

TASMANIA

**FISHERIES (GENERAL AND FEES) AMENDMENT
REGULATIONS 2018**

STATUTORY RULES 2018, No. 51

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FISHERIES (GENERAL AND FEES) AMENDMENT REGULATIONS 2018

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

Dated 31 July 2018.

A. M. BLOW
Lieutenant-Governor

By His Excellency's Command,

S. COURTNEY
Minister for Primary Industries and Water

1. Short title

These regulations may be cited as the *Fisheries (General and Fees) Amendment Regulations 2018*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

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3. Principal Regulations

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

4. Regulation 28 inserted

After regulation 27 of the Principal Regulations, the following regulation is inserted in Part 4:

28. Prescribed offences and penalties

- (1) For the purposes of section 234 (1) of the Act –
 - (a) an offence against a provision of the Act specified in column 2 of the table in Part 1 of Schedule 6 is a prescribed offence; and
 - (b) an offence against a provision of these regulations specified in column 2 of the table in Part 2 of Schedule 6 is a prescribed offence.
- (2) A penalty specified in column 3 of a table in Part 1 or Part 2 of Schedule 6 in respect of a prescribed offence is the penalty applicable to the prescribed offence.

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5. Schedule 6 inserted

After Schedule 5 to the Principal Regulations,
the following Schedule is inserted:

SCHEDULE 6 – OFFENCES

Regulation 28

| Column 1 | PART 1 – OFFENCES UNDER THE ACT | |
|-----------------|--|--|
| Item | Column 2 | Column 3 |
| | Section of Act | Penalty (penalty units) |
| 1. | Section 15(2) | 3 |
| 2. | Section 60(1) | 4 |
| 3. | Section 64(1) | 4 |
| 4. | Section 86A | 3 |
| 5. | Section 89(1) | 3 |
| 6. | Section 89(4) | 3 |
| 7. | Section 89(7) | 2 |
| 8. | Section 135(2) | 3 |
| 9. | Section 139(1) | 1 |
| 10. | Section 143(3) | 2 |
| 11. | Section 145(1) | 1 |
| 12. | Section 145(2) | 1 |

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| Column 1 | Column 2 | Column 3 |
|--|-----------------------|------------------------------------|
| Item | Section of Act | Penalty (penalty units) |
| 13. | Section 167 | 1 |
| 14. | Section 262(1) | 3 |
| 15. | Section 270(2) | 4 |
| PART 2 – OFFENCES UNDER THE REGULATIONS | | |
| Column 1 | Column 2 | Column 3 |
| Item | Regulation | Penalty (penalty units) |
| 16. | Regulation 4(1) | 2 |
| 17. | Regulation 4(2) | 2 |
| 18. | Regulation 4(3) | 5 |
| 19. | Regulation 5 | 2 |
| 20. | Regulation 6(1)(a) | 3 |
| 21. | Regulation 6(1)(b) | 3 |
| 22. | Regulation 6(1)(c) | 3 |
| 23. | Regulation 7(2) | 5 |
| 24. | Regulation 7(3) | 5 |
| 25. | Regulation 7A(2) | 5 |

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| Column 1 | Column 2 | Column 3 |
|-----------------|-------------------|------------------------------------|
| Item | Regulation | Penalty (penalty units) |
| 26. | Regulation 7A(3) | 5 |
| 27. | Regulation 7A(4) | 5 |
| 28. | Regulation 7A(5) | 5 |
| 29. | Regulation 7A(6) | 5 |
| 30. | Regulation 7B(2) | 5 |
| 31. | Regulation 7B(3) | 5 |
| 32. | Regulation 7B(4) | 5 |
| 33. | Regulation 7C(2) | 5 |
| 34. | Regulation 7C(3) | 5 |
| 35. | Regulation 7D(2) | 5 |
| 36. | Regulation 7D(3) | 5 |
| 37. | Regulation 7D(4) | 5 |
| 38. | Regulation 7D(5) | 5 |
| 39. | Regulation 7E(2) | 5 |
| 40. | Regulation 7E(3) | 5 |
| 41. | Regulation 8(1) | 2 |
| 42. | Regulation 8(2) | 2 |

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| Column 1 | Column 2 | Column 3 |
|-----------------|-------------------|--|
| Item | Regulation | Penalty (penalty units) |
| 43. | Regulation 15(1) | 2 |
| 44. | Regulation 15(3) | 2 |
| 45. | Regulation 15(4) | 2 |
| 46. | Regulation 25 | 3 |
| 47. | Regulation 26 | 2 |

6. Legislation rescinded

The legislation specified in Schedule 1 is rescinded.

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SCHEDULE 1 – LEGISLATION RESCINDED

Regulation 6

Fisheries (Infringement Notices) Regulations 2011 (No. 73 of
2011)

Fisheries (Infringement Notices) Amendment Regulations
2015 (No. 101 of 2015)

Fisheries (Infringement Notices) Amendment Regulations
2016 (No. 31 of 2016)

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

Notified in the *Gazette* on 8 August 2018.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) amend the *Fisheries (General and Fees) Regulations 2016* by prescribing certain offences as infringement notice offences for the purposes of the *Living Marine Resources Management Act 1995* and those regulations and specifying the applicable penalties for those offences; and
- (b) rescind the *Fisheries (Infringement Notices) Regulations 2011*, the *Fisheries (Infringement Notices) Amendment Regulations 2015* and the *Fisheries (Infringement Notices) Amendment Regulations 2016*.