

TASMANIA

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**FISHERIES (GIANT CRAB) RULES 2023**  
**STATUTORY RULES 2023, No. 97**

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## **FISHERIES (GIANT CRAB) RULES 2023**

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

Dated 22 December 2023.

JO PALMER  
Minister for Primary Industries and Water

### **PART 1 – PRELIMINARY**

#### **1. Short title**

These rules may be cited as the *Fisheries (Giant Crab) Rules 2023*.

#### **2. Commencement**

These rules take effect on 29 February 2024.

#### **3. Interpretation**

In these rules –

*Act* means the *Living Marine Resources Management Act 1995*;

*authorised mooring* means a mooring authorised by MAST (the Marine and Safety Authority established by the *Marine and Safety Authority Act 1997*);

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***cancellation report*** means a report to the reporting service made by approved means and containing approved information;

***caught***, in relation to any giant crab or any kind of quota unit balance, does not include giant crab that are –

- (a) caught in a trap and returned to the water immediately after being hauled to the deck of a fishing vessel; or
- (b) deemed by the Secretary not to have been caught;

***closed season*** means a season or period during which all or part of the giant crab fishery is closed to fishing;

***commercial giant crab fishery*** means the fishery for giant crab for commercial purposes that consists of the class of persons who hold a licence to take giant crab for commercial purposes;

***commercial giant crab catch record and quota docket*** means a docket, in an approved form, relating to giant crab that is part of records required to be kept under the Act;

***commercial rock lobster and giant crab direct sales quota docket*** means a docket, in an approved form, relating to rock lobster or giant crab that is part of

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the records required to be kept under the Act;

***commercial rock lobster and giant crab sales receipt*** means a receipt, in an approved form, relating to rock lobster or giant crab that is part of the records required to be kept under the Act;

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

***fish cauf*** means fishing apparatus used for holding fish in State waters;

***fishing quota unit balance***, for a fishing licence for a quota year, means the portion of the total weight of giant crab quota units specified in the licence that remains to be caught in the quota year;

***fishing trip*** means a trip on a fishing vessel, undertaken for fishing by the holder of a fishing licence (giant crab), that –

- (a) commences when the fishing vessel departs from a port, port of landing or authorised mooring; and
- (b) ends when the fishing vessel returns to a port, port of landing or authorised mooring;

***giant crab*** means crab of the species *Pseudocarcinus gigas*;

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***giant crab fishery*** means every activity that involves the taking and possession, under the Act, of giant crab by any person;

***giant crab longline*** means a line to which more than 2 traps are attached;

***giant crab quota unit*** means a unit that is an entitlement to take one 1 035th of the total allowable catch for the commercial giant crab fishery;

***Grade 1 penalty*** means the penalty specified in regulation 5 of the *Fisheries (Penalties) Regulations 2021*;

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

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

***holder of a fishing licence*** includes (except in rules 18, 25 and 32) a person who has approval to use the licence under section 87(2) of the Act;

***holding tank*** means a tank on land (or on or in a jetty or other structure attached to land) used to hold giant crab;

***immediate proximity***, of any place or position, means –



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- (a) within 100 metres of the place or position; or
- (b) within such greater distance of the place or position as the Secretary, by public notice, may specify for the purposes of this definition;

***movement report*** means a report to the reporting service made by approved means and containing approved information;

***open season*** means a season or period during which all or part of the giant crab fishery is open to fishing;

***port of landing*** means –

- (a) a port specified in Schedule 1; and
- (b) a port that the Secretary, by public notice, specifies to be a port of landing for the purposes of this definition;

***quota year*** means the period referred to in rule 18 during which the total allowable catch for the commercial giant crab fishery may be taken;

***relevant fishing certificate***, in relation to a fishing licence, means the fishing certificate maintained by the Secretary

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under section 63 of the Act in respect of the fishing licence;

**reporting service** means a service approved under rule 52(1);

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

**set**, a trap or giant crab longline, means to place or attempt to place the trap or giant crab longline in State waters;

**site of unloading**, of giant crab, means –

- (a) the first point where the giant crab or a container containing the giant crab –
  - (i) is unloaded; or
  - (ii) makes contact with a jetty or artificial extension of land; or
- (b) any other place determined by the Secretary;

**State** includes Territory;

**trap** means a basket, cage, rock lobster pot or other contrivance that is designed for use, or is capable of being used, for or in connection with the taking of giant crab;

**unloading** means the act of taking giant crab onto land, or causing or permitting giant

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crab to be taken onto land, from a fishing vessel, fish cauf or State waters;

*unloading report* means a report to the reporting service made by approved means and containing approved information.

**4. Application of rules**

These rules apply to the giant crab fishery.

**5. Duration of rules**

These rules continue in force for a period of 10 years.

**6. Consultation arrangements**

The Minister is to consult with the appropriate advisory committee established under section 27 of the Act in relation to the giant crab fishery about any changes relating to –

- (a) the areas where fishing may occur; and
- (b) any matter relating to the characteristics of fish; and
- (c) the opening and closing of the giant crab fishery; and
- (d) fishing apparatus; and
- (e) limits on the taking and possession of fish.

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**7. Classes of fishing licence**

For the purposes of these rules, a fishing licence is one of the following classes:

- (a) class giant crab, fishing licence (giant crab);
- (b) class rock lobster, fishing licence (rock lobster);
- (c) class recreational, fishing licence (recreational rock lobster pot);
- (d) class personal, fishing licence (personal);
- (e) class vessel, fishing licence (vessel).

## **PART 2 – GENERAL MANAGEMENT OF FISHERY**

### **8. Persons authorised to take or possess giant crab in State waters**

A person must not, in State waters, take or be in possession of giant crab unless the person is –

- (a) the holder of a fishing licence (giant crab); or
- (b) the holder of a fishing licence (rock lobster); or
- (c) the holder of a fishing licence (recreational rock lobster pot); or
- (d) an Aboriginal person engaging in an Aboriginal activity.

Penalty: Grade 3 penalty.

### **9. Persons authorised to possess giant crab outside State waters**

A person who is in possession of giant crab on a fishing vessel in State waters must unload the giant crab from that fishing vessel before the fishing vessel goes beyond the limits of State waters.

Penalty: Grade 1 penalty.

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**10. Closed and open seasons**

- (1) Unless determined otherwise under subrule (3), the closed season for the female giant crab fishery is the period commencing on 1 June in a year and ending at midnight on 14 November in the same year.
- (2) Unless determined otherwise under subrule (3), the closed season for the male giant crab fishery is the period commencing on 1 July in a year and ending at midnight on 31 July in the same year.
- (3) The Minister, by public notice, may determine –
  - (a) the dates of the closed season for all or part of the giant crab fishery; and
  - (b) the dates of the open season for all or part of the giant crab fishery.
- (4) The Minister, by public notice, may determine any part of the giant crab fishery to be closed to or in respect of such activities for such periods as are specified in the notice.
- (5) A person must not contravene a determination in force under subrule (4).

Penalty: Grade 3 penalty.

**11. Closed seasons – general restrictions**

- (1) A person must not take giant crab from State waters that are closed to the giant crab fishery.

Penalty: Grade 3 penalty.

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- (2) A person must not be in possession of male giant crab during a closed season for the male giant crab fishery unless the male giant crab were –
- (a) taken, bought or sold during an open season for the male giant crab fishery; or
  - (b) in the person's possession during an open season for the male giant crab fishery; or
  - (c) imported into the State.

Penalty: Grade 3 penalty.

- (3) A person must not be in possession of female giant crab during a closed season for the female giant crab fishery unless the female giant crab were –
- (a) taken, bought or sold during an open season for the female giant crab fishery;  
or
  - (b) in the person's possession during an open season for the female giant crab fishery;  
or
  - (c) imported into the State.

Penalty: Grade 3 penalty.

**12. Restrictions on possession of female giant crab during closed season for female giant crab**

- (1) The holder of a fishing licence (giant crab) must not, during a closed season for the female giant crab fishery, be in possession of female giant

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crab in a fish cauf unless the female giant crab were taken before that closed season commenced.

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (giant crab) must not, during a closed season for the female giant crab fishery, be in possession of female giant crab on a fishing vessel unless –
- (a) the fishing vessel is returning to a port of landing within 48 hours after the end of an open season; or
  - (b) the fishing vessel is in a port that it had returned to before, and not left since, that closed season commenced; or
  - (c) the fishing vessel is on an authorised mooring that it had returned to before, and not left since, that closed season commenced.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (giant crab) who, following a fishing trip, is in possession of female giant crab on a fishing vessel during a closed season for the female giant crab fishery must unload the female giant crab before the fishing vessel is used by any person for a further fishing trip.

Penalty: Grade 3 penalty.



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- (4) However, the holder of a fishing licence (giant crab) is not guilty of an offence under subrule (2) or (3) in respect of any female giant crab if –
- (a) the licensee has the approval of a fisheries officer to use alternative arrangements for holding female giant crab on a fishing vessel during a closed season for the female giant crab fishery; and
  - (b) the female giant crab are held in accordance with that approval.
- (5) If an approval under subrule (4) is given verbally, the fisheries officer is to confirm that approval in writing to the licensee as soon as practicable after it is given.

**13. Restrictions on possession of giant crab on fishing vessel during closed season for male giant crab**

- (1) In this rule –

*closed season report* means a report to the reporting service, made by approved means, that –

- (a) contains a declaration confirming that all giant crab traps have been removed from State waters; and
- (b) includes a request for any approved information.

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- (2) The holder of a fishing licence (giant crab) who is in possession of giant crab on a fishing vessel during the closed season for the male giant crab fishery is guilty of an offence unless the licensee does all of the following:
- (a) makes a closed season report within 24 hours after the commencement of that closed season and confirms, for the purposes of the report, that all giant crab traps have been removed from State waters;
  - (b) within 14 days after the commencement of that closed season –
    - (i) weighs the giant crab, if any, that have not been unloaded; and
    - (ii) after the weighing, completes the required sections of Part A of a commercial giant crab catch record and quota docket; and
    - (iii) sends the pink and yellow sheets of the commercial giant crab catch record and quota docket (with the required sections of Part A of the docket completed) to the Secretary;
  - (c) unloads all the giant crab before the commencement of that licensee's first fishing trip of the next open season for the male giant crab fishery;

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- (d) whenever any of the giant crab are unloaded from the fishing vessel –
- (i) completes a new commercial giant crab catch record and quota docket in accordance with Division 2 of Part 5; and
  - (ii) enters, on the new commercial giant crab catch record and quota docket, the number of the docket referred to in paragraph (b)(ii).

Penalty: Grade 3 penalty.

- (3) However, the holder of a fishing licence (giant crab) is not guilty of an offence under subrule (2) in respect of any giant crab if –
- (a) the licensee has the approval of a fisheries officer to use alternative arrangements for holding giant crab on a fishing vessel during a closed season for the male giant crab fishery; and
  - (b) the giant crab are held in accordance with that approval.
- (4) If an approval under subrule (3) is given verbally, the fisheries officer is to confirm that approval in writing to the licensee as soon as practicable after it is given.

**14. Limit on number of giant crab that persons may possess**

- (1) In this rule –

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***excess giant crab*** means giant crab in excess of 2 giant crab;

***transfer document*** means –

- (a) a commercial giant crab catch record and quota docket; or
  - (b) a commercial rock lobster and giant crab direct sales quota docket; or
  - (c) a commercial rock lobster and giant crab sales receipt.
- (2) A person must not be in possession of more than 2 giant crab at any one time unless –
- (a) the person is the holder of –
    - (i) a fishing licence (giant crab); or
    - (ii) a fishing licence (rock lobster); or
  - (b) the person has a receipt verifying the purchase of the excess giant crab; or
  - (c) the person has a transfer document verifying that the excess giant crab were sold or transferred to the person by the holder of a fishing licence (giant crab).

Penalty: Grade 3 penalty.

**15. Minimum size limits**

- (1) In this rule –

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***carapace*** means the shell that covers the dorsal surface of the cephalothorax of a giant crab;

***carapace length***, of a giant crab (whether male or female and whether alive, dead or processed), means the minimum distance from the anterior surface of the point of the carapace midway between the eyes to the rear of the carapace, excluding the ligament or any part of the belly flap;

***minimum permitted length for female giant crab*** means –

- (a) 150 millimetres; or
- (b) if the Minister by public notice determines that a measurement other than 150 millimetres applies for the purpose of this rule, that other measurement;

***minimum permitted length for male giant crab*** means –

- (a) 140 millimetres; or
- (b) if the Minister by public notice determines that a measurement other than 140 millimetres applies for the purpose of this rule, that other measurement.

- (2) A person must not take, buy, sell or be in possession of a male giant crab that has a

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carapace length less than the minimum permitted length for male giant crab.

Penalty: Grade 3 penalty.

- (3) A person must not take, buy, sell or be in possession of a female giant crab that has a carapace length less than the minimum permitted length for female giant crab.

Penalty: Grade 3 penalty.

**16. Protection of female breeding stock**

- (1) A person must not –
- (a) take, buy, sell or be in possession of a female giant crab that has any spawn or eggs attached to it; or
  - (b) remove any spawn or eggs from a female giant crab; or
  - (c) be in possession of a female giant crab from which any spawn or eggs have been removed.

Penalty: Grade 3 penalty.

- (2) Despite subrule (1), a person may be in possession of a female giant crab that has eggs attached to it if –
- (a) the female giant crab did not have any eggs attached to it at the time at which the person took possession of it; and

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- (b) the person has the written approval of a fisheries officer to possess the female giant crab with eggs attached to it; and
- (c) the female giant crab is held in accordance with that approval.

**PART 3 – COMMERCIAL GIANT CRAB FISHERY**

***Division 1 – Taking giant crab, catch controls and catch management***

**17. Taking giant crab**

(1) A person must not take giant crab for commercial purposes unless the person is the holder of –

- (a) a fishing licence (giant crab) and fishing licence (personal); or
- (b) a fishing licence (rock lobster) and fishing licence (personal).

Penalty: Grade 3 penalty.

(2) A person must not take giant crab for commercial purposes by any means other than –

- (a) a trap; or
- (b) a rock lobster pot.

Penalty: Grade 3 penalty.

(3) The holder of a fishing licence (giant crab) must not use a fishing vessel for the purpose of taking giant crab if the fishing vessel is not specified in the relevant fishing certificate.

Penalty: Grade 3 penalty.

(4) The holder of a fishing licence (giant crab) must not take giant crab unless the number of giant



crab quota units that may be taken under the licence is specified in the licence.

Penalty: Grade 3 penalty.

- (5) The holder of a fishing certificate that specifies both a fishing licence (rock lobster) and a fishing licence (giant crab) must not take giant crab when acting under the authority of the fishing licence (rock lobster) specified in that certificate.

Penalty: Grade 2 penalty.

## **18. Total allowable catch**

- (1) The quota period during which the total allowable catch for the commercial giant crab fishery may be taken is the period commencing on 1 March in a year and ending on the last day of February in the following year.
- (2) The Minister is to allocate the portion of the total allowable catch allocated to the commercial giant crab fishery to the holders of fishing licences (giant crab) according to the number of giant crab quota units held and owned by those licensees in respect of those licences immediately before the commencement of the period referred to in subrule (1).

## **19. Fishing quota unit balance not to be exceeded**

The holder of a fishing licence (giant crab) must not, for commercial purposes, take, or in State waters be in possession of, more giant crab than

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the fishing quota unit balance specified in the licence.

Penalty: Grade 3 penalty.

**20. Overcatch provisions**

(1) In this rule –

*beach price* means the monthly average price paid for giant crab as determined by the Secretary;

*excess giant crab*, for a fishing licence, means giant crab in excess of its fishing quota unit balance;

*licence quota unit balance*, for a fishing licence, means the sum of the following (exclusive of any weight of giant crab returned to the fishing vessel or fish cauf subject to a cancellation report):

- (a) the weight of the giant crab quota units specified in the licence that remain to be caught and unloaded at the relevant time;
- (b) the weight of any giant crab quota units transferred to or from the licence since the relevant time;
- (c) the weight of any deduction, permitted by these rules, from a previous quota year;

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*relevant time* means –

- (a) in respect of the period immediately preceding the unloading of the first giant crab in a quota year, the time when, in that quota year, a fishing licence comes into force; and
  - (b) in respect of any other period, the time of the commencement of a fishing trip.
- (2) Despite rule 19, the holder of a fishing licence (giant crab) is not guilty of an offence under that rule in respect of any giant crab if –
- (a) the total amount of giant crab does not exceed the licence quota unit balance by more than 30%; and
  - (b) the licensee –
    - (i) pays to the Crown, in respect of the excess giant crab, an amount equivalent to 150% of their beach price; or
    - (ii) does one of the following:
      - (A) not commence another fishing trip until additional giant crab quota units are specified in the licence so as to make its fishing quota

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unit balance greater than zero;

- (B) requests (if another fishing trip is not commenced in the quota year during which the excess giant crab are taken or possessed) that the Secretary deduct from the fishing quota unit balance specified in the licence for the following quota year an amount of giant crab equivalent to the excess giant crab.
- (3) The Minister is to ensure that any of the excess giant crab not paid or accounted for under subrule (2) are deducted from the fishing quota unit balance for the licence for –
- (a) the quota year in which the excess giant crab are taken; or
  - (b) if that is not practicable, a subsequent quota year.

**21. Deduction of excess catch from quota**

- (1) In this rule –

*excess giant crab*, for a fishing licence, has the same meaning as in rule 20;

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*licence quota unit balance*, for a fishing licence, has the same meaning as in rule 20.

- (2) This rule applies if the holder of a fishing licence (giant crab) –
  - (a) takes, or in State waters is in possession of, more giant crab than the fishing quota unit balance specified in the licence; and
  - (b) the number of giant crab so taken, or possessed in State waters, exceeds the licence quota unit balance specified in the licence by more than 30%.
- (3) The Minister may deduct the excess giant crab from –
  - (a) the fishing quota unit balance specified in the licence for the quota year during which the excess giant crab are taken or possessed; or
  - (b) the fishing quota unit balance specified in the licence for a subsequent quota year.
- (4) Nothing in this rule is to be taken as preventing any proceedings or other action from being taken in respect of the taking or possession of the excess giant crab.

**22. Commercial giant crab catch record and quota docket book**

- (1) In this rule –

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***commercial giant crab catch record and quota docket book*** means the book of commercial giant crab catch record and quota dockets most recently issued to a licensee for the purposes of the Act.

- (2) The holder of a fishing licence (giant crab) must, during a fishing trip in a quota year, keep the licensee's commercial giant crab catch record and quota docket book on the fishing vessel used for the fishing trip.

Penalty: Grade 2 penalty.

- (3) The holder of a fishing licence (giant crab) must ensure that a commercial giant crab catch record and quota docket book kept on a fishing vessel during a fishing trip in a quota year pursuant to subrule (2) contains the white sheet of every commercial giant crab catch record and quota docket comprising that book (whether or not the commercial giant crab catch record and quota docket has been completed).

Penalty: Grade 2 penalty.

**23. Deduction from quota at end of quota year**

- (1) The holder of a fishing licence (giant crab) must not be in possession of giant crab on a fishing vessel after the end of the quota year during which the giant crab are taken unless that licensee –

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- (a) within 48 hours after the commencement of the quota year following the quota year in which the giant crab are taken –
  - (i) weighs the giant crab; and
  - (ii) after the weighing, completes the required sections of Part A of a commercial giant crab catch record and quota docket; and
  - (iii) sends the pink and yellow sheets of the commercial giant crab catch record and quota docket (with the required sections of Part A of the docket completed) to the Secretary; and
- (b) unloads all the giant crab before the commencement of that licensee's first fishing trip of the quota year following the quota year in which the giant crab are taken; and
- (c) whenever any of the giant crab are unloaded –
  - (i) completes a new commercial giant crab catch record and quota docket in accordance with Division 2 of Part 5; and
  - (ii) enters, on the new commercial giant crab catch record and quota docket, the number of the docket referred to in paragraph (a)(ii).

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Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (giant crab) is not guilty of an offence under subrule (1) in respect of any giant crab if –
  - (a) the licensee has the written approval of a fisheries officer to use alternative arrangements for holding giant crab on a fishing vessel after the end of a quota year; and
  - (b) the giant crab are held in accordance with that approval.
- (3) The holder of a fishing licence (giant crab) must not hold giant crab in a fish cauf after the end of the quota year during which the giant crab are taken unless that licensee –
  - (a) within 48 hours after the commencement of the quota year following the quota year in which the giant crab are taken –
    - (i) weighs the giant crab; and
    - (ii) after the weighing, completes the required sections of Part A of the commercial giant crab catch record and quota docket; and
    - (iii) sends the pink and yellow sheets of the commercial giant crab catch record and quota docket (with the required sections of Part A of the docket completed) to the Secretary; and



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- (b) unloads all the giant crab from the fish cauf before placing in the fish cauf any other giant crab; and
- (c) whenever any of the giant crab are unloaded –
  - (i) completes a new commercial giant crab catch record and quota docket in accordance with Division 2 of Part 5; and
  - (ii) enters, on that new commercial giant crab catch record and quota docket, the number of the docket referred to in paragraph (a)(ii).

Penalty: Grade 3 penalty.

***Division 2 – Commercial fishing licences***

**24. Authority of fishing licence (giant crab)**

A fishing licence (giant crab) only authorises its holder to –

- (a) take the weight of giant crab represented by the giant crab quota units specified in the licence; and
- (b) take giant crab for sale; and
- (c) use, subject to rule 53, the number of traps specified in the licence; and

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- (d) use the fishing vessel specified in the relevant fishing certificate to take giant crab.

**25. Certain fishing licence (giant crab) applications to be granted**

If the Secretary is satisfied that there is no impediment under section 78 of the Act to granting an application for a fishing licence (giant crab), the Secretary is to grant the application if the applicant –

- (a) was the holder of a fishing licence (giant crab) on 28 February most immediately preceding the application lodgment date; and
- (b) had not, before the application lodgment date, transferred that fishing licence (giant crab) to another person.

**26. Restrictions on transfer of licences**

The Secretary is to refuse to grant an application to transfer a fishing licence (giant crab) from one person to another person if –

- (a) the other person does not hold a fishing licence (rock lobster); or
- (b) the licence is not being transferred together with the associated fishing licence (rock lobster).

**27. Maximum licence holdings**

- (1) The holder of a fishing licence (giant crab) must not –
  - (a) hold more than 7 separate fishing licences (giant crab) at any one time; or
  - (b) receive any payment, financial advantage or benefit in kind from more than 7 separate fishing licences (giant crab).

Penalty: Grade 3 penalty.

- (2) The Secretary is not to specify more than 5 fishing licences (giant crab) in a relevant fishing certificate.
- (3) If the holder of a fishing licence (giant crab) has more than one fishing licence (giant crab) specified in the licence holder's fishing certificate at any one time, the licence holder is to only take giant crab under the authority of one fishing licence (giant crab) during a quota year.

**28. Copy of licence to be carried on fishing vessel during fishing trip**

The holder of a fishing licence (giant crab) must, during a fishing trip, keep a copy of that licence for the current quota year on the fishing vessel used for that fishing trip.

Penalty: Grade 2 penalty.

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*Division 3 – Quota units*

**29. Allocation of giant crab quota units**

- (1) The Secretary is to allocate to the holders of fishing licences giant crab quota units that entitle the taking of giant crab for commercial purposes.
- (2) A fishing licence (giant crab) is to specify the number of giant crab quota units to which the holder of the licence is entitled.
- (3) The Secretary may only allocate up to a total of 1 035 giant crab quota units.

**30. Minimum and maximum quota unit holdings**

- (1) The number of giant crab quota units specified in a licence is to be at least one and not more than 300.
- (2) The holder of a fishing licence (giant crab) must not –
  - (a) hold more than 300 giant crab quota units at any one time; or
  - (b) receive any payment, financial advantage or benefit in kind from more than 300 giant crab quota units.

Penalty: Grade 3 penalty.

**31. Requirements relating to licences with fewer than 15 quota units**

(1) In this rule –

*rock lobster quota unit* has the same meaning as in the *Fisheries (Rock Lobster) Rules 2011*.

(2) A fishing licence (giant crab) that has fewer than 15 giant crab quota units specified in it is to –

(a) be endorsed with a condition that prohibits the licence from being used to take fish; or

(b) be on the same relevant fishing certificate as a fishing licence (rock lobster) that has at least 15 rock lobster quota units specified in it.

**32. Restrictions on transfer of quota units**

(1) The Secretary is not to transfer giant crab quota units to a person who is not the holder of a fishing licence (giant crab).

(2) The Secretary is not to transfer giant crab quota units unless –

(a) the fishing quota unit balance specified in the transferor's fishing licence (giant crab) is reduced by a weight equivalent to the number of those giant crab quota units; and

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- (b) the weight of giant crab for those giant crab quota units has not already been caught.
- (3) The Secretary is not to transfer partially caught giant crab quota units.
- (4) If only one giant crab quota unit is specified in a fishing licence (giant crab), the Secretary is not to transfer that giant crab quota unit on a permanent basis unless –
  - (a) it is transferred with the licence; or
  - (b) the licence is surrendered to the Secretary and the giant crab quota unit is transferred to the holder of another fishing licence (giant crab).
- (5) However –
  - (a) subrule (2)(b) and subrule (3) do not apply to the permanent transfer of giant crab quota units that are transferred with the fishing licence (giant crab) in which the giant crab quota units are specified; and
  - (b) subrule (4) does not apply to the transfer of a giant crab quota unit on a temporary basis.

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***Division 4 – Unloading, sale, transfer and transportation controls***

**33. All giant crab to be unloaded**

- (1) The holder of a fishing licence (giant crab) must unload every giant crab caught under the authority of the licence.

Penalty: Grade 3 penalty.

- (2) Subrule (1) does not apply to a giant crab, taken under the authority of a fishing licence, that is dealt with and disposed of in accordance with rule 54.

**34. Giant crab to be unloaded at port of landing**

- (1) The holder of a fishing licence (giant crab) must not unload giant crab anywhere other than at a port of landing.

Penalty: Grade 3 penalty.

- (2) However, the holder of a fishing licence (giant crab) is not guilty of an offence under subrule (1) in respect of any giant crab if –
- (a) that licence is endorsed with alternative unloading conditions and the giant crab are unloaded in accordance with those conditions; or
  - (b) the giant crab have to be unloaded away from a port of landing in an emergency

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because of a threat to the safety of the fishing vessel or its crew.

- (3) Also, the holder of a fishing licence (giant crab) is not guilty of an offence under subrule (1) in respect of any giant crab if –
- (a) the licensee advises a fisheries officer of –
    - (i) the licensee’s intention to unload the giant crab at another port in Tasmania; and
    - (ii) the location of that other port; and
  - (b) the advice is given at least 6 hours before the giant crab are unloaded; and
  - (c) the other port is no more than 200 metres from a public road; and
  - (d) the giant crab are unloaded between 6 a.m. and 6 p.m.; and
  - (e) the giant crab are sold to the holder of a fish processing licence or handling licence.

**35. Sale or transfer of giant crab to fish processor or handler**

- (1) This rule applies if the holder of a fishing licence (giant crab) sells or transfers giant crab to the holder of a fish processing licence or handling



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licence within the immediate proximity of the site of unloading.

- (2) The holder of the fishing licence (giant crab) must –
- (a) make an unloading report at least 2 hours before the giant crab are unloaded; and
  - (b) complete Part A of a commercial giant crab catch record and quota docket before the giant crab are removed from the immediate proximity of the site of unloading; and
  - (c) send the pink sheet of the completed commercial giant crab catch record and quota docket to the Secretary within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

- (3) However, the holder of the fishing licence (giant crab) is not guilty of an offence under subrule (2) if –
- (a) the giant crab being sold or transferred are unloaded into processing premises located within the immediate proximity of the site of unloading; and
  - (b) the licensee completes Part A of a commercial giant crab catch record and quota docket –
    - (i) before the holder of a fish processing licence makes the

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receipt report relating to the giant crab specified in that docket; and

(ii) before Part B of that docket is completed; and

(iii) within 15 minutes after the last giant crab relating to that docket enter any place, within the processing premises, that is fully enclosed.

**36. Transportation of giant crab to fish processor or handler**

(1) This rule applies if the holder of a fishing licence (giant crab) transports giant crab to the holder of a fish processing licence or handling licence.

(2) The holder of the fishing licence (giant crab) must –

(a) make an unloading report at least 2 hours before the giant crab are unloaded; and

(b) complete Part A of a commercial giant crab catch record and quota docket before the giant crab are removed from the immediate proximity of the site of unloading; and

(c) make a movement report before the giant crab are removed from the immediate proximity of the site of unloading; and

(d) send the pink sheet of the completed commercial giant crab catch record and

quota docket to the Secretary within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

- (3) The holder of the fish processing licence or handling licence must complete Part B of the commercial giant crab catch record and quota docket on receipt of the giant crab.

Penalty: Grade 3 penalty.

**37. Sale or transfer of giant crab to person other than fish processor or handler**

- (1) This rule applies if the holder of a fishing licence (giant crab) sells or transfers giant crab to a person other than the holder of a fish processing licence or handling licence.
- (2) If no more than 5 giant crab are sold or transferred, and the sale or transfer occurs within the immediate proximity of the site of unloading, the holder of the fishing licence (giant crab) must –
  - (a) complete and issue a commercial rock lobster and giant crab sales receipt to the person receiving the giant crab before the giant crab are removed from the site of unloading; and
  - (b) before midnight of the day of the sale or transfer, complete the commercial rock lobster and giant crab direct sales quota docket; and

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- (c) send the pink sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the Secretary within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

- (3) If no more than 5 giant crab are sold or transferred, and the sale or transfer occurs outside the immediate proximity of the site of unloading, the holder of the fishing licence (giant crab) must –
  - (a) make an unloading report at least 2 hours before the giant crab are removed from the immediate proximity of the site of unloading; and
  - (b) declare, on a commercial rock lobster and giant crab direct sales quota docket, the total weight of giant crab unloaded before the giant crab are removed from the site of unloading; and
  - (c) make a movement report before the giant crab are removed from the site of unloading; and
  - (d) complete and issue, at the time of the sale or transfer, a commercial rock lobster and giant crab sales receipt to the person receiving the giant crab; and
  - (e) before midnight of the day of the sale or transfer, complete the commercial rock

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lobster and giant crab direct sales quota docket; and

- (f) send the pink sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the Secretary within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

- (4) If more than 5 giant crab are sold or transferred, and the sale or transfer occurs within the immediate proximity of the site of unloading, the holder of the fishing licence (giant crab) must –
  - (a) make an unloading report at least 2 hours before the sale or transfer occurs; and
  - (b) complete a commercial rock lobster and giant crab direct sales quota docket before the giant crab are removed from the site of unloading; and
  - (c) give the yellow sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the person receiving the giant crab; and
  - (d) make a movement report before the giant crab are removed from the site of unloading; and
  - (e) send the pink sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the Secretary

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within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

- (5) If more than 5 giant crab are sold or transferred, and the sale or transfer occurs outside the immediate proximity of the site of unloading, the holder of the fishing licence (giant crab) must –
- (a) make an unloading report at least 2 hours before the giant crab are removed from the immediate proximity of the site of unloading; and
  - (b) declare, on a commercial rock lobster and giant crab direct sales quota docket, the total weight of giant crab unloaded before the giant crab are removed from the site of unloading; and
  - (c) make a movement report before the giant crab are removed from the site of unloading; and
  - (d) complete the commercial rock lobster and giant crab direct sales quota docket at the time of the sale or transfer; and
  - (e) give the yellow sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the person receiving the giant crab; and
  - (f) send the pink sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the Secretary

within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

**38. Return of giant crab not sold or transferred**

- (1) This rule applies if –
  - (a) the holder of a fishing licence (giant crab) removes giant crab from the immediate proximity of the site of unloading in order to sell or transfer the giant crab to a person other than the holder of a fish processing licence or handling licence; and
  - (b) the giant crab, or any of the giant crab, are not so sold or transferred.
- (2) The holder of the fishing licence (giant crab) must not return any of the giant crab to the fishing vessel or fish cauf from which the giant crab were unloaded unless that licensee has made a cancellation report.

Penalty: Grade 2 penalty.

- (3) Within 48 hours after returning any of the giant crab to the fishing vessel or fish cauf from which the giant crab were unloaded, the holder of the fishing licence (giant crab) must –
  - (a) complete the required sections of Part A of a commercial rock lobster and giant crab direct sales quota docket; and

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- (b) send the pink and yellow sheets of that commercial rock lobster and giant crab direct sales quota docket (with the required sections of Part A of the docket completed) to the Secretary.

Penalty: Grade 2 penalty.

**39. Export of giant crab by aircraft or vessel**

- (1) In this rule –

*export*, in relation to giant crab, means transport the giant crab beyond the limits of State waters.

- (2) This rule applies if the holder of a fishing licence (giant crab) exports giant crab by means of –
  - (a) an aircraft; or
  - (b) a vessel other than a fishing vessel.
- (3) If the giant crab are to be exported, the holder of the fishing licence (giant crab) must –
  - (a) make an unloading report at least 2 hours before the giant crab are removed from the site of unloading; and
  - (b) declare, on a commercial rock lobster and giant crab direct sales quota docket, the total weight of giant crab unloaded before the giant crab are removed from the site of unloading; and



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- (c) make a movement report before the giant crab are removed from the site of unloading; and
  - (d) ensure that Part B of the commercial rock lobster and giant crab direct sales quota docket is completed by a person, other than the holder of the fishing licence (giant crab), before the giant crab are dispatched from the State; and
  - (e) ensure that the yellow sheet of the completed commercial rock lobster and giant crab direct sales quota docket travels with the consignment of giant crab; and
  - (f) send the pink sheet of the completed commercial rock lobster and giant crab direct sales quota docket to the Secretary within 48 hours after completing that docket.

Penalty: Grade 3 penalty.

**40. Sale or transfer of giant crab from holding tank**

- (1) This rule applies if the holder of a fishing licence (giant crab) sells or transfers giant crab held in a holding tank.
- (2) The holder of the fishing licence (giant crab) must –
  - (a) complete and issue, at the time of the sale or transfer, a commercial rock lobster

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and giant crab sales receipt to the person receiving the giant crab; and

- (b) keep a copy of that commercial rock lobster and giant crab sales receipt, in good condition, for at least 5 years.

Penalty: Grade 3 penalty.

***Division 5 – Miscellaneous controls***

**41. Transfer of giant crab between vessels**

The holder of a fishing licence (giant crab) must not, unless authorised to do so by the Secretary, transfer giant crab, or cause or permit giant crab to be transferred –

- (a) from one fishing vessel to another fishing vessel; or
- (b) from a fishing vessel to another kind of vessel.

Penalty: Grade 3 penalty.

**42. Fishing outside State waters**

The holder of a fishing licence (giant crab) must not –

- (a) use a fishing vessel to take giant crab in State waters if the fishing vessel has been used to take giant crab outside State waters since last leaving port; or

- (b) be in possession of giant crab taken from outside State waters while undertaking a fishing trip in State waters for giant crab; or
- (c) set or use, in State waters, a trap from a fishing vessel if the fishing vessel has been used to set any traps outside State waters since last leaving port.

Penalty: Grade 3 penalty.

#### **43. Places where giant crab may be held or stored**

The holder of a fishing licence (giant crab) must not, for commercial purposes, hold or store giant crab at a place other than –

- (a) on the fishing vessel used to take the giant crab; or
- (b) in a fish cauf specified for that purpose in the licence in accordance with rule 50; or
- (c) in a holding tank specified for that purpose in the licence in accordance with rule 51; or
- (d) at a place that the Secretary has approved in writing for the holding or storage of giant crab by that licensee.

Penalty: Grade 3 penalty.

**PART 4 – FISHING APPARATUS**

***Division 1 – Giant crab traps, longlines and marker buoys***

**44. Restrictions on setting, use and possession of traps**

- (1) A person must not, in State waters, set or use or be in possession of a trap unless the person is the holder of a fishing licence (giant crab).

Penalty: Grade 3 penalty.

- (2) A person must not, in State waters, set or use or be in possession of a trap during the period of the closed season for the male giant crab fishery specified in rule 10(2).

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (giant crab) is not guilty of an offence under subrule (2) in respect of the possession of a trap in State waters during a closed season if –

(a) the trap is on a fishing vessel that –

- (i) is returning to a port of landing within 48 hours after the end of an open season; or
- (ii) is leaving a port within 48 hours before the commencement of an open season; or
- (iii) is in port or on an authorised mooring and not undertaking a fishing trip; or

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- (b) the trap is in the licensee's possession after 1 p.m. on the day immediately before the commencement of an open season; or
  - (c) the licensee has the approval of a fisheries officer to be in possession of the trap during the closed season.
- (4) If an approval under subrule (3) is given verbally, the fisheries officer is to confirm that approval in writing to the licensee as soon as practicable after it is given.
- (5) The holder of a fishing licence (giant crab) is not guilty of an offence under subrule (2) in respect of the setting of a trap in State waters during a closed season if the trap is set after 1 p.m. on the day immediately before the commencement of an open season.

**45. Restriction on length of time traps may be continuously set**

- (1) The holder of a fishing licence (giant crab) must not set a trap for a continuous period –
  - (a) exceeding 30 continuous days in State waters that are more than 120 metres deep; or
  - (b) exceeding 48 continuous hours in State waters that are 120 metres deep or less.

Penalty: Grade 3 penalty.

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- (2) The holder of a fishing licence (giant crab) is not guilty of an offence under subrule (1)(a) in respect of a trap if –
- (a) the trap cannot be retrieved within 21 days after it is set because of –
    - (i) adverse weather conditions; or
    - (ii) mechanical breakdown of, or structural damage to, the vessel from which the trap is set; or
    - (iii) illness or incapacity of the licensee; and
  - (b) the licensee notifies a fisheries officer in writing, within 21 days after the trap is set, that the trap cannot be retrieved within that period and the reason why it cannot be so retrieved; and
  - (c) the licensee, within 48 hours after giving the notice referred to in paragraph (b), advises a fisheries officer of the arrangements made to retrieve the trap; and
  - (d) the licensee ensures that the trap is retrieved in accordance with such directions as the fisheries officer referred to in paragraph (c) may give the licensee for its retrieval.
- (3) A person must not, without the written approval of a fisheries officer, use a fishing vessel to pull

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or retrieve a trap that has been set from a different fishing vessel.

Penalty: Grade 3 penalty.

- (4) The holder of a fishing licence (giant crab) must not, in State waters, set or use or be in possession of a trap unless the giant crab fishing quota unit balance specified in that licence is greater than zero kilograms.

Penalty: Grade 3 penalty.

- (5) However, the holder of a fishing licence (giant crab) is not guilty of an offence under subrule (4) in respect of the possession of a trap on a fishing vessel if that fishing vessel is –
- (a) in port or on an authorised mooring; and
  - (b) not undertaking a fishing trip.

**46. Restrictions on number of traps that may be set or used**

- (1) The holder of a fishing licence (giant crab) must not, in State waters that are 120 metres deep or less, set or use any traps when using more than two traps for each rock lobster pot specified in the fishing licence (rock lobster) held by that licensee.

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (giant crab) must not, in State waters that are more than 120 metres deep, set or use more than 2 traps for

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each rock lobster pot specified in the fishing licence (rock lobster) held by that licensee up to a maximum of 100 traps being so set or so used.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (giant crab) who is setting or using traps in compliance with subrule (2) must not set or use any traps in State waters that are 120 metres deep or less.

Penalty: Grade 3 penalty.

**47. Configuration of traps**

- (1) In this rule –

*undersize*, in relation to giant crab, means a giant crab that has a carapace length less than the minimum permitted length specified for that giant crab in rule 15.

- (2) A person must not, in State waters, set, use or be in possession of a trap that does not comply with the prescribed requirements.

Penalty: Grade 3 penalty.

- (3) The prescribed requirements for subrule (2) are as follows:

- (a) a trap must have –

- (i) horizontal dimensions that are no more than 1 250 millimetres by 1 250 millimetres; and



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- (ii) a vertical height of no more than 750 millimetres;
  - (b) a trap must –
    - (i) have only one neck or entrance; and
    - (ii) have only one chamber capable of trapping giant crab; and
    - (iii) not contain anything likely to entangle giant crab in the trap;
  - (c) a neck or entrance on a trap must be at least 200 millimetres in diameter;
  - (d) a trap must have –
    - (i) at least one rectangular escape gap that is at least 57 millimetres high and at least 400 millimetres wide; or
    - (ii) at least 2 rectangular escape gaps, each of which is at least 57 millimetres high and 200 millimetres wide;
  - (e) an escape gap on a trap must be located –
    - (i) on the side of the trap so that the longer sides of the escape gap are generally parallel to the floor of the trap and the lower internal edge of the escape gap is no more than 150 millimetres above the floor of the trap; and

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- (ii) clear of any obstruction that is likely to restrict the movement of undersize giant crab through the escape gap or otherwise impinge on or effectively reduce the minimum required internal dimensions of the escape gap.

**48. Restrictions on setting of giant crab longlines**

The holder of a fishing licence (giant crab) must not set a giant crab longline in State waters unless –

- (a) more than 5 giant crab quota units are specified in that licence; and
- (b) the State waters in which that giant crab longline is set are more than 120 metres deep; and
- (c) no more than 30 traps are attached to the giant crab longline.

Penalty: Grade 3 penalty.

**49. Marker buoy requirements for traps, longlines and fish caufs**

- (1) In this rule –

*distinguishing mark* has the same meaning as in the *Fisheries Rules 2009*.

- (2) A person must not set or use a trap in State waters unless –

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- (a) a marker buoy is at all times attached to the trap by means of a line long enough for the marker buoy to float on the surface of the water; and
  - (b) the marker buoy –
    - (i) is spherical in shape; and
    - (ii) has a diameter of at least 195 millimetres at its widest point; and
    - (iii) is specifically designed as a buoy.

Penalty: Grade 3 penalty.

- (3) The person in charge of a fishing vessel must ensure that the fishing vessel's distinguishing mark is marked clearly and legibly on the marker buoy of every trap used in connection with the fishing vessel.

Penalty: Grade 3 penalty.

- (4) A distinguishing mark for the purposes of subrule (3) is to be at least 70 millimetres high and at least 12 millimetres wide.
- (5) A person who owns or is in charge of a fishing vessel must ensure that –
  - (a) a distinguishing mark marked on a marker buoy for the purposes of subrule (3) remains clear and legible; and
  - (b) the marker buoy bears only that distinguishing mark.

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Penalty: Grade 1 penalty.

- (6) A person must not, in State waters, be in possession of a device designed to conceal a marker buoy under the surface of the water.

Penalty: Grade 3 penalty.

- (7) A person must not use a giant crab longline with six or more traps attached unless –
- (a) there is a marker buoy on each end of the giant crab longline; and
  - (b) any marker buoy used in connection with the giant crab longline is marked clearly and legibly with –
    - (i) the distinguishing mark as required under subrule (3); and
    - (ii) the number of traps attached to the giant crab longline; and
  - (c) there is a buoy, at least 300 millimetres in diameter, on each end of the giant crab longline.

Penalty: Grade 3 penalty.

***Division 2 – Fish caufs and holding tanks***

**50. Restrictions and requirements relating to fish caufs**

- (1) In this rule –

***fish cauf report*** means a report to the reporting service made by approved

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means and containing approved information.

- (2) The holder of a fishing licence (giant crab), fish processing licence or handling licence must not –
- (a) be in possession of a fish cauf; or
  - (b) place giant crab in a fish cauf –

unless that licence is endorsed for the use of a fish cauf.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (giant crab) that is endorsed for the use of a fish cauf must not –
- (a) use more fish caufs than the total number of fish caufs specified in that licence; or
  - (b) use a fish cauf that is not marked as specified in that licence; or
  - (c) place a fish cauf anywhere other than at a place specified in that licence; or
  - (d) place in a fish cauf giant crab that have been taken by another person.

Penalty: Grade 2 penalty.

- (4) The holder of a fishing licence (giant crab) that is endorsed for the use of a fish cauf must mark the fish cauf with a marker buoy in accordance with rule 49.

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Penalty: Grade 2 penalty.

- (5) The holder of a fishing licence (giant crab), fish processing licence or handling licence must not move a fish cauf from the place specified in the licence.

Penalty: Grade 3 penalty.

- (6) The holder of a fishing licence (giant crab), fish processing licence or handling licence must make a fish cauf report within 30 minutes after –

- (a) placing giant crab in a fish cauf; or
- (b) causing giant crab to be placed in a fish cauf.

Penalty: Grade 3 penalty.

- (7) The holder of a fishing licence (giant crab) must not place giant crab in a fish cauf on any day unless the required sections of that licensee's commercial giant crab catch record and quota docket have been completed for that day.

Penalty: Grade 3 penalty.

- (8) A person must not remove live giant crab from a fish cauf for any purpose other than unloading the live giant crab.

Penalty: Grade 3 penalty.

- (9) The holder of a fishing licence (giant crab), fish processing licence or handling licence must, if that licence is endorsed for the use of a fish cauf, keep records relating to the following matters:

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- 
- (a) the time and date of each placement of giant crab in each fish cauf;
  - (b) for each placement and removal of giant crab in or from each fish cauf, the number of giant crab;
  - (c) the daily stock, by number, of giant crab held in each fish cauf.

Penalty: Grade 3 penalty.

- (10) The holder of a fishing licence (giant crab), fish processing licence or handling licence must keep a record made for the purposes of subrule (9), in good condition, for at least 5 years.

Penalty: Grade 3 penalty.

**51. Restrictions and requirements relating to holding tanks**

- (1) The holder of a fishing licence (giant crab) must not place giant crab in a holding tank unless that licence is endorsed for the use of a holding tank.

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (giant crab) that is endorsed for the use of a holding tank must not place in a holding tank –
  - (a) giant crab taken by another person; or
  - (b) giant crab purchased or obtained from the holder of a fish processing licence or handling licence.

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Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (giant crab) must not place giant crab in a holding tank unless that licensee –
- (a) makes an unloading report at least 2 hours before the giant crab are unloaded; and
  - (b) completes Part A of a commercial giant crab catch record and quota docket before the giant crab are removed from the immediate proximity of the site of unloading; and
  - (c) sends the pink sheet of that commercial giant crab catch record and quota docket to the Secretary within 48 hours after completing Part A of that docket.

Penalty: Grade 3 penalty.

- (4) The holder of a fishing licence (giant crab) that is endorsed for the use of a holding tank must keep records relating to the following matters:
- (a) the time and date of each placement of giant crab in each holding tank;
  - (b) for each placement or removal of giant crab in or from each holding tank, the number of giant crab;
  - (c) the daily stock, by number, of giant crab held in each holding tank.

Penalty: Grade 3 penalty.



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**PART 5 – REPORTING AND TRACKING**

*Division 1 – Reports*

**52. Reporting service**

- (1) The Secretary may approve –
  - (a) a reporting service to receive reports under these rules; and
  - (b) the means by which such reports are to be made; and
  - (c) the information to be provided in such reports.
- (2) As soon as practicable after it receives a report under these rules, the reporting service is to issue the maker of the report with a report receipt number.

**53. Lost and found trap reports, leaving port reports, entering port reports and unloading reports**

- (1) In this rule –

*emergency unloading report* means a report to the reporting service made by approved means and containing approved information;

*entering port report* means a report –

- (a) made to the reporting service; and
- (b) made by approved means; and

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- (c) stating the number of traps on the fishing vessel, the number of traps remaining set in State waters on the fishing trip and the number of giant crab on board the fishing vessel; and
- (d) containing any other approved information;

***leaving port report*** means a report –

- (a) made to the reporting service; and
- (b) made by approved means; and
- (c) stating the number of traps on the fishing vessel and the number of traps that will be set or used in State waters; and
- (d) containing any other approved information;

***lost or found trap report*** means a report –

- (a) made to the reporting service; and
- (b) made by approved means; and
- (c) stating the total number of traps –
  - (i) that are irretrievable or were lost on the fishing trip; or
  - (ii) that have been found on the fishing trip; and

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(d) containing any other approved information.

- (2) The holder of a fishing licence (giant crab) must make a leaving port report before commencing a fishing trip.

Penalty: Grade 3 penalty.

- (3) The holder of a fishing licence (giant crab) must make a lost or found trap report at least 2 hours before entering port after a fishing trip –

(a) if a trap is lost or is irretrievable; and

(b) if a trap, that was previously stated in a lost or found trap report as being lost or irretrievable, is found.

Penalty: Grade 3 penalty.

- (4) If the holder of a fishing licence (giant crab) has made a leaving port report, at the end of the fishing trip, specified in the report, the holder of the fishing licence (giant crab) must make an entering port report at least 2 hours before the fishing vessel returns to the port, port of landing or authorised mooring.

Penalty: Grade 3 penalty.

- (5) The holder of a fishing licence (giant crab) must make an unloading report before unloading giant crab.

Penalty: Grade 3 penalty.

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- (6) However, the holder of a fishing licence (giant crab) is not guilty of an offence under subrule (5) in respect of the unloading of any giant crab if –
- (a) the giant crab are placed in a fish cauf; or
  - (b) the giant crab are sold or transferred to a person other than the holder of a fish processing licence or a handling licence, and –
    - (i) the sale or transfer occurs within the immediate proximity of the site of unloading; and
    - (ii) no more than 5 giant crab are sold or transferred; or
  - (c) the giant crab need to be unloaded urgently to avoid the possibility that they might die, on account of a significant change in water quality brought about by unforeseen circumstances, and the licensee makes an emergency unloading report with 30 minutes after the time of unloading; or
  - (d) the giant crab need to be unloaded urgently to ensure the safety of the fishing vessel and the licensee makes an emergency unloading report within 30 minutes after the time of unloading.
- (7) The holder of a fishing licence (giant crab) who makes an unloading report under subrule (5) in respect of any giant crab –

- (a) must not unload the giant crab before the estimated time of unloading given in that report; and
- (b) must commence unloading the giant crab within 2 hours after the estimated time of unloading given in that report.

Penalty: Grade 3 penalty.

#### **54. Recording, &c., of dead giant crabs**

- (1) In this rule –
  - deemed weight*, in relation to a dead giant crab, is the average weight of a legal-size giant crab as determined by the Secretary for the purposes of this definition.
- (2) This rule applies if the holder of a fishing licence (giant crab) finds any dead giant crab that are –
  - (a) on or from a fishing vessel; or
  - (b) in or from a fish cauf.
- (3) The holder of the fishing licence (giant crab) must, as soon as practicable after finding any dead giant crab –
  - (a) record, in the appropriate place on a commercial giant crab catch record and quota docket for the day of the find, the number of dead giant crab; and
  - (b) if that number is more than 5, advise a fisheries officer before the dead giant

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crab are removed from the fishing vessel or the immediate proximity of the fish cauf.

Penalty: Grade 3 penalty.

- (4) Subject to subrule (5), any dead giant crab found by the holder of the fishing licence (giant crab) –
  - (a) are taken to have been caught; and
  - (b) are to be deducted from any fishing quota unit balance, with the deduction being calculated on the deemed weight of each dead giant crab found.
- (5) Within 28 days after the date on which the holder of the fishing licence (giant crab) finds any dead giant crab, the licence holder may apply to the Secretary to have subrule (4) not apply to the dead giant crab specified in the application.
- (6) An application under subrule (5) is to –
  - (a) be in writing; and
  - (b) include any information or documents that the Secretary considers necessary.
- (7) On receiving an application under subrule (5), the Secretary –
  - (a) may make, or cause to be made, any enquiries in respect of the application that the Secretary considers necessary or appropriate; and

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- (b) must, after considering any matters put by the applicant and having regard to any guidelines issued by the Minister in accordance with section 75 of the Act, make a determination in respect of the application.
- (8) For the purposes of subrule (7), the Secretary may make a determination to –
  - (a) affirm that subrule (4) applies to any or all of the dead giant crab to which the application relates; or
  - (b) authorise that any or all of the dead giant crab to which the application relates –
    - (i) are taken not to have been caught by the applicant; and
    - (ii) are not to be deducted from any fishing quota unit balance specified in a licence related to the applicant.
- (9) A determination under subrule (7) is to be made as soon as practicable and in any event not later than 21 days after the application is received by the Secretary.
- (10) The Secretary is to give the applicant written notice of a determination under subrule (7) within 14 days after the date of the determination.
- (11) The holder of the fishing licence (giant crab) must comply with any directions that a fisheries

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officer may give that licence holder regarding the disposal of any dead giant crab.

Penalty: Grade 3 penalty.

- (12) The holder of the fishing licence (giant crab) must not sell any giant crab that have been recorded as dead in a commercial giant crab catch record and quota docket.

Penalty: Grade 3 penalty.

**55. Alternative reporting arrangements**

Despite any other provisions of these rules, the holder of a licence is not guilty of an offence for failing to make a report to the reporting service under and in accordance with these rules about any matter if –

- (a) the licence is endorsed with alternative arrangements relating to the reporting requirement; and
- (b) the licensee complies with the terms of the endorsement.

**56. Making reports**

Except with the written approval of the Secretary, a person must not make a report to the reporting service more than 24 hours before the activity to which the report relates is carried out.

Penalty: Grade 3 penalty.



**57. Cancellation reports**

If a person who makes a report to the reporting service does not carry out the activity to which the report relates, the person must make a cancellation report within 2 hours after the activity was supposed to have been carried out.

Penalty: Grade 3 penalty.

**58. False, misleading or incomplete information**

A person must not –

- (a) omit any relevant information from a report required to be made to the reporting service under these rules; or
- (b) give any false or misleading information in a report required to be made to the reporting service under these rules.

Penalty: Grade 3 penalty.

**59. Provision of receipt numbers**

A person who is issued with a report receipt number by the reporting service must provide that number to a fisheries officer when required to do so.

Penalty: Grade 2 penalty.

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***Division 2 – Dockets***

**60. Measurement of weights**

The holder of a fishing licence (giant crab), fish processing licence or handling licence must maintain and use accurate weighing instruments to determine the weight information written on any dockets completed under these rules.

Penalty: Grade 3 penalty.

**61. Conflicts of interest**

- (1) A natural person who unloads giant crab must not complete Part B of a commercial giant crab quota docket as the holder of a fish processing licence unless that natural person has the written approval of the Secretary to do so.

Penalty: Grade 3 penalty.

- (2) A natural person who receives giant crab must not complete Part A of a commercial giant crab quota docket as the holder of a fishing licence (giant crab) unless that natural person has the written approval of the Secretary to do so.

Penalty: Grade 3 penalty.

***Division 3 – Records***

**62. Records of general information**

- (1) The holder of a fishing licence (giant crab) must make and retain records within Tasmania that

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enable the following information to be determined in respect of operations conducted under the licence and in relation to business activities arising in connection with those operations:

- (a) the date of each sale or consignment of giant crab made by or on behalf of that licensee;
- (b) the exact weight of giant crab sold or consigned;
- (c) the form of giant crab sold or consigned;
- (d) the price or consideration received for giant crab;
- (e) for sales or consignments of 6 or more giant crab at any one time, the name and address of the purchaser or consignee of the giant crab.

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (giant crab) is not guilty of an offence under subrule (1) in respect of the retention of a record outside Tasmania if that licensee –
  - (a) resides outside Tasmania; and
  - (b) has the written approval of the Secretary to retain the record outside Tasmania; and
  - (c) produces the record to a fisheries officer within 7 days after receiving a written

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request from that fisheries officer for its production.

**63. Records of giant crab catch**

- (1) The holder of a fishing licence (giant crab) must complete a commercial giant crab catch record and quota docket in accordance with the instructions in the giant crab catch record book –
  - (a) on each day during which fishing occurs; and
  - (b) before the licensee returns to a port of landing or to an authorised mooring.

Penalty: Grade 3 penalty.

- (2) The holder of a fishing licence (giant crab) must ensure that that licensee's commercial giant crab catch record and quota docket is, during a fishing trip for giant crab, kept on the fishing vessel used for that fishing trip.

Penalty: Grade 2 penalty.

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**PART 6 – MISCELLANEOUS**

**64. Transitional provisions**

(1) In this rule –

*commencement day* means the day on which these rules take effect.

(2) A public notice under the *Fisheries (Giant Crab) Rules 2013* that had force and effect for the purposes of the giant crab fishery immediately before the commencement day is taken to be a public notice under and for the purposes of these rules, having force and effect according to its terms, until whichever of the following first occurs:

- (a) the public notice is rescinded;
- (b) the public notice is spent in its application to all fisheries;
- (c) the public notice is spent in its application to the giant crab fishery;
- (d) the public notice is amended or varied in such a way that it ceases to have any application to the giant crab fishery.

**65. Infringement notice offences and penalties**

For section 234 of the Act –

- (a) an offence under a rule specified in Schedule 2 is prescribed as an offence in

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Part 6 – Miscellaneous

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respect of which an infringement notice  
may be served; and

- (b) the penalty specified in that Schedule in  
respect of that offence is the applicable  
penalty for that offence.

**SCHEDULE 1 – PORTS OF LANDING**

Rule 3

1. The following ports are ports of landing:
  - (a) the public wharf at Currie Harbour;
  - (b) within Grassy Harbour;
  - (c) Fisherman's Wharf at Stanley;
  - (d) the main public wharf, Fisherman's Wharf and Strahan Fisheries Wharf at Strahan;
  - (e) Waubs Bay ramp and the public wharf at Bicheno;
  - (f) the public wharf at Lady Barron;
  - (g) the public wharf, Pike's Jetty and Finger Pier at St Helens;
  - (h) the public wharf at Beauty Point;
  - (i) the public wharf at Kettering;
  - (j) North West Bay Marina and the public wharf at Margate.

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**SCHEDULE 2 – INFRINGEMENT NOTICE OFFENCES  
AND PENALTIES**

Rule 65

	<b>Rule</b>	<b>Penalty units</b>
1.	8	10
2.	9(1)	10
3.	10(5)	5
4.	11(1)	8
5.	11(2)	8
6.	11(3)	8
7.	12(1)	8
8.	12(2)	8
9.	12(3)	8
10.	13(2)	8
11.	14(2)	10
12.	15(2)	8
13.	15(3)	8
14.	16(1)(a)	8
15.	16(1)(b)	8
16.	16(1)(c)	8
17.	17(1)	10
18.	17(2)	8
19.	17(3)	10
20.	17(4)	4



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	<b>Rule</b>	<b>Penalty units</b>
21.	17(5)	4
22.	19	8
23.	22(2)	4
24.	22(3)	4
25.	23(1)	4
26.	23(3)	4
27.	27(1)	8
28.	28	2
29.	30(2)	8
30.	33(1)	10
31.	34(1)	8
32.	35(2)	5
33.	36(2)	5
34.	36(3)	5
35.	37(2)	5
36.	37(3)	5
37.	37(4)	5
38.	37(5)	5
39.	38(2)	3
40.	38(3)	3
41.	39(3)	5
42.	40(2)	5

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	<b>Rule</b>	<b>Penalty units</b>
43.	41	10
44.	42	10
45.	43	10
46.	44(1)	5
47.	44(2)	5
48.	45(1)	4
49.	45(3)	5
50.	45(4)	3
51.	46(1)	5
52.	46(2)	3
53.	46(3)	8
54.	47(2)	4
55.	48	4
56.	49(2)	2
57.	49(3)	2
58.	49(5)	1
59.	49(6)	5
60.	49(7)	3
61.	50(2)	4
62.	50(3)	3
63.	50(4)	3
64.	50(5)	4

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	<b>Rule</b>	<b>Penalty units</b>
65.	50(6)	4
66.	50(7)	4
67.	50(8)	4
68.	50(9)	4
69.	50(10)	4
70.	51(1)	4
71.	51(2)	4
72.	51(3)	4
73.	51(4)	4
74.	53(2)	4
75.	53(3)	5
76.	53(4)	3
77.	53(5)	3
78.	53(7)	3
79.	54(2)	5
80.	54(3)	5
81.	54(5)	5
82.	56	2
83.	57	2
84.	58	8
85.	59	4
86.	60	5

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	<b>Rule</b>	<b>Penalty units</b>
87.	61(1)	3
88.	61(2)	3
89.	62(1)	4
90.	63(1)	4
91.	63(2)	4

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

**EXPLANATORY NOTE**

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

These rules –

- (a) provide for the giant crab fishery; and
- (b) replace previous rules relating to that fishery.