Fisheries Management Amendment Regulations 1999 (No. 1)

Statutory Rules 1999 No. 1

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.

Dated 23 February 1999.

Governor-General

By His Excellency’s Command,

MARK VAILE
Minister for Agriculture, Fisheries and Forestry
Fisheries Management Amendment Regulations 1999 (No. 1)

Statutory Rules 1999 No. L

made under the

Fisheries Management Act 1991

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Schedule 1 Amendments

Schedule 1

1999, L

Fisheries Management Amendment Regulations 1999 (No.L)

1

22
1 Name of regulations
These regulations are the *Fisheries Management Amendment Regulations 1999 (No. L).*

2 Commencement
These regulations commence on gazettal.

3 Amendment of Fisheries Management Regulations
Schedule 1 amends the Fisheries Management Regulations.
Schedule 1 Amendments
(regulation 3)

[1] Regulation 1

substitute

1 Name of regulations

These regulations are the *Fisheries Management Regulations 1992*.

[2] Subregulation 3 (1), definition of *relevant offence*, paragraph (b)

*omit*

Part 9 of these Regulations;

*insert*

Part 9 or 11.

[3] Subregulation 4AA (1)

*omit*

subregulation (4)

*insert*

subregulation (3)

[4] Regulation 8A

*omit*
After regulation 46

insert

Part 11  By-catch restrictions

Division 1  Preliminary

47  Definitions

In this Part:

*crustacean* means any species of the phylum Crustacea.

*fish* means fish of the class Osteichthyes.

*mollusc* means any invertebrate of the phylum Mollusca.

*northern waters* means the area described in Part 1 of Schedule 5.

*South Australian waters* means the area described in Division 2 of Part 1 of Schedule 6.

*Southern waters* means Victorian waters, South Australian waters and Tasmanian waters.

*Tasmanian waters* means the area described in Division 3 of Part 1 of Schedule 6.

*trip* means a voyage by boat that:

(a) begins at a place on, or within, the coastline of Australia; and

(b) continues to and from, or through, northern, Victorian, South Australian or Tasmanian waters; and

(c) ends (whether or not the boat calls at a place outside Australia) at a place on, or within, the coastline of Australia.
tuna means fish:
(a) of the family Scombridae (commonly known as tuna and tuna-like fish), except fish of the genera Scomberomorus, Scomber, Acanthocybium, Grammatorcynus and Rastrelliger (commonly known as mackerel); and
(b) of the families Istiophoridae and Xiphiidae (commonly known as billfish); and
(c) of the family Bramidae (commonly known as pomfrets or rays bream).

Victorian waters means the area described in Division 1 of Part 1 of Schedule 6.

48 Interpretation

(1) For this Part, fish on a boat at the end of a trip are taken to have been taken during the trip.

(2) For this Part, a king crab is taken to be a giant crab.

(3) For this Part, the weight of a fish is taken to be the weight of the whole fish before it is processed.

(4) In this regulation:
processed does not include frozen.

Division 2 By-catch limits for Northern waters

49 Application of Division

This Division applies to the holder of a fishing concession that authorises the use of a boat for taking tuna in northern waters.
50 By-catch limits

(1) On a trip, the holder must not take fish of a species mentioned in Part 2 of Schedule 5 from northern waters unless:
   (a) the fish are taken as by-catch; and
   (b) the holder does not take more than:
       (i) 2 fish of a species mentioned in Division 1 of that Part; and
       (ii) 10 fish of a species mentioned in Division 2 of the Part; and
       (iii) 20 fish of a species mentioned in Division 3 of the Part.

Penalty: 10 penalty units.

(2) However, the limitation in subparagraph (1) (b) (i) does not apply to black kingfish (*Rachycentron canadus*) that are taken as by-catch from northern waters west of the meridian of longitude 129° east.

Division 3 By-catch limits for Victorian waters

51 Application of Division

This Division applies to the holder of a fishing concession that authorises the use of a boat for fishing in Victorian waters.

52 Crustaceans

(1) On a trip, the holder must not take crustaceans from Victorian waters unless:
   (a) the crustaceans are taken as by-catch; and
   (b) the holder does not take more than 50 kilograms of crustaceans.

Penalty: 10 penalty units.
(2) However, the holder must not take from the waters any:
   (a) rock lobsters (family Palinuridae); or
   (b) school prawns (Metapenaeus macleayi); or
   (c) eastern king prawns (Penaeus plebejus).

   Penalty: 10 penalty units.

(3) Also, on a trip, the holder must not take from the waters more than:
   (a) 5 giant crabs; or
   (b) 10 kilograms of bay bugs (family Scyllaridae).

   Penalty: 10 penalty units.

53 Molluscs

(1) On a trip, the holder must not take molluscs from the waters unless:
   (a) the molluscs are taken as by-catch; and
   (b) the holder does not take more than 50 kilograms of molluscs.

   Penalty: 10 penalty units.

(2) However, the holder must not take any abalone (family Haliotidae) from the waters.

   Penalty: 10 penalty units.

54 Finfish

(1) On a trip, the holder must not take finfish from the waters unless:
   (a) the finfish are taken as by-catch; and
   (b) the holder does not take more than 200 kilograms of finfish.

   Penalty: 10 penalty units.
(2) However, the holder must not take any finfish of a species mentioned in Division 2 of Part 3 of Schedule 6 from the waters.

Penalty: 10 penalty units.

(3) Also, on a trip, the holder must not take from the waters more than:
(a) 10 yellowtail kingfish (*Seriola lalandi*); or
(b) 20 kilograms of striped trumpeter (*Lutrigenia lineata*); or
(c) 50 kilograms of snapper (*Pagrus auratus*).

Penalty: 10 penalty units.

**Division 4 By-catch limits for South Australian waters**

55 **Application of Division**

This Division applies to the holder of a fishing concession that authorises the use of a boat for fishing in South Australian waters.

56 **Crustaceans**

(1) On a trip, the holder must not take crustaceans from South Australian waters unless:
(a) the crustaceans are taken as by-catch; and
(b) the holder does not take more than 50 kilograms of crustaceans.

Penalty: 10 penalty units.

(2) However, the holder of the concession must not take from the waters any:
(a) rock lobsters (family Palinuridae); or
(b) king crabs (*Pseudocarcinus gigas*).

Penalty: 10 penalty units.
(3) Also, on a trip, the holder must not take any prawns, except prawns of a species mentioned in Part 2 of Schedule 6, from the waters.

Penalty: 10 penalty units.

57 **Molluscs**

(1) On a trip, the holder must not take molluscs from the waters unless:

(a) the molluscs are taken as by-catch; and

(b) the holder does not take more than 500 kilograms of molluscs.

Penalty: 10 penalty units.

(2) However, the holder must not take from the waters any:

(a) abalone (family Haliotidae); or

(b) scallops (family Pectinidae).

Penalty: 10 penalty units.

(3) Also, on a trip, the holder must not take more than 50 kilograms of specimen shells or shellfish (class Gastropoda) from the waters.

Penalty: 10 penalty units.

58 **Finfish**

(1) On a trip, the holder must not take finfish from the waters unless:

(a) the finfish are taken as by-catch; and

(b) the holder does not take more than 200 kilograms of finfish.

Penalty: 10 penalty units.
(2) However, the holder must not take any finfish of a species mentioned in Division 1 of Part 3 of Schedule 6 from the waters.

Penalty: 10 penalty units.

(3) Also, on a trip, the holder must not take from the waters more than:

(a) 10 yellowtail kingfish (*Seriola lalandi*); or

(b) 20 kilograms of finfish of a species mentioned in Division 3 of Part 3 of Schedule 6; or

(c) 50 kilograms of finfish of a species mentioned in Division 4 of Part 3 of Schedule 6.

Penalty: 10 penalty units.

**Division 5 By-catch limits for Tasmanian waters**

59 Application of Division

This Division applies to the holder of a fishing concession that authorises the use of a boat for fishing in Tasmanian waters.

60 Crustaceans

(1) On a trip, the holder must not take crustaceans from Tasmanian waters unless:

(a) the crustaceans are taken as by-catch; and

(b) the holder does not take more than 50 kilograms of crustaceans.

Penalty: 10 penalty units.
(2) However, the holder must not take from the waters any:
   (a) rock lobsters (family Palinuridae); or
   (b) prawns, except prawns of a species mentioned in Part 2 of Schedule 6.

   Penalty: 10 penalty units.

(3) Also, on a trip, the holder must not take more than 5 giant crabs from the waters.

   Penalty: 10 penalty units.

61 Molluscs

(1) On a trip, the holder must not take molluscs from the waters unless:
   (a) the molluscs are taken as by-catch; and
   (b) the holder does not take more than 500 kilograms of molluscs.

   Penalty: 10 penalty units.

(2) However, the holder must not take from the waters any:
   (a) abalone (family Haliotidae); or
   (b) limpets or keyhole limpets (superfamilies Fissurellacea, Patellacea and Siphonariacea).

   Penalty: 10 penalty units.

(3) Also, on a trip, the holder must not take more than 50 kilograms of specimen shells and shellfish (class Gastropoda) from the waters.

   Penalty: 10 penalty units.
62 Finfish

(1) On a trip, the holder must not take finfish from the waters unless:
   (a) the finfish are taken as by-catch; and
   (b) the holder does not take more than 200 kilograms of finfish.

   Penalty: 10 penalty units.

(2) However, the holder must not take any finfish of a species mentioned in Division 1 of Part 3 of Schedule 6 from the waters.

   Penalty: 10 penalty units.

(3) Also, on a trip, the holder must not take from the waters more than:
   (a) 10 yellowtail kingfish (*Seriola lalandi*); or
   (b) 20 kilograms of finfish of a species mentioned in Division 3 of Part 3 of Schedule 6; or
   (c) 50 kilograms of finfish of a species mentioned in Division 4 of Part 3 of Schedule 6.

   Penalty: 10 penalty units.

63 Other species

The holder must not take any fish of a species mentioned in Part 4 of Schedule 6 from the waters.

   Penalty: 10 penalty units.

[6] Schedules 3A, 3B and 3C

*omit*
After Schedule 4

insert

Schedule 5 By-catch — northern waters
(regulations 47 and 50)

Part 1 Northern waters

That part of the AFZ that is within the area bounded by a notional line:

(a) beginning at the point of intersection of the southern coastline of Australia and the meridian of longitude 129° east; and

(b) running progressively:

- south along that meridian to the outer limit of the AFZ; and

- generally westerly, northerly, easterly and southerly along that outer limit to its second intersection with the parallel of latitude 28° 10’ south; and

- west along that parallel to its intersection with the eastern coastline of Australia at the border of Queensland and New South Wales; and

- generally northerly, westerly, southerly and easterly along that coastline to the point where the line began.
Part 2  Various species

Division 1

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amberjack</td>
<td>Seriola dumerili</td>
</tr>
<tr>
<td>Black kingfish</td>
<td>Rachecentron canadus</td>
</tr>
<tr>
<td>Yellowtail kingfish</td>
<td>Seriola lalandi</td>
</tr>
</tbody>
</table>

Division 2

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian bonito</td>
<td>Sardi australis</td>
</tr>
<tr>
<td>Australian spotted mackerel</td>
<td>Scomberomorus munroi</td>
</tr>
<tr>
<td>Bar cod</td>
<td>Polyprion moene</td>
</tr>
<tr>
<td>Blue eye trevalla</td>
<td>Hyperoglyphe antarctica</td>
</tr>
<tr>
<td>Cod</td>
<td>Family Serranidae</td>
</tr>
<tr>
<td>Dog toothed tuna</td>
<td>Gymnosarda unicolor</td>
</tr>
<tr>
<td>Dolphinfish</td>
<td>Coryphaena hippurus</td>
</tr>
<tr>
<td>Emperor</td>
<td>Families Lethrinidae and Lutjanidae</td>
</tr>
<tr>
<td>Frigate mackerel</td>
<td>Auxis thazard</td>
</tr>
<tr>
<td>Grouper</td>
<td>Family Serranidae</td>
</tr>
<tr>
<td>Hapuka</td>
<td>Polyprion oxygeneios</td>
</tr>
<tr>
<td>Leaping bonito</td>
<td>Cybiosarda elegans</td>
</tr>
<tr>
<td>Mackerel tuna</td>
<td>Euthynnus affinis</td>
</tr>
<tr>
<td>Oriental bonito</td>
<td>Sarda orientalis</td>
</tr>
<tr>
<td>Rainbow runner</td>
<td>Elagatis bipinnulata</td>
</tr>
<tr>
<td>Rake gilled mackerel</td>
<td>Rastrelliger kanagurta</td>
</tr>
<tr>
<td>Shark mackerel</td>
<td>Grammatorcyinus bicarinatus</td>
</tr>
<tr>
<td>Snapper</td>
<td>Pagrus auratus</td>
</tr>
<tr>
<td>Spanish mackerel</td>
<td>Scomberomorus commerson</td>
</tr>
<tr>
<td>Trevally</td>
<td>Family Carangidae (except genus Seriola)</td>
</tr>
<tr>
<td>Common name</td>
<td>Scientific name</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Tropical snapper</td>
<td>Families Lethrinidae and Lutjanidae</td>
</tr>
<tr>
<td>Tuskfish</td>
<td>Family Labridae</td>
</tr>
<tr>
<td>Wrasse</td>
<td>Family Labridae</td>
</tr>
</tbody>
</table>

**Division 3**

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Butterfly mackerel</td>
<td><em>Gasterochisma melampus</em></td>
</tr>
<tr>
<td>Shark</td>
<td>Subclass Elasmobranchii and Family Serranida</td>
</tr>
<tr>
<td>Slender tuna</td>
<td><em>Allotumius fallai</em></td>
</tr>
<tr>
<td>Wahoo</td>
<td><em>Acanthocybium solandri</em></td>
</tr>
</tbody>
</table>

**Schedule 6**  
By-catch — southern waters  
(regulations 54, 56, 58, 60, 62 and 63)

**Part 1**  
Areas of application

**Division 1**  
Victorian waters

1. The area of water bounded by a notional line:
   a. beginning at the intersection of the coastline at mean low water mark with the border between New South Wales and Victoria; and
   b. running progressively:
      - south easterly along the geodesic towards a point of latitude 37° 35’ south, longitude 150° 10' east to its intersection with a line parallel to, and 3 nautical miles distant from, the coastline at mean low water mark; and

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• along that line to its intersection with the geodesic which is a continuation of the landward border between New South Wales and Victoria; and
• south easterly along the geodesic to its intersection with the outer limit of the AFZ; and
• generally southerly along that outer limit to its intersection with the parallel of latitude 39° 12' south; and
• westerly along the parallel to its intersection with the meridian of longitude 143° 40' east; and
• southerly along the meridian to the parallel of latitude 40° 00' south; and
• westerly along the parallel to its intersection with the meridian of longitude 140° 57.9' east; and
• northerly along that meridian to its intersection with the coastline at mean low water mark; and
• along the coastline of Victoria at mean low water mark to the point where the line began;

but excluding:
• the area known as Wilson's Promontory Marine Reserve as set out in Part 1 of Schedule 4 of the National Parks Act; and
• the area known as Wilson's Promontory Marine Park as set out in Part 2 of Schedule 4 of that Act; and
• the area known as Bunurong Marine Park as set out in Part 7 of Schedule 4 of that Act; and
• the area known as Harold Holt Marine Reserves (Point Nepean Reserve) as proclaimed in the Harold Holt Marine Reserves Proclamation 1979; and
the area known as Harold Holt Marine Reserves (Point Lonsdale Reserve) as proclaimed in that Proclamation.

(2) In this Division:

National Parks Act means the National Parks Act 1975 of Victoria as in force on the commencement of these regulations.


Division 2 South Australian waters

The area of water bounded by a notional line:

(a) beginning at a point on the meridian of longitude 140° 57.9' east that is the intersection of the coastline at mean low water mark with the border between South Australia and Victoria; and

(b) running progressively:

• south along the meridian to its intersection with the outer limit of the AFZ; and

• west along that outer limit to its intersection with the meridian of longitude 129° east; and

• north along the meridian to its intersection with the parallel of latitude 31° 45' south; and

• north along the geodesic to the intersection of the coastline at mean low water mark with the border between South Australia and Western Australia; and

• along the coastline of South Australia at mean low water mark to the point where the line began.
Division 3  Tasmanian waters

The area of waters bounded by a notional line:
(a) beginning at the point of latitude 40° south, longitude 140° 57.9' east; and
(b) running progressively:
- south along the meridian of longitude 140° 57.9' east to its intersection with the outer limit of the AFZ; and
- generally southerly, easterly and northerly along that outer limit to its intersection with the parallel of latitude 39° 12' south; and
- west along that parallel to its intersection with the meridian of longitude 143° 40' east; and
- south along that meridian to its intersection with the parallel of latitude 40° south; and
- west along that parallel to the point where the line began.

Part 2  Prawns

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deepwater prawn</td>
<td>Haliporoides cristatus</td>
</tr>
<tr>
<td>Prawn</td>
<td>Genus Aristeus</td>
</tr>
<tr>
<td>Red prawn</td>
<td>Aristeomorpha foliacea</td>
</tr>
<tr>
<td>Royal red prawn</td>
<td>Haliporoides sibogae</td>
</tr>
<tr>
<td>Scarlet prawn</td>
<td>Plesiopenaeus edwardstanus</td>
</tr>
</tbody>
</table>
## Part 3  Finfish

### Division 1

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian anchovy</td>
<td>Engraulis australis</td>
</tr>
<tr>
<td>Australian salmon/Tommy ruff</td>
<td>Genus Arripis</td>
</tr>
<tr>
<td>Banded morwong</td>
<td>Nemadactylus spectabilis</td>
</tr>
<tr>
<td>Black bream</td>
<td>Acanthopagrus butcheri</td>
</tr>
<tr>
<td>Blue sprat</td>
<td>Spratelloides robustus</td>
</tr>
<tr>
<td>Dusky morwong</td>
<td>Dactylophora nigricans</td>
</tr>
<tr>
<td>Garfish</td>
<td>Hyporhamphus melanochir</td>
</tr>
<tr>
<td>Grassy (rock) flathead</td>
<td>Platyccephalus laevigatus</td>
</tr>
<tr>
<td>King gar</td>
<td>Scomberesox forsteri</td>
</tr>
<tr>
<td>King George whiting</td>
<td>Sillaginodes punctata</td>
</tr>
<tr>
<td>Luderick</td>
<td>Girrella tricuspidata</td>
</tr>
<tr>
<td>Magpie morwong</td>
<td>Cheilodactylus nigripes</td>
</tr>
<tr>
<td>Mulloway</td>
<td>Argyrosomus hololepidotus</td>
</tr>
<tr>
<td>Pilchard</td>
<td>Sardinops neopilchardus</td>
</tr>
<tr>
<td>Red mullet</td>
<td>Upeneichthys vlamingii</td>
</tr>
<tr>
<td>Sea sweep</td>
<td>Scorpius aequipinnis</td>
</tr>
<tr>
<td>Snook</td>
<td>Sphyraena novaehollandiae</td>
</tr>
<tr>
<td>Sprat</td>
<td>Clupea bassensis</td>
</tr>
<tr>
<td>Wrusse</td>
<td>Family Labridae</td>
</tr>
<tr>
<td>Yellow eye mullet</td>
<td>Aldrichetta forsteri</td>
</tr>
<tr>
<td>Yellow-finned whiting</td>
<td>Sillago schomburgkii</td>
</tr>
</tbody>
</table>

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## Division 2

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
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</thead>
<tbody>
<tr>
<td>Australian anchovy</td>
<td><em>Engraulis australis</em></td>
</tr>
<tr>
<td>Australian salmon</td>
<td>Genus <em>Arripis</em></td>
</tr>
<tr>
<td>Blue sprat</td>
<td><em>Spratelloides robustus</em></td>
</tr>
<tr>
<td>King George whiting</td>
<td><em>Sillaginodes punctata</em></td>
</tr>
<tr>
<td>Pilchard</td>
<td><em>Sardinops neopilchardus</em></td>
</tr>
<tr>
<td>Sprat</td>
<td><em>Clupea bassensis</em></td>
</tr>
<tr>
<td>Wrasse</td>
<td>Family <em>Labridae</em></td>
</tr>
</tbody>
</table>

## Division 3

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bastard trumpeter</td>
<td><em>Latridopsis forsteri</em></td>
</tr>
<tr>
<td>Striped trumpeter</td>
<td><em>Latris lineata</em></td>
</tr>
</tbody>
</table>

## Division 4

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue groper</td>
<td><em>Achoerodus gouldii</em></td>
</tr>
<tr>
<td>Snapper</td>
<td><em>Pagrus auratus</em></td>
</tr>
</tbody>
</table>

## Part 4 Other species

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handfish</td>
<td>Family <em>Brachionichthyidae</em></td>
</tr>
<tr>
<td>Great White Shark</td>
<td><em>Carcharodon carcharias</em></td>
</tr>
<tr>
<td>Seahorses and Pipefish</td>
<td>Family <em>Sygnathidae</em></td>
</tr>
<tr>
<td>Three-finned blennies</td>
<td>Family <em>Tripterygiidae</em></td>
</tr>
</tbody>
</table>
Notes


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