Fisheries Management
(Southern Bluefin Tuna Fishery)
Amendment Regulations 1998
(No. 1)

Statutory Rules 1998 No. 363

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations under the Fisheries Management Act 1991.


WILLIAM DEANE
Governor-General

By His Excellency's Command,

MARK VAILE
Minister for Agriculture, Fisheries and Forestry
Fisheries Management (Southern Bluefin Tuna Fishery) Amendment Regulations 1998 (No.1)

Statutory Rules 1998 No. 1
made under the
Fisheries Management Act 1991

Contents

<table>
<thead>
<tr>
<th></th>
<th>Name of regulations</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Name of regulations</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Commencement</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Amendment of Fisheries Management (Southern Bluefin Tuna Fishery) Regulations</td>
<td>2</td>
</tr>
</tbody>
</table>

Schedule 1 Amendments of Fisheries Management (Southern Bluefin Tuna Fishery) Regulations

Page 3
1 Name of regulations

These regulations are the *Fisheries Management (Southern Bluefin Tuna Fishery) Amendment Regulations 1998 (No.)*.

2 Commencement

These regulations commence on gazettal.

3 Amendment of Fisheries Management (Southern Bluefin Tuna Fishery) Regulations

Schedule 1 amends the Fisheries Management (Southern Bluefin Tuna Fishery) Regulations.
Schedule 1  Amendments of Fisheries Management (Southern Bluefin Tuna Fishery) Regulations

[1] Before regulation 1

insert

Part 1  Introductory

[2] Regulation 1

substitute

1  Name of regulations

These regulations are the Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995.

[3] After regulation 2A

insert

Part 2  Disposal of Southern Bluefin Tuna to tuna farms

2B Definitions

In this Part:

AFMA agent, for a farm transfer, means the agent appointed by AFMA to carry out activities in relation to the transfer.

1998, \( ^{\text{F}} \)

Fisheries Management (Southern Bluefin Tuna Fishery)
Amendment Regulations 1998 (No.) 3 363 1
authorised representative, for a statutory fishing right holder, means a person authorised by the statutory fishing right holder and for whom AFMA has a specimen signature.

carrier boat means a boat that is equipped for towing tow cages.

farm transfer means the transfer of Southern Bluefin Tuna from a tow cage to a grow out cage.

grow out cage means a cage that is:
(a) kept on a tuna farm; and
(b) suitable for caging Southern Bluefin Tuna for fattening.

Managing Director has the same meaning as in the Fisheries Administration Act 1991.

tow cage means a cage that:
(a) is suitable for caging Southern Bluefin Tuna; and
(b) can be attached to a carrier boat.

2C Meaning of holder of permit for carrier boat

In this Part, a reference to the holder of the permit for a carrier boat includes a reference to an agent of that person.

2D Conditions of statutory fishing rights

For paragraph 42 (1) (a) of the Act, a statutory fishing right that authorises the use of a boat to take Southern Bluefin Tuna from the SBT Fishery is subject to the conditions set out in regulations 2E and 2F.

2E Statutory fishing right holders to give returns

(1) This regulation applies to a statutory fishing right holder if:

(a) a quantity of Southern Bluefin Tuna taken by use of the statutory fishing right holder’s nominated boat is transferred to a tow cage; and
(b) the tow cage is towed to a tuna farm for a farm transfer of the Southern Bluefin Tuna; and
(c) the farm transfer takes place.

(2) The statutory fishing right holder, or an authorised representative of the holder, must make a return for the farm transfer.

(3) The statutory fishing right holder or authorised representative must give the return to the AFMA agent for the farm transfer within 40 days after the last Southern Bluefin Tuna fish transferred to the tow cage is transferred.

2F Returns

(1) A return for a farm transfer must:
(a) be in a form approved by AFMA; and
(b) be signed by:
   (i) the statutory fishing right holder; or
   (ii) the authorised representative; and
(c) include the full name of the person signing the return (the signatory).

(2) The return must also include:
(a) the identifying number (if any) of the tow cage used for the farm transfer; and
(b) a statement of the total number of Southern Bluefin Tuna that died in the period:
   (i) beginning when the tow ended; and
   (ii) ending when the last Southern Bluefin Tuna fish transferred during the farm transfer was transferred to the farm; and
(c) if the tow cage was towed to the tuna farm by 1 carrier boat — any return mentioned in subregulation (3) given to the signatory; and
(d) if the tow cage was towed to the tuna farm by 2 or more carrier boats in succession — any returns mentioned in subregulation (4) given to the signatory; and
(e) the record mentioned in subregulation (5) (AFMA agent’s record) that the AFMA agent for the farm transfer has given to the signatory; and

(f) a declaration by the signatory that:

(i) the statement mentioned in paragraph (b) is accurate; and

(ii) the signatory has watched the AFMA agent carry out an average weight sampling procedure for the farm transfer; and

(iii) the signatory believes that the AFMA agent’s record given to the signatory is accurate.

(3) For paragraph (2) (c), the return is the return made by the holder of the permit for the carrier boat about:

(a) the transfer of the Southern Bluefin Tuna to the tow cage; and

(b) the tow of the tow cage to the tuna farm.

(4) For paragraph (2) (d), the returns are:

(a) the return made by the holder of the permit for the first carrier boat to tow the tow cage towards the tuna farm about:

(i) the transfer of the Southern Bluefin Tuna to the tow cage; and

(ii) the part of the tow of the tow cage towards the tuna farm carried out by the boat; and

(b) for each other carrier boat — the return made by the holder of the permit for the carrier boat about the part of the tow to, or towards, the tuna farm carried out by the boat.

(5) For paragraph (2) (e), the AFMA agent’s record is the record that the Managing Director has required the AFMA agent, by written notice under the agent’s contract, to keep about:

(a) the average weight sampling procedure that is to be carried out for the farm transfer in accordance with that notice; and
(b) the number of Southern Bluefin Tuna transferred; and
(c) the calculation of the total weight of live Southern Bluefin Tuna transferred.

Note Under regulation 2C, a reference to the holder of the permit for a carrier boat includes a reference to an agent of that person.

[4] After regulation 2F
insert

Part 3 Register of Statutory Fishing Rights

insert

Part 4 Miscellaneous

Notes
2. Made by the Governor-General on \( \checkmark \) 1998, and notified in the Commonwealth of Australia Gazette on \( \checkmark \) 1998. Administered by the Minister for Agriculture, Fisheries and Forestry.

\( \checkmark \) 17 December 1998
\( \checkmark \) 22 December 1998