

**Living Marine Resources Management Act 1995**

**Fisheries (Rock Lobster) Rules 2022**

**APPROVAL TO POSSESS ROCK LOBSTER POTS DURING CLOSED SEASON**

I, Angela Iles, Fisheries Officer appointed pursuant to section 164 of the *Living Marine Resources Management Act 1995* (the Act) and acting pursuant to rule 84(5)(b) of the *Fisheries (Rock Lobster) Rules 2022* (the Rules) hereby approve every holder of a fishing licence (rock lobster) to possess rock lobster pots in State waters during the closed season in respect of the relevant licence holders whilst on a fishing trip and the vessel is transiting directly from the closed part of the fishery to a part of the fishery that is open to fishing.

Any expression used in this notice having a particular meaning under the Act or the Rules has the same meaning in this notice.

Dated at HOBART this 14 November 2023



Angela Iles  
**FISHERIES OFFICER**

**Information**

*(This information does not form part of the notice)*

The purpose of this approval is to allow licence holders and supervisors to depart from a part of the fishery that is closed to fishing and transit directly to a part of the fishery that is open to fishing. Transit directly has the meaning described in rule 4 of the Rules, which is as follows:

**4. Meaning of transiting directly – commercial fishing**

(1) For the purposes of these rules, a vessel being used for a fishing trip under these rules is transiting directly if the vessel –

(a) is travelling to, or from, the fishing zone specified in the pre-fishing report for the trip (the relevant fishing zone) by the most practical and direct route; and

(b) while not at anchor, is travelling at a speed of at least 3 knots on the route referred to in paragraph (a).

(2) For the purposes of these rules, a vessel is not transiting directly to, or from, a relevant fishing zone if fishing for rock lobster, including the setting or retrieving of pots, occurs outside the relevant fishing zone.

(3) Despite subrule (1), a vessel on a fishing trip is still transiting directly if the vessel deviates from the direct route, for the trip under that subrule, for one or more of the following reasons:

(a) to assist a person, or vessel, in danger or distress, whether or not that assistance was requested;

(b) to avoid a serious danger to the vessel or its crew that is on or near, or is anticipated to be on or near, the direct route for the vessel;

(c) to prevent serious damage to the vessel, or injury or loss of life of its crew;

(d) due to a failure, malfunction or defect of the vessel that prevents the vessel from taking the direct route;

(e) to anchor the vessel for a purpose other than fishing for rock lobster.