 6

	Rule	Penalty (penalty units)
35.	Rule 31(3)	6
36.	Rule 31(5)	10
37.	Rule 32(2)	5
38.	Rule 32(3)	5
39.	Rule 34(1)	3
40.	Rule 34(2)	3
41.	Rule 35(1)	8
42.	Rule 35(2)	8
43.	Rule 36(1)	2
44.	Rule 38(2)	5
45.	Rule 38(3)	3
46.	Rule 38(4)	3
47.	Rule 38(5)	3
48.	Rule 39(4)	3
49.	Rule 41(2)	3
50.	Rule 42(2)	4
51.	Rule 42(3)	4
52.	Rule 42(4)	3

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 6

	Rule	Penalty (penalty units)
53.	Rule 43(1)	3
54.	Rule 44(1)	5
55.	Rule 44(2)	5
56.	Rule 45(1)	10
57.	Rule 45(2)	10
58.	Rule 45(3)	10
59.	Rule 45(4)	10
60.	Rule 45(5)	10
61.	Rule 45(6)	3
62.	Rule 46(1)	8
63.	Rule 46(2)	8
64.	Rule 46(4)	5
65.	Rule 47(1)	5
66.	Rule 48(1)	10
67.	Rule 49(1)	10
68.	Rule 52(1)	4
69.	Rule 52(2)	6
70.	Rule 53(1)	4

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 6

	Rule	Penalty (penalty units)
71.	Rule 53(3)	6
72.	Rule 54(6)	5
73.	Rule 58	5
74.	Rule 59(2)	3
75.	Rule 61(2)	10
76.	Rule 62(2)	8
77.	Rule 67(1)	6
78.	Rule 67(3)	5
79.	Rule 67(4)	5
80.	Rule 68(1)	8
81.	Rule 68(2)	8
82.	Rule 69(2)	5
83.	Rule 69(3)	5
84.	Rule 70(2)	5
85.	Rule 70(3)	5
86.	Rule 71(2)	4
87.	Rule 71(3)	4
88.	Rule 72(2)	5

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 6

	Rule	Penalty (penalty units)
89.	Rule 72(3)	3
90.	Rule 72(4)	3
91.	Rule 72(5)	3
92.	Rule 73(2)	5
93.	Rule 73(3)	5
94.	Rule 74(2)	5
95.	Rule 74(3)	5
96.	Rule 75(2)	5
97.	Rule 76(1)	5
98.	Rule 77	5
99.	Rule 78(2)	6
100.	Rule 78(3)	3
101.	Rule 78(5)	10
102.	Rule 79	10
103.	Rule 80	10
104.	Rule 81(1)	10
105.	Rule 82	10
106.	Rule 83(2)	10

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 6

	Rule	Penalty (penalty units)
107.	Rule 83(3)	6
108.	Rule 83(4)	8
109.	Rule 83(5)	8
110.	Rule 83(6)	8
111.	Rule 84(2)	6
112.	Rule 84(3)	6
113.	Rule 85	8
114.	Rule 86(2)	10
115.	Rule 86(4)	8
116.	Rule 87(1)	5
117.	Rule 87(3)	5
118.	Rule 88(1)	6
119.	Rule 89(2)	8
120.	Rule 90(1)	4
121.	Rule 90(2)	6
122.	Rule 91	6
123.	Rule 92(1)	2
124.	Rule 93(1)	2

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 6

	Rule	Penalty (penalty units)
125.	Rule 93(2)	2
126.	Rule 93(4)	2
127.	Rule 93(5)	2
128.	Rule 94(1)	5
129.	Rule 94(2)	3
130.	Rule 94(3)	8
131.	Rule 94(4)	8
132.	Rule 95(1)	2
133.	Rule 96(1)	5
134.	Rule 96(2)	5
135.	Rule 96(3)	4
136.	Rule 96(4)	4
137.	Rule 96(6)	2
138.	Rule 96(7)	4
139.	Rule 96(8)	4
140.	Rule 96(9)	4
141.	Rule 96(10)	4
142.	Rule 97(1)	4

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 6

	Rule	Penalty (penalty units)
143.	Rule 97(2)	4
144.	Rule 97(3)	4
145.	Rule 97(4)	4
146.	Rule 99	3
147.	Rule 101	3
148.	Rule 102(2)	5
149.	Rule 102(3)	2
150.	Rule 102(4)	2
151.	Rule 103	2
152.	Rule 105(1)	1
153.	Rule 105(2)	1
154.	Rule 106(1)	1
155.	Rule 106(2)	1
156.	Rule 107(1)	1
157.	Rule 107(2)	1
158.	Rule 108(4)	3
159.	Rule 109(1)	3
160.	Rule 109(2)	3

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 6

	Rule	Penalty (penalty units)
161.	Rule 110(3)	3
162.	Rule 111(1)	3
163.	Rule 111(2)	3
164.	Rule 112(1)	3
165.	Rule 112(4)	3
166.	Rule 113(1)	2
167.	Rule 113(2)	2
168.	Rule 113(3)	2
169.	Rule 114(2)	5
170.	Rule 115(1)	3
171.	Rule 116(1)	5
172.	Rule 116(2)	3
173.	Rule 117(2)	3
174.	Rule 117(3)	3
175.	Rule 117(6)	3
176.	Rule 117(8)	3
177.	Rule 117(9)	3
178.	Rule 117(10)	5

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

sch. 6

	Rule	Penalty (penalty units)
179.	Rule 117(11)	1
180.	Rule 117(12)	1
181.	Rule 118(5)	4

Fisheries (Rock Lobster) Rules 2022
Statutory Rules 2022, No. 67

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

Notified in the *Gazette* on 14 September 2022.

These rules are administered in the Department of Natural Resources and Environment Tasmania.

EXPLANATORY NOTE

(This note is not part of the rules)

These rules provide, for the purposes of the *Living Marine Resources Management Act 1995*, for the management of the rock lobster fishery.