

## EXTRAORDINARY GAZETTE



THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE

www.governmentgazette.sa.gov.au

PUBLISHED BY AUTHORITY

ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, THURSDAY, 29 NOVEMBER 2007

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Department of the Premier and Cabinet  
Adelaide, 29 November 2007

HIS Excellency the Governor directs it to be notified for general information that she has in the name and on behalf of Her Majesty The Queen, this day assented to the undermentioned Acts passed by the Legislative Council and House of Assembly in Parliament assembled, viz.:

No. 49 of 2007—Australian Energy Market Commission Establishment (Consumer Advocacy Panel) Amendment Act 2007. An Act to amend the Australian Energy Market Commission Establishment Act 2004.

No. 50 of 2007—Controlled Substances (Possession of Prescribed Equipment) Amendment Act 2007. An Act to amend the Controlled Substances Act 1984.

No. 51 of 2007—Education (Compulsory Education Age) Amendment Act 2007. An Act to amend the Education Act 1972.

No. 52 of 2007—Liquor Licensing (Certificates of Approval) Amendment Act 2007. An Act to amend the Liquor Licensing Act 1997.

No. 53 of 2007—National Electricity (South Australia) (National Electricity Law—Miscellaneous Amendments) Amendment Act 2007. An Act to amend the National Electricity (South Australia) Act 1996.

No. 54 of 2007—Occupational Health, Safety and Welfare (Penalties) Amendment Act 2007. An Act to amend the Occupational Health, Safety and Welfare Act 1986.

No. 55 of 2007—Private Parking Areas (Penalties) Amendment Act 2007. An Act to amend the Private Parking Areas Act 1986.

No. 56 of 2007—Santos Limited (Deed of Undertaking) Act 2007. An Act to give effect to a Deed of Undertaking made by Santos Limited in favour of the Premier for and on behalf of the Crown in the right of the State of South Australia; to repeal the Santos Limited (Regulation of Shareholdings) Act 1989; and for other purposes.

No. 57 of 2007—Statutes Amendment (Young Offenders) Act 2007. An Act to amend various Acts to make provision for serious repeat offending by young people.

No. 58 of 2007—Tobacco Products Regulation (Miscellaneous) Amendment Act 2007. An Act to amend the Tobacco Products Regulation Act 1997.

No. 59 of 2007—Motor Vehicles (Miscellaneous) Amendment Act 2007. An Act to amend the Motor Vehicles Act 1959.

No. 60 of 2007—Marine Parks Act 2007. An Act to provide for a system of marine parks for the State; to make consequential amendments to certain other Acts; and for other purposes.

By command,

GAIL GAGO, for Premier

DPC06/0875

Department of the Premier and Cabinet  
Adelaide, 29 November 2007

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Health Commission, pursuant to the provisions of the South Australian Health Commission Act 1976:

Deputy Member: (from 29 November 2007 until 7 March 2008) or until they cease to hold a position in the Department of Health  
David Moffatt (Deputy to Lawrie-Smith)

Deputy Member: (from 29 November 2007 until 31 August 2008) or until they cease to hold a position in the Department of Health  
Andrew Kristjan Stanley (Deputy to Filby)

Deputy Member: (from 29 November 2007 until 2 October 2008) or until they cease to hold a position in the Department of Health  
Nicki Dantalis (Deputy to Richter)

By command,

GAIL GAGO, for Premier

HEACS07/241

Department of the Premier and Cabinet  
Adelaide, 29 November 2007

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Nurses Board of South Australia, pursuant to the provisions of the Nurses Act 1999:

Member: (from 29 November 2007 until 28 November 2010)  
Susan Duggin

Special Member: (from 29 November 2007 until 28 November 2010)  
Helena Williams

By command,

GAIL GAGO, for Premier

HEACS/07/245

Department of the Premier and Cabinet  
Adelaide, 29 November 2007

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the RESI Corporation Board, pursuant to the provisions of the Electricity Corporations Act 1994:

Director: (from 1 January 2008 until 31 December 2008)  
Andrew George Anastasiades

By command,

GAIL GAGO, for Premier

TF07/086CS

Department of the Premier and Cabinet  
Adelaide, 29 November 2007

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Murray-Darling Basin Natural Resources Management Board, pursuant to the Natural Resources Management Act 2004:

Presiding Member: (from 16 December 2007 until 13 April 2008)  
William Robert Paterson

Member: (from 14 April 2008 until 15 December 2010)  
William Robert Paterson

Presiding Member: (from 14 April 2008 until 15 December 2010)  
William Robert Paterson

By command,

GAIL GAGO, for Premier

MRMCS07/080

Department of the Premier and Cabinet  
Adelaide, 29 November 2007

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the SafeWork SA Advisory Committee, pursuant to the provisions of the Occupational Health, Safety and Welfare Act 1986:

Member: (from 29 November 2007 until 9 February 2009)  
Donald Blairs

By command,

GAIL GAGO, for Premier

MIR07/017CS

Department of the Premier and Cabinet  
Adelaide, 29 November 2007

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Kevin Owen Foley, MP, Deputy Premier, Treasurer, Minister for Industry and Trade and Minister for Federal/State Relations to be also Acting Premier, Acting Minister for Economic Development, Acting Minister for Social Inclusion and Acting Minister for Sustainability and Climate Change for the period from 7 December 2007 to 24 December 2007 inclusive, during the absence of the Honourable Michael David Rann, MP.

By command,  
GAIL GAGO, for Premier

DPC082/94PT3CS

Department of the Premier and Cabinet  
Adelaide, 29 November 2007

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable John David Hill, MP, Minister for Health, Minister for the Southern Suburbs and Minister Assisting the Premier in the Arts to be also Acting Minister for the Arts for the period from 7 December 2007 to 24 December 2007 inclusive, during the absence of the Honourable Michael David Rann, MP.

By command,  
GAIL GAGO, for Premier

DPC082/94PT3CS

Department of the Premier and Cabinet  
Adelaide, 29 November 2007

HIS Excellency the Governor in Executive Council has been pleased to appoint Hugh Kirkman and John Schenk as part-time Commissioners of the Environment, Resources and Development Court of South Australia, for a term of five years commencing on 29 November 2007 and expiring on 28 November 2012, pursuant to Section 10 of the Environment, Resources and Development Court Act 1993.

By command,  
GAIL GAGO, for Premier

AGO0177/03CS

Department of the Premier and Cabinet  
Adelaide, 29 November 2007

HIS Excellency the Governor in Executive Council has been pleased to appoint the Members and Presiding Members to the Natural Resources Management Boards set out below, for the terms specified, pursuant to the Natural Resources Management Act 2004:

For a term commencing on 16 December 2007 and expiring on 15 December 2009:

Mervyn John Lewis, Member and Presiding Member, Northern and Yorke Natural Resources Management Board

Christopher Malcolm Reed, Member and Presiding Member, South Australian Arid Lands Natural Resources Management Board

For a term commencing on 16 December 2007 and expiring on 15 December 2010:

Yvonne Sneddon, Member and Presiding Member, Adelaide and Mount Lofty Ranges Natural Resources Management Board

Brian James Foster, Member and Presiding Member, Eyre Peninsula Natural Resources Management Board  
Janice Roslyn Kelly, Member and Presiding Member, Kangaroo Island Natural Resources Management Board

For a term commencing on 16 December 2007 and expiring on 22 June 2008:

Marilyn Ah Chee, Presiding Member, Alinytjara Wilurara Natural Resources Management Board

For a term commencing on 23 June 2008 and expiring on 15 December 2010:

Marilyn Ah Chee, Member and Presiding Member, Alinytjara Wilurara Natural Resources Management Board

For a term commencing on 16 December 2007 and expiring on 13 April 2008:

James Leonard Osborne, Presiding Member, South East Natural Resources Management Board

For a term commencing on 14 April 2008 and expiring on 15 December 2009:

James Leonard Osborne, Member and Presiding Member, South East Natural Resources Management Board

By command,

GAIL GAGO, for Premier

WBCS07/0033

Legislative Council Office, 21 November 2007

FORWARDED to the Honourable the Premier the following Resolution, passed by the Legislative Council on 21 November 2007:

That the Regulations under the Prevention of Cruelty to Animals Act 1985, concerning Rodeos, made on 16 August 2007 and laid on the table of this Council on 11 September 2007, be disallowed.

J. M. DAVIS, Clerk

#### DEPARTMENT FOR FAMILIES AND COMMUNITIES DISABILITY SA

##### NOTICE BY THE MINISTER FOR DISABILITY

##### *Fees Payable for Equipment Provided by the Department for Families and Communities for People with Disabilities*

THE fees set out in the table below will be charged by the Department for Families and Communities for equipment specified in the table below where the equipment is provided to a client over the age of 16:

(a) who is eligible to receive services from Disability SA.

The Chief Executive (or delegate) of the Department may waive payment of, or remit, the whole or any part of a fee payable under this notice.

##### *Table of Fees*

	Concession Rate \$	Non-Concession Rate \$
Equipment Fee per week...	2.50 per item	4.00 per item
Cap (per 4 weeks) regardless of the number of items .....	20.00	50.00

The fee system will be administered by Department for Families and Communities policy, including annual indexation to be applied in accordance with State Government policy.

In this notice:

*Department* means the Department for Families and Communities;

*Disability SA* means the division of the Department known as Disability SA;

*Client* means a person with a disability who is eligible for Disability SA services.

*Concession rate* applies to a person with a Pensioner Concession Card, Health Care Card or low income.

This notice will come into operation on 1 January 2008.

JAY WEATHERILL, Minister for Disability

## FISHERIES MANAGEMENT ACT 2007

## SECTION 78

*Declaration of Noxious Species*

TAKE notice that for the purposes of the Fisheries Management Act 2007, I, Paul Holloway, Acting Minister for Agriculture, Food and Fisheries, declare the following species of aquatic resource to be noxious species:

*Aquarium Species*

SPECIES	COMMON NAME
<i>Acestrorhynchus microlepis</i>	
<i>Hydrocynus</i> spp	Pike characin, Giant tigerfish
<i>Amia calva</i>	Bowfin
<i>Anabas testudineus</i>	Climbing perch
<i>Anaspidoglanis macrostoma</i>	Flatnose catfish
<i>Bagrus ubangensis</i>	Ubangi shovelnose catfish
Centrarchidae—entire family	Banded or spotted sunfish, largemouth bass, bluegill
<i>Centropomus</i> spp	Snooks
<i>Lates microlepis</i>	Forktail lates
<i>Lates niloticus</i>	Nile perch
<i>Channa</i> spp	Snake head
<i>Chaca chaca</i>	Angler, frogmouth and squarehead catfishes
<i>Colossoma</i> spp	
<i>Serrasalmus</i> spp	Redeye piranha
<i>Pygocentrus</i> spp	Red piranha
<i>Boulengerochromis microlepis</i>	Giant cichlid, yellow belly cichlid
<i>Oreochromis</i> spp	Tilapia
<i>Hemichromis fasciatus</i>	Banded jewelfish
<i>Sargochromis</i> spp	Pink, slender, greenwoods, mortimers, cunean and green happy
<i>Sarotherodon</i> spp	
<i>Sarotherodon melanotheron</i>	Blackchin tilapia
<i>Serranochromis</i> spp	
<i>Tilapia</i> spp. (All except <i>T. buttikoferi</i> )	Redbelly tilapia
Family Citharinidae, entire subfamily <i>Ichthyborinae</i>	African pike-characin, tubenose poacher, fin eater
<i>Clarias</i> spp	Walking catfish
<i>Misgurnus anguillicaudatus</i>	Weatherloach
<i>Hypophthalmichthys nobilis</i>	Bighead carp
<i>Neolissochilus hexagonolepis</i>	Copper mahseer
<i>Gibelion catla</i>	Catla
<i>Catlocarpio siamensis</i>	Giant barb
<i>Cirrhinus cirrhosus</i>	Mrigal
<i>Ctenopharyngodon idella</i>	Grass carp
<i>Labeo calbasu</i> and <i>L. rohita</i>	Orange fin labeo, rohu
<i>Zacco platypus</i>	Freshwater minnow
<i>Hypophthalmichthys molitrix</i>	Silver carp
<i>Tor</i> spp	River carp, Deccan, high backed, junga, putitor, Thai mahseer
<i>Notropis</i> spp	Shiners
<i>Phoxinus erythrogaster</i>	Southern redbelly dace

SPECIES	COMMON NAME
<i>Oxydoras</i> spp	Ripsaw catfish, black doras, black shielded catfish
<i>Elassoma</i> spp	Pygmy sunfish
<i>Oxyeleotris marmorata</i>	Marble goby
<i>Erythrinus</i> spp	Trahiras
<i>Hoplerythrinus</i> spp	
<i>Hoplias</i> spp	
<i>Esox</i> spp	Pikes
<i>Pungitius pungitius</i>	Ninespine stickleback
<i>Apeltes quadracus</i>	Four spined stickleback
<i>Culaea inconstans</i>	
<i>Acanthogobius flavimanus</i>	Yellow fin goby
<i>Tridentiger trigonocephalus</i>	Chameleon goby, striped goby
<i>Gymnarchus niloticus</i>	Aba aba
<i>Electrophorus electricus</i>	Electric eel
<i>Hepsetus odoe</i>	African pike
<i>Heteropneustes fossilis</i>	Stinging catfish
<i>Atractosteus</i> spp	American, armoured or alligator gars
<i>Lepisosteus</i> spp	American, armoured or alligator gars
<i>Malapterurus</i> spp	Electric catfish
<i>Mormyrops anguilloides</i>	Bottlenose, Cornish jack
<i>Belonesox belizanus</i>	Pike minnow, pike killifish
<i>Polyodon spathula</i>	Mississippi paddlefish
<i>Psephurus gladius</i>	Chinese swordfish
<i>Protopterus annectens</i>	African lungfish
<i>Schilbe mystus</i>	African butter catfish
<i>Silurus</i> spp	European catfish, wels catfish
<i>Paravandellia oxyptera</i>	Parasitic catfish
<i>Valencia hispanica</i>	Valencia toothcarp
<i>Procambarus clarkii</i>	Red swamp crayfish

*Marine Pests*

SPECIES	COMMON NAME
<i>Eriocheir</i> spp	Chinese Mitten Crab
<i>Hemigrapsus sanguineus</i>	Japanese/Asian Shore Crab
<i>Crepidula fornicata</i>	American Slipper Limpet
<i>Mytilopsis sallei</i>	Black Striped Mussel
<i>Perna viridis</i>	Asian Green Mussel
<i>Perna perna</i>	Brown Mussel
<i>Corbula (Potamocorbula) amurensis</i>	Asian Clam, Brackish-Water Corbula
<i>Rapana venosa</i> (syn <i>Rapana thomasiana</i> )	Rapa Whelk
<i>Mnemiopsis leidyi</i>	Comb Jelly
<i>Caulerpa taxifolia</i>	Green Macroalga
<i>Didemnum</i> spp (exotic strains only)	Colonial Sea Squirt
<i>Sargassum muticum</i>	Asian Seaweed
<i>Neogobius melanostomus</i>	Round Goby
<i>Marenzelleria</i> spp	Red Gilled Mudworm



SPECIES	COMMON NAME
<i>Balanus improvisus</i>	Barnacle
<i>Siganus rivulatus</i>	Marbled Spinefoot, Rabbit Fish
<i>Mya arenaria</i>	Soft Shell Clam
<i>Ensis directus</i>	Jack-Knife Clam
<i>Hemigrapsus takanoi/penicillatus</i>	Pacific Crab
<i>Charybdis japonica</i>	Lady Crab
<i>Asterias amurensis</i>	Northern Pacific Seastar
<i>Carcinus maenas</i>	European Green Crab
<i>Varicorbula gibba</i>	European Clam
<i>Musculista senhousia</i>	Asian Bag Mussel, Asian Date Mussel
<i>Sabella spallanzanii</i>	European Fan Worm
<i>Undaria pinnatifida</i>	Japanese Seaweed
<i>Codium fragile</i> spp <i>tomentosoides</i>	Green Macroalga
<i>Grateloupa turuturu</i>	Red Macroalga
<i>Maoricolpus roseus</i>	New Zealand Screwshell

*Freshwater Pests*

SPECIES	COMMON NAME
<i>Perca fluviatilis</i>	Redfin
<i>Cherax quadricarinatus</i>	Redclaw
<i>Cyprinus carpio</i>	'European' carp
<i>Gambusia</i> spp	Mosquito fish

Dated 29 November 2007.

PAUL HOLLOWAY, Acting Minister for  
Agriculture, Food and Fisheries

South Australia

## **Development (Assessment Procedures) Amendment (Commencement of Suspended Section) Proclamation 2007**

### **1—Short title**

This proclamation may be cited as the *Development (Assessment Procedures) Amendment (Commencement of Suspended Section) Proclamation 2007*.

### **2—Commencement of section 9 of Act**

Section 9 of the *Development (Assessment Procedures) Amendment Act 2007* (No 17 of 2007) will come into operation on 29 November 2007.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007  
MUDP07/027CS

South Australia

## **Summary Procedure (Paedophile Restraining Orders) Amendment Act (Commencement) Proclamation 2007**

### **1—Short title**

This proclamation may be cited as the *Summary Procedure (Paedophile Restraining Orders) Amendment Act (Commencement) Proclamation 2007*.

### **2—Commencement of Act**

The *Summary Procedure (Paedophile Restraining Orders) Amendment Act 2007* (No 38 of 2007) will come into operation on 9 December 2007.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007  
AGO 0105/07 CS

South Australia

## **Transplantation and Anatomy (Post-Mortem Examinations) Amendment Act (Commencement) Proclamation 2007**

### **1—Short title**

This proclamation may be cited as the *Transplantation and Anatomy (Post-Mortem Examinations) Amendment Act (Commencement) Proclamation 2007*.

### **2—Commencement of Act**

The *Transplantation and Anatomy (Post-Mortem Examinations) Amendment Act 2005* (No 75 of 2005) will come into operation on 29 November 2007.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

HEACS/06/174

South Australia

## **Correctional Services Act (Declaration of Police Prisons) Proclamation 2007**

under section 18 of the *Correctional Services Act 1982*

### **1—Short title**

This proclamation may be cited as the *Correctional Services Act (Declaration of Police Prisons) Proclamation 2007*.

### **2—Commencement**

This proclamation comes into operation on the day on which it is made.

### **3—Interpretation**

In this proclamation—

*Act* means the *Correctional Services Act 1982*.

### **4—Revocation of proclamations declaring police prisons before commencement of Act**

Any proclamation (howsoever worded) made before the commencement of the *Correctional Services Act 1982* declaring premises to be police prisons is revoked.

**Note—**

The *Correctional Services Act 1982* commenced on 19.08.1985 (*Gazette 08.08.1985 p334*).

### **5—Revocation of proclamation declaring police prison**

The proclamation (*Gazette 08.01.1987 p4*) declaring premises at the City Watch House (1 Angas Street, Adelaide) to be a police prison for the purposes of the Act is revoked.

### **6—Declaration of police prisons**

Pursuant to section 18 of the Act, the premises listed in Schedule 1 are declared to be police prisons for the purposes of the Act.

## **Schedule 1—Declared police prisons**

<b>Premises</b>	<b>Location</b>
Berri police station	Ahern Street, Berri 5343
Ceduna police station	corner of East and South Terraces, Ceduna 5690
Christies Beach police station	94 Dyson Road, Christie Downs 5164
City Watch House	Kent Street, Adelaide 5000
Coober Pedy police station	Mines Department Road, Coober Pedy 5723
Elizabeth police station	17-19 Frobisher Road, Elizabeth 5112
Holden Hill police station	2A Sudholz Road, Holden Hill 5088
Kingscote police station	Dauncy Street, Kingscote 5223

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Marla police station	Marla 5724
Mount Barker police station	64 Gawler Street, Mount Barker 5251
Mount Gambier police station	Bay Road, Mount Gambier 5290
Nuriootpa police station	61 Murray Street, Nuriootpa 5355
Port Adelaide police station	244 St Vincent Street, Port Adelaide 5015
Port Augusta police station	106 Commercial Road, Port Augusta 5700
Port Lincoln police station	1-5 Liverpool Street, Port Lincoln 5606
Port Pirie police station	18 Main Road, Port Pirie 5540
Sturt police station	333 Sturt Road, Bedford Park 5042
Victor Harbor police station	17 George Main Road, Victor Harbor 5211
Whyalla police station	3 Whitehead Street, Whyalla 5600

**Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

MCS07/012CS

South Australia

## **Fisheries Management (Aquatic Reserves) Proclamation 2007**

under section 4 of the *Fisheries Management Act 2007*

### **1—Short title**

This proclamation may be cited as the *Fisheries Management (Aquatic Reserves) Proclamation 2007*.

### **2—Commencement**

This proclamation will come into operation on 1 December 2007.

### **3—Alteration of boundaries of aquatic reserves**

The boundaries of the aquatic reserves named in Schedule 1 are altered so that the boundaries of those aquatic reserves are as specified in that Schedule.

### **4—Constitution of Coobowie Aquatic Reserve**

The waters specified in Schedule 2 are declared to constitute an aquatic reserve to which the name "Coobowie Aquatic Reserve" is assigned.

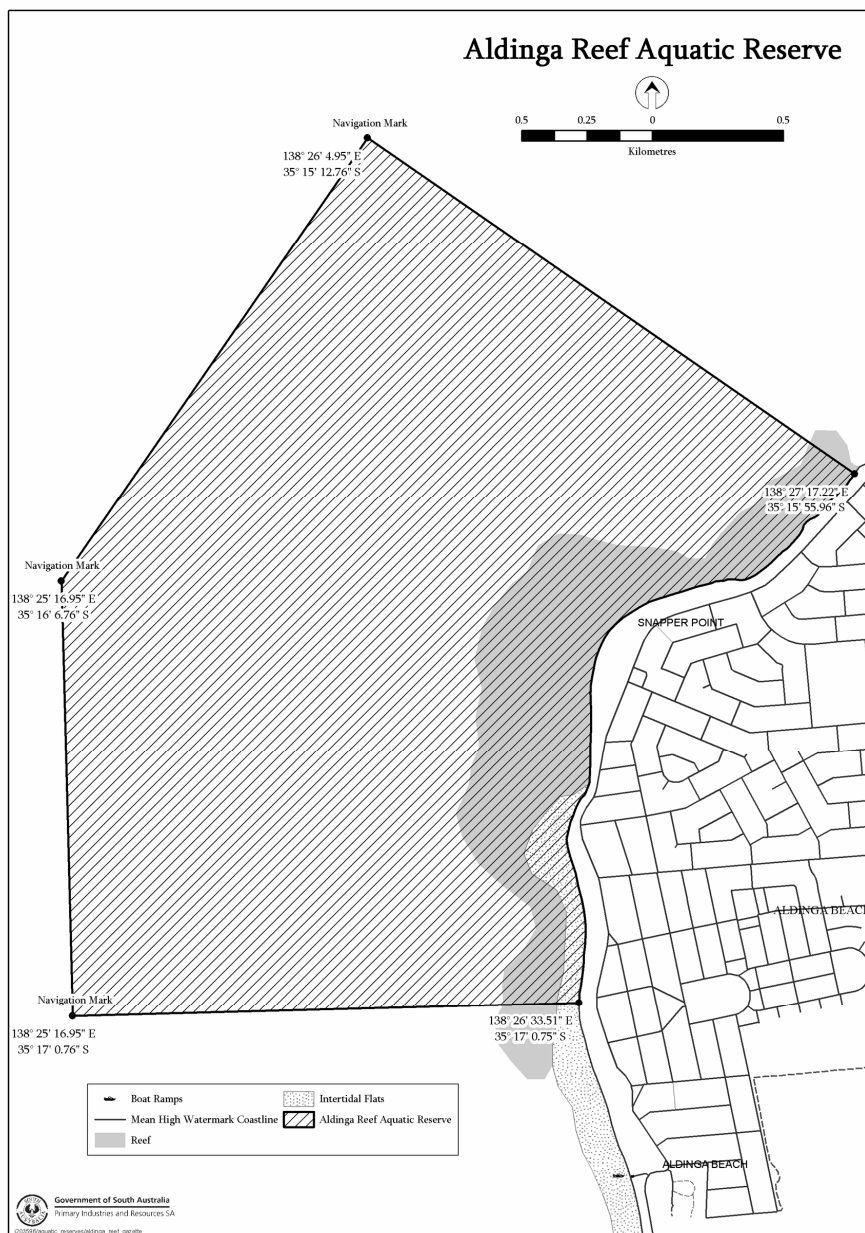
#### **Notes—**

- 1 All lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995 and all co-ordinates are expressed in terms of GDA94.
- 2 The maps in the Schedules are provided for convenience of reference only.

# Schedule 1—Alteration of boundaries of aquatic reserves

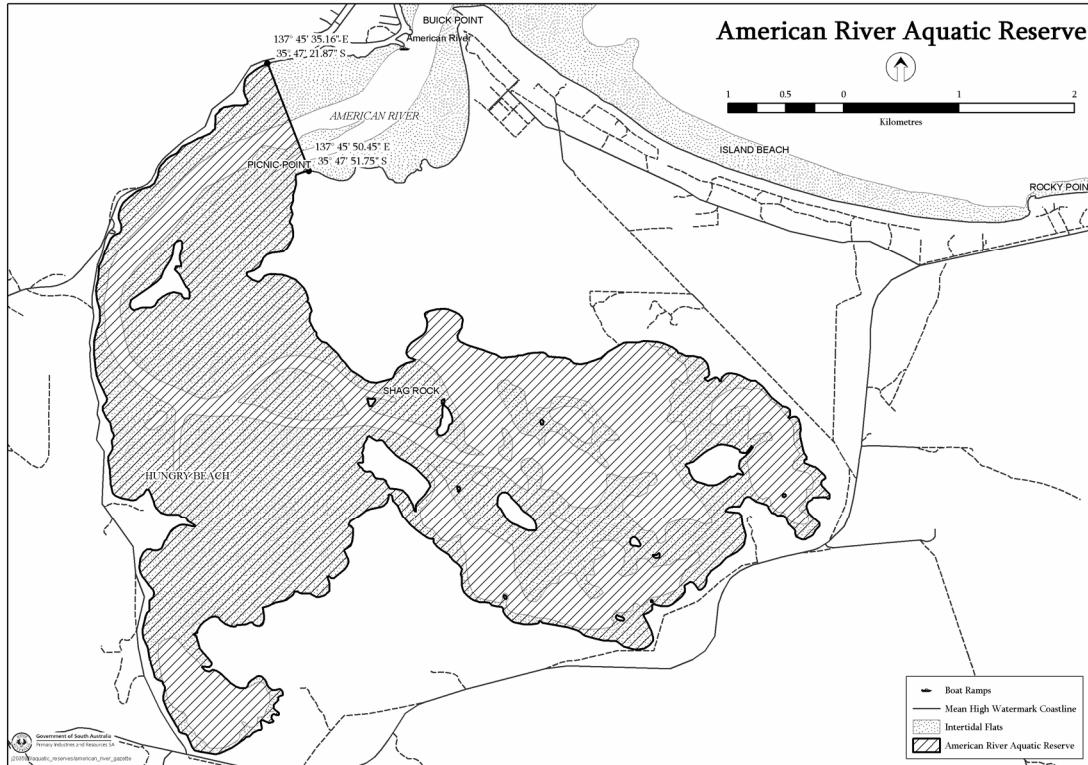
## Aldinga Reef Aquatic Reserve

The waters of or near Aldinga Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 35°15'55.96" South, 138°27'17.22" East, then beginning south-westerly following the line of Mean High Water Springs to the location closest to 35°17'00.75" South, 138°26'33.51" East, then westerly to 35°17'00.76" South, 138°25'16.95" East (Marine Navigation Mark 4730/610), then northerly to 35°16'06.76" South, 138°25'16.95" East (Marine Navigation Mark 4730/609), then north-easterly to 35°15'12.76" South, 138°26'04.95" East (Marine Navigation Mark 4730/608), then south-easterly to the point of commencement.



### American River Aquatic Reserve

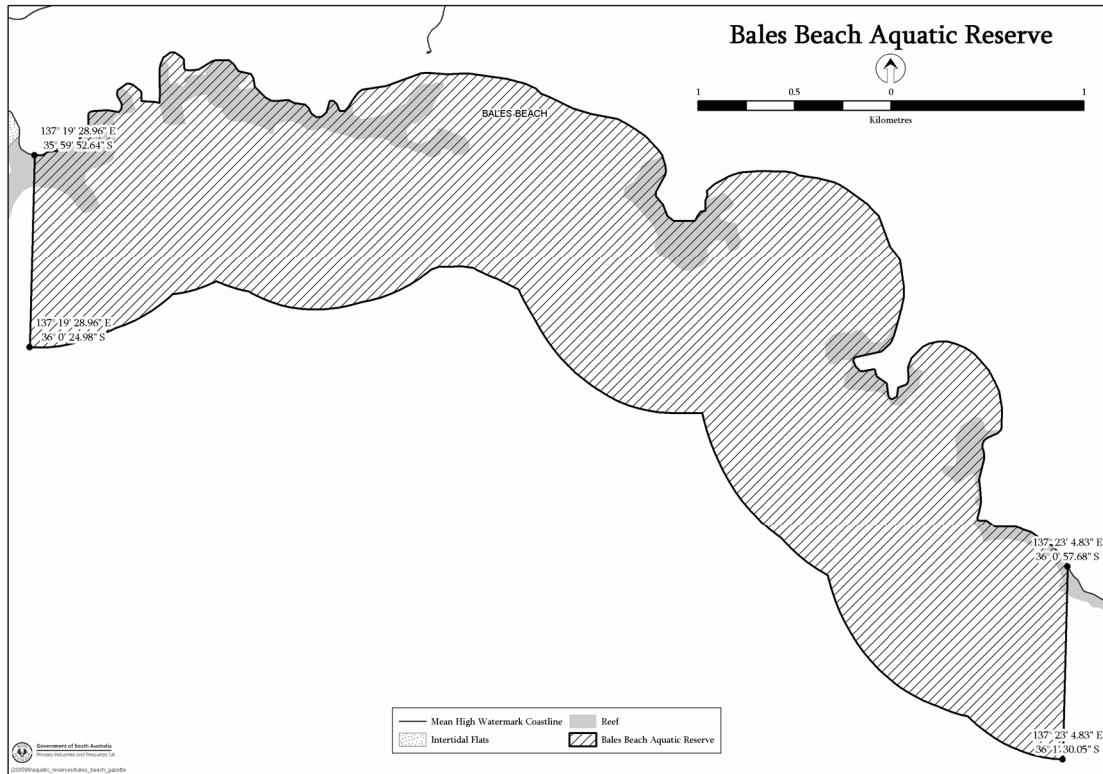
The waters of American River upstream of the geodesic from the location on Mean High Water Springs closest to 35°47'21.87" South, 137°45'35.16" East to the location on Mean High Water Springs closest to 35°47'51.75" South, 137°45'50.45" East (Picnic Point).





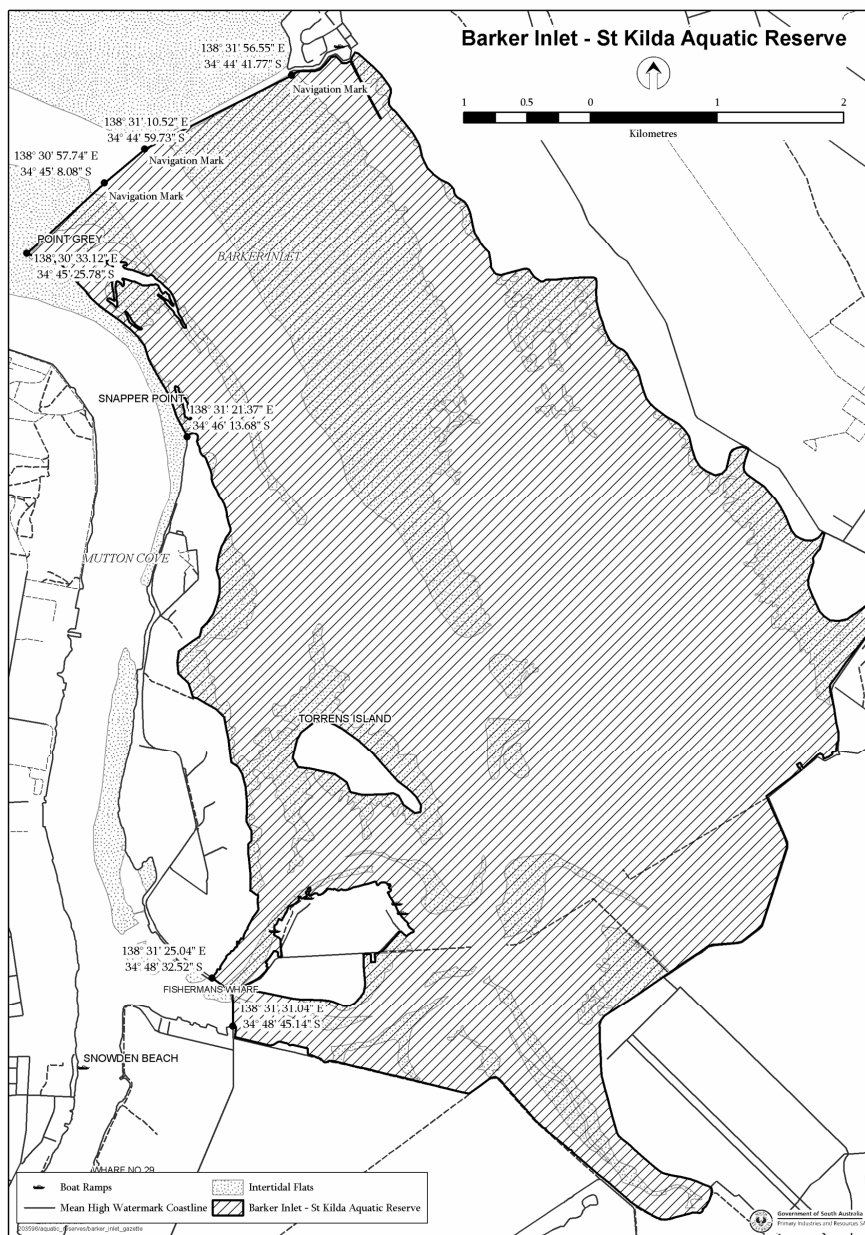
**Bales Beach Aquatic Reserve**

The waters of or near Bales Beach contained within and bounded by a line commencing at Mean High Water Springs closest to 35°59'52.64" South, 137°19'28.96" East, then beginning easterly following the line of Mean High Water Springs to the location closest to 36°00'57.68" South, 137°23'04.83" East, then southerly to a line 1000 metres seaward of Mean High Water Springs closest to 36°01'30.05" South, 137°23'04.83" East, then generally north-westerly following a line 1000 metres seaward of Mean High Water Springs to the location closest to 36°00'24.98" South, 137°19'28.96" East, then northerly to the point of commencement.



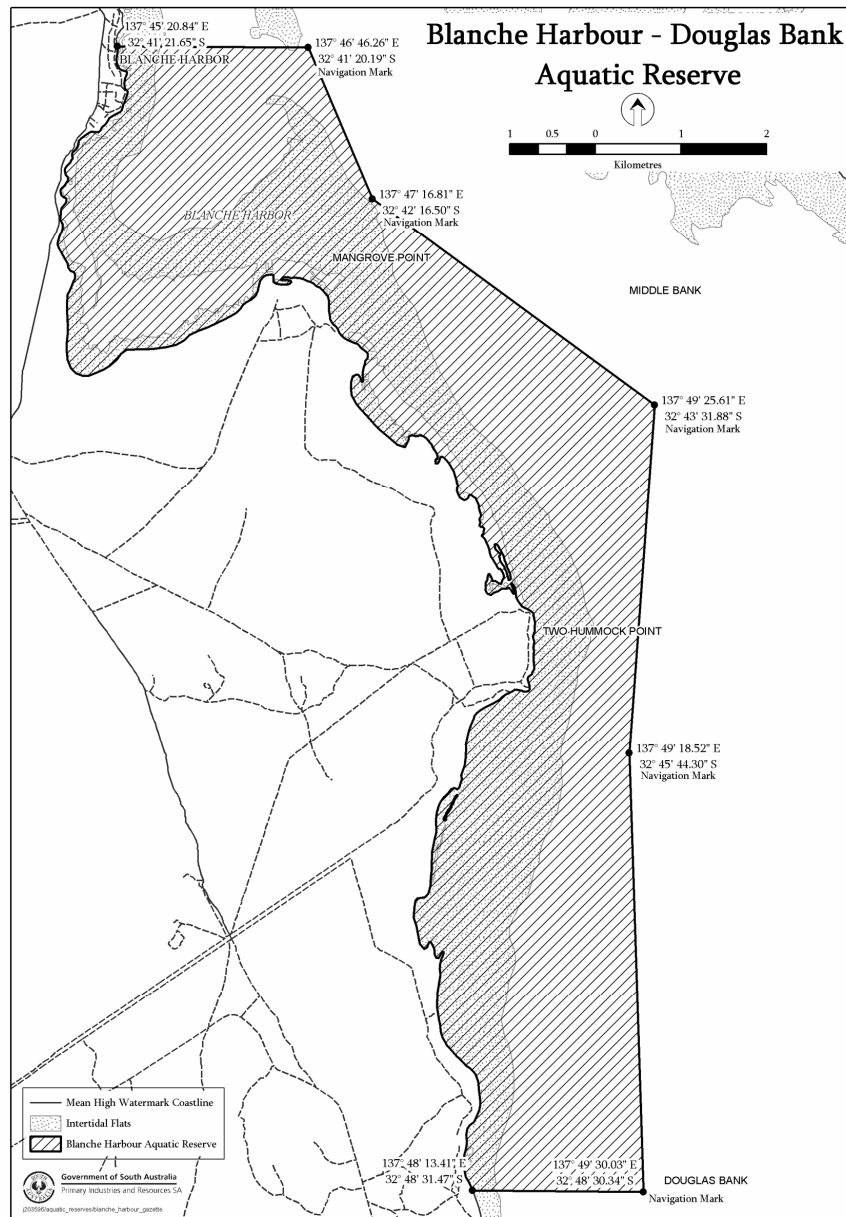
**Barker Inlet—St. Kilda Aquatic Reserve**

The waters of or near Barker Inlet, easterly of the Grand Trunkway Road Bridge near 34°48'32.52" South, 138°31'25.04" East and upstream of a line commencing at Mean High Water Springs closest to 34°46'13.68" South, 138°31'21.37" East, then generally north-westerly contiguous with the western extremity of the mangroves to the location closest to 34°45'25.78" South, 138°30'33.12" East (Point Grey), then north-easterly contiguous with the northern extremity of the mangroves to the Middle Ground Outer Beacon (Marine Navigation Marker 3193/001) at the location closest to 34°45'08.08" South, 138°30'57.74" East, then north-easterly to the St Kilda Entrance Beacon (Marine Navigation Marker 3193/003) at the location closest to 34°44'59.73" South, 138°31'10.52" East, then north-easterly to the south-western extremity of the St Kilda Channel embankment at the location on Mean High Water Springs closest to 34°44'41.77" South, 138°31'56.55" East.



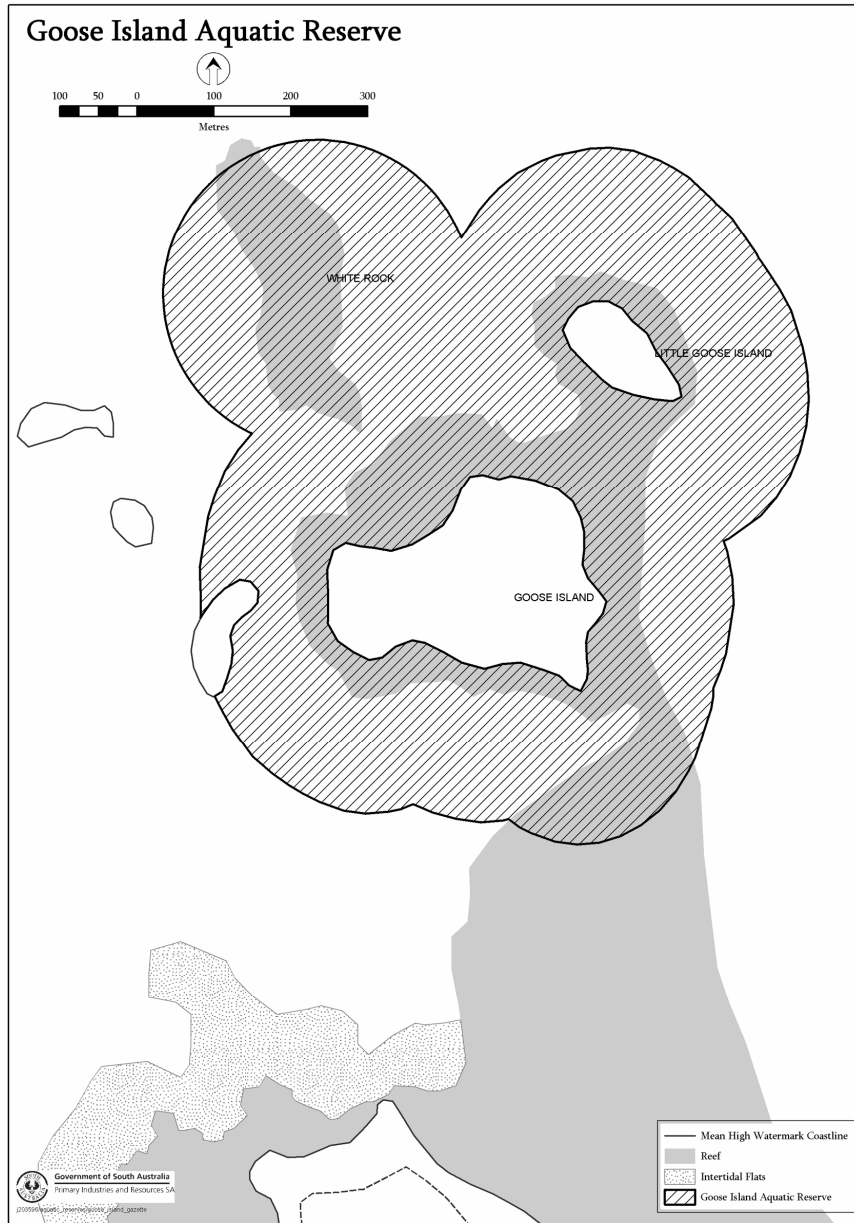
**Blanche Harbour—Douglas Bank Aquatic Reserve**

The waters of or near Blanche Harbour contained within and bounded by a line commencing at Mean High Water Springs closest to 32°41'21.65" South, 137°45'20.84" East, then easterly to 32°41'20.19" South, 137°46'46.26" East (Channel Marker 4510/808), then south-easterly to 32°42'16.50" South, 137°47'16.81" East (Channel Marker 4510/806), then south-easterly to 32°43'31.88" South, 137°49'25.61" East (Channel Marker 4510/805), then southerly to 32°45'44.30" South, 137°49'18.52" East (Channel Marker 4510/802), then southerly to 32°48'30.34" South, 137°49'30.03" East (Channel Marker 4510/800), then westerly to the location on Mean High Water Springs closest to 32°48'31.47" South, 137°48'13.41" East, then beginning north-westerly following the line of Mean High Water Springs to the point of commencement.



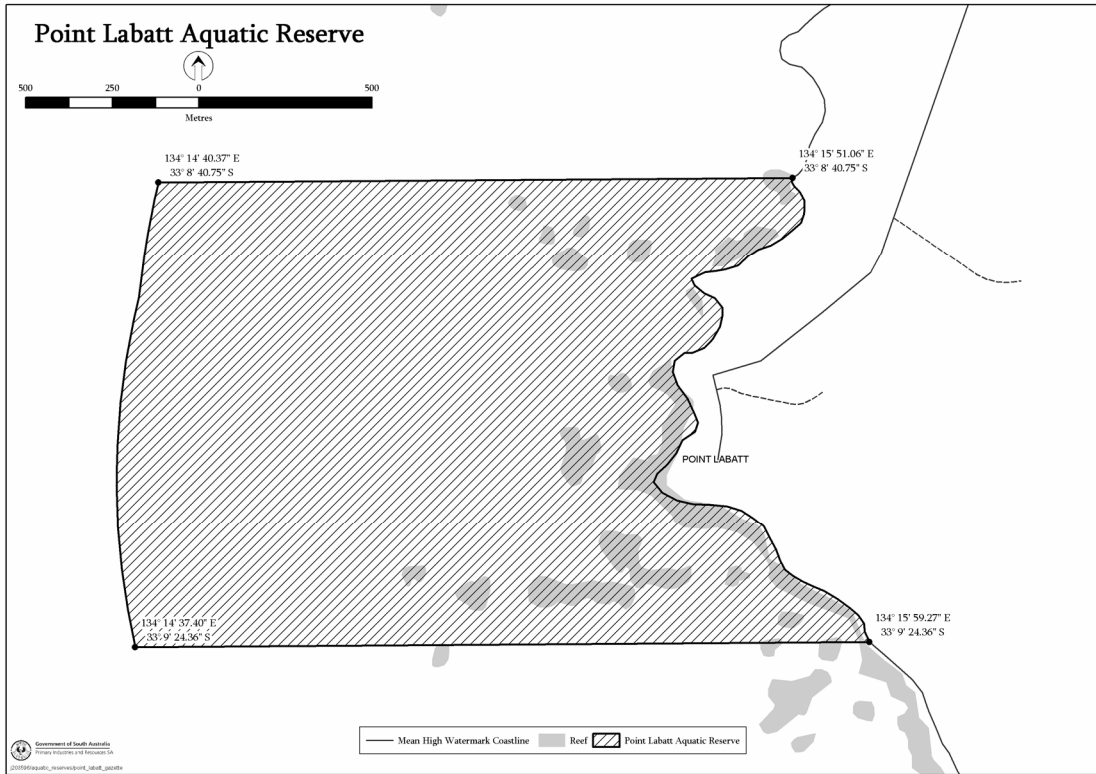
### Goose Island Aquatic Reserve

The waters near Goose Island, Spencer Gulf, that lie within 200 metres of the lines of Mean High Water Springs of Goose Island, Little Goose Island and White Rock.



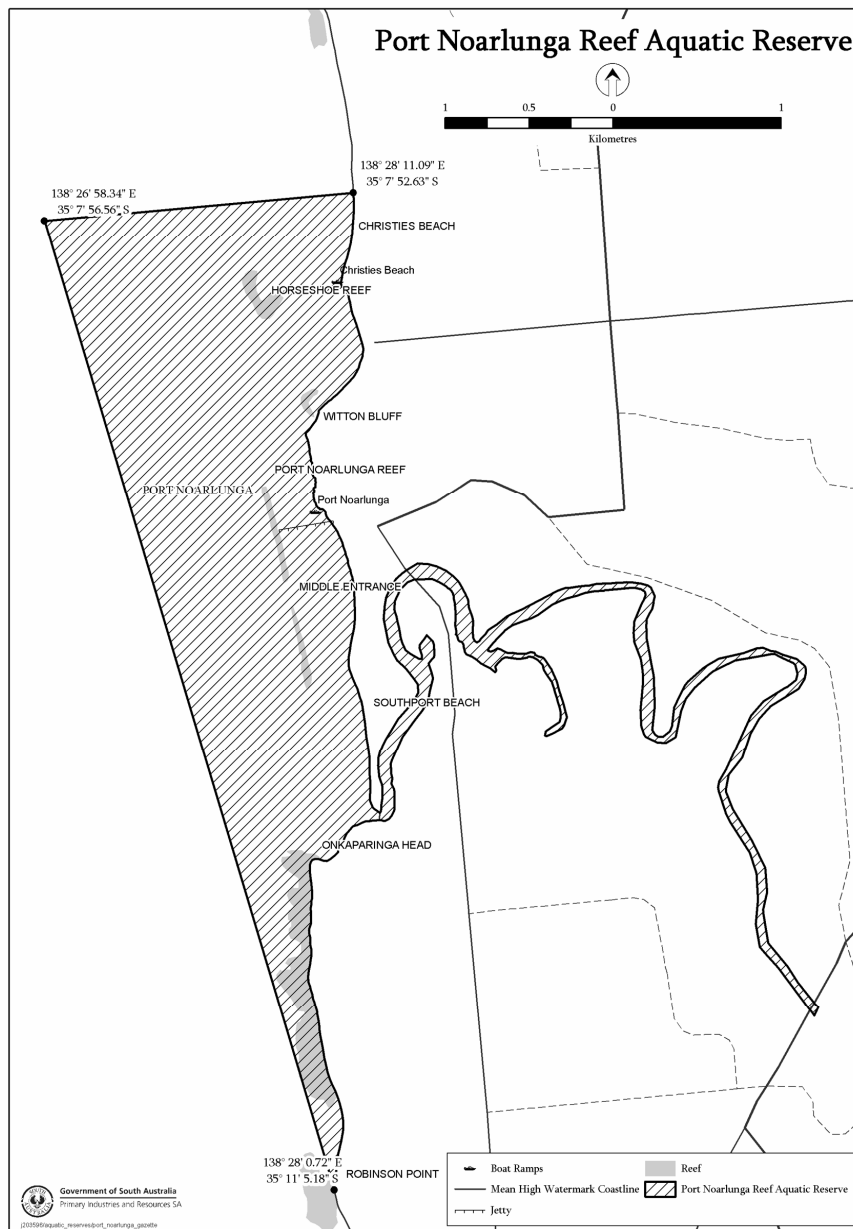
**Point Labatt Aquatic Reserve**

The waters of or near Point Labatt contained within and bounded by a line commencing at Mean High Water Springs closest to 33°08'40.75" South, 134°15'51.06" East, then generally southerly following the line of Mean High Water Springs to the location closest to 33°09'24.36" South, 134°15'59.27" East, then westerly to a line 1850 metres seaward of Mean High Water Springs closest to 33°09'24.36" South, 134°14'37.40" East, then northerly following a line 1850 metres seaward of Mean High Water Springs to the location closest to 33°08'40.75" South, 134°14'40.37" East, then easterly to the point of commencement.



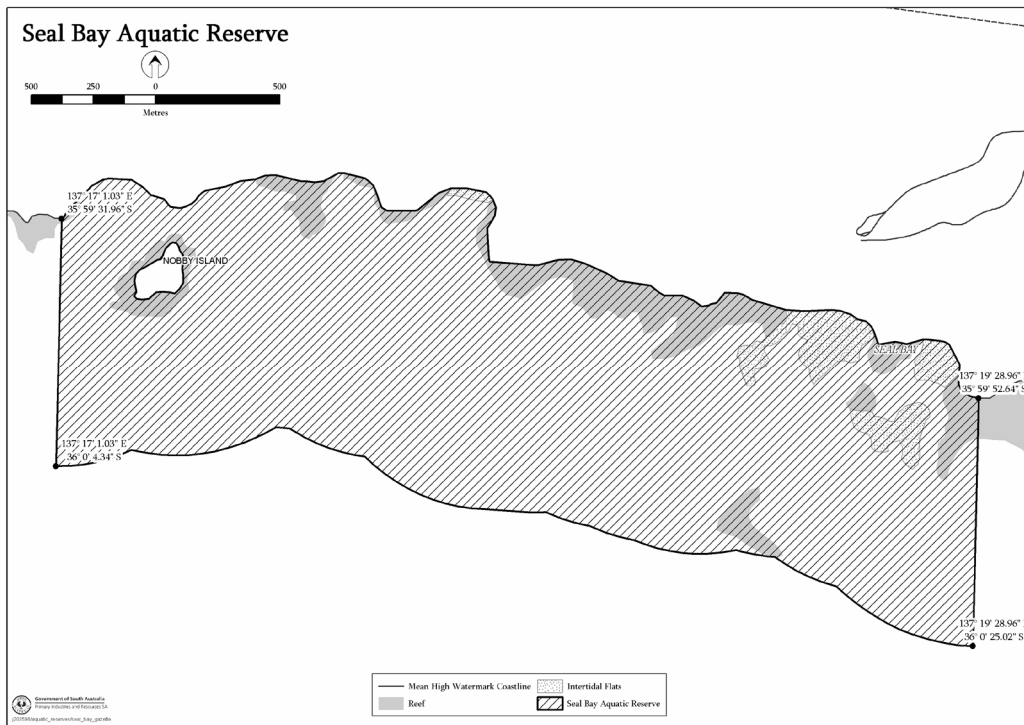
**Port Noarlunga Reef Aquatic Reserve**

The waters of or near Port Noarlunga contained within and bounded by a line commencing at 35°07'56.56" South, 138°26'58.34" East, then easterly to the location on Mean High Water Springs closest to 35°07'52.63" South, 138°28'11.09" East, then beginning southerly following the line of Mean High Water Springs to the location closest to 35°11'05.18" South, 138°28'00.72" East (Robinson Point), then north-westerly to the point of commencement, together with the waters of Onkaparinga River upstream to the bridge on Main South Road at Noarlunga (D V Fleming Bridge) near 35°10'33.20" South, 138°29'55.31" East.



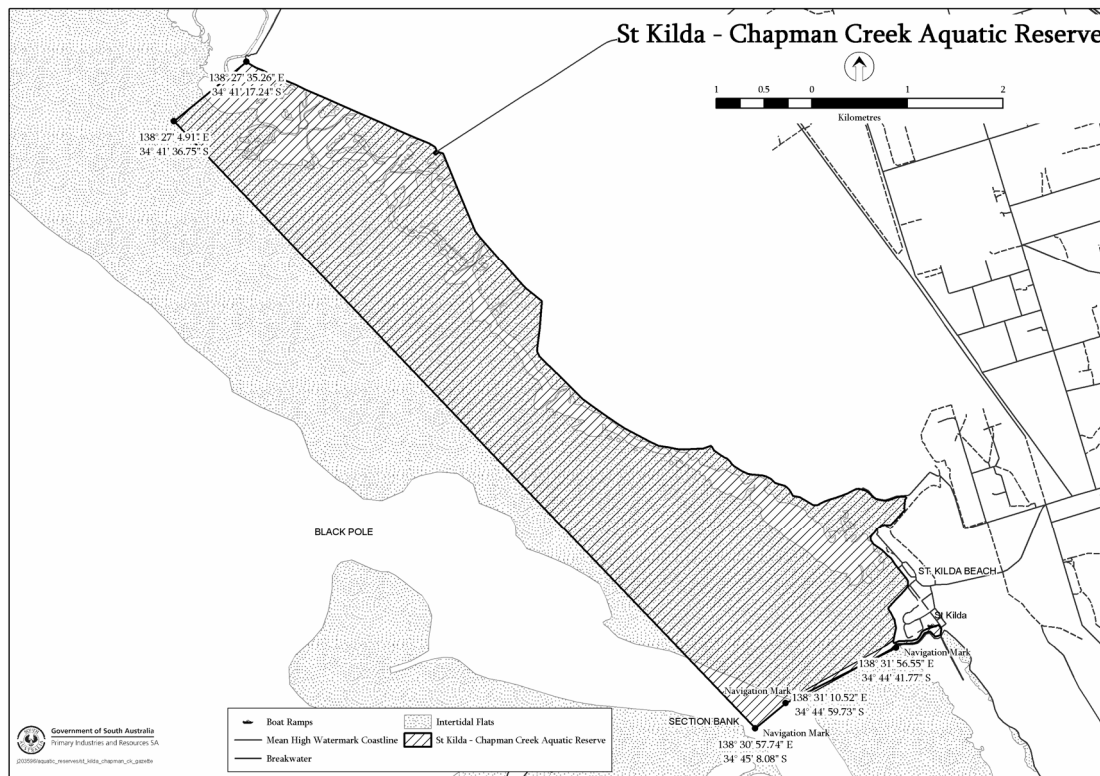
**Seal Bay Aquatic Reserve**

The waters of or near Seal Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 35°59'31.96" South, 137°17'01.03" East, then generally easterly following the line of Mean High Water Springs to the location closest to 35°59'52.64" South, 137°19'28.96" East, then southerly to a line 1000 metres seaward of Mean High Water Springs closest to 36°00'25.02" South, 137°19'28.96" East, then north-westerly following a line 1000 metres seaward of Mean High Water Springs to the location closest to 36°00'04.34" South, 137°17'01.03" East, then northerly to the point of commencement.



**St Kilda—Chapman Creek Aquatic Reserve**

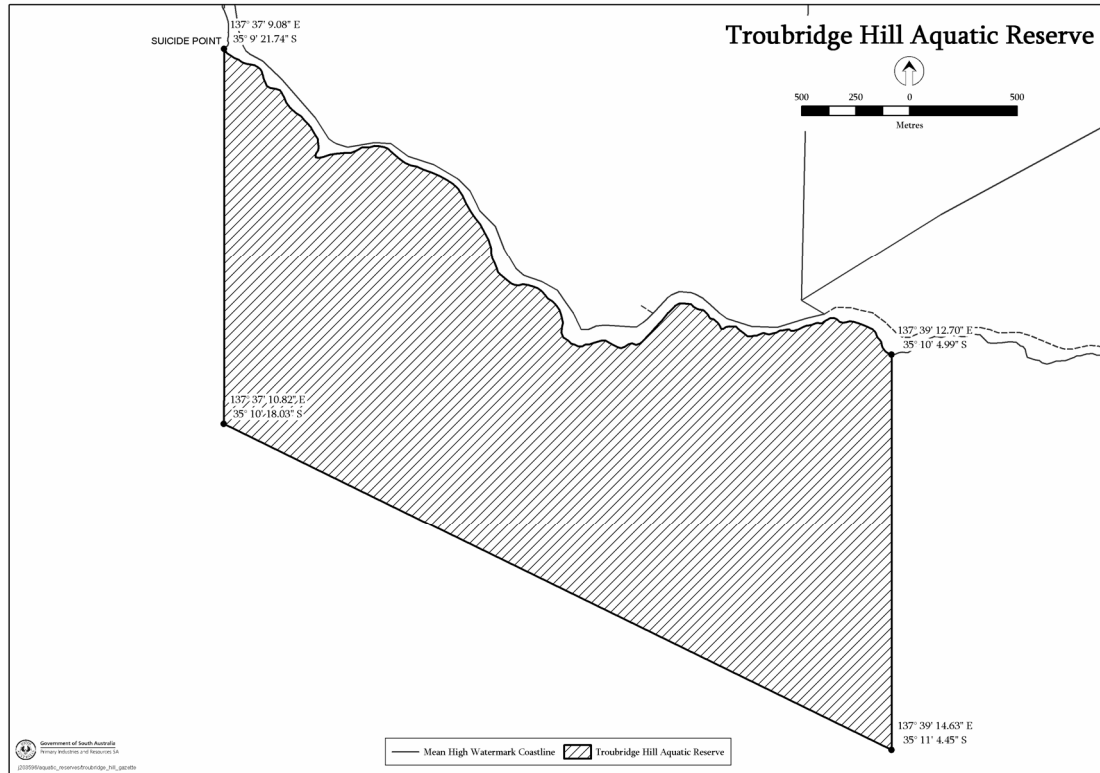
The waters of or near St Kilda contained within and bounded by a line commencing at Mean High Water Springs closest to 34°41'17.24" South, 138°27'35.26" East, then beginning south-easterly following the line of Mean High Water Springs to the location closest to 34°44'41.77" South, 138°31'56.55" East, then south-westerly to 34°44'59.73" South, 138°31'10.52" East (Marine Navigation Marker 3193/003), then south-westerly to 34°45'08.08" South, 138°30'57.74" East (Marine Navigation Marker 3193/001), then north-westerly to 34°41'36.75" South, 138°27'04.91" East, then north-easterly to the point of commencement.





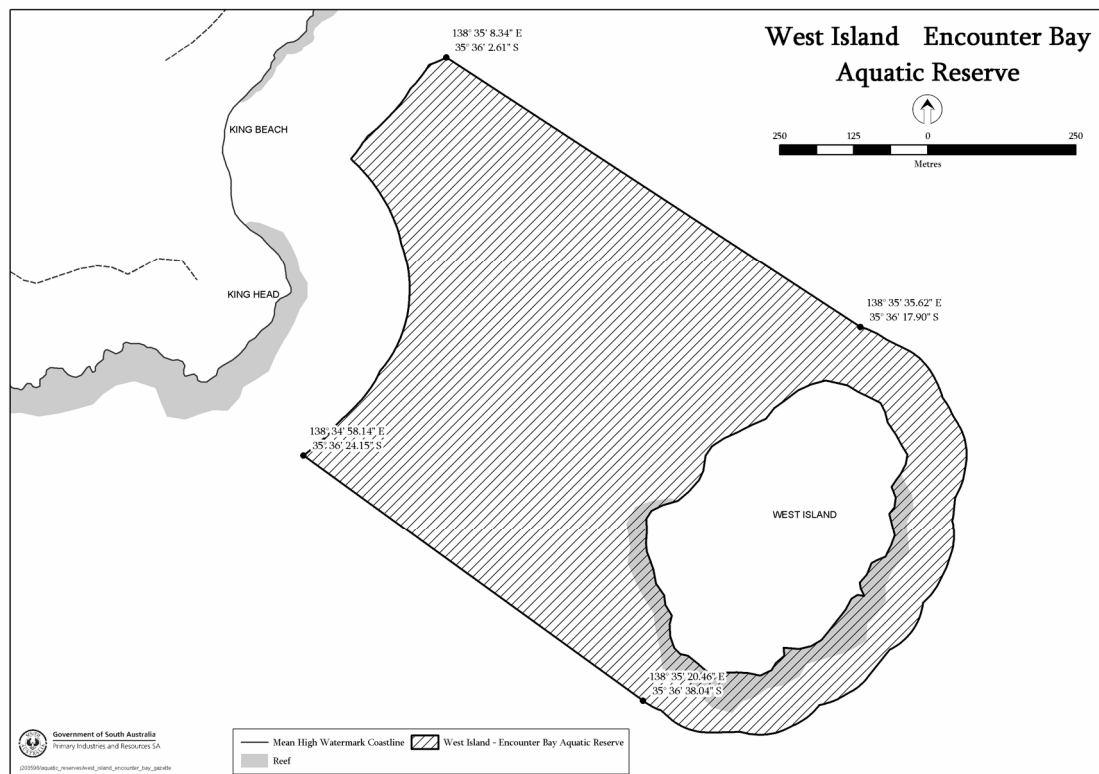
**Troubridge Hill Aquatic Reserve**

The waters of Investigator Strait contained within and bounded by a line commencing at Mean High Water Springs closest to 35°09'21.74" South, 137°37'09.08" East (Suicide Point), then beginning south-easterly following the line of Mean High Water Springs to the location closest to 35°10'04.99" South, 137°39'12.70" East, then southerly to 35°11'04.45" South, 137°39'14.63" East, then north-westerly to 35°10'18.03" South, 137°37'10.82" East, then northerly to the point of commencement.



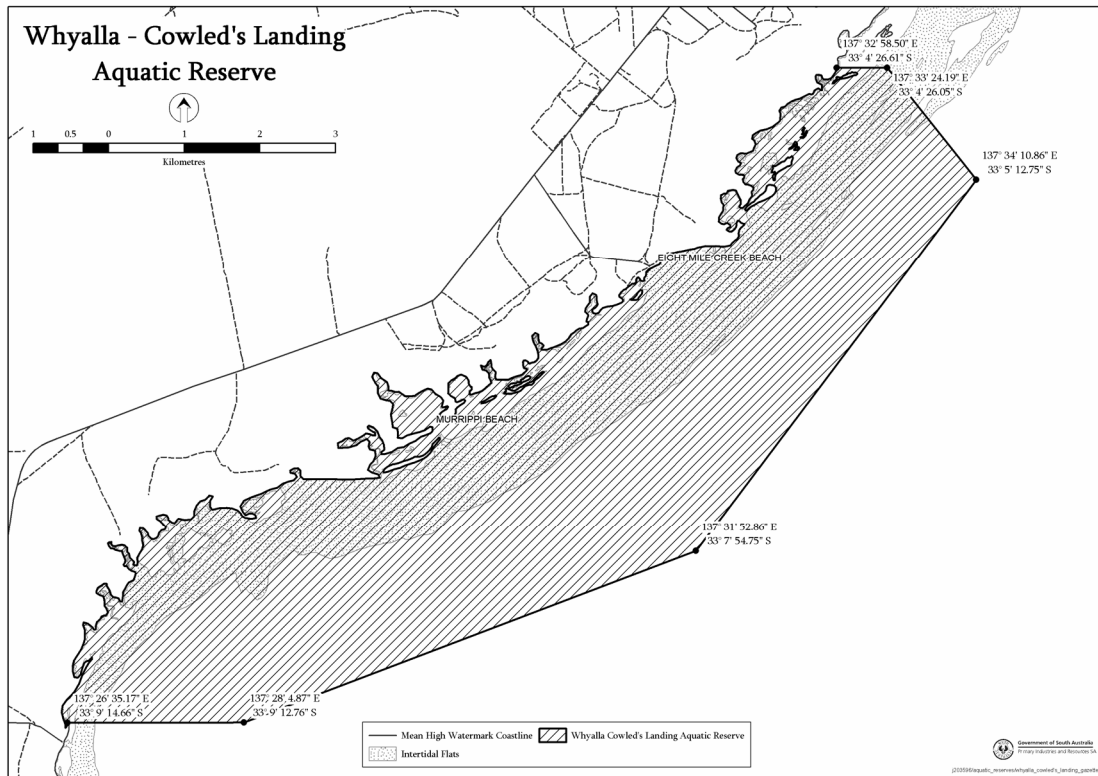
### West Island Encounter Bay Aquatic Reserve

The waters near West Island contained within and bounded by a line commencing at 200 metres seaward of Mean High Water Springs (King Beach) closest to  $35^{\circ}36'02.61''$  South,  $138^{\circ}35'08.34''$  East, then south-easterly to a line 100 metres seaward of Mean High Water Springs (West Island) closest to  $35^{\circ}36'17.90''$  South,  $138^{\circ}35'35.62''$  East, then beginning south-easterly following a line 100 metres seaward of Mean High Water Springs (West Island) to the location closest to  $35^{\circ}36'38.04''$  South,  $138^{\circ}35'20.46''$  East, then north-westerly to a line 200 metres seaward of Mean High Water Springs (King Head) closest to  $35^{\circ}36'24.15''$  South,  $138^{\circ}34'58.14''$  East, then beginning north-easterly following a line 200 metres seaward of Mean High Water Springs to the point of commencement.



**Whyalla—Cowled’s Landing Aquatic Reserve**

The waters of or near Whyalla contained within and bounded by a line commencing at Mean High Water Springs closest to 33°04'26.61" South, 137°32'58.50" East, then easterly to 33°04'26.05" South, 137°33'24.19" East, then south-easterly to 33°05'12.75" South, 137°34'10.86" East, then south-westerly to 33°07'54.75" South, 137°31'52.86" East, then south-westerly to 33°09'12.76" South, 137°28'04.87" East, then westerly to the location on Mean High Water Springs closest to 33°09'14.66" South, 137°26'35.17" East, then generally north-easterly following the line of Mean High Water Springs to the point of commencement.



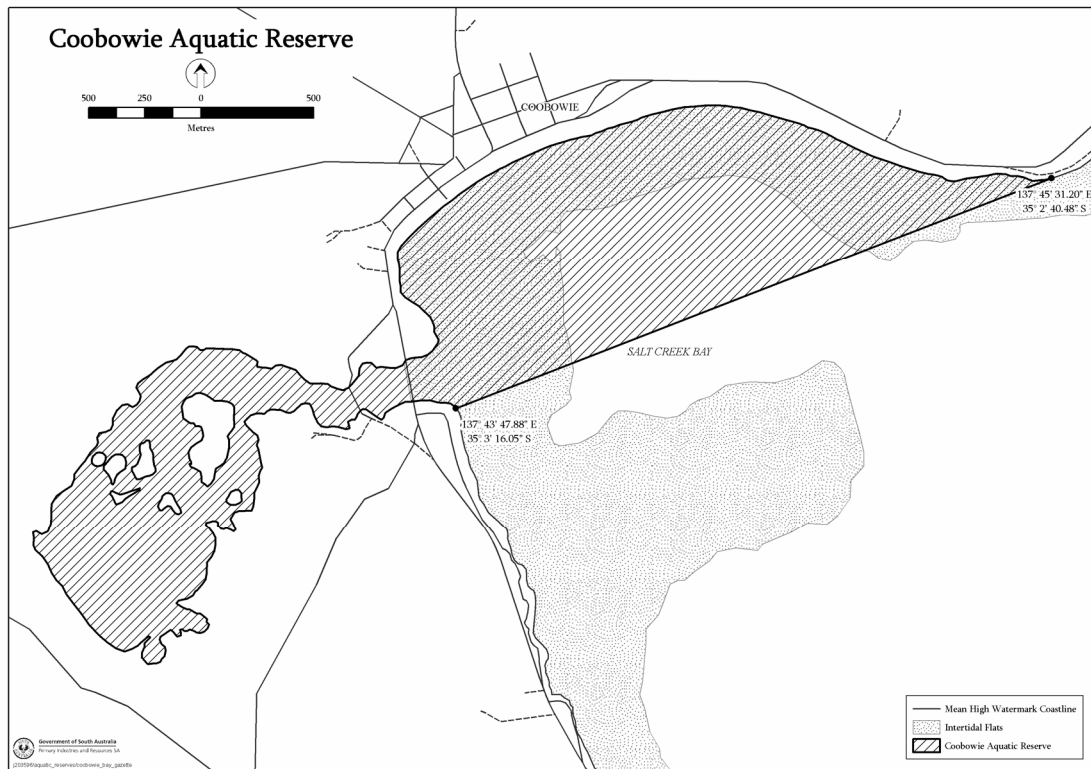
### Yatala Harbour—Upper Spencer Gulf Aquatic Reserve

The waters of or near Yatala Harbor contained within and bounded by a line commencing at Mean High Water Springs closest to 32°43'37.12" South, 137°53'46.83" East, then beginning south-easterly following the line of Mean High Water Springs to the location closest to 32°46'28.46" South, 137°54'16.10" East, then north-westerly to the point of commencement.



## Schedule 2—Coobowie Aquatic Reserve

The waters of or near Salt Creek Bay contained within and bounded by a line commencing at Mean High Water Springs closest to  $35^{\circ}03'16.05''$  South,  $137^{\circ}43'47.88''$  East, then generally easterly following the line of Mean High Water Springs to the location closest to  $35^{\circ}02'40.48''$  South,  $137^{\circ}45'31.20''$  East, then south-westerly to the point of commencement.



### Made by the Governor

with the advice and consent of the Executive Council  
on 29 November 2007

MAFF07/026CS

South Australia

## **Development (Section 37AA) Variation Regulations 2007**

under the *Development Act 1993*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Development Regulations 1993***

- 4 Insertion of regulation 31A  
31A Preliminary advice and agreement—section 37AA
  - 5 Variation of regulation 42—Notification of decision to an applicant (including conditions)
  - 6 Variation of regulation 84—Mining production tenements
  - 7 Revocation of Schedule 11
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Development (Section 37AA) Variation Regulations 2007*.

#### **2—Commencement**

These regulations will come into operation on the day on which section 9 of the *Development (Assessment Procedures) Amendment Act 2007* comes into operation.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Development Regulations 1993***

#### **4—Insertion of regulation 31A**

After regulation 31 insert:

##### **31A—Preliminary advice and agreement—section 37AA**

- (1) In this regulation—

*prescribed body* means a prescribed body under section 37 of the Act.

- (2) An application to a prescribed body for the purposes of section 37AA of the Act—
  - (a) must be made in a form determined by the Minister for the purposes of this regulation (being a form published by the Minister in the Gazette); and
  - (b) must be accompanied by such plans, drawings, specifications or other documents as may be determined by the Minister in publishing a form under paragraph (a).
- (3) For the purposes of section 37AA(2)(c) of the Act, an agreement of a prescribed body—
  - (a) must be in writing endorsed and stamped by the prescribed body; and
  - (b) must be accompanied by such plans, drawings, specifications or other documents submitted under subregulation (2)(b) that are relevant to the agreement, being documents endorsed and stamped by the prescribed body.
- (4) For the purposes of section 37AA(3)(a) of the Act, the prescribed fee is equal to the fee that would be payable under Schedule 6 for a referral to a prescribed body had the application been for development plan consent rather than under section 37AA of the Act.
- (5) If an applicant for development plan consent proposes to rely on an agreement under section 37AA of the Act, the applicant must ensure that the application lodged under regulation 15 is accompanied by copies of the agreement and other documents endorsed and stamped under subregulation (3) (with the number of copies being equal to the number that applies under regulation 15 for the other documents that are required to accompany the application under that regulation).
- (6) If—
  - (a) a relevant authority permits an applicant to vary an applicant under section 39(4) of the Act; and
  - (b) the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body,then the application must (unless withdrawn) be referred to the prescribed body—
  - (c) to obtain a variation to the agreement under section 37AA of the Act; or
  - (d) to obtain a response from the prescribed body for the purposes of section 37 of the Act (and the requirements of that section, and these regulations in relation to such a referral, other than for the payment of a fee under Schedule 6, will then apply).
- (7) If—
  - (a) an application is withdrawn by the applicant; and
  - (b) the applicant sought to rely on an agreement under section 37AA of the Act in connection with the application,

the relevant authority must notify the relevant prescribed body of the withdrawal.

(8) If—

- (a) an application is lapsed by a relevant authority under regulation 22A; and
- (b) the applicant sought to rely on an agreement under section 37AA of the Act in connection with the application,

the relevant authority must notify the relevant prescribed body of the lapsing.

(9) If—

- (a) an applicant seeks to rely on an agreement under section 37AA of the Act in connection with the application; and
- (b) a notice of a decision on the application is issued by the relevant authority under regulation 42,

the relevant authority must send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under regulation 42.

### **5—Variation of regulation 42—Notification of decision to an applicant (including conditions)**

Regulation 42(1)—delete "the form set out in Schedule 11" and substitute:

a form determined by the Minister for the purposes of this regulation (being a form published by the Minister in the Gazette)

### **6—Variation of regulation 84—Mining production tenements**

Regulation 84(3)—delete "provisional"

### **7—Revocation of Schedule 11**

Schedule 11—delete the Schedule

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 268 of 2007

PLN07/0514CS



South Australia

## Harbors and Navigation Variation Regulations 2007

under the *Harbors and Navigation Act 1993*

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### Contents

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### Part 2—Variation of *Harbors and Navigation Regulations 1994*

- 4 Variation of Schedule 3A—Ports
- 

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Harbors and Navigation Variation Regulations 2007*.

#### 2—Commencement

These regulations come into operation on the day on which they are made.

#### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### Part 2—Variation of *Harbors and Navigation Regulations 1994*

#### 4—Variation of Schedule 3A—Ports

Schedule 3A, item relating to Port Adelaide—delete the item and substitute:

##### **Port Adelaide**

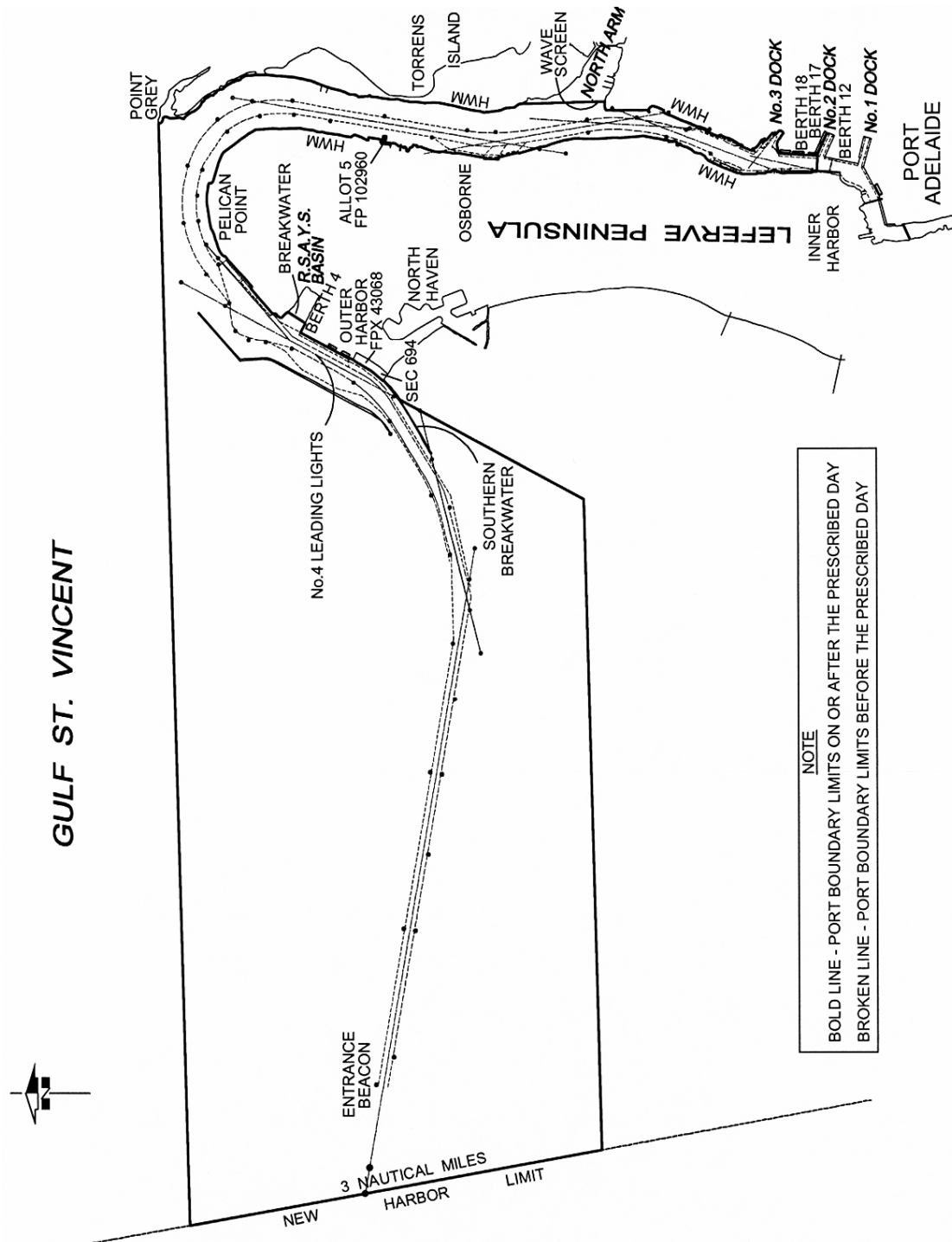
For the purposes of this item, the *prescribed day* is a day to be fixed by the Minister by notice in the Gazette.

The subjacent land underlying, and adjacent land extending from, the waters, rivers, creeks and inlets to the high water mark bounded as follows:

- commencing at Point Grey then due west along a line to its intersection with the western boundary of the harbor of Port Adelaide;
- then generally south south-easterly along the harbor boundary for 3 nautical miles;
- then along a line due east to its intersection with the south-westerly production of the Number 4 Leading Lights;

- then generally north-easterly along the production to its intersection with the high water mark on the southern face of the Southern Breakwater;
- then generally north-easterly along the high water mark to its intersection with the south-western boundary of Section 694 Hundred of Port Adelaide;
- then generally north-westerly along that boundary of Section 694 Hundred of Port Adelaide across the Southern Breakwater to its intersection with the high water mark on the northern face of the Southern Breakwater;
- then generally north-easterly along the high water mark to the northern extremity of Number 4 berth;
- then generally south-easterly along the high water mark to its intersection with the production southerly of the high water mark of the western face of the breakwater at the Royal South Australian Yacht Squadron (RSAYS);
- then generally north-easterly along the production across the RSAYS Basin;
- then generally north-westerly and north-easterly along the high water mark to Pelican Point;
- then generally south-easterly and southerly along the high water mark to its intersection with a line across the Port Adelaide River—
  - before the prescribed day—perpendicular to the high water mark alignment of Number 12 berth commencing at its intersection with a 180 metre radial line from the north west corner of Number 17 berth; or
  - on or after the prescribed day—perpendicular to the southern boundary of Number 18 berth;
- then generally easterly along that perpendicular line across the Port Adelaide River to its intersection with the high water mark;
- then generally north and easterly along the high water mark—
  - before the prescribed day— including Number 2 dock and Number 3 dock; or
  - on or after the prescribed day—including Number 3 dock,to its intersection with the Wave Screen in North Arm;
- then generally northerly along the western face of the Wave Screen and its production to intersect with the high water mark on Torrens Island;
- then generally northerly along the high water mark to the point of commencement at Point Grey;
- and including Portion of Section 694 Hundred of Port Adelaide being the area described as easement E on FPX 43068,

but excluding Allotment 5 FP 102960.



**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 269 of 2007

MTR07/039CS

South Australia

## Road Traffic (Miscellaneous) Variation Regulations 2007

under the *Road Traffic Act 1961*

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### Contents

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

- 4 Variation of Schedule 1A—Prescribed oral advice
- 

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2007*.

#### 2—Commencement

These regulations will come into operation on the day on which they are made.

#### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

#### 4—Variation of Schedule 1A—Prescribed oral advice

Schedule 1A—delete "12" and substitute:

6

#### Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### Made by the Governor

with the advice and consent of the Executive Council  
on 29 November 2007

No 270 of 2007

MTR05/047/CS

South Australia

## Road Traffic (Miscellaneous) Variation Regulations 2007

under the *Road Traffic Act 1961*

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### Contents

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

- 4 Variation of Schedule 9—Expiation fees
- 

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2007*.

#### 2—Commencement

These regulations will come into operation on 17 December 2007.

#### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

#### 4—Variation of Schedule 9—Expiation fees

- (1) Schedule 9, Part 3, item relating to rule 121 of the *Australian Road Rules*—delete "\$223" and substitute:  
\$297
- (2) Schedule 9, Part 3, item relating to rule 122 of the *Australian Road Rules*—delete "\$223" and substitute:  
\$297
- (3) Schedule 9, Part 3, item relating to rule 123 of the *Australian Road Rules*—delete "\$221" and substitute:  
\$297

- (4) Schedule 9, Part 3, item relating to rule 124 of the *Australian Road Rules*—delete "\$183" and substitute:

\$297

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 271 of 2007

MRS07/004

South Australia

## **Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2007**

under the *Liquor Licensing Act 1997*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

- 4 Variation of Schedule 1—Short term dry areas
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2007*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

#### **4—Variation of Schedule 1—Short term dry areas**

Schedule 1, item headed "Port Vincent—Area 1", column headed "Period"—delete "10 p.m. on each day to 8 a.m. on the following day, from 10 p.m. on 24 December 2006 to 8 a.m. on 2 January 2007." and substitute:

10 p.m. on each day to 8 a.m. on the following day, from 10 p.m. on 22 December 2007 to 8 a.m. on 2 January 2008.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 272 of 2007

MCA07/048CS



South Australia

## Fisheries Management (Fish Processors) Regulations 2007

under the *Fisheries Management Act 2007*

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### Contents

1	Short title
2	Commencement
3	Interpretation
4	Persons not required to be registered as fish processors
5	Registration of additional premises etc
6	Written records to be kept
7	Returns
8	Duty to check for undersize fish
9	Delivery of abalone to registered fish processor
10	Delivery of blue crab
11	Delivery of giant crab
12	Delivery, storage and sale of rock lobster
13	Delivery of sardines
14	Delivery of tuna
15	Provision relating to keeping of documents

### Schedule 1—Revocation of *Fisheries (Fish Processors) Regulations 2006*

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#### 1—Short title

These regulations may be cited as the *Fisheries Management (Fish Processors) Regulations 2007*.

#### 2—Commencement

These regulations will come into operation on the day on which Part 6 Division 3 of the *Fisheries Management Act 2007* comes into operation.

#### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Fisheries Management Act 2007*;

*Department* means the administrative unit of the Public Service responsible, through the Minister, for the administration of the Act;

*Marine Scalefish Fishery* has the same meaning as in the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*;

*undersize fish* has the same meaning as in the *Fisheries Management (General) Regulations 2007*.

#### **4—Persons not required to be registered as fish processors**

Pursuant to section 62(2)(c) of the Act, a person who buys and sells aquatic resources without ever taking physical possession of the aquatic resources is not required to be registered as a fish processor.

#### **5—Registration of additional premises etc**

- (1) If a registered fish processor proposes to use for or in connection with processing, storing, transporting or dealing with aquatic resources any premises, place, boat or vehicle that is not specified in his or her certificate of registration, he or she must lodge with the Minister an application to have the additional premises, place, boat or vehicle so specified.
- (2) An application under subregulation (1) must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicant and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.

#### **6—Written records to be kept**

- (1) A fish processor must keep a separate written record for each of the premises, places, boats or vehicles used by the fish processor for, or in connection with, the processing, storage or transport of, or dealing with, aquatic resources.
- (2) A written record must contain the following information in relation to each consignment or batch of aquatic resources received for storage, processing or transport, or for dealing with, at or by the premises, place, boat or vehicle:
  - (a) the name and address of the person from whom the aquatic resources were purchased or obtained;
  - (b) if the person from whom the aquatic resources were purchased or obtained is the holder of a fishery licence or permit—the person's licence or permit number;
  - (c) the date on which the aquatic resources were purchased or obtained;
  - (d) the species of aquatic resource and, for each species, the quantity of and price (if any) paid for the aquatic resource;
  - (e) if any of the aquatic resources are undersize fish—the species of fish and, for each species, the quantity of the fish.
- (3) The information required under this regulation must be entered—
  - (a) immediately after the aquatic resources were purchased or obtained in a book or register the pages of which are numbered consecutively; and
  - (b) in the order in which the transactions to which the information relates occurred; and
  - (c) so that each entry is made immediately below the previous entry and each page of the book or register is filled before an entry is made on the next page.

- (4) The records made in accordance with this regulation must be kept—
  - (a) for 12 months after the aquatic resources to which they relate were purchased or obtained by the fish processor; and
  - (b) at or in the premises, place, boat or vehicle to which they relate, or, if the Minister specifies some other place for that purpose in the fish processor's certificate of registration, that place.
- (5) A person who contravenes or fails to comply with this regulation is guilty of an offence.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (6) The holder of a fishery authority or aquaculture licence is not required to comply with this regulation in relation to aquatic resources taken or farmed under the fishery authority or aquaculture licence.

### **7—Returns**

- (1) A registered fish processor must lodge with the Minister within 21 days of the end of each month returns in respect of the sale, purchase, processing, storage and movement of aquatic resources carried out during the month.
- (2) The returns must—
  - (a) be in a form approved by the Minister; and
  - (b) be signed by or on behalf of the registered fish processor and completed in accordance with the instructions contained in the form; and
  - (c) contain such information relating to the sale, purchase, processing, storage and movement of aquatic resources carried out during the month as the Minister requires.
- (3) The holder of a fishery authority or aquaculture licence is only required to comply with this regulation in relation to aquatic resources sold or delivered to an unregistered fish processor.
- (4) A person who contravenes or fails to comply with this regulation is guilty of an offence.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.

### **8—Duty to check for undersize fish**

- (1) A registered fish processor must, as soon as possible after a consignment of aquatic resources is delivered to the processor, take all reasonable steps to check for the presence of undersize fish in the consignment.  
Maximum penalty: \$2 500.
- (2) If a registered fish processor finds undersize fish in a consignment, he or she must immediately render the undersize fish unsuitable for sale or consumption and dispose of them as waste material.  
Maximum penalty: \$2 500.
- (3) If, in proceedings for an offence against subregulation (1), it is proved that undersize fish were found in the possession of a registered fish processor, the registered fish processor will be taken, in the absence of proof to the contrary, to have failed to comply with subregulation (1).

## 9—Delivery of abalone to registered fish processor

- (1) In this regulation—

**CDR1 form** means the document produced from time to time by the Department entitled *CDR1 Department of Primary Industries (Fisheries) Abalone Catch and Disposal Record* properly completed by the person who took the abalone.

- (2) Unless the contrary intention appears, terms used in this regulation that are defined in the *Fisheries Management (Abalone Fisheries) Regulations 2006* have the same respective meanings as in those regulations.
- (3) A registered fish processor must not purchase or obtain abalone from—
- the holder of a fishery licence or permit that entitles the holder of the licence or permit to take abalone; or
  - the agent of such a licence or permit holder,
- unless a CDR1 form in respect of the abalone is delivered with the abalone.
- (4) If a registered fish processor has taken delivery of the abalone and the CDR1 form, he or she must—
- immediately weigh the abalone; and
  - immediately complete the certificate contained in Part B of the form; and
  - within 7 days of taking delivery of the abalone to which the form relates, deliver, or cause to be delivered, the completed form to the Minister.
- (5) If whole abalone purchased or obtained by a registered fish processor from the holder of a licence or permit in respect of the Western Zone Abalone Fishery or the agent of such a licence or permit holder is to be sold without the shell, the registered fish processor must—
- shuck the abalone within 12 hours of taking delivery of the abalone and the CDR1 form; and
  - within 6 hours of shucking the abalone, weigh the shucked abalone meat and record the weight on the form.
- (6) A person who contravenes or fails to comply with this regulation is guilty of an offence.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.

## 10—Delivery of blue crab

- (1) In this regulation—

**BSCF1 form** means the document produced from time to time by the Department entitled *BSCF1 Primary Industries (SA) Fisheries Blue Crab Catch and Disposal Record* properly completed by the person who took the blue crab.

- (2) Unless the contrary intention appears, terms used in this regulation that are defined in the *Fisheries Management (Blue Crab Fishery) Regulations 1998* have the same respective meanings as in those regulations.

- (3) A registered fish processor who purchases or obtains blue crab from—
- (a) the holder of a licence or permit in respect of the Blue Crab Fishery; or
  - (b) the holder of a licence in respect of the Marine Scalefish Fishery that is subject to a condition fixing a blue crab quota entitlement; or
  - (c) an agent of the holder of a licence or permit referred to in paragraph (a) or (b),
- must—
- (d) on taking delivery of the blue crab—
    - (i) immediately weigh the blue crab; and
    - (ii) immediately complete the certificate contained in Part B of a BSCF1 form in respect of the blue crab; and
  - (e) within 24 hours of taking delivery of the blue crab to which the form relates, deliver, or cause to be delivered, the completed form to the Minister.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## 11—Delivery of giant crab

- (1) In this regulation—

**GC-CDR form** means the form produced from time to time by the Department entitled *Giant Crab Catch and Disposal Record* properly completed by the person who took the giant crab;

**Miscellaneous Fishery** has the same meaning as in the *Fisheries Management (Miscellaneous Fishery) Regulations 2000*.

- (2) Unless the contrary intention appears, terms used in this regulation that are defined in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006* have the same respective meanings as in those regulations.

- (3) If—

- (a) a registered fish processor purchases or obtains giant crab from—
  - (i) the holder of a licence or permit in respect of the Miscellaneous Fishery or a rock lobster fishery; or
  - (ii) the agent of the holder of a licence or permit referred to in subparagraph (i); and
- (b) a GC-CDR form in respect of the giant crab is produced to the fish processor on delivery of the giant crab,

the fish processor must—

- (c) on taking delivery—
  - (i) immediately weigh the giant crab; and
  - (ii) immediately complete the certificate contained in Part B of that GC-CDR form in respect of the giant crab; and

- (d) within 24 hours of taking delivery of the giant crab to which the form relates, deliver, or cause to be delivered, the completed form to the Minister.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## 12—Delivery, storage and sale of rock lobster

- (1) In this regulation—

*approved* means approved by the Minister;

*NZRL-CDR form* means the form produced from time to time by the Department entitled *Northern Zone Rock Lobster Catch and Disposal Record*;

*RLSTF book* means the document issued by the Department containing blank RLSTF forms;

*RLSTF form* means the form produced from time to time by the Department entitled *Rock Lobster Sales and Transfer Form*;

*SZRL2 form* means the form produced from time to time by the Department entitled *SZRL2 Primary Industries (SA)—Fisheries Rock Lobster Purchase Record*.

- (2) Unless the contrary intention appears, terms used in this regulation that are defined in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006* have the same respective meanings as in those regulations.
- (3) A registered fish processor who purchases or obtains rock lobster from—
- the holder of a licence or permit in respect of the Northern Zone Rock Lobster Fishery; or
  - an agent of the holder of such a licence or permit; or
  - another registered fish processor who purchased or obtained the rock lobster from a person referred to in paragraph (a) or (b),

must not accept delivery of the rock lobster unless—

- the rock lobster is delivered to the registered fish processor in bins of an approved kind each of which is sealed with a tag of an approved kind; and
- the white, blue and green copies of Parts B and C of the NZRL-CDR form completed in respect of the rock lobster are delivered to the fish processor with the rock lobster.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) A registered fish processor who purchases or obtains rock lobster from a person referred to in subregulation (3) must—
- immediately on taking delivery of the rock lobster at premises (or a vehicle) specified on the certificate of registration of the fish processor, weigh the sealed bins containing the rock lobster and complete the certificate in Part C of the NZRL-CDR form relating to the rock lobster; and
  - within 2 hours of the rock lobster being received at premises specified on the certificate of registration of the fish processor, transmit the completed NZRL-CDR form by fax transmission to a fax number nominated by the Minister for the purposes of this paragraph; and

- (c) within 48 hours of taking delivery of the rock lobster, deliver or cause to be delivered, the green copy of Parts B and C of the NZRL-CDR form completed in respect of the rock lobster to the holder of the licence or permit pursuant to which the rock lobster were taken; and
- (d) within 48 hours of completing the certificate, deliver or cause to be delivered, the white copy of the completed NZRL-CDR form to the Minister at an address nominated by the Minister for the purposes of this paragraph.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (5) If a registered fish processor who purchases or obtains rock lobster from a person referred to in subregulation (3)—
- (a) sells the rock lobster to any person; or
  - (b) transfers the rock lobster to a different place, premises, boat or vehicle for storage at that place, premises, boat or vehicle,

the registered fish processor must—

- (c) immediately weigh the rock lobster and complete a RLSTF form in respect of the rock lobster; and
- (d) within 2 hours of completing the form, transmit the completed form by fax transmission to a fax number nominated by the Minister for the purposes of this paragraph; and
- (e) within 48 hours of completing the form, deliver, or cause to be delivered, the completed form to the Minister at an address nominated by the Minister for the purposes of this paragraph; and
- (f) ensure that the blue copy of the completed form is kept with the rock lobster to which the form relates at all times while the rock lobster is being transported; and
- (g) ensure that the yellow copy of the completed form remains in the RLSTF book.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (6) A registered fish processor who purchases or obtains rock lobster from—
- (a) the holder of a licence or permit in respect of the Southern Zone Rock Lobster Fishery; or
  - (b) the agent of the holder of such a licence or permit; or
  - (c) another registered fish processor who purchased or obtained the rock lobster from a person referred to in paragraph (a) or (b),

must—

- (d) on taking delivery of the rock lobster, immediately weigh the rock lobster and complete a SZRL2 form in respect of the rock lobster; and
- (e) within 24 hours of taking delivery of the rock lobster, deliver, or cause to be delivered, the completed form to the Minister.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (7) If a registered fish processor who has purchased or obtained rock lobster from a person referred to in subregulation (6)—
- (a) sells the rock lobster to any person; or
  - (b) transfers the rock lobster to a different place, premises, boat or vehicle for storage at that place, premises, boat or vehicle,
- the registered fish processor must—
- (c) immediately weigh the rock lobster and complete a RLSTF form in respect of the rock lobster; and
  - (d) within 24 hours of the sale or transfer of the rock lobster, deliver, or cause to be delivered, the completed form to the Minister.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (8) If the provisions of this regulation require the completion of Parts A and C, or Parts B and C, of a NZRL-CDR form, the person who completes Part A or Part B (as the case requires) must not be the same person as the person who completes Part C of the form.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (9) A registered fish processor must keep the following documents for a period of 7 years:
- (a) the blue copies of all NZRL-CDR forms completed by the registered fish processor;
  - (b) RLSTF books containing the yellow copies of all RLSTF forms completed by the registered fish processor.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### 13—Delivery of sardines

- (1) In this regulation—

**PF-CDR form** means the document produced from time to time by the Department entitled *PFCDR Primary Industries (SA) Fisheries Sardines Catch and Disposal Record* properly completed by the person who took the sardines;

**PFTF form** means the document produced from time to time by the Department entitled *Sardine Fishery Transit Form* properly completed by the person who took the sardines.

- (2) Unless the contrary intention appears, terms used in this regulation that are defined in the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* have the same respective meanings as in those regulations.

- (3) If—

- (a) a registered fish processor purchases or obtains sardines from—
  - (i) the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a sardine quota entitlement; or
  - (ii) an agent of the holder of a licence referred to in subparagraph (i); and
- (b) the sardines are consigned to the registered fish processor when the sardines are unloaded from the registered boat from which they were taken; and



- (c) the sardines are to be transported to the registered premises of the registered fish processor by 2 or more vehicles,

the registered fish processor must, before the vehicles depart for the registered premises, complete Part B of a PFTF form in respect of each vehicle other than the vehicle in which sardines are to be transported together with a PF-CDR form in respect of the sardines.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) A registered fish processor who purchases or obtains sardines from a person referred to in subregulation (3)(a)(i) or (ii) must—
  - (a) on delivery of the sardines to the registered premises of the registered fish processor—
    - (i) immediately weigh the sardines; and
    - (ii) immediately complete the certificate contained in Part B of a PF-CDR form in respect of the sardines; and
  - (b) within 7 days of taking delivery of the sardines to which the PF-CDR form relates, deliver, or cause to be delivered, the completed form to the Minister.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (5) A registered fish processor must keep the blue copies of all PF-CDR forms completed by the registered fish processor for a period of 7 years.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## 14—Delivery of tuna

- (1) In this regulation—

*AFMA* means the Australian Fisheries Management Authority established by the *Fisheries Administration Act 1991* of the Commonwealth;

*CR3 form* means the yellow copy of a document produced from time to time by AFMA entitled *CR3—Record of Southern Bluefin Tuna (SBT) Taken* properly completed by the person who took the tuna;

*tuna* means Southern Bluefin Tuna (*Thunnus maccoyii*).

- (2) A registered fish processor must not purchase or obtain tuna for processing from a boat authorised to take tuna unless a CR3 form in respect of all of the tuna from the boat is delivered together with the tuna.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) On receiving a CR3 form under subregulation (2), the registered fish processor must—
  - (a) immediately complete the certificate contained in the form; and

- (b) on or before the Monday next following after the day on which delivery of the tuna to which the form relates was taken, deliver, or cause to be delivered, the completed form to the Minister or AFMA.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **15—Provision relating to keeping of documents**

A registered fish processor required by these regulations to keep a document for a period of time must ensure that the document—

- (a) is maintained in a good condition and is legible; and  
(b) is kept in a readily accessible place; and  
(c) is produced for inspection by a fisheries officer on request.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## **Schedule 1—Revocation of *Fisheries (Fish Processors) Regulations 2006***

The *Fisheries (Fish Processors) Regulations 2006* are revoked.

### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 273 of 2007

MAFF07/017CS

South Australia

## **Fisheries Management (Vessel Monitoring Scheme) Regulations 2007**

under the *Fisheries Management Act 2007*

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### **Schedule 1—Revocation of *Fisheries (Vessel Monitoring Scheme) Regulations 2003***

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#### **1—Short title**

These regulations may be cited as the *Fisheries Management (Vessel Monitoring Scheme) Regulations 2007*.

#### **2—Commencement**

These regulations will come into operation on the day on which Part 6 Division 1 of the *Fisheries Management Act 2007* comes into operation.

#### **3—Interpretation**

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

*Act* means the *Fisheries Management Act 2007*;

*approved* means approved by the Minister under these regulations;

*fishing season*—

- (a) in relation to the Marine Scalefish Fishery—means the period commencing on 1 January in any year and ending on 31 December in the same year;
- (b) in relation to the Miscellaneous Fishery—means the period commencing on 1 October in any year and ending on 31 May in the following year;
- (c) in relation to the Northern Zone Rock Lobster Fishery—means the period commencing on 1 November in any year and ending on 31 May in the following year;

- (d) in relation to the Southern Zone Rock Lobster Fishery—means the period commencing on 1 October in any year and ending on 31 May in the following year;

**Inmarsat-C** means the Inmarsat-C satellite system;

**operating**, in relation to a VMS unit fitted to a boat, means that the unit is capable of—

- (a) transmitting the geographical position and course of the boat as required; and  
(b) receiving and accurately responding to electronic data;

**prescribed fishing activity**—

- (a) in relation to a fishery authority in respect of the Marine Scalefish Fishery—means the taking of sardines in coastal waters for a commercial purpose;  
(b) in relation to a fishery authority in respect of the Miscellaneous Fishery—means the taking of giant crab in a giant crab fishing zone for a commercial purpose;  
(c) in relation to a fishery authority in respect of the Northern Zone Rock Lobster Fishery—means the taking of rock lobster in the Northern Zone for a commercial purpose;  
(d) in relation to a fishery authority in respect of the Southern Zone Rock Lobster Fishery—means the taking of rock lobster in the Southern Zone for a commercial purpose;

**registered boat** means—

- (a) a registered boat used under a fishery authority in respect of the Marine Scalefish Fishery subject to a condition fixing a sardine quota entitlement; or  
(b) a registered boat used under a fishery authority in respect of the Miscellaneous Fishery subject to a condition fixing a giant crab quota entitlement; or  
(c) a registered boat used under a fishery authority in respect of the Northern Zone Rock Lobster Fishery; or  
(d) a registered boat used under—  
(i) a fishery authority in respect of the Southern Zone Rock Lobster Fishery; and  
(ii) a Victorian licence;

**satellite communication system** means a communication system designed for receiving and transmitting data via satellites and earth stations;

**sleep mode**, in relation to a VMS unit, means a standby mode in which the unit is only capable of operating at specified intervals;

**system**, in relation to a vessel monitoring system, includes component subsystems of—

- (a) power supply; and  
(b) communication hardware and software located at base stations and fitted on boats; and  
(c) communication service provider;

**vessel monitoring system** or **VMS** means a navigational measuring system that—

- (a) determines the geographical position and course of a boat; and  
(b) is capable of transmitting that information via a satellite communication system;

**VMS administrator** means the person for the time being designated by the Minister by notice published in the Gazette as the VMS administrator for the purposes of these regulations;

**VMS unit** means that component of a vessel monitoring system known as an automatic location communicator.

- (2) In these regulations—
- (a) **coastal waters, sardine, sardine net, sardine quota entitlement** and **Marine Scalefish Fishery** have the same respective meanings as in the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*;
  - (b) **giant crab, giant crab fishing zone, giant crab quota entitlement** and **Miscellaneous Fishery** have the same respective meanings as in the *Fisheries Management (Miscellaneous Fishery) Regulations 2000*;
  - (c) **Northern Zone, Northern Zone Rock Lobster Fishery, Southern Zone, Southern Zone Rock Lobster Fishery** and **Victorian licence** have the same respective meanings as in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*;
  - (d) a reference to **using a boat** for the purpose of engaging in a prescribed fishing activity includes a reference to using a boat for the purpose of engaging in an act preparatory to, or involved in, a prescribed fishing activity.
- (3) The Minister may, by notice published in the Gazette, approve or revoke an approval of—
- (a) a VMS unit; or
  - (b) a person as an installer of approved VMS units,
- for the purposes of these regulations.

#### 4—Requirement to install VMS unit

- (1) The registered owner of a registered boat must ensure that the boat is fitted with an approved VMS unit installed by an approved installer.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (2) If a registered boat to which an approved VMS unit is fitted is used to take sardines under a fishery authority in respect of the Marine Scalefish Fishery subject to a condition fixing a sardine quota entitlement, the registered owner of the boat must ensure that a personal computer or data terminal capable of sending and receiving email via Inmarsat-C is connected to the VMS unit.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (3) This regulation does not apply in relation to a registered boat that is only used for 1 or both of the following purposes:
- (a) the transportation of persons, fish or devices to or from another registered boat;
  - (b) the setting of sardine nets.

### **5—Requirement to ensure operation of VMS unit during fishing season**

- (1) The registered owner of a registered boat to which an approved VMS unit is fitted must ensure that the VMS unit is operating at all times during a fishing season.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (2) If a personal computer or data terminal is connected to a VMS unit fitted to a registered boat, the registered owner of the boat must ensure that, at all times while the VMS unit is in operation, the personal computer or data terminal is operating and able to send and receive email via Inmarsat-C.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (3) The registered owner of the registered boat must take reasonable measures to ensure that, if the VMS unit, or a personal computer or data terminal connected to the VMS unit, ceases to operate, he or she is made aware of that fact.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (4) The registered owner of the registered boat must, immediately after becoming aware that the VMS unit has ceased to operate, notify the Minister of that fact.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (5) This regulation does not apply to the registered owner of the registered boat while there is in force an approval under regulation 6 for the VMS unit to be switched off or in sleep mode.

### **6—Approval for VMS unit to be switched off or placed in sleep mode**

- (1) The registered owner of a registered boat to which an approved VMS unit is fitted may, with the written approval of the Minister, cease to operate the VMS unit by switching off the VMS unit or placing the VMS unit in sleep mode.
- (2) If a VMS unit is switched off or placed in sleep mode under subregulation (1), a personal computer or data terminal connected to the VMS unit may be switched off.
- (3) An approval under this regulation—
  - (a) is subject to—
    - (i) a condition that the registered owner of the registered boat must not, while the VMS unit is switched off or in sleep mode, use the boat for the purpose of engaging in a prescribed fishing activity; and
    - (ii) such other conditions (if any) as are specified in the approval; and
  - (b) expires at the end of the period specified in the approval.
- (4) If a condition of an approval under this regulation is contravened or not complied with, the registered owner of the registered boat is guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

- (5) If a condition of an approval under this regulation is contravened or not complied with, the Minister may, by notice given to the registered owner of the registered boat, revoke the approval.
- (6) Notice of the revocation of an approval may be given in any manner that the Minister considers appropriate (but must, if not given in writing, be confirmed in writing).
- (7) If the VMS unit fitted to a registered boat has been switched off or placed in sleep mode, the registered owner of the boat must, before using the boat for the purpose of engaging in a prescribed fishing activity, ensure that—
  - (a) the VMS unit has been switched on; and
  - (b) the operation of the VMS unit has been tested; and
  - (c) the VMS administrator has confirmed that the VMS unit is operating.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (8) If—
  - (a) the VMS unit fitted to a registered boat has been switched off or placed in sleep mode; and
  - (b) a personal computer or data terminal connected to the VMS unit has been switched off,the registered owner of the boat must, before using the boat for the purpose of engaging in a prescribed fishing activity, ensure that—
  - (c) the personal computer or data terminal is switched on; and
  - (d) the ability of the personal computer or data terminal to send and receive email via Inmarsat-C has been tested; and
  - (e) the VMS administrator has confirmed that the personal computer or data terminal is able to send and receive email via Inmarsat-C.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **7—Requirement to test and confirm operation of VMS unit following servicing or repairing of boat**

If a registered boat to which an approved VMS unit is fitted undergoes servicing or repairs while the VMS unit is switched on, the registered owner of the boat must, before using the boat for the purpose of engaging in a prescribed fishing activity, ensure that—

- (a) the operation of the VMS unit has been tested; and
- (b) the VMS administrator has confirmed that the VMS unit is operating.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **8—Power of Minister to require modification or replacement of VMS unit**

- (1) The Minister may, by notice in writing given to the registered owner of a registered boat to which an approved VMS unit is fitted, require the registered owner to modify or replace the VMS unit within a specified period (being a period that is not less than 90 days from the date on which the notice is given).

- (2) The registered owner of a registered boat to whom a notice is given under subregulation (1) must not fail to comply with the requirements of the notice.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **9—VMS unit not to be installed, serviced, repaired etc except by approved installer**

- (1) A person other than an approved installer must not—
- (a) install a VMS unit on a registered boat; or
  - (b) attach a seal to a VMS unit fitted to a registered boat; or
  - (c) service or repair a VMS unit fitted to a registered boat; or
  - (d) remove or interfere with—
    - (i) a VMS unit fitted to a registered boat; or
    - (ii) a seal on a VMS unit fitted to a registered boat.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) If subregulation (1) is contravened, the registered owner of the registered boat is guilty of an offence unless he or she proves that the contravention did not result from any failure on his or her part to take all reasonable and practicable measures to prevent the contravention.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The Minister, a fisheries officer or the VMS administrator may give directions with respect to the testing, servicing or repair of an approved VMS unit fitted to a registered boat to an approved installer or to the registered master or registered owner of the boat.
- (4) Subregulation (1) does not apply in relation to anything done in compliance with a direction given by the Minister, a fisheries officer or the VMS administrator under this regulation.

### **10—Requirement to ensure alternative means of communication with boat**

- (1) The registered owner of a registered boat to which an approved VMS unit is fitted must ensure that—
- (a) there is on the boat a radio, telephone or other means of instantaneous electronic communication (*alternative means of communication*) capable of providing communication between the boat's crew and a fisheries officer or the VMS administrator at all times during a fishing season; and
  - (b) the Minister is notified in writing of the call sign or other identifier that enables the boat's crew to be contacted by the alternative means of communication on the boat; and
  - (c) the Minister is provided in writing with the name and contact details of a person (the *nominated contact person*) that the Minister may contact if the Minister has reason to believe that the VMS unit has ceased to operate or that the boat's crew cannot be contacted directly by a fisheries officer or the VMS administrator; and
  - (d) the alternative means of communication on the boat is operating at all times during a fishing season; and



- (e) any direction given by a fisheries officer or the VMS administrator in respect of the alternative means of communication on the boat is complied with.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The registered owner of the registered boat must, within 14 days of any change in the name or contact details of the nominated contact person, notify the Minister in writing of the new name or contact details, as the case may require.

Maximum penalty: \$250.

Expiation fee: \$80.

- (3) If—

- (a) the VMS administrator has reason to believe that a VMS unit fitted to a registered boat has ceased to operate; and
- (b) the VMS administrator is unable to contact the boat's crew,

the VMS administrator may notify the nominated contact person that the VMS unit is not operating.

- (4) If the VMS administrator notifies the nominated contact person for a registered boat that the VMS unit fitted to the boat is not operating, the person must immediately inform the registered master of the boat by the alternative means of communication on the boat that the VMS unit is not operating.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) It is a defence in proceedings for an offence against subregulation (4) for the defendant to prove that communication using the alternative means of communication on a boat was not able to be carried out because of a systems failure beyond the control of any person.

### **11—Power of Minister to require manual reporting of vessel data etc**

- (1) If the Minister is notified or becomes aware that the VMS unit fitted to a registered boat has ceased to operate, the Minister may give the registered owner or registered master of the boat such directions as the Minister considers necessary to ensure that the activities of the boat are able to be monitored.
- (2) Without limiting subregulation (1), the directions may include directions—
  - (a) requiring the geographical position and course of the boat to be notified to a fisheries officer at specified intervals during a specified period by the alternative means of communication on the boat;
  - (b) requiring the boat to be moved to a specified port.
- (3) Directions given under this regulation may be given in such manner as the Minister considers appropriate (but must, if not given in writing, be confirmed in writing).

### **12—Requirement to comply with directions**

A person must not, without reasonable excuse, fail to comply with any directions given to the person by the Minister, a fisheries officer or the VMS administrator under these regulations.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **Schedule 1—Revocation of *Fisheries (Vessel Monitoring Scheme) Regulations 2003***

The *Fisheries (Vessel Monitoring Scheme) Regulations 2003* are revoked.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 274 of 2007

MAFF07/017CS

South Australia

## **Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Revocation Regulations 2007**

under the *Fisheries Management Act 2007*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement

#### **Part 2—Revocation of *Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 2000***

- 3 Revocation of regulations
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Revocation Regulations 2007*.

#### **2—Commencement**

These regulations will come into operation on the day on which Schedule 1 Part 1 of the *Fisheries Management Act 2007* comes into operation.

### **Part 2—Revocation of *Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 2000***

#### **3—Revocation of regulations**

The *Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 2000* are revoked.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 275 of 2007

MAFF07/017CS

South Australia

## Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Regulations 2007

under the *Primary Industry Funding Schemes Act 1998*

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### Contents

1	Short title
2	Commencement
3	Interpretation
4	South Australian Grape Growers Industry Fund
5	Contributions for grapes delivered during prescribed periods
6	Refunds of contributions
7	Application of Fund
8	Exclusion from benefits of person in default in relation to contributions
9	False or misleading statements

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### 1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Regulations 2007*.

### 2—Commencement

These regulations come into operation on the day on which they are made.

### 3—Interpretation

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

*Act* means the *Primary Industry Funding Schemes Act 1998*;

*default* in relation to contributions to the Fund—see subregulation (2);

*delivery*—see subregulation (3);

*Fund*—see regulation 4;

*prescribed period* means each of the following periods:

- (a) the day on which these regulations come into operation to 31 May 2008;
- (b) 1 June 2008 to 31 May 2009;
- (c) 1 June 2009 to 31 May 2010;
- (d) 1 June 2010 to 31 May 2011;
- (e) 1 June 2011 to 31 May 2012;

*SA grape grower* means a person who grows SA grapes and who is not a SA winemaker;

*SA grapes* means any variety of grapes grown in this State and used or intended to be used for wine;

**SA winemaker** means a person who carries on a business of making wine and who processes SA grapes for that purpose.

- (2) A person is in **default** in relation to contributions to the Fund if, within the immediately preceding 2 years—
  - (a) all or some of the contributions payable to the Fund by the person have not been paid; or
  - (b) the person has been refunded contributions from the Fund.
- (3) For the purposes of these regulations, grapes will be taken to be **delivered** to a winemaker when the winemaker takes possession of the grapes.

#### **4—South Australian Grape Growers Industry Fund**

- (1) The South Australian Grape Growers Industry Fund (the **Fund**) is established.
- (2) The Fund will be administered by the Minister.
- (3) The Fund consists of—
  - (a) contributions paid or collected in accordance with these regulations; and
  - (b) income of the Fund from investment; and
  - (c) any other sums received by the Minister for payment into the Fund.

#### **5—Contributions for grapes delivered during prescribed periods**

- (1) Contributions are payable by a SA grape grower to the Minister for payment into the Fund as follows:
  - (a) a contribution is payable on or before the last day of the month that immediately follows a prescribed period;
  - (b) the contribution is \$1 for each tonne of the grower's SA grapes delivered to a SA winemaker during the prescribed period (rounded down to the nearest tonne of grapes).
- (2) Contributions payable by a SA grape grower must be paid on behalf of the grower by the SA winemaker who purchases the grapes out of the amount payable by the winemaker to the grower for the grapes.
- (3) A SA winemaker must—
  - (a) keep proper records relating to the tonnage of SA grapes delivered to the winemaker, the growers of those grapes and the contributions required to be made on behalf of growers in respect of those grapes; and
  - (b) make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose.
- (4) A SA winemaker must, on or before the last day of the month that immediately follows a prescribed period—
  - (a) furnish the Minister with a financial statement relating to the contributions payable for SA grapes delivered during that prescribed period that—
    - (i) is in the form, and contains the information, required by the Minister; and
    - (ii) is, if the person has the necessary equipment, in an electronic form acceptable to the Minister; and

- (b) forward to the Minister, with the financial statement required by paragraph (a), the required contributions on behalf of SA grape growers for SA grapes delivered during the prescribed period to which the financial statement relates.

## **6—Refunds of contributions**

- (1) Refunds of contributions paid on behalf of a grower in respect of SA grapes delivered during a prescribed period may be claimed by the grower by notice in writing to the Minister within the 12 months following that prescribed period.
- (2) A person claiming a refund under this regulation must supply the Minister with evidence acceptable to the Minister of the contributions made by or on behalf of the claimant in respect of which the claim for refund is made.
- (3) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest on that amount calculated at the short term interest rate (as published by the Reserve Bank of Australia for the preceding financial year) on a monthly basis for the number of whole months in the period commencing on the date of payment of the contributions and ending on the date of the refund.

## **7—Application of Fund**

The Fund may be applied by the Minister for any of the following purposes:

- (a) payments to a body that, in the opinion of the Minister, represents SA grape growers for 1 or more of the following purposes:
  - (i) the reasonable operating and management expenses of the body;
  - (ii) promoting SA grape growers;
  - (iii) undertaking or facilitating research and development, or the collection and dissemination to SA winemakers and SA grape growers of information, relevant to SA grape growers and, in particular, to the improvement of industry practices;
  - (iv) fees for affiliation of the body with regional, State or national bodies representing or promoting the interests of grape growers;
  - (v) programs designed to encourage communication and cooperation between SA winemakers and SA grape growers;
  - (vi) other purposes of the body;
- (b) payments for other purposes for the benefit of SA grape growers;
- (c) payment of the expenses of administering the Fund;
- (d) payments to the Consolidated Account or a special deposit account established under section 8 of the *Public Finance and Audit Act 1987* of amounts in accordance with an agreement entered into between the Minister and a body to which payments may be made under paragraph (a), being repayments of an amount advanced to that body under the agreement;
- (e) repayment of contributions to the Fund under regulation 6.

## **8—Exclusion from benefits of person in default in relation to contributions**

A person who is in default in relation to contributions to the Fund is not entitled to receive direct benefits or services funded by payments from the Fund.

**9—False or misleading statements**

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, for the purposes of these regulations.

Maximum penalty: \$5 000.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

following compliance by the Minister with section 4(2) of the Act and with the advice and consent of the Executive Council  
on 29 November 2007

No 276 of 2007

MAFF07/018CS

South Australia

## Development (Brush Fences) Variation Regulations 2007

under the *Development Act 1993*

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### Contents

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### Part 2—Variation of *Development Regulations 1993*

- 4 Variation of regulation 5—Application of Act
  - 5 Insertion of regulation 76C  
76C Fire safety requirements—Brush fences
  - 6 Insertion of Schedule 1A  
Schedule 1A—Development that does not require development plan consent
    - 1 Preliminary
    - 2 Brush fences
  - 7 Variation of Schedule 3—Acts and activities which are not development
  - 8 Variation of Schedule 3A—Colonel Light Gardens State Heritage Area
  - 9 Variation of Schedule 4—Complying development
  - 10 Variation of Schedule 5—Requirements as to plans and specifications
- 

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Development (Brush Fences) Variation Regulations 2007*.

#### 2—Commencement

These regulations come into operation on the day on which they are made.

#### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### Part 2—Variation of *Development Regulations 1993*

#### 4—Variation of regulation 5—Application of Act

Regulation 5—after subregulation (1) insert:

- (1a) Pursuant to section 7(3) of the Act, section 33(1)(a) of the Act does not apply to development if, or to the extent to which, the development constitutes development within the ambit of Schedule 1A.



## 5—Insertion of regulation 76C

After regulation 76B insert:

### 76C—Fire safety requirements—Brush fences

- (1) This regulation applies to—
  - (a) the construction of a brush fence closer than 3 metres to an existing or proposed Class 1 or 2 building under the *Building Code*; or
  - (b) the construction of a Class 1 or 2 building under the *Building Code* closer than 3 metres to an existing or proposed brush fence.

**Note—**

This regulation does not apply if the relevant application for building rules consent has been made before the commencement of this regulation—see section 53(1) of the Act.

- (2) For the purposes of subregulation (1), the distance of 3 metres will be measured from any part of an existing or proposed brush fence and from any part of an existing or proposed external wall of the relevant building.
- (3) In a case where this regulation applies, the Class 1 or 2 building must comply with Minister's Specification SA 76C.
- (4) Minister's Specification SA 76C may specify encroachments that are permitted despite the operation of subregulation (3).
- (5) In this regulation—

**brush** means—

- (a) Broombrush (*Melaleuca uncinata*); and
- (b) any other form of dried vegetation material—
  - (i) that has similar fire characteristics to Broombrush; and
  - (ii) that is brought within the ambit of this definition by Minister's Specification SA 76C;

**brush fence** includes—

- (a) a fence that is predominantly constituted by brush;
- (b) a gate that is predominantly constituted by brush;

**construction**—

- (a) in relation to a brush fence—includes an alteration of, or addition to, a brush fence but does not include the repair of an existing brush fence that does not enlarge or extend the brush fence;
- (b) in relation to a Class 1 or 2 building—means building or re-building, erecting or re-erecting, or extending or altering, the building;

**encroachment** means a part of a building, including fittings or attachments, that may occur between an external wall and, for the purposes of this regulation, a brush fence;

**external wall** means an external wall within the meaning of the *Building Code*.

## 6—Insertion of Schedule 1A

After Schedule 1 insert:

### **Schedule 1A—Development that does not require development plan consent**

#### **1—Preliminary**

The following acts or activities are within the ambit of this Schedule.

#### **2—Brush fences**

- (1) The construction or alteration of, or addition to, a brush fence that constitutes development by virtue of (and only by virtue of) the operation of—
  - (a) Schedule 3 clause 4(1)(e)(v) or (ea)(v); or
  - (b) Schedule 3A clause 4(1)(e)(v).
- (2) In this clause—

**brush fence** has the same meaning as the meaning that applies for the purposes of a clause referred to in subclause (1).

## 7—Variation of Schedule 3—Acts and activities which are not development

- (1) Schedule 3, clause 4(1)(e)—after subparagraph (iv) insert:
  - (v) a brush fence that is (or is to be) closer than 3 metres to an existing or proposed Class 1 or 2 building under the *Building Code*, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the *Building Code*) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence; or
- (2) Schedule 3, clause 4(1)(ea)—after subparagraph (iv) insert:
  - (v) a brush fence that is (or is to be) closer than 3 metres to an existing or proposed Class 1 or 2 building under the *Building Code*, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the *Building Code*) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence; or

- (3) Schedule 3, clause 4(7)—before the definition of *swimming pool* insert:

*brush* means—

- (a) Broombrush (*Melaleuca uncinata*); and
- (b) any other form of dried vegetation material that constitutes *brush* for the purposes of regulation 76C;

*brush fence* includes—

- (a) a fence that is predominantly constituted by brush;
- (b) a gate that is predominantly constituted by brush;

### **8—Variation of Schedule 3A—Colonel Light Gardens State Heritage Area**

- (1) Schedule 3A, clause 4(1)(e)—after subparagraph (iv) insert:

- (v) a brush fence that is (or is to be) closer than 3 metres to an existing or proposed Class 1 or 2 building under the *Building Code*, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the *Building Code*) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence; or

- (2) Schedule 3A, clause 4(8)—before the definition of *swimming pool* insert:

*brush* means—

- (a) Broombrush (*Melaleuca uncinata*); and
- (b) any other form of dried vegetation material that constitutes *brush* for the purposes of regulation 76C;

*brush fence* includes—

- (a) a fence that is predominantly constituted by brush;
- (b) a gate that is predominantly constituted by brush;

### **9—Variation of Schedule 4—Complying development**

- (1) Schedule 4, clause 14(b)—delete paragraph (b) and substitute:

- (b) a fence not exceeding 2 metres in height, or 1 metre in the case of a masonry fence (both measured from the lower of the 2 adjoining finished ground levels), other than—
  - (i) a safety fence for a swimming pool which is approved for construction, or requires approval for construction, on or after 1 July 1993; or
  - (ii) a brush fence that is (or is to be) closer than 3 metres to an existing or proposed Class 1 or 2 building under the *Building Code*, with the distance to be measured from any part of the brush fence and from any part of an external wall of the building (being an external wall within the meaning of the *Building Code*) and with this subparagraph not extending to a repair of an existing brush fence that does not enlarge or extend the brush fence; or

- (2) Schedule 4, clause 14—after its present contents as amended by this regulation (now to be designated as subclause (1)) insert:

- (2) In this clause—

**brush** means—

- (a) Broombrush (*Melaleuca uncinata*); and
- (b) any other form of dried vegetation material that constitutes *brush* for the purposes of regulation 76C;

**brush fence** includes—

- (a) a fence that is predominantly constituted by brush;
- (b) a gate that is predominantly constituted by brush.

## 10—Variation of Schedule 5—Requirements as to plans and specifications

Schedule 5, clause 1—after subclause (4) insert:

- (5) If a development involves—

- (a) the construction of a fence closer than 3 metres to an existing or proposed Class 1 or 2 building under the *Building Code*; or
- (b) the construction of a Class 1 or 2 building under the *Building Code* closer than 3 metres to an existing or proposed fence,

at least 1 plan or other document provided for the purposes of a preceding subclause must describe or indicate the material that makes up, or is proposed to make up, the fence (as the case requires).

- (6) For the purposes of subclause (5), the distance of 3 metres will be measured from any part of an existing or proposed fence and from any part of an existing or proposed external wall of the relevant building (being an external wall within the meaning of the *Building Code*).

- (7) In subclause (5)—

**construction**—

- (a) in relation to a fence—includes an alteration of, or addition to, a fence but does not include the repair of an existing fence that does not enlarge or extend the fence;
- (b) in relation to a Class 1 or 2 building—means building or re-building, erecting or re-erecting, or extending or altering, the building.

### Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### Made by the Governor

with the advice and consent of the Executive Council  
on 29 November 2007

No 277 of 2007

MUDP07/026CS

South Australia

## **Fisheries (Scheme of Management—Abalone Fisheries) Variation Regulations 2007**

under the *Fisheries Management Act 2007*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Fisheries (Scheme of Management—Abalone Fisheries) Regulations 2006***

- 4 Variation of regulation 1—Short title
  - 5 Variation of regulation 3—Interpretation
  - 6 Variation of regulation 4—Conversion of whole weight to meat weight
  - 7 Substitution of regulations 6 to 13
    - 6 Maximum number of licences that may be in force
    - 7 Transfer of licence
    - 8 Registration
    - 9 Revocation of registration
  - 8 Variation of regulation 14—Individual catch quota system—Central Zone
  - 9 Variation of regulation 15—Individual catch quota system—Southern Zone
  - 10 Variation of regulation 16—Individual catch quota system—Western Zone
  - 11 Variation of regulation 17—Only 1 registered boat to be used at any 1 time
  - 12 Variation of regulation 18—Only 1 registered master to be engaged in fishing activities on any 1 day
  - 13 Variation of regulation 19—Registered boat not to be transported or towed to fishing location
  - 14 Variation of regulation 20—Catch and disposal records
  - 15 Variation of regulation 21—Periodic returns
  - 16 Substitution of Schedules 1 and 2
    - Schedule 1—Transitional provision
      - 1 Eligibility to be granted fishery licence
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Fisheries (Scheme of Management—Abalone Fisheries) Variation Regulations 2007*.

#### **2—Commencement**

These regulations will come into operation on the day on which Part 6 Division 1 of the *Fisheries Management Act 2007* comes into operation.

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Fisheries (Scheme of Management—Abalone Fisheries) Regulations 2006*

### 4—Variation of regulation 1—Short title

Regulation 1—delete "*Fisheries (Scheme of Management—Abalone Fisheries) Regulations*" and substitute:

*Fisheries Management (Abalone Fisheries) Regulations*

### 5—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definitions of *Act*, *Central Zone* and *coastal waters*—delete the definitions and substitute:

*Act* means the *Fisheries Management Act 2007*;

*Blacklip Abalone* means *Haliotis rubra*;

*Central Zone* means the waters adjacent to South Australia between the meridians of longitude 136°30' East and 139° East, but does not include the waters of the Coorong or any other waters inside the Murray Mouth;

- (2) Regulation 3(1), definition of *conversion value*—delete "Director" and substitute:

Minister

- (3) Regulation 3(1), definition of *licence period*—delete the definition and substitute:

*Greenlip Abalone* means *Haliotis laevis*;

*Mean High Water Springs* means the line representing the average of all high water observations at the time of spring tide over a period of 19 years;

- (4) Regulation 3(1), definitions of *revoked regulations* and *SARDI*—delete the definitions

- (5) Regulation 3(1), definitions of *Southern Zone* and *Western Zone*—delete the definitions and substitute:

*Southern Zone* means the waters adjacent to South Australia east of the meridian of longitude 139° East;

*Western Zone* means the waters adjacent to South Australia west of the meridian of longitude 136°30' East;

- (6) Regulation 3(4)—delete "Director" and substitute:

Minister

- (7) Regulation 3—after subregulation (4) insert:

Notes—

- 1 Common and scientific fish names are given according to *AS: SSA-001 Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.

- 2 Unless the contrary intention appears, all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995 and all co-ordinates are expressed in terms of GDA94.

## **6—Variation of regulation 4—Conversion of whole weight to meat weight**

Regulation 4—delete "Director" and substitute:

Minister

## **7—Substitution of regulations 6 to 13**

Regulations 6 to 13 (inclusive)—delete the regulations and substitute:

### **6—Maximum number of licences that may be in force**

- (1) The maximum number of licences that may be in force in respect of the Central Zone Abalone Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.
- (2) The maximum number of licences that may be in force in respect of the Southern Zone Abalone Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.
- (3) The maximum number of licences that may be in force in respect of the Western Zone Abalone Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.

### **7—Transfer of licence**

- (1) Licences in respect of an abalone fishery are transferable.
- (2) An application for consent to the transfer of a licence must be accompanied by—
  - (a) the licence to be transferred; and
  - (b) a form of return as required by regulation 21 completed by the holder of the licence up to the date of application; and
  - (c) if the transferee is a company—a current company extract relating to the transferee issued not more than 1 month immediately preceding the date of application.
- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
  - (a) that the licence to be transferred has not been suspended;
  - (b) that no proceedings alleging an offence against the Act or the repealed Act are pending or likely to be commenced in the State against the holder of the licence;
  - (c) if the transferee is a natural person, that the transferee is at least 15 years of age and is a fit and proper person to hold a licence in respect of an abalone fishery;
  - (d) if the transferee is a company, that each director of the company is a fit and proper person to be a director of a company that holds a licence in respect of an abalone fishery;

- (e) if a boat registered for use under the licence is the subject of, or registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement to take fish granted under a law of the Commonwealth or a corresponding law—
  - (i) that the entitlement is either to be transferred together with the licence to the transferee or to be surrendered on or before the transfer of the licence; or
  - (ii) that—
    - (A) the transfer of the licence separately from the entitlement is not likely to result in fishing activities that over-exploit or endanger the aquatic resources of the State; and
    - (B) the person or body that granted the entitlement concurs with the separate transfer of the licence.

### 8—Registration

An application by the holder of a licence in respect of an abalone fishery—

- (a) to register a boat or device for use under the licence; or
- (b) to register a person as a master of a boat that may be used under the licence,

must be accompanied by the documents specified in the application form.

### 9—Revocation of registration

- (1) The Minister may, on application by the holder of a licence in respect of an abalone fishery, revoke the registration of—
  - (a) a boat or device used under the licence; or
  - (b) a person as a master of a boat that may be used under the licence.
- (2) An application for revocation of registration must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicant and be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the documents specified in the application form.

### 8—Variation of regulation 14—Individual catch quota system—Central Zone

- (1) Regulation 14(1), definition of *abalone quota*—delete the definition and substitute:

*abalone quota entitlement* or *quota entitlement*, in relation to a licence in respect of the fishery and a class of abalone, means the maximum number of kilograms of meat of abalone of that class that may be lawfully taken by the holder of the licence during a quota period, being the product of—

- (a) the unit entitlement under the licence in respect of that class of abalone; and
- (b) the unit value for the fishery and that class of abalone and quota period, subject to any variation applying during that quota period;



- (2) Regulation 14(1), definition of *prescribed period*—delete the definition and substitute:  
*quota period*—a quota period for the fishery is a period of 12 months commencing on 1 January;
- (3) Regulation 14(1), definition of *unit value*—delete "Director" and substitute:  
Minister
- (4) Regulation 14(1), definition of *unit value*—delete "prescribed" and substitute:  
quota
- (5) Regulation 14(2) to (5) (inclusive)—delete subregulations (2) to (5) and substitute:
- (2) The Minister—
- (a) must determine—
- (i) the number of kilograms of abalone meat that is to be the value of an abalone unit for the fishery, a class of abalone and each quota period; and
- (ii) the conversion value for the fishery and a class of abalone;
- (b) may, from time to time, vary the conversion value for the fishery and a class of abalone.
- (3) The Minister may vary conditions on licences in respect of the fishery fixing abalone quota entitlements as follows:
- (a) on joint application made to the Minister by the holders of any 2 licences, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of a particular class of abalone and increase the unit entitlement under the other licence in respect of that class of abalone by a corresponding number of units;
- (b) if the total catch of abalone of a particular class taken by the holder of a licence during a quota period exceeded the abalone quota entitlement under the licence in respect of that class of abalone and quota period, the Minister may vary the conditions of the licence so as to decrease the quota entitlement in respect of that class of abalone—
- (i) if the catch exceeded the quota entitlement by not more than 10 kilograms of abalone meat—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
- (ii) if the catch exceeded the quota entitlement by more than 10 kilograms but not more than 50 kilograms of abalone meat—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
- (c) if—
- (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing an abalone quota entitlement; and

- (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of abalone meat in excess of the quota entitlement,  
the conditions of the licence may be varied so as to decrease the abalone quota entitlement under the licence in respect of the class of abalone that was taken for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed;
  - (d) if the total catch of abalone of a particular class taken by the holder of a licence during a quota period was less than the abalone quota entitlement under the licence in respect of that class of abalone and quota period, the Minister may vary the conditions of the licence so as to—
    - (i) increase the quota entitlement in respect of that class of abalone by 1 kilogram of abalone meat for each kilogram by which the catch fell short of the quota entitlement (but in any case by not more than 20 kilograms); and
    - (ii) prohibit any additional abalone units allocated to the licence as a result of the increase in the quota entitlement made under this paragraph from being transferred to another licence;
  - (e) if—
    - (i) the holder of a licence has assisted in the carrying out of research work under the Act or the repealed Act in relation to the fishery; and
    - (ii) the Minister considers that it is appropriate to compensate or reward the holder of the licence for the time spent in providing that assistance,  
the Minister may vary the conditions of the licence so as to increase the abalone quota entitlement under the licence;
  - (f) a variation of a quota entitlement or unit entitlement under this subregulation (other than under paragraph (a) or (c)) must be expressed to apply only for the quota period during which the variation is made.
- (4) For the purposes of subregulation (3)(d), in determining whether the total catch of abalone during a particular quota period was less than the abalone quota entitlement under the licence in respect of that quota period, any increase in the quota entitlement applying during that period as a result of a variation made under that subregulation must be disregarded.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.

- (7) The holder of a licence in respect of the fishery must not, for a commercial purpose, take abalone of the class specified in column 1 of the table below if the unit entitlement under the licence in respect of that class of abalone falls below the number specified alongside in column 2.

Maximum penalty: \$5 000.

Expiation fee: \$315.

<b>Column 1</b>	<b>Column 2</b>
<b>Class of abalone</b>	<b>Unit entitlement</b>
Blacklip Abalone	25
Greenlip Abalone	25

- (8) For the purposes of subregulation (7), if the conditions of a licence in respect of the fishery are varied so as to decrease the unit entitlement under the licence in respect of a class of abalone and the variation is expressed to apply only for the quota period during which the variation is made, the number of abalone units in the decrease must be taken to form part of the unit entitlement under the licence in respect of that class of abalone in determining whether the unit entitlement under the licence falls below the minimum specified in the table.

### **9—Variation of regulation 15—Individual catch quota system—Southern Zone**

- (1) Regulation 15(1), definitions of *abalone quota*, *area 1*, *area 2*, *area 3* and *area 4*—delete the definitions and substitute:

*abalone quota entitlement* or *quota entitlement*, in relation to a licence in respect of the fishery, a class of abalone and a fishing zone, means the maximum number of kilograms of meat of abalone of that class that may be lawfully taken by the holder of the licence in that fishing zone during a quota period, being the product of—

- (a) the unit entitlement under the licence in respect of that class of abalone and fishing zone; and
- (b) the unit value for that class of abalone, fishing zone and quota period,

subject to any variation applying during that quota period;

*area 1* means the waters near Nene Valley contained within and bounded by a line commencing at Mean High Water Springs closest to 37°59'11.00" South, 140°30'45.31" East, then generally south-easterly following the line of Mean High Water Springs to the location closest to 38°01'14.86" South, 140°34'14.13" East, then southerly to 38°04'26.91" South, 140°34'12.99" East, then north-westerly to 38°02'26.87" South, 140°30'44.00" East, then northerly to the point of commencement;

*area 2* means the waters of or near Discovery Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 38°03'24.61" South, 140°45'00.00" East, then beginning north-easterly following the line of Mean High Water Springs to the location closest to 38°03'07.53" South, 140°55'00.00" East, then southerly to a line 5560 metres seaward of Mean High Water Springs closest to 38°06'05.97" South, 140°54'59.85" East, then westerly to a line 5560 metres seaward of Mean High Water Springs closest to 38°06'23.01" South, 140°44'59.42" East, then northerly to the point of commencement;

**area 3** means the waters near Ringwood Reef contained within and bounded by a line commencing at the location closest to 37°31'57.00" South, 140°01'18.00" East, then easterly to 37°31'57.00" South, 140°02'36.00" East, then southerly to 37°32'30.00" South, 140°02'36.00" East, then north-westerly to 37°32'18.00" South, 140°01'18.00" East, then northerly to the point of commencement;

**area 4** means the waters of or near Gerloff Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 37°55'09.05" South, 140°23'48.16" East (Cape Banks), then beginning generally northerly following the line of Mean High Water Springs to the location closest to 37°57'04.33" South, 140°28'11.44" East, then south-westerly to 37°58'30.00" South, 140°26'00.00" East, then north-westerly to 37°56'00.00" South, 140°21'30.00" East, then north-easterly to the point of commencement;

- (2) Regulation 15(1), definition of **prescribed period**—delete the definition and substitute:

**quota period**—a quota period for the fishery is a period of 12 months commencing on 1 September;

- (3) Regulation 15(1), definition of **unit value**—delete "Director" and substitute:

Minister

- (4) Regulation 15(1), definition of **unit value**—delete "prescribed" and substitute:

quota

- (5) Regulation 15(2) to (5) (inclusive)—delete subregulations (2) to (5) and substitute:

- (2) The Minister—

- (a) must determine—

- (i) the number of kilograms of abalone meat that is to be the value of an abalone unit for a fishing zone, a class of abalone and each quota period; and
- (ii) the conversion value for a fishing zone and a class of abalone;

- (b) may, from time to time, vary the conversion value for a fishing zone and a class of abalone.

- (3) The Minister may vary conditions on licences in respect of the fishery fixing abalone quotas entitlements as follows:

- (a) on joint application made to the Minister by the holders of any 2 licences, the conditions of those licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of a particular class of abalone and fishing zone and decrease the unit entitlement under the other licence in respect of that class of abalone and fishing zone by a corresponding number of units;
- (b) if the total catch of abalone of a particular class taken by the holder of a licence in a fishing zone during a quota period exceeded the abalone quota entitlement under the licence in respect of that class of abalone, fishing zone and quota period, the Minister may vary the conditions of the licence so as to decrease the quota entitlement in respect of that class of abalone and fishing zone—

- (i) if the catch exceeded the quota entitlement by not more than 10 kilograms of abalone meat—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
  - (ii) if the catch exceeded the quota entitlement by more than 10 kilograms but not more than 50 kilograms of abalone meat—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
- (c) if—
- (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing an abalone quota entitlement; and
  - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of abalone meat in excess of the quota entitlement,

the conditions of the licence may be varied so as to decrease the abalone quota entitlement under the licence in respect of the class of abalone that was taken for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed;

- (d) if the total catch of abalone of a particular class taken by the holder of a licence in a fishing zone during a quota period was less than the abalone quota entitlement under the licence in respect of that class of abalone, fishing zone and quota period, the Minister may vary the conditions of the licence so as to—
- (i) increase the quota entitlement in respect of that class of abalone and fishing zone by 1 kilogram of abalone meat for each kilogram by which the catch fell short of the quota entitlement (but in any case by not more than 20 kilograms); and
  - (ii) prohibit any additional abalone units allocated to the licence as a result of the increase in the quota entitlement made under this paragraph from being transferred to another licence;
- (e) if—
- (i) the holder of a licence has assisted in the carrying out of research work under the Act or repealed Act in relation to the fishery; and
  - (ii) the Minister considers that it is appropriate to compensate or reward the holder of the licence for the time spent in providing that assistance,

the Minister may vary the conditions of the licence so as to increase the abalone quota entitlement under the licence;

- (f) a variation of a quota entitlement or unit entitlement under this subregulation (other than paragraph (a) or (c)) must be expressed to apply only for the quota period during which the variation is made.

- (4) For the purposes of subregulation (3)(d), in determining whether the total catch of abalone during a particular quota period was less than the abalone quota entitlement under the licence in respect of that quota period, any increase in the quota entitlement applying during that period as a result of a variation made under that subregulation must be disregarded.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (6) Regulation 15(6)—delete "abalone" wherever occurring and substitute in each case:  
Blacklip Abalone
- (7) Regulation 15(6)—delete "pursuant to" wherever occurring and substitute in each case:  
under
- (8) Regulation 15(6), penalty provision—delete "\$4 000" and substitute:  
\$5 000
- (9) Regulation 15—after subregulation (6) insert:
- (7) The holder of a licence in respect of the fishery must not, for a commercial purpose, take abalone of the class specified in column 1 of the table below in a fishing zone specified alongside in column 2 if the unit entitlement under the licence in respect of that class of abalone and fishing zone falls below the number specified alongside in column 3.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Class of abalone</b>	<b>Fishing zone</b>	<b>Unit entitlement</b>
Blacklip Abalone	Area S	50
	The waters of the Southern Zone outside Area S	50
Greenlip Abalone	The Southern Zone	5

- (8) For the purposes of subregulation (7), if the conditions of a licence in respect of the fishery are varied so as to decrease the unit entitlement under the licence in respect of a class of abalone and fishing zone and the variation is expressed to apply only for the quota period during which the variation is made, the number of abalone units in the decrease must be taken to form part of the unit entitlement under the licence in respect of that class of abalone and fishing zone in determining whether the unit entitlement under the licence falls below the minimum specified in the table.

**10—Variation of regulation 16—Individual catch quota system—Western Zone**

- (1) Regulation 16(1), definition of *abalone quota*—delete the definition and substitute:

*abalone quota entitlement* or *quota entitlement*, in relation to a licence in respect of the fishery, region A and a class of abalone—means the maximum number of kilograms of meat of abalone of that class that may be lawfully taken by the holder of the licence in that region during a quota period, being the product of—

- (a) the unit entitlement under the licence in respect of that region and class of abalone; and
  - (b) the unit value for that region, class of abalone and quota period,
- subject to any variation applying during that quota period;

- (2) Regulation 16(1), definition of *prescribed period*—delete the definition

- (3) Regulation 16(1)—after the definition of *prescribed region* insert:

*quota period*—a quota period for the fishery is a period of 12 months commencing on 1 January;

- (4) Regulation 16(1), definitions of *region A* and *region B*—delete the definitions and substitute:

*region A* means the waters of the Western Zone east of the meridian of longitude commencing at Mean High Water Springs closest to 32°32'33.78" South, 133°51'02.21" East (Point Brown);

*region B* means the waters of the Western Zone west of the meridian of longitude commencing at Mean High Water Springs closest to 32°32'33.78" South, 133°51'02.21" East (Point Brown);

- (5) Regulation 16(1), definition of *unit value*—delete "Director" wherever occurring and substitute in each case:

Minister

- (6) Regulation 16(1), definition of *unit value*—delete "prescribed" wherever occurring and substitute in each case:

quota

- (7) Regulation 16(2) to (5) (inclusive)—delete subregulations (2) to (5) and substitute:

- (2) The Minister—

- (a) must determine—

- (i) the number of kilograms of abalone meat that is to be the value of an abalone unit for region A, a class of abalone and each quota period; and
- (ii) the number of kilograms of abalone meat that is to be the value of an abalone unit for region B and each quota period; and
- (iii) the conversion value for a prescribed region and a class of abalone;

- (b) may from time to time vary the conversion value for a prescribed region and a class of abalone.

- (3) The Minister may vary conditions on licences in respect of the fishery fixing abalone quota entitlements as follows:
- (a) on joint application made to the Minister by the holders of any 2 licences subject to conditions fixing abalone quota entitlements in respect of region A and the same class of abalone, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that region and class of abalone and decrease the unit entitlement under the other licence in respect of that region and class of abalone by a corresponding number of units;
  - (b) on joint application made to the Minister by the holders of any 2 licences subject to conditions fixing abalone quota entitlements in respect of region B, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that region and decrease the unit entitlement under the other licence in respect of that region by a corresponding number of units;
  - (c) if the total catch of abalone of a particular class taken by the holder of a licence in region A during a quota period exceeded the abalone quota entitlement under the licence in respect of that region, class of abalone and quota period, the Minister may vary the conditions of the licence so as to decrease the quota entitlement in respect of that region and class of abalone—
    - (i) if the catch exceeded the quota entitlement by not more than 10 kilograms of abalone meat—by 1 kilogram for each kilogram taken in excess of the quota entitlement;
    - (ii) if the catch exceeded the quota entitlement by more than 10 kilograms but not more than 50 kilograms of abalone meat—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
  - (d) if the total catch of abalone of a particular class taken by the holder of a licence in respect of the fishery in region B during a quota period exceeded the abalone quota entitlement under the licence in respect of that region and quota period, the Minister may vary the conditions of the licence so as to decrease the quota entitlement in respect of that region—
    - (i) if the catch exceeded the quota entitlement by not more than 10 kilograms of abalone meat—by 1 kilogram for each kilogram taken in excess of the quota entitlement;
    - (ii) if the catch exceeded the quota entitlement by more than 10 kilograms but not more than 50 kilograms of abalone meat—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
  - (e) if—
    - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing an abalone quota entitlement; and



- (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of abalone meat—
  - (i) in excess of the quota entitlement under the licence in respect of region A and a class of abalone; or
  - (ii) in excess of the quota entitlement under the licence in respect of region B,

the conditions of the licence may be varied so as to reduce the quota entitlement under the licence in respect of that region and class of abalone for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed;
- (f) if the total catch of abalone of a particular class taken by the holder of a licence in region A during a particular quota period was less than the abalone quota entitlement under the licence in respect of that region, class of abalone and quota period, the Minister may vary the conditions of the licence so as to—
  - (i) increase the quota entitlement in respect of that region and class of abalone by 1 kilogram of abalone meat for each kilogram by which the catch fell short of the quota entitlement (but in any case by not more than 20 kilograms); and
  - (ii) prohibit any additional abalone units allocated to the licence as a result of the increase in the quota entitlement made under this paragraph from being transferred to another licence;
- (g) if the total catch of abalone of a particular class taken by the holder of a licence in region B during a particular quota period was less than the abalone quota entitlement under the licence in respect of that region and quota period, the Minister may vary the conditions of the licence so as to—
  - (i) increase the quota entitlement in respect of that region by 1 kilogram of abalone meat for each kilogram by which the catch fell short of the quota entitlement (but in any case by not more than 20 kilograms); and
  - (ii) prohibit any additional abalone units allocated to the licence as a result of the increase in the quota entitlement made under this paragraph from being transferred to another licence;
- (h) if—
  - (i) the holder of a licence has assisted in the carrying out of research work under the Act or the repealed Act in relation to the fishery; and
  - (ii) the Minister considers that it is appropriate to compensate or reward the holder of the licence for the time spent in providing that assistance,

- vary the conditions of the licence so as to increase the abalone quota entitlement under the licence;
- (i) a variation of a quota entitlement or unit entitlement under this subregulation (other than paragraph (a), (b) or (e)) must be expressed to apply only for the quota period during which the variation is made.
- (4) For the purposes of subregulation (3)(f) or (g), in determining whether the total catch of abalone during a particular quota period was less than the abalone quota entitlement under the licence in respect of that quota period, any increase in the quota entitlement applying during that period as a result of a variation made under that subregulation must be disregarded.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
- (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
- (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (6) The holder of a licence in respect of the fishery must not, for a commercial purpose, take abalone of the class specified in column 1 of the table below in a prescribed region specified alongside in column 2 if the unit entitlement under the licence in respect of that class of abalone and region falls below the number specified alongside in column 3.

Maximum penalty: \$5 000.

Expiation fee: \$315.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Class of abalone</b>	<b>Region</b>	<b>Unit entitlement</b>
Blacklip Abalone	Region A	25
Greenlip Abalone	Region A	25
Blacklip and Greenlip Abalone	Region B	5

- (7) For the purposes of subregulation (6), if the conditions of a licence in respect of the fishery are varied so as to decrease the unit entitlement under the licence in respect of a class of abalone and region and the variation is expressed to apply only for the quota period during which the variation is made, the number of abalone units in the decrease must be taken to form part of the unit entitlement under the licence in respect of that class of abalone and region in determining whether the unit entitlement under the licence falls below the minimum specified in the table.

### **11—Variation of regulation 17—Only 1 registered boat to be used at any 1 time**

- (1) Regulation 17—delete "fish pursuant to" wherever occurring and substitute in each case:  
abalone under
- (2) Regulation 17, penalty provision—delete "\$4 000" and substitute:  
\$5 000

**12—Variation of regulation 18—Only 1 registered master to be engaged in fishing activities on any 1 day**

- (1) Regulation 18—delete "pursuant to" and substitute:  
under
- (2) Regulation 18, penalty provision—delete "\$4 000" and substitute:  
\$5 000

**13—Variation of regulation 19—Registered boat not to be transported or towed to fishing location**

- (1) Regulation 19—delete "fish pursuant to" and substitute:  
abalone under
- (2) Regulation 19, penalty provision—delete "\$4 000" and substitute:  
\$5 000.

**14—Variation of regulation 20—Catch and disposal records**

- (1) Regulation 20—delete "pursuant to" wherever occurring and substitute in each case:  
under
- (2) Regulation 20(3), penalty provision—delete "\$4 000" and substitute:  
\$5 000

**15—Variation of regulation 21—Periodic returns**

- (1) Regulation 21(1)(b)—delete "Executive Director of SARDI, with the approval of the Minister," and substitute:  
Minister
- (2) Regulation 21(1)(c)—delete "office of the Executive Director of SARDI" and substitute:  
Minister
- (3) Regulation 21(1), penalty provision—delete "\$4 000" and substitute:  
\$5 000
- (4) Regulation 21(2)—delete "pursuant to" and substitute:  
under
- (5) Regulation 21(4)(a)—delete "Executive Director of SARDI" and substitute:  
Minister
- (6) Regulation 21(4), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

## 16—Substitution of Schedules 1 and 2

Schedules 1 and 2—delete the Schedules and substitute:

### Schedule 1—Transitional provision

#### 1—Eligibility to be granted fishery licence

- (1) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Central Zone Abalone Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.
- (2) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Southern Zone Abalone Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.
- (3) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Western Zone Abalone Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.

#### Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### Made by the Governor

with the advice and consent of the Executive Council  
on 29 November 2007

No 278 of 2007

MAFF07/020CS

South Australia

## **Fisheries (Scheme of Management—Blue Crab Fishery) Variation Regulations 2007**

under the *Fisheries Management Act 2007*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Fisheries (Scheme of Management—Blue Crab Fishery) Variation Regulations 2007*.

## 2—Commencement

These regulations will come into operation on the day on which Part 6 Division 1 of the *Fisheries Management Act 2007* comes into operation.

## 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

# Part 2—Variation of *Fisheries (Scheme of Management—Blue Crab Fishery) Regulations 1998*

## 4—Variation of regulation 1—Short title

Regulation 1—delete "*Fisheries (Scheme of Management—Blue Crab Fishery) Regulations*" and substitute:

*Fisheries Management (Blue Crab Fishery) Regulations*

## 5—Variation of regulation 4—Interpretation

- (1) Regulation 4(1), definition of *Act*—delete the definition and substitute:

*Act* means the *Fisheries Management Act 2007*;

- (2) Regulation 4(1), definition of *blue crab*—delete "blue crab" second occurring and substitute:

Blue Swimmer Crab

- (3) Regulation 4(1), definition of *blue crab pot entitlement*—delete "pursuant to" and substitute:

under

- (4) Regulation 4(1), definition of *blue crab quota*—delete the definition and substitute:

*blue crab quota entitlement* or *quota entitlement*, in relation to a licence in respect of the Blue Crab Fishery or a marine scalefish fishery and a blue crab fishing zone, means the maximum number of kilograms of blue crab that may lawfully be taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under the licence in respect of that zone; and
- (b) the unit value for that zone and that quota period,

subject to any variation applying during that quota period;

*conversion value* means the number determined by the Minister to be the conversion value for a blue crab fishing zone and a quota period;

- (5) Regulation 4(1), definition of *crab pot*—delete "*Fisheries (General) Regulations 2000*" and substitute:

*Fisheries Management (General) Regulations 2007*

- (6) Regulation 4(1), definition of *Department*—delete the definition and substitute:

*Department* means the administrative unit of the Public Service responsible, through the Minister, for the administration of the Act;

- (7) Regulation 4(1), definitions of ***Gulf St. Vincent Blue Crab Fishing Zone*** and ***licence period***—delete the definitions and substitute:

***Gulf St. Vincent Blue Crab Fishing Zone*** means the waters of Gulf St. Vincent north of the geodesic from the location on Mean High Water Springs closest to 35°03'12.00" South, 137°43'30.45" East to the location on Mean High Water Springs closest to 35°03'12.00" South, 138°30'16.59" East;

- (8) Regulation 4(1), definition of ***marine scalefish fishery***—delete "*Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations*" and substitute:

*Fisheries Management (Marine Scalefish Fisheries) Regulations*

- (9) Regulation 4(1)—after the definition of ***marine scalefish fishery*** insert:

***Mean High Water Springs*** means the line representing the average of all high water observations at the time of spring tide over a period of 19 years;

***quota period***—a quota period for the fishery is a period of 12 months commencing on 1 July;

- (10) Regulation 4(1), definition of ***Spencer Gulf Blue Crab Fishing Zone***—delete the definition and substitute:

***Spencer Gulf Blue Crab Fishing Zone*** means the waters of Spencer Gulf north of the geodesic from the location on Mean High Water Springs closest to 34°26'45.00" South, 136°06'57.58" East to the location on Mean High Water Springs closest to 34°26'45.00" South, 137°24'59.26" East;

- (11) Regulation 4(1), definition of ***unit value***—delete "Director" and substitute:

Minister

- (12) Regulation 4(1), definition of ***unit value***—delete "licence" and substitute:

quota

- (13) Regulation 4—after subregulation (2) insert:

- (3) In these regulations, a reference to the ***taking of aquatic resources*** includes a reference to an act preparatory to, or involved in, the taking of the aquatic resources.

**Notes—**

- 1 Common and scientific fish names are given according to *AS: SSA-001 Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.
- 2 Unless the contrary intention appears, all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995 and all co-ordinates are expressed in terms of GDA94.

- (14) Regulation 4(4)—delete subregulation (4)

## **6—Variation of regulation 5—Constitution of fishery**

- (1) Regulation 5(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:

(a) of aquatic resources specified in Schedule 1 Part 1; and

(b) of aquatic resources specified in Schedule 1 Part 2 for the purpose of bait.

- (2) Regulation 5(3)—delete "Director" and substitute:

Minister

- (3) Regulation 5(3)—delete "fish" and substitute:

aquatic resources

## **7—Substitution of regulations 6 to 13**

Regulations 6 to 13 (inclusive)—delete the regulations and substitute:

### **6—Issue of licences**

- (1) Subject to this regulation, the Minister may issue licences in respect of the fishery.
- (2) An application for a licence in respect of the fishery may only be made by a person who holds a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a blue crab quota entitlement.
- (3) The Minister may only grant an application for a licence in respect of the fishery—
  - (a) if the applicant's licence in respect of the Marine Scalefish Fishery has been surrendered; and
  - (b) if a boat registered for use under that licence is the subject of, is registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement to take aquatic resources granted under a law of the Commonwealth or a corresponding law—that entitlement has also been surrendered.

### **7—Transfer of licence**

- (1) Licences in respect of the fishery are transferable.
- (2) An application for consent to the transfer of a licence must be accompanied by—
  - (a) the licence to be transferred; and
  - (b) a form of return as required by regulation 17 completed by the holder of the licence up to the date of application; and
  - (c) if the transferee is a company—a current company extract relating to the transferee issued not more than 1 month immediately preceding the date of application.
- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
  - (a) that any fees or other amounts payable in relation to the licence under the Act or the repealed Act have been paid in full;
  - (b) that the licence to be transferred has not been suspended;
  - (c) that no proceedings alleging an offence against the Act or the repealed Act are pending or likely to be commenced in the State against the holder of the licence;



- (d) if the transferee is a natural person, that the transferee is at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery;
- (e) if the transferee is a company, that each director of the company is a fit and proper person to be a director of a company that holds a licence in respect of the fishery;
- (f) if a boat registered for use under the licence is the subject of, is registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement to take aquatic resources granted under a law of the Commonwealth or a corresponding law—
  - (i) that the entitlement is either to be transferred together with the licence to the transferee or to be surrendered on or before the transfer of the licence; or
  - (ii) that—
    - (A) the transfer of the licence separately from the entitlement is not likely to result in fishing activities that over-exploit or endanger the aquatic resources of the State; and
    - (B) the person or body that granted the entitlement concurs with the separate transfer of the licence.

## **8—Registration**

An application by the holder of a licence in respect of the fishery—

- (a) to register a boat or device for use under the licence; or
- (b) to register a person as a master of a boat that may be used under the licence,

must be accompanied by the documents specified in the application form.

## **9—Revocation of registration**

- (1) The Minister may, on application by the holder of a licence in respect of the fishery, revoke the registration of—
  - (a) a boat or device used under the licence; or
  - (b) a person as a master of a boat that may be used under the licence.
- (2) An application for revocation of registration must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicant and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the documents specified in the application form.

## 8—Variation of regulation 14—Blue crab pot entitlements and carriage of crab pots on boats

- (1) Regulation 14(1) and (2)—delete subregulations (1) and (2) and substitute:
- (1) The Minister must, on or before the commencement of each quota period, determine the conversion value for a blue crab fishing zone and the quota period.
  - (2) The Minister may impose or vary conditions on licences in respect of the fishery fixing blue crab pot entitlements as follows:
    - (a) on the issue of a licence in respect of the fishery, a condition must be imposed on the licence fixing a blue crab pot entitlement calculated in accordance with the formula set out in subregulation (3);
    - (b) on the variation of a blue crab quota entitlement under a licence in respect of the fishery, the conditions of the licence must be varied so that the blue crab pot entitlement under the licence, as calculated in accordance with the formula set out in subregulation (3), reflects the variation in the unit entitlement under the licence;
    - (c) blue crab pot entitlements must not be varied except as provided by this subregulation.
- (2) Regulation 14(3)—delete "entitlement of" wherever occurring and substitute in each case:  
entitlement under
- (3) Regulation 14(4)—delete "Director" and substitute:  
Minister
- (4) Regulation 14(4)—delete "pursuant to" and substitute:  
under

## 9—Substitution of regulation 15

Regulation 15—delete the regulation and substitute:

### 15—Individual blue crab catch quota system

- (1) The Minister must, on or before the commencement of each quota period, determine the number of kilograms of blue crab that is to be the value of a blue crab unit for a blue crab fishing zone and the quota period.
- (2) The Minister may impose or vary conditions on licences in respect of the Blue Crab Fishery or a marine scalefish fishery fixing blue crab quota entitlements as follows:
  - (a) on the issue of a licence in respect of the Blue Crab Fishery (a *new licence*), the licence may be allocated a number of blue crab units in respect of a blue crab fishing zone equal to the number of blue crab units in respect of that zone that was, immediately before the surrender of the licence in respect of the Marine Scalefish Fishery held by the applicant for the new licence, the subject of a condition of the licence in respect of the Marine Scalefish Fishery;

- (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Blue Crab Fishery subject to a condition fixing a blue crab quota entitlement in respect of the same blue crab fishing zone, the conditions of the licences may be varied so as to increase the unit entitlement in respect of that zone under 1 of the licences and decrease the unit entitlement in respect of that zone under the other licence by a corresponding number of units;
- (c) on joint application made to the Minister by the holder of a licence in respect of the Blue Crab Fishery subject to a condition fixing a blue crab quota entitlement in respect of a particular blue crab fishing zone (the *first licence*) and the holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement in respect of the same zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units; or
  - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence in respect of that zone and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (d) on joint application made to the Minister by the holder of a licence in respect of the Blue Crab Fishery subject to a condition fixing a blue crab quota entitlement in respect of a particular blue crab fishing zone (the *first licence*) and the holder of a licence in respect of a marine scalefish fishery not subject to a condition fixing a blue crab quota entitlement (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
  - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a blue crab quota entitlement in respect of that zone may be imposed on that licence;
- (e) if the total catch of blue crab taken by the holder of a licence in respect of the Blue Crab Fishery during a quota period exceeded the blue crab quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement—
  - (i) if the catch exceeded the quota entitlement by not more than 20 kilograms of blue crab—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or

- (ii) if the catch exceeded the quota entitlement by more than 20 kilograms but not more than 50 kilograms of blue crab—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
  - (f) if—
    - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing a blue crab quota entitlement; and
    - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of blue crab in excess of the quota entitlement,

the conditions of the licence may be varied so as to reduce the blue crab quota entitlement under the licence for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed;
  - (g) a variation of a quota entitlement under paragraph (e) must be expressed to apply only for the quota period during which the variation is made.
- (3) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.

#### **10—Variation of regulation 16—Catch and disposal records**

- (1) Regulation 16(2)—delete "pursuant to" wherever occurring and substitute in each case:  
under
- (2) Regulation 16(2)(e)—delete "Director of Fisheries" and substitute:  
Minister
- (3) Regulation 16(3), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.

#### **11—Variation of regulation 17—Periodic returns**

- (1) Regulation 17(1)(b)—delete "Chief Executive Officer of SARDI, with the approval of the Minister," and substitute:  
Minister
- (2) Regulation 17(1)(c)—delete "office of the Chief Executive Officer of SARDI" and substitute:  
Minister

- (3) Regulation 17(1), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (4) Regulation 17(2)—delete "fish" wherever occurring and substitute in each case:  
aquatic resources

## **12—Variation of regulation 18—Copies of periodic returns must be made and kept**

- (1) Regulation 18(a)—delete "Chief Executive Officer of SARДИ" and substitute:  
Minister
- (2) Regulation 18, penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

## **13—Revocation of regulation 19**

Regulation 19—delete the regulation

## **14—Substitution of Schedules 1 to 4**

Schedules 1 to 4 (inclusive)—delete the Schedules and substitute:

# **Schedule 1—Aquatic resources prescribed for Blue Crab Fishery**

## **Part 1—Aquatic resources prescribed for purposes of regulation 5(2)(a)**

### **Crustaceans**

Blue Swimmer Crab (*Portunus pelagicus*)

Sand Crab (*Ovalipes* spp)

Spider Crab (Family Majidae)

Velvet Crab (*Nectocarcinus tuberculatus*)

## **Part 2—Aquatic resources prescribed for purposes of regulation 5(2)(b)**

### **Molluscs**

Octopus (*Octopus* spp)

Gould's Squid (*Nototodarus gouldii*)

### **Scalefish**

Australian Anchovy (*Engraulis australis*)

Barracouta (*Thyrsites atun*)

Black Bream (*Acanthopagrus butcheri*)

Cod (marine species) (Family Moridae)

Flathead (Family Platycephalidae)  
Flounder (Family Bothidae or Pleuronectidae)  
Bluespotted Goatfish (*Upeneichthys vlamingii*)  
Eastern Striped Grunter (*Pelates sexlineatus*)  
Australian Herring (*Arripis georgianus*)  
Yellowtail Kingfish (*Seriola lalandi*)  
Leatherjacket (Family Monacanthidae)  
Blue Mackerel (*Scomber australasicus*)  
Common Jack Mackerel (*Trachurus declivis*)  
Morwong (Family Cheilodactylidae)  
Mullet of all species (Family Mugilidae)  
Mulloway (*Argyrosomus hololepidotus*)  
West Australian Salmon (*Arripis truttaceus*)  
Australian Sardine (*Sardinops sagax*)  
Snook (*Sphyraena novaehollandiae*)  
Southern Sole (*Aseraggodes haackeanus*)  
Sea Sweep (*Scorpius aequipinnis*)  
Trevally (*Caranginae* spp)

Bluethroat Wrasse (*Notolabrus tetricus*)

#### **Sharks**

Rays of all species (Class Elasmobranchii)  
Shark of all species (Class Elasmobranchii) other than White Shark (*Carcharodon carcharias*)  
Skate of all species (Class Elasmobranchii)

## **Schedule 2—Transitional provision**

### **1—Eligibility for fishery licence**

Subject to regulation 6, only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the fishery, may make an application under section 54 of the Act for a licence in respect of the fishery.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 279 of 2007

MAFF07/020CS

South Australia

# **Fisheries (Scheme of Management—Charter Boat Fishery) Variation Regulations 2007**

under the *Fisheries Management Act 2007*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Fisheries (Scheme of Management—Charter Boat Fishery) Variation Regulations 2007*.

### **2—Commencement**

These regulations will come into operation on the day on which Part 6 Division 1 of the *Fisheries Management Act 2007* comes into operation.

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Fisheries (Scheme of Management—Charter Boat Fishery) Regulations 2005*

### 4—Variation of regulation 1—Short title

Regulation 1—delete "*Fisheries (Scheme of Management—Charter Boat Fishery) Regulations*" and substitute:

*Fisheries Management (Charter Boat Fishery) Regulations*

### 5—Variation of regulation 3—Interpretation

(1) Regulation 3(1), definition of *Act*—delete the definition and substitute:

*Act* means the *Fisheries Management Act 2007*;

(2) Regulation 3(1)—after the definition of *charter boat fishing services* insert:

*Corporations Act* means the *Corporations Act 2001* of the Commonwealth;

*current company extract* means a document prepared by the Australian Securities and Investment Commission from its national database kept under the Corporations Act that contains current details of the following in relation to a company:

- (a) the company's name;
- (b) the address of the company's registered office;
- (c) the date of registration of the company;
- (d) the State or Territory in which the company is taken to be registered under the Corporations Act;
- (e) the company's Australian Company Number;
- (f) whether the company is a proprietary company or a public company;
- (g) the full name of each director of the company;
- (h) the full name of each secretary (if any) of the company;

(3) Regulation 3(1), definitions of *licence period*, *recreational fishing* and *SARDI*—delete the definitions

(4) Regulation 3(2)—delete subregulation (2) and substitute:

(2) In these regulations—

- (a) unless the contrary intention appears, *company*, *director*, *proprietary company* and *public company* have the same respective meanings as in the Corporations Act;
- (b) a reference to the *taking of aquatic resources* includes a reference to an act preparatory to, or involved in, the taking of the aquatic resources.

### 6—Substitution of regulations 5 to 13

Regulations 5 to 13 (inclusive)—delete the regulations and substitute:

#### 5—Application of regulations

These regulations do not apply in relation to recreational fishing in inland waters.



## 6—Issue of licences

- (1) The Minister may issue licences in respect of the fishery.
- (2) Before granting a licence in respect of the fishery, the Minister must be satisfied of all of the following:
  - (a) that the applicant is an eligible person;
  - (b) if the applicant is a natural person, that the person is a fit and proper person to hold a licence in respect of the fishery;
  - (c) if the applicant is a body corporate, that every member of the governing body of the body corporate is a fit and proper person to be a member of the governing body of a body corporate that holds a licence in respect of the fishery.

## 7—Transfer of licences

- (1) Licences in respect of the fishery are transferable.
- (2) An application for consent to the transfer of a licence must be accompanied by—
  - (a) the licence to be transferred; and
  - (b) a form of return as required by regulation 14 completed by the holder of the licence up to the date of application; and
  - (c) if the transferee is a company—a current company extract relating to the transferee issued not more than 1 month immediately preceding the date of application.
- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
  - (a) that any fees or other amounts payable in relation to the licence under the Act or the repealed Act have been paid in full;
  - (b) that the licence to be transferred has not been suspended;
  - (c) that no proceedings alleging an offence against the Act or the repealed Act are pending or likely to be commenced in the State against the holder of the licence;
  - (d) if the transferee is a natural person, that the transferee is at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery;
  - (e) if the transferee is a body corporate, that every member of the governing body of the body corporate is a fit and proper person to be a member of the governing body of a body corporate that holds a licence in respect of the fishery;
  - (f) if a boat is registered for use under the licence, that there is in force a policy of public liability insurance under which the transferee is insured or indemnified in an amount of at least \$10 000 000 in relation to death or bodily injury or property damage that may be caused by or arise out of the use of the boat under the licence.

## **8—Registration**

- (1) An application by the holder of a licence in respect of the fishery—
  - (a) to register a boat or device for use under the licence; or
  - (b) to register a person as a master of a boat that may be used under the licence,

must be accompanied by the documents specified in the application form.

- (2) The Minister may only grant an application to register a boat for use under a licence in respect of the fishery if satisfied that there is in force a policy of public liability insurance under which the applicant is insured or indemnified in an amount of at least \$10 000 000 in relation to death or bodily injury or property damage that may be caused by or arise out of the use of the boat under the licence.

## **9—Revocation of registration**

- (1) The Minister may, on application by the holder of a licence in respect of the fishery, revoke the registration of—
  - (a) a boat or device used under the licence; or
  - (b) a person as a master of a boat that may be used under the licence.
- (2) An application for revocation of registration must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicant and be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the documents specified in the application form.

## **10—Conditions limiting number of boats that may be used etc**

The Minister may impose conditions on a licence in respect of the fishery—

- (a) limiting the number of registered boats that may be used under the licence at any 1 time;
- (b) limiting the number of devices that may be carried on registered boats used under the licence and otherwise regulating the carrying of devices on such boats;
- (c) limiting the area of waters within which registered boats may be used under the licence.

## **7—Variation of regulation 14—Periodic returns**

- (1) Regulation 14(1)(b)—delete "Chief Executive Officer of SARDI, with the approval of the Minister," and substitute:

Minister

- (2) Regulation 14(1)(c)—delete "office of the Chief Executive Officer of SARDI" and substitute:

Minister

- (3) Regulation 14(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) Regulation 14(2)—delete subregulation (2) and substitute:

- (2) If no aquatic resources are taken during a particular calendar month by use of a boat registered for use under a licence in respect of the fishery, the holder of the licence is required by subregulation (1) to furnish a return in respect of that period indicating that no aquatic resources were taken.

### **8—Variation of regulation 15—Copies of periodic returns must be made and kept**

- (1) Regulation 15(a)—delete "Chief Executive Officer of SARDI" and substitute:

Minister

- (2) Regulation 15, penalty provision—delete the penalty provision and substitute:

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **9—Revocation of regulation 16**

Regulation 16—delete the regulation

### **10—Revocation of Schedule 1**

Schedule 1—delete the Schedule

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 280 of 2007

MAFF07/020CS

South Australia

## **Fisheries (Scheme of Management—Lakes and Coorong Fishery) Variation Regulations 2007**

under the *Fisheries Management Act 2007*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Fisheries (Scheme of Management—Lakes and Coorong Fishery) Variation Regulations 2007*.

#### **2—Commencement**

These regulations will come into operation on the day on which Part 6 Division 1 of the *Fisheries Management Act 2007* comes into operation.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Fisheries (Scheme of Management—Lakes and Coorong Fishery) Regulations 2006*

### 4—Variation of regulation 1—Short title

Regulation 1—delete "*Fisheries (Scheme of Management—Lakes and Coorong Fishery) Regulations*" and substitute:

*Fisheries Management (Lakes and Coorong Fishery) Regulations*

### 5—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definitions of *Act* and *coastal waters*—delete the definitions and substitute:

*Act* means the *Fisheries Management Act 2007*;

- (2) Regulation 3(1), definition of *Lakes and Coorong*—delete the definition and substitute:

*Lakes and Coorong* means the waters of the Coorong, Lake Alexandrina, Lake Albert, and the coastal waters adjacent to South Australia between the location on Mean High Water Springs closest to 35°31'23.50" South, 138°46'23.83" East (Beach Road, Goolwa) and the location on Mean High Water Springs closest to 36°49'34.59" South, 139°50'55.95" East (Kingston SE Jetty);

*Mean High Water Springs* means the line representing the average of all high water observations at the time of spring tide over a period of 19 years;

- (3) Regulation 3(1), definition of *mesh net*—delete "*Fisheries (General) Regulations 2000*" and substitute:

*Fisheries Management (General) Regulations 2007*

- (4) Regulation 3(1), definition of *mesh net entitlement*—delete "fish pursuant to" and substitute:

aquatic resources under

- (5) Regulation 3(1), definitions of *revoked regulations*, *SARDI*, *yabby pot* and *yabby pot entitlement*—delete the definitions and substitute:

*yabby pot* has the same meaning as in the *Fisheries Management (General) Regulations 2007*, and includes a drop net and hoop net as defined in those regulations;

*yabby pot entitlement* means the maximum number of yabby pots that the holder of a licence in respect of the fishery may lawfully use at any 1 time to take aquatic resources under the licence.

- (6) Regulation 3(2)—delete "fish" wherever occurring and substitute in each case:

aquatic resources

- (7) Regulation 3—after subregulation (2) insert:

Notes—

- 1 Common and scientific fish names are given according to *AS: SSA-001 Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.
- 2 Unless the contrary intention appears, all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995 and all co-ordinates are expressed in terms of GDA94.

**6—Variation of regulation 4—Constitution of fishery**

- (1) Regulation 4(2)(a)—delete "fish" and substitute:  
aquatic resources
- (2) Regulation 4(2)(b)—delete "razor fish" and substitute:  
Razorfish

**7—Substitution of regulations 5 to 13**

Regulations 5 to 13 (inclusive)—delete the regulations and substitute:

**5—Maximum number of licences that may be in force**

The maximum number of licences that may be in force in respect of the fishery is the number of licences in force in respect of the fishery immediately before the commencement of this regulation.

**6—Transfer of licence**

- (1) Licences in respect of the fishery are transferable.
- (2) An application for consent to the transfer of a licence must be accompanied by—
  - (a) the licence to be transferred; and
  - (b) a form of return as required by regulation 16 completed by the holder of the licence up to the date of application.
- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
  - (a) that any fees or other amounts payable in relation to the licence under the Act or the repealed Act have been paid in full;
  - (b) that the licence to be transferred has not been suspended;
  - (c) that no proceedings alleging an offence against the Act or the repealed Act are pending or likely to be commenced in the State against the holder of the licence;
  - (d) that the transferee is a natural person of at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery;
  - (e) if a boat registered for use under the licence is the subject of, or registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement to take aquatic resources granted under a law of the Commonwealth or a corresponding law—

- (i) that the entitlement is either to be transferred together with the licence to the transferee or to be surrendered on or before the transfer of the licence; or
- (ii) that—
  - (A) the transfer of the licence separately from the entitlement is not likely to result in fishing activities that over-exploit or endanger the aquatic resources of the State; and
  - (B) the person or body that granted the entitlement concurs with the separate transfer of the licence.

### **7—Registration**

- (1) An application by the holder of a licence in respect of the fishery—
  - (a) to register a boat or device for use under the licence; or
  - (b) to register a person as a master of a boat that may be used under the licence,must be accompanied by the documents specified in the application form.
- (2) A person other than the holder of a licence in respect of the fishery cannot be registered as a master of a boat used under the licence unless the holder of the licence is already registered as the master of a registered boat used under a fishery licence.

### **8—Revocation of registration**

- (1) The Minister may, on application by the holder of a licence in respect of the fishery, revoke the registration of—
  - (a) a boat or device used under the licence; or
  - (b) a person as a master of a boat that may be used under the licence.
- (2) An application for revocation of registration must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicant and be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the documents specified in the application form.

### **9—Mesh net and yabby pot entitlements**

- (1) The Minister may impose or vary conditions on licences in respect of the fishery fixing mesh net entitlements as follows:
  - (a) a mesh net entitlement may be fixed by condition of a licence but must not exceed 100;
  - (b) if a person becomes the holder of a licence as a result of the transfer of the licence, the mesh net entitlement under that licence will be fixed at 25 subject to any subsequent variation under paragraph (c);

- (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, the mesh net entitlement under 1 of the licences may be increased by 25, provided that—
  - (i) the other licence is first surrendered to the Minister; and
  - (ii) if the entitlement as so increased would exceed 100, the entitlement is fixed at 100 only.
- (2) The Minister may impose or vary conditions on licences in respect of the fishery fixing yabby pot entitlements as follows:
  - (a) a yabby pot entitlement may be fixed by condition of a licence but must not exceed 100;
  - (b) if a person becomes the holder of a licence as a result of the transfer of the licence, the yabby pot entitlement under that licence will be fixed at 50 subject to any subsequent variation under paragraph (c);
  - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, a yabby pot entitlement under 1 of the licences may be increased by a number equal to the yabby pot entitlement under the other licence, provided that—
    - (i) the other licence is first surrendered to the Minister; and
    - (ii) if the entitlement as so increased would exceed 100, the entitlement is fixed at 100 only.
- (3) An application to vary a mesh net or yabby pot entitlement must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and be completed in accordance with the instructions contained in the form.

### **8—Variation of regulation 14—Use of agents in fishing activities**

- (1) Regulation 14—delete "boat registered by endorsement of" wherever occurring and substitute in each case:  
registered boat used under
- (2) Regulation 14—delete "\$4 000" wherever occurring and substitute in each case:  
\$5 000

### **9—Variation of regulation 15—Certain boats need not be registered**

Regulation 15(1)—delete "boat registered by endorsement of the licence" and substitute:  
registered boat

### **10—Variation of regulation 16—Periodic returns**

- (1) Regulation 16(1)(b)—delete "Executive Director of SARDI, with the approval of the Minister," and substitute:  
Minister
- (2) Regulation 16(1)(c)—delete "office of the Executive Director of SARDI" and substitute:  
Minister



- (3) Regulation 16(1), penalty provision—delete "\$4 000" and substitute:  
\$5 000
- (4) Regulation 16(2)—delete "fish" wherever occurring and substitute in each case:  
aquatic resources
- (5) Regulation 16(2)—delete "pursuant to" and substitute:  
under
- (6) Regulation 16(3)(a)—delete "Executive Director of SARDI" and substitute:  
Minister
- (7) Regulation 16(3), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

## 11—Substitution of Schedules 1 to 3

Schedules 1 to 3 (inclusive)—delete the Schedules and substitute:

### **Schedule 1—Aquatic resources prescribed for Lakes and Coorong Fishery**

#### **Annelids**

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

#### **Crustaceans**

Crab of all species (Family Portunidae)

Freshwater Prawn (*Macrobrachium australiensis*)

Yabby (*Cherax* spp)

#### **Molluscs**

Southern Calamari (*Sepioteuthis australis*)

Cockle (*Anadara* & *Katelysia* spp)

Mussels (*Mytilus* spp)

Freshwater Mussels (Family Hyriidae)

Pipi (*Donax* spp)

Gould's Squid (*Nototodarus gouldii*)

#### **Scalefish**

Australian Anchovy (*Engraulis australis*)

Barracouta (*Thyrsites atun*)

Black Bream (*Acanthopagrus butcheri*)

Bony Bream (*Nematalosa erebi*)

Carp of all species (Family Cyprinidae)

Cod of all marine species (Family Moridae)

Congolli (*Pseudaphritis urvilli*)

- Dory of all species (Family Zeidae)  
Flathead (*Platycephalus* spp)  
Flounder of all species (Family Bothidae or Pleuronectidae)  
Garfish (*Hyporhamphus melanochir*)  
Australian Herring (*Arripis georgianus*)  
Mullet of all species (Family Mugilidae)  
Mulloway (*Argyrosomus hololepidotus*)  
Murray Cod (*Maccullochella peelii*)  
Golden Perch (*Macquaria ambigua*)  
Redfin (*Perca fluviatilis*)  
Bight Redfish (*Centroberyx gerrardi*)  
Redfish (*Centroberyx affinis*)  
Western Australian Salmon (*Arripis truttaceus*)  
Australian Sardine (*Sardinops sagax*)  
Snapper (*Pagrus auratus*)  
Snook (*Sphyraena novaehollandiae*)  
Southern Sole (*Aserragodes haackeanus*)  
Swallowtail (*Centroberyx lineatus*)  
Sea Sweep (*Scorpius aequipinnis*)  
Blue-eye Trevalla (*Hyperoglyphe antarctica*)  
Trevally (*Caranginae* spp)  
Brown Trout (*Salmo trutta*)  
Rainbow Trout (*Oncorhynchus mykiss*)  
Whiting of all species (Family Sillaginidae)  
Bluethroat Wrasse (*Notolabrus tetricus*)
- Shark**
- Rays of all species (Class Elasmobranchii)  
Shark of all species (Class Elasmobranchii) other than White Shark (*Carcharodon carcharias*)  
Skate of all species (Class Elasmobranchii)

## **Schedule 2—Transitional provisions**

### **1—Eligibility to be granted fishery licence**

Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the fishery, may make an application under section 54 of the Act for a licence in respect of the fishery.

## 2—Mesh net and yabby pot entitlements

- (1) A mesh net entitlement fixed under regulation 9(1)(a) by condition of a licence in respect of the fishery must, until the licence is transferred, be the number of mesh nets registered for use under the licence immediately before the commencement of that regulation (subject to any subsequent variation under regulation 9(1)(c)).
- (2) A yabby pot entitlement fixed under regulation 9(2)(a) by condition of a licence in respect of the fishery must, until the licence is transferred, be the number of yabby pots registered for use under the licence immediately before the commencement of that regulation (subject to any subsequent variation under regulation 9(2)(c)).

### Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### Made by the Governor

with the advice and consent of the Executive Council  
on 29 November 2007

No 281 of 2007

MAFF07/020CS

South Australia

## **Fisheries (Scheme of Management—Marine Scalefish Fisheries) Variation Regulations 2007**

under the *Fisheries Management Act 2007*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Variation Regulations 2007*.

### 2—Commencement

These regulations will come into operation on the day on which Part 6 Division 1 of the *Fisheries Management Act 2007* comes into operation.

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 2006*

### 4—Variation of regulation 1—Short title

Regulation 1—delete "*Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations*" and substitute:

*Fisheries Management (Marine Scalefish Fisheries) Regulations*

### 5—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *Act*—delete the definition and substitute:

*Act* means the *Fisheries Management Act 2007*;

- (2) Regulation 3(1), definition of *blue crab*—delete "blue crab" second occurring and substitute:

Blue Swimmer Crab

- (3) Regulation 3(1), definition of *Blue Crab Fishery*—delete "*Fisheries (Scheme of Management—Blue Crab Fishery) Regulations*" and substitute:

*Fisheries Management (Blue Crab Fishery) Regulations*

- (4) Regulation 3(1), definition of *blue crab fishing zone*—delete "*Fisheries (Scheme of Management—Blue Crab Fishery) Regulations*" and substitute:

*Fisheries Management (Blue Crab Fishery) Regulations*

- (5) Regulation 3(1), definition of *coastal waters*—delete the definition

- (6) Regulation 3(1), definition of *crab net*—delete "*Fisheries (General) Regulations 2000*" and substitute:

*Fisheries Management (General) Regulations 2007*

- (7) Regulation 3(1), definition of *Gulf St. Vincent Blue Crab Fishing Zone*—delete "*Fisheries (Scheme of Management—Blue Crab Fishery) Regulations*" and substitute:

*Fisheries Management (Blue Crab Fishery) Regulations*

- (8) Regulation 3(1), definition of *MSSF licence*—delete the definition and substitute:

*MSSF licence* means a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a sardine quota entitlement;

- (9) Regulation 3(1), definitions of *pilchard*, *pilchard net*, *revoked regulations* and *SARDI*—delete the definitions and substitute:

*sardine* means Australian Sardine (*Sardinops sagax*);

*sardine net* has the same meaning as in the *Fisheries Management (General) Regulations 2007*;

*sardine quota entitlement*—see regulation 18;

- (10) Regulation 3(1), definition of *Spencer Gulf Blue Crab Fishing Zone*—delete "*Fisheries (Scheme of Management—Blue Crab Fishery) Regulations*" and substitute:

*Fisheries Management (Blue Crab Fishery) Regulations*

- (11) Regulation 3(2)—delete "fish" wherever occurring and substitute in each case:

aquatic resources

- (12) Regulation 3—after subregulation (2) insert:

**Note—**

Common and scientific fish names are given according to AS: SSA-001 *Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.

## **6—Variation of regulation 4—Constitution of fisheries**

- (1) Regulation 4(2)(a)—delete "fish" and substitute:

aquatic resources

- (2) Regulation 4(2)(b)—delete "razor fish" and substitute:

Razorfish

- (3) Regulation 4(3)—delete subregulation (3) and substitute:

- (3) The holder of a licence in respect of a marine scalefish fishery must not, for a commercial purpose, take blue crab in a blue crab fishing zone unless the licence is subject to a condition fixing a blue crab quota entitlement in relation to that zone.

Maximum penalty: \$5 000.

## **7—Substitution of regulations 5 to 8**

Regulations 5 to 8 (inclusive)—delete the regulations and substitute:

### **5—Maximum number of licences that may be in force**

- (1) The maximum number of licences that may be in force in respect of the Marine Scalefish Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.
- (2) The maximum number of licences that may be in force in respect of the Restricted Marine Scalefish Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.

**8—Variation of regulation 9—Transfer of licences**

- (1) Regulation 9(2)—delete subregulation (2) and substitute:
  - (2) Subject to these regulations, licences in respect of a marine scalefish fishery are transferable.
- (2) Regulation 9(4) and (5)—delete subregulations (4) and (5) and substitute:
  - (4) An application for consent to the transfer of a licence must be accompanied by—
    - (a) the licence to be transferred; and
    - (b) a form of return as required by regulation 27 completed by the holder of the licence up to the date of application.
  - (5) The Minister may only consent to the transfer of a licence if satisfied as to the following:
    - (a) that the transfer is—
      - (i) an authorised family transfer; or
      - (ii) an authorised amalgamation scheme transfer;
    - (b) that any fees or other amounts payable in relation to the licence under the Act or the repealed Act have been paid in full;
    - (c) that the licence to be transferred has not been suspended;
    - (d) that the transfer is to 1 person only;
    - (e) that no proceedings alleging an offence against the Act or the repealed Act are pending or likely to be commenced in the State against the holder of the licence;
    - (f) that the transferee is a natural person of at least 15 years of age and is a fit and proper person to hold a licence in respect of a marine scalefish fishery;
    - (g) if a boat registered for use under the licence is the subject of, is registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement to take aquatic resources granted under a law of the Commonwealth or a corresponding law—
      - (i) that the entitlement is either to be transferred together with the licence to the transferee or to be surrendered on or before the transfer of the licence; or
      - (ii) that—
        - (A) the transfer of the licence separately from the entitlement is not likely to result in fishing activities that over-exploit or endanger the aquatic resources of the State; and
        - (B) the person or body that granted the entitlement concurs with the separate transfer of the licence.

**9—Variation of regulation 11—Transfer of licences under amalgamation scheme**

- (1) Regulation 11(1), definitions of *aggregate gear entitlement* and *gear endorsement*—delete the definitions and substitute:

*aggregate gear entitlement*, in relation to 2 or more licences, means the aggregate of the gear entitlements under the licences;

- (2) Regulation 11(1), definition of *net*—delete "*Fisheries (General) Regulations 2000*" and substitute:

*Fisheries Management (General) Regulations 2007*

- (3) Regulation 11(1), definition of *net licence*—delete the definition and substitute:

*net licence* means a licence under which there is a gear entitlement that authorises the use of 1 or more nets (whether or not the entitlement authorises the use of other devices).

- (4) Regulation 11(2)—delete "Director" and substitute:

Minister

- (5) Regulation 11(2)(a)(i)—delete "fish species taken pursuant to" and substitute:

species of aquatic resources taken under

- (6) Regulation 11(2)(a)(ii)—delete "fish"

- (7) Regulation 11(3)—delete "Director" and substitute:

Minister

- (8) Regulation 11(4)—delete "Director" and substitute:

Minister

- (9) Regulation 11(6)—delete "Director" wherever occurring and substitute in each case:

Minister

- (10) Regulation 11(6)(e)—before "Act" insert:

repealed

- (11) Regulation 11(6)(f)—delete paragraph (f) and substitute:

- (f) if 1 or more licences are to be surrendered but any fees or other amounts payable under the Act or the repealed Act in respect of those licences have not been paid in full, the fees or amounts still owing must be paid on or before the surrender of those licences;

- (12) Regulation 11(6)(i)—delete paragraph (i) and substitute:

- (i) replace the gear entitlement under the remaining licence held by the transferee with a gear entitlement that makes provision for the aggregate gear entitlement under that licence and the surrendered licence or licences;



## 10—Substitution of regulations 12 to 16

Regulations 12 to 16 (inclusive)—delete the regulations and substitute:

### 12—Registration

- (1) An application by the holder of a licence in respect of a marine scalefish fishery—
  - (a) to register a boat or device for use under the licence; or
  - (b) to register a person as a master of a boat that may be used under the licence,must be accompanied by the documents specified in the application form.
- (2) A person other than the holder of a licence in respect of a marine scalefish fishery (the *licensee*) cannot be registered as the master of a boat used under the licence unless the licensee is already registered as the master of a boat used under another licence in respect of a marine scalefish fishery held by the licensee.

### 13—Revocation of registration

- (1) The Minister may, on application by the holder of a licence in respect of a marine scalefish fishery, revoke the registration of—
  - (a) a boat or device used under the licence; or
  - (b) a person as a master of a boat that may be used under the licence.
- (2) An application for revocation of registration must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicant and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the documents specified in the application form.

### 14—Registered master may be assisted by only 1 agent

The registered master of a registered boat must not, when using the boat under a licence in respect of the Restricted Marine Scalefish Fishery, cause or permit more than 1 other person to assist him or her in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### 15—Carriage of crab nets on boats

The Minister may impose conditions on licences in respect of a marine scalefish fishery limiting the number of crab nets that may be carried on boats and otherwise regulating the carrying of crab nets used for fishing activities engaged in under the licences.

## 11—Variation of regulation 17—Individual blue crab catch quota system

- (1) Regulation 17(1), definitions of *blue crab quota* and *licence period*—delete the definitions and substitute:

*blue crab quota entitlement* or *quota entitlement*, in relation to a licence in respect of a marine scalefish fishery or the Blue Crab Fishery and a blue crab fishing zone, means the maximum number of kilograms of blue crab that may lawfully be taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and that quota period,

subject to any variation applying during that quota period;

*quota period*—a quota period for a marine scalefish fishery or the Blue Crab Fishery is a period of 12 months commencing on 1 July;

- (2) Regulation 17(1), definition of *unit value*—delete "Director" and substitute:

Minister

- (3) Regulation 17(1), definition of *unit value*—delete "licence" and substitute:

quota

- (4) Regulation 17(2) to (5) (inclusive)—delete subregulations (2) to (5) and substitute:

- (2) The Minister must, on or before the commencement of each quota period, determine the number of kilograms of blue crab that is to be the value of a blue crab unit for a blue crab fishing zone and the quota period.

- (3) The Minister may vary conditions on licences in respect of a marine scalefish fishery or the Blue Crab Fishery fixing blue crab quota entitlements as follows:

- (a) on joint application made to the Minister by the holders of any 2 licences in respect of a marine scalefish fishery subject to conditions fixing blue crab quota entitlements in relation to the same blue crab fishing zone, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
- (b) on joint application made to the Minister by the holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement in relation to a particular blue crab fishing zone (the *first licence*) and the holder of another licence in respect of a marine scalefish fishery, being a licence not subject to a condition fixing a blue crab quota entitlement (whether at all or in relation to that zone) (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and

- (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a blue crab quota entitlement in respect of that zone may be imposed on that licence;
- (c) on joint application made to the Minister by the holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement in relation to a particular blue crab fishing zone (the *first licence*) and the holder of a licence in respect of the Blue Crab Fishery subject to a condition fixing a blue crab quota entitlement in respect of the same zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units; or
  - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence in respect of that zone and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (d) on joint application made to the Minister by the holder of a licence in respect of the Blue Crab Fishery subject to a condition fixing a blue crab quota in respect of a particular blue crab fishing zone (the *first licence*) and the holder of a licence in respect of a marine scalefish fishery not subject to a condition fixing a blue crab quota entitlement (whether at all or in relation to the same zone) (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
  - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a blue crab quota entitlement in respect of that zone may be imposed on that licence;
- (e) if the total blue crab catch taken under a licence in respect of a marine scalefish fishery during a quota period exceeded the blue crab quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the blue crab quota entitlement—
  - (i) if the catch exceeded the blue crab quota entitlement by not more than 20 kilograms of blue crab—by 1 kilogram for each kilogram taken in excess of the blue crab quota entitlement; or

- (ii) if the catch exceeded the blue crab quota entitlement by more than 20 kilograms but not more than 50 kilograms of blue crab—by 2 kilograms for each kilogram taken in excess of the blue crab quota entitlement;
- (f) if—
  - (i) the holder of a licence in respect of a marine scalefish fishery is convicted of an offence of contravening a condition of the licence fixing a blue crab quota entitlement; and
  - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of blue crab in excess of the quota entitlement,

the conditions of the licence may be varied so as to decrease the blue crab quota entitlement under the licence for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed;
- (g) a variation of a quota entitlement made under paragraph (e) must be expressed to apply only for the quota period during which the variation is made.
- (4) An application to vary unit entitlements must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (5) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement must not, while the unit entitlement under the licence is less than—
  - (a) in the case of a licence referred to in Schedule 4 of the *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 1991* as in force on 31 August 2006—19 blue crab units; or
  - (b) in any other case—80 blue crab units,

take blue crab under the licence except in the waters of the State west of longitude 135°E.

Maximum penalty: \$5 000.

## 12—Variation of regulation 18—Individual sardine catch quota system

- (1) Regulation 18(1)—delete "endorsed with a condition permitting the holder of the licence to take pilchards by use of a pilchard net" and substitute:
  - under which sardine nets are registered

- (2) Regulation 18(2), definitions of *pilchard quota* and *prescribed period*—delete the definitions and substitute:

*quota period*—a quota period for the Marine Scalefish Fishery is a period of 12 months commencing on 1 January;

*sardine quota entitlement* or *quota entitlement*, in relation to a licence in respect of the Marine Scalefish Fishery, means the maximum number of kilograms of sardines that may lawfully be taken by the holder of the licence during a quota period, being the product of—

- (a) the unit entitlement under that licence; and
- (b) the unit value for that quota period,

subject to any variation applying during that quota period;

- (3) Regulation 18(3) to (5)—delete subregulations (3) to (5) and substitute:

- (3) The Minister must, on or before the commencement of each quota period, determine the number of kilograms of sardines that is to be the value of a sardine unit for the quota period.
- (4) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery fixing sardine quota entitlements as follows:
  - (a) all licences in respect of the fishery must be allocated the same number of sardine units;
  - (b) the Minister may, not more than twice during a quota period, vary the conditions of all licences in respect of the fishery so as to increase the sardine quota entitlements under the licences by the same number of sardine units;
  - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, the conditions of those licences may be varied so as to increase (by whole units or part units) the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
  - (d) if the total catch of sardines taken by the holder of a licence in respect of the fishery during a quota period exceeded the sardine quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the sardine quota entitlement—
    - (i) if the catch exceeded the sardine quota entitlement by not more than 2 tonnes of sardines—by 1 kilogram for each kilogram taken in excess of the sardine quota entitlement; or
    - (ii) if the catch exceeded the sardine quota entitlement by more than 2 tonnes but not more than 4 tonnes of sardines—by 2 kilograms for each kilogram taken in excess of the sardine quota entitlement;

- (e) if—
  - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing a sardine quota entitlement; and
  - (ii) the conduct constituting the offence involved the taking of more than 4 tonnes of sardines in excess of the quota entitlement,

the conditions of the licence may be varied so as to decrease the sardine quota entitlement under the licence for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the sardine quota entitlement for the quota period during which the offence was committed;

- (f) a variation of a quota entitlement or unit entitlement under this subregulation (other than paragraph (e)) must be expressed to apply only for the remainder of the quota period during which the variation is made.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.

### **13—Variation of regulation 19—Restriction on use of certain registered boats to take sardines**

- (1) Regulation 19(1)—delete subregulation (1) and substitute:
  - (1) A registered boat registered for use under more than 1 MSSF licence must not be used to take sardines under more than 1 such licence at any 1 time.
- (2) Regulation 19(2), penalty provision—delete "\$4 000" and substitute:

\$5 000

### **14—Variation of regulation 20—Information to be provided to Minister before certain registered boats are used to take sardines**

- (1) Regulation 20(1)—delete subregulation (1) and substitute:
  - (1) Subject to subregulation (3), at least 4 hours before a registered boat used under more than 1 MSSF licence departs on a trip during which it is to be used to take sardines under such a licence, the Minister must be informed by telephone of—
    - (a) the intended time of the boat's departure; and
    - (b) the number of the licence under which the boat is to be used.
- (2) Regulation 20(2), penalty provision—delete "\$4 000" and substitute:

\$5 000

(3) Regulation 20(3)—delete subregulation (3) and substitute:

- (3) If a boat is used to take sardines on 2 or more consecutive occasions under the same MSSF licence, subregulation (1) need only be complied with in relation to the first occasion.

### **15—Variation of regulation 21—Use of agents in fishing activities**

(1) Regulation 21—delete "boat registered by endorsement of" wherever occurring and substitute in each case:

registered boat used under

(2) Regulation 21(1), penalty provision—delete "\$4 000" and substitute:

\$5 000

(3) Regulation 21(2), penalty provision—delete "\$4 000" and substitute:

\$5 000

(4) Regulation 21(3), penalty provision—delete "\$4 000" and substitute:

\$5 000

### **16—Variation of regulation 22—Catch and disposal records—blue crab**

(1) Regulation 22(2)—delete "endorsed with a condition fixing a blue crab quota on the licence" and substitute:

subject to a condition fixing a blue crab quota entitlement

(2) Regulation 22(2)—delete "pursuant to" wherever occurring and substitute in each case:

under

(3) Regulation 22(2)(e)—delete "Director of Fisheries" and substitute:

Minister

(4) Regulation 22(3), penalty provision—delete "\$4 000" and substitute:

\$5 000

### **17—Substitution of regulation 23**

Regulation 23—delete the regulation and substitute:

#### **23—Disposal of sardines**

The holder of a MSSF licence must ensure that all sardines taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **18—Variation of regulation 24—Restriction on unloading of sardines onto other boats**

(1) Regulation 24—delete "pilchards" wherever occurring and substitute in each case:

sardines

(2) Regulation 24—delete "pursuant to a MSFP licence" and substitute:

under a MSSF licence

- (3) Regulation 24, penalty provision—delete "\$4 000" and substitute:  
\$5 000

**19—Variation of regulation 25—Information relating to catch and disposal of sardines to be reported to Minister**

- (1) Regulation 25—delete "pilchards" wherever occurring and substitute in each case:  
sardines
- (2) Regulation 25—delete "Director" wherever occurring and substitute in each case:  
Minister
- (3) Regulation 25(1)—delete "pursuant to a MSFP licence" and substitute:  
under a MSSF licence
- (4) Regulation 25(2)(b)—delete "pursuant to" and substitute:  
under
- (5) Regulation 25(4), penalty provision—delete "\$4 000" and substitute:  
\$5 000

**20—Variation of regulation 26—Catch and disposal records—sardines**

- (1) Regulation 26(1)—delete subregulation (1) and substitute:
- (1) In this regulation—
- PF-CDR book*** means the book issued by the Department containing blank PF-CDR forms;
- PF-CDR form*** means the form produced by the Department entitled *PIRSA Sardine Catch and Disposal Record*;
- PFTF form*** means the form produced by the Department entitled *Sardine Fishery Transit Form*;
- PFTF book*** means the book issued by the Department containing blank PFTF forms.
- (2) Regulation 26(2)—delete "pursuant to a MSFP licence" and substitute:  
under a MSSF licence
- (3) Regulation 26(2)—delete "pilchards" wherever occurring and substitute in each case:  
sardines
- (4) Regulation 26(2)—delete "Director" wherever occurring and substitute in each case:  
Minister
- (5) Regulation 26(3), penalty provision—delete "\$4 000" and substitute:  
\$5 000
- (6) Regulation 26(4)—delete "MSFP licence" and substitute:  
MSSF licence
- (7) Regulation 26(4)—delete "Director" and substitute:  
Minister



- (8) Regulation 26(4), penalty provision—delete "\$4 000" and substitute:  
\$5 000
- (9) Regulation 26(5)—delete "MSFP licence" and substitute:  
MSSF licence
- (10) Regulation 26(5), penalty provision—delete "\$4 000" and substitute:  
\$5 000

## **21—Variation of regulation 27—Periodic returns**

- (1) Regulation 27(1)(b)—delete "Executive Director of SARDI, with the approval of the Minister," and substitute:  
Minister
- (2) Regulation 27(1)(c)—delete "office of the Executive Director of SARDI" and substitute:  
Minister
- (3) Regulation 27(1), penalty provision—delete "\$4 000" and substitute:  
\$5 000
- (4) Regulation 27(2)—delete "fish" wherever occurring and substitute in each case:  
aquatic resources
- (5) Regulation 27(2)—delete "pursuant to" and substitute:  
under
- (6) Regulation 27(4)(a)—delete "Executive Director of SARDI" and substitute:  
Minister
- (7) Regulation 27(4), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

## **22—Substitution of Schedules 1 to 3**

Schedules 1 to 3 (inclusive)—delete the Schedules and substitute:

### **Schedule 1—Aquatic resources prescribed for marine scalefish fisheries**

#### **Annelids**

Beachworm (Class Polychaeta)

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

#### **Crustaceans**

Blue Swimmer Crab (*Portunus pelagicus*)

Sand Crab (*Ovalipes* spp)

Velvet Crab (*Nectocarcinus tuberculosus*)

**Molluscs**

Southern Calamari (*Sepioteuthis australis*)

Cockle (Suborder Teledonta)

Cuttlefish (*Sepia* spp)

Mussel (*Mytilus* spp)

Octopus (*Octopus* spp)

Oyster (Family Ostreidae)

Scallop (Family Pectinidae)

Gould's Squid (*Notodarus gouldi*)

**Scalefish**

Australian Anchovy (*Engraulis australis*)

Barracouta (*Thyrsites atun*)

Black Bream (*Acanthopagrus butcheri*)

Cod of all marine species (Family Moridae)

Dory (Family Zeidae)

Flathead (Family Platycephalidae)

Flounder (Family Bothidae or Pleuronectidae)

Southern Garfish (*Hyporhamphus melanochir*)

Bluespotted Goatfish (*Upeneichthys vlamingii*)

Australian Herring (*Arripis georgianus*)

Yellowtail Kingfish (*Seriola lalandi*)

Leatherjacket (Family Monacanthidae)

Pink Ling (*Genypterus blacodes*)

Blue Mackerel (*Scomber australasicus*)

Common Jack Mackerel (*Trachurus declivis*)

Morwong (Family Cheilodactylidae)

Mullet of all species (Family Mugilidae)

Mulloway (*Argyrosomus hololepidotus*)

Redfish (*Centroberyx affinis*)

Bight Redfish (*Centroberyx gerrardi*)

West Australian Salmon (*Arripis truttaceus*)

Australian Sardine (*Sardinops sagax*)

Snapper (*Pagrus auratus*)

Snook (*Sphyræna novaehollandiae*)

Southern Sole (*Aseraggodes haackeanus*)

Sea Sweep (*Scorpius aequipinnis*)

Swallowtail (*Centroberyx lineatus*)

Blue-eye Trevalla (*Hyperoglyphe antarctica*)

Trevally (*Caranginae* spp)

Whiting (Family Sillaginidae)

Bluethroat Wrasse (*Notolabrus tetricus*)

**Sharks**

Rays of all species (Class Elasmobranchii)

Shark of all species (Class Elasmobranchii) other than White Shark (*Carcharodon carcharias*)

Skate of all species (Class Elasmobranchii)

## **Schedule 2—Transitional provision**

### **1—Eligibility to be granted fishery licence**

- (1) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Marine Scalefish Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.
- (2) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Restricted Marine Scalefish Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 282 of 2007

MAFF07/020CS

South Australia

## **Fisheries (Scheme of Management—Miscellaneous Fishery) Variation Regulations 2007**

under the *Fisheries Management Act 2007*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Fisheries (Scheme of Management—Miscellaneous Fishery) Variation Regulations 2007*.

#### **2—Commencement**

These regulations will come into operation on the day on which Part 6 Division 1 of the *Fisheries Management Act 2007* comes into operation.

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Fisheries (Scheme of Management—Miscellaneous Fishery) Regulations 2000*

### 4—Variation of regulation 1—Short title

Regulation 1—delete "*Fisheries (Scheme of Management—Miscellaneous Fishery) Regulations*" and substitute:

*Fisheries Management (Miscellaneous Fishery) Regulations*

### 5—Revocation of regulation 3

Regulation 3—delete the regulation

### 6—Variation of regulation 4—Interpretation

- (1) Regulation 4(1), definition of *Act*—delete the definition and substitute:

*Act* means the *Fisheries Management Act 2007*;

- (2) Regulation 4(1)—after the definition of *fishery* insert:

*giant crab* means Giant Crab *Pseudocarcinus gigas*;

- (3) Regulation 4(1), definitions of *licence period*, *revoked regulations* and *SARDI*—delete the definitions and substitute:

*waters of the State* means all the waters to which the Act applies.

- (4) Regulation 4—after subregulation (2) insert:

- (3) In these regulations, a reference to the *taking of aquatic resources* includes a reference to an act preparatory to, or involved in, the taking of the aquatic resources.

**Note—**

Common and scientific fish names are given according to AS: SSA-001 *Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.

- (5) Regulation 4(4)—delete subregulation (4)

### 7—Variation of regulation 5—Constitution of fishery

Regulation 5(2)—delete "fish" and substitute:

aquatic resources

### 8—Substitution of regulations 6 to 14

Regulations 6 to 14 (inclusive)—delete the regulations and substitute:

#### 6—Issue of licences

- (1) If—

- (a) a licence in respect of the fishery in force ceases to be held by a person; or

- (b) the Minister considers that it would not be detrimental to the aquatic resources of the State to issue an additional licence in respect of the fishery,

the Minister may make a call for applications in respect of that licence in accordance with the competitive tender procedure prescribed by Schedule 2.

- (2) If a person who is a successful applicant at a tender conducted in accordance with the procedure prescribed by Schedule 2—
  - (a) fails to make an application for the licence in respect of which he or she was the successful applicant; or
  - (b) having made an application for that licence, is for any reason not granted the licence,

the Minister must call for applications in respect of that licence in accordance with the procedure prescribed by Schedule 2.

- (3) The Minister may only grant a licence in respect of the fishery if satisfied as to the following:
  - (a) that the applicant was a successful applicant for the licence at a tender conducted in accordance with the procedure prescribed by Schedule 2;
  - (b) if the applicant is a natural person, that the person is at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery;
  - (c) if the applicant is a company, that each director of the company is a fit and proper person to be a director of a company that holds a licence in respect of the fishery.

### **7—Power of Minister to limit fishing activities**

The Minister may impose conditions on a licence in respect of the fishery limiting the class of fishing activities that may be engaged in under the licence.

### **8—Registration**

An application by the holder of a licence in respect of the fishery—

- (a) to register a boat or device for use under the licence; or
- (b) to register a person as a master of a boat that may be used under the licence,

must be accompanied by the documents specified in the application form.

### **9—Revocation of registration**

- (1) The Minister may, on application by the holder of a licence in respect of the fishery, revoke the registration of—
  - (a) a boat or device used under the licence; or
  - (b) a person as a master of a boat that may be used under the licence.

- (2) An application for revocation of registration must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicant and be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the documents specified in the application form.

## 10—Individual giant crab catch quota system

- (1) In this regulation—

***giant crab fishing zone*** means the Northern Zone or Southern Zone;

***giant crab quota entitlement*** or ***quota entitlement***—

- (a) in relation to a licence in respect of the fishery and a giant crab fishing zone, means the maximum number of kilograms of giant crab that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—
  - (i) the unit entitlement under that licence in respect of that zone; and
  - (ii) the unit value for that zone and that quota period, subject to any variation applying during that quota period;
- (b) in relation to a licence in respect of a rock lobster fishery—has the same meaning as in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*;

***quota period***—a quota period for the fishery is a period of 12 months commencing on 1 July;

***unit entitlement***—

- (a) in relation to a licence in respect of the fishery and a giant crab fishing zone—means the number of giant crab units for the time being allocated to the licence in respect of that zone;
- (b) in relation to a licence in respect of a rock lobster fishery—has the same meaning as in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*;

***unit value*** means the number of kilograms of giant crab determined by the Minister to be the value of a giant crab unit for a giant crab fishing zone and a quota period.

- (2) In this regulation, ***Northern Zone***, ***rock lobster fishery*** and ***Southern Zone*** have the same respective meanings as in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*.
- (3) The Minister must, on or before the commencement of each quota period, determine the number of kilograms of giant crab that is to be the value of a giant crab unit for a giant crab fishing zone and the quota period.

- (4) The Minister may vary conditions on licences in respect of the fishery or a rock lobster fishery varying giant crab quota entitlements as follows:
- (a) on joint application made to the Minister by the holders of licences in respect of the fishery subject to conditions fixing a giant crab quota entitlement, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
  - (b) on joint application made to the Minister by a holder of a licence in respect of the fishery subject to a condition fixing a giant crab quota entitlement (the *first licence*) and the holder of a licence in respect of the Northern Zone Rock Lobster Fishery subject to such a condition (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of the Northern Zone and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence by a corresponding number of units; or
    - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence in respect of the Northern Zone and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence by a corresponding number of units;
  - (c) on joint application made to the Minister by the holder of a licence in respect of the fishery subject to a condition fixing a giant crab quota entitlement (the *first licence*) and the holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to such a condition (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of the Southern Zone and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence by a corresponding number of units; or
    - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence in respect of the Southern Zone and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence by a corresponding number of units;
  - (d) if the total catch of giant crab taken during a quota period exceeded the giant crab quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to reduce the quota entitlement—



- (i) if the catch exceeded the giant crab quota entitlement by not more than 20 kilograms of giant crab—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
    - (ii) if the catch exceeded the quota entitlement by more than 20 kilograms but not more than 50 kilograms of giant crab—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
  - (e) if—
    - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing a giant crab quota entitlement; and
    - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of giant crab in excess of the quota entitlement,

the conditions of the licence may be varied so as to reduce the quota entitlement under the licence for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed;
  - (f) a variation of a giant crab quota entitlement made under paragraph (d) must be expressed to apply only for the quota period during which the variation is made.
- (5) An application to vary quota entitlements must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by—
    - (i) the documents specified in the application form; and
    - (ii) the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.

### **9—Variation of regulation 15—Use of agents in fishing activities on shore**

- (1) Regulation 15—delete "boat registered by endorsement of" wherever occurring and substitute in each case:  
registered boat used under
- (2) Regulation 15(1), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (3) Regulation 15(2), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

**10—Variation of regulation 16—Periodic returns**

- (1) Regulation 16(1)(b)—delete "Chief Executive Officer of SARDI, with the approval of the Minister," and substitute:  
Minister
- (2) Regulation 16(1)(c)—delete "office of the Chief Executive Officer of SARDI" and substitute:  
Minister
- (3) Regulation 16(1), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (4) Regulation 16(2)—delete "fish" wherever occurring and substitute in each case:  
aquatic resources
- (5) Regulation 16(2)—delete "pursuant to" and substitute:  
under

**11—Variation of regulation 17—Copies of periodic returns must be made and kept**

- (1) Regulation 17(a)—delete "Chief Executive Officer of SARDI" and substitute:  
Minister
- (2) Regulation 17, penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

**12—Revocation of regulation 18**

Regulation 18—delete the regulation

**13—Substitution of Schedule 1**

Schedule 1—delete the Schedule and substitute:

**Schedule 1—Aquatic resources prescribed for  
Miscellaneous Fishery**

All fish other than Abalone (*Haliotis* spp), King Prawn (*Merlicertus latisulcatus*) and Southern Rocklobster (*Jasus edwardsii*)

**14—Variation of Schedule 2—Competitive tender procedure for issue of licences**

Schedule 2, clause 1—delete "Director" wherever occurring and substitute in each case:  
Minister

**15—Substitution of Schedules 3, 4 and 5**

Schedules 3, 4 and 5—delete the Schedules and substitute:

**Schedule 3—Transitional provision****1—Eligibility to be granted fishery licence**

Subject to regulation 6, only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the fishery, may make an application under section 54 of the Act for a licence in respect of the fishery.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 283 of 2007

MAFF07/020CS

South Australia

## **Fisheries (Scheme of Management—Prawn Fisheries) Variation Regulations 2007**

under the *Fisheries Management Act 2007*

---

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Fisheries (Scheme of Management—Prawn Fisheries) Variation Regulations 2007*.

#### **2—Commencement**

These regulations will come into operation on the day on which Part 6 Division 1 of the *Fisheries Management Act 2007* comes into operation.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Fisheries (Scheme of Management—Prawn Fisheries) Regulations 2006*

### 4—Variation of regulation 1—Short title

Regulation 1—delete "*Fisheries (Scheme of Management—Prawn Fisheries) Regulations*" and substitute:

*Fisheries Management (Prawn Fisheries) Regulations*

### 5—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definitions of *Act* and *continuous brake power rating*—delete the definitions and substitute:

*Act* means the *Fisheries Management Act 2007*;

- (2) Regulation 3(1), definitions of *fishing period*, *Gulf St. Vincent* and *licence period*—delete the definitions and substitute:

*Gulf St. Vincent* means the waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage contained within and bounded by a line commencing at Mean High Water Springs closest to 35°13'26.90" South, 137°00'00.00" East, then beginning easterly following the line of Mean High Water Springs to the location closest to 35°39'37.06" South, 138°3'38.09" East (Porpoise Head), then south-westerly to the location on Mean High Water Springs closest to 35°48'06.93" South, 138°07'29.06" East (Cape St Albans, Kangaroo Island), then beginning south-westerly following the line of Mean High Water Springs to the location closest to 35°40'20.07" South, 137°0'00.00" East, then northerly to the point of commencement;

*Mean High Water Springs* means the line representing the average of all high water observations at the time of spring tide over a period of 19 years;

- (3) Regulation 3(1), definition of *prawn*—delete the definition and substitute:

*prawn* means King Prawn (*Merlicertus latisulcatus*);

- (4) Regulation 3(1), definitions of *revoked regulations*, *SARDI* and *Spencer Gulf*—delete the definitions and substitute:

*Spencer Gulf* means the waters of Spencer Gulf north of the geodesic from the location on Mean High Water Springs closest to 34°9'07.15" South, 136°00'11.06" East (Cape Catastrophe, Eyre Peninsula) to the location on Mean High Water Springs closest to 35°7'59.60" South, 136°52'50.11" East (Cape Spencer, Yorke Peninsula);

- (5) Regulation 3(1), definition of *West Coast waters*—delete the definition and substitute:

*West Coast waters* means the waters adjacent to South Australia contained within the meridians of longitude 131° East and 137° East, but does not include the waters of Spencer Gulf north of the geodesic from the location on Mean High Water Springs closest to 34°59'07.15" South, 136°00'11.06" East (Cape Catastrophe, Eyre Peninsula) to the location on Mean High Water Springs closest to 35°17'59.60" South, 136°52'50.11" East (Cape Spencer, Yorke Peninsula);

- (6) Regulation 3(3)—delete "fish" wherever occurring and substitute in each case:  
aquatic resources

- (7) Regulation 3—after subregulation (3) insert:

**Notes—**

- 1 Common and scientific fish names are given according to *AS: SSA-001 Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.
- 2 Unless the contrary intention appears, all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995 and all co-ordinates are expressed in terms of GDA94.

## **6—Variation of regulation 4—Constitution of fisheries**

- Regulation 4—delete "fish" wherever occurring and substitute in each case:  
aquatic resources

## **7—Substitution of regulations 5 to 12**

- Regulations 5 to 12 (inclusive)—delete the regulations and substitute:

### **5—Maximum number of licences that may be in force**

- (1) The maximum number of licences that may be in force in respect of the Gulf St. Vincent Prawn Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.
- (2) The maximum number of licences that may be in force in respect of the Spencer Gulf Prawn Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.
- (3) The maximum number of licences that may be in force in respect of the West Coast Prawn Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.

### **6—Transfer of licence**

- (1) Licences in respect of a prawn fishery are transferable.
- (2) An application for consent to the transfer of a licence must be accompanied by—
  - (a) the licence to be transferred; and
  - (b) a form of return as required by regulation 13 completed by the holder of the licence up to the date of application; and
  - (c) if the transferee is a company—a current company extract relating to the transferee issued not more than 1 month immediately preceding the date of application.
- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
  - (a) that any fees or other amounts payable in relation to the licence under the Act or the repealed Act have been paid in full;

- (b) that the licence to be transferred has not been suspended;
- (c) that no proceedings alleging an offence against the Act or the repealed Act are pending or likely to be commenced in the State against the holder of the licence;
- (d) that the transfer is to 1 person only;
- (e) if the transferee is a natural person, that the transferee is at least 15 years of age and is a fit and proper person to hold a licence in respect of a prawn fishery;
- (f) if the transferee is a company, that each director of the company is a fit and proper person to be a director of a company that holds a licence in respect of a prawn fishery;
- (g) if a registered boat used under the licence is the subject of, or registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement to take fish granted under a law of the Commonwealth or a corresponding law—
  - (i) that the entitlement is either to be transferred together with the licence to the transferee or to be surrendered on or before the transfer of the licence; or
  - (ii) that—
    - (A) the transfer of the licence separately from the entitlement is not likely to result in fishing activities that over-exploit or endanger the aquatic resources of the State; and
    - (B) the person or body that granted the entitlement concurs with the separate transfer of the licence.

### **7—Registration**

- (1) An application by the holder of a licence in respect of a prawn fishery—
  - (a) to register a boat or device for use under the licence; or
  - (b) to register a person as a master of a boat that may be used under the licence,must be accompanied by the documents specified in the application form.
- (2) The Minister may only grant an application to register a boat for use under a licence in respect of a prawn fishery if satisfied that—
  - (a) the overall length of the boat does not exceed 22 metres; and
  - (b) the continuous brake power rating of the main engine of the boat does not exceed 272 kilowatts; and
  - (c) no other boat is registered for use under the licence.

### **8—Revocation of registration**

- (1) The Minister may, on application by the holder of a licence in respect of a prawn fishery, revoke the registration of—
  - (a) a boat or device used under the licence; or
  - (b) a person as a master of a boat that may be used under the licence.

- (2) An application for revocation of registration must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicant and be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the documents specified in the application form.

## **8—Variation of regulation 13—Periodic returns**

- (1) Regulation 13(1)(b)—delete "Executive Director of SARDI, with the approval of the Minister," and substitute:  
Minister
- (2) Regulation 13(1)(c)—delete "office of the Executive Director of SARDI" and substitute:  
Minister
- (3) Regulation 13(1), penalty provision—delete "\$4 000" and substitute:  
\$5 000
- (4) Regulation 13(2)—delete "fish" wherever occurring and substitute in each case:  
aquatic resources
- (5) Regulation 13(2)—delete "pursuant to" and substitute:  
under
- (6) Regulation 13(3)(a)—delete "Executive Director of SARDI" and substitute:  
Minister
- (7) Regulation 13(3), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

## **9—Substitution of Schedules 1 to 3**

Schedules 1 to 3 (inclusive)—delete the Schedules and substitute:

### **Schedule 1—Aquatic resources prescribed for prawn fisheries**

#### **Part 1—Aquatic resources prescribed for Gulf St. Vincent & Spencer Gulf Prawn Fisheries**

##### **Crustaceans**

Bug (*Ibacus* spp)

##### **Molluscs**

Southern Calamari (*Sepioteuthis australis*)



## Part 2—Aquatic resources prescribed for West Coast Prawn Fishery

### Crustaceans

Bug (*Ibacus* spp)

### Molluscs

Southern Calamari (*Sepioteuthis australis*)

Octopus (*Octopus* spp)

Scallop (Family Pectinidae)

Gould's Squid (*Nototodarus gouldii*)

## Schedule 2—Transitional provisions

### 1—Eligibility to be granted fishery licence

- (1) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Gulf St. Vincent Prawn Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.
- (2) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Spencer Gulf Prawn Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.
- (3) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Western Coast Prawn Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.

#### Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### Made by the Governor

with the advice and consent of the Executive Council  
on 29 November 2007

No 284 of 2007

MAFF07/020CS

South Australia

## **Fisheries (Scheme of Management—River Fishery) Variation Regulations 2007**

under the *Fisheries Management Act 2007*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Fisheries (Scheme of Management—River Fishery) Variation Regulations 2007*.

#### **2—Commencement**

These regulations will come into operation on the day on which Part 6 Division 1 of the *Fisheries Management Act 2007* comes into operation.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Fisheries (Scheme of Management—River Fishery) Regulations 2006***

### **4—Variation of regulation 1—Short title**

Regulation 1—delete "*Fisheries (Scheme of Management—River Fishery) Regulations*" and substitute:

*Fisheries Management (River Fishery) Regulations*

### **5—Variation of regulation 3—Interpretation**

(1) Regulation 3(1), definition of *Act*—delete the definition and substitute:

*Act* means the *Fisheries Management Act 2007*;

(2) Regulation 3(1), definitions of *licence period*, *revoked regulations*, *River Murray* and *SARDI*—delete the definitions

(3) Regulation 3(2)—delete "fish" wherever occurring and substitute in each case:

aquatic resources

### **6—Substitution of regulations 5 to 12**

Regulations 5 to 12 (inclusive)—delete the regulations and substitute:

#### **5—Conditions limiting certain fishing activities to specified areas**

The Minister may impose a condition on a licence in respect of the fishery limiting to specified areas of the River Murray the fishing activities that may be engaged in under the licence.

#### **6—Maximum number of licences that may be in force**

The maximum number of licences that may be in force in respect of the fishery is the number of licences in force in respect of the fishery immediately before the commencement of this regulation.

#### **7—Registration**

An application by the holder of a licence in respect of the fishery—

- (a) to register a boat or device for use under the licence; or
- (b) to register a person as a master of a boat that may be used under the licence,

must be accompanied by the documents specified in the application form.

#### **8—Revocation of registration**

(1) The Minister may, on application by the holder of a licence in respect of the fishery, revoke the registration of—

- (a) a boat or device used under the licence; or
- (b) a person as a master of a boat that may be used under the licence.

- (2) An application for revocation must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicant and be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the documents specified in the application form.

### **7—Variation of regulation 13—Use of agents in fishing activities**

Regulation 13, penalty provision—delete "\$4 000" and substitute:

\$5 000

### **8—Variation of regulation 14—Periodic returns**

- (1) Regulation 14(1)(b)—delete "Executive Director of SARDI, with the approval of the Minister," and substitute:  
Minister
- (2) Regulation 14(1)(c)—delete "office of the Executive Director of SARDI" and substitute:  
Minister
- (3) Regulation 14(1), penalty provision—delete "\$4 000" and substitute:  
\$5 000
- (4) Regulation 14(2)—delete "fish" wherever occurring and substitute in each case:  
aquatic resources
- (5) Regulation 14(2)—delete "pursuant to" and substitute:  
under
- (6) Regulation 14(4)(a)—delete "Executive Director of SARDI" and substitute:  
Minister
- (7) Regulation 14(4), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

### **9—Substitution of Schedules 1 to 3**

Schedules 1 to 3 (inclusive)—delete the Schedules and substitute:

## **Schedule 1—Aquatic resources prescribed for River Fishery**

#### **Crustaceans**

Yabby (*Cherax* spp)

#### **Scalefish**

Bony Bream (*Nematalosa erebi*)

Carp of all species (Family Cyprinidae)

Redfin (*Perca fluviatilis*)  
Brown Trout (*Salmo trutta*)  
Rainbow Trout (*Oncorhynchus mykiss*)  
All other non-native fish

**Note—**

Common and scientific fish names are given according to *AS: SSA-001 Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.

## **Schedule 2—Transitional provision**

### **1—Eligibility to be granted fishery licence**

Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the fishery, may make an application under section 54 of the Act for a licence in respect of the fishery.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 285 of 2007

MAFF07/020CS

South Australia

## **Fisheries (Scheme of Management—Rock Lobster Fisheries) Variation Regulations 2007**

under the *Fisheries Management Act 2007*

---

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Fisheries (Scheme of Management—Rock Lobster Fisheries) Variation Regulations 2007*.

### 2—Commencement

These regulations will come into operation on the day on which Part 6 Division 1 of the *Fisheries Management Act 2007* comes into operation.

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations 2006*

### 4—Variation of regulation 1—Short title

Regulation 1—delete "*Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations*" and substitute:

*Fisheries Management (Rock Lobster Fisheries) Regulations*

### 5—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *Act*—delete the definition and substitute:

*Act* means the *Fisheries Management Act 2007*;

- (2) Regulation 3(1), definition of *bait net*—delete "*Fisheries (General) Regulations 2000*" and substitute:

*Fisheries Management (General) Regulations 2007*

- (3) Regulation 3(1), definitions of *coastal waters* and *closed season*—delete the definitions

- (4) Regulation 3(1), definition of *licence period*—delete the definition and substitute:

*Mean High Water Springs* means the line representing the average of all high water observations at the time of spring tide over a period of 19 years;

- (5) Regulation 3(1), definition of *mesh net*—delete "*Fisheries (General) Regulations 2000*" and substitute:

*Fisheries Management (General) Regulations 2007*

- (6) Regulation 3(1), definitions of *non-commercial purpose* and *Northern Zone*—delete the definitions and substitute:

*Northern Zone* means the waters adjacent to South Australia westerly of a line commencing at Mean High Water Springs closest to 35°37'03.86" South, 139°00'00.00" East, then southerly to 36°20'00.00" South, 139°00'00.00" East, then westerly to 36°20'00.00" South, 138°40'00.00" East, then southerly to 36°40'00.00" South 138°0'00.00" East, then westerly to 36°40'00.00" South 138°20'00.00" East, then southerly to 37°00'00.00" South 138°20'00.00" East, then westerly to 37°00'00.00" South 138°00'00.00" East;

- (7) Regulation 3(1), definition of *the revoked regulations*—delete the definition
- (8) Regulation 3(1), definition of *rock lobster*—delete "southern rock lobster" and substitute:  
Southern Rocklobster
- (9) Regulation 3(1), definition of *rock lobster pot entitlement*—delete "pursuant to" and substitute:  
under
- (10) Regulation 3(1), definition of *SARDI*—delete the definition
- (11) Regulation 3(1), definition of *Southern Zone*—delete the definition and substitute:  
*Southern Zone* means the waters adjacent to South Australia easterly of a line commencing at Mean High Water Springs closest to 35°37'03.86" South, 139°00'00.00" East, then southerly to 36°20'00.00" South, 139°00'00.00" East, then westerly to 36°20'00.00" South, 138°40'00.00" East, then southerly to 36°40'00.00" South 138°0'00.00" East, then westerly to 36°40'00.00" South 138°20'00.00" East, then southerly to 37°00'00.00" South 138°20'00.00" East, then westerly to 37°00'00.00" South 138°00'00.00" East;
- (12) Regulation 3(1), definition of *Victorian licence*—delete "fish" and substitute:  
aquatic resources
- (13) Regulation 3(3)—delete "fish" wherever occurring and substitute in each case:  
aquatic resources
- (14) Regulation 3—after subregulation (3) insert:  
**Notes—**
- 1 Common and scientific fish names are given according to *AS: SSA-001 Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.
  - 2 Unless the contrary intention appears, all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995 and all co-ordinates are expressed in terms of GDA94.

## 6—Variation of regulation 4—Constitution of fisheries

- (1) Regulation 4(2)(b)—delete "fish" and substitute:  
aquatic resources
- (2) Regulation 4(2)(c)—delete "razor fish" and substitute:  
Razorfish
- (3) Regulation 4(3)(b)—delete "fish" and substitute:  
aquatic resources
- (4) Regulation 4(3)(c)—delete "razor fish" and substitute:  
Razorfish



## **7—Substitution of regulations 5 to 10**

Regulations 5 to 10 (inclusive)—delete the regulations and substitute:

### **5—Maximum number of licences that may be in force**

- (1) The maximum number of licences that may be in force in respect of the Northern Zone Rock Lobster Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.
- (2) The maximum number of licences that may be in force in respect of the Southern Zone Rock Lobster Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.

### **6—Transfer of licence**

- (1) Licences in respect of a rock lobster fishery are transferable.
- (2) An application for consent to the transfer of a licence must be accompanied by—
  - (a) the licence to be transferred; and
  - (b) a form of return as required by regulation 24 completed by the holder of the licence up to the date of application; and
  - (c) if the transferee is a company—a current company extract relating to the transferee issued not more than 1 month immediately preceding the date of application.
- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
  - (a) that any fees or other amounts payable in relation to the licence under the Act or the repealed Act have been paid in full;
  - (b) that the licence to be transferred has not been suspended;
  - (c) that no proceedings alleging an offence against the Act or the repealed Act are pending or likely to be commenced in the State against the holder of the licence;
  - (d) that the transfer is to 1 person only;
  - (e) if the transferee is a natural person, that the transferee is at least 15 years of age and is a fit and proper person to hold a licence in respect of a rock lobster fishery;
  - (f) if the transferee is a company, that each director of the company is a fit and proper person to be a director of a company that holds a licence in respect of a rock lobster fishery;
  - (g) if a boat registered for use under the licence is the subject of, is registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement to take aquatic resources granted under a law of the Commonwealth or a corresponding law—

- (i) that the entitlement is either to be transferred together with the licence to the transferee or to be surrendered on or before the transfer of the licence; or
- (ii) that—
  - (A) the transfer of the licence separately from the entitlement is not likely to result in fishing activities that over-exploit or endanger the aquatic resources of the State; and
  - (B) the person or body that granted the entitlement concurs with the separate transfer of the licence.

### **7—Registration**

- (1) An application by the holder of a licence in respect of a rock lobster fishery—
  - (a) to register a boat or device for use under the licence; or
  - (b) to register a person as a master of a boat that may be used under the licence,must be accompanied by the documents specified in the application form.
- (2) The Minister may only grant an application to register a boat for use under a licence in respect of a rock lobster fishery if satisfied that—
  - (a) no more than 1 other boat is registered for use under the licence; and
  - (b) the boat in respect of which the application is made is not already registered for use under a licence in respect of a rock lobster fishery.

### **8—Revocation of registration**

- (1) The Minister may, on application by the holder of a licence in respect of a rock lobster fishery, revoke the registration of—
  - (a) a boat or device used under the licence; or
  - (b) a person as a master of a boat that may be used under the licence.
- (2) An application for revocation of registration must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicant and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the documents specified in the application form.

### **8—Variation of regulation 11—Use of second registered boat**

- (1) Regulation 11(1)—delete "by endorsement of" and substitute:  
for use under
- (2) Regulation 11(1)—delete "fish pursuant to" and substitute:  
aquatic resources under

- (3) Regulation 11(1), penalty provision—delete "\$4 000" and substitute:  
\$5 000

### **9—Variation of regulation 11A—Restrictions on use of registered boat in Southern Zone**

- (1) Regulation 11A—delete "fish" wherever occurring and substitute in each case:  
aquatic resources
- (2) Regulation 11A—delete "pursuant to" wherever occurring and substitute in each case:  
under
- (3) Regulation 11A(2)—delete "Director" and substitute:  
Minister
- (4) Regulation 11A(5), penalty provision—delete "\$4 000" and substitute:  
\$5 000

### **10—Variation of regulation 12—Obligation of registered master to notify Minister of use of bait nets**

- (1) Regulation 12—delete "pursuant to" wherever occurring and substitute in each case:  
under
- (2) Regulation 12—delete "Director" and substitute:  
Minister

### **11—Revocation of regulations 13 and 14**

Regulations 13 and 14—delete the regulations and substitute:

#### **13—Restrictions on fishing activities by registered master during closed season in Northern Zone**

The registered master of a registered boat used under a licence in respect of the Northern Zone Rock Lobster Fishery must not engage in fishing activities of a class that constitute the fishery during the period commencing at 1800 hours on 31 May in any year and ending at 1200 hours on the following 1 November if—

- (a) the registered master has already engaged in such fishing activities on 28 days during that period; or
- (b) the registered master is not the holder of the licence or, if the licence is held by a company, a director of the company that holds the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **12—Variation of regulation 15—Rock lobster pot entitlements**

- (1) Regulation 15(1)—delete "Director" wherever occurring and substitute in each case:  
Minister

- (2) Regulation 15(1)(f)(ii)(B)—delete subparagraph (B) and substitute:
- (B) if any boat registered for use under that licence is the subject of, is registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement (other than a prescribed Victorian licence) to take aquatic resources granted under a law of the Commonwealth or a corresponding law—that other licence, permit, authority or entitlement is also surrendered;
- (3) Regulation 15(2)—delete subregulation (2) and substitute:
- (2) An application to vary rock lobster pot entitlements must—
- (a) be made in a manner and form approved by the Minister; and
- (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
- (c) be accompanied by—
- (i) the documents specified in the application form; and
- (ii) the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (4) Regulation 15(3)—delete "the purpose of trade or business" and substitute:
- a commercial purpose
- (5) Regulation 15(3)—delete "endorsed on" and substitute:
- under
- (6) Regulation 15(3), penalty provision—delete "\$4 000" and substitute:
- \$5 000
- (7) Regulation 15(4)—delete "the purpose of trade or business" and substitute:
- a commercial purpose
- (8) Regulation 15(4)—delete "endorsed on" and substitute:
- under
- (9) Regulation 15(4), penalty provision—delete "\$4 000" and substitute:
- \$5 000
- (10) Regulation 15(5)—delete "Director" and substitute:
- Minister
- (11) Regulation 15(5)—delete "pursuant to" and substitute:
- under
- (12) Regulation 15(6)—delete "Director" and substitute:
- Minister

### 13—Variation of regulation 16—Individual rock lobster catch quota system— Northern Zone

- (1) Regulation 16(1), definitions of *prescribed period*, *relevant period* and *rock lobster quota*—delete the definitions and substitute:

*quota period*—a quota period for the fishery is a period of 12 months commencing on 1 July;

*rock lobster quota entitlement* or *quota entitlement*, in relation to a licence in respect of the fishery, means the maximum number of kilograms of rock lobster that may be lawfully taken by the holder of the licence during a quota period, being the product of—

- (a) the unit entitlement under the licence; and
- (b) the unit value for the fishery and that quota period,

subject to any variation applying during that quota period;

- (2) Regulation 16(1), definition of *unit value*—delete "Director" and substitute:

Minister

- (3) Regulation 16(2) to (5) (inclusive)—delete subregulations (2) to (5) and substitute:

- (2) The Minister must determine the number of kilograms of rock lobster that is to be the value of a rock lobster unit for the fishery and each quota period.

- (3) The Minister may impose or vary conditions on licences in respect of the fishery fixing rock lobster quota entitlements as follows:

- (a) on the commencement of each quota period, each licence in respect of the fishery may be allocated a number of rock lobster units for that quota period equal to the number of rock lobster units allocated to that licence immediately before the commencement of that quota period;
- (b) on joint application made to the Minister by the holders of any 2 licences, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
- (c) if the total catch of rock lobster taken by the holder of a licence during a particular quota period exceeded the rock lobster quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to reduce the quota entitlement—
  - (i) if the catch exceeded the quota entitlement by not more than 20 kilograms of rock lobster—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
  - (ii) if the catch exceeded the quota entitlement by more than 20 kilograms but not more than 50 kilograms of rock lobster—by 2 kilograms for each kilogram taken in excess of the quota entitlement;

- (d) if—

- (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing a rock lobster quota entitlement; and
- (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of rock lobster in excess of the quota entitlement,

the conditions of the licence may be varied so as to reduce the rock lobster quota entitlement for 3 quota periods following the conviction by 1 kilogram for each kilogram of rock lobster taken in excess of the quota entitlement for the quota period during which the offence was committed;

- (e) a variation of a rock lobster quota entitlement under paragraph (c) must be expressed to apply only for the quota period during which the variation is made.
- (4) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by—
    - (i) the documents specified in the application form; and
    - (ii) the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (5) The holder of a licence in respect of the fishery must not, for a commercial purpose, engage in a fishing activity of a class that constitutes the fishery while the number of rock lobster units allocated to the licence is less than 320.

Maximum penalty: \$5 000.

Expiation fee: \$315.

#### **14—Variation of regulation 17—Individual rock lobster catch quota system—Southern Zone**

- (1) Regulation 17(1), definitions of *prescribed period* and *rock lobster quota*—delete the definitions and substitute:

*quota period*—a quota period for the fishery is a period of 12 months commencing on 1 October;

*rock lobster quota entitlement* or *quota entitlement*, in relation to a licence in respect of the fishery, means the maximum number of kilograms of rock lobster that may be lawfully taken by the holder of the licence during a quota period, being the product of—

- (a) the unit entitlement under that licence; and
  - (b) the unit value for the fishery and that quota period,
- subject to any variation applying during that quota period;

- (2) Regulation 17(1), definition of *unit value*—delete "Director" and substitute:  
Minister
- (3) Regulation 17(1), definition of *unit value*—delete "prescribed" and substitute:  
quota
- (4) Regulation 17(2) to (4) (inclusive)—delete subregulations (2) to (4) and substitute:
- (2) The Minister must determine the number of kilograms of rock lobster that is to be the value of a rock lobster unit for the fishery and each quota period.
  - (3) The Minister may vary conditions on licences in respect of the fishery fixing rock lobster quota entitlements as follows:
    - (a) on joint application made to the Minister by the holders of any 2 licences, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
    - (b) if the total catch of rock lobster taken by the holder of a licence during a particular quota period exceeded the rock lobster quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to decrease the quota entitlement—
      - (i) if the catch exceeded the quota entitlement by not more than 20 kilograms of rock lobster—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
      - (ii) if the catch exceeded the quota entitlement by more than 20 kilograms but not more than 50 kilograms of rock lobster—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
    - (c) if—
      - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing a rock lobster quota entitlement; and
      - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of rock lobster in excess of the quota entitlement,the conditions of the licence may be varied so as to reduce the rock lobster quota entitlement for 3 quota periods following the conviction by 1 kilogram for each kilogram of rock lobster taken in excess of the quota entitlement for the quota period during which the offence was committed;
    - (d) a variation of a quota entitlement or unit entitlement under this subregulation (other than paragraph (c)) must be expressed to apply only for the quota period during which the variation is made.

- (4) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by—
    - (i) the documents specified in the application form; and
    - (ii) the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.

### 15—Variation of regulation 18—Individual giant crab catch quota system

- (1) Regulation 18(1), definition of ***giant crab quota***—delete the definition and substitute:
- giant crab quota entitlement*** or ***quota entitlement***—
- (a) in relation to a licence in respect of a rock lobster fishery—means the maximum number of kilograms of giant crab that may be lawfully taken by the holder of the licence during a quota period, being the product of—
    - (i) the unit entitlement under the licence; and
    - (ii) the unit value for the fishery and that quota period,subject to any variation applying during that quota period;
  - (b) in relation to a licence in respect of the Miscellaneous Fishery—has the same meaning as in regulation 10 of the *Fisheries Management (Miscellaneous Fishery) Regulations 2000*;
- (2) Regulation 18(1), definition of ***Miscellaneous Fishery***—delete "*Fisheries (Scheme of Management—Miscellaneous Fishery) Regulations*" and substitute:
- Fisheries Management (Miscellaneous Fishery) Regulations*
- (3) Regulation 18(1), definition of ***prescribed period***—delete the definition and substitute:
- quota period***—
- (a) a quota period for the Northern Zone Rock Lobster Fishery is a period of 12 months commencing on 1 November;
  - (b) a quota period for the Southern Zone Rock Lobster Fishery is a period of 12 months commencing on 1 October;
- (4) Regulation 18(1), definition of ***unit entitlement***—delete "regulation 11 of the *Fisheries (Scheme of Management—Miscellaneous Fishery) Regulations 2000*" and substitute:
- regulation 10 of the *Fisheries Management (Miscellaneous Fishery) Regulations 2000*
- (5) Regulation 18(1), definition of ***unit value***—delete "Director" and substitute:
- Minister
- (6) Regulation 18(1), definition of ***unit value***—delete "licence" and substitute:
- quota



- (7) Regulation 18(2) to (4) (inclusive)—delete subregulations (2) to (4) and substitute:
- (2) The Minister must determine the number of kilograms of giant crab that is to be the value of a giant crab unit for a rock lobster fishery and each quota period.
  - (3) The Minister may vary conditions on licences in respect of a rock lobster fishery or the Miscellaneous Fishery fixing giant crab quota entitlements as follows:
    - (a) on joint application made to the Minister by the holders of any 2 licences in respect of the same rock lobster fishery subject to a condition fixing a giant crab quota entitlement, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
    - (b) on joint application made to the Minister by the holder of a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement (the *first licence*) and the holder of a licence in respect of the Miscellaneous Fishery subject to a condition fixing a giant crab quota entitlement in respect of the Northern Zone (the *second licence*)—
      - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of the Northern Zone by a corresponding number of units; or
      - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of the Northern Zone by a corresponding number of units;
    - (c) on joint application made to the Minister by the holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement (the *first licence*) and the holder of a licence in respect of the Miscellaneous Fishery subject to a condition fixing a giant crab quota entitlement in respect of the Southern Zone (the *second licence*)—
      - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of the Southern Zone by a corresponding number of units; or
      - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of the Southern Zone by a corresponding number of units;

- (d) if the total catch of giant crab taken by the holder of a licence in respect of a rock lobster fishery during a quota period exceeded the giant crab quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to reduce the quota entitlement—
    - (i) if the catch exceeded the quota entitlement by not more than 20 kilograms of giant crab—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
    - (ii) if the catch exceeded the quota entitlement by more than 20 kilograms but not more than 50 kilograms of giant crab—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
  - (c) if—
    - (i) the holder of a licence in respect of a rock lobster fishery is convicted of an offence of contravening a condition of the licence fixing a giant crab quota entitlement; and
    - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of giant crab in excess of the quota entitlement,the conditions of the licence may be varied so as to reduce the giant crab quota entitlement for 3 quota periods following the conviction by 1 kilogram for each kilogram of giant crab taken in excess of the quota entitlement for the quota period during which the offence was committed;
  - (e) a variation of a quota entitlement made under paragraph (d) must be expressed to apply only for the quota period during which the variation is made.
- (4) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by—
    - (i) the documents specified in the application form; and
    - (ii) the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.

#### **16—Variation of regulation 19—Rock lobster taken in Northern Zone to be landed whole within State**

- (1) Regulation 19—delete "pursuant to" and substitute:  
under
- (2) Regulation 19, penalty provision—delete "\$4 000" and substitute:  
\$5 000

**17—Variation of regulation 20—Disposal of rock lobster and giant crab**

- (1) Regulation 20(1)—delete "pursuant to" and substitute:  
under
- (2) Regulation 20(1), penalty provision—delete "\$4 000" and substitute:  
\$5 000
- (3) Regulation 20(2)(b)—delete "licence period" and substitute:  
financial year

**18—Variation of regulation 21—Catch and disposal records (rock lobster)—Northern Zone**

- (1) Regulation 21—delete "pursuant to" wherever occurring and substitute in each case:  
under
- (2) Regulation 21—delete "Director" wherever occurring and substitute in each case:  
Minister
- (3) Regulation 21(3), penalty provision—delete "\$4 000" and substitute:  
\$5 000
- (4) Regulation 21(4), penalty provision—delete "\$4 000" and substitute:  
\$5 000

**19—Variation of regulation 22—Catch and disposal records (rock lobster)—Southern Zone**

- (1) Regulation 22—delete "pursuant to" wherever occurring and substitute in each case:  
under
- (2) Regulation 22—delete "Director" wherever occurring and substitute in each case:  
Minister
- (3) Regulation 22(4), penalty provision—delete "\$4 000" and substitute:  
\$5 000
- (4) Regulation 22(5), definition of *fishing season*—delete "30 April" and substitute:  
31 May

**20—Variation of regulation 23—Catch and disposal records (giant crab)—Southern Zone**

- (1) Regulation 23—delete "pursuant to" wherever occurring and substitute in each case:  
under
- (2) Regulation 23—delete "Director" wherever occurring and substitute in each case:  
Minister
- (3) Regulation 23(1)—delete "endorsed with a condition fixing a giant crab quota on the licence" and substitute:  
subject to a condition fixing a giant crab quota entitlement

- (4) Regulation 23(3)—delete "endorsed with a condition fixing a giant crab quota on the licence" and substitute:  
subject to a condition fixing a giant crab quota entitlement
- (5) Regulation 23(4), penalty provision—delete "\$4 000" and substitute:  
\$5 000

## **21—Variation of regulation 24—Periodic returns**

- (1) Regulation 24(1)(b)—delete "Executive Director of SARDI, with the approval of the Minister," and substitute:  
Minister
- (2) Regulation 24(1)(c)—delete "office of the Executive Director of SARDI" and substitute:  
Minister
- (3) Regulation 24(1), penalty provision—delete "\$4 000" and substitute:  
\$5 000
- (4) Regulation 24(2)—delete "fish" wherever occurring and substitute in each case:  
aquatic resources
- (5) Regulation 24(2)—delete "pursuant to" and substitute:  
under
- (6) Regulation 24(4)(a)—delete "Executive Director of SARDI" and substitute:  
Minister
- (7) Regulation 24(4), penalty provision—delete the penalty provision and substitute:  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

## **22—Variation of regulation 25—Victorian licences**

- (1) Regulation 25—delete "Director" wherever occurring and substitute in each case:  
Minister
- (2) Regulation 25, penalty provision—delete "\$4 000" and substitute:  
\$5 000

## **23—Substitution of regulation 26**

Regulation 26—delete the regulation and substitute:

### **26—Sale of rock lobster during closed season**

- (1) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not sell live rock lobster during the period commencing at 1800 hours on 31 May in any year and ending at 1200 hours on the following 1 November.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

- (2) It is a defence to a charge of an offence against subregulation (1) if the defendant proves that he or she did not take the rock lobster to which the charge relates in the Northern Zone.
- (3) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery must not sell live rock lobster during the period commencing at 1800 hours on 31 May in any year and ending at 0600 hours on the following 1 October.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (4) It is a defence to a charge of an offence against subregulation (3) if the defendant proves that he or she did not take the rock lobster to which the charge relates in the Southern Zone.

## 24—Substitution of Schedules 1 to 3

Schedules 1 to 3 (inclusive)—delete the Schedules and substitute:

### Schedule 1—Aquatic resources prescribed for rock lobster fisheries

#### Annelids

Beachworm (Class Polychaeta)

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

#### Crustaceans

Giant Crab (*Pseudocarcinus gigas*)

Velvet Crab (*Nectocarcinus tuberculosus*)

#### Molluscs

Southern Calamari (*Sepioteuthis australis*)

Cockle (*Anadara & Katelaysia* spp)

Cuttlefish (*Sepia* spp)

Mussel (*Mytilus* spp)

Octopus (*Octopus* spp)

Oyster (Family Ostreidae)

Scallop (Family Pectinidae)

Gould's Squid (*Notodarus gouldii*)

#### Scalefish

Australian Anchovy (*Engraulis australis*)

Barracouta (*Thyrsites atun*)

Black Bream (*Acanthopagrus butcheri*)

Cod (marine species) (Family Moridae)

Dory (Family Zeidae)

Flathead (Family Platycephalidae)

Flounder (Family Bothidae or Pleuronectidae)  
Southern Garfish (*Hyporhamphus melanochir*)  
Bluespotted Goatfish (*Upeneichthys vlamingii*)  
Australian Herring (*Arripis georgianus*)  
Leatherjacket (Family Monacanthidae)  
Pink Ling (*Genypterus blacodes*)  
Blue Mackerel (*Scomber australasicus*)  
Common Jack Mackerel (*Trachurus declivis*)  
Morwong (Family Cheilodactylidae)  
Mullet of all species (Family Mugilidae)  
Mulloway (*Argyrosomus hololepidotus*)  
Redfish (*Centroberyx affinis*)  
Bight Redfish (*Centroberyx gerrardi*)  
West Australian Salmon (*Arripis truttaceus*)  
Australian Sardine (*Sardinops sagax*)  
Snapper (*Pagrus auratus*)  
Snook (*Sphyræna novaehollandiae*)  
Southern Sole (*Aseraggodes haackeanus*)  
Sea Sweep (*Scorpiæ aequipinnis*)  
Swallowtail (*Centroberyx lineatus*)  
Blue-eye Trevalla (*Hyperoglyphe antarctica*)  
Trevally (*Caranginae* spp)  
Whiting (Family Sillaginidae)  
Bluethroat Wrasse (*Notolabrus tetricus*)

#### **Sharks**

Rays of all species (Class Elasmobranchii)  
Shark of all species (Class Elasmobranchii) other than White Shark (*Carcharodon carcharias*)  
Skate of all species (Class Elasmobranchii)

## **Schedule 2—Transitional provision**

### **1—Eligibility to be granted fishery licence**

- (1) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Northern Zone Rock Lobster Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.
- (2) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Southern Zone Rock Lobster Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 286 of 2007

MAFF07/020CS

South Australia

## **Fisheries Management (Fees) Regulations 2007**

under the *Fisheries Management Act 2007*

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Schedule 1—Fees

Part 1—Commercial fishing

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Part 3—Recreational fishing

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### **1—Short title**

These regulations may be cited as the *Fisheries Management (Fees) Regulations 2007*.

### **2—Commencement**

These regulations will come into operation on the day on which Part 6 Division 1 of the *Fisheries Management Act 2007* comes into operation.

### **3—Interpretation**

In these regulations—

*Act* means the *Fisheries Management Act 2007*;

*eligible person*—

- (a) in the case of a person applying for registration as a fish processor—means the holder of a fishery authority or an aquaculture licence who applies for registration as a fish processor for the sole purpose of processing aquatic resources taken under the fishery authority or farmed under the aquaculture licence (as the case may be) for sale to a person who—
  - (i) is an unregistered fish processor; and



- (ii) carries on a business in the course of which aquatic resources are sold, or aquatic resources are supplied as a meal or part of a meal, directly to the public;
- (b) in the case of a registered fish processor—means the holder of a fishery authority or an aquaculture licence who only processes aquatic resources taken under the fishery authority or farmed under the aquaculture licence (as the case may be) for sale to a person who—
  - (i) is an unregistered fish processor; and
  - (ii) carries on a business in the course of which aquatic resources are sold, or aquatic resources are supplied as a meal or part of a meal, directly to the public.

#### **4—Fees**

The fees set out in Schedule 1 are prescribed for the purposes set out in that Schedule.

#### **5—Payment by instalments**

- (1) For the purposes of sections 54(1)(c) and 64(1)(d) of the Act, the first instalment of an application fee that must accompany the application is an amount equal to 25 per cent of the application fee.
- (2) The unpaid balance of an application fee is payable in equal instalments at intervals fixed by the Minister.
- (3) An annual fee payable under section 56(5)(a) or 66(2)(a) of the Act must be paid either—
  - (a) in full on or before the commencement of the following financial year; or
  - (b) by equal instalments at intervals fixed by the Minister.

#### **6—Penalty for default in payment**

For the purposes of sections 56(6) and 66(3) of the Act, the amount payable as a penalty for default in payment of a fee is—

- (a) in the case of a fee being paid in instalments—an amount equal to 10 per cent of the unpaid balance of the instalment; or
- (b) in any other case—an amount equal to 10 per cent of the fee.

#### **7—Refunds**

- (1) If a prescribed authority is surrendered, the Minister must, on application by the former holder of the authority, refund an amount that bears to the licence or registration fee or annual fee last paid in respect of the authority the same proportion as the number of complete months from the date of surrender to the following 1 July bears to 12.
- (2) In this regulation—

*prescribed authority* means—

  - (a) a fishery licence; or
  - (b) registration as a fish processor.

#### **8—Waiver**

The Minister may waive a fee payable on application for an exemption, permit or duplicate authority if satisfied that it is appropriate to do so in a particular case.

## Schedule 1—Fees

### Part 1—Commercial fishing

#### Application fees payable by an applicant for the issue of a fishery licence (section 54(1)(c) of Act)

1	On application for a licence in respect of the Central Zone Abalone Fishery	\$72 867.00
2	On application for a licence in respect of the Southern Zone Abalone Fishery	\$72 061.00
3	On application for a licence in respect of the Western Zone Abalone Fishery	\$72 193.00
4	On application for the issue of a licence in respect of the Blue Crab Fishery—	
	(a) base fee	\$2 174.00
	(b) additional fee for each blue crab unit of the blue crab quota entitlement under the licence	\$20.30
5	On application for the issue of a licence in respect of the Charter Boat Fishery	\$1 549.00
6	On application for the issue of a licence in respect of the Lakes and Coorong Fishery	\$6 621.00
7	On application for the issue of a licence in respect of the Marine Scalefish Fishery or Restricted Marine Scalefish Fishery—	
	(a) base fee	\$3 870.00
	(b) additional fee for each blue crab unit of the blue crab quota entitlement under the licence	\$21.50
8	On application for a licence in respect of the Miscellaneous Fishery with a giant crab quota entitlement—	
	(a) base fee	\$3 350.00
	(b) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$25.20
9	On application for a licence in respect of the Miscellaneous Fishery without a giant crab quota entitlement	\$2 750.00
10	On application for a licence in respect of the Gulf St Vincent Prawn Fishery	\$30 204.00
11	On application for a licence in respect of the Spencer Gulf Prawn Fishery	\$25 959.00
12	On application for a licence in respect of the West Coast Prawn Fishery	\$3 209.00
13	On application for a licence in respect of the River Fishery	\$200.00
14	On application for a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of Southern Rocklobster, Octopus and Giant Crab—	
	(a) base fee	\$3 195.00
	(b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence	\$15.30
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$25.20
	(d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$28.00

- 15 On application for a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rocklobster, Octopus and Giant Crab and limiting the holder to the taking of aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006* for the purpose of bait only—
- |     |   |            |
|-----|---|------------|
| (a) | base fee  | \$3 695.00 |
| (b) | additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence                             | \$15.30    |
| (c) | additional fee for each giant crab unit of the giant crab quota entitlement under the licence                                 | \$25.20    |
| (d) | additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip | \$28.00    |
- 16 On application for a licence in respect of the Northern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken—
- |     |   |            |
|-----|---|------------|
| (a) | base fee  | \$5 130.00 |
| (b) | additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence                             | \$15.30    |
| (c) | additional fee for each giant crab unit of the giant crab quota entitlement under the licence                                 | \$25.20    |
| (d) | additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip | \$28.00    |
- 17 On application for a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of Southern Rocklobster, Octopus and Giant Crab—
- |     |   |            |
|-----|---|------------|
| (a) | base fee  | \$4 817.00 |
| (b) | additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence                                | \$147.25   |
| (c) | additional fee for each giant crab unit of the giant crab quota entitlement under the licence                                 | \$25.20    |
| (d) | additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip | \$28.00    |
- 18 On application for a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rocklobster, Octopus and Giant Crab and limiting the holder to the taking of aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006* for the purpose of bait only—
- |     |   |            |
|-----|---|------------|
| (a) | base fee  | \$5 317.00 |
| (b) | additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence                                | \$147.25   |
| (c) | additional fee for each giant crab unit of the giant crab quota entitlement under the licence                                 | \$25.20    |
| (d) | additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip | \$28.00    |

- |     |   |            |
|-----|---|------------|
| 19  | On application for a licence in respect of the Southern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken— |            |
| (a) | base fee  | \$6 752.00 |
| (b) | additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence  | \$147.25   |
| (c) | additional fee for each giant crab unit of the giant crab quota entitlement under the licence   | \$25.20    |
| (d) | additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip   | \$28.00    |

**Application fees payable by an applicant for the registration of a device to be used under a fishery licence (section 54(1)(c) of Act)**

- |    |  |             |
|----|--|-------------|
| 20 | On application for registration of 1 or more swinger nets to be used under a licence in respect of the Lakes and Coorong Fishery   | no fee      |
| 21 | On application for registration of 1 or more fish nets (other than swinger nets) to be used under a licence in respect of the Lakes and Coorong Fishery  | \$1 935.00  |
| 22 | On application for registration of 1 or more fish nets to be used under a licence in respect of the Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery   | \$1 935.00  |
| 23 | On application for registration of 1 or more sardine nets to be used under a licence in respect of the Marine Scalefish Fishery  | \$45 447.00 |
| 24 | On application for registration of 1 or more fish nets (other than sardine nets) to be used under a licence in respect of the Marine Scalefish Fishery, Restricted Marine Scalefish Fishery or Miscellaneous Fishery | \$3 870.00  |
| 25 | On application for registration of 1 or more sand crab pots to be used under a licence in respect of the Marine Scalefish Fishery  | no fee      |
| 26 | On application for registration of a fish net used solely to take fish for bait provided that the bait is not for sale   | no fee      |

**Application fees payable by an applicant for the registration of a boat to be used under a fishery licence (section 54(1)(c) of Act)**

- |     |  |            |
|-----|--|------------|
| 27  | On application for registration of a boat to be used under a licence in respect of the Charter Boat Fishery—                     |            |
| (a) | if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 6 passengers      | \$387.00   |
| (b) | if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 12 passengers     | \$775.00   |
| (c) | if the certificate of survey in force in respect of the boat specifies that the boat may carry more than unberthed 12 passengers | \$1 549.00 |

**Annual fees payable by the holder of a fishery licence (section 56(5)(a) of Act)**

- |     |   |             |
|-----|---|-------------|
| 28  | Annual fee for a licence in respect of the Central Zone Abalone Fishery                     | \$72 867.00 |
| 29  | Annual fee for a licence in respect of the Southern Zone Abalone Fishery                    | \$72 061.00 |
| 30  | Annual fee for a licence in respect of the Western Zone Abalone Fishery                     | \$72 193.00 |
| 31  | Annual fee for a licence in respect of the Blue Crab Fishery—                               |             |
| (a) | base fee  | \$2 174.00  |
| (b) | additional fee for each blue crab unit of the blue crab quota entitlement under the licence | \$20.30     |

32	Annual fee for a licence in respect of the Charter Boat Fishery	\$1 549.00
33	Annual fee for a licence in respect of the Lakes and Coorong Fishery	\$6 621.00
34	Annual fee for a licence in respect of the Marine Scalefish Fishery or Restricted Marine Scalefish Fishery—	
	(a) base fee	\$3 870.00
	(b) additional fee for each blue crab unit of the blue crab quota entitlement under the licence	\$21.50
35	Annual fee for a licence in respect of the Miscellaneous Fishery with a giant crab quota entitlement—	
	(a) base fee	\$3 350.00
	(b) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$25.20
36	Annual fee for a licence in respect of the Miscellaneous Fishery without a giant crab quota entitlement	\$2 750.00
37	Annual fee for a licence in respect of the Gulf St Vincent Prawn Fishery	\$30 204.00
38	Annual fee for a licence in respect of the Spencer Gulf Prawn Fishery	\$25 959.00
39	Annual fee for a licence in respect of the West Coast Prawn Fishery	\$3 209.00
40	Annual fee for a licence in respect of the River Fishery	\$200.00
41	Annual fee for a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of Southern Rocklobster, Octopus and Giant Crab—	
	(a) base fee	\$3 195.00
	(b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence	\$15.30
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$25.20
	(d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$28.00
42	Annual fee for a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rocklobster, Octopus and giant crab and limiting the holder to the taking of aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2007</i> for the purpose of bait only—	
	(a) base fee	\$3 695.00
	(b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence	\$15.30
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$25.20
	(d) additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip	\$28.00
43	Annual fee for a licence in respect of the Northern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken—	
	(a) base fee	\$5 130.00
	(b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence	\$15.30

	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$25.20
	(d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$28.00
44	Annual fee for a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of Southern Rocklobster, Octopus and Giant Crab—	
	(a) base fee	\$4 817.00
	(b) additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence	\$145.00
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$25.20
	(d) additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip	\$28.00
45	Annual fee for a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rocklobster, Octopus and giant crab and limiting the holder to the taking of aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2006</i> for the purpose of bait only—	
	(a) base fee	\$5 317.00
	(b) additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence	\$147.25
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$25.20
	(d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$28.00
46	Annual fee for a licence in respect of the Southern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken—	
	(a) base fee	\$6 752.00
	(b) additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence	\$147.25
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$25.20
	(d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$28.00
<b>Annual fees payable by the holder of registration of a device used under a fishery licence (section 56(5)(a) of Act)</b>		
47	Annual fee for registration of 1 or more swinger nets used under a licence in respect of the Lakes and Coorong Fishery	no fee
48	Annual fee for registration of 1 or more fish nets (other than swinger nets) used under a licence in respect of the Lakes and Coorong Fishery	\$1 935.00
49	Annual fee for registration of 1 or more fish nets used under a licence in respect of the Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery	\$1 935.00
50	Annual fee for registration of 1 or more sardine nets used under a licence in respect of the Marine Scalefish Fishery	\$45 447.00

51	Annual fee for registration of 1 or more fish nets (other than sardine nets) used under a licence in respect of a marine scalefish fishery or the Miscellaneous Fishery	\$3 870.00
52	Annual fee for registration of 1 or more sand crab pots to be used under a licence in respect of the Marine Scalefish Fishery	no fee
53	Annual fee for registration of a fish net used solely to take fish for bait provided that the bait is not for sale	no fee

**Miscellaneous fees**

54	On application for consent to the transfer of a fishery authority	\$324.00
55	On application to vary the registration of a boat used under a fishery licence	\$86.50
56	On application to vary the registration of a master	\$86.50
57	On application to vary a quota entitlement under a fishery licence	\$108.00
58	On application to vary a rock lobster pot entitlement under a licence in respect of the Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery	\$108.00
	The fee fixed by this clause is not payable if an application to vary a rock lobster pot entitlement under a licence in respect of Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery is made at the same time as an application to vary a giant crab or rock lobster quota entitlement under the licence	
59	On application for registration of an additional boat under a fishery licence	\$86.50
60	On application for the notation of an interest in a fishery licence on the register of authorities	\$141.00

**Part 2—Processing****Registration fees payable by an applicant for registration as a fish processor (section 64(1)(d) of Act)**

61	On application for registration as a fish processor made by an eligible person	\$141.00
62	On application for registration as a fish processor made by a person other than an eligible person—	
	(a) base fee	\$813.00
	(b) additional fee if the applicant proposes to process any of the following classes of aquatic resources under the registration:	\$1 052.00
	<i>Abalone (Haliotis spp)</i>	
	<i>King Prawn (Merlicertus latisulcatus)</i>	
	<i>Southern Rocklobster (Jasus edwardsii)</i>	

If registration is to be granted for a period of less than 12 months, the fee payable is a proportion of the fee set out above, being the proportion that the number of complete months in the term of registration bears to 12.

**Annual fees payable by a registered fish processor (section 66(2)(a) of Act)**

63	Annual fee payable by a fish processor who is an eligible person	\$141.00
64	Annual fee payable by a fish processor who is not an eligible person—	
	(a) base fee	\$813.00
	(b) additional fee if the fish processor processes any of the classes of aquatic resources specified in clause 62(b)	\$1 052.00

**Miscellaneous fees**

- |    |   |         |
|----|---|---------|
| 65 | On application by a registered fish processor to have additional premises, places, boats or vehicles specified in the certificate of registration | \$24.90 |
|----|---|---------|

**Part 3—Recreational fishing****Application fees payable by an applicant for registration under the *Fisheries Management (General) Regulations 2007* of a device to be used for recreational fishing**

- |    |  |         |
|----|--|---------|
| 66 | On application for registration of a mesh net to be used by a person for recreational fishing—   |         |
|    | (a) if the applicant produces evidence to the satisfaction of the Minister that he or she is in receipt of an age or invalid pension or is the holder of a State Concession Card issued by the Department for Families and Communities (for each year in the term of the registration) | \$16.30 |
|    | (b) in any other case (for each year in the term of the registration)  | \$32.50 |

No fee is payable where the Minister registers a mesh net for a period of less than 1 year for the purpose of achieving a common expiry date for the registration of that mesh net and the registration of any other mesh net owned by the same person.

- |    |  |          |
|----|--|----------|
| 67 | On application for registration of a rock lobster pot to be used by a person for recreational fishing—       |          |
|    | (a) for registration of 1 rock lobster pot   | \$54.00  |
|    | (b) for registration of 2 rock lobster pots  | \$151.00 |
| 68 | On application for the issue of a replacement tag for a rock lobster pot registered for recreational fishing | \$21.70  |

**Part 4—Miscellaneous**

- |    |   |          |
|----|---|----------|
| 69 | On application for a permit under Part 7 Division 2 of the Act                    | \$86.50  |
| 70 | On application for an exemption under section 115 of the Act                      | \$108.00 |
| 71 | On application for the issue of a duplicate authority under section 68 of the Act | \$21.70  |

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 287 of 2007

MAFF07/020CS



South Australia

## **Fisheries Management (Aquatic Reserves) Regulations 2007**

under the *Fisheries Management Act 2007*

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### **Contents**

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- 2 Commencement
- 3 Interpretation
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#### **Schedule 1—Access to and fishing activities in aquatic reserves**

- 1 Interpretation

#### **Schedule 2—Revocation of *Fisheries (Aquatic Reserves) Regulations 2004***

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### **1—Short title**

These regulations may be cited as the *Fisheries Management (Aquatic Reserves) Regulations 2007*.

### **2—Commencement**

These regulations will come into operation on the day on which Part 7 Division 2 of the *Fisheries Management Act 2007* comes into operation.

### **3—Interpretation**

In these regulations—

*Act* means the *Fisheries Management Act 2007*.

### **4—Regulations have effect subject to *Fisheries Management (General) Regulations 2007***

These regulations have effect subject to the *Fisheries Management (General) Regulations 2007*, and nothing in these regulations authorises a person to act in contravention of those regulations.

### **5—Access to and fishing activities in aquatic reserves**

For the purposes of section 76 of the Act, a person may—

- (a) enter and remain in an aquatic reserve; and
- (b) engage in a fishing activity in an aquatic reserve,

as permitted by Schedule 1.

## Schedule 1—Access to and fishing activities in aquatic reserves

### 1—Interpretation

- (1) Terms used in this Schedule that are defined in the *Fisheries Management (General) Regulations 2007* have the same respective meanings as in those regulations.
- (2) A reference to a named aquatic reserve in this Schedule is a reference to the aquatic reserve of that name as constituted from time to time by proclamation under section 4 of the Act.

#### Notes—

- 1 Common and scientific fish names are given according to AS: SSA-001 *Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.
- 2 All lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995 and all co-ordinates are expressed in terms of GDA94.

Aquatic reserve	Persons permitted access to aquatic reserve	Fishing activity permitted in aquatic reserve
Aldinga Reef Aquatic Reserve	Any person	No fishing activity is permitted.
American River Aquatic Reserve	Any person	No fishing activity is permitted.
Bales Beach Aquatic Reserve	Any person	No fishing activity is permitted.
Barker Inlet—St Kilda Aquatic Reserve	Any person	The taking of fish by using a hand line or rod and line. The taking of bloodworms (Class Polychaeta) for bait by using a hand net.
Blanche Harbour—Douglas Bank Aquatic Reserve	Any person	The taking of fish by using a hand fish spear.
Coobowie Aquatic Reserve	Any person	The taking of fish for a non-commercial purpose using a hand line or rod and line from a boat or the shore.
	Any person	The taking of fish for the purpose of bait from the shore.
	Any person	No fishing activity is permitted in the waters of or near Salt Creek Swamp west of the main road causeway.
Goose Island Aquatic Reserve	Any person	No fishing activity is permitted.
Point Labatt Aquatic Reserve	No person	No fishing activity is permitted.

Port Noarlunga Reef Aquatic Reserve	Any person	<p>The taking of fish by using a hand line or rod and line in the portion of the Reserve comprising the waters of or near Port Noarlunga contained within and bounded by a line commencing at 35°08'49.20" South, 138°27'37.20" East, then north-easterly to the location on Mean High Water Springs closest to 35°08'45.96" South, 138°27'59.76" East, then generally southerly following the line of Mean High Water Springs to the location closest to 35°09'11.99" South, 138°28'08.92" East, then south-westerly to 35°09'15.60" South, 138°27'43.20" East, then north-westerly to the point of commencement, but not—</p> <ul style="list-style-type: none"> <li>(a) from a boat; or</li> <li>(b) from any point on the Port Noarlunga Jetty within 50 metres from the western end of the Jetty; or</li> <li>(c) in waters to the western side of a line 25 metres to the east and parallel to the eastern boundary of the northern Port Noarlunga Reef (at low water) and the prolongations of that boundary.</li> </ul>
	Any person	<p>The taking of fish by using a hand line or rod and line in waters in any other part of the Reserve but not—</p> <ul style="list-style-type: none"> <li>(a) in waters within 25 metres of any part of the southern Port Noarlunga Reef that is exposed at low water; or</li> <li>(b) in waters within 25 metres of any part of Horseshoe Reef that is exposed at low water.</li> </ul>
	Any person	<p>The taking of shrimp (Suborder Natantia) by hand net for bait in the waters of the estuary and Onkaparinga River upstream as far as the road bridge on the Main South Road Noarlunga Bypass.</p>
Seal Bay Aquatic Reserve	No person	No fishing activity is permitted.
St Kilda—Chapman Creek Aquatic Reserve	Any person	<p>The taking of Blue Swimmer Crab (<i>Portunus pelagicus</i>) by hand or by using a crab net or crab rake.</p>
Troubridge Hill Aquatic Reserve	Any person	<p>The taking of fish by using a hand line or rod and line.</p>
West Island Encounter Bay Aquatic Reserve	Teachers and students while engaged in the teaching or study of a marine science.	<p>Any fishing activity engaged in by teachers and students for the purposes of the teaching or study of a marine science.</p>

	Any person	<p>The taking of fish by using a hand line or rod and line in the portion of the Reserve comprising waters bounded as follows:</p> <p>Commencing at 200 metres seaward of Mean High Water Springs (King Beach) closest to 35°36'02.61" South, 138°35'08.34" East, then south-easterly to a line 100 metres seaward of Mean High Water Springs (West Island) closest to 35°36'17.90" South, 138°35'35.62" East, then beginning generally westerly following a line 100 metres seaward of Mean High Water Springs (West Island) to the location closest to 35°36'38.04" South, 138°35'20.46" East, then north-westerly to a line 200 metres seaward of Mean High Water Springs (King Head) closest to 35°36'24.15" South, 138°34'58.14" East, then beginning north-easterly following a line 200 metres seaward of Mean High Water Springs to the point of commencement.</p>
	Any person	<p>No fishing activity is permitted in the portion of the Reserve comprising waters bounded as follows:</p> <p>Commencing at Mean High Water Springs closest to 35°36'20.75" South, 138°35'33.16" East, then generally south-westerly following the line of Mean High Water Springs to the location closest to 35°36'27.84" South, 138°35'21.14" East, then westerly to a line 100 metres seaward of Mean High Water Springs closest to 35°36'27.84" South, 138°35'16.99" East, then generally north-easterly following a line 100 metres seaward of Mean High Water Springs to the location closest to 35°36'17.51" South, 138°35'33.16" East, then southerly to the point of commencement.</p>
Whyalla—Cowled's Landing Aquatic Reserve	Any person	<p>The taking of Blue Swimmer Crab (<i>Portunus pelagicus</i>) by hand or by using a crab net or crab rake, other than for a commercial purpose, in the portion of the Reserve comprising the waters of or near Whyalla contained within and bounded by a line commencing at Mean High Water Springs closest to 33°05'42.36" South, 137°32'07.41" East, then south-easterly to 33°06'21.51" South, 137°33'12.29" East, then south-westerly to 33°06'50.07" South, 137°32'47.96" East, then north-westerly to the location on Mean High Water Springs closest to 33°05'58.84" South, 137°31'23.08" East, then generally north-easterly following the line of Mean High Water Springs to the point of commencement.</p>

Yatala Harbour—Upper    Any person                      No fishing activity is permitted.  
Spencer Gulf Aquatic  
Reserve

## **Schedule 2—Revocation of *Fisheries (Aquatic Reserves) Regulations 2004***

The *Fisheries (Aquatic Reserves) Regulations 2004* are revoked.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 288 of 2007

MAFF07/026CS

South Australia

## **Fisheries Management (General) Regulations 2007**

under the *Fisheries Management Act 2007*

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## 1—Short title

These regulations may be cited as the *Fisheries Management (General) Regulations 2007*.

## 2—Commencement

These regulations will come into operation on the day on which Part 7 Division 1 of the *Fisheries Management Act 2007* comes into operation.

## 3—Interpretation

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

*Act* means the *Fisheries Management Act 2007*;

*bait net* means a fish net that—

- (a) is not more than 150 m in length; and
- (b) has a mesh size of not less than 30 mm and not more than 150 mm;

*Blacklip Abalone* means *Haliotis rubra*;

*Blue Swimmer Crab* means *Portunus pelagicus*;

*Catfish* means *Arius* spp;

*Central Zone Abalone Fishery* means the fishery of that name constituted by the *Fisheries Management (Abalone Fisheries) Regulations 2006*;

*Charter Boat Fishery* means the fishery constituted by the *Fisheries Management (Charter Boat Fishery) Regulations 2005*;

*cm* means centimetre;

*coastal waters* does not include Coorong (area 1), Coorong (area 2) and Lake George;

*cockle rake* means a device designed to be held in the hand and consisting of a pole at 1 end of which is attached—

- (a) a cross-bar with teeth; or
- (b) a cross-bar with a net in the form of a bag or cone; or
- (c) a cross-bar with teeth and a net in the form of a bag or cone;

*Coorong* means that area of water separated from the Lower Murray, and from Lake Alexandrina, by the Goolwa, Mundoo, Boundary Creek, Ewe Island and Tauwitchere Barrages, and separated from the ocean by Sir Richard Peninsula and Younghusband Peninsula, and by the geodesic from the location on Mean High Water Springs closest to the mouth of the River Murray on the northern side of the headland of Sir Richard Peninsula to the location on Mean High Water Springs closest to the northern side of the headland of Younghusband Peninsula;

*Coorong (area 1)* means the waters of the Coorong separated from the Lower Murray, and from Lake Alexandrina, by the Goolwa, Mundoo, Boundary Creek, Ewe Island and Tauwitchere Barrages, separated from the waters of the Coorong south east of Tauwitchere Barrage by the geodesic from the location on Mean High Water Springs closest to 35°35'37.17" South, 139°01'26.49" East (Pelican Point) to the location on Mean High Water Springs closest to 35°35'40.60" South, 139°00'44.56" East (Gnurlung Point), and separated from the ocean by Sir Richard Peninsula and Younghusband Peninsula, and by the geodesic from the location on Mean High Water Springs closest to the mouth of the River Murray on the northern side of the headland of Sir Richard Peninsula to the location on Mean High Water Springs closest to the northern side of the headland of Younghusband Peninsula;

**Coorong (area 2)** means the waters of the Coorong south east of the geodesic from the location on Mean High Water Springs closest to 35°35'37.17" South, 139°01'26.49" East (Pelican Point) to the location on Mean High Water Springs closest to 35°35'40.60" South, 139°00'44.56" East (Gnurlung Point), and separated from the ocean by Younghusband Peninsula;

**Coorong coastal waters** means the coastal waters from the location on Mean High Water Springs closest to 35°31'23.50" South, 138°46'23.83" East (Beach Road, Goolwa) to the location on Mean High Water Springs closest to 36°49'34.59" South, 139°50'55.95" East (Kingston SE jetty);

**corf** includes any floating or submerged holding box or container used to hold live fish;

**crab net** means a device used to take crabs (Family Portunidae) consisting of a drop net or a net in the form of a bag or cone attached to a hoop at its opening;

**crab pot** means a fish trap that—

- (a) is designed and constructed for the purpose of taking Blue Swimmer Crabs; and
- (b) has a maximum height of 650 mm; and
- (c) has a maximum diameter of 2 m; and
- (d) is covered with a fish net that has—
  - (i) a minimum mesh size of 75 mm; or
  - (ii) an escape panel that has a minimum mesh size of 75 mm and is at least 700 mm by 300 mm;

**crab rake** means a device designed to be held in the hand and consisting of a pole at 1 end of which is attached—

- (a) a cross-bar with teeth; and
- (b) a circular metal framed mesh;

**Cuttlefish** means *Sepia* spp;

**depth**, in relation to a net, means the distance from the cork line, buoyant line or other line on which the net is slung to the lead line or to the bottom of the net if there is no lead line such distance to be measured when the cork line, buoyant line or other line on which the net is slung is taut and the lead line or the bottom of the net, if there is no lead line, is hanging free and out of water;

**dip tin** means a perforated open metal basket that—

- (a) has a handle; and
- (b) has perforations of 8 mm in diameter; and
- (c) is not more than 400 mm long; and
- (d) is not more than 300 mm wide; and
- (e) is not more than 200 mm deep;

**drop line** means a device consisting of a length of line with hooks attached by snoods along its length and that is anchored by a weight, buoyed at the surface and deployed vertically through the water;

**drop net** means a net that consists of 2 hoops, the top hoop having a diameter not smaller than that of the bottom hoop, to which netting is attached so as to form a cylindrical bag or cone shaped bag;

**drum net** means a fish trap consisting of mesh supported by 3 large diameter bands to form a body or shape which is closed at 1 end and a cove at the other end;

**electro-fishing** means the taking of fish by using a device consisting of a power source anode or cathode designed and constructed to apply an electric field to water so as to attract or stun fish;

**fish net** means any net other than a hand net (including a dab net, dip net or shrimp net), hoop net, drop net or a prawn trawl net;

**fish trap** means a device that is designed and constructed to trap fish and has an entrance or cove;

**fyke net** means a fish trap consisting of a series of large diameter rings which support mesh on the exterior and a series of coves along the interior with a wing or wings at 1 end;

**gill net** means a length of mesh net supported along its length by a rope attached to the top and bottom of the mesh and designed and constructed to be used as a static device to enmesh fish;

**Golden Perch** means *Macquaria ambigua*;

**Greenlip Abalone** means *Haliotis laevigata*;

**Gulf St. Vincent, Investigator Strait and Backstairs Passage** means the waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage contained within and bounded by a line commencing at Mean High Water Springs closest to 35°17'59.60" South, 136°52'50.11" East (Cape Spencer, Yorke Peninsula), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 35°38'33.80" South, 138°31'20.83" East (Newland Head, Fleurieu Peninsula), then south-westerly to the location on Mean High Water Springs closest to 35°50'32.70" South, 138°08'03.59" East (Cape Willoughby, Kangaroo Island), then beginning north-westerly following the line of Mean High Water Springs to the location closest to 35°44'55.88" South, 136°35'14.77" East (Cape Borda, Kangaroo Island), then north-easterly to the point of commencement;

**Gummy Shark** means *Mustelus antarcticus*;

**hand fish spear** means a fish spear propelled by human power without the use of any explosive, spring, elastic material or mechanism;

**hand line** means fishing line used without a rod and to which not more than 3 fishing hooks are attached (for the purpose of this definition not more than 5 hooks joined by threading the point of 1 through the eye of another, or by fastening their shanks together will be taken to be 1 hook);

**hand net** (including a dab net, dip net or shrimp net) means a net being conical in shape attached to a hoop or ring and extending not more than 1 m in depth from the hoop or ring, the hoop and ring being attached to a rigid handle and having a diameter that does not exceed 1 m;

**hauling net** means a net hauled by a rope 1 end of which is securely anchored to the sea bed or attached to a securely anchored boat or securely attached to the shore;

**hoop net** means a net consisting of 1 hoop of a diameter not exceeding 107 cm to which netting is attached in the form of a cone or bag that does not extend more than 92 cm from the hoop;

**in any 1 day** means during the period commencing at midnight and ending at the midnight next following;

***inland waters*** means the River Murray and its tributaries, Lakes Albert and Alexandrina, Lake George, the Coorong above the Murray Mouth and all the waters of the State that are fresh waters;

***kg*** means kilogram;

***km*** means kilometre;

***kw*** means kilowatt;

***Lake Eyre Perch*** means *Macquaria* spp;

***Lakes Albert and Alexandrina*** means all of the waters of Lake Albert and Lake Alexandrina downstream from the punt that services the main road joining the township of Wellington to the township of Wellington East near 35°19'52.53" South, 139°23'04.30" East, and separated from the Coorong by land and by the Goolwa, Mundoo, Boundary Creek, Ewe Island and Tauwitchere Barrages, and includes those waters of the Finnis River and Currency Creek situated upstream from Lake Alexandrina to the first road bridge by which they are crossed;

***Lakes and Coorong Fishery*** means the fishery of that name constituted by the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006*;

***large catfish*** means Catfish that exceeds 33 cm in length;

***large mesh monofilament net*** means a monofilament mesh net that—

- (a) has a mesh size exceeding 115 mm; and
- (b) consists of line with a minimum breaking strain of not less than 7 kg;

***large mesh multifilament hauling net*** means a multifilament hauling net that—

- (a) has a mesh size exceeding 95 mm; and
- (b) consists of line with a minimum ply of not less than 21;

***large mesh net*** means a mesh net or gill net with a mesh size of not less than 150 mm;

***large mulloway*** means Mulloway that exceeds 75 cm in length;

***large salmon*** means Salmon that exceeds 35 cm in length;

***large snapper*** means Snapper that exceeds 60 cm in length;

***length***—

- (a) in relation to a fish—means the distance from the foremost part of the head to the end of the tail;
- (b) in relation to a net—means the length of that part of the cork line, buoyant line or other line on which the net is slung;

***licensed person***, in relation to a fishing activity, means—

- (a) a person who, for a commercial purpose, is engaged in a fishing activity of a class that constitutes the fishery in respect of which the person holds a fishery licence or permit; or
- (b) a person acting as the agent of a holder of such a licence or permit;

***long line*** means a length of line to which is attached 1 or more traces or hooks and which is anchored and buoyed at 1 or both ends;

***m*** means metre;

**Mean High Water Springs** means the line representing the average of all high water observations at the time of spring tide over a period of 19 years;

**meat**, in relation to an abalone, means all the muscular foot from which the viscera have been detached by the usual shucking procedure;

**mesh net** means a net designed and constructed to enmesh fish;

**mm** means millimetre;

**Mulloway** means *Argyrosomus hololepidotus*;

**Murray Cod** means *Maccullochella peelii*;

**Murray Mouth** means the Coorong and coastal waters that are within 500 m of a line joining the locations on Mean High Water Springs closest to 35°33'18.69" South, 138°52'45.87" East (northern side of the headland of Sir Richard Peninsula) and 35°33'21.95" South, 138°52'53.34" East (northern side of the headland of Younghusband Peninsula);

**mussel dredge** means a device that—

- (a) is designed and constructed to be held in the hand so as to facilitate the taking of fish by scraping the bed of any waters; and
- (b) is not more than 1 m wide; and
- (c) has attached to it a net not more than 1 m deep;

**non-commercial purpose** means a purpose other than trade or business;

**Northern Zone** has the same meaning as in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*;

**Northern Zone Rock Lobster Fishery** means the fishery of that name constituted by the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*;

**on the same day** means during the period commencing at midnight and ending at the midnight next following;

**overall length**, in relation to a boat, means the horizontal distance between—

- (a) a perpendicular dropped from the extremity of the bow of the boat, or, if a fixture or structure attached to the bow projects beyond the bow, from the extremity of that fixture or structure; and
- (b) a perpendicular dropped from the extremity of the stern of the boat, or, if a fixture or structure attached to the stern projects beyond the stern, from the extremity of that fixture or structure;

**permitted device** means a device specified in Schedule 1;

**power hauling method of fishing** means a fishing activity involving the use of a fish net where—

- (a) the net is hauled through the water by means other than by hand; and
- (b) not more than 1 boat is used to haul the net; and
- (c) 1 end of the net is anchored so as to secure that end to the sea bed while—
  - (i) the net is shot out; or
  - (ii) 1 end of the net is being hauled back to the other end;

**prawn** means King Prawn (*Melicertus latisulcatus*);

**prawn trawl net** means a trawl net that is designed and constructed for the taking of prawn;

**purse seine net** means a long winged hauling net with a bunt and a pursing line attached by rings to the bottom mesh or foot rope;

**revoked regulations** means the *Fisheries (General) Regulations 2000*;

**ring net** means a mesh net that has floats on the head line and leads on the bottom line and is designed and constructed to encircle a school of fish;

**River Fishery** means the fishery of that name constituted by the *Fisheries Management (River Fishery) Regulations 2006*;

**River Murray proper** means all the waters of the River Murray and its anabranches, tributaries, lagoons and lakes situated upstream of the punt which services the main road joining the township of Wellington to the township of Wellington East;

**rock lobster** means Southern Rocklobster (*Jasus edwardsii*);

**rock lobster fishery** means—

- (a) the Northern Zone Rock Lobster Fishery; or
- (b) the Southern Zone Rock Lobster Fishery;

**rock lobster pot** means a fish trap that is designed and constructed for the purpose of taking rock lobster;

**rock lobster snare** means a device that—

- (a) consists of a noose attached to a length of tubing; and
- (b) is designed and constructed for the taking of rock lobster;

**rod and line** means a rod to which is attached a fishing line having not more than 3 fishing hooks attached to it (and, for the purpose of this definition, not more than 5 hooks joined by threading the point of 1 through the eye of another or by fastening their shanks to each other will be taken to be 1 hook);

**Salmon** means Western Australian Salmon (*Arripis truttaceus*);

**Sand Crab** means *Ovalipes* spp;

**sand crab pot** means a fish trap that—

- (a) is designed and constructed for the purpose of taking Sand Crabs; and
- (b) has a maximum height of 450 mm; and
- (c) has a maximum diameter of 1.5 m; and
- (d) is covered with a fish net that has—
  - (i) a minimum mesh size of 75 mm; or
  - (ii) an escape panel that has a minimum mesh size of 75 mm and is at least 700 mm by 300 mm;

**sardine net** means a purse seine net that—

- (a) is no more than 1000 m in length; and
- (b) is no more than 200 m in depth; and
- (c) has a minimum mesh size of 14 mm; and



(d) has a maximum mesh size of 22 mm;

**scallop dredge** means a device consisting of mesh supported by framework that is designed and constructed to be pulled behind a boat so as to facilitate the taking of fish by scraping the bed of any waters;

**School Shark** means *Galeorhinus galeus*;

**set line** includes any device using hooks and known as a cross line, springer, side line, long line or buoyed line;

**set net** means a static mesh net;

**set-net method of fishing** means a fishing activity involving the use of a fish net—

(a) of up to 600 m in length; and

(b) having a mesh size of at least 50 mm and less than 150 mm,

and in which the fish net is run out into the water and set, the ends of the fish net not meeting or being joined;

**shrimp trap** means a fish trap that is designed and constructed for the purpose of taking shrimps (Suborder Natantia);

**small Catfish** means Catfish that does not exceed 33 cm in length;

**small mesh monofilament net** means a monofilament mesh net that—

(a) has a mesh size exceeding 50 mm but not exceeding 64 mm; and

(b) consists of line with a minimum breaking strain of not less than 5.5 kg;

**small mesh multifilament hauling net** means a multifilament hauling net that—

(a) has a mesh size exceeding 50 mm but not exceeding 64 mm; and

(b) consists of line with a minimum ply of not less than 15;

**small Mulloway** means Mulloway that is at least 46 cm in length but does not exceed 75 cm in length;

**small Salmon** means Salmon that is at least 21 cm in length but does not exceed 35 cm in length;

**small Snapper** means Snapper that is at least 38 cm in length but does not exceed 60 cm in length;

**Snapper** means *Pagrus auratus*;

**Southern Bluefin Tuna** means *Thunnus maccoyii*;

**Southern Zone** has the same meaning as in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*;

**Southern Zone Abalone Fishery** means the fishery of that name constituted by the *Fisheries Management (Abalone Fisheries) Regulations 2006*;

**Southern Zone Rock Lobster Fishery** means the fishery of that name constituted by the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*;

**spear gun** means a device for spearing fish consisting of a spear and an apparatus for discharging the spear by means of explosive, spring or elastic material or other mechanical means;

**swinger net** means a non-static gill net to which is attached a rope that is anchored to the shore so as to enable the net to drift with the aid of offshore and longshore currents;

**teaser line** means a line (without an attached hook) used to lure or attract fish;

**trawl net** includes a lampara net, Danish seine net, beam trawl net or otter trawl net and any net towed by a boat;

**trot line** means a combination of—

- (a) buoyed lines anchored or weighted; and
- (b) a line or lines connecting the buoyed lines and supported under the surface of the waters by a line of floats; and
- (c) a line or lines attached to the connecting line and weighted to which are attached hooks or snoods with hooks;

**undersize fish** means fish that is undersize as determined in accordance with Schedule 2 but does not include—

- (a) scalefish of the family Bothidae or Pleuronectidae taken by an unlicensed person; or
- (b) aquaculture fish taken by the holder of an aquaculture licence from an area in which aquaculture is carried on;

**unlicensed person**, in relation to a fishing activity, means a person who is not a licensed person in relation to that activity;

**waters of the State** means all the waters to which the Act applies;

**Western Blue Groper** means *Achoerodus gouldii*;

**Western Zone Abalone Fishery** means the fishery of that name constituted by the *Fisheries Management (Abalone Fisheries) Regulations 2006*;

**Yabby** means Yabby (*Cherax* spp);

**yabby pot** means a fish trap designed and constructed for the purpose of taking Yabby;

**Yellowfin Tuna** means *Thunnus albacares*.

(2) In these regulations—

- (a) a reference to a person **carrying a device** includes a reference to—
  - (i) having the device on or about his or her person; or
  - (ii) having the device so near to his or her person that he or she is able to exercise physical control over the device;
- (b) a reference to the **taking of aquatic resources** or a particular class or species of aquatic resources includes a reference to any act that is preparatory to or involved in the taking of those aquatic resources or class or species of aquatic resources, whether or not any such aquatic resources or class or species of aquatic resources have been taken;
- (c) a reference to **using** or to the **use of a device** by a person engaged in a fishing activity includes a reference to using the device—
  - (i) to take aquatic resources; and
  - (ii) in or as part of any act preparatory to, or involved in, the taking of aquatic resources.

- (3) For the purposes of these regulations, the mesh size of a net is to be determined as follows:
- (a) 10 meshes of the net are to be measured by the method referred to in paragraph (b) and the sum is to be divided by 10;
  - (b) the distance between 1 corner of the mesh of the net and the corner of the same mesh diagonally opposite to that corner (with the corners extended so that as near as is practicable there is no space between adjacent threads of mesh) is to be measured by the following method:
    - (i) that part of the net containing the mesh to be measured must be soaked in water for at least 5 minutes; and
    - (ii) immediately after soaking, a weight of 1.5 kg must be attached or slung to 1 corner of the mesh to be measured (the *weighted corner*); and
    - (iii) while the weight is attached to or slung on the weighted corner, the distance between the weighted corner and the corner of the same mesh diagonally opposite to the weighted corner must be measured, the measurement being taken from the inside of each corner.
- (4) For the purposes of these regulations—
- (a) a device registered for use for recreational fishing is attended only if it is at all times actually being attended by the person in whose name it is registered under regulation 10 and that person is at all times—
    - (i) while the device is in the waters of Lake George—no more than 50 m from the landward boundary of the Lake;
    - (ii) while the device is in any other waters of the State—no more than 50 m from any part of the device;
  - (b) a device registered for use under a fishery authority is attended only if it is at all times actually being attended by the person who holds the fishery authority, or a person acting as an agent of the holder of the fishery authority, and that person is at all times—
    - (i) while the device is in the waters of Lake George—no more than 50 m from the landward boundary of the Lake;
    - (ii) while the device is in any other waters of the State—no more than 50 m from any part of the device.

**Notes—**

- 1 Common and scientific fish names are given according to *AS: SSA-001 Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.
- 2 Unless the contrary intention appears, all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995 and all co-ordinates are expressed in terms of GDA94.

#### **4—Commercial quantity**

For the purposes of the definition of *commercial quantity* in section 3(1) of the Act, a quantity specified in Schedule 3 is declared to be a commercial quantity in relation to the class of aquatic resource specified alongside that quantity.

## 5—Corresponding laws

For the purposes of the definition of *corresponding law* in section 3(1) of the Act, the laws specified in Schedule 4 are declared to be corresponding laws.

## 6—Protected species

For the purposes of the definition of *protected species* in section 3(1) of the Act, the species specified in Schedule 5 are declared to be protected.

## 7—Classes of fishing activities prescribed for purposes of section 70 of Act

For the purposes of section 70 of the Act, the following classes of fishing activities are prescribed:

- (a) the classes of fishing activities specified in Schedule 6;
- (b) the taking of fish by a person—
  - (i) by using a fish net in any of the waters of the State specified in Schedule 7 Part 1; or
  - (ii) by using a net other than a large mesh net or sardine net in any of the waters of the State specified in Schedule 7 Part 2.

## 8—Sale, purchase or possession of aquatic resources

- (1) For the purposes of section 72(2)(c) of the Act, the following classes of aquatic resources are prescribed:
  - (a) undersize fish;
  - (b) aquatic resources of a class specified in Schedule 3.
- (2) For the purposes of section 72(6) of the Act, a quantity specified in Schedule 3 alongside a class of aquatic resources is the prescribed quantity of aquatic resources of that class.

## 9—Aquatic or benthic animals

For the purposes of section 77(2) of the Act, the classes of aquatic or benthic animals specified in Schedule 8 are prescribed.

## 10—Registration of devices for non-commercial fishing

- (1) This regulation applies in relation to a mesh net or rock lobster pot to be used by a person (including the holder of a fishery authority) for non-commercial fishing.
- (2) An application for registration of a device to which this regulation applies must—
  - (a) be made to the Minister in a manner and form approved by the Minister; and
  - (b) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (3) An application for registration of a mesh net cannot be made except by a person who, immediately before the commencement of this regulation, had the mesh net registered in his or her name under regulation 8 of the revoked regulations.
- (4) An application for registration of a rock lobster pot—
  - (a) cannot be made earlier than 2 months before the commencement of the prescribed period during which the registration is to have effect;
  - (b) cannot be made at all if the applicant has by a separate application obtained the registration of another rock lobster pot for the same prescribed period.

- (5) Before registering a device under this regulation the Minister may require the applicant to produce the device for examination by a fisheries officer.
- (6) The Minister must refuse to register a device if—
- (a) it is not produced for examination pursuant to a requirement made under subregulation (5); or
  - (b) the applicant could not, on registration of the device, lawfully use it for the purpose of taking aquatic resources in the waters of the State; or
  - (c) registration would result in the number of devices registered in the applicant's name being in excess of the greatest number of devices that the applicant may lawfully use, at any 1 time, in the waters of the State.
- (7) If the Minister is satisfied that—
- (a) an application to register a device has been made in accordance with this regulation; and
  - (b) the applicant is a natural person of at least 15 years of age; and
  - (c) the device complies with these regulations,
- the Minister may register the device in the name of the applicant—
- (d) in the case of a rock lobster pot—
    - (i) if the application was made on or before the commencement of the registration period—for the whole of the registration period;
    - (ii) if the application was made after the commencement of the registration period—for a period commencing on the date of grant of the application and ending on the expiry of the last day of the registration period; or
  - (e) in any other case—for a period not exceeding 3 years.
- (8) The Minister must, on registering a device—
- (a) allot a registered number to the device; and
  - (b) issue to the person in whose name the pot is registered a tag bearing the registered number.
- (9) If the Minister is satisfied that a tag issued in respect of a rock lobster pot registered under this regulation has been lost, stolen, damaged or destroyed, the Minister must, on application made in a manner and form approved by the Minister and payment of the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*, issue a replacement tag.
- (10) In this regulation—
- prescribed period***, in relation to a rock lobster pot, means the period beginning on 1 October in any year and ending on 31 May in the following year.

## **11—Duty to produce certificate of registration**

A person who is using a registered device for recreational fishing must, if requested by a fisheries officer to produce his or her certificate of registration of the device, produce the certificate within 48 hours after the making of the request.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## **12—Section 53(2) of Act not to apply to rods and lines and hand lines used for commercial fishing**

Section 53(2) of the Act does not apply in relation to a rod and line or hand line used under a fishery authority.

## **13—Requirements relating to buoys and tags**

For the purposes of these regulations—

- (a) a buoy must—
  - (i) be made of material that is durable in water; and
  - (ii) clearly display the marks required by these regulations in letters and figures of not less than 70 mm in height; and
  - (iii) have a volume of not less than—
    - (A) in the case of a buoy attached to a drop net, drum net, hoop net, shrimp trap or yabby pot used by any person to take fish in the River Murray proper, Lakes Albert and Alexandrina or the Coorong—2 litres; or
    - (B) in any other case—4 litres; and
  - (iv) float on the surface of water;
- (b) a tag must—
  - (i) be made of material that is durable and non-corrodible in water; and
  - (ii) clearly display the marks required by these regulations in letters and figures of not less than 20 mm in height; and
  - (iii) be not less than 100 mm long and 50 mm wide.

## **14—Carriage of explosive devices in specified areas**

- (1) A person must not carry a hand fish spear, spear gun or device that operates by means of an explosive cartridge in the areas specified in Schedule 9.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) It is a defence to a charge of an offence against subregulation (1) to prove that the defendant was carrying the spear, spear gun or device only for the purpose of transporting it across the area.

## **15—Carriage of certain devices while using scuba etc**

- (1) Subject to subregulation (2), a person must not, while using a scuba, hookah or other apparatus for breathing underwater, carry a hand fish spear, spear gun or device that operates by means of an explosive cartridge.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A person may, while using a scuba, hookah or other apparatus for breathing under water, carry a device that operates by means of an explosive cartridge if—

- (a) the device is not attached to a hand fish spear or spear gun; and

- (b) the device is carried only for protection; and
  - (c) any fish that is injured or killed is left in the water.
- (3) Subregulation (2) does not permit the carrying of a device in an aquatic reserve or an area specified in Schedule 9.

### **16—Carriage of devices near lock and weirs of Murray River**

A person must not carry a device within 150 m of each side of each lock and weir of the River Murray proper.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **17—Distinguishing marks on boats**

- (1) The Minister must, on registering a boat under section 53 of the Act, allot to the boat a distinguishing mark consisting of 1 or more numbers or letters or a combination of numbers and letters.
- (2) The holder of a fishery authority must not use a registered boat for the purposes of engaging in a fishing activity of a class that constitutes the fishery in respect of which he or she holds a fishery authority unless the registered boat bears distinguishing marks that—
- (a) are painted or otherwise marked on each side of the registered boat; and
  - (b) are painted or otherwise marked in legible figures; and
  - (c) contain figures each of which—
    - (i) is not less than 150 mm high; and
    - (ii) is not less than 100 mm wide; and
    - (iii) contains no line that is less than 30 mm broad; and
  - (d) are clearly visible above the water line; and
  - (e) are painted in—
    - (i) black paint or otherwise marked in black if painted on a light coloured background; or
    - (ii) white paint or otherwise marked in white if painted or marked on a dark coloured background.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A person must not use a dinghy as a tender to a registered boat unless it bears the same distinguishing marks as the registered boat to which it is used as a tender with the addition of the letter "T" forming part of the distinguishing marks as a prefix to them.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) If a boat that has been a registered boat ceases to be a registered boat, the owner must, as soon as practicable after the boat ceases to be a registered boat, remove or cause to be removed any distinguishing mark that had been painted or otherwise marked on the boat.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## 18—Mutilation of certain fish

- (1) This regulation applies to—
  - (a) shark of any species belonging to the Class Chondrichthyes; and
  - (b) fish of a class specified in Schedule 2.
- (2) If fish of a class to which this regulation applies are taken in the course of fishing from a boat, a person must not mutilate those fish before they are brought ashore or landed on a jetty or other landing place.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (3) In proceedings for an offence against subregulation (2), it will be presumed, in the absence of proof to the contrary, that any mutilated fish on a boat have been mutilated by the person in charge of the boat unless that person proves that some other person mutilated them and that he or she made reasonable efforts to prevent the mutilation.
- (4) This regulation does not apply in relation to fish on a boat that, within 24 hours of their mutilation, are to be—
  - (a) consumed as food on that boat; or
  - (b) used as bait in the course of a fishing activity in which persons on that boat intend, and are lawfully entitled, to engage in.
- (5) In this regulation—

*mutilate*, in relation to fish, means to divide, cut up, mangle or dismember fish in any way but does not include—

  - (a) the removal of the guts or scales of fish; or
  - (b) in the case of shark—
    - (i) the removal of pelvic fins and claspers; or
    - (ii) the removal of the tail at the sub-terminal notch, leaving the caudal lobe attached to the body.

## 19—Provisions relating to abalone fishing

- (1) A person must not remove from the shell abalone taken under a licence in respect of the Southern Zone Abalone Fishery unless the abalone is removed on land at the premises of a registered fish processor in the course of the business of the fish processor.  
Maximum penalty: \$2 500.
- (2) An unlicensed person who takes abalone in the waters of the State must bring the abalone to a position above the water line before the abalone is removed from its shell.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (3) A person who takes abalone in the waters of the State must have attached to his or her person an effective and accurate measuring device suitable for measuring abalone.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.



- (4) A person who takes abalone in the waters of the State must measure each abalone by using a device of a kind referred to in subregulation (3) immediately after detaching the abalone from the rock or other place to which it was attached and must immediately, with care, replace on that rock or other place to which the abalone had been attached any abalone that is undersize.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (5) Subject to subregulation (6), a person must not have possession, control or custody of abalone that has been removed from its shell.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (6) Subregulation (5) does not apply to a person who has in his or her possession, control or custody abalone that has been removed from its shell if—

- (a) being an unlicensed person, the person has complied with subregulation (2); or
- (b) the person is acting during the course of his or her work or employment at the premises of a registered fish processor that are situated on land; or
- (c) the abalone has previously been delivered to and processed at the premises of a registered fish processor that are situated on land; or
- (d) the abalone was taken under a licence in respect of the Central Zone Abalone Fishery or Western Zone Abalone Fishery.

- (7) In this regulation—

*land* does not include land below waters.

## **20—Keeping of fish in corfs**

A person must not store or confine fish in a corf unless—

- (a) a red buoy that—
  - (i) complies with regulation 13; and
  - (ii) is marked with the letter "C",is attached to the corf; and
- (b) the buoy—
  - (i) is marked with the owner's fishery licence number; or
  - (ii) if the owner does not hold a fishery licence—has attached to it a tag bearing the owner's name and address.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## **21—Keeping of rock lobster**

- (1) A person must not store or confine rock lobster in a corf unless he or she holds a licence in respect of a rock lobster fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

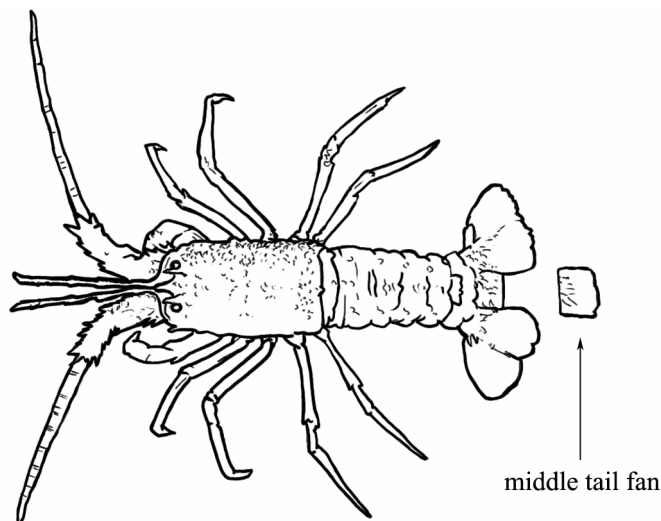
- (2) During the period commencing at 1800 hours on 31 May in any year and ending at 1200 hours on the following 1 November, a person must not store or confine live rock lobster taken from the Northern Zone (regardless of when the rock lobster were actually taken).
- Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (3) Subregulation (2) does not apply to a registered fish processor who stores or confines live rock lobster in a holding tank situated on land.

## 22—Duty to clip tail fan of rock lobster

A person who takes rock lobster in the waters of the State (other than under a licence in respect of a rock lobster fishery) must, before the rock lobster is brought ashore or landed, clip its middle tail fan in half horizontally across the tail and remove it.

Maximum penalty: \$5 000.

Expiation fee: \$315.



## 23—Berleying

- (1) A person must not use blood, bone, meat, offal or skin of an animal as berley (otherwise than in a rock lobster pot or other fish trap) within 2 nautical miles of—
- the mainland of the State; or
  - any island or reef that forms part of the State and is exposed at the low water mark.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A person must not deposit or use in marine waters of the State the body, or part of the body, of a mammal or bird.

Maximum penalty: \$2 500.

Expiation fee: \$210.

**24—Commercial bait nets not to be left unattended**

- (1) Subject to subregulation (2), a bait net that is registered for use under a fishery authority must not be left unattended after it has been set in waters from a registered boat.
- (2) A bait net that has a mesh size of not less than 50 mm may be left unattended for a continuous period not exceeding 12 hours.
- (3) If subregulation (1) is contravened, the registered owner and registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

**25—Requirement to remove anchors etc from nets removed from Lakes and Coorong Fishery**

- (1) A person who—
  - (a) for a commercial purpose engages in a fishing activity of a class that constitutes the Lakes and Coorong Fishery; and
  - (b) for the purposes of engaging in that activity places a net in the Lakes and Coorong, must, on removing the net from the Lakes and Coorong, immediately remove from the Lakes and Coorong any buoy, anchor or other device or thing to which the net was attached.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) In this regulation—

*Lakes and Coorong* means the waters of the Coorong, Lake Alexandrina, Lake Albert, and the coastal waters adjacent to South Australia between the location on Mean High Water Springs closest to 35°31'23.50" South, 138°46'23.83" East (Beach Road, Goolwa) and the location on Mean High Water Springs closest to 36°49'34.59" South, 139°50'55.95" East (Kingston SE Jetty).

**26—Marking of receptacles in which aquatic resources are transported, consigned for sale etc**

- (1) A person who is—
  - (a) the holder of a fishery authority; or
  - (b) a registered fish processor; or
  - (c) otherwise involved in a business that involves, the handling, storage, movement or dealing with aquatic resources,

must not transport, consign for or have on sale, in a receptacle any aquatic resources unless there is legibly marked on the outside of the receptacle or on a label attached to the outside of the receptacle—

- (d) the person's full name or initials and surname; and
- (e) if the person is the holder of a fishery licence or permit or an aquaculture licence— the person's licence or permit number.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) In this regulation—

*receptacle* includes any container, box or other package.

### **27—Notice of seizure of device**

For the purposes of section 90(2)(d) of the Act, notice of the seizure of a device must be given by notice published in the Gazette within 28 days of the seizure of the device containing—

- (a) a description of the device; and
- (b) the place where, and the date on which, it was seized; and
- (c) the place where it may be inspected for a period of 1 month following the date of the notice.

### **28—Duty to notify Minister of change of address**

- (1) A natural person who holds an authority under the Act must, within 30 days of changing his or her residential or business address, give the Minister written notice of his or her new address.

Maximum penalty: \$1 250.

Expiation fee: \$105.

- (2) A body corporate that holds an authority under the Act must, within 30 days of changing its registered address, give the Minister written notice of the body corporate's new registered address.

Maximum penalty: \$1 250.

Expiation fee: \$105.

### **29—Evidentiary provision**

In proceedings for an offence against these regulations or any other regulations made under the Act, if it is proved that a person apparently over the age of 15 years was on board a registered boat on a particular day while the registered boat was being used for the purpose of engaging in a fishing activity of a class that constitutes a fishery, it will be presumed, in the absence of proof to the contrary, that the person was on that day engaged in the fishing activity for which purpose the registered boat was being used.

### **30—Expiation of alleged offences**

- (1) The expiation fees set out in Schedule 10 are fixed for alleged offences against section 70 of the Act (other than an offence referred to in subregulation (2)).

- (2) The expiation fee for an alleged offence against section 70 of the Act constituted of the taking of fish by a person—

- (a) by using a fish net in any of the waters of the State specified in Schedule 7 Part 1;  
or
- (b) by using a net other than a large mesh net or sardine net in any of the waters of the State specified in Schedule 7 Part 2,

is a fee of \$200.

- (3) Text set out in italic type in a column headed "Description of fishing activity constituting offence" in the Table in Schedule 10 is a description for convenience purposes only and is not to be taken to define the offence for which a particular amount is fixed as the expiation fee.

## **Schedule 1—Permitted devices**

(Regulation 3(1))

Bait fork  
Bait pump  
Bait spade  
Bow and arrow (other than a crossbow)  
Cockle rake  
Crab net  
Crab rake  
Dip tin  
Drop net  
Hand fish spear  
Hand net, including a dab net, dip net or shrimp net  
Hoop net  
Mesh net  
Mussel dredge  
Razorfish tongs  
Rock lobster pot  
Rock lobster snare  
Shrimp trap  
Spear gun  
Squid jig  
Yabby pot

## Schedule 2—Undersize fish

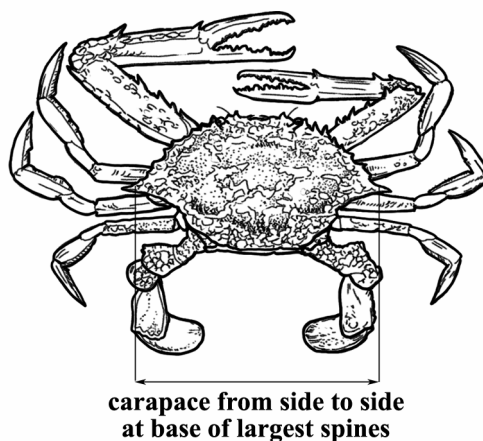
(Regulation 3(1))

### Part 1—Crustaceans

#### 1—Blue Swimmer Crab

Blue Swimmer Crab is undersize if the length of its carapace, as shown in diagram 1, is less than 11 cm when measured from side to side at the base of the largest spines.

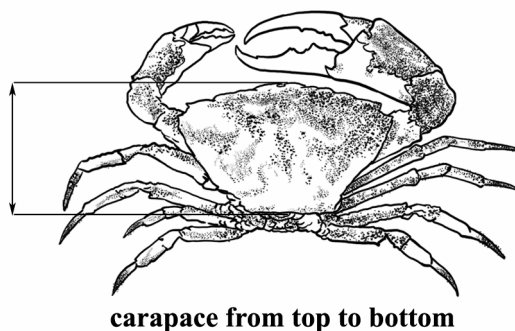
**Diagram 1—Blue Swimmer Crab (*Portunus pelagicus*)**



#### 2—Giant Crab

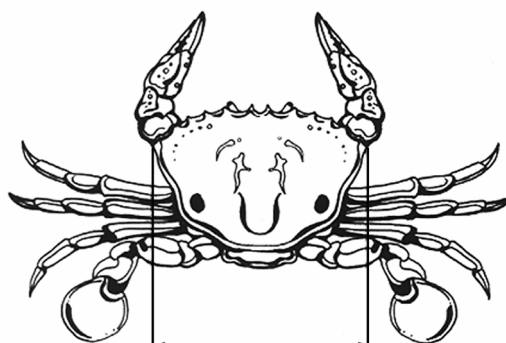
Giant Crab is undersize if the length of its carapace, as shown in diagram 2, is less than 15 cm when measured from top to bottom.

**Diagram 2—Giant Crab (*Pseudocarcinus gigas*)**



#### 3—Sand Crab

Sand Crab is undersize if the length of its carapace, as shown in diagram 3, is less than 10 cm when measured from side to side at its widest point.

**Diagram 3—Sand crab (*Ovalipes* spp)****carapace from side to side  
at widest point****4—Rock lobster**

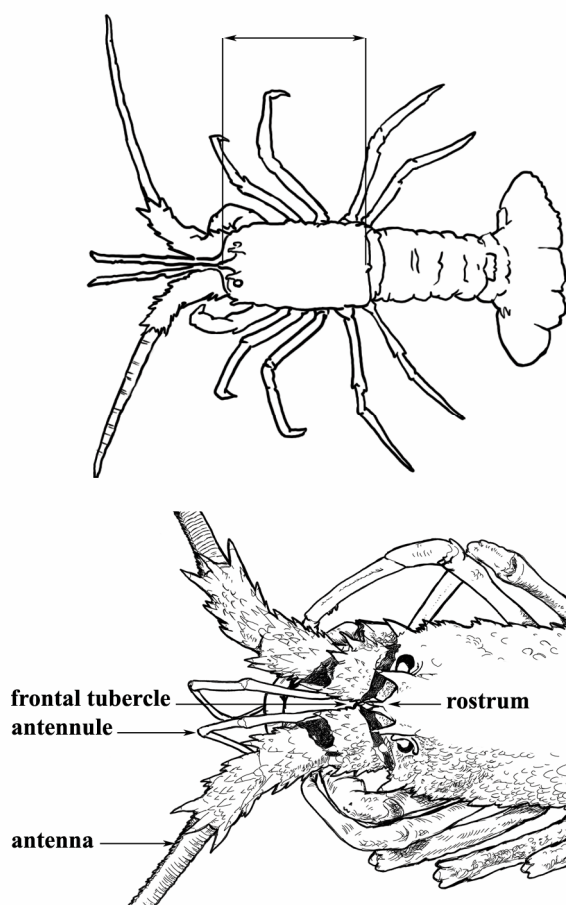
- (1) Rock lobster is undersize if its length, as shown in diagram 4, is—
  - (a) in the case of rock lobster taken from the Northern Zone—less than 10.5 cm; or
  - (b) in any other case—less than 9.85 cm.

- (2) In subclause (1)—

*length*, in relation to rock lobster, means the length of the carapace measured in a direct medial line from the most forward part of the median suture marked on the frontal tubercle that is situated between the epimeral plates below and in front of the rostrum to the centre of the posterior edge of the carapace (but not including any hairs on the carapace).

**Diagram 4—Rock lobster (*Jasus edwardsii*)**

length from anterior of frontal tubercle  
to posterior edge of carapace

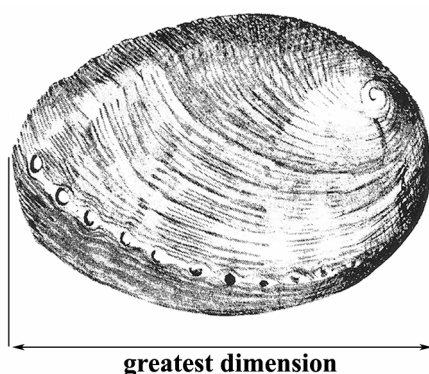
**Part 2—Molluscs****5—Abalone taken by licensed person**

- (1) Abalone of all species (except Blacklip Abalone and Greenlip Abalone) is undersize if—
  - (a) it is less than 13 cm in length; or
  - (b) the meat, having been removed from the shell, weighs less than 113 gm.
- (2) Blacklip Abalone is undersize—
  - (a) if taken in the waters of the Southern Zone within Area S—
    - (i) it is less than 11 cm in width; or
    - (ii) the meat, having been removed from the shell, weighs less than 90 gm; or
  - (b) if taken in the waters of the Southern Zone outside Area S—
    - (i) it is less than 12.5 cm in length; or
    - (ii) the meat, having been removed from the shell, weighs less than 106 gm; or
  - (c) if taken in the waters of the State outside the Southern Zone—
    - (i) it is less than 13 cm in length; or
    - (ii) the meat, having been removed from the shell, weighs less than 113 gm.



- (3) Greenlip Abalone is undersize—
- (a) if taken in the waters of the Western Zone—
    - (i) it is less than 14.5 cm in length; or
    - (ii) the meat, having been removed from the shell, weighs less than 140 gm; or
  - (b) if taken in any other waters of the State—
    - (i) it is less than 13 cm in length; or
    - (ii) the meat, having been removed from the shell, weighs less than 113 gm.
- (4) Despite subclauses (1), (2) and (3), abalone of all species is not to be taken to be undersize if the meat when removed is below the minimum weight referred to in those subclauses provided that—
- (a) the abalone is brought ashore and before shucking is delivered to a registered fish processor at premises at which that fish processor is registered to carry on business as a fish processor by virtue of the Act; and
  - (b) the length of the abalone is not below that required by this clause.
- (5) In this clause—
- Area S* has the same meaning as in the *Fisheries Management (Abalone Fisheries) Regulations 2006*;
- length*, of an abalone, means the length of the abalone as measured at its greatest dimension as shown in diagram 5;
- Southern Zone* has the same meaning as in the *Fisheries Management (Abalone Fisheries) Regulations 2006*;
- Western Zone* has the same meaning as in the *Fisheries Management (Abalone Fisheries) Regulations 2006*.
- (6) This clause applies only in relation to abalone taken by a licensed person.

**Diagram 5—Abalone (*Haliotis* spp)**



## **6—Abalone taken by unlicensed person**

- (1) Abalone of all species (except Greenlip Abalone) is undersize—
- (a) if it is less than 13 cm in length; or
  - (b) if the meat, having been removed from the shell, weighs less than 113 gm.

- (2) Greenlip Abalone is undersize—
- (a) if taken in the waters of the Western Zone—
    - (i) it is less than 14.5 cm in length; or
    - (ii) the meat, having been removed from the shell, weighs less than 140 gm; or
  - (b) if taken in any other waters of the State—
    - (i) it is less than 13 cm in length; or
    - (ii) the meat, having been removed from the shell, weighs less than 113 gm.

- (3) In this clause—

**length**, of an abalone, means the length of the abalone as measured at its greatest dimension as shown in diagram 5 of clause 5;

**Southern Zone** means all coastal waters east of the meridian of longitude 139° east such waters not including the waters of the Coorong or any other waters above the Murray Mouth;

**Western Zone** means all coastal waters west of the meridian of longitude 136° 30' 00" east.

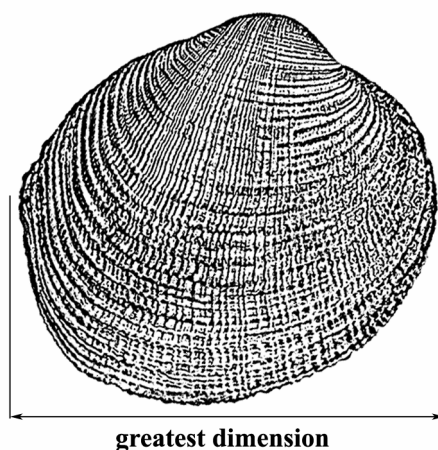
- (4) This clause applies only in relation to abalone taken by an unlicensed person.

## 7—Cockle

Cockle is undersize, if when measured at its greatest dimension as shown in diagram 6—

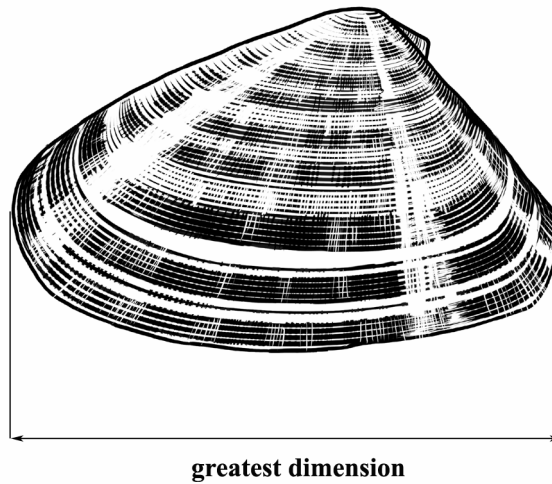
- (a) in the case of Cockle taken from the waters of Coffin Bay south of the geodesic from the location on Mean High Water Springs closest to 34°31'19.92" South, 135°21'12.12" East (Point Longnose) to the location on Mean High Water Springs closest to 34°31'19.92" South, 135°22'38.52" East—the Cockle is less than 3.8 cm; or
- (b) in any other case—the Cockle is less than 3 cm.

**Diagram 6—Cockle (*Kataysia* spp)**

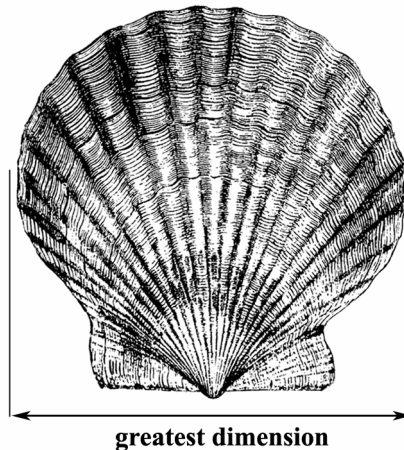


## 8—Pipi

Pipi is undersize if, when measured at its greatest dimension as shown in diagram 7, it is less than 3.5 cm.

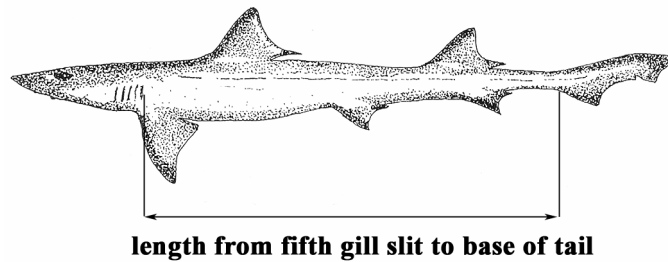
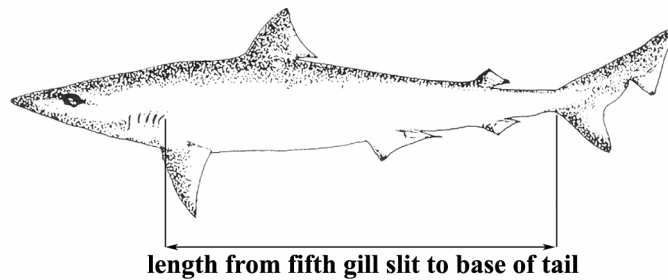
**Diagram 7—Pipi (*Donax* spp)****9—Scallop**

Scallop is undersize if, when measured at its greatest dimension as shown in diagram 8, it is less than 6.5 cm.

**Diagram 8—Scallop (Family PECTINIDAE)****Part 3—Other fish****10—Gummy Shark and School Shark**

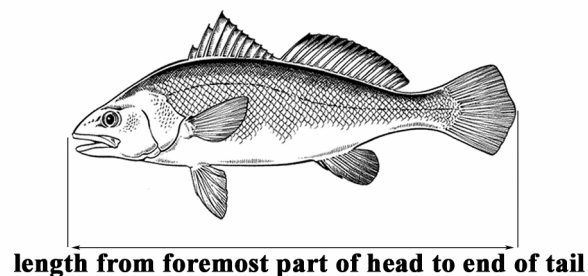
- (1) Gummy Shark or School Shark is undersize if its length is less than 45 cm.
- (2) In this clause—

*length*, in relation to a shark, means the partial length of the shark from the fifth gill slit to the base of the tail, measured in a straight line from the middle of the posterior edge of the gill slit nearest the tail to the ventral insertion of the caudal fin, as shown in diagram 9 or 10.

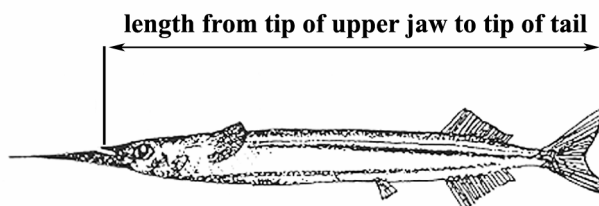
**Diagram 9—Gummy Shark (*Mustelus antarcticus*)****Diagram 10—School Shark (*Galeorhinus galeus*)****11—Mulloway**

- (1) Mulloway is undersize if its length, when measured as shown in diagram 11, is—
- (a) in the case of mulloway taken in Coorong (area 1) or Coorong (area 2)—less than 46 cm; or
  - (b) in any other case—less than 75 cm.
- (2) In subclause (1)—

**length**, in relation to mulloway, means the distance from the foremost part of the head to the end of the tail.

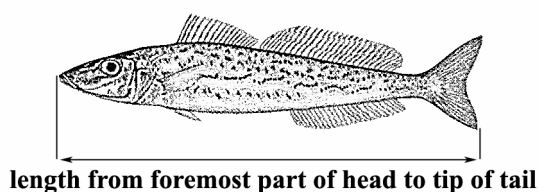
**Diagram 11—Mulloway (*Argyrosomus hololepidotus*)****12—Southern Garfish**

Southern Garfish (*Hyporhamphus melanochir*) is undersize if its length, when measured as shown in diagram 12, is less than 23 cm from the foremost part of the upper jaw to the end of the tail fin.

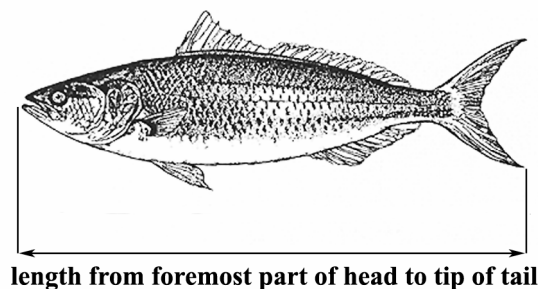
**Diagram 12—Southern Garfish (*Hyporhamphus melanochir*)****13—King George Whiting**

- (1) King George Whiting (*Syllaginodes punctatus*) is undersize if—
- (a) in the case of King George Whiting taken in waters of the State east of the meridian of longitude 136° East, or in waters of Spencer Gulf west of that meridian—its length is less than 31 cm; or
  - (b) in any other case—its length is less than 30 cm.
- (2) In subclause (1)—

*length*, in relation to King George Whiting, means the distance measured, as shown in diagram 13, from the foremost part of the head to the end of the tail.

**Diagram 13—King George Whiting (*Syllaginodes punctatus*)****14—Other classes of fish**

A fish of a class specified in column 1 of the table below is undersize if that fish is, when measured from the foremost part of the head to the end of the tail as shown in diagram 14, is less than the length (in cm) shown in column 2 of the table immediately alongside of the class so specified.

**Diagram 14—Other fish**

<b>Column 1</b> <b>Class of fish</b>	<b>Column 2</b> <b>Length (cm)</b>
Bream ( <i>Acanthopagrus</i> spp)	28
Flathead ( <i>Platycephalus</i> spp.)	30
Flounder (Family Pleuronectidae)(Family Bothidae)	25
Western Blue Groper ( <i>Achoerodus gouldii</i> )	60
Yellowtail Kingfish ( <i>Seriola grandis</i> )	60
Blue Morwong ( <i>Nemadactylus valenciennesi</i> )	38
Mullet (Family Mugilidae)	21
Murray Cod ( <i>Maccullochella peelii</i> )	60
Redfish ( <i>Centroberyx affinis</i> )	30
Bight Redfish ( <i>Centroberyx gerrardi</i> )	30
Golden Perch ( <i>Macquaria ambigua</i> )	33
Lake Eyre Perch ( <i>Macquaria</i> spp)	33
Silver Perch ( <i>Bidyanus bidyanus</i> )	33
Western Australian Salmon ( <i>Arripis truttaceus</i> )	21
Samsonfish ( <i>Seriola hippos</i> )	75
Snapper ( <i>Pagrus auratus</i> )	38
Snook ( <i>Sphyraena novaehollandiae</i> )	45
Swallowtail ( <i>Centroberyx lineatus</i> )	30
Sweep (Family Scorpididae)	24
Silver Trevally ( <i>Pseudocaranx dentex</i> )	24
Brown Trout ( <i>Salmo trutta</i> )	28
Rainbow Trout ( <i>Oncorhynchus mykiss</i> )	28
Yellowfin Whiting ( <i>Sillago schomburgkii</i> )	24

### **Schedule 3—Commercial quantities**

(Regulation 4)

<b>Column 1</b> <b>Class of fish</b>	<b>Column 2</b> <b>Quantity</b>
<b>Crustaceans</b>	
Blue Swimmer Crab ( <i>Portunus pelagicus</i> )	more than 100
Sand Crab ( <i>Ovalipes</i> spp)	more than 100
Southern Rocklobster ( <i>Jasus edwardsii</i> )	more than 15
<b>Molluscs</b>	
Abalone ( <i>Haliotis</i> spp.)	more than 25
Southern Calamari ( <i>Sepioteuthis australis</i> )	more than 40
Razorfish ( <i>Pinna bicolor</i> )	more than 125

Column 1 Class of fish	Column 2 Quantity
<b>Scalefish</b>	
Flounder (Family Bothidae or Pleuronectidae)	more than 50
Southern Garfish ( <i>Hyporhamphus melanochir</i> )	more than 200
Western Blue Groper ( <i>Achoerodus gouldii</i> )	more than 5
Mulloway ( <i>Argyrosomus hololepidotus</i> )—	
(a) 75 cm or more in length	more than 10
(b) less than 75 cm in length	more than 25
Western Australian Salmon ( <i>Arripis truttaceus</i> ) more than 35 cm in length	more than 40
Snapper ( <i>Pagrus auratus</i> )—	
(a) less than 60 cm in length	more than 40
(b) 60 cm or more in length	more than 5
Snook ( <i>Sphyraena novaehollandiae</i> )	more than 65
King George Whiting ( <i>Sillaginodes punctatus</i> )	more than 75
Yellowfin Whiting ( <i>Sillago schombergkii</i> )	more than 65

## Schedule 4—Corresponding laws

(Regulation 5)

*Fisheries Act* of the Northern Territory

*Fisheries Act 1994* of Queensland

*Fisheries Act 1995* of Victoria

*Fisheries Act 2000* of the Australian Capital Territory

*Fisheries Management Act 1994* of New South Wales

*Fish Resources Management Act 1994* of Western Australia

*Living Marine Resources Management Act 1995* of Tasmania

## Schedule 5—Protected species

(Regulation 6)

Crustaceans of the following classes carrying external eggs:

Bug (*Ibacus* spp)

Blue Swimmer Crab (*Portunus pelagicus*)

Giant Crab (*Pseudocarcinus gigas*)

Slipper Lobster (*Scyllarides* spp)

Southern Rocklobster (*Jasus edwardsii*)

Yabby (*Cherax* spp)

Murray River Crayfish (*Euastacus armatus*)

Western Blue Groper (*Achoerodus gouldii*) in the waters of or near Spencer Gulf and Gulf St. Vincent contained within and bounded by a line commencing at Mean High Water Springs closest to 34°56'46.59" South, 135°37'33.92" East (Cape Carnot, Eyre Peninsula), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 35°38'33.80" South, 138°31'20.83" East (Newland Head, Fleurieu Peninsula), then south-westerly to the location on Mean High Water Springs closest to 35°50'32.70" South, 138°08'03.59" East (Cape Willoughby, Kangaroo Island), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 35°53'11.31" South, 136°32'03.88" East (Vennachar Point, Kangaroo Island), then north-westerly to the point of commencement.

Scalefish of the Family Syngnathidae

Scalefish of the Genus Ambassidae

Scalefish of any species of *Mogurnda*

Scalefish of any species of *Nannoperca*

Scalefish of the following species:

River Blackfish (*Gadopsis marmoratus*)

Freshwater Catfish (*Tandanus tandanus*)

Trout Cod (*Maccullochella macquariensis*)

Silver Perch (*Bidyanus bidyanus*)

White Shark (*Carcharodon carcharias*)

## **Schedule 6—Classes of fishing activities prescribed for purposes of section 70 of Act**

(Regulation 7(a))

### **Part 1—Fishing activities not to be engaged in by licensed persons**

#### **Division 1—Use of certain devices**

##### **1—Use of mesh nets in Coorong**

The taking of fish by a licensed person in Coorong (area 1), Coorong (area 2) or Coorong coastal waters by using a net other than—

- (a) a small mesh monofilament net; or
- (b) a large mesh monofilament net; or
- (c) a small mesh multifilament hauling net; or
- (d) a large mesh multifilament hauling net.

##### **2—Use of large mesh monofilament net in Coorong (area 1) or (area 2)**

The taking of fish by a licensed person in Coorong (area 1) or Coorong (area 2) by using a large mesh monofilament net otherwise than as a set net.



### **3—Use of certain nets in Coorong (area 1)**

The taking of fish by a licensed person in Coorong (area 1) by using—

- (a) a fish net during the period commencing on 25 December in any year and ending on the following 7 January; or
- (b) a small mesh monofilament net as a set net or a small mesh multifilament hauling net during the period commencing on 1 November in any year and ending on the following 31 March.

### **4—Use of hauling nets in coastal waters during certain holiday periods**

The taking of fish in coastal waters by a licensed person by using a hauling net during—

- (a) the period commencing at 0100 hours on 23 December in any year and ending at midnight on 1 January in the following year; or
- (b) the period commencing at 0100 hours on the Thursday preceding Easter Sunday in any year and ending at midnight on the following Monday; or
- (c) the period commencing at 0100 hours on a Thursday in any year and ending at midnight on the following Sunday if the Friday in that period is a public holiday; or
- (d) the period commencing at 0100 hours on a Friday in any year to midnight on the following Monday if that Monday is a public holiday.

### **5—Use of swinger net in coastal waters**

The taking of fish by a licensed person by using a swinger net in coastal waters other than coastal waters between the Goolwa Beach Road and Kingston Jetty.

### **6—Use of certain devices in River Murray**

The taking of fish by a licensed person in the waters of the River Murray proper by using a device other than a rod and line, hand line, shrimp trap, yabby pot, hoop net, drum net, set line or drop net.

### **7—Use of nets other than bait nets to take fish for bait**

The taking of fish by a licensed person for the purpose of bait in the waters of the State by using a fish net other than a bait net.

### **8—Use of scallop dredge**

The taking of Scallop (Family Pectinidae) by a licensed person in the waters of the State by using a scallop dredge.

## **Division 2—Use of more than permitted number of devices**

### **9—Use of more than permitted number of devices to take fish in Lakes and Coorong**

- (1) The taking of fish of a class referred to in Schedule 1 of the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006* by a licensed person for a commercial purpose—
  - (a) by using, in the Lakes and Coorong—
    - (i) 2 or more hauling nets at the same time; or
    - (ii) 2 or more swinger nets at the same time; or

- (b) by using, in coastal marine waters of the Lakes and Coorong, 2 or more mesh nets at the same time.
- (2) In subclause (1)—

**Lakes and Coorong** means the waters of the Coorong, Lake Alexandrina, Lake Albert, and the coastal waters adjacent to South Australia between the location on Mean High Water Springs closest to 35°31'23.50" South, 138°46'23.83" East (Beach Road, Goolwa) and the location on Mean High Water Springs closest to 36°49'34.59" South, 139°50'55.95" East (Kingston SE Jetty).

### **Division 3—Use of devices of unlawful specifications**

#### **10—Use of drum net of unlawful specifications**

The taking of fish by a licensed person in the waters of the State by using a drum net that—

- (a) is not made of cotton or synthetic twine; or
- (b) has more than 3 bands; or
- (c) has a band the outside diameter of which exceeds 115 cm; or
- (d) has a body that exceeds 2 m in length; or
- (e) has a wing that exceeds 3 m in length; or
- (f) has a body or wing not covered with cotton or synthetic mesh; or
- (g) has a body covered with a mesh of less than 7.5 cm; or
- (h) has a wing covered with cotton or synthetic mesh of less than 15 cm.

#### **11—Use of gill net or mesh net of unlawful specifications in coastal waters**

The taking of fish by a licensed person in coastal waters by using a gill net or mesh net that—

- (a) exceeds 600 m in length; or
- (b) exceeds 5 m in depth; or
- (c) has a mesh of less than 5 cm; or
- (d) has attached to it 1 or more ropes other than floating ropes; or
- (e) has, except where used as a swinger net, attached to it 1 or more ropes the length or combined length of which exceeds 100 m.

#### **12—Use of small multifilament mesh nets of unlawful specifications in Coorong**

The taking of fish by a licensed person in Coorong (area 1), Coorong (area 2) or Coorong coastal waters by using a small mesh monofilament net—

- (a) as a set net if—
  - (i) in the case of Coorong (area 1)—
    - (A) the length of the net, or, if the net is being used by the person together with other nets, the total length of the nets exceeds 500 m; or
    - (B) the depth of the net from the surface of the water exceeds 33 meshes of the net;

- (ii) in the case of Coorong (area 2)—
  - (A) the length of the net exceeds 550 m; or
  - (B) the depth of the net from the surface of the water exceeds 50 meshes of the net;
- (iii) in the case of Coorong coastal waters—
  - (A) the length of the net exceeds 600 m; or
  - (B) any part of the net extends more than 1 m below the surface of the water; or
- (b) otherwise than as a set net if—
  - (i) the depth of the net from the surface of the water exceeds 50 meshes of the net; or
  - (ii) the length of the net exceeds 100 m; or
  - (iii) the net is not, at least once in every hour, physically examined and cleared of any fish.

### **13—Use of large multifilament mesh net of unlawful specifications as set net in Coorong**

The taking of fish by a licensed person in Coorong (area 1), Coorong (area 2) or Coorong coastal waters by using a large mesh monofilament net as a set net if—

- (a) the depth of the net exceeds 2 m; or
- (b) in the case of—
  - (i) Coorong (area 1)—the length of the net, or, if the net is being used by the person together with other nets, the total length of the nets, exceeds 500 m;
  - (ii) Coorong (area 2)—the length of the net exceeds 550 m;
  - (iii) Coorong coastal waters—the length of the net exceeds 600 m.

### **14—Use of large mesh monofilament mesh net of unlawful specifications other than as set net in Coorong**

The taking of fish by a licensed person in Coorong coastal waters by using a large mesh monofilament net other than as a set net if—

- (a) the net has a mesh that does not exceed 120 mm; or
- (b) the net consists of line with a minimum breaking strain of less than 9 kg; or
- (c) the net has attached to it a rope or ropes the length or total length of which exceeds 600 m; or
- (d) the length of the net exceeds 100 m.

### **15—Use of multifilament hauling net of unlawful specifications in Coorong**

The taking of fish by a licensed person—

- (a) by using, in Coorong (area 1), Coorong (area 2) or Coorong coastal waters, a small mesh multifilament hauling net that exceeds 400 m in length;
- (b) by using, in Coorong (area 1), Coorong (area 2) or Coorong coastal waters, a small mesh multifilament hauling net to which is attached—

- (i) a rope that exceeds 100 m in length; or
- (ii) ropes the total length of which exceeds 100 m in length; or
- (c) by using, in Coorong (area 1), a large mesh multifilament hauling net that exceeds 240 m in length; or
- (d) by using, in Coorong (area 2), a large mesh multifilament hauling net that exceeds 400 m in length; or
- (e) by using, in Coorong coastal waters, a large mesh multifilament hauling net that exceeds 600 m in length; or
- (f) by using, in Coorong (area 1), Coorong (area 2) or Coorong coastal waters, a large mesh multifilament hauling net to which is attached—
  - (i) a rope which exceeds 50 m in length; or
  - (ii) ropes the total length of which exceeds 50 m in length; or
- (g) by using, in Coorong (area 1), Coorong (area 2) or Coorong coastal waters, a large mesh multifilament hauling net being hauled by use of mechanical power.

#### **16—Use of prawn trawl net of unlawful specifications in coastal waters**

- (1) The taking of prawn by a licensed person in coastal waters by using a prawn trawl net that—
  - (a) has a mesh size of less than 45 mm; or
  - (b) has a headline the length of which exceeds 40 m.
- (2) For the purposes of subclause (1)—
  - (a) the mesh must be measured from the middle of the knot; and
  - (b) the length of the headline includes the length of the headline of any other net combined with it that is being used at the same time.

#### **17—Use of crab net of unlawful specifications**

The taking of Blue Swimmer Crabs by a licensed person in the waters of the State by using a crab net consisting of a net—

- (a) attached at its opening to a hoop the diameter of which exceeds 150 cm; or
- (b) any part of which extends from the hoop at its opening for more than 30 per cent of the diameter of the hoop; or
- (c) having a mesh size at its base of less than 3 cm.

#### **18—Use of rock lobster pot of unlawful specifications in Northern Zone**

- (1) The taking of Southern Rocklobster by a licensed person in the Northern Zone—
  - (a) by using a rock lobster pot that does not comply with subclause (2); or
  - (b) by using, at any 1 time, more than 3 rock lobster pots not fitted with 2 escape gaps that comply with subclause (3).
- (2) A rock lobster pot must—
  - (a) weigh not more than 40 kg; and
  - (b) be not more than 61 cm high; and
  - (c) be not more than 122 cm wide at its base; and

- (d) have its cove mouth at the top; and
  - (e) be attached by a line to a buoy that complies with regulation 13.
- (3) Escape gaps must—
- (a) be as near as practicable to 180° apart; and
  - (b) be kept free of obstructions at all times; and
  - (c) be not less than 5.7 cm high and 28 cm wide; and
  - (d) be not more than 11 cm above the base of the pot at their highest point.

### **19—Use of rock lobster pot of unlawful specifications in Southern Zone**

The taking of rock lobster by a licensed person in the Southern Zone by using a rock lobster pot that—

- (a) exceeds 150 cm at its widest part; or
- (b) exceeds 120 cm in height; or
- (c) is not attached by a line to a buoy that complies with regulation 13;
- (d) does not have its cove or mouth at the top; or
- (e) is not fitted with 2 rectangular escape gaps—
  - (i) that are on opposite sides; and
  - (ii) each of which is not less than 15 cm in length and 5.5 cm in depth; and
  - (iii) the highest point of each is no more than 11 cm above the base,(provided that for the purposes of this paragraph, a rock lobster pot need not be fitted with escape gaps if its sides are covered with mesh of a size of not less than 5 cm which is such that a cylindrical rod 5 cm in diameter is able to be passed through it freely without distorting it).

### **20—Using fish trap of unlawful specifications to take leather jacket**

The taking of Ocean Jacket (*Nelusetta ayraudi*) by a licensed person in the waters of the State deeper than 60 m by means of a fish trap unless the trap—

- (a) is cylindrical, rectangular or square in shape; and
- (b) is constructed of rigid steel rods not less than 8 mm in diameter; and
- (c) is not, when calculated by measuring its outside dimensions, greater than 1 cubic m in volume; and
- (d) does not have more than 2 openings each not exceeding 30 cm in length and 8 cm in width.

### **21—Use of fish trap of unlawful specifications in other circumstances**

The taking of fish by a licensed person in the waters of the State by means of a fish trap (other than a crab pot or rock lobster pot) unless—

- (a) the trap does not exceed 2 m at its greatest dimension; and
- (b) each opening in the fish trap is either—
  - (i) rectangular; or
  - (ii) the shape of a funnel; and

- (c) in the case of an opening in the fish trap that is rectangular, the opening—
  - (i) is not greater in size than 20 cm by 6 cm; and
  - (ii) has a rigid frame of steel rod not less than 1.25 cm in diameter; and
- (d) in the case of an opening in a fish trap that is the shape of a funnel, the inner opening of the funnel is—
  - (i) rectangular; and
  - (ii) not greater in size than 20 cm by 6 cm; and
  - (iii) has a rigid frame of steel rod not less than 1.25 cm in diameter.

#### **Division 4—Use of devices with buoy or tag etc**

##### **22—Use of certain devices without buoy**

The taking of fish by a licensed person in the waters of the State by using—

- (a) a drop line that is not marked by a yellow buoy that complies with regulation 13; or
- (b) a trot line that is not marked—
  - (i) at 1 end by a yellow buoy that complies with regulation 13; and
  - (ii) at the other end by 2 black buoys both of which comply with regulation 13; or
- (c) a fish trap that does not have attached to it a buoy that—
  - (i) complies with regulation 13; and
  - (ii) is marked with a black stripe that is 5 cm wide and visible above the water.

##### **23—Use of certain devices without tag**

- (1) The taking of fish by a licensed person in the waters of the State by using a device (other than a rod and line, hand line or other hand held device) that does not have—
  - (a) in the case of a device required by these regulations to have a buoy or buoys attached to it—the person's fishery licence or permit number marked on the buoy or buoys or on a tag that complies with regulation 13 and is attached to the device;
  - (b) in any other case—a tag attached to the device that complies with regulation 13 and bears the person's fishery licence or permit number.
- (2) In this regulation—

*licensed person* does not include the holder of a licence in respect of the River Fishery.

#### **Division 5—Bag limits**

##### **24—Taking more than daily bag limit of Razorfish**

The taking in any 1 day by a licensed person of more than 25 Razorfish (*Pinna bicolor*) in the waters of the State.

## Division 6—Miscellaneous

### 25—Use of trawl nets and boats in Gulf St. Vincent Prawn Fishery

The taking of fish by a licensed person under a licence in respect of the Gulf St. Vincent Prawn Fishery in Gulf St. Vincent (as defined in the *Fisheries Management (Prawn Fisheries) Regulations 2006*)—

- (a) by use of a trawl net the length of the headline of which exceeds 29.26 m; or
- (b) by use of more than 1 trawl net at any 1 time where the combined length of the headlines of all the nets exceeds 29.26 m; or
- (c) by use of—
  - (i) a boat that has—
    - (A) an overall length exceeding 22 m; and
    - (B) a main engine the continuous brake power rating of which exceeds 272 kw; and
  - (ii) a trawl net or trawl nets other than as a single or double rig; or
- (d) by use of—
  - (i) a boat that has—
    - (A) an overall length not exceeding 15.2 m; and
    - (B) a main engine the continuous brake horse power rating does not exceed 224 kw; and
  - (ii) —
    - (A) a trawl net the length of the headline of which exceeds 27.43 m; or
    - (B) more than 1 trawl net at any 1 time where the combined length of the headlines of all the nets exceeds 27.43 m; or
    - (C) a trawl net or trawl nets other than as a single, double or triple rig.

### 26—Use of trawl nets and boats in Spencer Gulf Prawn Fishery

The taking of fish by a licensed person under a licence in respect of the Spencer Gulf Prawn Fishery in Spencer Gulf (as defined in the *Fisheries Management (Prawn Fisheries) Regulations 2006*)—

- (a) by use of a boat that has—
  - (i) an overall length exceeding 22 m; and
  - (ii) a main engine the continuous brake power of which exceeds 272 kw; or
- (b) by use of a trawl net the length of the headline of which exceeds 29.26 m; or
- (c) by use of more than 1 trawl net at any 1 time where the combined length of the headlines of all the nets exceeds 29.26 m; or
- (d) a trawl net or trawl nets other than as a single or double rig.

**27—Use of trawl nets and boats in West Coast Prawn Fishery**

The taking of fish by a licensed person under a licence in respect of the West Coast Prawn Fishery in West Coast waters (as defined in the *Fisheries Management (Prawn Fisheries) Regulations 2006*)—

- (a) by use of a boat that has—
  - (i) an overall length exceeding 22 m; and
  - (ii) a main engine the continuous brake power rating of which exceeds 272 kw;  
or
- (b) by use of a trawl net the length of the headline of which exceeds 29.26 m; or
- (c) by use of more than 1 trawl net at any 1 time where the combined length of the headlines of all the nets exceeds 29.26 m; or
- (d) by use of a trawl net or trawl nets other than as a single or double rig.

**28—Use of unattended long line**

The taking of fish by a licensed person in the waters of the State by using a long line without attending the line.

**29—Use of more than permitted number of hooks attached to line**

The taking of fish by a licensed person in the waters of the State by using more than 400 hooks attached to a set line or set lines.

**30—Taking of certain fish in River Murray**

The taking by a licensed person in the waters of the River Murray of fish other than fish of a class prescribed by Schedule 1 of the *Fisheries Management (River Fishery) Regulations 2006*.

**31—Taking of Blue Swimmer Crab in certain Spencer Gulf waters**

The taking of Blue Swimmer Crab by the holder of a licence in respect of the Blue Crab Fishery or Marine Scalefish Fishery—

- (a) in the waters of Spencer Gulf north of the geodesic from the location on Mean High Water Springs closest to 32°43'45.67" South, 137°47'41.28" East to the location on Mean High Water Springs closest to 32°43'45.67" South, 137°54'11.78" East; or
- (b) in the waters of or near False Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 33°04'26.61" South, 137°32'58.50" East, then beginning north-easterly following the line of Mean High Water Springs to the location closest to 32°59'41.12" South, 137°45'31.96" East (Stony Point), then south-westerly to 33°05'12.75" South, 137°34'10.86" East (north-eastern corner of Whyalla-Cowled's Landing Aquatic Reserve), then north-westerly following the boundary of the Whyalla-Cowled's Landing Aquatic Reserve to the point of commencement; or



- (c) in the waters of or near Fisherman Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 33°32'57.56" South, 137°56'27.59" East, then beginning south-easterly following the line of Mean High Water Springs to the location closest to 33°35'40.46" South, 137°55'20.82" East, then northerly to the location on Mean High Water Springs closest to 33°33'27.77" South, 137°55'24.65" East (Shag Island), then north-easterly to the point of commencement.

### **32—Taking of Blue Swimmer Crab in other waters**

The taking of Blue Swimmer Crab by a licensed person in the waters of the State east of longitude 135°East outside the waters in relation to which the Blue Crab Fishery is constituted.

### **33—Taking of Sand Crab in certain waters**

The taking of Sand Crab by a licensed person by using a sand crab pot in—

- (a) the waters of or near Coffin Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 34°25'44.84" South, 135°12'22.73" East (Point Sir Isaac), then easterly to the location on Mean High Water Springs closest to 34°25'06.25" South, 135°21'31.65" East (Frenchman Bluff), then beginning southerly following the line of Mean High Water Springs to the point of commencement; or
- (b) the waters of or near Nepean Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 35°33'52.27" South, 137°38'00.63" East (Point Marsden), then south-easterly to the location on Mean High Water Springs closest to 35°43'05.31" South, 137°54'11.49" East (Kangaroo Head), then beginning south-westerly following the line of Mean High Water Springs to the point of commencement; or
- (c) the waters of or near Port Lincoln contained within and bounded by a line commencing at Mean High Water Springs closest to 34°32'37.85" South, 136°05'20.69" East (Point Bolingbroke), then south-westerly to the location on Mean High Water Springs closest to 34°43'31.35" South, 135°59'43.07" East (Cape Donington), then beginning westerly following the line of Mean High Water Springs to the point of commencement; or
- (d) the waters of or near Streaky Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 32°32'30.54" South, 133°50'57.82" East (Point Brown), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 32°43'21.31" South, 134°03'38.89" East (Cape Bauer), then north-westerly to the point of commencement.

### **34—Taking of Cockle in waters of Coffin Bay**

The taking of Cockle (*Katelysia* spp.) by a licensed person for a commercial purpose from—

- (a) the waters of or near Coffin Bay within 50 m of Mean High Water Springs between a location on Mean High Water Springs closest to 34°36'59.79" South, 135°27'02.93" East and the intersection of the underground cable and Mean High Water Springs near 34°37'12.00" South, 135°28'38.61" East; or
- (b) the waters near Goat Island that lie within 50 m of the line of Mean High Water Springs of Goat Island.

### 35—Taking of Blue Swimmer Crab during closed season

The taking by a licensed person of Blue Swimmer Crab in the waters specified in column 1 of the table below during the period specified alongside in column 2.

Column 1 Waters	Column 2 Closed season
The waters of Gulf St. Vincent north of the geodesic from the location on Mean High Water Springs closest to 35°10'04.74" South, 137°40'38.64" East (Troubridge Point, Yorke Peninsula) to the location on Mean High Water Springs closest to 35°36'48.51" South, 138°05'44.01" East (Cape Jervis, Fleurieu Peninsula).	The period commencing on 1 November in any year and ending on the following 31 December.
The waters of Spencer Gulf north of the geodesic from the location on Mean High Water Springs closest to 34°59'07.15" South, 136°00'11.06" East (Cape Catastrophe, Eyre Peninsula) to the location on Mean High Water Springs closest to 35°17'59.60" South, 136°52'50.11" East (Cape Spencer, Yorke Peninsula).	The period commencing on 21 December in any year and ending on the following 19 January.

### 36—Use of untagged device in River Fishery

The taking of fish by the holder of a licence in respect of the River Fishery or an agent of such a person in the River Murray by using a device (other than a rod and line or hand line) if the device does not have attached to it a tag or buoy that complies with regulation 13.

### 37—Taking of fish by electrofishing in Lakes and Coorong

- (1) The taking by a licensed person of a class of fish specified in Schedule 1 of the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006* in the Lakes and Coorong for a commercial purpose by electrofishing (other than the taking of Bony Bream (*Nematalosa erebi*) or European carp (*Cyprinus carpio*) in Lakes Albert and Alexandrina).
- (2) In subclause (1)—

**Lakes and Coorong** means the waters of the Coorong, Lake Alexandrina, Lake Albert, and the coastal waters adjacent to South Australia between the location on Mean High Water Springs closest to 35°31'23.50" South, 138°46'23.83" East (Beach Road, Goolwa) and the location on Mean High Water Springs closest to 36°49'34.59" South, 139°50'55.95" East (Kingston SE Jetty).

## Part 2—Fishing activities not to be engaged in by unlicensed persons

### Division 1—Use of prohibited devices

#### 38—Use of fish net or long line in coastal waters

The taking of fish by an unlicensed person in coastal waters by using—

- (a) a fish net; or
- (b) a long line.

**39—Use of fish net in River Murray**

The taking of fish by an unlicensed person in the River Murray proper by using a fish net.

**40—Use of fish net in Coorong during certain periods**

The taking of fish by an unlicensed person in Coorong (area 1) by using a fish net during the period commencing on 1 November in any year and ending on the following 31 March.

**41—Use of certain fish traps**

The taking of fish by an unlicensed person in the waters of the State by using a fish trap other than—

- (a) a rock lobster pot registered under these regulations in the name of that person; or
- (b) a shrimp trap; or
- (c) a yabby pot.

**Division 2—Use of more than permitted number of devices****42—Use of more than permitted number of devices in coastal waters**

- (1) The taking of fish by an unlicensed person in coastal waters by using—
  - (a) 2 or more hand nets at the same time; or
  - (b) 2 or more mussel dredges at the same time; or
  - (c) 3 or more rock lobster pots at the same time; or
  - (d) 3 or more spear guns at the same time; or
  - (e) 4 or more drop nets at the same time; or
  - (f) 4 or more hoop nets at the same time.
- (2) The taking of fish by an unlicensed person in coastal waters by using, at any 1 time, a combination of the different kinds of devices referred to in the table below if the combination consists of or includes—
  - (a) more than 2 kinds of the different kinds of devices referred to in column 1 of the table; or
  - (b) more than 1 kind of the different kinds of devices referred to in column 2 of the table.

Column 1	Column 2
Hand net	Drop net
Mussel dredge	Hoop net
Spear gun	Rock lobster pot

- (3) This clause does not apply to the taking of fish (other than rock lobster) in coastal waters by an unlicensed person by using not more than 10 hoop nets and not less than 4 hoop nets.

**43—Use of more than permitted number of devices in River Murray**

The taking of fish by an unlicensed person in the River Murray proper by using—

- (a) 2 or more dip tins; or
- (b) 2 or more hand nets at the same time; or

- (c) 2 or more shrimp traps at the same time; or
- (d) 4 or more yabby pots at the same time; or
- (e) 4 or more drop nets at the same time; or
- (f) 11 or more hoop nets at the same time; or
- (g) a yabby pot and a drop net at the same time; or
- (h) a hand net, a shrimp trap and 4 hoop nets at the same time.

#### **44—Use of more than permitted number of devices in Coorong (area 1)**

The taking of fish by an unlicensed person in Coorong (area 1)—

- (a) during the period commencing on 1 April in any year and ending on the following 31 October, by using—
  - (i) 2 or more hand nets at the same time; or
  - (ii) 2 or more mesh nets at the same time; or
  - (iii) 11 or more hoop nets at the same time; or
  - (iv) 4 or more hoop nets and a hand net at the same time; or
  - (v) 4 or more hoop nets and a mesh net at the same time;
- (b) during the period commencing on 1 November in any year and ending on the following 31 March, by using—
  - (i) 2 or more hand nets at the same time; or
  - (ii) 11 or more hoops nets at the same time; or
  - (iii) 4 or more hoops nets and a hand net at the same time.

#### **45—Use of more than permitted number of devices in Coorong (area 2)**

The taking of fish by an unlicensed person in Coorong (area 2) by using—

- (a) 2 or more hand nets at the same time; or
- (b) 2 or more mesh nets at the same time; or
- (c) 11 or more hoop nets at the same time; or
- (d) 4 or more hoop nets and a hand net at the same time; or
- (e) 4 or more hoop nets and a mesh net at the same time.

#### **46—Using more than permitted number of devices in Lakes Albert and Alexandrina**

The taking of fish by an unlicensed person in Lakes Albert and Alexandrina by using—

- (a) 2 or more hand nets at the same time; or
- (b) 2 or more mesh nets at the same time; or
- (c) 2 or more shrimp traps at the same time; or
- (d) 4 or more yabby pots at the same time; or
- (e) 4 or more drop nets at the same time; or
- (f) 3 or more different kinds of the kinds of devices referred to paragraphs (a), (b) and (c); or

- (g) a yabby pot and a drop net at the same time; or
- (h) 4 or more hoop nets and 2 different kinds of the kinds of devices referred to in paragraphs (a), (b) and (c).

#### **47—Use of more than permitted number of devices in Lake George**

The taking of fish by an unlicensed person in Lake George by using—

- (a) 2 or more hand nets at the same time; or
- (b) 3 or more mesh nets at the same time.

### **Division 3—Use of devices of unlawful specifications**

#### **48—Use of mesh net of unlawful specifications in Coorong (area 1)**

The taking of fish by an unlicensed person in Coorong (area 1), during the period commencing on 1 April in any year and ending on the following 31 October, by using a mesh net—

- (a) the length of which exceeds 75 m; or
- (b) the mesh of which does not exceed 50 mm or exceeds 64 mm.

#### **49—Use of mesh net of unlawful specifications in Coorong (area 2)**

The taking of fish by an unlicensed person in Coorong (area 2) by using a mesh net—

- (a) the length of which exceeds 75 m; or
- (b) the mesh of which does not exceed 50 mm or exceeds 64 mm.

#### **50—Use of mesh net of unlawful specifications in Lakes Albert and Alexandrina**

The taking of fish by an unlicensed person in Lakes Albert and Alexandrina by using a mesh net—

- (a) the length of which exceeds 75 m; or
- (b) the mesh of which does not exceed 110 mm or exceeds 150 mm.

#### **51—Use of mesh net of unlawful specifications in Lake George**

The taking of fish by an unlicensed person in Lake George by using a mesh net—

- (a) the length of which exceeds 75 mm; or
- (b) the mesh of which is less than 70 mm.

#### **52—Use of crab net or hand net of unlawful specifications**

The taking of crabs of any species (Family Portunidae) by an unlicensed person in the waters of the State by using a crab net or hand net consisting of a net—

- (a) attached at its opening to a hoop the diameter of which exceeds 107 cm; or
- (b) any part of which extends from the hoop at its opening for more than 92 cm.

#### **53—Use of rock lobster pot of unlawful specifications**

The taking of rock lobster by an unlicensed person in the Northern Zone or Southern Zone by using a rock lobster pot that—

- (a) exceeds 150 cm at its widest part; or

- (b) exceeds 120 cm in height; or
- (c) does not have its cove or mouth at the top; or
- (d) is not fitted with 2 rectangular escape gaps—
  - (i) that are on opposite sides; and
  - (ii) each of which is not less than 15 cm in length and 5.5 cm in depth; and
  - (iii) the highest point of each is no more than 11 cm above the base,(provided that for the purposes of this paragraph, a rock lobster pot need not be fitted with escape gaps if its sides are covered with mesh of not less than 5 cm which is such that a cylindrical rod 5 cm in diameter is able to be passed through it freely without distorting it).

#### **Division 4—Use of devices without buoy or tag etc**

##### **54—Use of certain devices without tag**

The taking of fish by an unlicensed person in the waters of the State by using a device (other than a device being held in the hand, a rod and line or hand line or a mesh net or rock lobster pot registered under these regulations) if the device does not have attached to it a tag that—

- (a) complies with regulation 13; and
- (b) bears the name and address of the person using it.

##### **55—Use of mesh net without tag**

The taking of fish by an unlicensed person in the waters of the State by using a mesh net registered under these regulations that does not have attached to it a tag that—

- (a) complies with regulation 13; and
- (b) bears the name of the person in whose name the device is registered and the registration number.

##### **56—Use of drop net without buoy or tag**

The taking of fish by an unlicensed person in the waters of the State by using an unattended drop net that does not have attached to it—

- (a) a white buoy that complies with regulation 13; and
- (b) a line with a tag that—
  - (i) complies with regulation 13; and
  - (ii) bears the name and address of the person using the net.

##### **57—Use of hoop net without buoy or tag**

The taking of fish by an unlicensed person in the waters of the State by using an unattended hoop net that does not have attached to it—

- (a) a white buoy that complies with regulation 13; and
- (b) a tag that—
  - (i) complies with regulation 13; and
  - (ii) bears the name and address of the person using the net.

**58—Use of rock lobster pot without buoy or tag etc**

The taking of rock lobster by an unlicensed person in the Northern Zone or Southern Zone by using a rock lobster pot—

- (a) that is not attached by a line to a red buoy—
  - (i) that complies with regulation 13; and
  - (ii) at the top of which is affixed a tag that—
    - (A) complies with regulation 13; and
    - (B) bears the number allotted to the pot on registration of the pot for recreational fishing; or
- (b) that is attached by a line to a buoy that bears a registration number allotted to the pot for use under a fishery licence.

**59—Use of shrimp trap or yabby pot without buoy or tag**

The taking of fish by an unlicensed person in the waters of the State by using an unattended shrimp trap or yabby pot that does not have attached to it—

- (a) a line with a tag that—
  - (i) complies with regulation 13; and
  - (ii) bears the name and address of the person using the trap or pot; and
- (b) when set away from the shore—a white buoy that complies with regulation 13.

**60—Use of registered device with incorrect tag**

The taking of fish by an unlicensed person in the waters of the State by using—

- (a) a mesh net registered for recreational fishing that has attached to it a tag bearing the number allotted to the device on registration of the device for use under a fishery licence; or
- (b) a rock lobster pot registered for recreational fishing that has a line to which is affixed a buoy bearing the number allotted to the device on the registration of the device for use under a fishery licence.

**Division 5—Boat and bag limits****61—Recreational non-charter boat fishing daily boat and bag limits**

- (1) The taking by an unlicensed person, in the waters specified in column 1 of the table below, of fish of the class specified in column 2 from a boat from which the quantity specified in column 3 has already been taken by unlicensed persons on the same day.

- (2) The taking by an unlicensed person in any 1 day, in the waters specified in column 1 of the table below, of more fish of the class specified in column 2 than the quantity specified in column 4.

**Table—Recreational non-charter boat fishing daily boat and bag limits**

<b>Column 1 Waters</b>	<b>Column 2 Class of fish</b>	<b>Column 3 Maximum quantity per boat per day</b>	<b>Column 4 Maximum quantity per person per day</b>
	<b>Crustaceans</b>		
The waters of the State	Blue Swimmer Crab ( <i>Portunus pelagicus</i> )	120	40
The waters of the State	Sand Crab ( <i>Ovalipes</i> spp)	120	40
	<b>Molluscs</b>		
The waters of the State	Southern Calamari ( <i>Sepioteuthis australis</i> )	45	15
The waters of the State	Cuttlefish ( <i>Sepia</i> spp)	45	15
The waters of the State	Razorfish ( <i>Pinna bicolor</i> )	75	25
The waters of the State	Scallop (Family Pectinidae)	300	100
	<b>Scalefish</b>		
The waters of the State	Bream ( <i>Acanthopagrus</i> spp)	30	10
The waters of the Cooper Creek or the Diamantina Creek (including the anabranches and lakes of those creeks)	Large Catfish (Family Plotosidae)	6	2
The waters of the Cooper Creek or the Diamantina Creek (including the anabranches and lakes of those creeks)	Small Catfish (Family Plotosidae)	30	10
The waters of the State	Flathead ( <i>Platycephalus</i> spp)	30	10
The waters of the State	Flounder (Family Bothidae or Pleuronectidae)	60	20
The waters of the State	Southern Garfish ( <i>Hyporhamphus melanochir</i> )	180	60
The waters of the State (other than those waters specified in regulation 6(d))	Western Blue Groper ( <i>Achoerodus gouldii</i> )	6	2
The waters of the State other than the waters of the Cooper Creek or the Diamantina Creek (and the anabranches and lakes of those creeks)	Grunter (Family Teraponidae)	15	5
The waters of the State	Australian Herring ( <i>Arripis georgianus</i> )	180	60



<b>Column 1 Waters</b>	<b>Column 2 Class of fish</b>	<b>Column 3 Maximum quantity per boat per day</b>	<b>Column 4 Maximum quantity per person per day</b>
The waters of the State	Blue Morwong ( <i>Nemadactylus valenciennesi</i> )	15	5
The waters of the State	Mullet (Family Mugilidae)	180	60
The waters of the State other than Coorong (area 1) or Coorong (area 2)	Mulloway ( <i>Argyrosomus hololepidotus</i> )	6	2
The waters of the State	Golden Perch ( <i>Macquaria ambigua</i> )	15	5
The waters of the State	Lake Eyre Perch ( <i>Macquaria n.sp</i> )	15	5
The waters of the State	Bight Redfish ( <i>Centroberyx gerrardi</i> )	30	10
The waters of the State	Redfish ( <i>Centroberyx affinis</i> )	30	10
The waters of the State	Large Salmon ( <i>Arripis truttaceus</i> )	30	10
The waters of the State	Small Salmon ( <i>Arripis truttaceus</i> )	60	20
The waters of the State	Samsonfish ( <i>Seriola hippos</i> )	6	2
The waters of the State	Yellowtail Kingfish ( <i>Seriola grandis</i> )	6	2
The waters of the State	Large Snapper ( <i>Pagrus auratus</i> )	6	2
The waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage	Small Snapper ( <i>Pagrus auratus</i> )	15	5
The waters of the State other than the waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage	Small Snapper ( <i>Pagrus auratus</i> )	30	10
The waters of the State	Snook ( <i>Sphyraena novaehollandiae</i> )	60	20
The waters of the State	Swallowtail ( <i>Centroberyx lineatus</i> )	30	10
The waters of the State	Sweep (Genus Scorpis)	60	20
The waters of the State	Silver Trevally ( <i>Pseudocaranx dentex</i> )	60	20
The waters of the State	Southern Bluefin Tuna ( <i>Thunnus maccoyii</i> )	6	2
The waters of the State	Yellowfin Tuna ( <i>Thunnus albacares</i> )	6	2

<b>Column 1 Waters</b>	<b>Column 2 Class of fish</b>	<b>Column 3 Maximum quantity per boat per day</b>	<b>Column 4 Maximum quantity per person per day</b>
The waters of the State	King George Whiting ( <i>Sillaginodes punctatus</i> )	36	12
The waters of the State	Yellowfin Whiting ( <i>Sillago schomburgkii</i> )	60	20
	<b>Shark</b>		
The waters of the State	Gummy Shark ( <i>Mustelus antarcticus</i> )	6	2
The waters of the State	School Shark ( <i>Galeorhinus galeus</i> )	6	2

- (3) The taking by an unlicensed person, in the waters of the State—
- (a) of Southern Calamari or Cuttlefish from a boat from which 45 Southern Calamari and Cuttlefish in combination have been taken by unlicensed persons on the same day; or
  - (b) of crab (being Blue Swimmer Crab or Sand Crab) from a boat from which 120 crab (being a combination of Blue Swimmer Crab and Sand Crab) have already been taken by unlicensed persons on the same day; or
  - (c) of perch (being Golden Perch or Lake Eyre Perch) from a boat from which 15 perch (being a combination of Golden Perch and Lake Eyre Perch) have already been taken by unlicensed persons on the same day; or
  - (d) of shark (being Gummy Shark or School Shark) from a boat from which 6 shark (being a combination of Gummy Shark and School Shark) have already been taken by unlicensed persons on the same day; or
  - (e) of tuna (being (Southern Bluefin Tuna or Yellowfin Tuna) from a boat from which 6 tuna (being a combination of Southern Bluefin Tuna and Yellowfin Tuna) have already been taken by unlicensed persons on the same day.
- (4) The taking by an unlicensed person, in the waters of the State—
- (a) of Southern Calamari or Cuttlefish if the person has already taken 15 Southern Calamari and Cuttlefish in combination on the same day; or
  - (b) of crab (being Blue Swimmer Crab or Sand Crab) if the person has already taken 40 crab (being a combination of Blue Swimmer Crab and Sand Crab) on the same day; or
  - (c) of perch (being Golden Perch or Lake Eyre Perch) if the person has already taken 5 perch (being a combination of Golden Perch and Lake Eyre Perch) on the same day; or
  - (d) of shark (being Gummy Shark or School Shark) if the person has already taken 1 Gummy Shark and 1 School Shark on the same day; or
  - (e) of tuna (being Southern Bluefin Tuna or Yellowfin Tuna) if the person has already taken 1 Southern Bluefin Tuna and 1 Yellowfin Tuna on the same day.
- (5) Subclauses (1) and (3) do not apply in relation to fish taken by unlicensed persons from a registered boat being used under a licence in respect of the Charter Boat Fishery.

**62—Recreational non-charter boat fishing daily boat and bag limits**

- (1) The taking by an unlicensed person, in the waters specified in column 1 of the table below, of fish of the class specified in column 2 from a boat from which the quantity specified in column 3 has already been taken by unlicensed persons on the same day.
- (2) The taking by an unlicensed person in any 1 day, in the waters specified in column 1 of the table below, of more fish of the class specified in column 2 than the quantity specified in column 4.

**Table—Recreational non-charter boat fishing daily boat and bag limits**

<b>Column 1 Waters</b>	<b>Column 2 Class of fish</b>	<b>Column 3 Maximum quantity per boat per day</b>	<b>Column 4 Maximum quantity per person per day</b>
	<b>Crustaceans</b>		
The Northern Zone or the Southern Zone	Southern Rocklobster ( <i>Jasus edwardsii</i> )	8	4
	<b>Molluscs</b>		
The waters of the State	Abalone ( <i>Haliotis</i> spp)	10	5
	<b>Scalefish</b>		
The waters of the State	Murray Cod ( <i>Maccullochella peeli</i> )	3	1

- (3) Subclause (1) does not apply in relation to fish taken by unlicensed persons from a registered boat being used under a licence in respect of the Charter Boat Fishery.

**63—Recreational bag limits**

The taking by an unlicensed person in any 1 day, in the waters specified in column 1 of the table below, of more fish of the class specified in column 2 than the quantity specified in column 3.

**Table—Recreational fishing—daily bag limits**

<b>Column 1 Waters</b>	<b>Column 2 Class of fish</b>	<b>Column 3 Maximum quantity per person per day</b>
	<b>Crustaceans</b>	
The waters of the State	South-east crayfish ( <i>Euastacus bispinosa</i> )	5
The waters of the State	Yabby ( <i>Cherax</i> spp)	200
	<b>Molluscs</b>	
The waters of the State	Mud Cockle ( <i>Katelysia</i> spp)	300
The waters of the State	Black Cowrie ( <i>Zoila friendii thersites</i> )	1
The waters of the State	Pipi ( <i>Donax</i> spp)	600
	<b>Scalefish</b>	
The waters of Coorong (area 1) or Coorong (area 2)	Large Mulloway ( <i>Argyrosomus hololepidotus</i> )	2
The waters of Coorong (area 1) or Coorong (area 2)	Small Mulloway ( <i>Argyrosomus hololepidotus</i> )	10

**64—Recreational charter boat fishing daily bag limits**

- (1) The taking by an unlicensed person, in the waters specified in column 1 of the table below, of fish of the class specified in column 2, from a boat carrying more than 3 but not more than 6 passengers from which the quantity specified in column 3 has already been taken by unlicensed persons on the same day.
- (2) The taking by an unlicensed person, in the waters specified in column 1 of the table below, of fish of the class specified in column 2, from a boat carrying more than 3 but not more than 6 passengers from which a quantity equal to 3 times the quantity specified in column 3 has already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days).

**Table—Recreational charter boat fishing daily bag limits**

<b>Column 1 Waters</b>	<b>Column 2 Class of fish</b>	<b>Column 3 Maximum quantity per boat per day (charter boat carrying more than 3 but not more than 6 passengers)</b>
	<b>Crustaceans</b>	
The waters of the State	Blue Swimmer Crab ( <i>Portunus pelagicus</i> )	120
The waters of the State	Sand crab ( <i>Ovalipes</i> spp)	120
	<b>Molluscs</b>	
The waters of the State	Southern Calamari ( <i>Sepioteuthis australis</i> )	45
The waters of the State	Cuttlefish ( <i>Sepia</i> spp)	45
The waters of the State	Razorfish ( <i>Pinna bicolor</i> )	75
The waters of the State	Scallop (Family Pectinidae)	300
	<b>Scalefish</b>	
The waters of the State	Bream ( <i>Acanthopagrus</i> spp)	30
The waters of the State	Flathead ( <i>Platycephalus</i> spp)	30
The waters of the State	Flounder (Family Bothidae or Pleuronectidae)	60
The waters of the State	Southern Garfish ( <i>Hyporhamphus melanochir</i> )	180
The waters of the State (other than those waters specified in Schedule 5)	Blue Western Groper ( <i>Achoerodus gouldii</i> )	6
The waters of the State	Australian Herring ( <i>Arripis georgianus</i> )	180
The waters of the State	Yellowtail Kingfish ( <i>Seriola grandis</i> )	6
The waters of the State	Blue Morwong ( <i>Nemadactylus valenciennesi</i> )	15
The waters of the State	Mullet (Family Mugilidae)	180

<b>Column 1 Waters</b>	<b>Column 2 Class of fish</b>	<b>Column 3 Maximum quantity per boat per day (charter boat carrying more than 3 but not more than 6 passengers)</b>
The waters of the State other than Coorong (area 1) or Coorong (area 2)	Large Mulloway ( <i>Argyrosomus hololepidotus</i> )	6
The waters of the State	Yelloweye Redfish ( <i>Centroberyx australis</i> )	30
The waters of the State	Large Salmon ( <i>Arripis truttaceus</i> )	30
The waters of the State	Small Salmon ( <i>Arripis truttaceus</i> )	60
The waters of the State	Samsonfish ( <i>Seriola hippos</i> )	6
The waters of the State	Snook ( <i>Sphyraena novaehollandiae</i> )	60
The waters of the State	Swallowtail ( <i>Centroberyx lineatus</i> )	30
The waters of the State	Sweep (Genus Scorpis)	60
The waters of the State	Silver Trevally ( <i>Pseudocaranx dentex</i> )	60
The waters of the State	Eastern School Whiting ( <i>Sillago flindersi</i> )	60
The waters of the State	Yellowfin Whiting ( <i>Sillago schomburgkii</i> )	60
	<b>Shark</b>	
The waters of the State	Gummy Shark ( <i>Mustelus antarcticus</i> )	6
The waters of the State	School Shark ( <i>Galeorhinus galeus</i> )	6

- (3) This clause applies only in relation to fish taken by unlicensed persons from a registered boat being used under a licence in respect of the Charter Boat Fishery.

### **65—Recreational charter boat fishing daily bag limits**

- (1) The taking by an unlicensed person in any 1 day, in the waters specified in column 1 of the table below, from a boat carrying not more than 3 passengers, of more fish of the class specified in column 2 than the quantity specified in column 3.
- (2) The taking by an unlicensed person, in the waters specified in column 1 of the table below, of fish of the class specified in column 2, from a boat carrying not more than 3 passengers from which a quantity equal to 3 times the quantity specified in column 3 has already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days).
- (3) The taking by an unlicensed person in any 1 day, in the waters specified in column 1 of the table below, from a boat carrying more than 6 passengers, of more fish of the class specified in column 2 than the quantity specified in column 4.

- (4) The taking by an unlicensed person, in the waters specified in column 1 of the table below, of fish of the class specified in column 2, from a boat carrying more than 6 passengers from which a quantity equal to 3 times the quantity specified in column 4 has already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days).

**Table—Recreational charter boat fishing daily bag limits**

Column 1 Waters	Column 2 Species of fish	Column 3 Maximum quantity per person per boat per day (charter boat carrying not more than 3 passengers)	Column 4 Maximum quantity per person per boat per day (charter boat carrying more than 6 passengers)
<b>Crustaceans</b>			
The waters of the State	Blue Swimmer Crab ( <i>Portunus pelagicus</i> )	40	20
The waters of the State	Sand Crab ( <i>Ovalipes</i> spp)	40	20
<b>Molluscs</b>			
The waters of the State	Southern Calamari ( <i>Sepioteuthis australis</i> )	15	8
The waters of the State	Mud Cockle ( <i>Anadara</i> & <i>Katelysia</i> spp)	300	150
The waters of the State	Cuttlefish ( <i>Sepia</i> spp.)	15	8
The waters of the State	Razorfish ( <i>Pinna</i> <i>bicolor</i> )	50	25
The waters of the State	Scallop (Family Pectinidae)	100	50
<b>Scalefish</b>			
The waters of the State	Bream ( <i>Acanthopagrus</i> spp.)	10	5
The waters of the State	Flathead ( <i>Platycephalus</i> spp.)	10	5
The waters of the State	Flounder (Family Bothidae or Pleuronectidae)	20	10
The waters of the State	Southern Garfish ( <i>Hyporhamphus</i> <i>melanochir</i> )	60	30
The waters of the State (other than those waters specified in Schedule 5)	Western Blue Groper ( <i>Achoerodus gouldii</i> )	2	1
The waters of the State	Australian Herring ( <i>Arripis georgianus</i> )	60	30
The waters of the State	Blue Morwong ( <i>Nemadactylus</i> <i>valenciennesi</i> )	5	3
The waters of the State	Mullet (Family Mugilidae)	60	30

<b>Column 1 Waters</b>	<b>Column 2 Species of fish</b>	<b>Column 3 Maximum quantity per person per boat per day (charter boat carrying not more than 3 passengers)</b>	<b>Column 4 Maximum quantity per person per boat per day (charter boat carrying more than 6 passengers)</b>
The waters of the State other than Coorong (area 1) or Coorong (area 2)	Large Mulloway ( <i>Argyrosomus hololepidotus</i> )	2	1
The waters of the State	Yelloweye Redfish ( <i>Centroberyx australis</i> )	10	5
The waters of the State	Swallowtail ( <i>Centroberyx lineatus</i> )	10	5
The waters of the State	Large Salmon ( <i>Arripis truttaceus</i> )	10	5
The waters of the State	Small Salmon ( <i>Arripis truttaceus</i> )	20	10
The waters of the State	Samsonfish ( <i>Seriola hippos</i> )	2	1
The waters of the State	Yellowtail Kingfish ( <i>Seriola grandis</i> )	2	1
The waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage	Large Snapper ( <i>Pagrus auratus</i> )	2	1
The waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage	Small Snapper ( <i>Pagrus auratus</i> )	5	3
The waters of the State other than the waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage	Large Snapper ( <i>Pagrus auratus</i> )	2	1
The waters of the State other than the waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage	Small Snapper ( <i>Pagrus auratus</i> )	10	5
The waters of the State	Snook ( <i>Sphyraena novaehollandiae</i> )	20	10
The waters of the State	Sweep (Genus Scorpis)	20	10
The waters of the State	Silver Trevally ( <i>Pseudocaranx dentex</i> )	20	10
The waters of the State	Eastern School Whiting ( <i>Sillago flindersi</i> )	20	10
The waters of the State	Yellowfin Whiting ( <i>Sillago schomburgkii</i> )	20	10

- (5) The taking by an unlicensed person, in the waters of the State—
- (a) of Southern Calamari or Cuttlefish from a boat carrying not more than 3 passengers—
    - (i) from which the person has already taken 15 Southern Calamari and Cuttlefish in combination on the same day; or
    - (ii) from which 45 Southern Calamari and Cuttlefish in combination have already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days); or
  - (b) of Southern Calamari or Cuttlefish from a boat carrying more than 6 passengers—
    - (i) from which the person has already taken 8 Southern Calamari and Cuttlefish in combination on the same day; or
    - (ii) from which 24 Southern Calamari and Cuttlefish in combination have already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days).
- (6) The taking by an unlicensed person, in the waters of the State—
- (a) of crab (being Blue Swimmer Crab or Sand Crab) from a boat carrying not more than 3 passengers—
    - (i) from which the person has already taken 40 crab (being a combination of Blue Swimmer Crab and Sand Crab) on the same day; or
    - (ii) from which 120 crab (being a combination of Blue Swimmer Crab and Sand Crab) have already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days); or
  - (b) of crab (being Blue Swimmer Crab or Sand Crab) from a boat carrying more than 6 passengers—
    - (i) from which the person has already taken 20 crab (being a combination of Blue Swimmer Crab and Sand Crab) on the same day; or
    - (ii) from which 60 crab (being a combination of Blue Swimmer Crab and Sand Crab) have already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days).
- (7) This clause applies only in relation to fish taken by unlicensed persons from a registered boat being used under a licence in respect of the Charter Boat Fishery.

### **66—Recreational charter boat fishing daily bag limits**

- (1) The taking by an unlicensed person in any 1 day, in the waters specified in column 1 of the table below, from a boat carrying not more than 3 passengers, of more fish of the class specified in column 2 than the quantity specified in column 3.
- (2) The taking by an unlicensed person, in the waters specified in column 1 of the table below, of fish of the class specified in column 2, from a boat carrying not more than 3 passengers from which a quantity equal to 3 times the quantity specified in column 3 has already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days).
- (3) The taking by an unlicensed person in any 1 day, in the waters specified in column 1 of the table below, from a boat carrying more than 3 passengers, of more fish of the class specified in column 2 than the quantity specified in column 4.



- (4) The taking by an unlicensed person, in the waters specified in column 1 of the table below, of fish of the class specified in column 2, from a boat carrying more than 3 passengers from which a quantity equal to 3 times the quantity specified in column 4 has already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days).

**Table—Recreational charter boat fishing daily bag limits**

Column 1 Waters	Column 2 Species of fish	Column 3 Maximum quantity per person per boat per day (charter boat carrying not more than 3 passengers)	Column 4 Maximum quantity per person per boat per day (charter boat carrying more than 3 passengers)
<b>Crustaceans</b>			
The waters of the State	Giant Crab ( <i>Pseudocarcinus gigas</i> )	2	2
The waters of the State	Southern Rocklobster ( <i>Jasus edwardsii</i> )	4	2
<b>Molluscs</b>			
The waters of the State	Abalone ( <i>Haliotis</i> spp)	5	3
The waters of the State	Cockle ( <i>Anadara</i> & <i>Katelysia</i> spp)	300	150
The waters of the State	Pipi ( <i>Donax</i> spp)	600	300
<b>Scalefish</b>			
The waters of the State	King George Whiting ( <i>Sillaginodes punctatus</i> )	12	10

- (5) This clause applies only in relation to fish taken by unlicensed persons from a registered boat being used under a licence in respect of the Charter Boat Fishery.

### **67—Recreational charter boat fishing daily bag limits**

- (1) The taking by an unlicensed person, in the waters specified in column 1 of the table below, of fish of a class specified in column 2, from a boat carrying more than 3 passengers from which the quantity specified in column 3 has already been taken by unlicensed persons on the same day.
- (2) The taking by an unlicensed person, in the waters specified in column 1 of the table below, of fish of the class specified in column 2 from a boat from which the quantity specified in column 3 has already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days).

- (3) The taking by an unlicensed person in any 1 day, in the waters specified in column 1 of the table below, from a boat carrying not more than 3 passengers, of more fish of the class specified in column 2 than the quantity specified in column 4.

**Table—Recreational charter boat fishing daily boat and bag limits**

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per boat per day (charter boat carrying more than 3 passengers)	Column 4 Maximum quantity per person per boat per day (charter boat carrying not more than 3 passengers)
<b>Scalefish</b>			
The waters of the State	Barracouta ( <i>Thyrsites atun</i> )	30	10
The waters of the State	Gemfish ( <i>Rexea solandri</i> )	30	10
The waters of the State	Rock Ling ( <i>Genypterus tigerinus</i> )	18	3
The waters of the State	Jackass Morwong ( <i>Nemadactylus macropterus</i> )	30	10
The waters of the State	Bight Redfish ( <i>Centroberyx gerrardi</i> )	30	10
The waters of the State	Albacore ( <i>Thunnus alalunga</i> )	6	2
The waters of the State	Southern Bluefin Tuna ( <i>Thunnus maccoyii</i> )	6	2
The waters of the State	Yellowfin Tuna ( <i>Thunnus albacares</i> )	6	2
The waters of the State	Blue Warehou ( <i>Seriolella brama</i> )	30	10
The waters of the State	Silver Warehou ( <i>Seriolella punctata</i> )	30	10
<b>Shark</b>			
The waters of the State	Gummy Shark ( <i>Mustelus antarcticus</i> )	6	2
The waters of the State	School Shark ( <i>Galeorhinus galeus</i> )	6	2

- (4) The taking by an unlicensed person, in the waters of the State—
- (a) of shark (being Gummy Shark or School Shark) from a boat carrying more than 3 passengers from which 6 shark (being a combination of Gummy Shark and School Shark) have already been taken by unlicensed persons on the same day; or
  - (b) of shark (being Gummy Shark or School Shark) from a boat from which 6 shark (being a combination of Gummy Shark and School Shark) have already been taken by unlicensed persons on the same trip (being a trip lasting more than 3 days); or

- (c) of shark (being Gummy Shark or School Shark) from a boat carrying not more than 3 passengers from which the person has already taken 2 shark (being a combination of Gummy Shark and School Shark) on the same day.
- (5) The taking by an unlicensed person, in the waters of the State—
- (a) of tuna (being Southern Bluefin Tuna or Yellowfin Tuna) from a boat carrying more than 3 passengers from which 6 tuna (being a combination of Southern Bluefin Tuna and Yellowfin Tuna) have already been taken by unlicensed persons on the same day; or
  - (b) of tuna (being Southern Bluefin Tuna or Yellowfin Tuna) from a boat from which 6 tuna (being a combination of Southern Bluefin Tuna and Yellowfin Tuna) have already been taken by unlicensed persons on the same trip (being a trip lasting more than 3 days); or
  - (c) of tuna (being Southern Bluefin Tuna or Yellowfin Tuna) from a boat carrying not more than 3 passengers from which the person has already taken 2 tuna (being a combination of Southern Bluefin Tuna and Yellowfin Tuna) on the same day.
- (6) This clause applies only in relation to fish taken by unlicensed persons from a registered boat being used under a licence in respect of the Charter Boat Fishery.

## **Division 6—Miscellaneous**

### **68—Use of mesh net in Coorong (area 1)**

The taking of fish by an unlicensed person in Coorong (area 1), during the period commencing on 1 April in any year and ending on the following 31 October, by using a mesh net—

- (a) otherwise than by setting it so that it floats with no part of the net more than 1 m below the surface of the water; or
- (b) without attending the net.

### **69—Use of mesh net in Coorong (area 2)**

The taking of fish by an unlicensed person in Coorong (area 2) by using a mesh net—

- (a) otherwise than by setting it so that it floats with no part of the net more than 1 m below the surface of the water; or
- (b) without attending the net.

### **70—Use of mesh net in Lakes Albert and Alexandrina**

The taking of fish by an unlicensed person in Lakes Albert and Alexandrina by using a mesh net—

- (a) otherwise than by setting it so that it floats with no part of the net more than 2 m below the surface of the water; or
- (b) without attending the net.

### **71—Use of mesh net in Lake George**

The taking of fish by an unlicensed person in the waters of Lake George between one and a half hours after sunrise and one and a half hours before sunset on the same day by using a mesh net without attending the net.

## **Part 3—Fishing activities not to be engaged in by any person**

### **Division 1—Use of prohibited devices**

#### **72—Use of device other than permitted device etc**

The taking of fish in the waters of the State for any purpose other than a commercial purpose by using a device other than—

- (a) a permitted device; or
- (b) a rod and line; or
- (c) a hand line.

#### **73—Use of unregistered mesh net or rock lobster pot**

The taking of fish by a person in the waters of the State for a purpose other than a commercial purpose by use of a mesh net or rock lobster pot that is not registered under these regulations in that person's name.

#### **74—Use of bow and arrow**

The taking of fish by any person in the waters of the State by use of a bow and arrow other than the taking of Carp of any species (Family Cyprinidae)—

- (a) in the waters of the River Murray other than the main stream; and
- (b) during daylight hours; and
- (c) by use of a bow and arrow (not being a crossbow) where the person keeps, while using the bow and arrow, a distance of at least 50 m from all other persons not directly involved in that fishing activity.

#### **75—Use of long line in Murray Mouth**

The taking of fish in the Murray Mouth by using a long line.

#### **76—Use of pointed device to take rock lobster**

The taking of rock lobster in the waters of the State by using a fish spear, hand fish spear, spear gun or other pointed device.

### **Division 2—Use of more than permitted number of devices**

#### **77—Use of more than permitted number of rods and lines or hand lines**

The taking of fish in the waters of the State—

- (a) by using 3 or more rods and lines at the same time; or
- (b) by using 3 or more hand lines at the same time; or
- (c) by using a rod and line if, at the same time, he or she is using 2 or more hand lines; or
- (d) by using a hand line if, at the same time, he or she is using 2 or more rods and lines.

#### **78—Use of more than permitted number of large mesh nets**

The taking of fish in the waters of the State by using 6 or more large mesh nets at the same time.

**79—Use of more than permitted number of teaser lines**

The taking of fish in the waters of the State by using, at the same time, 2 or more teaser lines from a jetty, pier, wharf or breakwater abutting land.

**Division 3—Use of devices of unlawful specifications****80—Use of yabby pot of unlawful specifications in inland waters**

The taking of fish in inland waters by using a yabby pot that—

- (a) is more than 1 m at its greatest dimension; or
- (b) has no more than 2 entrance funnels; or
- (c) has an entrance funnel that exceeds 7.5 cm at its narrowest part.

**81—Use of fish net of unlawful specifications in Lake George**

The taking of fish by using a fish net having a mesh of less than 7 cm in the waters of Lake George, near Beachport.

**82—Use of hauling net of unlawful specifications in Venus Bay**

The taking of fish by using a hauling net that exceeds 370 m in length in the waters of or near Venus Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 33°09'38.83" South, 134°39'43.29" East, then beginning easterly following the line of Mean High Water Springs to the location closest to 33°13'19.57" South, 134°38'24.52" East, then north-easterly to the point of commencement.

**83—Use of hauling net of unlawful specifications in coastal waters**

The taking of fish (other than by the power hauling method of fishing) in coastal waters by using a hauling net or seine net that—

- (a) exceeds 600 m in length; or
- (b) exceeds 10 m in depth; or
- (c) has a mesh size of less than 30 mm; or
- (d) has attached to it a rope or ropes the length or combined lengths of which exceed 100 m.

**84—Use of hauling net of unlawful specifications for power hauling**

The taking of fish in the waters of the State by using the power hauling method of fishing if the hauling net used—

- (a) exceeds 600 m in length; or
- (b) has a depth exceeding 10 m; or
- (c) has more than 100 m of floating rope attached to it; or
- (d) does not have attached to the bunt end—
  - (i) a flag buoy that complies with regulation 13 and has a yellow flag not less than 30 cm by 30 cm displayed from the top so as to be visible at least 1 m above the water; and
  - (ii) if used between sunset and sunrise—a flashing white light visible all around the bunt end for at least 1 nautical mile.

**85—Use of mesh net of unlawful specifications in certain Coorong waters**

The taking of fish by using a mesh net that exceeds 150 m in length in those waters of the Coorong within the geodesic from the location on Mean High Water Springs closest to 35°33'09.39" South, 138°54'01.91" East (Point Blenkinsop) to the location on Mean High Water Springs closest to 35°33'39.05" South, 138°54'01.15" East, and the geodesic from the location on Mean High Water Springs closest to 35°35'37.17" South, 139°01'26.49" East (Pelican Point) to the location on Mean High Water Springs closest to 35°35'40.60" South, 139°00'44.56" East (Gnurlung Point).

**86—Use of mesh net of unlawful specifications in Goolwa waters**

The taking of fish by using a mesh net that exceeds 150 m in length, on any day of any week except Saturday and Sunday in those waters of the Coorong contained within and bounded by a line commencing at Mean High Water Springs closest to 35°31'23.42" South, 138°48'33.33" East (Point Luff), then beginning generally easterly following the line of Mean High Water Springs to the location closest to 35°32'58.82" South, 138°52'45.87" East, then southerly to northern side of the headland of Sir Richard Peninsula near 35°33'18.69" South, 138°52'45.87" East, then beginning north-westerly following the line of Mean High Water Springs to the location closest to 35°31'42.86" South, 138°48'29.08" East, then north-easterly to the point of commencement.

**87—Use of mesh net of unlawful specifications in Lakes Albert and Alexandrina**

The taking of fish in the waters of Lakes Albert and Alexandrina by using a mesh net that—

- (a) exceeds 550 m in length; or
- (b) exceeds 5 m in depth; or
- (c) has a mesh size of less than 50 mm.

**88—Use of large mesh net of unlawful specifications**

The taking of fish in the waters of the State by using a large mesh net that exceeds 600 m in length.

**89—Use of purse seine net of unlawful specifications to take salmon**

The taking of Salmon (*Arripis truttaceus*) in the waters of the State by using a purse seine net that—

- (a) exceeds 900 m in length; or
- (b) exceeds 13 m in depth; or
- (c) has a mesh size of less than 50 mm.

**90—Use of shrimp trap of unlawful specifications**

The taking of fish in the waters of the State by using a shrimp trap that—

- (a) exceeds 400 mm at its greatest dimension; or
- (b) exceeds 200 mm in height; or
- (c) has a net forming part of the trap which has a mesh of less than 5 mm; or
- (d) has an entrance or opening the diameter of which exceeds 30 mm.

## **Division 4—Use of unbuoyed or untagged devices**

### **91—Use of unbuoyed mesh net or set line**

The taking of fish—

- (a) in the waters of Lakes Albert and Alexandrina, the Coorong or in any contiguous waterway downstream of Wellington by using a mesh net or set line unless—
  - (i) 1 extremity of the net or line is marked by 2 black buoys that comply with regulation 13; and
  - (ii) the other extremity of the net or line is marked by a yellow buoy that complies with regulation 13; and
  - (iii) if the net or line exceeds 50 m in length, the net or line is marked with red buoys that comply with regulation 13 and are placed at intervals not exceeding 50 m; or
- (b) in any other waters of the State by using a mesh net or set line unless—
  - (i) 1 extremity of the net or line is marked by a yellow buoy that complies with regulation 13; and
  - (ii) the other extremity of the net or line is marked by 2 black buoys that comply with regulation 13.

### **92—Use of unbuoyed fish net**

The taking of fish in the waters of the State by using a fish net (other than a mesh net or drum net) unless—

- (a) 1 extremity of the net is marked by a yellow buoy that complies with regulation 13; and
- (b) the other extremity of the net is marked by 2 black buoys that comply with regulation 13.

## **Division 5—Use of devices near other devices**

### **93—Use of fish net near another fish net in Lakes Albert and Alexandrina, Murray Mouth or Coorong**

The taking of fish by using a fish net in the waters of Lakes Albert and Alexandrina, the Murray Mouth and Coorong within 200 m of any other fish net.

## **Division 6—Use of certain devices in certain waters**

### **94—Use of fish net in Bay of Shoals**

The taking of fish by using a fish net between 1 January and 31 March (both days inclusive) in any year in the waters of or near the Bay of Shoals contained within and bounded by a line commencing at Mean High Water Springs closest to 35°35'49.88" South, 137°37'35.55" East (Cape Rouge), then south-westerly to the location on Mean High Water Springs closest to 35°38'11.62" South, 137°37'10.06" East ('The Bluff'), then beginning north-westerly following the line of Mean High Water Springs to the point of commencement.

**95—Use of device other than rod and line, handline or hand net in certain waters**

The taking of fish in any of the following waters by using a device other than a rod and line, hand line or hand net:

- (a) the waters of the River Onkaparinga;
- (b) the waters of Baird Bay north of the geodesic from the location on Mean High Water Springs closest to 33°10'33.74" South, 134°22'11.35" East to the location on Mean High Water Springs closest to 33°11'26.08" South, 134°21'04.65" East;
- (c) the waters of or near Antechamber Bay that are within 50 m of a line joining the locations on Mean High Water Springs closest to 35°47'18.16" South, 138°04'15.42" East and 35°47'22.98" South, 138°04'17.43" East (mouth of the Chapman River), together with the waters of Chapman River;
- (d) the waters of or near Vivonne Bay that are within 50 m of a line joining the locations on Mean High Water Springs closest to 35°58'28.32" South, 137°12'04.84" East and 35°58'28.18" South, 137°12'05.91" East (mouth of Eleanor River), together with the waters of Eleanor River;
- (e) the waters of or near Vivonne Bay that are within 50 m of a line joining the locations on Mean High Water Springs closest to 35°59'09.13" South, 137°10'45.34" East and 35°59'05.53" South, 137°10'47.66" East (mouth of the Harriet River), together with the waters of Harriet River;
- (f) the waters of or near Snelling Beach that are within 50 m of a line joining the locations on Mean High Water Springs closest to 35°39'55.39" South, 137°04'28.54" East and 35°39'54.93" South, 137°04'28.66" East (mouth of Middle River), together with the waters of Middle River;
- (g) the waters of or near Western River Cove that are within 50 m of a line joining the locations on Mean High Water Springs closest to 35°40'32.82" South, 136°58'18.68" East and 35°40'32.73" South, 136°58'19.04" East (mouth of Western River), together with the waters of Western River;
- (h) the waters of or near MacDonnell Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 38°03'07.27" South, 140°42'43.43" East, then generally southerly following a line at a radius of 1020 m from the intersection of the Port MacDonnell jetty with Mean High Water Springs at the location closest to 38°03'16.40" South, 140°42'03.30" East to the location on Mean High Water Springs closest to 38°03'23.82" South, 140°41'22.60" East, then beginning south-easterly following the line of Mean High Water Springs to the point of commencement, but excluding the waters of or near MacDonnell Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 38°03'11.78" South, 140°42'26.62" East, then generally north-easterly following the line of Mean High Water Springs to the location closest to 38°03'07.27" South, 140°42'43.43" East, then generally southerly following a line at a radius of 1020 m from the intersection of the Port MacDonnell jetty with Mean High Water Springs at the location closest to 38°03'16.40" South, 140°42'03.30" East to a line 300 m seaward of Mean High Water Springs closest to 38°03'16.88" South, 140°42'45.06" East, then generally south-westerly following a line 300 m seaward of Mean High Water Springs to the location closest to 38°03'1.38" South, 140°42'28.34" East, then north-westerly to the point of commencement.



**96—Use of certain devices in inland waters**

- (1) The taking of fish in the waters to which this clause applies —
  - (a) other than the taking of short finned eel (*Anguilla australis occidentalis*) using a fyke net that complies with the following requirements:
    - (i) the net must not be more than 1.5 m in height, length and width; and
    - (ii) none of the entrance funnels of the net may exceed 6 cm at their narrowest part; and
    - (iii) if made of mesh material, (whether rigid or flexible), the mesh must be such as to allow a cylindrical rod 9 mm in diameter to be passed freely through it; and
    - (iv) if made of fish netting, the mesh of the netting must be of at least 3 cm; and
  - (b) other than the taking of fish (other than short finned eel) by a rod and line, hand line, hand net or yabby pot.
- (2) This clause applies to inland waters within the counties of MacDonnell, Robe and Grey, excluding the waters of Lake George.

**97—Use of towed net in certain waters**

The taking of fish (other than prawn and other than by the power hauling method of fishing) in any of the following waters by the use of a net being towed behind a moving boat or by the hauling of a net through the water by means other than by hand from a boat:

- (a) the waters of Spencer Gulf less than 40 m in depth;
- (b) the waters of Gulf St. Vincent north of the geodesic from the location on Mean High Water Springs closest to 35°10'04.74" South, 137°40'38.64" East (Troubridge Point, Yorke Peninsula) to the location on Mean High Water Springs closest to 35°36'48.51" South, 138°05'44.01" East (Cape Jervis, Fleurieu Peninsula);
- (c) all the waters of the State less than 20 m in depth.

**98—Use of fish net in certain waters**

The taking of fish by using a fish net in any of the waters of the ocean and bays and gulfs of the State between the meridians of longitude 129°E and 140°58' 00"E at a depth exceeding 5 m other than—

- (a) the taking of fish by a large mesh net; or
- (b) the taking of salmon (*Arripis truttaceus*) by a licensed person by using a fish net; or
- (c) the taking of fish by a licensed person by using a bait net for the purpose of bait to be used for the taking of rock lobster in the waters of the fishery in respect of which he or she holds a licence.

### 99—Use of fish net in Spencer Gulf

The taking of fish by using a fish net—

- (a) in the waters of Spencer Gulf north of the geodesic from the location on Mean High Water Springs closest to 32°48'30.34" South, 137°48'12.72" East to the location on Mean High Water Springs closest to 32°48'30.34" South, 137°54'11.78" East, passing through marine navigation mark 4510/800 near 32°48'30.34" South, 137°49'30.03" East; or
- (b) in the waters of Spencer Gulf commencing at the 5 m mark near Gibbon Point (longitude 136°47.00'E), then easterly along latitude 33°50.00'S to intersect longitude 137°14.00'E, then northerly to the 5 metre mark near Shoal Water Light; or
- (c) in the waters of Spencer Gulf deeper than 5 m and contained within and bounded by a line commencing at Mean High Water Springs closest to 33°37'59.93" South, 137°13'59.95" East, then southerly to 33°49'59.88" South, 137°13'59.96" East, then westerly to the location on Mean High Water Springs closest to 33°49'47.01" South, 136°46'44.74" East (Gibbon Point), then beginning north-easterly following the line of Mean High Water Springs to the point of commencement, other than—
  - (i) the taking of fish by any person by using a large mesh net; or
  - (ii) the taking of salmon (*Arripis truttaceus*) by a licensed person by using a fish net; or
  - (iii) the taking of fish by a licensed person by using a fish net for the purpose of live bail to be used for tuna poling.

### 100—Use of fish net or set line in certain waters

The taking of fish by using a fish net or set line in those waters of the Coorong contained within and bounded by a line commencing at Mean High Water Springs closest to 35°32'58.82" South, 138°52'45.87" East, then generally easterly following the line of Mean High Water Springs to the location closest to 35°32'59.55" South, 138°53'52.27" East, then south-easterly to the location on Mean High Water Springs closest to 35°33'09.39" South, 138°54'01.91" East (Point Blenkinsop), then southerly to the location on Mean High Water Springs closest to 35°33'39.05" South, 138°54'01.91" East, then beginning north-easterly following the line of Mean High Water Springs to the mouth of the River Murray on the northern side of the headland of Younghusband Peninsula near 35°33'21.95" South, 138°52'53.34" East, then across the mouth of the River Murray to the northern side of the headland of Sir Richard Peninsula near 35°33'18.69" South, 138°52'45.87" East, then northerly to the point of commencement.

### 101—Use of long line in Murray Mouth

The taking of fish in the Murray Mouth by using a long line.

### 102—Use of mesh net as set net in Murray Lakes, Murray Mouth and Coorong

The taking of fish by using a mesh net as a set net in the waters within 150 m of each side of the Goolwa, Mundoo, Boundary Creek, Ewe Island and Tauwitche Barrages.

**103—Use of mesh net as set net on weekends in certain waters**

The taking of fish by using a mesh net as a set net during the period commencing at midnight on Friday and ending at sunset on the following Sunday in those waters of the Coorong contained within and bounded by a line commencing at Mean High Water Springs closest to 35°31'23.42" South, 138°48'33.33" East (Point Luff), then beginning generally easterly following the line of Mean High Water Springs to the location closest to 35°32'58.82" South, 138°52'45.87" East, then southerly to northern side of the headland of Sir Richard Peninsula near 35°33'18.69" South, 138°52'45.87" East, then beginning north-westerly following the line of Mean High Water Springs to the location closest to 35°31'42.86" South, 138°48'29.08" East, then north-easterly to the point of commencement.

**104—Use of hauling net on weekends in certain waters**

The taking of fish by using a hauling net during the period commencing at midnight on Friday and ending at sunset on the following Sunday in that part of the waters described in clause 103 that is usually marked by beacons and commonly known as the "boating channel".

**105—Use of certain devices near artificial reefs**

- (1) The taking of fish using a fish net, fish trap, hand fish spear, speargun or long line within 0.5 of a nautical mile from any of the artificial reefs specified in the table below.

<b>Location</b>	<b>Artificial reef</b>	<b>Latitude (South)</b>	<b>Longitude (East)</b>
Ardrossan	Dredge	34°31'48.00"	138°03'35.99"
Giles Point	Tyre module	35°03'00.00"	137°47'23.98"
Glenelg	Dredge	34°58'48.00"	138°26'24.01"
Glenelg	Sunken barge	34°58'48.00"	138°26'24.01"
Glenelg	Tyre module	34°58'48.00"	138°26'24.01"
Grange	Tyre module	34°55'11.99"	138°23'59.98"
Kingscote, Kangaroo Island	Tyre module	35°41'24.00"	137°40'11.99"
Port Augusta	Tyre module	32°40'11.99"	137°45'35.98"
Port Broughton	Car bodies	33°33'00.00"	137°51'36.00"
Port Germein	Pipes	33°03'36.00"	138°00'00.00"
Port Lincoln	Sunken vessel	34°40'48.00"	135°52'11.98"
Port Neill	Sunken vessel	34°06'36.00"	136°22'48.02"
Port Noarlunga	Tyre module	35°09'00.01"	138°26'24.01"
Port Pirie	Tyre module	33°05'24.00"	137°54'36.01"
Streaky Bay	Tyre module		
Wallaroo	Tyre module	33°51'36.00"	137°34'12.03"
Whyalla	Tyre module	32°58'12.00"	137°46'48.00"
Whyalla	Tyre module	33°00'00.00"	137°47'23.98"
Whyalla	Tyre module	33°06'36.00"	137°36'36.00"

- (2) The taking of fish by any person within 930 m from the artificial reef known as Fleurieu Reef, 35°28'09.00" South, 138°09'05.00" East.

### **106—Use of device for more than 4 hours**

The taking of fish in the waters of the State by using a large mesh net that has been left in the water for a period of more than 4 consecutive hours.

## **Division 7—Use of certain fishing methods**

### **107—Taking of prawn by power hauling method**

The taking of prawn in the waters of the State by using the power hauling method of fishing.

### **108—Taking fish in St Vincent or Spencer Gulf using large mesh net**

The taking of fish in the waters of Gulf St. Vincent or Spencer Gulf by using a large mesh net that has not been shot out in a straight line.

### **109—Taking fish by using fish net fixed etc across bay**

The taking of fish by using a fish net that has been fixed, set or staked across any bay, inlet, river, creek or tidal water or the greater part of any bay, inlet, river, creek or tidal water.

### **110—Taking of fish by placing stake etc across mouth of waters**

The taking of fish by fixing or placing any stake, log, stone or other article or thing, other than a fish net, across—

- (a) the whole or any part of the mouth of any waters; or
  - (b) the whole or any part of any channel, creek, stream, river or tidal waters,
- in such a manner as is likely to impair the free passage of fish in those waters.

### **111—Taking of fish using pipeline**

The taking of fish by using a pipeline through which water is pumped from any waters of the State.

### **112—Taking of fish using explosives or certain substances**

The taking of fish in the waters of the State by—

- (a) the explosion of any substance (other than by use of a spear gun); or
- (b) the use of any anaesthetic, narcotic or poisonous substance.

## **Division 8—Bag and boat limits**

### **113—Bag limit on rock lobster taken by diving**

The taking in any 1 day of more than 4 rock lobster by diving in the waters of the State.

## **Division 9—Miscellaneous**

### **114—Taking of undersize fish**

The taking of undersize fish in the waters of the State.

### **115—Taking of oversize fish**

The taking, in the waters of the State, of Western Blue Groper or Murray Cod that exceeds 100 cm in length

### **116—Taking of molluscs in West Lakes and adjacent foreshore area**

The taking of molluscs in the waters of West Lakes, and foreshore areas adjacent to those waters, including reserves for public use.

### **117—Taking of certain shellfish in Port Adelaide River**

The taking of filter-feeding marine molluscan shellfish in the waters of the Port Adelaide River between Bower Road, Semaphore Park and the junction of Lipson Reach and North Arm, Port Adelaide.

### **118—Taking of benthic marine organisms in certain waters**

The taking of a benthic marine organism in waters seaward of the line of Mean High Water Springs to a depth of 2 m in the area of a rocky reef and its waters—

- (a) adjacent to the State; or
- (b) adjacent to an off-shore island forming part of the State.

### **119—Taking of prawn in certain waters less than 10 m deep**

The taking of prawn in any waters of the ocean and the bays and gulfs of the State between meridians of longitude 129°E and 140°58'00"E less than 10 m in depth at the low water mark.

### **120—Taking of rock lobster in certain waters**

The taking of rock lobster in any of the following waters:

- (a) the waters of or near Cape Jaffa contained within and bounded by a line commencing at the intersection of the jetty with Mean High Water Springs near 36°56'29.89" South, 139°41'17.68" East, then beginning westerly following the line of Mean High Water Springs to the location closest to 36°57'03.35" South, 139°40'22.40" East, then westerly to a line 1000 m seaward of Mean High Water Springs closest to 36°57'03.35" South, 139°39'36.32" East, then beginning north-easterly following a line 1000 m seaward of Mean High Water Springs to the location closest to 36°55'56.88" South, 139°41'17.77" East, then southerly to the northern end of the jetty near 36°56'23.88" South, 139°41'17.77" East, then south along the jetty to the point of commencement; or
- (b) the waters within 1000 m of marine navigation mark number 4860/100 (Margaret Brock Reef) at 36°57'06.54" South, 139°35'42.54" East; or

- (c) the waters of or near Rivoli Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 37°29'32.57" South, 140°00'42.17" East, then north-easterly following the line of Mean High Water Springs to the location closest to 37°29'24.59" South, 140°00'57.58" East (Glen Point), then southerly to a line 100 m seaward of Mean High Water Springs (Penguin Island) closest to 37°29'56.26" South, 140°00'57.16" East, then beginning southerly following a line 100 m seaward of Mean High Water Springs (Penguin Island) to the location closest to 37°29'51.24" South, 140°00'42.22" East, then northerly to the location on Mean High Water Springs closest to 37°29'45.96" South, 140°00'42.22" East, then generally northerly following the line of Mean High Water Springs to the location closest to 37°29'37.46" South, 140°00'42.17" East, then northerly to the point of commencement; or
- (d) the waters of or near Point Annie contained within and bounded by a line commencing at Mean High Water Springs closest to 34°57'09.39" South, 136°58'23.56" East (Point Annie), then beginning south-easterly following the line of Mean High Water Springs to the location closest to 35°00'46.22" South, 136°56'38.30" East, then north-easterly to the location on Mean High Water Springs closest to 34°57'57.82" South, 136°57'21.70" East, then north-easterly to the point of commencement.

### 121—Taking of fish near locks and weir of River Murray proper

The taking of fish in waters within 150 m of each side of each lock and weir of the River Murray proper.

### 122—Taking of certain fish during closed season

The taking of fish of a class specified in column 1 of the table below in the waters specified alongside in column 2 during the period specified alongside in column 3.

Column 1 Class of fish	Column 2 Waters	Column 3 Closed season
<b>Crustaceans</b>		
Southern Rocklobster	The Northern Zone	The period commencing at 1800 hours on 31 May in any year and ending at 1200 hours on the following 1 November.
Southern Rocklobster	The Southern Zone	The period commencing at 1800 hours on 31 May in any year and ending at 0600 hours on the following 1 October.
<b>Molluscs</b>		
Pipi ( <i>Donax</i> spp)	The waters of the State	The period commencing on 1 June in any year and ending on the following 31 October.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Class of fish</b>	<b>Waters</b>	<b>Closed season</b>
Razorfish ( <i>Pinna bicolor</i> )	The waters of Spencer Gulf contained within and bounded by a line commencing at Mean High Water Springs closest to 32°32'29.39" South, 137°45'10.62" East, then easterly to 32°32'29.39" South, 137°46'42.96" East (marine navigation mark 4510/028), then south-westerly to 32°32'55.81" South, 137°46'36.13" East (marine navigation mark 4510/825), then south-westerly to 32°33'32.27" South, 137°46'12.88" East (marine navigation mark 4510/821), then south-westerly to 32°34'01.93" South, 137°45'54.43" East (marine navigation mark 4510/817), then south-easterly to 32°35'06.48" South, 137°46'07.59" East (marine navigation mark 4510/020), then south-easterly to 32°36'25.57" South, 137°46'23.68" East (marine navigation mark 4510/013), then south-westerly to 32°38'59.45" South, 137°46'13.77" East (marine navigation mark 4510/009), then south-easterly to 32°41'20.19" South, 137°46'46.26" East (marine navigation mark 4510/808), then westerly to the location on Mean High Water Springs closest to 32°41'20.19" South, 137°45'20.25" East, then generally northerly following the line of Mean High Water Springs to the point of commencement.	The period commencing on 1 January in any year and ending on the last day of the following February.  The period commencing on 1 October in any year and ending on the following 31 December.
<b>Scalefish</b>		
Bream ( <i>Acanthopagrus</i> spp)	The waters of Onkaparinga River upstream from the bridge on Main South Road at Noarlunga (D V Fleming Bridge) near 35°10'33.20" South, 138°29'55.31" East.	The period commencing on 1 September in any year and ending on the following 30 November.
Murray Cod ( <i>Maccullochella peelii</i> )	The waters of the State	The period commencing on 1 August in any year and ending on the following 31 December.

### 123—Taking fish using wire trace of unlawful gauge with certain hooks

The taking of fish in the waters of the State by using wire trace of 2mm or greater gauge in conjunction with fishing hooks size 12/0 or greater.

### 124—Setting of rock lobster pots during closed season

The setting of a rock lobster pot—

- (a) in the Northern Zone during the period commencing at 1800 hours on 31 May in any year and ending at 1200 hours on the following 1 November; or
- (b) in the Southern Zone during the period commencing at 1800 hours on 31 May in any year and ending at 0600 hours on the following 1 October.

**125—Setting of rock lobster pots containing rock lobster**

The setting in the waters of the State, for a purpose other than a commercial purpose, of a rock lobster pot that contains rock lobster.

**126—Use of registered boat other than under fishery authority**

- (1) The taking of fish in the waters of the State by using a registered boat other than the taking of fish under a fishery authority.
- (2) Subclause (1) does not apply if—
  - (a) the Minister has been given prior notice by telephone of the intended use of a registered boat to take fish other than under a fishery authority; or
  - (b) the boat is registered for use under a licence in respect of the Charter Boat Fishery and the boat is to be used by unlicensed persons for recreational fishing.

**Schedule 7—Areas in which use of fish nets is prohibited under section 70 of Act**

(Regulation 7(b))

**Part 1—Areas in which use of fish nets is prohibited****Fowlers Bay**

The waters of or near Fowlers Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 31°59'14.72" South, 132°26'19.75" East, then easterly to 31°59'15.17" South, 132°26'41.77" East, then south-easterly to the location on Mean High Water Springs closest to 32°00'38.82" South, 132°27'40.86" East, then beginning westerly following the line of Mean High Water Springs to the point of commencement.

**Denial Bay and Smoky Bay**

The waters of or near Denial Bay and Smoky Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 32°12'29.45" South, 133°07'32.31" East (Point Bell), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 32°32'33.78" South, 133°51'02.21" East (Point Brown), then north-westerly to 32°28'16.54" South, 133°37'55.25" East, then north-westerly to the point of commencement.

**Streaky Bay—Blanche Port**

The waters of or near Streaky Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 32°30'16.97" South, 133°59'23.91" East, then beginning north-easterly following the line of Mean High Water Springs to the location closest to 32°43'23.22" South, 134°03'39.17" East, then north-westerly to the point of commencement.

**Baird Bay West Coast**

The waters of Baird Bay north of the geodesic from the location on Mean High Water Springs closest to 33°10'33.74" South, 134°22'11.35" East to the location on Mean High Water Springs closest to 33°11'26.08" South, 134°21'04.65" East.



**Waterloo Bay**

The waters of or near Waterloo Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 33°38'38.41" South, 134°51'40.08" East (Salmon Point), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 33°39'09.14" South, 134°52'42.26" East (Wellington Point), then north westerly to the point of commencement

**Venus Bay (West Coast)**

The waters of or near Venus Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 33°09'38.83" South, 134°39'43.29" East, then beginning easterly following the line of Mean High Water Springs to the location closest to 33°13'19.57" South, 134°38'24.52" East, then north easterly to the point of commencement.

**Coffin Bay**

The waters of or near Coffin Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 34°25'44.84" South, 135°12'22.73" East (Point Sir Isaac), then easterly to the location on Mean High Water Springs closest to 34°25'06.25" South, 135°21'31.65" East (Frenchman Bluff), then beginning southerly following the line of Mean High Water Springs to the point of commencement.

**Port Lincoln**

The waters of or near Port Lincoln contained within and bounded by a line commencing at Mean High Water Springs closest to 34°32'37.85" South, 136°05'20.69" East (Point Bolingbroke), then south-westerly to the location on Mean High Water Springs closest to 34°43'31.35" South, 135°59'43.07" East (Cape Donington), then beginning westerly following the line of Mean High Water Springs to the point of commencement.

**Tod River**

The waters near Tod River contained within and bounded by a line at a radius of 200 m from the intersection of the outlet of the Tod River and Mean High Water Springs at the location closest to 34°35'31.19" South, 135°54'08.32" East, together with the waters of the Tod River.

**Tumby Bay**

The waters of or near Tumby Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 34°21'23.30" South, 136°06'53.04" East, then south-easterly to the location on Mean High Water Springs (Tumby Island) closest to 34°24'27.09" South, 136°08'32.13" East, then beginning westerly following the line of Mean High Water Springs to the location closest to 34°24'44.25" South, 136°08'26.07" East, then north-westerly to the location on Mean High Water Springs closest to 34°24'28.47" South, 136°07'45.86" East, then beginning easterly following the line of Mean High Water Springs to the point of commencement.

The waters of or near Tumby Bay contained within and bounded by a line at a radius of 500 m from the mouth of Second Creek near 34°25'25.76" South, 136°06'24.22" East.

**Port Neill**

The waters near Port Neill contained within and bounded by a line commencing at Mean High Water Springs closest to 34°06'17.69" South, 136°21'02.71" East, then south-easterly to the location on Mean High Water Springs closest to 34°07'16.48" South, 136°21'22.78" East (Cape Burr), then beginning north-westerly following the line of Mean High Water Springs to the point of commencement.

**Arno Bay**

The waters of or near Arno Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 33°54'55.27" South, 136°34'37.07" East, then southerly to the location on Mean High Water Springs closest to 33°55'54.77" South, 136°34'41.90" East (Cape Driver), then beginning north-westerly following the line of Mean High Water Springs to the point of commencement.

**Cowell: Franklin Harbour**

The waters of or near Franklin Harbor contained within and bounded by a line commencing at Mean High Water Springs closest to 33°43'33.93" South, 136°59'24.61" East (Victoria Point), then south-westerly to the location on Mean High Water Springs closest to 33°44'30.71" South, 136°58'09.97" East (Germein Point), then beginning northerly following the line of Mean High Water Springs to the point of commencement.

**Germein Bay**

The waters of or near Germein Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 32°59'51.51" South, 137°57'19.78" East (Ward Point), then beginning south-easterly following the line of Mean High Water Springs to the location closest to 33°09'39.78" South, 137°56'30.51" East, then northerly to 33°06'50.44" South, 137°56'24.86" East (marine navigation mark 4410/703), then north-westerly to 33°02'41.90" South, 137°49'33.09" East (marine navigation mark 4410/100), then north-easterly to the point of commencement.

**Port Broughton—Fisherman Bay**

The waters of or near Fisherman Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 33°32'57.56" South, 137°56'27.59" East, then beginning south-easterly following the line of Mean High Water Springs to the location closest to 33°35'40.46" South, 137°55'20.82" East, then northerly to the location on Mean High Water Springs closest to 33°33'27.77" South, 137°55'24.65" East (Shag Island), then north-easterly to the point of commencement.

**Port Victoria**

The waters of or near Port Victoria greater than 5 m in depth and contained within and bounded by a line commencing at Mean High Water Springs closest to 34°23'51.80" South, 137°26'48.28" East (Reef Point), then beginning south-westerly following the line of Mean High Water Springs to the location closest to 34°30'32.13" South, 137°28'26.40" East (Point Gawler), then north-westerly to the location on Mean High Water Springs closest to 34°29'09.20" South, 137°25'26.11" East (Rocky Island), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 34°29'09.10" South, 137°25'25.85" East (Rocky Island), then north-westerly to the location on Mean High Water Springs closest to 34°27'26.21" South, 137°21'56.29" East (Goose Island), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 34°27'17.30" South, 137°21'50.51" East (Goose Island), then north-easterly to the location on Mean High Water Springs closest to 34°27'12.96" South, 137°21'56.82" East (Little Goose Island), then beginning south-easterly following the line of Mean High Water Springs to the location closest to 34°27'11.22" South, 137°21'59.32" East (Little Goose Island), then north-easterly to the point of commencement.

**Pondalowie Bay**

The waters of or near Pondalowie Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 35°11'25.53" South, 136°50'46.19" East (Royston Head), then generally southerly following the line of Mean High Water Springs to the location closest to 35°13'57.74" South, 136°49'52.47" East, then northerly to the location on Mean High Water Springs (South Island) closest to 35°13'54.60" South, 136°49'52.74" East, then generally north-easterly following the line of Mean High Water Springs (South Island) to the location closest to 35°13'48.01" South, 136°49'59.86" East, then north-easterly to the location on Mean High Water Springs (Middle Island) closest to 35°12'57.07" South, 136°50'07.18" East, then north-easterly to the location on Mean High Water Springs (Royston Island) closest to 35°11'48.70" South, 136°50'25.95" East, then north-easterly to the point of commencement.

**Wedge Island**

The waters near Wedge Island contained within and bounded by a line commencing at Mean High Water Springs closest to 35°07'02.10" South, 136°27'49.91" East (North Island), then beginning southerly following the line of Mean High Water Springs (North Island) to the location closest to 35°07'15.69" South, 136°28'43.69" East, then south-easterly to the location on Mean High Water Springs (Wedge Island) closest to 35°09'40.27" South, 136°29'38.68" East, then beginning north-westerly following the line of Mean High Water Springs (Wedge Island) to the location closest to 35°08'04.24" South, 136°27'05.19" East, then north-easterly to the point of commencement.

The waters near Wedge Island contained within and bounded by a line commencing at Mean High Water Springs closest to 35°08'04.24" South, 136°27'05.19" East (Wedge Island), then beginning south-easterly following the line of Mean High Water Springs (Wedge Island) to the location closest to 35°08'54.21" South, 136°26'30.33" East, then north-easterly to the point of commencement.

**Brown's Beach—Yorke Peninsula**

The waters of or near Browns Beach contained within and bounded by a line commencing at Mean High Water Springs closest to 35°09'39.08" South, 136°53'38.16" East, then beginning south-easterly following the line of Mean High Water Springs to the location closest to 35°11'05.05" South, 136°53'02.46" East, then north-easterly to the point of commencement.

**Stansbury**

The waters of or near Oyster Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 34°54'06.55" South, 137°47'47.65" East, then north-easterly to a point 200 m north of the Stansbury jetty near 34°54'00.03" South, 137°47'58.18" East, then south-easterly to the location on Mean High Water Springs closest to 34°54'42.50" South, 137°48'19.63" East (Oyster Point), then beginning westerly following the line of Mean High Water Springs to the point of commencement.

**Coobowie**

The waters of or near Salt Creek Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 35°02'38.21" South, 137°45'00.39<sup>2</sup> East (Hickies Point), then south-westerly to the end of the old Coobowie jetty structure (as defined by a "H" shaped pylon) near 35°02'46.38" South, 137°44'20.80" East, then south-westerly to the intersection of the causeway and Mean High Water Springs at the location closest to 35°03'15.22" South, 137°43'40.37" East, then generally easterly following the line of Mean High Water Springs to the point of commencement.

**Edithburgh**

The waters of or near Sultana Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 35°06'10.31" South, 137°44'36.48" East, then south-easterly to the location on Mean High Water Springs closest to 35°06'43.01" South, 137°45'32.80" East, then north-westerly following the line of Mean High Water Springs to the point of commencement.

The waters of or near Edithburgh greater than 5 m in depth and contained within and bounded by a line commencing at Mean High Water Springs closest to 35°02'40.94" South, 137°45'27.81" East, then south-easterly to the location on Mean High Water Springs closest to 35°07'04.65" South, 137°49'24.49" East (Troubridge Island), then southerly to 35°09'12.66" South, 137°49'16.98" East (marine navigation mark 4630/100), then north-westerly to the location on Mean High Water Springs closest to 35°06'43.01" South, 137°45'32.80" East, then beginning north-westerly following the line of Mean High Water Springs to the point of commencement.

**Price**

The waters near Price contained within and bounded by a line at a radius of 2040 m from marine navigation mark 4680/000 near 34°16'23.76" South, 138°01'21.91" East (Mangrove Point).

**Port Wakefield**

The waters of or near the Mouth of Wakefield River contained within and bounded by a line commencing at Mean High Water Springs closest to 34°11'14.63" South, 138°08'39.43" East, then beginning south-easterly following the line of Mean High Water Springs to the location closest to 34°11'26.74" South, 138°08'40.00" East (Port Wakefield wharf), then south-westerly to 34°11'30.24" South, 138°08'37.74" East (marine navigation beacon 4710/811), then south-westerly to 34°11'34.38" South, 138°08'35.76" East (marine navigation beacon 4710/809), then south-westerly to 34°11'38.58" South, 138°08'32.16" East (marine navigation beacon 4710/804), then south-westerly to 34°11'43.32" South, 138°08'28.38" East (marine navigation beacon 4710/807), then north-westerly to 34°11'39.76" South, 138°08'21.24" East, then north-easterly to the location on Mean High Water Springs closest to 34°11'18.86" South, 138°08'37.36" East, then generally north-easterly following the line of Mean High Water Springs to the location closest to 34°11'16.63" South, 138°08'37.94" East, then north-easterly to the point of commencement.

**Port Adelaide River**

The waters of or near Outer Harbor and the Port Adelaide River contained within and bounded by a line commencing at the location closest to 34°44'03.57" South, 138°27'55.27" East (Black Pole, marine navigation mark 3193/000), then south-easterly to 34°45'08.08" South, 138°30'57.74" East (marine navigation mark 3193/001), then south-westerly contiguous with the northern extremity of the mangroves to the location closest to 34°45'25.78" South, 138°30'33.12" East (Point Grey), then generally south-easterly contiguous with the western extremity of the mangroves to the location on Mean High Water Springs closest to 34°46'13.68" South, 138°31'21.37" East, then beginning south-westerly following the line of Mean High Water Springs to the intersection of Mean High Water Springs with the Grand Trunkway Road Bridge near 34°48'32.52" South, 138°31'25.04" East, then southerly following the Grand Trunkway Road Bridge to the location on Mean High Water Springs closest to 34°48'45.14" South, 138°31'31.04" East, then beginning westerly following the line of Mean High Water Springs to the intersection of the southernmost Outer Harbor breakwater with Mean High Water Springs near 34°46'59.03" South, 138°28'40.48" East, then south-westerly following the breakwater to its seaward end near 34°47'19.97" South, 138°28'00.71" East, then north-easterly to the seaward end of the northernmost Outer Harbor breakwater near 34°47'02.51" South, 138°28'12.11" East, then generally north-easterly following the breakwater to the location on Mean High Water Springs closest to 34°45'56.18" South, 138°28'57.03" East, then north-westerly following the line of Mean High Water Springs to the location closest to 34°45'55.98" South, 138°28'56.69" East, then north-westerly to the point of commencement.

**Outer Harbour to Aldinga**

The waters of Gulf St. Vincent contained within and bounded by a line commencing at the intersection of the southernmost breakwater at Outer Harbor with Mean High Water Springs closest to 34°46'59.03" South, 138°28'40.48" East, then beginning south-easterly following the line of Mean High Water Springs to the location closest to 35°17'00.75" South, 138°26'33.51" East, then north-westerly following the southern boundary of the Aldinga Reef Aquatic Reserve to a line 600 m seaward of Mean High Water Springs closest to 35°17'00.76" South, 138°26'09.77" East, then beginning north-easterly following a line 600 m seaward of Mean High Water Springs to the southernmost breakwater at Outer Harbor closest to 34°47'10.42" South, 138°28'21.35" East, then north-easterly following the breakwater to the point of commencement.

**Patawalonga Lake**

The waters of the Patawalonga Lake together with the waters of Holdfast Bay contained within and bounded by a line at a radius of 500 m from the intersection of the northernmost part of the sluice gates at the mouth of the Patawalonga Lake with Mean High Water Springs at the location closest to 34°58'29.32" South, 138°30'42.40" East.

**Kangaroo Island—Kingscote Spit**

The waters of or near Kingscote Harbor contained within and bounded by a line commencing at Mean High Water Springs closest to 35°33'55.75" South, 137°38'02.97" East (Point Marsden), then south-easterly to 35°38'34.01" South, 137°42'17.06" East, then south-westerly to 35°40'21.65" South, 137°40'56.46" East, then north-westerly to the intersection of the Kingscote jetty with Mean High Water Springs near 35°39'18.34" South, 137°38'36.55" East, then beginning north-easterly following the line of Mean High Water Springs to the location closest to 35°38'09.97" South, 137°37'01.34" East (The Bluff), then north-easterly to the location on Mean High Water Springs closest to 35°35'49.88" South, 137°37'35.55" East (Cape Rouge), then generally north-easterly following the line of Mean High Water Springs to the point of commencement.

**American River—Eastern Cove**

The waters of or near Ballast Head Harbor and American River contained within and bounded by a line commencing at Mean High Water Springs closest to 35°46'07.70" South, 137°47'10.53" East, then easterly to the location on Mean High Water Springs closest to 35°45'56.37" South, 137°52'53.45" East, then beginning south-westerly following the line of Mean High Water Springs to the location closest to 35°47'52.88" South, 137°45'46.07" East (Picnic Point), then north-westerly to the location on Mean High Water Springs closest to 35°47'33.30" South, 137°45'28.61" East, then beginning northerly following the line of Mean High Water Springs to the point of commencement.

**Parson's Beach—Fleurieu Peninsula**

The waters of or near Parsons Beach contained within and bounded by a line commencing at Mean High Water Springs closest to 35°37'55.46" South, 138°27'29.14" East, then beginning north-easterly following the line of Mean High Water Springs to the location closest to 35°38'02.25" South, 138°28'30.11" East, then westerly to the point of commencement.

**Waitpinga Beach—Fleurieu Peninsula**

The waters of or near Waitpinga Beach contained within and bounded by a line commencing at Mean High Water Springs closest to 35°38'04.11" South, 138°28'46.83" East, then beginning north-easterly following the line of Mean High Water Springs to the location closest to 35°38'33.82" South, 138°31'20.77" East, then north-westerly to the point of commencement.

**Encounter Bay**

The waters of or near Encounter Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 35°32'38.42" South, 138°37'51.83" East, then south-easterly to 35°33'45.62" South, 138°38'18.12" East (end of breakwater on Granite Island), then south-westerly to the location on Mean High Water Springs closest to 35°35'31.46" South, 138°36'21.21" East, then beginning northerly following the line of Mean High Water Springs to the point of commencement.

**Murray Mouth**

The Coorong and coastal waters that are within 500 m of a line joining the locations on Mean High Water Springs closest to 35°33'18.69" South, 138°52'45.87" East (northern side of the headland of Sir Richard Peninsula) and 35°33'21.95" South, 138°52'53.34" East (northern side of the headland of Younghusband Peninsula).

**Guichen Bay, Robe**

The waters of or near Guichen Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 37°09'21.43" South, 139°44'51.14" East, then south-easterly to the location on Mean High Water Springs closest to 37°09'49.64" South, 139°46'55.37" East, then beginning south-westerly following the line of Mean High Water Springs to the point of commencement.

**Robe Lakes**

The inland waters within the Hundred of Waterhouse.

**Rivoli Bay, Beachport**

The waters of or near Rivoli Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 37°28'28.77" South, 140°02'06.55" East, then south-westerly to the location on Mean High Water Springs closest to 37°28'54.50" South, 140°00'54.31" East (approximate intersection of Beachport jetty and Mean High Water Springs), then generally north-easterly following the line of Mean High Water Springs to the location closest to 37°28'37.59" South, 140°01'10.27" East (Lake George Outlet Drain), then generally north-westerly following the Lake George Outlet Drain to the location on Mean High Water Springs closest to 37°28'25.80" South, 140°00'58.93" East, then easterly across the Lake George Outlet Drain to the location closest to 37°28'25.67" South, 140°01'00.67" East (Lake George Outlet Drain), then generally south-easterly following the Lake George Outlet Drain to the location on Mean High Water Springs closest to 37°28'36.67" South, 140°01'11.84" East, then generally north-easterly following the line of Mean High Water Springs to the point of commencement.

**Admella Dunes**

The waters of or near The Admella Dunes contained within and bounded by a line commencing at Mean High Water Springs closest to 37°52'00.03" South, 140°21'44.14" East, then generally south-easterly following the line of Mean High Water Springs to the location closest to 37°53'55.30" South, 140°22'31.76" East then south-westerly to a line 300 m seaward of Mean High Water Springs closest to 37°53'57.34" South, 140°22'19.64" East, then generally north-westerly following a line 300 m seaward of Mean High Water Springs to the location closest to 37°51'59.98" South, 140°21'31.86" East, then easterly to the point of commencement.

**Brown Bay**

The waters of or near Brown Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 38°03'01.21" South, 140°52'20.75" East (Green Point), then southerly to a line 300 m seaward of Mean High Water Springs closest to 38°03'12.23" South, 140°52'20.73" East, then beginning north-westerly following a line 300 m seaward of Mean High Water Springs to the location closest to 38°03'04.96" South, 140°48'26.66" East, then northerly to the location on Mean High Water Springs closest to 38°02'55.24" South, 140°48'26.69" East (Danger Point), then beginning easterly following the line of Mean High Water Springs to the point of commencement.

**Cooper Creek**

The waters of Cooper Creek, its anabranches and lakes.

**Other waters**

All the inland waters of the State other than the inland waters specified in these regulations and the waters of the River Murray, the Coorong, Lakes Albert and Alexandrina and Lake George.

**Jetties, Piers and Wharves**

The waters within—

- (a) a distance of 500 m from any portion of the jetty at Brighton, Glenelg, Henley Beach, Grange, Semaphore or Largs Bay; and
- (b) a distance of 100 m of any pier, wharf or other jetty.

**Salmon Hole—Beachport**

The waters of or near Salmon Hole contained within and bounded by a line commencing at Mean High Water Springs closest to 37°29'07.45" South, 139°59'39.11" East, then beginning north-easterly following the line of Mean High Water Springs to the location closest to 37°29'00.98" South, 139°59'44.87" East, then north-easterly to the location on Mean High Water Springs closest to 37°28'59.29" South, 139°59'47.71" East, then beginning south-easterly following the line of Mean High Water Springs to the location closest to 37°29'32.98" South, 140°00'41.14" East (Cape Martin lighthouse), then southerly to the location on Mean High Water Springs closest to 37°29'36.74" South, 140°00'40.78" East (Penguin Island), then beginning south-westerly following the line of Mean High Water Springs to the location closest to 37°29'45.80" South, 140°00'36.43" East (Cape Martin), then north-westerly to the point of commencement.

**Part 2—Areas in which use of gill nets, purse seine nets or other hauling nets is prohibited****West Coast**

The waters and bays of the West Coast contained within and bounded by a line commencing at 33°00'00.00" South, 134°00'00.00" East, then easterly to the location on Mean High Water Springs closest to 33°00'00.00" South, 134°12'12.56" East, then beginning south-westerly following the line of Mean High Water Springs to the location closest to 33°43'35.58" South, 135°00'00.00" East, then southerly to 33°50'00.00" South, 135°00'00.00" East, then north-westerly to the point of commencement.

**Tumby Bay to Dutton Bay**

The waters of or near Tumby Bay and Dutton Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 33°59'29.52" South, 136°30'00.00" East, then southerly to 34°05'00.00" South, 136°30'00.00" East, then south-westerly to 34°30'00.00" South, 136°10'00.00" East, then westerly to the location on Mean High Water Springs closest to 34°30'00.00" South, 136°06'47.28" East, then beginning generally northerly following the line of Mean High Water Springs to the point of commencement.

**Yorke Peninsula**

The waters of or near Spencer Gulf, Investigator Strait and Gulf St. Vincent contained within and bounded by a line commencing at Mean High Water Springs closest to 34°30'00.00" South, 137°53'33.98" East (Rogues Point), then easterly to 34°30'15.00" South, 138°00'00.00" East, then southerly to 35°00'00.00" South, 138°00'00.00" East, then south-westerly to 35°15'00.00" South, 137°45'00.00" East, then south-westerly to 35°25'00.00" South, 136°45'00.00" East, then northerly to 34°45'00.00" South, 136°45'00.00" East, then easterly to 34°45'00.00" South, 137°15'00.00" East, then northerly to 34°00'00.00" South, 137°15'00.00" East, then easterly to the location on Mean High Water Springs closest to 34°00'00.00" South, 137°32'04.12" East (Warburton Point), then beginning south-westerly following the line of Mean High Water Springs to point of commencement.

**Schedule 8—Classes of aquatic resources prescribed for purposes of section 77(2) of Act**

(Regulation 9)

**Annelids**

Beach Worm (Class POLYCHAETA)

Blood Worm (Class POLYCHAETA)

Tube Worm (Class POLYCHAETA)

**Coelenterata**

Jellyfish

**Crustaceans**

Bug (*Ibacus & Thenus* spp)

Blue Swimmer Crab (*Portunus pelagicus*)

Giant Crab (*Psuedocarcinus gigas*)

Sand Crab (*Ovalipes* spp)

Velvet Crab (*Nectocarcinus tuperculosus*)

Freshwater Prawn (*Macrobrachium australiensis*)

King Prawn (*Penaeus latisulcatus*)

Southern Rocklobster (*Jasus edwardsii*)

Yabby (*Cherax* spp)

**Echinoderms**

Sea Urchin (*Heliocidaris erythrogramma*)



**Molluscs**

Abalone of the species *Haliotis laevis*, *Haliotis rubra* and *Haliotis roei*

Air Breathing Limpet (Family Siphonariidae)

Cowrie (Family Cypraeidae)

Allied Cowrie (*Triviida*)

Bean Cowrie (*Triviida*)

Black Cowrie (*Zoila friendii thersites*)

Southern Calamari (*Sepioteuthis australis*)

Cardita (Family Carditidae)

Chiton (Family Chitonidae)

Cockle (*Anadara* & *Katelysia* spp)

Pipi (*Donax* spp)

Heart Cockle (Family Cardiidae)

Mactra Cockle (Family Mactridae)

Venus Cockle (Family Veneridae)

Cuttlefish (*Sepia* spp.)

Eulima (Family Eulimidae)

Fingernail (Family Solenidae)

Jackknife (Family Solenidae)

Ladder (Family Epitoniidae)

Limpet (Family Patellidae)

Keyhole Limpet and Shield (Family Fissurellidae)

Mussel (*Mytilus* spp.)

Octopus (Family Octopodidae)

Oyster (Family Ostidae)

Thorny Oyster (*Spondylidae* spp)

Black Crow Periwinkle (Family Neritidae)

Razorfish (*Pinna bicolor*)

Scallop (Family Pectinidae)

Cone Shell (Family Conidae)

Dove Shell (Family Calumbellidae)

Harp Shell (Family Harpidae)

Helmet Shell (Family Cassidae)

Margin Shell (Family Marginellidae)

Mitre Shell (Family Mitridae)

Moon Shell (Family Naticidae)

Murex, droop, purple/rock shell (Family Muricidae)

Nutmeg Shell (Family Cancellaridae)

Olive Shell (Family Olividae)

Painted Lady (Family Phasianellidae)  
Pheasant Shell (Family Phasianellidae)  
Ring Mouth Shell (Family Liotiidae)  
Spindle Shell (Family Faxialariidae)  
Sunset Shell or Tellin (Family Tellinidae)  
Thai, Droop (Family Thaididae)  
Gould's Squid (*Nototodarus gouldi*)  
Triton (Family Cymatiidae)  
Trochus (Family Trochidae)  
Top Shell (Family Trochidae)  
Weed Shell (Family Trochidae)  
Star Shell (Family Turbinidae)  
Turban (Family Turbinidae)  
Turbo Shell (*Turbo torquatus* and *Turbo undulatus*)  
Turid (Family Turridae)  
Chank Shell Vase (Family Vasidae)  
Baler Volute (Family Volutidae)  
Watering Pot Shell (Family Clavagellidae)  
Welk (Family Buccinidae)  
Dog Welk (Family Nassaridae)

#### **Scalefish**

Scalefish (Class TELEOSTOMI)

#### **Sharks**

Shark (Class ELASMOBRANCHII)

## **Schedule 9—Areas in which explosive devices must not be carried while diving**

(Regulation 14)

- 1 The waters of the River Murray and all other fresh water streams of the State, and the area of land within 100 m of those waters.
- 2 The waters near Hindmarsh River contained within and bounded by a line at a radius of 200 m from the intersection of the outlet of the Hindmarsh River and Mean High Water Springs at the location closest to 35°32'36.97" South, 138°37'53.56" East, together with the waters of the Hindmarsh River.
- 3 The waters near Inman River contained within and bounded by a line at a radius of 200 m from the intersection of the outlet of the Inman river and Mean High Water Springs at the location closest to 35°33'42.43" South, 138°36'46.35" East, together with the waters of the Inman River.

- 4 The waters of Gulf St. Vincent contained within and bounded by a line commencing at the intersection of the southernmost breakwater at Outer Harbor with Mean High Water Springs at the location closest to 34°46'59.00" South, 138°28'40.45" East, then beginning south-easterly following the line of Mean High Water Springs to the location closest to 35°07'52.63" South, 138°28'11.09" East, then south-westerly, following the boundary of the Port Noarlunga Reef Aquatic Reserve, to a line 600 m seaward of Mean High Water Springs closest to 35°07'56.15" South, 138°27'47.30" East, then beginning northerly following a line 600 m seaward of Mean High Water Springs to the southernmost breakwater at Outer Harbor closest to 34°47'10.42" South, 138°28'21.35" East, then north-easterly following the breakwater to the point of commencement.
- 5 The waters and adjacent foreshore areas within a distance of 100 m from any part of any jetty, landing or wharf which is not within any of the areas defined in clauses 1, 2 or 4 of this Schedule.
- 6 The waters known as West Lakes and foreshore areas (including reserves for public use) adjacent to those waters.
- 7 The waters of or near Boat Harbor, Second Valley, contained within and bounded by a line commencing at Mean High Water Springs closest to 35°30'34.72" South, 138°12'54.84" East, then south-easterly to the location on Mean High Water Springs closest to 35°30'38.38" South, 138°13'11.30" East, then beginning south-westerly following the line of Mean High Water Springs to the point of commencement.

## Schedule 10—Expiation fees

(Regulation 30)

Clause of Schedule 6	Description of prescribed fishing activity constituting offence	Expiation fee
<b>Part 1—Fishing activities not to be engaged in by licensed persons</b>		
1	<i>Taking fish in Coorong (area 1), Coorong (area 2) or Coorong coastal waters by using net other than small or large mesh monofilament net or small or large multifilament hauling net (commercial)</i>	\$100
2	<i>Taking fish in Coorong (area 1) or Coorong (area 2) using large mesh monofilament net other than as set net (commercial)</i>	\$100
3	<i>Taking fish in Coorong (area 1) using certain net during closed season (commercial)</i>	\$200
4	<i>Taking fish in coastal waters using hauling net during certain holiday periods (commercial)</i>	\$100
5	<i>Taking fish in certain coastal waters using swinger net (commercial)</i>	\$100
6	<i>Taking fish in River Murray proper using certain device (commercial)</i>	\$100
7	<i>Taking fish for purpose of bait using fish net other than bait net (commercial)</i>	\$300
8	<i>Taking Scallop using scallop dredge (commercial)</i>	\$200
9(1)	<i>Taking certain fish in Lakes and Coorong using more than permitted number of certain nets at same time (commercial)</i>	\$100
10	<i>Taking fish using drum net of unlawful specifications (commercial)</i>	\$50
11	<i>Taking fish in coastal waters using gill net or mesh net of unlawful specifications (commercial)</i>	\$200

<b>Clause of Schedule 6</b>	<b>Description of prescribed fishing activity constituting offence</b>	<b>Expiation fee</b>
12(a)	<i>Taking fish in Coorong (area 1), Coorong (area 2) or Coorong coastal waters using small mesh monofilament net of unlawful specifications as set net (commercial)</i>	\$100
12(b)	<i>Taking fish in Coorong (area 1), Coorong (area 2) or Coorong coastal waters using small mesh monofilament net otherwise than as set net in certain circumstances (commercial)</i>	\$100
13	<i>Taking fish in Coorong (area 1), Coorong (area 2) or Coorong coastal waters using large multifilament mesh net of unlawful specifications (commercial)</i>	\$100
14	<i>Taking fish in Coorong coastal waters using large mesh monofilament net of unlawful specifications other than as set net (commercial)</i>	\$100
15	<i>Taking fish in Coorong (area 1), Coorong (area 2) or Coorong coastal waters using multifilament hauling net of unlawful specifications (commercial)</i>	\$100
16(1)	<i>Taking prawn in coastal waters using prawn trawl net of unlawful specifications (commercial)</i>	\$200
17	<i>Taking Blue Swimmer Crab using crab net of unlawful specifications (commercial)</i>	\$100
18(1)	<i>Taking Southern Rocklobster in Northern Zone using rock lobster pot of unlawful specifications (commercial)</i>	\$100
19	<i>Taking Southern Rocklobster in Southern Zone using rock lobster pot of unlawful specifications (commercial)</i>	\$50
20	<i>Taking Ocean Jacket in waters deeper than 60 m using fish trap of unlawful specifications (commercial)</i>	\$50
21	<i>Taking fish using fish trap of unlawful specifications (commercial)</i>	\$50
22	<i>Taking fish using certain device without buoy (commercial)</i>	\$50
23	<i>Taking fish using certain device without tag (commercial)</i>	\$50
24	Taking razorfish ( <i>bag limit</i> ) ( <i>commercial</i> )—exceeding daily limit: <ul style="list-style-type: none"> <li>• by up to 20 razorfish</li> <li>• by more than 20 but not more than 40 razorfish</li> <li>• by more than 40 razorfish</li> </ul>	\$50 \$100 \$200
28	<i>Taking fish using unattended long line (commercial)</i>	\$100
29	<i>Taking fish using set line with more than permitted number of hooks (commercial)</i>	\$200
30	<i>Taking certain fish in River Murray (commercial)</i>	\$100
31	<i>Taking Blue Swimmer Crab in certain Spencer Gulf waters (commercial)</i>	\$300
32	<i>Taking Blue Swimmer Crab in certain other waters (commercial)</i>	\$300
33	<i>Taking Sand Crab using sand crab pot in certain waters (commercial)</i>	\$300
34	<i>Taking Cockle in certain waters (commercial)</i>	\$100
35	<i>Taking Blue Crab in certain waters during closed season (commercial)</i>	\$200
36	<i>Taking fish in River Murray using certain device without buoy or tag (commercial)</i>	\$50
37	<i>Taking fish in Lakes and Coorong by electrofishing (commercial)</i>	\$100

Clause of Schedule 6	Description of prescribed fishing activity constituting offence	Expiation fee
<b>Part 2—Fishing activities not to be engaged in by unlicensed persons</b>		
38	<i>Taking of fish in coastal waters using fish net or long line (recreational)</i>	\$100
39	<i>Taking fish using fish net in River Murray proper (recreational)</i>	\$100
40	<i>Taking fish in Coorong (area 1) using fish net during certain period (recreational)</i>	\$100
41	<i>Taking fish using fish trap (recreational)</i>	\$100
42	<i>Taking fish in coastal waters using more than permitted number of certain devices (recreational)</i>	\$100
43	<i>Taking fish in River Murray proper using more than permitted number of certain devices (recreational)</i>	\$100
44	<i>Taking fish in Coorong (area 1) using more than permitted number of certain devices during certain period (recreational)</i>	\$100
45	<i>Taking fish in Coorong (area 2) using more than permitted number of certain devices (recreational)</i>	\$100
46	<i>Taking fish in Lakes Albert and Alexandrina using more than permitted number of certain devices (recreational)</i>	\$100
47	<i>Taking fish in Lake George using more than permitted number of certain devices (recreational)</i>	\$100
48	<i>Taking fish in Coorong (area 1) during certain period using mesh net of unlawful specifications (recreational)</i>	\$100
49	<i>Taking fish in Coorong (area 2) using mesh net of unlawful specifications (recreational)</i>	\$100
50	<i>Taking fish in Lakes Albert and Alexandrina using mesh net of unlawful specifications (recreational)</i>	\$100
51	<i>Taking fish in Lake George using mesh net of unlawful specifications (recreational)</i>	\$100
52	<i>Taking crabs using crab net or hand net of unlawful specifications (recreational)</i>	\$100
53	<i>Taking Southern Rocklobster in Northern Zone or Southern Zone using rock lobster pot of unlawful specifications (recreational)</i>	\$50
54	<i>Taking fish using device without tag (recreational)</i>	\$50
55	<i>Taking fish using mesh net without tag (recreational)</i>	\$50
56	<i>Taking fish using drop net without buoy or tag (recreational)</i>	\$50
57	<i>Taking fish using hoop net without buoy or tag (recreational)</i>	\$50
58	<i>Taking fish using rock lobster pot without buoy or tag (recreational)</i>	\$50
59	<i>Taking fish using shrimp trap or yabby pot without buoy or tag (recreational)</i>	\$50
60	<i>Taking fish using device with tag bearing registration information relating to device registered for commercial fishing (recreational)</i>	?
61	Taking fish ( <i>recreational non-charter boat fishing bag or boat limit</i> )— exceeding limit:	
	• by up to 10 fish	\$50
	• by more than 10 but not more than 20 fish	\$100
	• by more than 20 fish	\$200

Clause of Schedule 6	Description of prescribed fishing activity constituting offence	Expiation fee
62	Taking rock lobster ( <i>recreational non-charter boat fishing bag or boat limit</i> ) in the Northern Zone or Southern Zone—exceeding limit	\$300
62	Taking abalone ( <i>recreational non-charter boat fishing bag or boat limit</i> )—exceeding limit:	
	• by up to 5 abalone	\$50
	• by more than 5 but not more than 10 abalone	\$100
	• by more than 10 abalone	\$200
62	Taking Murray Cod ( <i>recreational non-charter boat fishing bag or boat limit</i> )—exceeding limit:	
	• by up to 5 Murray Cod	\$100
	• by more than 5 Murray Cod	\$200
63	Taking South-east Crayfish ( <i>recreational bag limit</i> )—exceeding limit:	
	• by up to 5 crayfish	\$100
	• by more than 5 crayfish	\$200
63	Taking Yabby ( <i>recreational bag limit</i> )—exceeding limit	\$300
63	Taking Cockle ( <i>recreational bag limit</i> )—exceeding limit:	
	• by up to 50 cockles	\$50
	• by more than 50 but not more than 100 cockles	\$100
	• by more than 100 cockles	\$200
63	Taking Black Cowrie ( <i>recreational bag limit</i> )—exceeding limit:	
	• by up to 5 Black Cowrie	\$200
	• by more than 5 Black Cowrie	\$300
63	Taking Pipi ( <i>recreational bag limit</i> )—exceeding limit:	
	• by up to 100 Pipi	\$50
	• by more than 100 but not more than 200 Pipi	\$100
	• by more than 200 Pipi	\$200
63	Taking Mulloway ( <i>recreational bag limit</i> )—exceeding limit:	
	• by up to 10 Mulloway	\$50
	• by more than 10 but not more than 20 Mulloway	\$100
	• by more than 20 Mulloway	\$200
64	Taking fish ( <i>recreational charter boat fishing boat or trip limit</i> )—exceeding limit:	
	• by up to 10 fish	\$50
	• by more than 10 but not more than 20 fish	\$100
	• by more than 20 fish	\$200
65	Taking fish ( <i>recreational charter boat fishing boat or trip limit</i> )—exceeding limit:	
	• by up to 10 fish	\$50
	• by more than 10 but not more than 20 fish	\$100
	• by more than 20 fish	\$200

<b>Clause of Schedule 6</b>	<b>Description of prescribed fishing activity constituting offence</b>	<b>Expiation fee</b>
66	Taking rock lobster ( <i>recreational charter boat fishing bag or trip limit</i> )— exceeding limit:	
	• by up to 5 rock lobster	\$50
	• by more than 5 but not more than 10 rock lobster	\$100
	• by more than 10 rock lobster	\$200
66	Taking Abalone ( <i>recreational charter boat fishing bag or trip limit</i> )— exceeding limit:	
	• by up to 5 Abalone	\$50
	• by more than 5 but not more than 10 Abalone	\$100
	• by more than 10 Abalone	\$200
66	Taking Cockle ( <i>recreational charter boat fishing bag or trip limit</i> )— exceeding limit:	
	• by up to 100 Cockles	\$50
	• by more than 100 but not more than 200 Cockles	\$100
	• by more than 200 Cockles	\$200
66	Taking Pipi ( <i>recreational charter boat fishing bag or trip limit</i> )—exceeding limit:	
	• by up to 100 Pipi	\$50
	• by more than 100 but not more than 200 Pipi	\$100
	• by more than 200 Pipi	\$200
66	Taking King George Whiting ( <i>recreational charter boat fishing bag or trip limit</i> )—exceeding limit:	
	• by up to 10 Whiting	\$50
	• by more than 10 but not more than 20 Whiting	\$100
	• by more than 20 Whiting	\$200
67	Taking fish ( <i>recreational charter boat fishing bag, boat or trip limit</i> )— exceeding limit:	
	• by up to 10 fish	\$50
	• by more than 10 but not more than 20 fish	\$100
	• by more than 20 fish	\$200
68	<i>Taking fish in Coorong (area 1) during certain period using mesh net in unlawful manner or without attending net (recreational)</i>	\$100
69	<i>Taking fish in Coorong (area 2) using mesh net in unlawful manner or without attending net (recreational)</i>	\$100
70	<i>Taking fish in Lakes Albert and Alexandrina using mesh net in unlawful manner or without attending net (recreational)</i>	\$100
71	<i>Taking fish in Lake George at certain times of day using mesh net without attending net (recreational)</i>	
	<b>Part 3—Fishing activities not to be engaged in by any person</b>	
72	<i>Taking fish for non-commercial purpose using device other than permitted device etc</i>	\$100

<b>Clause of Schedule 6</b>	<b>Description of prescribed fishing activity constituting offence</b>	<b>Expiation fee</b>
73	<i>Taking fish for non-commercial purpose using mesh net or rock lobster pot not registered in user's name</i>	\$100
75	<i>Taking fish in Murray mouth using long line</i>	\$100
76	<i>Taking rock lobster using fish spear etc</i>	\$200
77	<i>Taking fish using more than permitted number of rod and lines or hand lines etc</i>	\$50
78	<i>Taking fish using more than permitted number of large mesh nets</i>	\$200
79	<i>Taking fish using more than permitted number of teaser lines from jetty etc</i>	\$50
80	<i>Taking fish in inland waters using yabby pot of unlawful specifications</i>	\$50
82	<i>Taking fish in Venus Bay using hauling net of unlawful specifications</i>	\$200
83	<i>Taking fish in coastal waters other than by power hauling method using hauling net or seine net of unlawful specifications</i>	\$200
84	<i>Taking fish by power hauling method using hauling net of unlawful specifications etc</i>	\$100
85	<i>Taking fish in certain Coorong waters using mesh net of unlawful specifications</i>	\$100
86	<i>Taking fish on week days in certain waters using mesh net of unlawful specifications</i>	\$100
87	<i>Taking fish in Lakes Albert and Alexandrina using mesh net of unlawful specifications</i>	\$100
88	<i>Taking fish using large mesh net of unlawful specifications</i>	\$200
89	<i>Taking Salmon using purse seine net of unlawful specifications</i>	\$200
90	<i>Taking fish using shrimp trap of unlawful specifications</i>	\$50
91	<i>Taking fish using mesh net or set line without buoys</i>	\$50
92	<i>Taking fish using fish net without buoys</i>	\$50
93	<i>Taking fish in Lakes Albert and Alexandrina, Murray mouth or Coorong using fish net within certain distance of another fish net</i>	\$50
95	<i>Taking fish in certain waters using device other than rod and line, hand line or hand net</i>	\$200
96(1)	<i>Taking of fish in certain inland waters</i>	\$200
98	<i>Taking fish in certain waters deeper than 5 m using fish net</i>	\$200
99	<i>Taking fish in certain waters of Spencer Gulf using fish net</i>	\$200
100	<i>Taking fish in certain waters of Coorong using fish net or set line</i>	\$100
101	<i>Taking fish in Murray mouth using long line</i>	\$100
102	<i>Taking fish in certain waters using mesh net as set net</i>	\$100
103	<i>Taking fish in certain waters of Coorong using mesh net as set net on weekend</i>	\$100
104	<i>Taking fish in certain waters of Coorong using hauling net on weekend</i>	\$100
105(1) or (2)	<i>Taking fish using certain device near artificial reef</i>	\$100
106	<i>Taking fish using large mesh net left in water more than 4 hours</i>	\$100
107	<i>Taking prawn by power hauling method</i>	\$200



<b>Clause of Schedule 6</b>	<b>Description of prescribed fishing activity constituting offence</b>	<b>Expiation fee</b>
108	<i>Taking fish in Gulf St. Vincent or Spencer Gulf using large mesh net shot out in straight line</i>	\$50
109	<i>Taking fish using fish net fixed etc across bay, inlet etc</i>	\$200
110	<i>Taking fish by fixing or placing stake, log etc across mouth of waters, channel etc so as to impair free passage of fish</i>	\$100
113	Taking rock lobster by diving ( <i>bag limit</i> )—exceeding limit: <ul style="list-style-type: none"> <li>• by up to 5 rock lobster</li> <li>• by more than 5 but not more than 10 rock lobster</li> <li>• by more than 10 rock lobster</li> </ul>	\$50 \$100 \$200
114	Taking undersize fish <ul style="list-style-type: none"> <li>• up to 10 fish</li> <li>• more than 10 fish</li> </ul>	\$50 \$100
116	<i>Taking molluscs in waters of West Lakes etc</i>	\$100
117	<i>Taking filter-feeding marine molluscan shellfish in certain waters of Port Adelaide River</i>	\$315
118	<i>Taking benthic marine organisms in certain waters</i>	\$300
120	<i>Taking rock lobster in certain waters</i>	\$200
121	<i>Taking fish near locks and weir of River Murray</i>	\$100
122	<i>Taking fish during closed season in certain waters—</i> <ul style="list-style-type: none"> <li>• taking rock lobster</li> <li>• taking Pipi</li> <li>• taking Bream</li> <li>• taking Murray Cod</li> </ul>	\$200 \$50 \$100 \$200
123	<i>Taking fish using 2mm or greater trace wire with size 12/0 fishing hooks</i>	\$100

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 29 November 2007

No 289 of 2007

MAFF07/019CS

South Australia

# Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2007

under the *Primary Industry Funding Schemes Act 1998*

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## Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
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- 5 Contributions to Fund
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- 8 Exclusion from benefits of person in default in relation to contributions
- 9 False or misleading statements

Schedule 1—Map showing Barossa

Schedule 2—Contributions

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### 1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2007*.

### 2—Commencement

These regulations come into operation on the day on which they are made.

### 3—Interpretation

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

*Act* means the *Primary Industry Funding Schemes Act 1998*;

*Barossa* means the geographical area in relation to which the geographical indication "Barossa" is in force under the *Australian Wine and Brandy Corporation Act 1980* of the Commonwealth at the commencement of these regulations (see Schedule 1);

*Barossa grapes* means any variety of grapes grown in the Barossa and used or intended to be used for wine;

*Barossa winemaker* means a person who carries on a business of making wine and who processes Barossa grapes for that purpose;

*default* in relation to contributions to the Fund—see subregulation (2);

*delivered*—see subregulation (3);

*Fund*—see regulation 4;

*prescribed grower rate*—see Schedule 2;

**prescribed period** means each of the following periods:

- (a) the day on which these regulations come into operation to 31 May 2008;
- (b) 1 June 2008 to 31 May 2009;
- (c) 1 June 2009 to 31 May 2010;
- (d) 1 June 2010 to 31 May 2011;
- (e) 1 June 2011 to 31 May 2012;

**prescribed winemaker rate**—see Schedule 2.

- (2) A person is in **default** in relation to contributions to the Fund if, within the immediately preceding 2 prescribed periods—
  - (a) all or some of the contributions payable to the Fund by the person have not been paid; or
  - (b) the person has been refunded contributions from the Fund.
- (3) For the purposes of these regulations—
  - (a) grapes will be taken to be **delivered** to a Barossa winemaker by a grower of Barossa grapes when the winemaker takes possession of the grapes; and
  - (b) if a Barossa winemaker processes Barossa grapes grown by the winemaker, grapes will be taken to be **delivered** to the winemaker when the winemaker places the grapes in a container for the purposes of commencing processing of the grapes (including placing the grapes in a container for fermentation or in preparation for crushing or pressing).

#### **4—Barossa Wine Industry Fund**

- (1) The Barossa Wine Industry Fund (the **Fund**) is established.
- (2) The Fund will be administered by the Minister.
- (3) The Fund consists of—
  - (a) contributions paid or collected in accordance with these regulations; and
  - (b) income of the Fund from investment; and
  - (c) any other sums received by the Minister for payment into the Fund.

#### **5—Contributions to Fund**

- (1) The following contributions are payable to the Minister for payment into the Fund for Barossa grapes delivered to a Barossa winemaker during a prescribed period:
  - (a) subject to paragraph (c), the winemaker must contribute the prescribed winemaker rate for each tonne of grapes delivered during the prescribed period (rounded down to the nearest tonne of grapes);
  - (b) if the grapes are grown by a person other than the winemaker, subject to paragraph (c), the grower of the grapes must contribute the prescribed grower rate for each tonne of grapes delivered during the prescribed period (rounded down to the nearest tonne of grapes);
  - (c) if the winemaker or grower of the grapes elects, by written notice given to the Minister not later than 30 June 2008, to pay a fixed contribution for each prescribed period—the winemaker or grower must contribute \$48 000 for the grapes delivered during the prescribed period.

- (2) The contributions are payable on or before the last day of the month that immediately follows the prescribed period.
- (3) If a grower of Barossa grapes has made an election under subregulation (1)(c), the grower must give notice of the election to each Barossa winemaker to whom the grower's grapes are sold.
- (4) Contributions payable by a grower of Barossa grapes who has not made an election under subregulation (1)(c) must be paid on behalf of the grower by the Barossa winemaker who purchases the grapes out of the amount payable by the winemaker to the grower for the grapes.
- (5) A Barossa winemaker must—
  - (a) keep proper records relating to the tonnage of Barossa grapes delivered to the winemaker, the growers of those grapes and the contributions required to be made (on the winemaker's own behalf and on behalf of growers) in respect of those grapes; and
  - (b) make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose.
- (6) A Barossa winemaker must, on or before the last day of the month that immediately follows a prescribed period—
  - (a) furnish the Minister with a financial statement relating to the contributions (on the winemaker's own behalf and on behalf of growers) for Barossa grapes delivered during that prescribed period that—
    - (i) is in the form, and contains the information, required by the Minister; and
    - (ii) is, if the person has the necessary equipment, in an electronic form acceptable to the Minister; and
  - (b) forward to the Minister, with the financial statement required by paragraph (a), the required contributions (on the winemaker's own behalf and on behalf of growers) for Barossa grapes delivered during the prescribed period to which the financial statement relates.

## **6—Refunds of contributions**

- (1) Refunds of contributions paid in respect of Barossa grapes delivered during a prescribed period may be claimed by notice in writing to the Minister within the 12 months following that prescribed period as follows:
  - (a) a grower of Barossa grapes may claim a refund in respect of contributions paid by the grower or by a Barossa winemaker on behalf of the grower;
  - (b) a Barossa winemaker may claim a refund in respect of contributions paid on the winemaker's own behalf.
- (2) A person claiming a refund under subregulation (1) must supply the Minister with evidence acceptable to the Minister of the contributions made by or on behalf of the claimant in respect of which the claim for refund is made.

- (3) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest on that amount calculated at the short term interest rate (as published by the Reserve Bank of Australia for the preceding financial year) on a monthly basis for the number of whole months in the period commencing on the date of payment of the contributions and ending on the date of the refund.

### **7—Application of Fund**

The Fund may be applied by the Minister for any of the following purposes:

- (a) payments to a body that, in the opinion of the Minister, represents both Barossa winemakers and growers of Barossa grapes for 1 or more of the following purposes:
- (i) the reasonable operating and management expenses of the body;
  - (ii) promoting the Barossa wine industry;
  - (iii) undertaking or facilitating research and development, or the collection and dissemination to Barossa winemakers and growers of Barossa grapes of information, relevant to the Barossa wine industry and, in particular, to the improvement of practices in the industry;
  - (iv) programs designed to encourage communication and cooperation between Barossa winemakers and growers of Barossa grapes;
  - (v) other purposes of the body;
- (b) payments for other purposes for the benefit of the Barossa wine industry;
- (c) payment of the expenses of administering the Fund;
- (d) repayment of contributions to the Fund under regulation 6.

### **8—Exclusion from benefits of person in default in relation to contributions**

A person who is in default in relation to contributions to the Fund is not entitled to receive direct benefits or services funded by payments from the Fund.

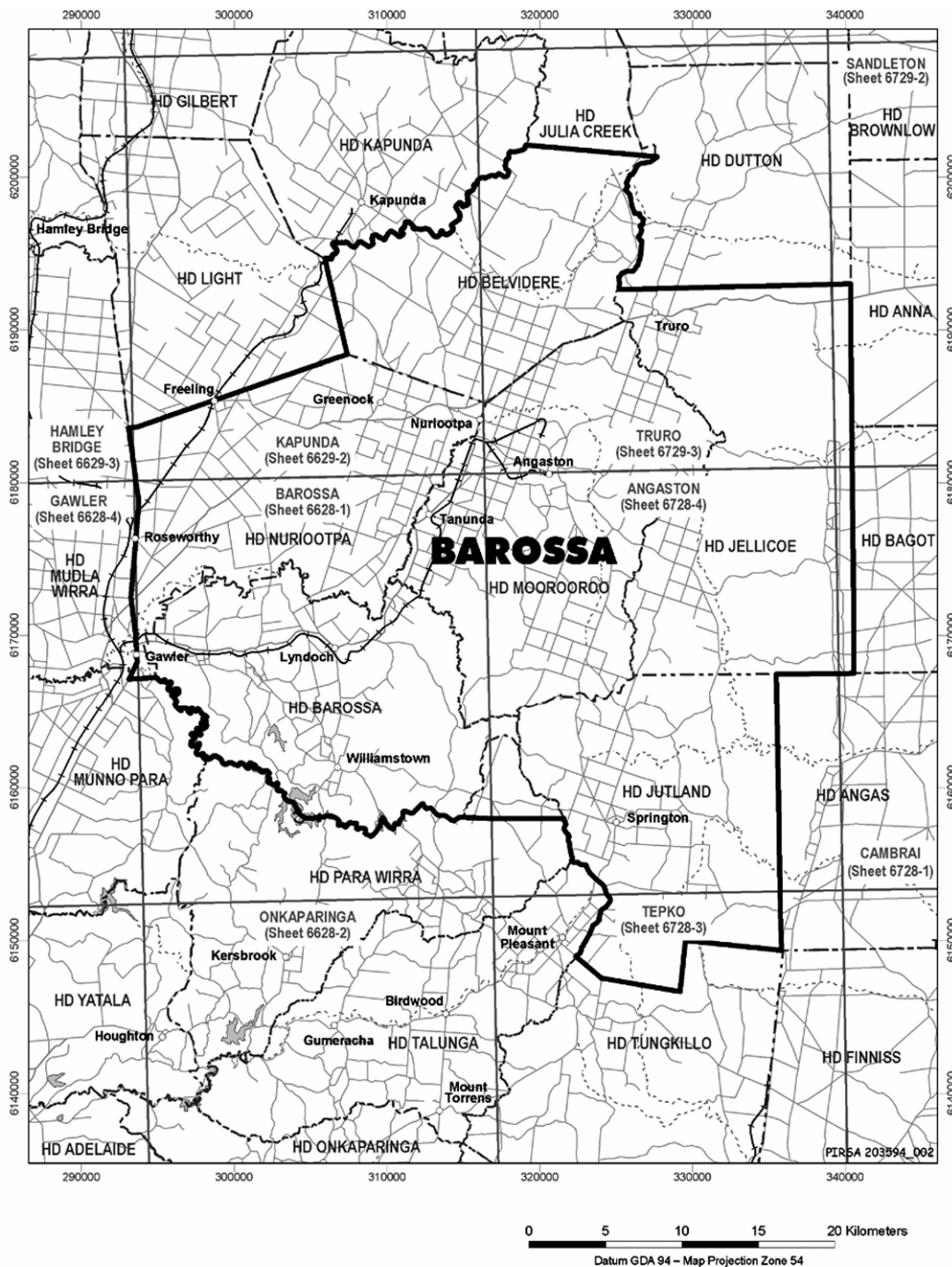
### **9—False or misleading statements**

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, for the purposes of these regulations.

Maximum penalty: \$5 000.

### Schedule 1—Map showing Barossa

The following map is provided for information purposes only.



**The Geographical Indication  
"Barossa"**

## Schedule 2—Contributions

### 1 Prescribed grower rate

(a)	for the prescribed period commencing on the day on which these regulations come into operation and ending on 31 May 2008	\$6.00 per tonne
(b)	for the prescribed period 1 June 2008 to 31 May 2009	\$6.50 per tonne
(c)	for the prescribed period 1 June 2009 to 31 May 2010	\$7.00 per tonne
(d)	for the prescribed period 1 June 2010 to 31 May 2011	\$7.50 per tonne
(e)	for the prescribed period 1 June 2011 to 31 May 2012	\$8.00 per tonne

### 2 Prescribed winemaker rate

(a)	for the prescribed period commencing on the day on which these regulations come into operation and ending on 31 May 2008	\$5.00 per tonne
(b)	for the prescribed period 1 June 2008 to 31 May 2009	\$5.50 per tonne
(c)	for the prescribed period 1 June 2009 to 31 May 2010	\$6.00 per tonne
(d)	for the prescribed period 1 June 2010 to 31 May 2011	\$6.50 per tonne
(e)	for the prescribed period 1 June 2011 to 31 May 2012	\$7.00 per tonne

### 3 Reduction of prescribed rate

The Minister may reduce the prescribed grower rate, or the prescribed winemaker rate, for a prescribed period by notice published in the Gazette before the date for payment of contributions for that prescribed period.

#### Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### Made by the Governor

following compliance by the Minister with section 4(2) of the Act and with the advice and consent of the Executive Council  
on 29 November 2007

No 290 of 2007

MAFF07/022CS

South Australia

# Development (Bushfire Protection Areas) Variation Regulations 2007

under the *Development Act 1993*

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### Part 2—Variation of *Development Regulations 1993*

- 4 Variation of regulation 31A—Preliminary advice and agreement—section 37AA
  - 5 Variation of regulation 78—Building Rules: bushfire prone areas
  - 6 Variation of regulation 83A—Occupation of Class 1a buildings
  - 7 Variation of Schedule 8—Referrals and concurrences
  - 8 Variation of Schedule 18—Bushfire Prone Areas
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Development (Bushfire Protection Areas) Variation Regulations 2007*.

### 2—Commencement

These regulations will come into operation on the day on which they are made.

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Development Regulations 1993*

### 4—Variation of regulation 31A—Preliminary advice and agreement—section 37AA

Regulation 31A(6)(a)—delete "applicant under" and substitute:  
application under

### 5—Variation of regulation 78—Building Rules: bushfire prone areas

- (1) Regulation 78(1)(b)—delete paragraph (b) and substitute:
  - (b) it is an area identified as a *medium or high bushfire risk area* by the relevant Development Plan.



(2) Regulation 78(2)(b)—delete paragraph (b) and substitute:

(b) the building is in a bushfire prone area under subregulation (1); and

(3) Regulation 78(3)—delete "or a medium or high bushfire risk area (as determined under subregulation (1))" and substitute:

under subregulation (1)

(4) Regulation 78—after subregulation (3) insert:

(4) If—

(a) application is made for building rules consent for building work;  
and

(b) the building (or proposed building) is in an area identified as a  
*general bushfire risk area* by the relevant Development Plan,

then—

(c) if the building work involves—

(i) the construction of a Class 1, 2 or 3 building under the  
*Building Code*; or

(ii) the construction of a Class 10 building under the *Building Code* that will adjoin a Class 1, 2 or 3 building,

the building to which the building work relates must comply with Appendix F8 of the *South Australian Housing Code*; and

(d) —

(i) if the building work is in the nature of an alteration to a Class 1, 2 or 3 building under the *Building Code*; and

(ii) the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),

the relevant authority may require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of Appendix F8 of the *South Australian Housing Code*.

(5) In subregulation (4)—

**construction**, in relation to a building, means building or re-building, or erecting or re-erecting.

## 6—Variation of regulation 83A—Occupation of Class 1a buildings

Regulation 83A(d)—delete paragraph (d) and substitute:

- (d) all connections relating to the supply of water from all sources, and for the disposal of water and effluent, have been made (although if the approved documentation provides for 2 or more connections for the disposal of water or effluent, it is sufficient for the purposes of that aspect of this paragraph that 1 such connection is made); and

## 7—Variation of Schedule 8—Referrals and concurrences

- (1) Schedule 8 clause 2, heading to item 18—delete "**Prone**" and substitute:

**Protection**

- (2) Schedule 8 clause 2, item 18(a)—delete "Prone" and substitute

Protection

## 8—Variation of Schedule 18—Bushfire Prone Areas

- (1) Heading to Schedule 18—delete "**Prone**" and substitute:

**Protection**

- (2) Schedule 18, heading to clause 1—delete "**Prone**" and substitute:

**Protection**

- (3) Schedule 18, clause 1—delete "Bushfire Prone Area denoted as "CFS Referral Area" or "Non Referral Area"" and substitute:

Bushfire Protection Area identified as *Medium Bushfire Risk* or *High Bushfire Risk*

- (4) Schedule 18, clause 2—delete clause 2

### Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

## Made by the Governor

with the advice and consent of the Executive Council

on 29 November 2007

No 291 of 2007

MUDP07/028CS