

TASMANIA

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**FISHERIES (MACKEREL) RULES 2019**  
**STATUTORY RULES 2019, No. 5**

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## **FISHERIES (MACKEREL) RULES 2019**

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

Dated 5 February 2019.

GUY BARNETT  
Minister for Primary Industries and Water

### **PART 1 – PRELIMINARY**

#### **1. Short title**

These rules may be cited as the *Fisheries (Mackerel) Rules 2019*.

#### **2. Commencement**

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

#### **3. Interpretation**

(1) In these rules –

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

*bycatch* means all species of scalefish other than mackerel;

*Commonwealth authority* means any licence, permit, right or other authority relating to a specific fishery granted under the Commonwealth Act;

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***fishing trip*** means a trip undertaken for fishing, commencing on the departure from a port, port of landing or authorised mooring and ending on the return to a port, port of landing or authorised mooring;

***Grade 1 penalty*** means the penalty specified in regulation 5 of the Penalty Regulations;

***Grade 2 penalty*** means the penalty specified in regulation 6 of the Penalty Regulations;

***Grade 3 penalty*** means the penalty specified in regulation 7 of the Penalty Regulations;

***mackerel*** means –

- (a) fish of the species *Emmelichthys nitidus* (commonly known as redbait); and
- (b) fish of the species *Scomber australasicus* (commonly known as blue mackerel); and
- (c) fish of the genus *Trachurus* including –
  - (i) *Trachurus declivis* (commonly known as common jack mackerel); and

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(ii) *Trachurus murphyi*  
(commonly known as  
Peruvian jack mackerel);  
and

(iii) *Trachurus  
novaezelandiae*  
(commonly known as  
yellowtail scad);

***mackerel fishing licence*** means –

- (a) a fishing licence (mackerel A); or
- (b) a fishing licence (mackerel B);

***mackerel zone*** means –

- (a) all the State waters east of the  
line of longitude 146° 30' East  
(known as the ***eastern mackerel  
zone***); and
- (b) all the State waters west of the  
line of longitude 146° 30' East  
(known as the ***western mackerel  
zone***);

***market value*** – see rule 16;

***open season*** – see rule 12;

***Penalty Regulations*** means the *Fisheries  
(Penalties) Regulations 2011*;

***purse seine net*** has the same meaning as in  
the *Fisheries (Scalefish) Rules 2015*;

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***reporting service*** means a reporting service approved under rule 20;

***scalefish*** has the same meaning as in the *Fisheries (Scalefish) Rules 2015*;

***shark refuge area*** means a shark refuge area specified in Schedule 1;

***site of unloading***, of mackerel, means –

(a) the first point where the mackerel or a container containing the mackerel –

(i) is unloaded; or

(ii) makes contact with a jetty or artificial extension of land; or

(b) any other place determined by the Secretary;

***unloading*** means the act of taking mackerel onto land, or causing or permitting mackerel to be taken onto land, from a fishing vessel or State waters.

(2) In these rules, a reference to a shark refuge area by name is a reference to the shark refuge area so named in column 2 (and as described in column 3) of the table in Schedule 1;

(3) In these rules, unless the contrary intention appears, a reference to a body of waters or a region, by name, is a reference to the body of waters or region so named as defined in

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Schedule 2 to the *Fisheries (Scalefish) Rules 2015*.

**4. Application of rules**

These rules apply to the mackerel fishery.

**5. Duration of rules**

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

**6. Consultation arrangements**

The Minister is to consult with the appropriate fishing body in relation to the mackerel fishery about any changes relating to –

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

**7. Classes of fishing licence**

For the purpose of these rules, the following fishing licences are class mackerel:

- (a) fishing licence (mackerel A);

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(b) fishing licence (mackerel B).

## **PART 2 – LICENCES**

### **8. Authority of mackerel fishing licence**

- (1) A mackerel fishing licence only authorises the holder, in State waters –
  - (a) to use the fishing vessel specified in the licence; and
  - (b) to take mackerel not exceeding the quantity specified in the licence for a species of mackerel, a mackerel zone or a species of mackerel in relation to a mackerel zone; and
  - (c) to take bycatch not exceeding the limits imposed by these rules.
- (2) Subject to Part 4, a mackerel fishing licence authorises the holder to use a purse seine net in State waters.

### **9. Unloading mackerel**

The holder of a mackerel fishing licence must only unload mackerel to the holder of a fish processing licence authorised to process mackerel.

Penalty: Grade 3 penalty.

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**10. Completion of mackerel records**

The holder of a mackerel fishing licence must complete records, required to be kept under section 145 of the Act, in respect of catching and unloading mackerel –

- (a) if the record relates only to the catching of mackerel –
  - (i) as soon as practicable after catching the mackerel; and
  - (ii) if the mackerel is caught during a fishing trip that last longer than 24 hours, before the end of each day of that fishing trip; and
- (b) if the record relates to the unloading of the mackerel –
  - (i) as soon as practicable after unloading the mackerel; and
  - (ii) before any of the mackerel so unloaded is moved more than 200 metres outside the site of unloading; and
  - (iii) before any of the mackerel so unloaded is moved inside a temporary structure, or a building; and
  - (iv) if the mackerel is unloaded during a fishing trip that last longer than 24 hours, before the

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end of each day of that fishing  
trip.

**11. Mackerel fishing licence not transferable**

A mackerel fishing licence is not transferable.

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**PART 3 – GENERAL MANAGEMENT OF FISHERY**

**12. Open season and closure of mackerel fishery**

- (1) Unless otherwise determined under subrule (2), the open season for the mackerel fishery for 2019 and each subsequent year is the period commencing on 1 May in the relevant year and ending on 30 April in the following year.
- (2) The Minister, by notice published in the *Gazette*, or on a website of the Department, or in a newspaper circulating in the State, may determine the dates of the closed season for all or part of the mackerel fishery in respect of one or more of the following:
  - (a) a type of mackerel fishing licence;
  - (b) an area of State waters;
  - (c) a species of mackerel;
  - (d) a specific activity.
- (3) The open season for the mackerel fishery that commenced on 1 July 2018 under the *Fisheries (Mackerel) Rules 2009* continues, but ends on 30 April 2019.
- (4) The holder of a mackerel fishing licence must not take mackerel –
  - (a) in contravention of a closed season determined by the Minister under subrule (2); or

- (b) while the fishery is closed under subrule (2).

Penalty: Grade 3 penalty.

### **13. Total allowable catch**

The Minister is to determine and set the total allowable catch for the mackerel fishery, or part of the mackerel fishery, by reference to the whole weight of mackerel allowed to be caught by the holder of a mackerel fishing licence during the open season.

### **14. Licence amount not to be exceeded**

- (1) The holder of a mackerel fishing licence must not, during a fishing trip, take more mackerel than the uncaught balance of the amount specified for the licence.

Penalty: In the case of –

- (a) the uncaught balance of the relevant amount specified being exceeded by not more than 20%, Grade 1 penalty; or
- (b) the uncaught balance of the relevant amount specified being exceeded by more than 20% but not more than 50%, Grade 2 penalty; or
- (c) the uncaught balance of the relevant amount specified

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being exceeded by more than  
50%, Grade 3 penalty.

(2) If –

- (a) the Minister is satisfied that the holder of a mackerel fishing licence has committed an offence under subrule (1) but that the relevant amount specified in the licence has only been exceeded by not more than 50% of the uncaught balance; and
- (b) the licence holder pays or agrees to pay an administrative penalty to the Crown –

the Minister may accept such payment or agreement to pay and, if so, must waive or, if applicable, discontinue the proceedings for the offence.

(3) If the whole or any part of an amount that a person has agreed to pay under subrule (2) is not paid by such date or within such period as the person and the Minister have agreed for the purpose, the unpaid amount may be recovered in a court of competent jurisdiction as a debt due to the Crown.

(4) In this rule –

*administrative penalty* means –

- (a) in the case of exceeding the uncaught balance of the amount of mackerel specified in the licence by 20% or less, an amount equal to 1.5 times the

market value of the excess amount of mackerel; and

- (b) in the case of exceeding the uncaught balance of the amount of mackerel specified in the licence by more than 20% and up to 50%, an amount equal to 2 times the market value of the excess amount of mackerel.

**15. Bycatch limit for each fishing trip**

- (1) The holder of a mackerel fishing licence must not, in State waters, during any one fishing trip, take or be in possession of an amount of bycatch that weighs more than 10% of the total weight of mackerel taken by the licence holder during that fishing trip (the *authorised amount*).

Penalty: In the case of –

- (a) the authorised amount being exceeded by not more than 2%, Grade 1 penalty; or
- (b) the authorised amount being exceeded by more than 2% but not more than 4%, Grade 2 penalty; or
- (c) the authorised amount being exceeded by more than 4%, Grade 3 penalty.

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- (2) A person must not, while fishing under the authority of a mackerel fishing licence, engage in fishing that is not authorised by the licence.

Penalty: Grade 3 penalty.

- (3) If –

- (a) the Minister is satisfied that the holder of a mackerel fishing licence has committed an offence under subrule (1) but that the authorised amount of bycatch has only been exceeded by not more than 4%; and
- (b) the licence holder pays or agrees to pay an administrative penalty to the Crown –

the Minister may accept such payment or agreement to pay and, if so, must waive or, if applicable, discontinue the proceedings for the offence.

- (4) If the whole or any part of an amount that a person has agreed to pay under subrule (3) is not paid by such date or within such period as the person and the Minister have agreed for the purpose, the unpaid amount may be recovered in a court of competent jurisdiction as a debt due to the Crown.

- (5) In this rule –

*administrative penalty* means –

- (a) for an excess of not more than 2%, an amount equal to the

market value of the excess bycatch; and

- (b) for an excess of more than 2% but not more than 4%, an amount equal to twice the market value of the excess bycatch.

## **16. Determination of market value**

- (1) The Secretary may, from time to time, after consultation with the relevant fishing body –
  - (a) determine the market value of mackerel; and
  - (b) determine the market value of bycatch for the purposes of these rules; and
  - (c) publish the determination –
    - (i) in the *Gazette*; or
    - (ii) on a website, maintained by or on behalf of the Government, that is accessible by members of the public; or
    - (iii) in a newspaper circulating in the State.
- (2) A determination under subrule (1) has effect from the date on which the notice is published until the determination is revoked or a further determination is made under subrule (1).

**PART 4 – PURSE SEINE NET RESTRICTIONS**

**17. Restriction on use of purse seine nets in certain waters**

The holder of a mackerel fishing licence, acting under the authority of that licence, must not set or use a purse seine net in any of the following waters:

- (a) King Bay, Moulting Lagoon, Pelican Bay, Great Swanport and the waters enclosed north of an imaginary straight line extending from Point Bagot to the first point of land due east of Point Bagot;
- (b) the waters in the north-west region specified in Part 1 of Schedule 2;
- (c) the waters in the north-east region specified in Part 2 of Schedule 2;
- (d) the waters in the southern region specified in Part 3 of Schedule 2;
- (e) the waters specified in items 1 to 7 of Schedule 3.

Penalty: Grade 2 penalty.

**18. Restriction for vessels from 25 to 35 metres in length**

- (1) In addition to rule 17, the holder of a mackerel fishing licence, acting under the authority of that

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licence, must not, from a fishing vessel that is equal to or greater than 25 metres, but less than or equal to 35 metres, in length, set or use a purse seine net in any of the waters specified in items 8 to 10 of Schedule 3.

Penalty: Grade 3 penalty.

- (2) Despite subrule (1), the holder of a mackerel fishing licence may set or use a purse seine net, from a fishing vessel of a length referred to in that subrule, in the waters specified in items 8 to 10 of Schedule 3 if the licence is endorsed to that effect.

**19. Restriction for vessels over 35 metres in length**

- (1) In addition to rule 17, the holder of a mackerel fishing licence must not, from a fishing vessel that exceeds 35 metres in length, set or use a purse seine net in State waters.

Penalty: Grade 3 penalty.

- (2) Despite subrule (1), the holder of a mackerel fishing licence may set or use a purse seine net, from a fishing vessel referred to in that subrule, in State waters if the licence is endorsed to that effect.
- (3) An endorsement under subrule (2) may not, however, be made in respect of any of the waters specified in rule 17.

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Part 5 – Miscellaneous

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**PART 5 – MISCELLANEOUS**

**20. Reporting services**

- (1) The Secretary may approve –
  - (a) a reporting service to receive reports under these rules; and
  - (b) the means by which such reports are to be made to the reporting service; 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.

**21. Vessel monitoring systems**

- (1) In this rule –

*vessel monitoring system* means a navigational measuring system that –

  - (a) determines the location and activities of a vessel; and
  - (b) is capable of transmitting data about that location and those activities via a satellite communication system.
- (2) The Secretary, by notice in writing provided to the holder of a mackerel fishing licence, may

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direct the licence holder to fit a vessel monitoring system to a specified fishing vessel.

- (3) The provisions of Part 3 of the *Fisheries Rules 2009* relating to a vessel monitoring system, other than rule 32 of those rules, apply to the holder of a mackerel fishing licence as if –
- (a) a reference in those rules to a holder of a fishing licence (vessel) were a reference to a holder of a mackerel fishing licence; and
  - (b) a reference in those rules to a supervisor of a fishing licence (vessel) were a reference to a supervisor of a mackerel fishing licence; and
  - (c) a reference in those rules to a notice served were a reference to a notice in writing provided.

**22. Procedures for dealing with certain threatened, endangered and protected species**

- (1) In this rule –

*threatened, endangered and protected species* means species listed in Chapter 5 of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth including dolphins, seals and seabirds.

- (2) Before acting under the authority of a mackerel fishing licence, the holder of the licence must

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have an approved written procedure in respect of the measures to be taken to mitigate interactions between the licensee's fishing vessel and threatened, endangered and protected species.

Penalty: Grade 3 penalty.

- (3) The holder of a mackerel fishing licence must comply with the approved written procedure when taking mackerel under the authority of the licence.

Penalty: Grade 3 penalty.

**23. Infringement notice offences and penalties**

For the purposes of section 42(2) of the Act –

- (a) an offence against a provision of these rules specified in column 2 of Schedule 4 is a prescribed offence for the purposes of Division 5 of Part 9 of the Act; and
- (b) the penalty specified in column 3 of that Schedule opposite that provision is the prescribed penalty applicable to that offence.

**24. Legislation rescinded**

The legislation specified in Schedule 5 is rescinded.

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**SCHEDULE 1 – SHARK REFUGE AREAS DEFINED**

Rule 3

	<b>Shark refuge area</b>	<b>Description of area</b>
1.	Blackman Bay	<p>The waters within the area bounded –</p> <ul style="list-style-type: none"> <li>(a) in the west by the western entrance of the Denison Canal; and</li> <li>(b) in the east by an imaginary straight line from the southern extreme of Long Spit due east to the opposite shore of Little Chinaman Bay</li> </ul>
2.	D’Entrecasteaux Channel	<p>The waters within the area bounded –</p> <ul style="list-style-type: none"> <li>(a) in the south by an imaginary straight line from Scott Point (situated at the entrance of Port Esperance) to the northern point of Partridge Island and line of longitude 147° 5’ 54” East between the southernmost point of Partridge Island and Labillardiere Peninsula on Bruny Island; and</li> <li>(b) in the north by an imaginary straight line from Dennes Point on Bruny Island to Piersons Point situated on the western shore of the River Derwent</li> </ul>

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	<b>Shark refuge area</b>	<b>Description of area</b>
3.	East Coast waters	The waters within 3 nautical miles of any part of the east coast of the State between Seaford Point and an imaginary straight line from Cape Bougainville to Cape Boullanger on Maria Island
4.	Frederick Henry Bay and Norfolk Bay	<p>The waters within –</p> <p style="padding-left: 40px;">(a) an imaginary straight line between North West Head and Cape Contrariety; and</p> <p style="padding-left: 40px;">(b) Pitt Water and Pipe Clay Lagoon</p> <p>apart from the waters in Eaglehawk Bay bounded in the west by an imaginary straight line from Sympathy Point to Heather Point</p>
5.	Georges Bay	The waters enclosed west of an imaginary straight line between Grants Point and St Helens Point
6.	Great Oyster Bay	The waters enclosed north of an imaginary straight line from Weatherhead Point on Freycinet Peninsula to Seaford Point

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	<b>Shark refuge area</b>	<b>Description of area</b>
7.	Mercury Passage	The waters bounded in the north by an imaginary straight line from Cape Bougainville to Cape Boullanger and in the south by an imaginary straight line from Cape Peron to Cape Bernier
8.	Pitt Water	The waters upstream of an imaginary straight line from Sandy Point to Tiger Head
9.	Port Sorell	The waters upstream of an imaginary straight line from Griffiths Point in the east to Taroon Point in the west at the southern extremity of Hawley Beach
10.	River Derwent	The waters upstream of an imaginary straight line from Dennes Point to Cape Direction
11.	River Tamar	The waters upstream of an imaginary straight line from Low Head to West Head

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**SCHEDULE 2 – RESTRICTED WATERS FOR PURSE  
SEINE NETS**

Rule 17

**PART 1 – NORTH-WEST REGION**

1. Arthur River, upstream from an imaginary straight line from Gardiner Point north to the opposite shore
2. Black River, upstream from the mouth where the river enters Bass Strait between Peggs Beach and Black River Beach and including those waters within 100 metres to seaward of that mouth
3. The Blowhole, King Island, within 300 metres of The Blowhole on the east coast of King Island between Naracoopa and the Sea Elephant River
4. Blythe River and its tributaries, upstream from the mouth and including those waters within 100 metres of the seaward extremity of the rocks on the eastern shore at the mouth
5. Cam River, upstream from the mouth and including those waters within 300 metres to seaward of the road bridge
6. Currie Harbour, enclosed by an imaginary straight line from the tip of the westernmost breakwater at the south-western end of Currie Harbour to the north-western extremity of Currie Harbour, known as Devils Gap
7. Detention River, including the waters of Pebbly Bay, upstream from the mouth where the river enters Bass Strait between Hellyer Beach and Forwards Beach and including those waters within 100 metres to seaward of that mouth

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8. Don River, upstream from an imaginary straight line from Don Heads in the west to the gun club building on the eastern shore and including those waters within 100 metres to seaward of this line
  9. Duck Bay
  10. East Inlet and West Inlet, near Stanley, enclosed by an imaginary straight line from the northern extremity of Black River Beach to the eastern extremity of Anthony Beach
  11. Emu River and its tributaries, upstream from the mouth and including those waters within 200 metres to seaward of the road bridge
  12. Forth River
  13. Grassy Harbour, enclosed by an imaginary straight line from the end of the jetty at Jetty Point to Sandblow Point
  14. Henty River, within 100 metres to seaward of the mouth of the river
  15. Hibbs Lagoon, from the mouth of that lagoon
  16. Inglis River, upstream of an imaginary straight line from the seaward extremity of the breakwater on the northern shore of the river to the seaward extremity of the breakwater on the southern side of the river, including those waters within 100 metres of that line
  17. Macquarie Harbour, south and east of an imaginary straight line from Gordon Point to Charcoal Burners Bluff
  18. Mosquito Inlet, from the northern extremity of Black Banks to Egging Point and west to the shore of Robbins Island

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19. Pieman River, upstream from an imaginary straight line through Pieman Head along longitude 144° 55' East
20. River Leven
21. River Mersey
22. Sea Elephant River, from the mouth of that river on King Island
23. Stanley, west of an imaginary straight line from the northern extremity of Black River Beach to a point 500 metres off the shore of the town of Stanley, at the line of longitude of the western face of the western wave wall of the Fishermans Dock, and within 500 metres of the shore in a general easterly direction, and then following the shore to the line of latitude at the eastern extremity of Godfreys Beach
24. Sulphur Creek, upstream from the railway bridge

**PART 2 – NORTH-EAST REGION**

1. Ansons Bay
2. Boobyalla Inlet, upstream from an imaginary straight line originating on Murdochs Beach at latitude 40° 52' 4.5" South longitude 147° 52' 56.9" East and finishing at latitude 40° 52' 5.4" South longitude 147° 52' 57.5" East on Boobyalla Beach
3. Brid River and waters south of an imaginary straight line from the eastern extremity of Barnbougale Beach to the boat ramp at the southern end of Old Pier Beach and the old wharf piles

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4. Cameron Inlet on Flinders Island, upstream from an imaginary straight line from the north-western tip of Planter Beach west to the opposite shore
  5. Douglas River, north of Bicheno
  6. Four Mile Creek, near St Patricks Head
  7. Georges Bay
  8. Little Musselroe River
  9. Musselroe Bay and waters enclosed upstream by an imaginary straight line from the point known as Ryans Arm at line of longitude 148° 9' 8" East due north to the opposite shore
  10. North East River and Arthurs Creek, upstream from an imaginary straight line from the eastern extremity of Holloway Point south to the northern extremity of Foochow Beach
  11. Pipers River, from the mouth of that river
  12. River Tamar, upstream from an imaginary straight line from Point Rapid to Sheeptail Point
  13. Saltwater Inlet
  14. Scamander River
  15. Tomahawk River, upstream from an imaginary straight line from the eastern extremity of the northern arm of the river entrance south to Tomahawk Beach

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**PART 3 – SOUTHERN REGION**

1. Bream Creek
2. Browns River and waters inshore and west of an imaginary straight line from Bonnet Point to Soldiers Rocks at Blackmans Bay and Kingston
3. Buxton River, upstream from an imaginary straight line from the south-eastern extremity of Horrels Point to Penquite Point
4. Carlton River, upstream from an imaginary straight line from the western extremity of Carlton Bluff to the Carlton Beach Surf Lifesaving Club building on the opposite shore
5. Catamaran River, upstream from the mouth and including those waters within 200 metres to seaward of the mouth
6. Coal River, north of the causeway across the western arm of Pitt Water
7. D'Entrecasteaux River, upstream from an imaginary straight line eastwards from the intersection of the Cockle Creek Road and the Leprena Track to the eastern side of the river at the northern extremity of Coal Pit Bight
8. Esperance River, upstream from an imaginary straight line between Slacks Point and Hawkers Point
9. Huon River, upstream from the line of latitude from the navigation light on Brabazon Point to the western side of the river
10. The following lagoons:

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- (a) Blackswan Lagoon, upstream from an imaginary straight line from the southern extremity of Little Lagoon Beach west to the other shore;
  - (b) Bryans Lagoon, from the mouth of that lagoon;
  - (c) Cloudy Bay Lagoon on Bruny Island, upstream from an imaginary straight line from the south-western extremity of the spit at the western end of Cloudy Beaches west to the opposite shore;
  - (d) Earlham Lagoon, from the mouth of that lagoon;
  - (e) Freshwater Lagoon, from the mouth of that lagoon;
  - (f) New River Lagoon, from the mouth of that lagoon;
  - (g) Okehampton Lagoon, from the mouth of that lagoon;
  - (h) Saltwater Lagoon, from the mouth of that lagoon;
  - (i) Southport Lagoon, from the mouth of that lagoon;
  - (j) Troyheleener Lagoon, upstream from the Tasman Highway (A3) road bridge;
11. Lisdillon River and Lisdillon Lagoon, upstream from an imaginary straight line from the southern extremity of Lisdillon Beach west to the opposite shore
  12. Little Swanport Estuary and Little Swanport River, upstream from an imaginary straight line north from Limekiln Point to the opposite shore
  13. Lune River, upstream from line of latitude 43° 26' 50" South across the channel at Bream Bay to the seaward limit boundary across the river at Echo Island

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14. Meredith River, north of Swansea
15. North West Bay River, upstream from an imaginary straight line across North-West Bay from the boat ramp at Dru Point to the western extremity of Stinkpot Bay
16. Patersons Arch, within 200 metres of the lookout on the point west of Patersons Arch on the Tasman Peninsula
17. Pipe Clay Lagoon
18. Pitt Water
19. Prosser River
20. Tarooma waters, as defined in the *Fisheries Rules 2009*
21. Waterfall Bay, within 200 metres of the low-water mark of the shore from the main waterfall in Waterfall Bay east to the southern extremity of Waterfall Bluff

**SCHEDULE 3 – RESTRICTED WATERS FOR USE OF  
PURSE SEINE NETS WITH CERTAIN VESSELS**

Rules 17 and 18

1. Adventure Bay – all waters enclosed west of an imaginary straight line extending from the southernmost extent of Cape Queen Elizabeth to the northernmost extent of Grass Point
2. Hippolyte Rocks – all waters within a radius of one nautical mile of the rocks
3. Port Arthur – all waters enclosed north of an imaginary straight line extending from the easternmost extent of West Arthur Head to the southernmost extent of Budget Head
4. Port Davey including Bathurst Harbour – all waters enclosed inshore (northeast) of an imaginary straight line extending from the easternmost extent of North Head to the westernmost extent of Hilliard Head
5. Recherche Bay – all waters west of an imaginary straight line extending from Sullivan Point to the navigation light on Fishers Point
6. Wineglass Bay – all waters enclosed west of an imaginary straight line starting at the intersection of line of latitude 42° 8' 58.64" South with line of longitude 148° 19' 25.72" East and running approximately south to the intersection of line of latitude 42° 10' 9.67" South with line of longitude 148° 18' 55.61" East
7. The following shark refuge areas:
  - (a) Blackman Bay
  - (b) D'Entrecasteaux Channel

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- (c) Frederick Henry Bay and Norfolk Bay
  - (d) Georges Bay
  - (e) Great Oyster Bay
  - (f) Pitt Water
  - (g) Port Sorell
  - (h) River Derwent
  - (i) River Tamar
8. The following shark refuge areas:
- (a) East Coast waters
  - (b) Mercury Passage
9. Storm Bay – all waters north of an imaginary straight line extending from the easternmost extent of One Tree Point to the southernmost extent of Outer North Head
10. All waters inshore of an imaginary straight line extending from Cape Boullanger to Cape Faure

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**SCHEDULE 4 – INFRINGEMENT NOTICE OFFENCES**

Rule 23

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Provision of rules</b>	<b>Penalty (penalty units)</b>
1.	Rule 9	3
2.	Rule 12(4)	5
3.	Rule 14(1)(a)	3
4.	Rule 14(1)(b)	5
5.	Rule 14(1)(c)	7
6.	Rule 15(1)(a)	3
7.	Rule 15(1)(b)	5
8.	Rule 15(1)(c)	7
9.	Rule 15(2)	5
10.	Rule 17	3
11.	Rule 18(1)	3
12.	Rule 19(1)	5
13.	Rule 22(2)	5
14.	Rule 22(3)	5

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**SCHEDULE 5 – LEGISLATION RESCINDED**

Rule 24

*Fisheries (Mackerel) Rules 2009* (No. 16 of 2009)

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

Notified in the *Gazette* on 20 February 2019.

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

**EXPLANATORY NOTE**

*(This note is not part of the rules)*

These rules –

- (a) specify –
  - (i) general rules in relation to the mackerel fishery, including licensing and the use or prohibition of certain equipment; and
  - (ii) other miscellaneous matters related to the mackerel fishery; and
- (b) replace the *Fisheries (Mackerel) Rules 2009*.