

TASMANIA

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**FISHERIES (GENERAL AND FEES) AMENDMENT  
REGULATIONS 2022**

**STATUTORY RULES 2022, No. 121**

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## **FISHERIES (GENERAL AND FEES) AMENDMENT REGULATIONS 2022**

I, the 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 13 December 2022.

B. BAKER  
Governor

By Her Excellency's Command,

JO PALMER  
Minister for Primary Industries and Water

### **1. Short title**

These regulations may be cited as the *Fisheries (General and Fees) Amendment Regulations 2022*.

### **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 3 amended (Interpretation)**

Regulation 3 of the Principal Regulations is amended by inserting after the definition of *mother boat* the following definition:

***northern blacklip area*** means the area of State waters adjacent to the north, north-west and north-east coasts of the mainland of Tasmania and King Island, and those State waters generally north of a line bounded in the east by an imaginary line from the northern side of the mouth of the Great Musselroe River at Musselroe Bay running due west for 100 metres, then following the shoreline 100 metres from shore to the northernmost tip of Musselroe Point, then running due north until its junction with the line of latitude 40° 48' 00" South, and running due east to the outer limit of State waters, and bounded in the west by an imaginary line from the northernmost point of Woolnorth Point to the point of latitude 40° 37' 14.40" South, longitude 144° 41' 37.87" East, then running due north to the line of latitude

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\*S.R. 2016, No. 30

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40° 16' 58.41" South, and running due west to the limit of State waters.

**5. Regulation 7 amended (Taking or possessing abalone in area A)**

Regulation 7 of the Principal Regulations is amended by omitting subregulations (2) and (3) and substituting the following subregulations:

- (2) The holder of a fishing licence (abalone dive) must not take, from the waters within area A, abalone with a shell length –
- (a) if the abalone is taken on or before 30 June 2024 – less than 145 millimetres; or
  - (b) if the abalone is taken after 30 June 2024 – less than 150 millimetres.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (abalone dive) must not, in the waters of area A or on land within one kilometre of waters within that area, have possession of any abalone, taken during a period referred to in subregulation (2), that have a shell length less than the length specified in that subregulation in respect of that period, unless –

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- (a) the holder is undertaking a fishing trip on a mother boat; and
- (b) the mother boat is –
  - (i) in State waters north of an imaginary line running due west from Cape Sorell to the limit of State waters; or
  - (ii) in Macquarie Harbour or the channel into Macquarie Harbour; and
- (c) the abalone has a shell length of –
  - (i) if the abalone is in the possession of the holder on or before 31 December 2024 – not less than 132 millimetres; or
  - (ii) if the abalone is in the possession of the holder after 31 December 2024 – not less than 136 millimetres.

Penalty: Grade 3 penalty.

**6. Regulation 7A amended (Taking or possessing abalone in northern blacklip area)**

Regulation 7A of the Principal Regulations is amended as follows:

- (a) by inserting the following definitions after the definition of *Bass Strait islands area* in subregulation (1):

***King Island blacklip area*** means the area of State waters adjacent to King Island bounded in the east by the line of longitude 144° 41' 37.87" East, and bounded in the south by the line of latitude 40° 16' 58.41" South;

***Musselroe Bay blacklip area*** means the area of State waters adjacent to the north-east coast of mainland Tasmania bounded in the west by an imaginary line beginning where the line of longitude 147° 27' 00" East meets the high-water mark of the north coast of the mainland of Tasmania in Anderson Bay, then running due north until its junction with the line of latitude 40° 39' 00" South, then due east along that line of latitude to the outer limit of State waters, and bounded in the east by an imaginary line from the northern side of the mouth of the Great Musselroe River at Musselroe Bay running due west for 100 metres, then following the shoreline 100 metres from shore to the northernmost tip of Musselroe Point, then running

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due north until its junction with  
the line of latitude 40° 48' 00"  
South, and running due east to the  
outer limit of State waters;

- (b) by omitting the definition of *northern blacklip area* from subregulation (1);
- (c) by omitting subregulations (2) and (3) and substituting the following subregulations:
  - (2) The holder of a fishing licence (abalone dive) must not take, from the King Island blacklip area, abalone with a shell length –
    - (a) if the abalone is taken on or before 31 December 2022 – less than 127 millimetres; or
    - (b) if the abalone is taken after 31 December 2022 but on or before 31 December 2023 – less than 130 millimetres; or
    - (c) if the abalone is taken after 31 December 2023 but on or before 31 December 2024 – less than 132 millimetres; or
    - (d) if the abalone is taken after 31 December 2024 – less than 136 millimetres.



Penalty: Grade 3 penalty.

- (2A) The holder of a fishing licence (abalone dive) must not take, from the Musselroe Bay blacklip area, abalone with a shell length –
- (a) if the abalone is taken on or before 31 December 2022 – less than 127 millimetres; or
  - (b) if the abalone is taken after 31 December 2022 but on or before 31 December 2023 – less than 130 millimetres; or
  - (c) if the abalone is taken after 31 December 2023 – less than 132 millimetres.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (abalone dive) must not, in the waters of the King Island blacklip area or on land within one kilometre of waters within that area, or in the waters of the Musselroe Bay blacklip area or on land within one kilometre of waters within that area, have possession of any abalone, taken during a period referred to in subregulation (2) or (2A), that

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have a shell length less than the length specified in those subregulations in respect of that period, unless –

- (a) the holder is undertaking a fishing trip on a mother boat; and
- (b) the abalone was taken legally from another part of the fishery.

Penalty: Grade 3 penalty.

**7. Regulation 7B amended (Taking or possessing abalone in upper-west blacklip area)**

Regulation 7B of the Principal Regulations is amended as follows:

- (a) by omitting paragraphs (a) and (b) from subregulation (2) and substituting the following paragraphs:
  - (a) if the abalone is taken on or before 31 December 2024 – less than 132 millimetres; or
  - (b) if the abalone is taken after 31 December 2024 – less than 136 millimetres.
- (b) by omitting paragraphs (a) and (b) from subregulation (3) and substituting the following paragraphs:

- (a) if the abalone is taken on or before 31 December 2024 – less than 132 millimetres; or
- (b) if the abalone is taken after 31 December 2024 – less than 136 millimetres –
- (c) by omitting subregulation (4).

**8. Regulation 7C amended (Taking or possessing abalone in east coast area)**

Regulation 7C of the Principal Regulations is amended by omitting subregulations (2) and (3) and substituting the following subregulations:

- (2) The holder of a fishing licence (abalone dive) must not take, from the waters of the east coast area, abalone with a shell length –
  - (a) if the abalone is taken on or before 31 December 2022 – less than 138 millimetres; or
  - (b) if the abalone is taken after 31 December 2022 but on or before 31 December 2023 – less than 140 millimetres; or
  - (c) if the abalone is taken after 31 December 2023 but on or before 31 December 2024 – less than 142 millimetres; or

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- (d) if the abalone is taken after 31 December 2024 – less than 145 millimetres.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (abalone dive) must not, in the waters of the east coast area or on land within one kilometre of those waters, have possession of any abalone, taken during a period referred to in subregulation (2), that have a shell length less than the length specified in that subregulation in respect of that period, unless –
  - (a) the abalone does not have a shell length less than 110 millimetres; and
  - (b) the holder is undertaking a fishing trip on a mother boat; and
  - (c) the mother boat is –
    - (i) in State waters bounded in the north by the eastern boundary of the northern blacklip area and in the south by an imaginary straight line running due east from the tip of St Helens Point to the limit of State waters; or
    - (ii) within the waters of Georges Bay; and

- (d) the abalone was taken legally from another part of the fishery.

Penalty: Grade 3 penalty.

**9. Regulation 24 amended (Keeping records)**

Regulation 24 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (b) “the Act.” and substituting “the Act;”;
- (b) by inserting the following paragraph after paragraph (b):
  - (c) a person who is transporting fish on behalf of the holder of a fish processing licence or handling licence.

**10. Regulation 27 amended (Prescribed purposes for changes to management plans)**

Regulation 27 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “12 months” and substituting “24 months, in total;”;
- (b) by omitting subregulation (2) and substituting the following subregulation:
  - (2) For the avoidance of doubt, nothing in subregulation (1)

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prevents more than one extension of a management plan under that subregulation, if the extension period, in total, for that management plan does not exceed 24 months.

**11. Schedule 1 amended (Licence fees )**

Schedule 1 to the Principal Regulations is amended by omitting paragraph (a) from item 9 in Part 1 and substituting:

- (a) Renewal –
- |   |   |
|---|---|
| (i) fixed component where the total allowable catch under the licence is less than 1 500 tonnes | 0   |
| (ii) fixed component where the total allowable catch under the licence is 1 500 tonnes or more  | 8 fee units per scallop quota unit                      |
| (iii) plus research levy component  | 2 fee units   |
| (iv) plus fisheries management component  | 622 fee units plus 4.4 fee units per scallop quota unit |

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

Notified in the *Gazette* on 21 December 2022.

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

**EXPLANATORY NOTE**

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

These regulations amend the *Fisheries (General and Fees) Regulations 2016* by –

- (a) specifying a staged increase in the minimum size of certain abalone in certain specified areas; and
- (b) increasing the maximum time period for which a management plan can be extended.