

TASMANIA

**FISHERIES (SCALEFISH) AMENDMENT RULES
2023**

STATUTORY RULES 2023, No. 71

CONTENTS

1. Short title
2. Commencement
3. Principal Rules
4. Rule 3 amended (Interpretation)
5. Rule 5 substituted
 5. Duration of rules
6. Rule 9 amended (Measurements of scalefish)
7. Rule 11 amended (Closed and open seasons for scalefish)
8. Rule 14A inserted
 - 14A. Taking or possessing skate in Macquarie Harbour
9. Rule 34 amended (Nature of buoys)
10. Rule 37 substituted
 37. Fishing for commercial purposes
11. Rule 38 amended (Prohibition on commercial fishing in certain areas)
12. Rule 39 substituted
 39. Completion of scalefish records
13. Rules 40, 41, 42 and 43 substituted
 40. Fishing licence (scalefish A)

- 41. Fishing licence (scalefish B)
- 42. Fishing apparatus for fishing licence (scalefish A) or fishing licence (scalefish B)
- 43. Fishing licence (scalefish C)
- 14. Rule 44 amended (Fishing licence (rock lobster))
- 15. Rule 44A inserted
 - 44A. Other licence types
- 16. Rule 49 amended (Endorsement of fishing licences)
- 17. Rule 55 amended (Endorsement of licences as non-transferable)
- 18. Rule 56 amended (Limits for holder of appropriate authority)
- 19. Rule 57 amended (Limits for holders of appropriate authority and scalefish licence)
- 20. Rule 64 amended (Total allowable catch for banded morwong)
- 21. Rule 65 rescinded
- 22. Rule 69 amended (Banded morwong overcatch provisions)
- 23. Rule 70 rescinded
- 24. Rule 75 amended (Transfer of banded morwong to fish processors)
- 25. Rule 75A inserted
 - 75A. Transfer of banded morwong to receiver other than fish processor
- 26. Rule 78 amended (Authority of fishing licence (octopus))
- 27. Rule 87A inserted
 - 87A. Sand flathead
- 28. Rule 88 amended (Certain scalefish limits)
- 29. Rule 89 amended (Certain scalefish limits for holder of fishing licence (rock lobster))
- 30. Rule 90 amended (Bait fish, small pelagic species & king gar limits)
- 31. Rule 93A inserted
 - 93A. Defence for certain offences
- 32. Rule 104 amended (Setting of gillnets)
- 33. Rule 109 amended (Use of beach seine net)
- 34. Rule 113 amended (Mother boating permitted in certain circumstances)

35. Rule 133 amended (Gillnets)
36. Rule 139A inserted
139A. Reporting services
37. Schedule 1 amended (Fish species)
38. Schedule 2 amended (Areas and Interpretation)
39. Schedule 3 amended (Size Limits)
40. Schedule 4 amended (Non-commercial fish limits – General Species)
41. Schedule 5 amended (Non-commercial fish limits – shark and certain scalefish)
42. Schedule 6 amended (Regions)
43. Schedule 7 amended (Persons permitted to use gillnet in shark refuge areas)
44. Schedule 8 amended (Conversion rates for whole fish)
45. Schedule 10 amended (Infringement notice offences and penalties)

FISHERIES (SCALEFISH) AMENDMENT RULES 2023

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

Dated 23 October 2023.

JO PALMER
Minister for Primary Industries and Water

1. Short title

These rules may be cited as the *Fisheries (Scalefish) Amendment Rules 2023*.

2. Commencement

These rules take effect on 1 November 2023.

3. Principal Rules

In these rules, the *Fisheries (Scalefish) Rules 2015** are referred to as the Principal Rules.

4. Rule 3 amended (Interpretation)

Rule 3 of the Principal Rules is amended as follows:

*S.R. 2015, No. 68

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 4

- (a) by omitting the definition of *administrative penalty* from subrule (1);
- (b) by inserting the following definitions after the definition of *automatic hook-baiting and hook-setting apparatus* in subrule (1):

automatic jigging machine means a digitally automated machine for line fishing that is –

- (a) capable of being operated in multiple configurations of hook and line fishing; and
- (b) intended to be used for the purpose of commercial fishing;

automatic squid-jigging machine means a digitally automated machine that is designed to be used to take squid, including Gould's squid;

- (c) by omitting the definition of *beach trawl net* from subrule (1) and substituting the following definition:

board trawl net means a netting bag or bag-like net that –

- (a) has a mouth that is held open by trawl doors or by

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 4

- a combination of trawl doors and warps; and
- (b) is drawn along by a fishing vessel; and
- (c) has a mesh size of not less than 90 millimetres;
- (d) by omitting the definition of *commercial berley* from subrule (1) and substituting the following definition:
 - commercial berley*** means bait, pellets, or processed food products that are manufactured commercially and intended for consumption by animals or humans;
- (e) by omitting the definition of *distinguishing mark* from subrule (1) and substituting the following definition:
 - distinguishing mark*** has the same meaning as in the *Fisheries Rules 2019*;
- (f) by omitting the definitions of *Grade 1 penalty*, *Grade 2 penalty* and *Grade 3 penalty* from subrule (1) and substituting the following definitions:
 - Grade 1 penalty*** means the penalty specified in regulation 5 of the *Fisheries (Penalties) Regulations 2021*;

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 4

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

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

- (g) by inserting the following definition after the definition of *headline length* in subrule (1):

holder of a licence, in relation to a licence, includes, except in rule 55(4)(a), a person who is approved to use the licence under section 87(2) of the Act;

- (h) by omitting the definitions of *mackerel* and *mackerel fishing licence* from subrule (1) and substituting the following definitions:

mackerel has the same meaning as in the *Fisheries (Mackerel) Rules 2019*;

mackerel fishing licence has the same meaning as in the *Fisheries (Mackerel) Rules 2019*;

manual squid-jigging machine means a machine, that is not automated, that is designed to be used to take squid, including Gould's squid;

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 4

- (i) by omitting the definition of *market value* from subrule (1);
- (j) by inserting the following definition after the definition of *prescribed scalefish* in subrule (1):

published notice means a notice published in one or more of the following ways:

- (a) published in the *Gazette*;
 - (b) published on a website operated by, or on behalf of, the Department or Government for the duration of the period for which the notice is in effect;
 - (c) published in a newspaper circulating generally in the State;
- (k) by omitting the definitions of *rock lobster pot* and *rock lobster ring* from subrule (1) and substituting the following definitions:

rock lobster pot has the same meaning as in the *Fisheries (Rock Lobster) Rules 2022*;

rock lobster ring has the same meaning as in the *Fisheries (Rock Lobster) Rules 2022*;

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 5

- (l) by omitting the definition of *scalefish record* from subrule (1) and substituting the following definition:

scalefish record means a record relating to scalefish, including octopus, that is required to be kept under section 145 of the Act;

- (m) by inserting the following subrule after subrule (5):

- (6) For the purposes of these rules, a hook or jig is taken to be in use if it is attached to a line, including a hand line.

5. Rule 5 substituted

Rule 5 of the Principal Rules is rescinded and the following rule is substituted:

5. Duration of rules

These rules continue in force until
1 November 2026.

6. Rule 9 amended (Measurements of scalefish)

Rule 9 of the Principal Rules is amended by omitting paragraph (c).

7. Rule 11 amended (Closed and open seasons for scalefish)

Rule 11 of the Principal Rules is amended as follows:

- (a) by omitting from subrule (1) “public” and substituting “published”;
- (b) by omitting subrule (4) and substituting the following subrule:
 - (4) A published notice, that contains a determination made under this rule, may be combined with another such published notice.

8. Rule 14A inserted

After rule 14 of the Principal Rules, the following rule is inserted in Division 2:

14A. Taking or possessing skate in Macquarie Harbour

A person must not take, or possess, any species of skate, ray, or stingray, including Maugean Skate (*Zearaja maugeana*) in Macquarie Harbour.

Penalty: Grade 3 penalty.

9. Rule 34 amended (Nature of buoys)

Rule 34 of the Principal Rules is amended as follows:

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 9

(a) by omitting subrule (1) and substituting the following subrule:

(1) A person must not set, or use, apparatus that is marked with a marker buoy, as required under these rules, unless that marker buoy –

- (a) has a diameter of not less than 195 millimetres at its narrowest point; and
- (b) floats on the surface of water; and
- (c) is specifically designed as a buoy; and
- (d) is marked with the marks required under these rules in such a way that the marks remain clear and legible while the buoy is in use; and
- (e) has no deliberate marks other than the marks required under these rules for the activity for which the buoy is to be used.

Penalty: Grade 1 penalty.

(b) by omitting subrule (4) and substituting the following subrule:

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 10

- (4) A person must not set or use apparatus that is marked with a buoy that is in addition to the buoys required, under these rules, for that apparatus unless the additional buoy –
- (a) is marked as required, under these rules, for a buoy used with that apparatus; and
 - (b) bears no other deliberate marks other than the marks referred to in paragraph (a).

Penalty: Grade 1 penalty.

10. Rule 37 substituted

Rule 37 of the Principal Rules is rescinded and the following rule is substituted:

37. Fishing for commercial purposes

- (1) A person must not take scalefish for commercial purposes in State waters unless the person –
- (a) holds, and takes the scalefish in accordance with, an appropriate authority; or
 - (b) in addition to a fishing licence (personal), holds the following licences specified on a fishing

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 10

certificate, whether or not a species licence is also held by the person, and takes the scalefish in accordance with these licences:

- (i) a fishing licence (vessel);
 - (ii) an apparatus licence; or
- (c) holds, and takes the scalefish in accordance with, a fishing licence (personal) that is endorsed for the use of –
- (i) spears to take flounder for commercial purposes; or
 - (ii) a maximum of 250 metres of beach seine net in waters between Point Sorell at Hawley, near Devonport, and North Point at Stanley; or
 - (iii) special small-mesh gillnet; or
 - (iv) small-mesh gillnet in Bass Strait; or
 - (v) if the person has never held a fishing licence (small-mesh gillnet), small-mesh gillnet in a shark refuge area.

Penalty: Grade 3 penalty.

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 11

- (2) The Secretary may direct the holder of a fishing licence, who intends to take fish for commercial purposes under that licence, to ensure that –
- (a) a vessel monitoring system, within the meaning of the *Fisheries Rules 2019*, is installed on the vessel to be used by the holder to take fish for commercial purposes; and
 - (b) the vessel monitoring system, installed on a vessel under paragraph (a), is operated during a fishing trip in which specified species of scalefish are intended to be taken for commercial purposes.
- (3) The holder of a fishing licence who is given a direction by the Secretary under subrule (2) must comply with that direction.

Penalty: Grade 3 penalty.

11. Rule 38 amended (Prohibition on commercial fishing in certain areas)

Rule 38(2) of the Principal Rules is amended by omitting “fishing licence” and substituting “fishing licence (scalefish A), fishing licence (scalefish B) or fishing licence (personal)”.

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 12

12. Rule 39 substituted

Rule 39 of the Principal Rules is rescinded and the following rule is substituted:

39. Completion of scalefish records

- (1) The holder of a commercial fishing licence must complete scalefish records –
 - (a) within 4 hours immediately after landing the scalefish; and
 - (b) before any of the scalefish so landed are moved outside the landing area; and
 - (c) before any of the scalefish so landed are moved inside a tent or other temporary structure or a building; and
 - (d) if the licensee is on a fishing trip that lasts longer than one day, before the end of each day of that fishing trip during which apparatus has been set or hauled under the authority of that licence.

Penalty: Grade 3 penalty.

- (2) If subrule (1)(d) applies to the holder of a commercial fishing licence in respect of a fishing trip, the licence holder must ensure that the scalefish records kept

under that subrule in respect of that trip are kept –

- (a) on the vessel on which the fishing trip is conducted; and
- (b) on that vessel for the duration of the fishing trip.

Penalty: Grade 2 penalty.

13. Rules 40, 41, 42 and 43 substituted

Rules 40, 41, 42 and 43 of the Principal Rules are rescinded and the following rules are substituted:

40. Fishing licence (scalefish A)

- (1) The holder of a fishing licence (scalefish A) may possess on a fishing vessel, or use, not more than –
 - (a) 1 000 metres in length of graball net; and
 - (b) 2 fish traps.
- (2) The holder of a fishing licence (scalefish A) may use not more than 200 hooks at any one time.

41. Fishing licence (scalefish B)

- (1) The holder of a fishing licence (scalefish B) may possess on a fishing vessel, or use, not more than –

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 13

- (a) 500 metres in length of graball net; and
 - (b) 2 fish traps.
- (2) The holder of a fishing licence (scalefish B) may use not more than 200 hooks at any one time.

42. Fishing apparatus for fishing licence (scalefish A) or fishing licence (scalefish B)

- (1) The holder of a fishing licence (scalefish A) or fishing licence (scalefish B) may –
- (a) possess on a fishing vessel squid jigs, landing nets, hand-held dipnets and spears; and
 - (b) use the hand-held dipnets and spears to take scalefish; and
 - (c) use the landing nets to land scalefish; and
 - (d) use not more than 5 squid jigs attached to hand lines.
- (2) The holder of a fishing licence (scalefish A) or fishing licence (scalefish B) who is not the holder of a fishing licence (automatic squid jig) may, at any one time, use fish attraction lamps not exceeding a total power rating of 2 000 watts.
- (3) The holder of a fishing licence (scalefish A) or a fishing licence (scalefish B) who

is not the holder of a fishing licence (automatic squid jig) may use, at any one time, not more than 4 automatic squid-jigging machines or manual squid-jigging machines.

43. Fishing licence (scalefish C)

- (1) The holder of a fishing licence (scalefish C) may possess on a fishing vessel not more than –
 - (a) 150 metres in length of graball net; or
 - (b) one fish trap.
- (2) The holder of a fishing licence (scalefish C) may use, on a fishing vessel, at one time –
 - (a) not more than 150 metres in length of graball net; or
 - (b) one fish trap; or
 - (c) not more than 200 hooks.
- (3) The holder of both a fishing licence (scalefish C) and a fishing licence (wrasse) may possess on a fishing vessel, or use, not more than 2 fish traps at any one time.
- (4) The holder of both a fishing licence (scalefish C) and a fishing licence (wrasse) may use, on a fishing vessel, no more than 10 hooks, as authorised by the

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 14

fishing licence (scalefish C), if any fish traps are being used from, or on board, the vessel.

- (5) The holder of a fishing licence (scalefish C) may –
- (a) possess on a fishing vessel squid jigs, landing nets, and one hand-held dip net; and
 - (b) use no more than 5 squid jigs, attached to hand lines, and the hand-held dipnet, to take scalefish; and
 - (c) use the landing nets to take scalefish.

14. Rule 44 amended (Fishing licence (rock lobster))

Rule 44 of the Principal Rules is amended as follows:

- (a) by omitting paragraphs (b), (c) and (d) from subrule (1) and substituting the following paragraph:
 - (b) 2 fish traps.
- (b) by omitting from subrule (2) “fishing gear” and substituting “apparatus”;
- (c) by omitting from subrule (2) “gear” second occurring and substituting “apparatus”;

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 15

(d) by omitting subrule (3) and substituting the following subrule:

(3) The holder of a fishing licence (rock lobster) may –

(a) possess on a fishing vessel –

(i) not more than 2 hand-held dip nets; and

(ii) landing nets; and

(b) use the hand-held dipnets to take scalefish; and

(c) use the landing nets to land scalefish; and

(d) use not more than 5 squid jigs, attached to hand lines, to take scalefish; and

(e) use not more than 200 hooks to take scalefish.

15. Rule 44A inserted

After rule 44 of the Principal Rules, the following rule is inserted in Subdivision 2:

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 16

44A. Other licence types

- (1) This rule applies to the holder of a commercial fishing licence if rule 42, rule 43 or 44 does not apply to the holder in respect of the commercial fishing licence.
- (2) The holder of a commercial fishing licence to whom this rule applies may possess on a fishing vessel, or use to take scalefish –
 - (a) hand-held dipnets; and
 - (b) landing nets; and
 - (c) spears.
- (3) The holder of a commercial fishing licence to whom this rule applies may use, on a fishing vessel at any one time, not more than 5 squid jigs attached to hand lines to take scalefish.

16. Rule 49 amended (Endorsement of fishing licences)

Rule 49(1) of the Principal Rules is amended by omitting paragraph (b) and substituting the following paragraphs:

- (b) to take or possess, and sell, the species or types of fish specified on the licence; and
- (c) to otherwise take fish for commercial purposes.

17. Rule 55 amended (Endorsement of licences as non-transferable)

Rule 55(4) of the Principal Rules is amended by omitting “specified in subrule (3)” and substituting “that is endorsed as a non-transferable fishing licence under subrule (3)”.

18. Rule 56 amended (Limits for holder of appropriate authority)

Rule 56(1)(b) of the Principal Rules is amended by omitting subparagraph (ii).

19. Rule 57 amended (Limits for holders of appropriate authority and scalefish licence)

Rule 57(1)(b) of the Principal Rules is amended by omitting subparagraph (ii).

20. Rule 64 amended (Total allowable catch for banded morwong)

Rule 64(1) of the Principal Rules is amended by omitting “notice published in the *Gazette*” and substituting “published notice”.

21. Rule 65 rescinded

Rule 65 of the Principal Rules is rescinded.

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 22

22. Rule 69 amended (Banded morwong overcatch provisions)

Rule 69 of the Principal Rules is amended as follows:

- (a) by inserting the following subrule before subrule (1):

(1AA) In this rule –

administrative penalty, in relation to a fishing licence (banded morwong), means –

- (a) in the case of exceeding the relevant quota unit balance for the licence by 10% or less, 1.5 times the beach price of that percentage of the quota unit balance; and
- (b) in the case of exceeding the relevant quota unit balance for the licence by more than 10% and up to 30%, 2 times the beach price of that percentage of

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 22

the quota unit
balance;

beach price means the monthly
average price paid for
banded morwong as
determined by the
Secretary;

relevant time means –

- (a) in respect of the
period
immediately
preceding the
landing of the first
banded morwong
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
the fishing trip;

relevant quota unit balance,
for a fishing licence,
means the sum of the
following (exclusive of
any weight of banded
morwong returned to the

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 22

fishing vessel or fish caught subject to a cancellation report):

- (a) the weight of the banded morwong quota units specified on the licence that remain to be caught and landed at the relevant time;
 - (b) the weight of any banded morwong quota units transferred to or from the licence holder since the relevant time;
 - (c) the weight of any deduction, permitted under this rule, from a previous quota year.
- (b) by omitting subrule (3) and substituting the following subrules:
- (2A) The holder of a fishing licence (banded morwong) must not, for commercial purposes, take or possess, in State waters, an

amount of banded morwong that exceeds the relevant quota unit balance for that licence.

Penalty: Grade 3 penalty.

- (3) If the Minister is satisfied that the holder of a fishing licence (banded morwong) has committed an offence under subrule (1) but that the total amount of banded morwong landed by the licence holder does not exceed the relevant quota unit balance for the licence by more than 30% and the licence holder –
- (a) pays or agrees to pay an administrative penalty to the Crown by such date, or within such period, as that person and the Minister have agreed for the purpose; or
 - (b) does one of the following:
 - (i) does not commence another fishing trip until additional banded morwong quota units are specified on the licence so as to make the relevant quota unit

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 22

balance for the
licence greater
than zero;

- (ii) requests (if
another fishing
trip does not
commence in the
quota year during
which the excess
banded morwong
are taken or
possessed) that the
Secretary deduct
from the relevant
quota unit balance
for the licence for
the following
quota year an
amount of banded
morwong
equivalent to the
banded morwong
caught in excess
of the relevant
quota unit
balance –

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

- (c) by inserting the following subrules after
subrule (4):

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 22

- (5) Despite subrule (1), the holder of a fishing licence (banded morwong) is not guilty of an offence under that subrule in respect of any banded morwong if –
- (a) the total amount of banded morwong exceeds the relevant quota unit balance for the licence by more than 30%; and
 - (b) the licence holder –
 - (i) makes a payment to the Minister, in respect of the banded morwong caught in excess of the relevant quota unit balance for the licence, of an amount equivalent to 2 times the beach price of the excess banded morwong and the Minister accepts that payment; or
 - (ii) does one of the following:

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 22

- (A) does not commence another fishing trip until additional banded morwong quota units are specified on the licence so as to make the relevant quota unit balance for the licence greater than zero;
- (B) requests (if another fishing trip does not commence in the quota year during which the excess banded morwong are taken

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 22

or
possessed)
that the
Secretary
deduct
from the
relevant
quota unit
balance for
the licence
for the
following
quota year
an amount
of banded
morwong
equivalent
to the
amount of
banded
morwong
caught in
excess of
the
relevant
quota unit
balance.

- (6) If a quantity of banded morwong caught in excess of the relevant quota unit balance for a licence is not accounted for under subrule (3) or subrule (5), the Minister is to deduct the excess amount of banded morwong, up to a

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 23

maximum of 30% above the relevant quota unit balance for the licence, from –

- (a) the relevant quota unit balance for the licence for the quota year during which the excess banded morwong are taken or possessed; or
 - (b) the quota unit balance for the licence for a subsequent quota year.
- (7) Nothing in subrule (6) is to be taken to prevent any proceedings or other action from being taken in respect of the taking or possession of the excess banded morwong that exceeds the relevant quota unit balance for a licence by more than 30%.

23. Rule 70 rescinded

Rule 70 of the Principal Rules is rescinded.

24. Rule 75 amended (Transfer of banded morwong to fish processors)

Rule 75 of the Principal Rules is amended as follows:

- (a) by omitting from subrule (1)(b) “that removal” and substituting “the intention

- to remove the banded morwong from the landing area”;
- (b) by omitting from subrule (1)(c) “docket” first occurring and substituting “docket, and associated scalefish return,”;
 - (c) by inserting the following paragraphs after paragraph (a) in subrule (2):
 - (ab) before the banded morwong are removed from the landing area, make a report to the reporting service in relation to the intention to remove the banded morwong from the landing area; and
 - (ac) if the processor’s premises are within 100 metres of the landing area, not remove the banded morwong from the landing area for at least 30 minutes after the report is made to the reporting service; and
 - (d) by omitting from subrule (2)(b) “docket” first occurring and substituting “docket, and associated scalefish return,”.

25. Rule 75A inserted

After rule 75 of the Principal Rules, the following rule is inserted in Subdivision 2:

75A. Transfer of banded morwong to receiver other than fish processor

- (1) If the holder of a fishing licence (banded morwong) transports banded morwong outside the landing area to a person who is not a fish processor, the holder of the fishing licence (banded morwong) must –
 - (a) complete Part A of a banded morwong quota docket before the banded morwong are removed from the landing area; and
 - (b) before the banded morwong are removed from the landing area, make a report to the reporting service in relation to the intention to remove the banded morwong from the landing area; and
 - (c) send the original sheet of the completed banded morwong quota docket and associated scalefish return to the Secretary within 48 hours of the time of the receipt as recorded in Part B of the docket.

Penalty: Grade 3 penalty.

- (2) If the holder of a fishing licence (banded morwong) sells or transfers, within the landing area, banded morwong to a person who is not a fish processor, the holder of the fishing licence (banded morwong) must –

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 25

- (a) complete Part A of a banded morwong quota docket before the banded morwong are removed from the landing area; and
- (b) before the banded morwong are removed from the landing area, make a report to the reporting service in relation to the intention to remove the banded morwong from the landing area; and
- (c) if the premises to which the banded morwong are to be removed are within 100 metres of the landing area, not move the banded morwong for at least 30 minutes after the report is made to the reporting service; and
- (d) send the original sheet of the completed banded morwong quota docket and associated scalefish return to the Secretary within 48 hours of the time of the receipt as recorded in Part B of the docket; and
- (e) ensure that the receiver completes Part B of the banded morwong quota docket upon receipt of the banded morwong under this rule.

Penalty: Grade 3 penalty.

- (3) A person receiving banded morwong within the landing area, from the holder

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 26

of a fishing licence (banded morwong), must complete Part B of the banded morwong quota docket upon receipt of the banded morwong under this rule.

Penalty: Grade 3 penalty.

26. Rule 78 amended (Authority of fishing licence (octopus))

Rule 78(1) of the Principal Rules is amended by omitting paragraph (c) and substituting the following paragraph:

(c) *Macroctopus maorum*.

27. Rule 87A inserted

After rule 87 of the Principal Rules, the following rule is inserted in Division 7:

87A. Sand flathead

A person must not take sand flathead in State waters for commercial purposes.

Penalty: Grade 2 penalty.

28. Rule 88 amended (Certain scalefish limits)

Rule 88 of the Principal Rules is amended as follows:

(a) by omitting from subrule (1) “must not” and substituting “must not, in State waters,”;

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 28

- (b) by omitting paragraph (b) from subrule (4);
- (c) by omitting subrule (5) and substituting the following subrules:
 - (5) The holder of a fishing licence (personal) must not –
 - (a) take, on a fishing trip, more than –
 - (i) in the eastern region, 100 kilograms of bastard trumpeter; or
 - (ii) in the western region, 200 kilograms of bastard trumpeter; or
 - (b) be in possession of –
 - (i) in the eastern region, more than 100 kilograms of bastard trumpeter at any one time; or
 - (ii) in the western region, more than 200 kilograms of bastard trumpeter at any one time.

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 28

Penalty: Grade 3 penalty.

- (6) The holder of a fishing licence (personal) must not, in State waters, take more than 300 kilograms of garfish in any one day, including king gar.

Penalty: Grade 3 penalty.

- (7) The holder of a fishing licence (personal) must not, in State waters, take more than 300 kilograms of jackass morwong in any one day.

Penalty: Grade 3 penalty.

- (8) The holder of a fishing licence (personal) must not –
- (a) take, on a fishing trip, more than –
 - (i) in the eastern region, 150 kilograms of striped trumpeter; and
 - (ii) in the western region, 250 kilograms of striped trumpeter; or

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 29

- (b) in State waters, be in possession of more than 250 kilograms of striped trumpeter at any one time.

Penalty: Grade 3 penalty.

- (9) The holder of a fishing licence (personal) must not, in State waters, take more than 300 kilograms of blue warehou in any one day.

Penalty: Grade 3 penalty.

29. Rule 89 amended (Certain scalefish limits for holder of fishing licence (rock lobster))

Rule 89 of the Principal Rules is amended as follows:

- (a) by inserting the following subrule after subrule (1):

- (1A) A person who is the holder of a fishing licence (rock lobster) and a scalefish licence must, prior to commencing a fishing trip, make a report to a reporting service in which the person nominates a licence, held by the person, under the authority of which the person intends to take scalefish on the fishing trip.

Penalty: Grade 3 penalty.

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 30

- (b) by omitting from subrule (2) “must not” and substituting “must not, in State waters”;
- (c) by omitting from subrule (2)(a)(ii) “30 fish” and substituting “30 kilograms”;
- (d) by omitting from subrule (2)(a)(iv) “60 fish” and substituting “80 kilograms”;
- (e) by omitting subparagraph (v) from subrule (2)(a) and substituting the following subparagraph:
 - (v) 20 kilograms of flathead;
- (f) by omitting subparagraphs (ix), (x) and (xi) from subrule (2)(a) and substituting the following subparagraphs:
 - (ix) 40 kilograms of jackass morwong;
 - (x) 200 kilograms of pink ling; or

30. Rule 90 amended (Bait fish, small pelagic species & king gar limits)

Rule 90 of the Principal Rules is amended by omitting paragraph (b) and substituting the following paragraph:

- (b) 10 kilograms of Australian sardine, except where the holder of the licence –
 - (i) is authorised, by the Secretary on the relevant licence, to take more

- than 10 kilograms of Australian sardine; and
- (ii) complies with each condition imposed by the Secretary as part of that authorisation; and
 - (iii) has paid all applicable fees, charges and royalties under the Act in respect of the authorisation;

31. Rule 93A inserted

After rule 93 of the Principal Rules, the following rule is inserted in Division 8:

93A. Defence for certain offences

It is a defence in proceedings for an offence under this Division, in relation to the possession of scalefish in excess of a daily possession limit under a fishing licence of class scalefish, if the licence holder establishes that –

- (a) the scalefish that were in the possession of the licence holder were taken by the licence holder during a fishing trip that lasted longer than one day; and
- (b) the scalefish in excess of the daily possession limit for those scalefish –

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 32

- (i) were taken by the licence holder on a previous day of the fishing trip; and
- (ii) were recorded, in accordance with these rules or the *Fisheries (Rock Lobster) Rules 2022*, on a scalefish return for that previous day.

32. Rule 104 amended (Setting of gillnets)

Rule 104 of the Principal Rules is amended as follows:

- (a) by omitting paragraph (b) from subrule (3) and substituting the following paragraphs:
 - (b) the setting or leaving of a commercial gillnet, as authorised under a scalefish licence, if the net is attended by the holder of the scalefish licence; or
 - (c) the setting or leaving of a commercial gillnet in the waters of Macquarie Harbour that is in accordance with a fishing licence (scalefish A), or fishing licence (scalefish B), endorsed to take scalefish for commercial purposes in Macquarie Harbour.

(b) by inserting the following subrules after subrule (3):

(4) The holder of a fishing licence (scalefish A), or fishing licence (scalefish B), endorsed to take scalefish for commercial purposes in Macquarie Harbour, must not set or leave a gillnet –

(a) in Macquarie Harbour Internal Waters; or

(b) for a continuous period of more than 2 hours between one hour after sunrise and one hour before sunset on any day.

Penalty: Grade 2 penalty.

(5) Despite subrule (4)(b), the holder of a fishing licence (scalefish A), or fishing licence (scalefish B), endorsed to take scalefish for commercial purposes in Macquarie Harbour, may set or leave a gillnet from one hour before sunset until one hour before sunrise on the following day between 15 April and 14 November in any calendar year.

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 33

33. Rule 109 amended (Use of beach seine net)

Rule 109(1) of the Principal Rules is amended by omitting paragraph (b) and substituting the following paragraphs:

- (b) the waters between Point Sorell near Devonport and North Point at Stanley;
- (c) Georges Bay.

34. Rule 113 amended (Mother boating permitted in certain circumstances)

Rule 113 of the Principal Rules is amended by omitting subrule (1) and substituting the following subrule:

- (1) The holder of a fishing licence (vessel) for a mother boat must not, during a fishing trip involving the mother boat, take scalefish from the mother boat.

Penalty: Grade 3 penalty.

35. Rule 133 amended (Gillnets)

Rule 133 of the Principal Rules is amended as follows:

- (a) by omitting subrules (4) and (5) and substituting the following subrules:
 - (4) A person must not set or use a gillnet in Macquarie Harbour Internal Waters.

Penalty: Grade 2 penalty.

(5) A person must not –

- (a) leave a gillnet in a shark refuge area, unless the person is within 50 metres of that gillnet at all times while it is set in that area; or
- (b) in State waters other than a shark refuge area, set or leave a gillnet for a continuous period of more than 2 hours; or
- (c) in Macquarie Harbour, set or leave a gillnet for a continuous period of more than 2 hours.

Penalty: Grade 2 penalty.

(5A) A person must not set a gillnet –

- (a) in waters greater than 20 metres in depth; or
- (b) in waters more than 250 metres from the high water mark.

Penalty: Grade 2 penalty.

- (b) by omitting subrules (7), (8) and (9) and substituting the following subrules:

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 35

- (7) Despite subrules (5) and (6), a person may set or leave a graball net in the waters of Macquarie Harbour between –
- (a) sunrise; and
 - (b) two hours after sunset on that day.
- (8) A graball net set or left in Macquarie Harbour in the two-hour period commencing at sunset on any day must be marked at each end with a buoy that –
- (a) is spherical; and
 - (b) is red; and
 - (c) has a diameter of 90 millimetres or more at its narrowest point; and
 - (d) floats on the surface of the water.

Penalty: Grade 2 penalty.

- (9) A person must not set a graball net marked in accordance with subrule (8) in Macquarie Harbour between –
- (a) sunrise; and
 - (b) sunset.

Penalty: Grade 2 penalty.

36. Rule 139A inserted

Before rule 140 of the Principal Rules, the following rule is inserted in Part 5:

139A. Reporting services

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

37. Schedule 1 amended (Fish species)

Schedule 1 to the Principal Rules is amended as follows:

- (a) by omitting item 44 and substituting the following:

44.	“inshore crab”	means crab of the families Portunidae and Grapsidae and includes spider crab
-----	----------------	--

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 38

(b) by omitting item 65 and substituting the following:

65.	“octopus”	means fish of the family Octopodidae
-----	-----------	--------------------------------------

(c) by inserting after item 76 the following:

76A.	“sand crab”	means crab of the species <i>Ovalipes australiensis</i>
------	-------------	---

(d) by inserting after item 90 the following:

90A.	“spider crab”	means crab of the species <i>Leptomithrax gaimardii</i>
------	---------------	---

38. Schedule 2 amended (Areas and Interpretation)

Schedule 2 to the Principal Rules is amended as follows:

(a) by inserting after item 2 the following:

2A.	“Bass Strait Islands”	means the State waters of Tasmania that surround King Island and the Furneaux Group of islands
-----	-----------------------	--

(b) by inserting after item 8 the following:

8A.	“eastern region”	means – (a) all State waters lying eastwards of –
-----	------------------	--

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 38

		<ul style="list-style-type: none">(i) in the north, an imaginary line running due north from the northernmost extremity of Point Sorell at a line of longitude 146°31'54"E 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 at a line of longitude 146°52'15"E to the outer limit of State waters; and <p>(b) all islands and tidal sandbars lying within the State waters referred to in paragraph (a) of this definition</p>
		<p>(c) by inserting after paragraph (c) in item 10 the following:</p>
10A.	"Furneaux Group waters"	means the State waters of Tasmania that surround the Furneaux Group of islands;
		<p>(d) by omitting "from Nigger Head due east to Braddon Point" from column 3 of item 16 in the table and substituting "due east from latitude 42°12'43.2"S, longitude 145°12'50.4"E to latitude 42°12'43.2"S, longitude 145°13'33.6"E";</p> <p>(e) by omitting "Nigger Head due east to Braddon Point" from column 3 of item 17 in the table and substituting "due east from latitude 42°12'43.2"S, longitude</p>

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 38

145°12'50.4"E to latitude 42°12'43.2"S,
longitude 145°13'33.6"E";

- (f) by omitting paragraph (b) from item 18
and substituting the following:

(b) an imaginary line that follows the high
water mark in an approximately south-
east direction from King Point to
Connellys Point;

- (g) by omitting paragraphs (g), (h), (i), (j),
(k), (l), (m), (n), (o), (p) and (q) from
item 18 and substituting the following:

(g) an imaginary line that follows the high
water mark in an approximately south-
west then north-west direction from
Gordon Point to Backagain Point and
includes all waters in Birches Inlet;

(h) an imaginary straight line from
Backagain Point to latitude
42°14'44.1"S, longitude
145°17'14.7"E at the channel
marker/navigation beacon;

(i) an imaginary straight line from latitude
42°14'44.1"S, longitude
145°17'14.7"E to latitude
42°13'53.1"S, longitude
145°18'33.3"E at the channel
marker/navigation beacon;

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 38

	<ul style="list-style-type: none">(j) an imaginary straight line from latitude 42°13'53.1"S, longitude 145°18'33.3"E at the channel marker/navigation beacon to latitude 42°13'53.1"S, longitude 145°17'26.4"E on Neck Island;(k) an imaginary straight line from latitude 42°11'51"S, longitude 145°17'26.4"E on Neck Island to Buoy Point;(l) an imaginary straight line from Buoy Point to Dead Horse Point
--	--

(h) by inserting after item 22 the following:

22A.	“northern region”	means all State waters bounded – <ul style="list-style-type: none">(a) in the west, by an imaginary line starting at Cape Grim and running due west along the line of latitude at 40°40'S to the limit of State waters; and(b) in the north, by the limit of State waters; and(c) in the east, by an imaginary line starting at Cape Naturaliste and running due east along the line of latitude at 40°50'S to the limit of State waters
------	-------------------	--

(i) by inserting after item 33 the following:

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 39

33A.	“southern sand flathead region”	means the waters of the River Derwent, D’entrecasteaux Channel, Frederick Henry Bay and Norfolk Bay
------	---------------------------------	---

(j) by inserting after item 38 the following:

39.	“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 at a line of longitude 146°31’54”E 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 at a line of longitude 146°52’15”E 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
-----	------------------	---

39. Schedule 3 amended (Size Limits)

Schedule 3 to the Principal Rules is amended as follows:

- (a) by omitting item 3 and substituting the following:

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 40

3.	bastard trumpeter	420	-
(b) by omitting item 7 and substituting the following:			
7.	flathead (other than bluespotted, sand and rock species)	320	-
7A.	flathead, sand (in southern region)	350	400
7B.	flathead, sand (in Bass Strait islands)	350	-
7C.	flathead, sand (in State waters excluding southern region and Bass Strait Islands)	350	400

40. Schedule 4 amended (Non-commercial fish limits – General Species)

The definition of *protected species* in clause 1 of Schedule 4 to the Principal Rules is amended as follows:

- (a) by omitting from paragraph (a) “regulation 14 of the *Fisheries (General and Fees) Regulations 2006*” and substituting “regulation 15 of the *Fisheries (General and Fees) Regulations 2016*”;

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 41

(b) by omitting item 8 from the table in paragraph (b) and substituting the following:

8.	flathead, not including bluespotted and rock – combined total	20 fish	30 fish
----	--	---------	---------

(c) by omitting item 12 from the table in paragraph (b);

(d) by omitting item 20 from the table in paragraph (b) and substituting the following:

20.	morwong, species not including banded and jackass – combined total	10 fish	20 fish
-----	---	---------	---------

(e) by omitting items 36 and 37 from the table in paragraph (b) and substituting the following:

37.	warehou, species not including blue – combined total	10 fish	20 fish
-----	---	---------	---------

41. Schedule 5 amended (Non-commercial fish limits – shark and certain scalefish)

Schedule 5 to the Principal Rules is amended as follows:

(a) by inserting the following items after item 2:

2A. Flathead, sand –

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 41

- (a) in the southern sand flathead region –
 - (i) bag limit – 2 fish;
 - (ii) possession limit – 10 fish;
- (b) in the eastern region (other than such part of that region that is also part of the northern region or the southern sand flathead region) –
 - (i) bag limit – 5 fish;
 - (ii) possession limit – 10 fish.
- (c) in all other State waters including the Bass Strait Islands and the northern region –
 - (i) bag limit – 10 fish;
 - (ii) possession limit – 10 fish;

2B. Morwong, jackass –

- (a) bag limit – 10 fish;
- (b) possession limit – 20 fish;
- (c) boat limit – 30 fish.

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 41

(b) by omitting item 7 and substituting the following items:

7. Trumpeter, bastard and real bastard –

(a) in the eastern region –

(i) bag limit – 2 fish;

(ii) possession limit – 10 fish;

(iii) boat limit – 10 fish

(b) in the western region –

(i) bag limit – 5 fish;

(ii) possession limit – 10 fish;

(iii) boat limit – 15 fish.

7A. Trumpeter, striped –

(a) in the western region –

(iv) bag limit – 4 fish;

(v) possession limit – 8 fish;

(vi) boat limit – 12 fish;

(b) in the eastern region –

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 42

-
- (i) bag limit – 2 fish;
 - (ii) possession limit – 8 fish;
 - (iii) boat limit – 8 fish.
- (c) by inserting the following item after item 10:

11. Warehou, blue –

- (a) bag limit – 10 fish;
- (b) possession limit – 20 fish;
- (c) boat limit – 30 fish.

42. Schedule 6 amended (Regions)

Schedule 6 to the Principal Rules is amended by omitting item 20 from in Part 3 and substituting:

20. | Taroona waters, as defined in the *Fisheries Rules 2019*

43. Schedule 7 amended (Persons permitted to use gillnet in shark refuge areas)

Schedule 7 to the Principal Rules is amended by omitting paragraphs (f) and (g) from item 7 and substituting:

- (f) | River Tamar waters downstream of a straight line running from the northern extremity of Garden Island to the George Town Monument.

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 44

44. Schedule 8 amended (Conversion rates for whole fish)

Schedule 8 to the Principal Rules is amended by omitting item 14 and substituting:

14.	other scalefish, excluding calamari, squid and octopus	1.1	1.5	2.5
15.	pale octopus	1.233472		

45. Schedule 10 amended (Infringement notice offences and penalties)

Schedule 10 to the Principal Rules is amended as follows:

(a) by inserting after item 6 the following:

6A.	Rule 14A	5
-----	----------	---

(b) by inserting after item 34 the following:

34A.	Rule 39(1)	4
34B.	Rule 39(2)	4

(c) by omitting item 59 and substituting the following:

59.	Rule 69(1)	5
59A.	Rule 69(2A)	5

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 45

(d) by omitting items 65, 66 and 67 and substituting the following:

65.	Rule 75(1)	4
66.	Rule 75(2)	4
67.	Rule 75(3)	4
67A.	Rule 75A(1)	4
67B.	Rule 75A(2)	4
67C.	Rule 75A(3)	4

(e) by inserting after item 91 the following:

91A.	Rule 87A	4
------	----------	---

(f) by inserting after item 95 the following:

95A.	Rule 88(6)	4
95B.	Rule 88(7)	4
95C.	Rule 88(8)	4
95D.	Rule 88(9)	4

(g) by inserting after item 96 the following:

96A.	Rule 89(1A)	4
------	-------------	---

(h) by inserting after item 121 the following:

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

r. 45

121A.		Rule 104(4)		3
-------	--	-------------	--	---

(i) by inserting after item 172 the following:

172A.		Rule 133(5A)		3
-------	--	--------------	--	---

(j) by omitting item 182 and substituting the following:

182.		Rule 135(5)		3
------	--	-------------	--	---

Fisheries (Scalefish) Amendment Rules 2023
Statutory Rules 2023, No. 71

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

Notified in the *Gazette* on 30 October 2023.

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 amend the *Fisheries (Scalefish) Rules 2015* by –

- (a) extending the duration of the rules until 1 November 2026; and
- (b) updating certain catch limits for scalefish; and
- (c) clarifying what equipment may be possessed and used by certain licence holders; and
- (d) making other minor revisions to the rules.