

Regulatory Impact Statement
Draft *Inland Fisheries Regulations*
2019

It is proposed that the *Inland Fisheries Regulations 2019*, when made, will replace the *Inland Fisheries (Recreational Fishing) Regulation 2009* and the *Inland Fisheries (General) Regulations 2009*. The accompanying Regulatory Impact Statement has been prepared in accordance with Schedule 2 of the *Subordinate Legislation Act 1992*.

Citation:

Inland Fisheries Service Regulatory Impact Statement for the proposed Inland Fisheries Regulations 2019

Date:

12 September 2019

Enquiries:

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SUBMISSIONS

Submissions are invited on any aspect of this Regulatory Impact Statement and accompanying draft *Inland Fisheries Regulations 2019* in Appendix I. Comment is especially invited on the potential costs and benefits of the proposed Regulations for business and other sectors of the community.

Submissions will be considered and copies provided to the Subordinate Legislation Review Committee of the Tasmanian Parliament before the Regulations are made. Submissions must be in writing and forwarded to:

Director of Inland Fisheries
Box 575
New Norfolk, TAS 7140

Submissions may also be emailed to: infish@ifs.tas.gov.au

Submissions must be received by **5.00 p.m., Tuesday 15 October 2019**

If you have any queries about these documents, or if you require a copy of the proposed Regulations, please contact:

Inland Fisheries Service
Box 575, New Norfolk, Tasmania 7140
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Respondents are advised that the contents of submissions will not be treated as confidential unless they are marked 'confidential' and are capable of being classified as such in accordance with the *Right to Information Act 2009*.

Respondents are also advised that personal information in submissions will be treated as public information unless the submissions are marked 'confidential', in which case the information will be handled in accordance with the principles of the *Personal Information Protection Act 2004*.

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ABBREVIATIONS

Director	Director of Inland Fisheries
DPIPWE	Department of Primary Industries, Parks, Water and Environment
EMPCA	<i>Environmental Management and Pollution Control Act 1994</i>
IFA	<i>Inland Fisheries Act 1995</i>
IFR	<i>Inland Fisheries Regulations 2019</i>
IFS	Inland Fisheries Service
RIS	Regulatory Impact Statement
SLA	<i>Subordinate Legislation Act 1992</i>

Executive Summary

The *Subordinate Legislation Act 1992* (SLA) requires that a Regulatory Impact Statement (RIS) is prepared to assess the impacts of any proposed or substantially amended Regulations if it is assessed as imposing a significant burden, cost or disadvantage on any sector of the public.

Introduction

Purpose of this Document

The purpose of this RIS is to describe and examine the draft *Inland Fisheries Regulations 2019* (IFR) against likely impacts on licence and registration holders in the commercial fisheries sector as identified by the Department of Treasury and Finance. The regulations also address recreational fisheries that included formal public consultation through the development of the *Tasmanian Inland Recreational Fishery Management Plan 2018-28*.

The draft IFR have been prepared by the Inland Fisheries Service (IFS) on behalf of the Director, an authority within Department of Primary Industries, Parks, Water and Environment (DPIPWE), who is also responsible for administering the *Inland Fisheries Act 1995* (IFA) under which they may be made.

The SLA requires all subordinate legislation, such as Regulations, to be assessed before their introduction. Initially this involves determining whether the proposed subordinate legislation will impose a significant burden, cost or disadvantage on any sector of the public. If the legislation's effects are considered significant, any impacts on competition and the public must be identified and accounted for in a RIS.

This regulatory impact statement includes:

- a statement of the objectives sought to be achieved and the reasons for them; and
- an identification of the alternative options by which those objectives can be achieved (whether wholly or substantially); and
- an assessment of the costs and benefits of the proposed subordinate legislation, including the costs and benefits relating to resource allocation, administration and compliance; and
- an assessment of the costs and benefits of each alternative option to the making of the subordinate legislation (including the option of not proceeding with any action), including the costs and benefits relating to resource allocation, administration and compliance; and
- an assessment of the impact of the proposed subordinate legislation on competition and, where a significant restriction on competition is identified, an evaluation of whether the benefits of the proposed restriction outweigh the likely costs and, if so, whether the restriction represents the absolute minimum that is necessary in the public interest; and
- an assessment as to which of the alternative options involves the greatest net benefit or the least net cost to the community; and
- a statement of the consultation programme undertaken and to be undertaken.

Background to the Proposed Regulations

As required under the SLA, the current *Inland Fisheries (Recreational Fishing) Regulations 2009* and the *Inland Fisheries (General) Regulations 2009* will be repealed on 9 December 2019.

It is proposed that the existing regulations are re-made into a single set of regulations named the *Inland Fisheries Regulations 2019*, which will include commercial and recreational fisheries and fees. Due to recent consultation of the recreational regulations they will not form part of this RIS.

Commercial Freshwater Fisheries

Tasmania's commercial freshwater fisheries includes fish farms, commercial freshwater fishing licences (wild harvest eel fishery), fish dealers and registered private fisheries. Fish farms (freshwater hatcheries) underpin the salmon industry and collectively commercial freshwater fisheries are a significant contributor to the Tasmanian economy.

The benefits of regulated commercial freshwater fisheries include:

- sustainability of freshwater resources;
- protection of biodiversity and the natural environment;
- equity across the aquaculture sector; and
- access to premium export markets;

The IFS has reviewed its compliance and service delivery functions to freshwater commercial fisheries and no increase to fee for service is proposed for registered private fisheries, commercial freshwater fishing licence holders and registered fish dealers. Therefore, this document focuses on freshwater fish farms where increases are proposed.

Some fees that support the management of commercial freshwater fishing licences and the wild harvest eel fishery are not included in the IFR with the intention being their inclusion following amendments to the IFA.

Statement of Objectives

To uphold the intent of the IFA that is vested with the Director of Inland Fisheries (Director).

There is a community and industry expectation that Tasmania's commercial freshwater fisheries will be managed to provide economic opportunity and protect the freshwater environment. The community also expects that costs be shared across the commercial freshwater sector.

The objectives of the draft IFR are to:

1. Establish a regulatory framework to ensure the sustainability of freshwater systems.
2. Ensure the ongoing protection of Tasmania's freshwater commercial fisheries.
3. To achieve cost recovery, equity and flexibility across commercial freshwater fisheries.

Reason for the Objectives

Establish a regulatory framework to ensure the sustainability of freshwater systems.

The Director is required to manage and develop Tasmania's inland fisheries resources, for the benefit of all stakeholders and the Tasmanian Community. The Director through the IFS, manages fisheries in all inland waters, including all lakes, rivers, farm dams, private fisheries, fish farms, ponds and aquaria.

The IFS has primary responsibility for implementing the IFA and its subordinate legislation. The IFA creates the position of the Director and provides that the Director is a corporation sole with the following functions:

- To manage, control, protect, develop, improve, maintain and regulate salmon fisheries, fisheries in inland waters and freshwater fish.
- To stock inland waters with fish.
- To create, improve and maintain access to inland waters.
- To provide facilities in respect of access to inland waters.
- To carry out research and investigation into matters relating to salmon fisheries and fisheries in inland waters.
- To collect, publish and disseminate information relating to freshwater fish and inland waters.

Ensure the ongoing protection of Tasmania's freshwater commercial fisheries

Since the last review of fees, there has been major changes to the operation and scale of freshwater fish farms because of expansion in the salmon industry. This includes technology change from flow-through to recirculating water-based hatcheries, significant increases in standing bio-mass and a focus on biosecurity measures.

In recent years, there has been increased interest from the community regarding the performance of freshwater fish farms. There is an expectation that the expansion of the industry is adequately regulated and managed to protect freshwater resources and ecosystems.

The IFS will meet this objective through regulating measures that;

- protect industry infrastructure;
- promote and enhance biosecurity;
- introduce contemporary management systems including compliance and audit; and
- promote the potential for industry expansion in the future through sustainable industry practices.

To achieve cost recovery, equity and flexibility across commercial freshwater fisheries.

A review of the fish farm fee structure has identified inconsistencies, inequities and partial cost recovery. For salmonid fish farms, inequities range from total annual fees of \$237 to \$15 357.50 for the provision of the same regulatory and administrative service.

The current fish farm fees include a component that reflects water usage. This approach was based on the original flow through technology, with larger water users paying higher fees and reflecting their higher production. The salmon industry is changing to recirculating technology, which uses much less water and therefore water use is not an accurate measure of the size of the fish farm and its associated complexity from an audit and management perspective. A three-tier fee system based on maximum standing biomass is proposed to replace the existing three-tier system based on water usage.

It has been identified that inequity in the commercial freshwater fisheries fees exists across industries. An example is a salmonid fish farm with a maximum standing biomass of 500 tonnes currently has total annual fees of \$237 compared with a fish dealer selling aquarium fish (\$72), a private fishery (\$790), commercial freshwater fishing licence holder (\$1 343) or hobby scale fish farm (\$79).

Proposed Regulatory Provisions

Commercial freshwater fisheries changes:

Definition of Fish Farm Licence classifications.

The new Fish Farm Licence classifications proposed are:

- Category 1 (a fish farm licence, for fish farm containing a biomass of fish of greater than 100 tonnes in the licence area)
- Category 2 (a fish farm licence, for fish farm containing a biomass of fish of greater than 2 tonnes, less than or equal to 100 tonnes in the licence area)
- Category 3 (a fish farm licence, for fish farm containing a biomass of fish of equal to, or less than 2 tonnes, in the licence area)

Fish farm fees

Proposed changes to fish farm fees:

- Increased fees for application, grant, renewal and variation of a fish farm licence that reflect an improved measure of cost recovery.
- To replace the current fee for-each-year-of-licence based on water usage with a fee levied against the fish farms Category of maximum standing biomass.
- An increased fee for-each-year-of-licence to achieve equity with commercial freshwater fishing licences, fish dealer and private fishery registrations commensurate with the scale of the industry.

Benefits & Costs of Proposed Regulations

Current cost and revenue

The costs of providing resource allocation, administration and compliance services to commercial freshwater fisheries in 2018-19 was \$141 000 with \$69 000 attributable to fish farms. These reflect direct costs only and does not include the cost of review by senior management.

Revenue from fish farm fees and charges for 2018-19 was \$43 500.

Costs of the Proposed Regulations

The total annual additional cost to industry of the proposed IFR based on 2018-19 activities, is \$23 127. This total additional cost comprises of \$15 753 in fees for each-year-of-licence and \$7 374 from increased application fees (for each year when amortised across a standard three-year licence period):

The below figures are calculated against the 2018-19 fee unit for current and proposed fees.

Fee for each-year-of licence

Category 1 (a fish farm licence, for fish farm containing a biomass of fish of greater than 100 tonnes in the licence area)

Number of Licences	Current Fees	Proposed Fees
12	\$33 744	\$45 504

Category 2 (a fish farm licence, for fish farm containing a biomass of fish of greater than 2 tonnes, less than or equal to 100 tonnes in the licence area)

Number of Licences	Current Fees	Proposed Fees
6	\$5 487	\$9 480

Category 3 (a fish farm licence, for fish farm containing a biomass of fish of equal to, or less than 2 tonnes, in the licence area)

Number of Licences	Current Fees	Proposed Fees
7	\$553	\$553

Application Fees (each year when amortised across a standard three-year licence period)

Category 1 (a fish farm licence, for fish farm containing a biomass of fish of greater than 100 tonnes in the licence area)

Number of Licences	Current Fees	Proposed Fees
12	\$1 369	\$6 320

Category 2 (Standing Biomass of fish at any time of greater than 2 tonnes but equal to or less than 100 tonnes in the fishery, or waters or the premises)

Number of Licences	Current Fees	Proposed Fees
6	\$737	\$3 160

Category 3 (a fish farm licence, for fish farm containing a biomass of fish of equal to, or less than 2 tonnes, in the licence area)

Number of Licences	Current Fees	Proposed Fees
7	\$184	\$184

Benefits of the proposed Regulations

Summary of benefits of proposed regulatory structure

Sector	Benefits
Industry/business	<ul style="list-style-type: none"> Improved biosecurity between fish farms for diseases through a management plan approach. Improved biosecurity between fish farms and wild fisheries. Efficient fee structure for the scope of the salmonid industry. Platform for sustainable growth of salmonid industry. Protection for industry from illegal activity.
Government	<ul style="list-style-type: none"> Compliments the regulation of the industry through the EMPCA and new Biosecurity Act. Increased capacity to prevent unwanted fish incursions and disease outbreaks.
Community	<ul style="list-style-type: none"> Avoidance of inconvenience and loss of amenity due to pests and diseases. Protection of biodiversity and environmental assets. Meets community expectations for regulation of industry by government.

Impact on Competition

The proposed fees will apply to fish farms on a more equitable basis and are not considered to be a barrier to market entry. Therefore, the proposed fee structure will not have an impact on competition in the market.

Alternatives to the Proposed Regulations

Base Case - Remaking the regulations in their current form

The *Inland Fisheries (General) Regulations 2009* imposed an annual fee for issue or renewal on fish farms based on water use and a fixed annual component.

The current annual fee does not reflect the administrative and compliance cost associated with the management of fish farms and is not equitable across the sector, nor with other commercial instruments. The change in industry practice from flow through to recirculating technology will ultimately result in a decrease in revenue and further erode cost recovery.

This approach does not support the regulation of the industry or the objectives of the IFR.

Full cost recovery for services

This option would increase costs across all commercial operations administered under the IFA.

This is likely to impact the viability of smaller operators.

Full cost recovery is not the recommended option because;

- it is recognised that public as well as private good accrues from the administration and compliance activities; and
- the impact of full cost recovery on smaller operators may be beyond their capacity to absorb those increased costs

Self-regulation

Self-regulation is an approach whereby businesses and individuals are given a high degree of freedom to determine the means by which they will meet established standards. Self-regulation allows for reduced inspections by regulators, with resources being redirected to higher risk areas, prosecutions and policy development.

Self-regulation for freshwater fish farms requires the development of management systems and processes that are yet to be attained. Where practicable, the IFS does seek to allow co regulation through the approval of agreed systems with auditing and will continue to develop this approach.

However, an important obstacle to self-regulation includes the risk to the environment and expectations of the Tasmanian community that there is a level Government regulation and oversight of fish farm operations.

Assessment of alternative options involving greatest net benefit or least costs

After reviewing the alternatives that meet the objectives and are feasible, it is considered that the best approach to achieving the policy objectives is to continue to have Regulations made under *section 194* of the IFA to increase the fees but not to the extent of full cost recovery.

This would deliver a net benefit by maintaining the necessary administrative and compliance oversight of commercial fishing and fish farming. This option is greater than the benefit delivered by the base case (maintaining the status quo) as the adoption of the base case would lead to a substantial deficit in operating funds, leading to the objectives of the IFA not being met.

An estimated additional revenue of \$23 127 would allow further investment in administration, compliance and biosecurity measures that will bring benefits of:

- Preventing losses to industry (and the community) due to incursions of pests and diseases;
- Reduced costs to the government of responses to incursions, due to decreased incursion frequency, as a result of a higher number of inspections and audits;
- The potential for reduced regulatory and administrative burden on industry through further co management opportunities; and
- The avoidance impacts on biodiversity, the environment and the Tasmanian brand.

The main costs associated with the proposed changes to the IFR are additional fees and charges to fish farm licensees. A significant benefit is that the IFR will address the inequities that are present in the current arrangements.

The economic benefits associated with the changes to the structure of the fees include increased industry performance through better practice, and increased efficiency in delivering inland fisheries services.

Incorporating more of the costs associated with carrying out commercial fisheries activities will ensure that there are no artificial cost structures. The current structure is effectively providing direct subsidies, which notionally can lead to overinvestment and/or the inefficient use of capital.

The economic costs associated with the increases in fisheries management fees are in the form of a short-term increase in enterprise costs. However, the fees are minor in the context of the total costs involved in operating a fish farm. Furthermore, it is not expected that affected parties downstream of the fishing industry, such as seafood consumers, will experience any increase in the cost of seafood products.

Consultation

To limit industry costs the IFS has worked to promote shared responsibility for matters such as biosecurity and to allow co-management through the approval of systems, supported by internal and external audit.

Pre-consultation has been undertaken with all affected and relevant stakeholders. Consultation on the new fees based on the maximum standing biomass for fish farms commenced with informal licensee discussions and formal written consultation undertaken during April 2019. No comments have been received from any stakeholders.

Program for Consultation on the RIS and Draft 2019 Regulations

In accordance with the SLA, the draft IFR and RIS will be released for a 21 day consultation period, per the following schedule:

SLA section	Who consulted	How	Date
5(2)(a)	Public/stakeholders	Mercury / Examiner / Advocate / Tas Government Gazette	25/9/19
5(2)(b)	All commercial licensees and registration holders / Tasmanian Salmon Growers Association / Inland Fisheries Advisory Committee	Email RIS and IFR inviting comment by return email	25/9/19

The Inland Fisheries will provide the RIS to every commercial licence and registration holder. All comments and submissions received will be considered in accordance with section 5(2)(c) of the SLA.

Submissions will be received at the address shown on the front of this RIS.

Conclusion

Of the feasible options considered, the proposed IFR deliver the best net benefit and impose a lesser impact on industry and business. The proposed Regulations are therefore the preferred option.

Appendix I - Draft *Inland Fisheries Regulations 2019*

Drafted in the Office of
Parliamentary Counsel

TASMANIA

INLAND FISHERIES REGULATIONS 2019

STATUTORY RULES 2019, No.

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INLAND FISHERIES REGULATIONS 2019

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 *Inland Fisheries Act 1995*.

Dated 20 .

Governor

By Her Excellency's Command,

Minister for Primary Industries and Water

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Inland Fisheries Regulations 2019*.

2. Commencement

These regulations take effect on 9 December 2019.

3. Interpretation

(1) In these regulations –

Act means the *Inland Fisheries Act 1995*;

bait means –

- (a) an animal that is stored alive or dead for the purpose of bait; or
- (b) an animal that is used alive or dead as bait; or
- (c) a product wholly or partially derived from animal product that –
 - (i) is capable of being affixed to a hook; and
 - (ii) is designed to attract, or is capable of attracting, fish by its scent; or
- (d) a product wholly or partially derived from artificial product that –
 - (i) is capable of being affixed to a hook; and
 - (ii) is designed to attract, or is capable of attracting, fish by its scent;

bank, in relation to inland waters, includes land within 100 metres of the edge or high-water mark of the inland waters;

blackfish means the species *Gadopsis marmoratus* of the family Gadopsidae;

bream means the species *Acanthopagrus butcheri* of the family Sparidae;

commercial fisher means –

- (a) the holder of a commercial freshwater fishing licence; or
- (b) a person authorised or required by the holder of a commercial freshwater fishing licence to take freshwater fish on behalf of that licence holder;

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

drop, in relation to a wing or leader of a fyke net, means the vertical distance between the head rope and ground rope measured at 2 points at either end of the wing or leader;

eel trap means a trap that –

- (a) does not exceed 720 millimetres in height; and
- (b) does not exceed 1 200 millimetres in length; and
- (c) does not exceed 800 millimetres in width; and
- (d) does not have any wings or leaders; and

- (e) has a mesh not less than 15 millimetres; and
- (f) has a round rigid opening not more than 65 millimetres in diameter; and
- (g) may contain bait;

eligible pensioner means a person who is –

- (a) the holder of a current pensioner concession card issued in accordance with the *Social Security Act 1991* of the Commonwealth or as a fringe benefit under the *Veterans' Entitlements Act 1986* of the Commonwealth; or
- (b) the holder of a current Gold Card or White Card issued in accordance with the *Veterans' Entitlements Act 1986* of the Commonwealth;

estuarine waters means any waters in a river that are subject to tidal movement;

freshwater crayfish means fish of the family Parastacidae;

fyke net means a collapsible, conical net that –

- (a) has mesh of not less than 15 millimetres and not more than 39 millimetres; and

- (b) has internal compartments and a tapered cod end; and
- (c) has one entrance; and
- (d) does not have a wing or leader attached that –
 - (i) is more than 10 metres in length; or
 - (ii) has a drop of more than 1 200 millimetres; and
- (e) has a frame at the mouth of the net not more than 700 millimetres in height and 800 millimetres in width; and
- (f) is securely fitted with a platypus exclusion screen; and
- (g) does not contain bait;

grid reference means the grid reference taken from the Universal Grid Reference System used in Tasmania and based on the Geocentric Datum of Australia (also known as the “the GDA” or “GDA94”) as defined in the Commonwealth Gazette No. GN 35, 6 September 1995;

junior angling development fishery means the waters specified in Schedule 2;

Lake Crescent waters includes waters in –

- (a) Lake Crescent; and

- (b) the outflow canal draining from Lake Crescent to the outflow screening structure at grid reference E512344 N5331352; and
- (c) the inflow canal flowing into Lake Crescent from Lake Sorell;

landing net means a hand-held net that –

- (a) has a handle not more than 2 metres in length; and
- (b) has an opening not more than one metre in diameter; and
- (c) is used to land a fish that is controlled with a rod and line;

lure means an artificial representation, of an animal, that –

- (a) is capable of being affixed to a hook; and
- (b) is designed to visually attract, or is capable of visually attracting, fish; and
- (c) is not, in whole or in part, bait within the meaning of paragraph (c) or (d) of the definition of *bait*;

mesh has the meaning given by regulation 4;

platypus exclusion screen means a screen covering the mouth of a fyke net that

does not have an opening with a perimeter of more than 220 millimetres in length;

prescribed waters, of the Western Lakes, means the waters of the Western Lakes other than the following waters:

- (a) Carter Lakes;
- (b) Double Lagoon;
- (c) East Rocky Lagoon;
- (d) Emma Tarns;
- (e) First Lagoon;
- (f) Howes Lagoon Bay;
- (g) Lake Agnes;
- (h) Lake Baille;
- (i) Lake Botsford;
- (j) Lake Chipman;
- (k) Lake Dudley;
- (l) Lake Flora;
- (m) Lake O'Dells;
- (n) Lake Paget;
- (o) Lake Tin Hut;
- (p) Little Blue Lagoon;

- (q) Rocky Lagoon;
- (r) Sandy Lake;
- (s) Second Lagoon;
- (t) Talinah Lagoon;
- (u) Third Lagoon;

rainbow trout means the species *Oncorhynchus mykiss* of the family Salmonidae;

rod means a piece of wood, metal or other semi-rigid material that is not less than one metre in length;

seine net means a net that is used to encircle or surround fish;

seniors card means –

- (a) a concession card of that name issued by the Tasmanian Government; or
- (b) a concession card of that name issued by the Government of another State or a Territory;

set rod means a rod that –

- (a) has a line with a bait or a lure attached and the lure or bait is in or on the water; and
- (b) is not being held;

trolling means fishing by towing a bait or lure from a boat under propulsion;

watercraft includes a boat, canoe, kayak, float tube or any other craft that is used, or capable of being used, as a means of transportation on water;

Western Lakes means –

- (a) the Central Plateau Conservation Area west of the Lake Highway; and
- (b) the Walls of Jerusalem National Park;

whitebait net means a net –

- (a) no part of which is more than 120 centimetres in circumference; and
- (b) that has an opening not more than 120 centimetres in circumference; and
- (c) that is not fitted with a funnel, screen, valve or other device that impedes or prevents fish from escaping from the net; and
- (d) that is not fitted with, or used in conjunction with, any wings, leaders or other screens or structures capable of diverting fish into the net;

world heritage area means an area that is a declared World Heritage property within the meaning of the *Environment Protection and Biodiversity Act 1999* of the Commonwealth.

- (2) In these regulations, a reference to a particular type of licence is a reference to a licence of that type in the Act.
- (3) For the purposes of these regulations, possession of something includes the following:
 - (a) actual possession or actual custody of the thing;
 - (b) control of the thing for the use or benefit of any person, whether or not that person has actual possession or custody of the thing.

4. Meaning and measurement of mesh

- (1) Mesh is one of the spaces bounded by the threads or rigid strands of a net or trap.
- (2) Mesh is measured –
 - (a) in the case of mesh that is rigid, by the average length of 10 adjoining meshes as measured across the minimum diagonal points; or
 - (b) in the case of mesh that is not rigid, by being stretched diagonally, the average length of 10 adjoining meshes being taken when the diagonally opposite sides

touch each other while the mesh is held taut.

PART 2 – RECREATIONAL FISHING

5. Application of Part

This Part does not apply to –

- (a) a commercial fisher who is taking fish under the authority of, and in accordance with, a commercial freshwater fishing licence; or
- (b) the holder of a fish farm licence, who is taking fish under the authority of, and in accordance with, that licence; or
- (c) a registered fish dealer who is dealing with fish under the authority of, and in accordance with, a fish dealer’s registration certificate.

6. Taking indigenous fish

A person may take, without an angling licence, indigenous fish in any waters specified in Schedule 1.

7. Taking fish from inland waters

- (1) In this regulation –

live bait means any animal that –

- (a) is stored alive for the purpose of bait; or

(b) is used alive as bait.

- (2) Except as otherwise provided in these regulations, a person must not take fish from inland waters other than by means of a rod and line.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (3) Subregulation (2) does not apply to the following fish:

(a) live bait, other than whitebait, taken during the period commencing 7 days before the first Saturday in August in any year and ending on the Sunday nearest 30 April in the following year by –

(i) a landing net; or

(ii) a seine net that –

(A) is not more than 6 metres long and not more than one metre deep; and

(B) has a mesh of more than 12, but not more than 30, millimetres; and

(C) is being used to obtain bait in estuarine waters, and is being emptied into

the water without being drawn ashore;

- (b) whitebait taken with a whitebait net in accordance with a whitebait licence.

8. Taking salmon from excepted waters

A person must not take salmon from excepted waters other than by means of a rod and line.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

9. Ground bait

- (1) In this regulation –

ground bait means any form of fish food or bait that –

- (a) is reduced to small particles or a mixture by chopping, grinding, mashing or similar methods; and
- (b) is not capable of being affixed to a hook; and
- (c) is used, or is capable of being used, for attracting or alluring fish to facilitate their capture.

- (2) A person who is on the bank of any inland waters or is in any inland waters, or is in or on a watercraft on any inland waters, must not –
- (a) have possession of or use any ground bait; or
 - (b) engage in fishing within 100 metres of a place at which the person knows ground bait has been placed within the preceding 14 days.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

10. Use of equipment

- (1) A person must not take fish from inland waters (other than Lake Augusta or Lake Mackenzie) using –
- (a) more than one rod and line at a time; or
 - (b) more than 2 lures, or 2 baits, or one lure and one bait, at a time; or
 - (c) more than 3 artificial flies on a line at a time; or
 - (d) 2 lures, or 2 baits, together with one or more artificial flies.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (2) A person must not take fish from Lake Augusta or Lake Mackenzie using –
- (a) a set rod; or
 - (b) more than one rod and line at a time; or
 - (c) more than 2 baits, or one lure and one bait, at a time; or
 - (d) 2 baits, together with one or more artificial flies, at a time.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (3) Subregulation (1) does not apply if the person is taking indigenous fish in any waters specified in Schedule 1 using no more than –
- (a) 2 rods and lines; and
 - (b) 2 lures or baits on each line.
- (4) Subregulation (1) does not apply if the person –
- (a) is fishing in waters where the use of bait is permitted; and
 - (b) uses no more than –
 - (i) 2 rods and lines at a time; and
 - (ii) 2 lures or baits on each line; and
 - (c) has paid the applicable fee specified in Schedule 5.

- (5) The holder of an angling licence may land fish caught on a rod and line with –
- (a) a landing net; or
 - (b) a gaff consisting of a plain metal hook without a barb or similar device.
- (6) The holder of a whitebait licence must not –
- (a) use more than one whitebait net at any one time; or
 - (b) use a whitebait net unless the net has attached to it a tag bearing the number of the whitebait licence; or
 - (c) be more than 8 metres away from the whitebait net while it is in use.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

11. Securing whitebait nets

- (1) In this regulation –

dislodged, in relation to a bush or the trunk of a tree, means no longer rooted to the ground;

natural causes includes, but is not limited to, ageing, disease, wind action, flood action, lightning strike and animal activity.

- (2) A person must not secure a whitebait net to the bank or bed of a river using any of the following:
- (a) a severed limb, or any part of a severed limb, from a tree or bush;
 - (b) a dislodged bush, or any part of a dislodged bush;
 - (c) the dislodged trunk of a tree, or any part of the dislodged trunk of a tree.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

- (3) Subregulation (2) has effect regardless of –
- (a) when the severance or dislodgment occurred; or
 - (b) whether the severance or dislodgment occurred as a result of human intervention or natural causes.
- (4) Nothing in this regulation is to be taken as prohibiting the use of implements containing or consisting of timber that has been –
- (a) legally harvested in the State; or
 - (b) imported into the State.

12. Use of other equipment

A person, while fishing, must not –

- (a) when using that person's rod and line, have possession of another person's rod and line; or
- (b) use a bottle, jar, can or similar object made of plastic, glass or metal in conjunction with a rod and line to indicate movement in the rod and line.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

13. Possession of equipment

A person must not have possession of an assembled rod, reel and line, at a place (whether or not there is any bait or lure attached to it) if –

- (a) the taking of fish is prohibited under the Act at that place at that time; or
- (b) the taking of acclimatised fish or indigenous fish is prohibited under the Act at that place at that time.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

14. Unattended equipment

A person must not take fish using a set rod from inland waters or excepted waters unless –

- (a) the person is at all times within 8 metres of the set rod and is able to see the rod; and

- (b) the person is able to take up the set rod when a fish takes the bait and lures.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

15. Minimum size limits

- (1) In this regulation –

flounder means fish of the family Pleuronectidae.

- (2) A person must not take from inland waters or excepted waters –

- (a) a blackfish that is less than 220 millimetres in length; or
- (b) a flounder that is less than 250 millimetres in length; or
- (c) a bream that is less than 250 millimetres in length; or
- (d) a freshwater eel that is less than 300 millimetres in length.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

(3) A person must not take a salmon that is less than 220 millimetres in length from any of the following waters:

- (a) Huntsman Lake;
- (b) Lake Burbury;
- (c) Lake Gordon;
- (d) Lake King William;
- (e) Lake Pedder;
- (f) any river.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

(4) A person must not take a salmon that is less than 400 millimetres in length from any of the following waters:

- (a) Bruisers Lagoon;
- (b) Camerons Lagoon;
- (c) Lake Crescent waters;
- (d) Penstock Lagoon.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (5) Subject to subregulations 3 and 4, a person must not take a salmon that is less than 300 millimetres in length from any natural or artificial lake, reservoir, tarn, pond, pool, swamp, marsh, dam or waterhole containing water.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (6) A person must not take a salmon that is less than 420 millimetres in length from any of the following waters:
- (a) Carter Lakes;
 - (b) Double Lagoon;
 - (c) Emma Tarns;
 - (d) Howes Lagoon Bay;
 - (e) Lake Agnes;
 - (f) Lake Baille;
 - (g) Lake Chipman;
 - (h) Lake Flora;
 - (i) Lake O'Dells;
 - (j) Lake Paget;
 - (k) Little Blue Lagoon;
 - (l) Rocky Lagoon;

- (m) Sandy Lake;
- (n) Second Lagoon;
- (o) Talinah Lagoon;
- (p) Third Lagoon.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (7) A person must not take a salmon that is less than 500 millimetres in length from any of the following waters:

- (a) First Lagoon;
- (b) Lake Botsford;
- (c) Lake Dudley;
- (d) Lake Tin Hut.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (8) A person must not take a rainbow trout that is less than 400 millimetres in length from the waters of Great Lake.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (9) For the purposes of this regulation –
- (a) the length of a fish, other than a bream, is to be measured in a straight line from the tip of the snout to the end of the centre of the tail fin; and
 - (b) the length of a bream is to be measured from the forward most point of the fish to the end of the tail; and
 - (c) a fish from which the head or any part of the tail has been removed is taken to be less than the relevant length specified in this regulation unless the part of the fish that remains is not less than that length.

16. Daily bag limit for salmon from certain waters

- (1) A person, on any one day from any of the waters specified in column 2 of the table in Schedule 4, must not take more than 2 salmon that are equal to or more than 500 millimetres in length.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units, and a special penalty of 1 penalty unit for each fish taken in excess of 2.

- (2) A person, on any one day, must not take more than one salmon that is equal to or more than 500 millimetres in length from any of the following waters:
- (a) Bruisers Lagoon;
 - (b) Camerons Lagoon;

- (c) Lake Crescent waters;
- (d) Penstock Lagoon;
- (e) a junior angling development fishery.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units, and a special penalty of 1 penalty unit for each fish taken in excess of 1.

- (3) For the purposes of this regulation, the length of a salmon is to be measured in a straight line from the tip of the snout to the end of the centre of the tail fin.

17. Bag limits

- (1) In this rule –

brook trout means the species *Salvelinus fontinalis* of the family Salmonidae.

- (2) A person must not take, on any one day from inland waters or excepted waters, more than –
 - (a) a total of 12 blackfish; or
 - (b) a total of 12 salmon.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (3) A person must not take, on any one day from inland waters, more than a total of 10 bream.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (4) A person must not take, on any one day from any of the waters specified in column 2 of the table in Schedule 3, more salmon than the number specified in column 3 of that table, in respect of those waters.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (5) A person must not take, on any one day, more than 2 salmon from the same dam or the same lake in a junior angling development fishery.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (6) Subject to subregulations (4) and (5), a person must not take, on any one day, more than 5 salmon from the same river.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (7) A person must not take, on any one day from the waters of Great Lake, more than a total of 12 salmon including a maximum of 3 rainbow trout.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (8) Unless otherwise authorised in writing by the Director, a person must not –
- (a) at any one time, have possession of more than 24 eels; or
 - (b) on any one day –
 - (i) take more than 12 eels from inland waters; or
 - (ii) have possession of more than 12 eels that have been taken from inland waters.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (9) A person must not take, on any one day from inland waters or excepted waters, more than –
- (a) a total of 2 brook trout; or
 - (b) a total of 5 Atlantic salmon.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (10) For the purposes of this regulation, a person who is in possession of fish at or on the bank of any inland waters or excepted waters is taken to have taken the fish from those waters.

18. Whitebait limits

The holder of a whitebait licence must not –

- (a) take more than 2 kilograms of whitebait on any one day; or
- (b) take or have possession of more than 10 kilograms of whitebait at any one time.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each 500 grams of whitebait.

19. Taking fish from watercraft

- (1) In this regulation –

restricted waters means the following waters:

- (a) Ada Lagoon;
- (b) Lake Lea;
- (c) Shannon Lagoon;
- (d) Western Lakes, other than Double Lagoon, Julian Lakes, Lake Ada, Lake Augusta, Lake Mackenzie and Pillans Lake;

(e) Talbots Lagoon.

- (2) A person who is in or on a watercraft on restricted waters, must not take fish while that watercraft is under mechanical propulsion.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

- (3) A person must not take fish in the Curries River Reservoir using a watercraft that is propelled by means other than manual propulsion or electric motor.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

- (4) A person must not take fish by trolling in –

(a) Penstock Lagoon; or

(b) Little Pine Lagoon.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

- (5) Subject to subregulation (6), a person must not take fish using a watercraft –

(a) in any waters above the uppermost point of the impounded waters of Weir No. 1 of Brumbys Creek; or

(b) in Carter Lakes, Howes Lagoon Bay, Lake Botsford, Lake Dudley, Rocky Lagoon or East Rocky Lagoon; or

- (c) in the Pet Reservoir or the Guide Reservoir.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

- (6) A person may take fish from Weir No. 1 and Weir No. 3 on Brumbys Creek using a watercraft that is propelled by oars, paddle or an electric motor.
- (7) A person must not take fish using a watercraft that is not securely moored if that person is within 100 metres of an angler who is fishing –
 - (a) from a river bank or the bank of a lake; or
 - (b) by wading.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

20. Use of watercrafts

A person must not use a watercraft to set and haul a whitebait net in any waters except –

- (a) the Pieman River; or
- (b) the Derwent River; or
- (c) the Huon River; or
- (d) the Henty River.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

21. Use of baits and lures

(1) In this regulation –

artificial fly means a visual representation of any fly, insect, small organism or fish that –

- (a) is affixed to a single hook; and
- (b) does not incorporate any device to impart a rotary or darting motion; and
- (c) is not, in whole or in part, bait within the meaning of paragraph (c) or (d) of the definition of *bait*;

Canal Bay means the waters in the bay of that name in the Great Lake, the outer limits of which are defined by an imaginary straight line drawn between grid reference E476050 N5362584 and grid reference E476072 N5361781;

national park has the same meaning as in the *Nature Conservation Act 2002*;

Tods Corner means the waters in the bay of that name on the south-eastern side of the Great Lake enclosed by an imaginary straight line drawn between grid reference E481761 N5354650 and grid reference E481847 N5356012;

(2) A person must not have possession of any bait or any lure that is not wholly artificial on or within

100 metres of inland waters specified in subregulation (3) or (4).

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

- (3) A person must not take fish from any of the following waters except by means of a lure:
- (a) Argent Dam, Zeehan;
 - (b) Brumbys Creek and all its tributaries between Weir No. 1 and Saundridge Road;
 - (c) Canal Bay and Tods Corner in the Great Lake;
 - (d) Dee Lagoon;
 - (e) Edgar Pond;
 - (f) Lake Crescent waters;
 - (g) Lake Dobson;
 - (h) Lake Gordon;
 - (i) Lake Leake;
 - (j) Lake Pedder;
 - (k) Lake Sorell;
 - (l) Monpeelyata Canal, between the Ouse River Weir and Lake Echo;
 - (m) Risdon Brook Reservoir;

- (n) any inland waters within a world heritage area, other than Lake Augusta and Lake Mackenzie;
- (o) any waters between the Pine Tier Dam (including Bronte Lagoon) and the canals between that dam and Bronte Lagoon;
- (p) any waters in a national park;
- (q) the canal and waterways leading from Bronte Lagoon and discharging into Bradys Lake.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (4) A person must not take fish from any of the following waters except by means of an artificial fly:
 - (a) Bruisers Lagoon, Little Pine Lagoon and Penstock Lagoon;
 - (b) Calverts Lagoon in the municipal area of Clarence;
 - (c) Howes Lagoon Bay, East Rocky Lagoon, Rocky Lagoon and Second Lagoon;
 - (d) Lake Kay and associated lagoons;
 - (e) the canal by which water is conveyed from Little Pine Lagoon to the Ouse River;

- (f) that portion of No. 1 Canal and No. 2 Canal conveying water from the Shannon River to Penstock Lagoon below 2 white posts on opposite banks of those canals.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (5) A person who takes fish in any inland waters specified in subregulation (4) must not use a float or sinker in conjunction with an artificial fly.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

- (6) A person must not, on or within 100 metres of inland waters, have possession of a device that is –
 - (a) of an electric, electronic, sonic or ultrasonic nature; and
 - (b) capable of being used for the purpose of attracting or influencing the movement of fish.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units.

22. Fish not caught by licence holder

The holder of a recreational licence must not –

- (a) on or within 100 metres of inland waters, receive or hide any fish caught by a person who is not the holder of a licence; or
- (b) falsely represent that any fish have been caught by the holder of a licence.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

23. Use of nets

- (1) In this regulation –

coastal lagoon means any lagoon specified in Schedule 1 of the Act.

- (2) A person who is on the bank of any inland waters or is in any inland waters, or is in or on a watercraft on any inland waters, must not possess or use a net other than –
 - (a) a landing net; or
 - (b) a seine net that –
 - (i) is not more than 6 metres long and not more than one metre deep; and
 - (ii) has a mesh of more than 12, but not more than 30, millimetres; and

- (iii) is being used to obtain bait in a coastal lagoon or estuarine waters, and is being emptied into the water without being drawn ashore.

Penalty: Fine of not less than 3 penalty units and not more than 10 penalty units.

- (3) Subregulation (2) does not apply to –
 - (a) a net used only in a tidal river (other than Ansons River, Scamander River or Swan River) by a person –
 - (i) on a fishing boat to which a fishing licence (vessel) under the *Fisheries Rules 2009* relates; or
 - (ii) on any other boat or ship in transit to or from any waters beyond the seaward limits of a river; or
 - (b) the holder of a whitebait licence using a whitebait net in the rivers specified in Schedule 1 of the *Inland Fisheries (Seasons and Waters) Order 1996*.

24. Fishing whilst disqualified

- (1) In this regulation –

prohibited activity means an activity that a person is prohibited from undertaking as a consequence of a disqualification under section 36, 38A, 50 or 79 of the Act.

- (2) A person who is disqualified by the Director under the Act from applying for or obtaining a licence must not undertake a prohibited activity.

Penalty: Fine of not less than 5 penalty units and not more than 10 penalty units.

PART 3 – COMMERCIAL FISHING

25. Use of nets and traps for commercial purposes

- (1) A person who is on the bank of any inland waters or is in any inland waters, or is in or on a watercraft on any inland waters, must not –
- (a) use a net or trap to take fish for commercial purposes; or
 - (b) have possession of a net or trap for the purpose of taking fish for commercial purposes.

Penalty: Fine of not less than 3 penalty units and not more than 10 penalty units.

- (2) Subregulation (1) does not apply to –
- (a) a net or trap used only in a tidal river (other than Ansons River, Scamander River or Swan River) by a person –
 - (i) on a fishing boat to which a fishing licence (vessel) under the *Fisheries Rules 2009* relates; or
 - (ii) on any other boat or ship in transit to or from any waters beyond the seaward limits of a river; or
 - (b) a commercial fisher using a net or trap in accordance with a commercial freshwater fishing licence.

26. Possession of acclimatised fish by commercial fisher

A commercial fisher must not be in possession of acclimatised fish if that commercial fisher is taking fish under the authority of a commercial freshwater fishing licence.

Penalty: Fine of not less than 5 penalty units and not more than 10 penalty units and a special penalty of 1 penalty unit for each fish.

27. Checking of equipment

(1) In this regulation –

protected wildlife means wildlife of a species specified in Schedule 2 to the *Wildlife (General) Regulations 2010*.

(2) A commercial fisher who sets, lays or places in position any eel trap or fyke net under the authority of a commercial freshwater fishing licence must –

- (a) inspect that eel trap or fyke net daily; and
- (b) immediately after inspecting the eel trap or fyke net, remove or release from the eel trap or fyke net any fish or protected wildlife the commercial fisher finds to be caught in it.

Penalty: Fine of not less than 5 penalty units and not more than 10 penalty units and a special penalty of 1 penalty unit for each fish.

28. Identification of traps and nets

- (1) The Director may issue a unique tag for the holder of a commercial freshwater fishing licence to use in conjunction with a trap or net authorised to be used under the licence.
- (2) A commercial fisher must not, under the authority of a commercial freshwater fishing licence, set or use a trap or net unless –
 - (a) a tag issued for use in conjunction with a trap or net under that licence –
 - (i) is securely attached to the trap or net; and
 - (ii) is clearly visible on the surface of the water; and
 - (b) the number of the tag is legible and clearly visible.

Penalty: Fine of not less than 5 penalty units and not more than 10 penalty units.

- (3) The holder of a commercial freshwater fishing licence must notify the Director within 4 hours if a tag issued under subregulation (1) in relation to that licence has been –
 - (a) stolen, lost or destroyed; or
 - (b) damaged to a degree that renders it unsuitable for use.

Penalty: Fine of not less than 5 penalty units and not more than 10 penalty units.

29. Interfering with equipment

(1) In this regulation –

gear means any net, implement, apparatus, device, trap, barrier, screen, tank, container, structure, buoy, float, pole, tag or other device that –

(a) is used, or is capable of being used, in connection with –

(i) the taking of fish; or

(ii) fish farming; or

(b) is the property of the Director.

(2) A person must not interfere with any equipment or gear in inland waters unless the person is –

(a) the owner of the equipment or gear; or

(b) acting with the consent of the owner of the equipment or gear; or

(c) an officer.

Penalty: Fine of not less than 5 penalty units and not more than 10 penalty units.

30. Offence for commercial fisher to have fish taken by unlicensed person

A commercial fisher must not –

(a) on or within 100 metres of inland waters, receive or hide any fish caught by a

person who is not the holder of a licence;
or

- (b) falsely represent that any fish have been caught by the holder of the licence.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

PART 4 – MISCELLANEOUS

31. Possession of crayfish

(1) In this regulation –

berry means fertilised spawn that is carried externally on a freshwater crayfish.

(2) A person must not –

- (a) take or have possession of any freshwater crayfish; or
- (b) have possession of any berry of a freshwater crayfish; or
- (c) remove any berry from a freshwater crayfish.

Penalty: Fine of not less than 3 penalty units and not more than 10 penalty units and a special penalty of 1 penalty unit for each fish.

32. Use of fish as bait

A person must not use the whole or part of a fish as bait to take fish in inland waters other than estuarine waters.

Penalty: Fine of not less than 1 penalty unit and not more than 5 penalty units and a special penalty of 1 penalty unit for each fish.

33. Possession of protected fish

A person must not have possession of any protected fish.

Penalty: Fine of not more than 20 penalty units and a special penalty of 1 penalty unit for each fish.

34. Possession of certain fish

(1) In this regulation –

frog means any member of the order *Anura* (also known as the order *Salienta*);

goldfish means fish of the species *Carassius auratus* of the family Cyprinidae.

(2) A person must not, on or within 100 metres of a lake or river, have possession of any frog or goldfish, whether alive or dead.

Penalty: Fine of not less than 3 penalty units and not more than 10 penalty units and a special penalty of 1 penalty unit for each fish.

35. Request to vary fish farm licence

If the holder of a fish farm licence requests the Director vary a fish farm licence under section 45 of the Act, the fees specified in Schedule 5 in respect of that request are payable by the licence holder.

36. Fees

The fees specified in Schedule 5 are prescribed in respect of licences issued under the Act.

37. Infringement notice offences and penalties

- (1) For the purposes of the Act –
 - (a) an offence against a provision of the Act specified in column 2 of the table in Part 1 of Schedule 6 is a prescribed offence in respect of which an infringement notice may be served; and
 - (b) an offence against a provision of these regulations specified in column 2 of the table in Part 2 of Schedule 6 is a prescribed offence in respect of which an infringement notice may be served.
- (2) A penalty specified in column 3 of a table in Part 1 or Part 2 of Schedule 6 is prescribed as the penalty payable for the relevant offence specified in column 2 of the relevant table.

**SCHEDULE 1 – WATERS FOR TAKING INDIGENOUS
FISH**

Regulation 6

PART 1 – LAGOONS

1. Big Lagoon
2. Dianas Basin
3. Fortescue Bay Lagoon
4. Freshwater and Saltwater lagoons at Friendly Beaches
5. Grants Lagoon
6. Hendersons Lagoon, at Falmouth
7. Lisdillon Lagoon
8. Oakhampton Lagoon
9. Old Mines Lagoon, near Bicheno
10. Sloop Rock Lagoon
11. The Gardens Lagoon
12. Wrinklers Lagoon

PART 2 – RIVERS

1. Ansons River, downstream from the C843 Road Bridge at grid reference 603574 5454132
2. Apsley River, downstream from the A3 road bridge at grid reference 604297 5361056

3. Blythe River, downstream from an imaginary straight line drawn between grid references 414414 5452064 and 414414 5452173
4. Bream Creek, downstream from an imaginary straight line drawn between grid references 570959 5261529 and 570982 5261529
5. Brid River, downstream from an imaginary straight line drawn between grid references 533762 5459727 5452064 and 533775 5459735
6. Browns River and its tributaries, downstream from the B68 road bridge at grid reference 525781 5242060
7. Buxton River, downstream from the A3 road bridge at grid reference 582666 5320736
8. Cam River, downstream from an imaginary straight line drawn between grid references 402393 5455851 and 402482 5455819 (approximately 400 metres upstream of the A2 road bridge)
9. Coal River, downstream from the weir immediately below the town of Richmond at grid reference 536183 5268288
10. Crayfish Creek, downstream from an imaginary straight line drawn between grid references 364766 5475340 and 364781 5475340
11. D'Entrecasteaux River, downstream from the C636 road bridge at grid reference 489965 5182898
12. Emu River, downstream from the weir at grid reference 409568 5452011
13. Esperance River, downstream from the A6 road bridge at grid reference 497632 5202445

14. Four Mile Creek, East Coast, downstream from the A3 road bridge at grid reference 607313 5398193
15. Franklin Rivulet, downstream from the bend in that river at grid reference 467128 5432504
16. Great Forester River, downstream from the B84 Waterhouse Road bridge at grid reference 539683 5460169
17. Great Musselroe River, downstream from an imaginary straight line drawn between grid references 594857 5477410 and 594909 5477395
18. Huon River, downstream from the A6 road bridge, Huonville, at grid reference 503799 5235444
19. Inglis River, downstream from the C234 road bridge at grid reference 392255 5462770
20. Jordan River, downstream from the C326 road bridge at grid reference 521489 5269106
21. Lisdillon River, downstream from the A3 road bridge at grid reference 582230 5318061
22. Little Forester River, downstream from the Sandy Points Road bridge at grid reference 529633 5461504
23. Little Swanport River, downstream from an imaginary straight line drawn between grid references 576771 5313222 and 576757 5313251 (approximately 800 metres above the A3 road bridge Tasman Highway Bridge)
24. Medeas Cove, St Helens, downstream from where the Golden Fleece Rivulet enters Medeas Cove at grid reference 603346 5424678
25. Meredith River, downstream from the A3 main road bridge at grid reference 587714 5336804

26. Prosser River, downstream from the Prosser River Dam at grid reference 566006 5285150
27. River Derwent, downstream from the Bridgewater Bridge (carrying the National Hwy 1) at grid reference 518461 5267838
28. River Forth, downstream from the B19 Forth Road bridge at grid reference 437274 5439869
29. River Leven, downstream from an imaginary straight line drawn between grid reference 422710 5442177 and 422750 5442142 (the confluence of Whisky Creek)
30. Rubicon River, downstream from where the river enters the tidal estuary delineated by an imaginary straight line drawn between grid references 463624 5433959 and 463655 5433975
31. Sandspit River, downstream from Wielangta Road at grid reference 573614 5277554
32. Scamander River, downstream from Ryans Bridge at grid reference 599738 5411400
33. Swan River, downstream from the Grange Road bridge at grid reference 589139 5345208
34. Tomahawk River, downstream from the West Tomahawk Road bridge at grid reference 563046 54737084
35. Wye River, downstream from the A3 Tasman Hwy Bridge at grid reference 588019 5342093
36. Any other river consisting of estuarine waters

**SCHEDULE 2 – JUNIOR ANGLING DEVELOPMENT
FISHERY**

Regulation 3

Column 1	Column 2
Item	Water
1.	Bushy Park Estate Dam
2.	Frombergs Dam
3.	Hiscutt Park Dam
4.	Lake Waverley
5.	Taylors Dam

SCHEDULE 3 – BAG LIMITS

Column 1	Column 2	Regulation 17 Column 3
Item	Water	Bag limit (number of salmon)
1.	Big Lagoon (Bruny Island)	5
2.	Big Waterhouse Lake	5
3.	Blackmans Lagoon	5
4.	Bradys Lake	5
5.	Briseis Hole	5
6.	Bruisers Lagoon	2
7.	Brushy Lagoon	5
8.	Camerons Lagoon	2
9.	Carter Lakes	2
10.	Craigbourne Dam	5
11.	Curries River Reservoir	5
12.	Dee Lagoon	5
13.	Double Lagoon	2
14.	East Rocky Lagoon	0
15.	Emma Tarns	2
16.	First Lagoon	1

17.	Four Springs Lake	5
18.	Guide Reservoir	5
19.	Gunns Lake	5
20.	Howes Lagoon Bay	2
21.	Huntsman Lake	20
22.	Lake Agnes	2
23.	Lake Baille	2
24.	Lake Barrington	5
25.	Lake Binney	5
26.	Lake Botsford	1
27.	Lake Burbury	20
28.	Lake Chipman	2
29.	Lake Crescent waters	2
30.	Lake Dudley	1
31.	Lake Dulverton	5
32.	Lake Duncan	5
33.	Lake Flora	2
34.	Lake Gordon	20
35.	Lake Isandula	5
36.	Lake Kara	5
37.	Lake King William	20

38.	Lake Leake	5
39.	Lake Lynch	5
40.	Lake Mikany	5
41.	Lake O'Dells	2
42.	Lake Paget	2
43.	Lake Pedder	20
44.	Lake Skinner	5
45.	Lake Tin Hut	1
46.	Lamberts Dam	5
47.	Lauriston Reservoir	5
48.	Little Blue Lagoon	2
49.	Little Lake	5
50.	Little Pine Lagoon	5
51.	Little Waterhouse Lake	5
52.	Meadowbank Lake	5
53.	Pawleena Reservoir	5
54.	Penstock Lagoon	2
55.	Pet Reservoir	5
56.	Pioneer Lake	5
57.	Plenty River adjacent to the Salmon Ponds	1

58.	Prescribed waters (of the Western Lakes)	5
59.	Risdon Brook Reservoir	5
60.	Rocky Lagoon	2
61.	Rossarden Dam	5
62.	Rostrevor Dam	5
63.	Sandy Lake	2
64.	Second Lagoon	2
65.	Shannon Lagoon	5
66.	South Riana Dam	5
67.	St Clair Lagoon	5
68.	Talbots Lagoon	5
69.	Talinah Lagoon	2
70.	Third Lagoon	2
71.	Tooms Lake	5
72.	Tungatinah Lagoon	5
73.	Woods Lake	5

**SCHEDULE 4 – DAILY BAG LIMITS FOR SALMON
FROM CERTAIN WATERS**

Regulation 16

Column 1	Column 2
1.	Big Lagoon (Bruny Island)
2.	Big Waterhouse Lake
3.	Blackmans Lagoon
4.	Bradys Lake
5.	Briseis Hole
6.	Brushy Lagoon
7.	Craigbourne Dam
8.	Curries River Reservoir
9.	Dee Lagoon
10.	Four Springs Lake
11.	Guide Reservoir
12.	Gunns Lake
13.	Lake Barrington
14.	Lake Binney
15.	Lake Dulverton
16.	Lake Duncan
17.	Lake Isandula

Column 1	Column 2
18.	Lake Kara
19.	Lake Leake
20.	Lake Lynch
21.	Lake Mikany
22.	Lake Skinner
23.	Lamberts Dam
24.	Lauriston Reservoir
25.	Little Lake
26.	Little Pine Lagoon
27.	Little Waterhouse Lake
28.	Meadowbank Lake
29.	Pawleena Reservoir
30.	Pet Reservoir
31.	Pioneer Lake
32.	Prescribed waters (of the Western Lakes)
33.	Risdon Brook Reservoir
34.	Rossarden Dam
35.	Rostrevor Reservoir
36.	Shannon Lagoon
37.	South Riana Dam

Column 1	Column 2
38.	St. Clair Lagoon
39.	Talbots Lagoon
40.	Tungatinah Lagoon
41.	Tooms Lake
42.	Woods Lake

SCHEDULE 5 – FEES

Regulations 35 and 36

PART 1 – RECREATIONAL FISHING LICENCES

Item	Fee Units
1. <i>Angling licence</i>	
Application for –	
(a) a person who is 18 years of age or more and is not a person referred to in paragraph (b) or (c) –	
(i) for the use of one rod and line for one season	49
(ii) for the use of one rod and line for 5 consecutive seasons	245
(b) a person who holds a valid seniors card –	
(i) for the use of one rod and line for one season	39
(ii) for the use of one rod and line for 5 consecutive seasons	195
(c) an eligible pensioner –	
(i) for the use of one rod and line for one season	27
(ii) for the use of one rod and line for 5 consecutive seasons	135

	Item	Fee Units
	(d) a person who is at least 14 years of age and under 18 years of age for the use of one rod and line for one season	10
	(e) a person who is 18 years of age or more for the use of one rod and line for 48 hours	15
	(f) a person who is 18 years of age or more for the use of one rod and line for 7 consecutive days	25
	(g) for a person who is 18 years of age or more for the use of one rod and line for 28 consecutive days	39
	(h) a person referred to in paragraph (a) for the use of an additional rod and line for one season	10
	(i) a person referred to in paragraph (a) for the use of an additional rod and line for 5 consecutive seasons	50
	(j) a person referred to in paragraph (b), (c) or (d) for the use of an additional rod and line for one season	5
	(k) a person referred to in paragraph (b) or (c) for the use of an additional rod and line for 5 consecutive seasons	25
	(l) replacement licence	2
2.	<i>Whitebait licence</i>	
	Application	20

PART 2 – COMMERCIAL FISHING LICENCES AND PERMITS

Item	Fee units
1. <i>Commercial freshwater fishing licence</i>	
Application for grant, variation, renewal or transfer of licence	100
Issue of licence	750
Variation of licence	100
Renewal of licence	750
Transfer of licence	100
Replacement of licence	20
2. <i>Fish farm licence for fish farm containing a biomass of fish of greater than 100 tonnes in the licence area</i>	
Application for grant, transfer or renewal of licence	1000
Issue of licence	2400 for each year of licence
Renewal of licence	2400 for each year of licence
Request to vary licence	1000
Variation of licence	100
Transfer of licence	100
Replacement of licence	20

3.	<i>Fish farm licence for fish farm containing a biomass of fish of greater than 2 tonnes but less than or equal to 100 tonnes in the licence area</i>	
	Application for grant, transfer or renewal of licence	1000
	Issue of licence	1000 for each year of licence
	Renewal of licence	1000 for each year of licence
	Request to vary licence	1000
	Variation of licence	100
	Transfer of licence	100
	Replacement of licence	20
4.	<i>Fish farm licence for fish farm containing a biomass of fish equal to or less than 2 tonnes in the licence area</i>	
	Application for grant, transfer or renewal of licence	50
	Issue of licence	50 for each year of licence
	Renewal of licence	50 for each year of licence
	Request to vary licence	50
	Variation of licence	50
	Transfer of licence	50

	Application for replacement of licence	20
5.	<i>Fishing permit or exemption permit</i>	
	Application for fishing permit or exemption permit	25
	Issue of fishing permit	100
	Issue of exemption permit	100
6.	<i>Permission to transport live fish</i>	
	Application for permission to transport live fish	170
7.	<i>Consent to release, plant or introduce fish or aquatic plant</i>	
	Application for consent to release, plant or introduce fish or aquatic plant	60

PART 3 – REGISTRATION

	Item	Fee units
1.	<i>Fish dealer</i>	
	Application to grant, amend, renew or transfer registration	25
	Issue of certificate of registration	25
	Issue of certificate of renewal	25
	Transfer of registration	25

2.	<i>Private fishery</i>	
	Application to grant registration	150
	Issue of certificate of registration	500
	Renewal of registration	500

SCHEDULE 6 – INFRINGEMENT NOTICE OFFENCES
Regulation 37

PART 1 – OFFENCES UNDER ACT		
Column 1	Column 2	Column 3
Item	Section of Act	Penalty (penalty units)
1.	Section 21(1)	5
2.	Section 25(3A)	5
3.	Section 26(4)	1
4.	Section 29(2)	5
5.	Section 35(1)	3
6.	Section 37(1)	2
7.	Section 37(2)	2
8.	Section 38(1)	2
9.	Section 40(1)	5
10.	Section 42(4)	5
11.	Section 51(3)	5
12.	Section 53	1
13.	Section 54	2
14.	Section 55	2
15.	Section 62(1)	5

Column 1	Column 2	Column 3
Item	Section of Act	Penalty (penalty units)
16.	Section 64(3)	5
17.	Section 73(1)	5
18.	Section 73(2)	5
19.	Section 73(2)	5
20.	Section 74(1)	5
21.	Section 75(3)	5
22.	Section 76A(5)	5
23.	Section 80	5
24.	Section 82(6)	5
25.	Section 83	3
26.	Section 98(3)	2
27.	Section 102(1)	1
28.	Section 108(1)	1
29.	Section 115(4)	1
30.	Section 126(1)	5
31.	Section 126(3)	5
32.	Section 127	2
33.	Section 128(1)	5

Column 1	Column 2	Column 3
Item	Section of Act	Penalty (penalty units)
34.	Section 128(2)	5
35.	Section 128(3)	5
36.	Section 128(4)	5
37.	Section 128A(1)	5
38.	Section 129	5
39.	Section 130(1)	1
40.	Section 130(2)	1
41.	Section 131(2)	5
42.	Section 132(1)	5
43.	Section 133	5
44.	Section 134(1)	5
45.	Section 134(2)	5
46.	Section 134(3)	5
47.	Section 134(4)	5
48.	Section 134(5)	5
49.	Section 135(1)	2
50.	Section 135(2)	2
51.	Section 136	2

Column 1	Column 2	Column 3
Item	Section of Act	Penalty (penalty units)
52.	Section 137(1)	2
53.	Section 138(1A)	1
54.	Section 138(2)	1
55.	Section 138(3)	1
56.	Section 139(1)	2
57.	Section 140	1
58.	Section 140A	5
59.	Section 140B(1)	5
60.	Section 141	2
61.	Section 142	3
62.	Section 143	5
63.	Section 144	3
64.	Section 147(2)	5
65.	Section 150	5
66.	Section 151(1)	1
67.	Section 152(5)	5
68.	Section 155	5
69.	Section 159(1)	2

Column 1	Column 2	Column 3
Item	Section of Act	Penalty (penalty units)
70.	Section 160(4)	2
71.	Section 162	2
72.	Section 163(1)	2
73.	Section 168(1)	2
74.	Section 173(2)	2
75.	Section 197(3)	2
76.	Section 197A	2

PART 2 – OFFENCES UNDER REGULATIONS

Column 1	Column 2	Column 3
Item	Regulation	Penalty (penalty units)
1.	Regulation 7(2)	1
2.	Regulation 8	1
3.	Regulation 9(2)	1
4.	Regulation 10(1)	1
5.	Regulation 10(2)	1
6.	Regulation 10(6)	1
7.	Regulation 11(2)	1

Column 1	Column 2	Column 3
8.	Regulation 12	1
9.	Regulation 13	1
10.	Regulation 14	1
11.	Regulation 15(2)	1
12.	Regulation 15(3)	1
13.	Regulation 15(4)	1
14.	Regulation 15(5)	1
15.	Regulation 15(6)	1
16.	Regulation 15(7)	1
17.	Regulation 15(8)	1
18.	Regulation 16(1)	1
19.	Regulation 16(2)	1
20.	Regulation 17(2)	1
21.	Regulation 17(3)	1
22.	Regulation 17(4)	1
23.	Regulation 17(5)	1
24.	Regulation 17(6)	1
25.	Regulation 17(7)	1
26.	Regulation 17(8)	1
27.	Regulation 17(9)	1

Column 1	Column 2	Column 3
28.	Regulation 18	1
29.	Regulation 19(2)	1
30.	Regulation 19(3)	1
31.	Regulation 19(4)	1
32.	Regulation 19(5)	1
33.	Regulation 19(7)	1
34.	Regulation 20	1
35.	Regulation 21(2)	1
36.	Regulation 21(3)	1
37.	Regulation 21(4)	1
38.	Regulation 21(5)	1
39.	Regulation 21(6)	1
40.	Regulation 22	1
41.	Regulation 23(2)	3
42.	Regulation 24(2)	1
43.	Regulation 25(1)	5
44.	Regulation 26	5
45.	Regulation 27(2)	5
46.	Regulation 28(2)	3
47.	Regulation 28(3)	3

Column 1	Column 2	Column 3
48.	Regulation 29(2)	5
49.	Regulation 30	2
50.	Regulation 31(2)	3
51.	Regulation 32	2
52.	Regulation 33	5
53.	Regulation 34(2)	3

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Notified in the *Gazette* on 20 .

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

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) provide for a range of matters to regulate the commercial and recreational fisheries in inland waters; and
- (b) prescribe fees and infringement notice offences for those fisheries; and
- (c) replace the *Inland Fisheries (Recreational Fishing) Regulations 2009* and the *Inland Fisheries (General) Regulations 2009*.