



# **Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995**

**Statutory Rules 1995 No. 7 as amended**

made under the

*Fisheries Management Act 1991*

---

This compilation was prepared on 26 November 2009  
taking into account amendments up to SLI 2009 No. 318

Prepared by the Office of Legislative Drafting and Publishing,  
Attorney-General's Department, Canberra

---

## Contents

### Part 1                    **Introductory**

1	Name of regulations [see Note 1]	3
2	Interpretation	3
2A	What is a season?	4

### Part 2                    **Disposal of Southern Bluefin Tuna to tuna farms**

2B	Definitions	5
2C	Meaning of <i>holder of permit for carrier boat</i>	5
2D	Conditions of statutory fishing rights	5
2E	Statutory fishing right holders to give returns	6
2F	Returns	6

### Part 3                    **Register of Statutory Fishing Rights**

3	Particulars to be included in Register	9
4	Particulars in relation to an application to register a dealing	10

### Part 4                    **Miscellaneous**

7	Conversion of processed weight to live weight	11
---	-----------------------------------------------	----

<b>Notes</b>		12
--------------	--	----

## Part 1                      Introductory

### 1                      **Name of regulations** [see Note 1]

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

### 2                      **Interpretation**

- (1) In these regulations, unless the contrary intention appears:

*Act* means the *Fisheries Management Act 1991*.

*nominated boat* means a boat that is entered in the Register as a nominated boat in respect of a statutory fishing right.

*processed form* means Southern Bluefin Tuna in processed form A or processed form B, but does not include Southern Bluefin Tuna that has been processed in any other manner.

*processed form A* means Southern Bluefin Tuna that has been gilled and gutted so that:

- (a) the gill plates are removed; and
- (b) the tail is wholly removed.

*processed form B* means Southern Bluefin Tuna that has been gilled and gutted so that:

- (a) the gill plates are not removed; and
- (b) the tail is not wholly removed.

*SBT Plan* means the Southern Bluefin Tuna Fishery Management Plan 1995 made under subsection 17 (1) of the Act.

*Southern Bluefin Tuna research program* means an internationally co-ordinated program of research about Southern Bluefin Tuna that:

- (a) is endorsed by the Commission for the Conservation of Southern Bluefin Tuna; and

**Regulation 2A**

---

- (b) involves taking Southern Bluefin Tuna for research and commercial purposes;
  - (i) in the high seas fishing zone; or
  - (ii) outside the SBT Fishery area;using a foreign boat.
- (1A) For the purposes of the definitions of ***processed form A*** and ***processed form B***, the tail of Southern Bluefin Tuna is wholly removed if it is removed by cutting through the backbone near the base of the tail.
- (2) Expressions that are used in the SBT Plan and in these regulations have the same meaning in these regulations as in that plan.

*Note* Terms defined in the *Fisheries Management Act 1991* have the same meanings in these regulations.

**2A What is a season?**

For these regulations, and the SBT Plan, ***season*** means:

- (a) the period commencing at the beginning of 1 December 2009 and ending at the end of 30 November 2011; and
- (b) for subsequent seasons — the period commencing at the beginning of 1 December in a year and ending at the end of 30 November of the following year.

## Part 2                      Disposal of Southern Bluefin Tuna to tuna farms

### 2B            Definitions

In this Part:

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

**authorised representative**, for a statutory fishing right holder, means a person authorised by the statutory fishing right holder and for whom AFMA has a specimen signature.

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

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

**grow out cage** means a cage that is:

- (a) kept on a tuna farm; and
- (b) suitable for caging Southern Bluefin Tuna for fattening.

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

**tow cage** means a cage that:

- (a) is suitable for caging Southern Bluefin Tuna; and
- (b) can be attached to a carrier boat.

### 2C            Meaning of **holder of permit for carrier boat**

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

### 2D            Conditions of statutory fishing rights

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

**Regulation 2E**

---

**2E Statutory fishing right holders to give returns**

- (1) This regulation applies to a statutory fishing right holder if:
  - (a) a quantity of Southern Bluefin Tuna taken by use of the statutory fishing right holder's nominated boat is transferred to a tow cage; and
  - (b) the tow cage is towed to a tuna farm for a farm transfer of the Southern Bluefin Tuna; and
  - (c) the farm transfer takes place.
- (2) The statutory fishing right holder, or an authorised representative of the holder, must make a return for the farm transfer.
- (3) The statutory fishing right holder or authorised representative must give the return to the AFMA agent for the farm transfer within 40 days after the last Southern Bluefin Tuna fish transferred to the tow cage is transferred.

**2F Returns**

- (1) A return for a farm transfer must:
  - (a) be in a form approved by AFMA; and
  - (b) be signed by:
    - (i) the statutory fishing right holder; or
    - (ii) the authorised representative; and
  - (c) include the full name of the person signing the return (*the signatory*).
- (2) The return must also include:
  - (a) the identifying number (if any) of the tow cage used for the farm transfer; and
  - (b) a statement of the total number of Southern Bluefin Tuna that died in the period:
    - (i) beginning when the tow ended; and
    - (ii) ending when the last Southern Bluefin Tuna fish transferred during the farm transfer was transferred to the farm; and

**Regulation 2F**

---

- (c) if the tow cage was towed to the tuna farm by 1 carrier boat — any return mentioned in subregulation (3) given to the signatory; and
  - (d) if the tow cage was towed to the tuna farm by 2 or more carrier boats in succession — any returns mentioned in subregulation (4) given to the signatory; and
  - (e) the record mentioned in subregulation (5) (***AFMA agent's record***) that the AFMA agent for the farm transfer has given to the signatory; and
  - (f) a declaration by the signatory that:
    - (i) the statement mentioned in paragraph (b) is accurate; and
    - (ii) the signatory has watched the AFMA agent carry out an average weight sampling procedure for the farm transfer; and
    - (iii) the signatory believes that the AFMA agent's record given to the signatory is accurate.
- (3) For paragraph (2) (c), the return is the return made by the holder of the permit for the carrier boat about:
- (a) the transfer of the Southern Bluefin Tuna to the tow cage; and
  - (b) the tow of the tow cage to the tuna farm.
- (4) For paragraph (2) (d), the returns are:
- (a) the return made by the holder of the permit for the first carrier boat to tow the tow cage towards the tuna farm about:
    - (i) the transfer of the Southern Bluefin Tuna to the tow cage; and
    - (ii) the part of the tow of the tow cage towards the tuna farm carried out by the boat; and
  - (b) for each other carrier boat — the return made by the holder of the permit for the carrier boat about the part of the tow to, or towards, the tuna farm carried out by the boat.

**Regulation 2F**

---

- (5) For paragraph (2) (e), the AFMA agent's record is the record that the Managing Director has required the AFMA agent, by written notice under the agent's contract, to keep about:
- (a) the average weight sampling procedure that is to be carried out for the farm transfer in accordance with that notice; and
  - (b) the number of Southern Bluefin Tuna transferred; and
  - (c) the calculation of the total weight of live Southern Bluefin Tuna transferred.

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

## Part 3                      Register of Statutory Fishing Rights

### 3                      Particulars to be included in Register

- (1) AFMA must enter in the Register the following particulars in relation to a statutory fishing right granted in respect of the SBT fishery:
  - (a) if the person who is the owner of the fishing right is not the person to whom the fishing right was granted — the name of the owner;
  - (b) if the person who is the holder of the fishing right is not the person to whom the fishing right was granted — the name of the holder;
  - (c) the postal address shown for the holder of the fishing right in the last written notice of address received by AFMA from the holder;
  - (d) the telephone number shown for the holder of the fishing right in the last written notice of that number received by AFMA from the holder;
  - (e) the fax number shown for the holder of the fishing right in the last written notice of that number received by AFMA from the holder;
  - (f) if the holder of the fishing right is a company — the Australian Company Number of the company shown for the holder of the fishing right in the last written notice of that number received by AFMA from the holder;
  - (g) if the owner of the fishing right is a company — the Australian Company Number of the company shown for the owner of the fishing right in the last written notice of that number received by AFMA from the owner;
  - (h) if a person applies under the *Southern Bluefin Tuna Fishery Management Plan 1995* for a boat to be entered in the Register as a nominated boat in respect of the fishing right — the identity of the boat;

**Regulation 4**

---

- (i) if an instrument is lodged with AFMA under paragraph 46 (3) (c) of the Act that indicates a person has acquired an interest in the fishing right for a season or part of a season for the purpose of taking Southern Bluefin Tuna in the season in accordance with a Southern Bluefin Tuna research program — that fact;
  - (j) if AFMA identifies the fishing right by a number or an alphanumeric code — that number or code.
- (2) AFMA may alter the Register to take into account a change in a particular referred to in subregulation (1).

**4 Particulars in relation to an application to register a dealing**

If, under a dealing, a person acquires an interest in a statutory fishing right for a season or part of a season for the purpose of taking Southern Bluefin Tuna in the season in accordance with a Southern Bluefin Tuna research program, that purpose is a prescribed particular for the purposes of paragraph 46 (3) (c) of the Act.

## Part 4                      Miscellaneous

### 7                      Conversion of processed weight to live weight

- (1) If, for the purposes of giving effect to any provision of the Act, the weight of whole Southern Bluefin Tuna is to be calculated from its weight in processed form, the weight is to be calculated in accordance with the formula in subregulation (2) or (3), as the case requires.

- (2) If Southern Bluefin Tuna is in processed form A, the weight is to be calculated in accordance with the formula:

$$1.176 \times \text{Processed Weight}$$

where ***Processed Weight*** is the weight, measured in kilograms, of the Southern Bluefin Tuna in processed form A.

- (3) If Southern Bluefin Tuna is in processed form B, the weight is to be calculated in accordance with the formula:

$$1.12 \times \text{Processed Weight} + N \times \text{Kilograms}$$

where:

***Processed Weight*** is the weight, measured in kilograms, of the batch of Southern Bluefin Tuna in processed form B; and

***N*** is the number of Southern Bluefin Tuna in the batch being weighed.

**Table of Instruments**

---

**Notes to the *Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995*****Note 1**

The *Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995* (in force under the *Fisheries Management Act 1991*) as shown in this compilation comprise Statutory Rules 1995 No. 7 amended as indicated in the Tables below.

**Table of Instruments**

<b>Year and number</b>	<b>Date of notification in <i>Gazette</i> or FRLI registration</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
1995 No. 7	3 Feb 1995	3 Feb 1995	
1995 No. 125	9 June 1995	9 June 1995	—
1995 No. 295	20 Oct 1995	20 Oct 1995	—
1995 No. 359	30 Nov 1995	30 Nov 1995	—
1997 No. 234	10 Sept 1997	10 Sept 1997	—
1998 No. 363	22 Dec 1998	22 Dec 1998	—
2004 No. 254	26 Aug 2004	1 Dec 2004	—
2009 No. 318	26 Nov 2009 (see F2009L04289)	26 Nov 2009	—

**Table of Amendments****Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
Heading to Part 1 .....	ad. 1998 No. 363
R. 1 .....	rs. 1998 No. 363
R.2 .....	am. 1995 Nos 125, 295 and 359
R.2A.....	ad. 1995 No. 359
	rs. 1997 No. 234
	am. 2009 No. 318
<b>Part 2</b>	
Part 2 .....	ad. 1998 No. 363
R. 2B.....	ad. 1998 No. 363
R. 2C.....	ad. 1998 No. 363
R. 2D.....	ad. 1998 No. 363
R. 2E.....	ad. 1998 No. 363
R. 2F.....	ad. 1998 No. 363
<b>Part 3</b>	
Heading to Part 3.....	ad. 1998 No. 363
R. 3 .....	am. 2004 No. 254
Rr. 5, 6.....	rep. 2004 No. 254
<b>Part 4</b>	
Heading to Part 4.....	ad. 1998 No. 363
R. 7 .....	rs. 1995 No. 125