

SUPPLEMENTARY GAZETTE



THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE

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All public Acts appearing in this gazette are to be considered official, and obeyed as such

Department of the Premier and Cabinet
Adelaide, 8 August 2017

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the South Australian Country Arts Trust, pursuant to the provisions of the South Australian Country Arts Trust Act 1992:

Member: (from 8 August 2017 until 7 August 2020)
Olivia Ann White

By command,

SUSAN ELIZABETH CLOSE, for Premier

ASACAB003-11

Department of the Premier and Cabinet
Adelaide, 8 August 2017

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the South Australian Water Corporation Board, pursuant to the provisions of the South Australian Water Corporation Act 1994:

Director: (from 8 August 2017 until 31 December 2017)
Karlene Ann Maywald

By command,

SUSAN ELIZABETH CLOSE, for Premier

17MWRMCS017

Department of the Premier and Cabinet
Adelaide, 8 August 2017

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint John David Hodgson as a part-time sessional Commissioner of the Environment, Resources and Development Court of South Australia, and designate him as a Commissioner for the purposes of the Court's jurisdiction under the Environment Protection Act 1993, for a term of five years commencing on 8 August 2017 and expiring on 7 August 2022, pursuant to Section 10 of the Environment, Resources and Development Court Act 1993.

By command,

SUSAN ELIZABETH CLOSE, for Premier

AGO0095/17CS

Department of the Premier and Cabinet
Adelaide, 8 August 2017

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint Jennifer Margaret McKay as a part-time sessional Commissioner of the Environment, Resources and Development Court of South Australia, and designate her as a Commissioner for the purposes of the Court's jurisdiction under the Natural Resources Management Act 2004, for a term of three years commencing on 11 August 2017 and expiring on 10 August 2020, pursuant to Section 10 of the Environment, Resources and Development Court Act 1993.

By command,

SUSAN ELIZABETH CLOSE, for Premier

AGO0095/17CS

Department of the Premier and Cabinet
Adelaide, 8 August 2017

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint Terry Mosel as a part-time sessional Commissioner of the Environment, Resources and Development Court of South Australia, for a term of five years commencing on 2 September 2017 and expiring on 1 September 2022, pursuant to Section 10 of the Environment, Resources and Development Court Act 1993.

By command,

SUSAN ELIZABETH CLOSE, for Premier

AGO0095/17CS

Department of the Premier and Cabinet
Adelaide, 8 August 2017

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint Amanda Shaw to the position of Acting Guardian for Children and Young Persons for a term commencing on 14 August 2017 and expiring on 15 September 2017, pursuant to section 52A of the Children's Protection Act 1993 and section 36 of the Acts Interpretation Act 1915.

By command,

SUSAN ELIZABETH CLOSE, for Premier

MECD17/046

South Australia

Retirement Villages Act (Commencement) Proclamation 2017

1—Short title

This proclamation may be cited as the *Retirement Villages Act (Commencement) Proclamation 2017*.

2—Commencement of Act

The *Retirement Villages Act 2016* (No 50 of 2016) will come into operation on 1 January 2018.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

HEAC-2017-00040

South Australia

Administrative Arrangements (Administration of Retirement Villages Act) Proclamation 2017

under section 5 of the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Administration of Retirement Villages Act) Proclamation 2017*.

2—Commencement

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

3—Administration of Act committed to Minister for Ageing

The administration of the *Retirement Villages Act 2016* is committed to the Minister for Ageing.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

HEAC-2017-00040

South Australia

Highways (Road Closure—Public Road, Salisbury Plain) Proclamation 2017

under section 27AA of the *Highways Act 1926*

1—Short title

This proclamation may be cited as the *Highways (Road Closure—Public Road, Salisbury Plain) Proclamation 2017*.

2—Commencement

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

3—Road closure

The portion of public road delineated as allotment 200 in approved Plan No F252548 lodged in the Lands Titles Registration Office is closed.

Made by the Governor's Deputy

on the recommendation of the Commissioner of Highways and with the advice and consent of the Executive Council
on 8 August 2017

MTR/17/040

South Australia

National Parks and Wildlife (Port Gawler Conservation Park) Proclamation 2017

under section 29(3) of the *National Parks and Wildlife Act 1972*

Preamble

- 1 The Port Gawler Conservation Park is constituted as a conservation park under the *National Parks and Wildlife Act 1972*.
 - 2 It is intended that, by this proclamation, the conservation park be abolished.
 - 3 A resolution requesting the making of this proclamation has been passed by both the House of Assembly and the Legislative Council.
-

1—Short title

This proclamation may be cited as the *National Parks and Wildlife (Port Gawler Conservation Park) Proclamation 2017*.

2—Commencement

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

3—Abolition of Port Gawler Conservation Park

The Port Gawler Conservation Park is abolished.

Made by the Governor's Deputy

pursuant to a resolution of both Houses of Parliament and with the advice and consent of the Executive Council

on 8 August 2017

17MSECCS031

South Australia

National Parks and Wildlife (Adelaide International Bird Sanctuary National Park—Winaityinaityi Pangkara) Proclamation 2017

under section 28(2) of the *National Parks and Wildlife Act 1972*

1—Short title

This proclamation may be cited as the *National Parks and Wildlife (Adelaide International Bird Sanctuary National Park—Winaityinaityi Pangkara) Proclamation 2017*.

2—Commencement

This proclamation comes into operation on the day on which it is made, immediately after the *National Parks and Wildlife (Port Gawler Conservation Park) Proclamation 2017* comes into operation.

3—Alteration of boundaries of Adelaide International Bird Sanctuary National Park—Winaityinaityi Pangkara

The boundaries of the Adelaide International Bird Sanctuary National Park—Winaityinaityi Pangkara are altered by adding to the Park the following Crown land:

Sections 181 and 616, Hundred of Port Gawler, County of Gawler;

Section 483, Hundred of Port Adelaide, County of Adelaide.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

17MSECCS031

South Australia

Animal Welfare (Electrical Devices and Animal Ethics Committee) Variation Regulations 2017

under the *Animal Welfare Act 1985*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Animal Welfare Regulations 2012*

- 4 Variation of regulation 8—Use of certain other electrical devices
 - 5 Variation of regulation 13—Annual reports by animal ethics committees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Animal Welfare (Electrical Devices and Animal Ethics Committee) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

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 *Animal Welfare Regulations 2012*

4—Variation of regulation 8—Use of certain other electrical devices

Regulation 8(1)(a)—delete paragraph (a) and substitute:

- (a) place on an animal a collar designed to impart an electric shock unless it is for the purpose of carrying out research into the use of such collars as part of a research program approved by an animal ethics committee; or

5—Variation of regulation 13—Annual reports by animal ethics committees

- (1) Regulation 13(1)—after "animal ethics committee" first occurring insert:
established under section 23 of the Act
- (2) Regulation 13(1)—delete "this section" and substitute:
this regulation
- (3) Regulation 13(1)(a)—delete paragraph (a) and substitute:
 - (a) the chief executive; and
- (4) Regulation 13—after subregulation (1) insert:
 - (1a) For the purposes of section 25(1)(e) of the Act, a body approved by the Minister as an animal ethics committee under section 23A of the Act must provide to the chief executive, within 3 months after the end of each calendar year, the most recent annual report prepared by the committee for the purposes of the Code for the governing body of the institution or institutions for which it acts.
- (5) Regulation 13(2)—delete "The report" and substitute:
A report referred to in subregulation (1)
- (6) Regulation 13(3)—delete "The report" and substitute:
A report referred to in subregulation (1)
- (7) Regulation 13—after subregulation (3) insert:
 - (4) In this regulation—
chief executive means the chief executive of the administrative unit that is responsible for assisting a Minister in the administration of the Act.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 215 of 2017

17MSECCS028

South Australia

Motor Vehicles (Simplify) Variation Regulations 2017

under the *Motor Vehicles Act 1959*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Motor Vehicles Regulations 2010*

- 4 Revocation of regulation 78
 - 5 Variation of regulation 87—Rounding of fees and refunds
 - 6 Variation of regulation 98—Guidelines for disclosure of information
 - 7 Variation of Schedule 1—Fees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Motor Vehicles (Simplify) Variation Regulations 2017*.

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 *Motor Vehicles Regulations 2010*

4—Revocation of regulation 78

Regulation 78—delete the regulation

5—Variation of regulation 87—Rounding of fees and refunds

- (1) Regulation 87(1)—delete "subregulation (2) or (2a)" and substitute:
subregulation (2), (2a) or (2b)

(2) Regulation 87—after subregulation (2a) insert:

- (2b) In calculating the periodic payment (other than monthly payment) to be debited to an account for the purposes of the periodic payment scheme under section 24A of the Act, a fraction of 1 dollar is to count as 1 dollar.

6—Variation of regulation 98—Guidelines for disclosure of information

Regulation 98(6)—after paragraph (k) insert:

- (1) the name of, and contact details for, the approved insurer for a particular motor vehicle.

7—Variation of Schedule 1—Fees

(1) Schedule 1, clause 3—after "Act" insert:

where periodic payments are made monthly

(2) Schedule 1, clause 4(c)—delete paragraph (c) and substitute:

- | | | |
|------|---|--------|
| (c) | renewal of registration pursuant to the periodic payment scheme under section 24A of the Act— | |
| (i) | if payment is made monthly—per payment | \$2.00 |
| (ii) | in any other case | \$6.00 |

(3) Schedule 1, clause 22(1), (3) and (4)—delete "concession" wherever occurring and substitute in each case:

pensioner entitlement

(4) Schedule 1, clause 22(7)—delete subclause (7) and substitute:

(7) In this clause—

pensioner entitlement card holder means a person who—

- (a) holds a pensioner entitlement card issued under an Act or law of the Commonwealth; and
- (b) is entitled, as the holder of such a card, to travel on public transport in this State at reduced fares;

reduced fee the fee payable for the issue or renewal of a driver's licence where the applicant is a pensioner entitlement card holder.

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's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 216 of 2017

DPC17/041CS

South Australia

Second-hand Vehicle Dealers (Simplify No 2) Variation Regulations 2017

under the *Second-hand Vehicle Dealers Act 1995*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Second-hand Vehicle Dealers Regulations 2010*

- 4 Variation of Schedule 2—Forms
- 5 Variation of Schedule 5—Contributions to second-hand vehicles compensation fund

Schedule 1—Transitional provision

- 1 Transitional provision
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Second-hand Vehicle Dealers (Simplify No 2) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 1 September 2017.

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 *Second-hand Vehicle Dealers Regulations 2010*

4—Variation of Schedule 2—Forms

Schedule 2, Forms 5 and 6—delete the forms and substitute:

Form 5—Particulars to be included in a contract for the sale of a second-hand vehicle by a dealer

Second-hand Vehicle Dealers Act 1995

Dealer Reference or Stock No:

Name in which dealer is licensed:

Business address:					
Make:	Model:	Body Type:	Colour:	Body: Trim:	
Year of manufacture:	Year of 1st registration:	Registration No:	Expiry date:	Engine No:	VIN No:
DETAILS OF PURCHASE	\$	c	METHOD OF PAYMENT	\$	c
Cash Price			Deposit		
Additional options, accessories etc*			Trade-in allowance*		
Total price of vehicle			Less pay-out (Name of financier:) Amount of deposit to be paid if contract rescinded (and preferred method of payment of refund)		
Registration (number of months)			Equity (Deficiency)		
3rd Party compulsory insurance			Less refund to purchaser		
Stamp duty and/or transfer fee			Net equity (or deficiency)		
Dealer to arrange above YES/NO			Total deposit and trade-in		
If Yes—Dealer handling fee					
<i>The dealer may charge—</i>					
<i>if the vehicle is required to be presented for inspection at a recognised inspection facility—a maximum of \$385; or</i>					
<i>in any other case—a maximum of \$100.</i>					
Vehicle insurance: [company]			Payable on delivery		
Other (give full details including other parties to whom payment must be made)			(Amount payable on delivery includes amount to be financed where applicable)		
TOTAL PAYABLE			TOTAL PAYMENT		
Options/accessories/additional work included in this amount	\$	c	*Trade-in details		
			Make:	Model:	

Body Type: Colour: Body:
Trim:
Year of Manufacture: Year of 1st
Registration:
Registration No: Expiry Date:
Engine No: Odometer: kms
Payout to:
Account No: Valid until:

TOTAL

PURCHASER'S NAME:

ADDRESS:

Date of birth: Phone no: Email address: Driver's licence no:

***OWNERSHIP AND ODOMETER DECLARATION**

I declare that—

- (a) the trade-in is my own unencumbered property except as otherwise stated above; and
- (b) the odometer reading as stated above is, at the time of sale, true and correct to the best of my knowledge and belief.

Signature of purchaser:

Settlement date:

*Address to which vehicle is to be delivered for repair of defects under the *Second-hand Vehicle Dealers Act 1995*.

REPAIRER'S NAME:

ADDRESS:

*The vehicle may be delivered to any of the following registered premises of the dealer for repair:

COOLING-OFF RIGHTS

*This contract is subject to a 2 day cooling-off period under section 18B of the *Second-hand Vehicle Dealers Act 1995* expiring on *[insert date and time when period is to expire]*.

The purchaser under a contract that is subject to a cooling-off period under the *Second-hand Vehicle Dealers Act 1995*, may, within 2 clear business days after signing the contract (the **cooling-off period**), by giving the dealer written notice that he or she does not wish to proceed with the purchase, rescind the contract. The written notice must be given to the dealer before the end of the cooling-off period. If this occurs, the contract is rescinded. (The 2 day period may include a Saturday but will not include a Sunday or public holiday.)

If the contract is rescinded by the purchaser, the dealer is entitled to keep 2% of the contract price or \$100, whichever is the lesser. The purchaser is entitled to the return of the balance of any deposit paid to the dealer by the end of the next clear business day.

*This contract is not subject to a 2 day cooling-off period under section 18B of the *Second-hand Vehicle Dealers Act 1995*.

A purchaser who wishes to be bound by the contract may waive his or her right to the cooling-off period by signing the *Waiver of Cooling-off Rights* document provided by the dealer.

I acknowledge that, *before* the signing of the contract for the purchase of the vehicle, I was informed of/I did not request* the name and address of—

- (a) the last owner of the vehicle (who was not a dealer)*;
- (b) the person who leased the vehicle from the last owner of the vehicle (who was not a dealer) under a vehicle leasing agreement*.

Signature of purchaser:

Any purported exclusion, limitation, modification or waiver of your rights under the Act is void. The only way you can give away your rights under the *Second-hand Vehicle Dealers Act 1995* is if you have signed a waiver document in accordance with the *Second-hand Vehicle Dealers Regulations 2010*.

In addition to any statutory warranty that may apply, you also have rights under the Australian Consumer Law that cannot be excluded.

Signature of purchaser:

Date:

Signature of dealer:

Date:

*Strike out whichever does not apply.

Form 6—Particulars to be included in a contract for the sale of a second-hand motorcycle by a dealer

Second-hand Vehicle Dealers Act 1995

Name in which dealer is licensed:

Business address:

Make:	Model:	Colour:					
Year of manufacture:	Year of 1st registration:	Registration No:	Expiry date:	Engine No:	VIN No:		
DETAILS OF PURCHASE		\$	c	METHOD OF PAYMENT		\$	c
Cash Price		Deposit					
Additional options, accessories etc*		Trade-in allowance*					
Total price of motorcycle		Less pay-out					
		Amount of deposit to be paid if contract rescinded (and preferred method of payment of refund)					
Registration (number of months)		Equity (Deficiency)					
3rd Party compulsory insurance		Less refund to purchaser					
Stamp duty and/or transfer fee		Net equity (or deficiency)					

Dealer to arrange above YES/NO	Total deposit and trade-in
If Yes—Dealer handling fee	
<i>The dealer may charge—</i>	
<i>if the vehicle is required to be presented for inspection at a recognised inspection facility—a maximum of \$385; or</i>	
<i>in any other case—a maximum of \$100.</i>	
Motorcycle insurance: [company]	Payable on delivery
Other (give full details including other parties to whom payment must be made)	(Amount payable on delivery includes amount to be financed where applicable)
TOTAL PAYABLE	TOTAL PAYMENT
Options/accessories/additional \$ c work included in this amount	*Trade-in details
	Make:
	Model:
	Colour:
	Year of Manufacture:
	Year of 1st Registration:
	Registration No:
	Expiry Date:
	Engine No:
	Odometer: kms
	Payout to:
	Account No:
	Valid until:
TOTAL	
PURCHASER'S NAME:	
ADDRESS:	
Date of birth: Phone no:	Email address:
	Driver's licence no:
*OWNERSHIP AND ODOMETER DECLARATION	
I declare that—	
(a) the trade-in is my own unencumbered property except as otherwise stated above; and	
(b) the odometer reading as stated above is, at the time of sale, true and correct to the best of my knowledge and belief.	
Signature of purchaser:	Settlement date:

COOLING-OFF RIGHTS

*This contract is subject to a 2 day cooling-off period under section 18B of the *Second-hand Vehicle Dealers Act 1995* expiring on [insert date and time when period is to expire].

The purchaser under a contract that is subject to a cooling-off period under the *Second-hand Vehicle Dealers Act 1995*, may, within 2 clear business days after signing the contract (the **cooling-off period**), by giving the dealer written notice that he or she does not wish to proceed with the purchase, rescind the contract. The written notice must be given to the dealer before the end of the cooling-off period. If this occurs, the contract is rescinded. (The 2 day period may include a Saturday but will not include a Sunday or public holiday.)

If the contract is rescinded by the purchaser, the dealer is entitled to keep 2% of the contract price or \$100, whichever is the lesser. The purchaser is entitled to the return of the balance of any deposit paid to the dealer by the end of the next clear business day.

*This contract is not subject to a 2 day cooling-off period under section 18B of the *Second-hand Vehicle Dealers Act 1995*.

A purchaser who wishes to be bound by the contract may waive his or her right to the cooling-off period by signing the *Waiver of Cooling-off Rights* document provided by the dealer.

I acknowledge that, *before* the signing of the contract for the purchase of the vehicle, I was informed of/I did not request* the name and address of—

- (a) the last owner of the vehicle (who was not a dealer)*;
- (b) the person who leased the vehicle from the last owner of the vehicle (who was not a dealer) under a vehicle leasing agreement*.

Signature of purchaser: _____

Any purported exclusion, limitation, modification or waiver of your rights under the Act is void. The only way you can give away your rights under the *Second-hand Vehicle Dealers Act 1995* is if you have signed a waiver document in accordance with the *Second-hand Vehicle Dealers Regulations 2010*.

IMPORTANT INFORMATION

There is no duty to repair second-hand motorcycles under the *Second-hand Vehicle Dealers Act 1995*.

Signature of purchaser:

Date:

Signature of dealer:

Date:

*Strike out whichever does not apply.

5—Variation of Schedule 5—Contributions to second-hand vehicles compensation fund

- (1) Schedule 5, clause 1—delete "each"
- (2) Schedule 5—after clause 1 insert:

1A If a licensed dealer carries on business as a dealer from more than 1 notified premises, only 1 contribution is payable annually by the dealer.

- (3) Schedule 5, clause 4, definition of *prescribed amount*, (a)—delete "\$100" and substitute:
\$60
- (4) Schedule 5, clause 4, definition of *prescribed amount*, (b)—delete "\$350" and substitute:
\$200

Schedule 1—Transitional provision

1—Transitional provision

A notice given by a dealer to a purchaser on or before 1 December 2017 that is in the form set out in Form 5 or 6 (as the case may be) of Schedule 2 of the *Second-hand Vehicle Dealers Regulations 2010* as in force immediately before the commencement of the *Second-hand Vehicle Dealers (Simplify No 2) Variation Regulations 2017* will be taken to be in the required form for the purposes of the *Second-hand Vehicle Dealers Act 1995* and the *Second-hand Vehicle Dealers Regulations 2010*.

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's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 217 of 2017

DPC17/041CS

South Australia

Land Agents (Simplify No 2) Variation Regulations 2017

under the *Land Agents Act 1994*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Land Agents Regulations 2010*

- 4 Variation of regulation 12—Exemptions
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Land Agents (Simplify No 2) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 1 November 2017.

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 *Land Agents Regulations 2010*

4—Variation of regulation 12—Exemptions

Regulation 12—after subregulation (2) insert:

- (3) An agent is exempt from the application of the Act to the extent that the agent—
 - (a) sells, purchases or otherwise deals with businesses or land (other than residential land or rural land) on behalf of an affiliated entity; or
 - (b) sells, purchases or otherwise deals with businesses or land (other than residential land or rural land) on behalf of an entity that owns (whether or not together with any affiliated entity) any property that has—

- (i) an aggregate market value of \$10 million or more; or
 - (ii) an aggregate gross floor area of 10 000 square metres or more,
- or conducts negotiations for that purpose.
- (4) For the purposes of subregulation (3)—
- affiliated entity***, in relation to a person, means—
- (a) an entity that is controlled (within the meaning of section 50AA of the *Corporations Act 2001* of the Commonwealth) by the person; or
 - (b) a related entity (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) of the person;
- rural land*** means land used, intended to be used, or apparently intended to be used, wholly or mainly for agricultural, pastoral, horticultural or viticultural purposes.

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's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 218 of 2017

DPC17/041CS

South Australia

Aquaculture (Simplify No 2) Variation Regulations 2017

under the *Aquaculture Act 2001*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Aquaculture Regulations 2016*

- 4 Insertion of regulation 45
45 Exemption from requirement for ATAB to assess certain applications under section 36 of Act
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Aquaculture (Simplify No 2) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

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 *Aquaculture Regulations 2016*

4—Insertion of regulation 45

After regulation 44 insert:

45—Exemption from requirement for ATAB to assess certain applications under section 36 of Act

The Minister may determine that an application for a production lease and an accompanying application for a corresponding licence in relation to an aquaculture zone are exempt from the application of section 36(1) and (2) of the Act if—

- (a) the class of aquaculture proposed to be carried on under the applications is the farming of prescribed wild caught tuna; and
- (b) the applicant already holds an aquaculture lease in that zone authorising the farming of prescribed wild caught tuna; and
- (c) the Minister considers it appropriate to do so in the circumstances.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 219 of 2017

DPC17/041CS

South Australia

Fisheries Management (Abalone Fisheries) Regulations 2017

under the *Fisheries Management Act 2007*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Conversion of whole weight to meat weight
- 5 Constitution of fisheries
- 6 Maximum number of licences that may be in force
- 7 Transfer of licence
- 8 Registration
- 9 Revocation of registration
- 10 Individual catch quota system—Central Zone
- 11 Individual catch quota system—Southern Zone
- 12 Individual catch quota system—Western Zone
- 13 Only 1 registered boat to be used at any 1 time
- 14 Use of registered masters in fishing activities
- 15 Registered boat not to be transported or towed to fishing location
- 16 Catch and disposal requirements
- 17 Periodic returns
- 18 Provision relating to keeping of records
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Schedule 1—Southern Zone abalone fishing areas

Schedule 2—Revocation of regulations and transitional provisions

Part 1—Revocation of *Fisheries Management (Abalone Fisheries) Regulations 2006*

- 1 Revocation of regulations

Part 2—Transitional provisions

- 2 Eligibility to be granted fishery licence
-

1—Short title

These regulations may be cited as the *Fisheries Management (Abalone Fisheries) Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

3—Interpretation

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

abalone fishery means—

- (a) the Central Zone Abalone Fishery; or

- (b) the Southern Zone Abalone Fishery; or
- (c) the Western Zone Abalone Fishery,

constituted by these regulations;

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;

conversion value means the number determined by the Minister to be the conversion value for the purpose of calculating the weight of abalone meat before removal from the shell;

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;

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act;

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;

meat, in relation to an abalone, means all the muscular foot of the abalone from which the viscera have been detached by the usual shucking procedure;

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;

whole, in relation to an abalone, means the whole of the abalone including the meat, viscera and shell.

- (2) In these regulations, unless the contrary intention appears, **company**, **director**, **proprietary company** and **public company** have the same respective meanings as in the Corporations Act.
- (3) In these regulations—
 - (a) 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 coordinates are expressed in terms of GDA94;
 - (b) common and scientific fish names are given according to AS 5300—2015 *Australian Fish Names Standard* published by Standards Australia, as in force from time to time;
 - (c) a reference to the **taking of abalone** includes a reference to an act preparatory to, or involved in, the taking of abalone.
- (4) In these regulations, a reference to a class of abalone is a reference to a class of abalone determined by the Minister by reference to all or any of the following factors:
 - (a) a species of abalone; or
 - (b) a description of abalone by reference to sex, size, weight or any other characteristic.

4—Conversion of whole weight to meat weight

For the purposes of these regulations, the weight of abalone meat before removal from the shell is to be determined by multiplying the number of kilograms in the weight of the whole abalone by the conversion value determined by the Minister for the time being.

5—Constitution of fisheries

- (1) The following fisheries are constituted:
 - (a) the Central Zone Abalone Fishery;
 - (b) the Southern Zone Abalone Fishery;
 - (c) the Western Zone Abalone Fishery.
- (2) The Central Zone Abalone Fishery consists of the taking of abalone in the waters of the Central Zone.
- (3) The Southern Zone Abalone Fishery consists of the taking of abalone in the waters of the Southern Zone.
- (4) The Western Zone Abalone Fishery consists of the taking of abalone in the waters of the Western Zone.

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 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 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 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 an abalone 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 an abalone fishery;
 - (f) 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 completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.

10—Individual catch quota system—Central Zone

- (1) In this regulation—

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;

fishery means the Central Zone Abalone Fishery;

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

unit entitlement means the number of abalone units for the time being allocated to a licence in respect of the fishery in respect of a class of abalone;

unit value means the number of kilograms of abalone meat determined by the Minister to be the value of an abalone unit for the fishery, a class of abalone and a quota period.

- (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 impose or 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 decrease 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 50 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 50 kilograms but not more than 100 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 100 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 50 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 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 completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.
- (6) The holder of a licence in respect of the fishery must not, for a commercial purpose, take abalone of any class if the unit entitlement under the licence in respect of either class of abalone specified in column 1 of the following table falls below the number specified alongside in column 2.

Maximum penalty: \$5 000.

Expiation fee: \$500.

Column 1	Column 2
Class of abalone	Unit entitlement
Blacklip Abalone	25
Greenlip Abalone	25

- (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 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.

11—Individual catch quota system—Southern Zone

(1) In this regulation—

abalone fishing area means an area defined in Schedule 1;

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 that class of abalone and quota period,

subject to any variation applying during that quota period;

fishery means the Southern Zone Abalone Fishery;

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

unit entitlement means the number of abalone units for the time being allocated to a licence in respect of the fishery in respect of a class of abalone;

unit value means the number of kilograms of abalone meat determined by the Minister to be the value of an abalone unit for a class of abalone and a quota period.

(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 class of abalone and each quota period; and
 - (ii) the conversion value for a class of abalone; and
- (b) may, from time to time, vary the conversion value for a class of abalone.

(3) The Minister may impose or 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 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 decrease 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 50 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 50 kilograms but not more than 100 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 100 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 50 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 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 completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.
- (6) The holder of a licence in respect of the fishery must not, for a commercial purpose, take abalone of any class if the unit entitlement under the licence in respect of either class of abalone specified in column 1 of the following table falls below the number specified alongside in column 2.

Maximum penalty: \$5 000.

Expiation fee: \$500.

Column 1	Column 2
Class of abalone	Unit entitlement
Blacklip Abalone	100
Greenlip Abalone	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 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.

12—Individual catch quota system—Western Zone

- (1) In this regulation—

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 that class of abalone and quota period,

subject to any variation applying during that quota period;

fishery means the Western Zone Abalone Fishery;

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

unit entitlement, in relation to a licence in respect of the fishery and a class of abalone, means the number of abalone units for the time being allocated to the licence in respect of that class of abalone;

unit value means the number of kilograms of abalone meat determined by the Minister to be the value of an abalone unit for a class of abalone and a quota period.

- (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 class of abalone and each quota period; and

- (ii) the conversion value for a class of abalone; and
 - (b) may from time to time vary the conversion value for a class of abalone.
- (3) The Minister may impose or 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 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 class of abalone and decrease 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 exceeds 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 exceeds the quota entitlement by not more than 50 kilograms of abalone meat—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeds the quota entitlement by more than 50 kilograms but not more than 100 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 100 kilograms of abalone meat in excess of the quota entitlement under the licence in respect of a class of abalone,the conditions of the licence may be varied so as to reduce the quota entitlement under the licence in respect of that 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;
 - (d) if the total catch of abalone of a particular class taken by the holder of a licence during a particular quota period is 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 50 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 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 completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.
- (6) The holder of a licence in respect of the fishery must not, for a commercial purpose, take abalone if the unit entitlement under the licence in respect of a class of abalone specified in column 1 of the following table falls below the number specified alongside in column 2.

Maximum penalty: \$5 000.

Expiation fee: \$500.

Column 1	Column 2
Class of abalone	Unit entitlement
Blacklip Abalone	25
Greenlip Abalone	27.5

- (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 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.

13—Only 1 registered boat to be used at any 1 time

The holder of a licence in respect of an abalone fishery must not—

- (a) use more than 1 registered boat at any 1 time to take abalone under the licence; or

- (b) cause, suffer or permit more than 1 registered boat to be used at any 1 time to take abalone under the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

14—Use of registered masters in fishing activities

- (1) Subject to this regulation, the holder of a licence in respect of an abalone fishery must not cause, suffer or permit more than 1 person (who must be a registered master) to engage in fishing activities under the licence on the same day.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) Subregulation (1) does not prevent—

- (a) 1 other (and only 1 other) registered master from engaging in fishing activities under a licence in respect of the Southern Zone Abalone Fishery on the same day as the first registered master provided that the 2 registered masters are not diving at the same time; or
- (b) 1 other (and only 1 other) registered master who is a trainee diver from engaging in fishing activities under a licence in respect of an abalone fishery on the same day as the first registered master provided that—
 - (i) at all times while engaged in fishing activities, the trainee diver is under the direct supervision of the first registered master; and
 - (ii) the trainee diver does not engage in fishing activities under the licence on more than 10 days in any quota period for the abalone fishery.

- (3) In this regulation—

quota period for an abalone fishery—see regulation 10(1), regulation 11(1) and regulation 12(1);

trainee diver means a person with less than 30 days commercial abalone diving experience.

15—Registered boat not to be transported or towed to fishing location

The holder of a licence in respect of an abalone fishery must not cause, suffer or permit a registered boat to be transported or towed by another boat to a place at which the registered boat is to be used for the purpose of taking abalone under the licence.

Maximum penalty: \$5 000.

16—Catch and disposal requirements

- (1) The holder of a licence in respect of an abalone fishery or the registered master of a boat from which abalone is taken under such a licence must comply with the following provisions:

- (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of abalone taken under the licence as determined by the Minister;

- (b) the holder of the licence or registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or registered master must ensure that abalone taken under the licence is weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.
- Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of a licence in respect of an abalone fishery must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$315.

17—Periodic returns

- (1) The holder of a licence in respect of an abalone fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$500.
- (2) The holder of a licence must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$500.

18—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

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

Maximum penalty: \$2 500.

Expiation fee: \$210.

19—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.

- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.
- (3) If the Minister makes a determination, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 10, 11 or 12.

Schedule 1—Southern Zone abalone fishing areas

Area 1

The waters of or near Robe contained within and bounded by a line commencing at Point 1 (36°35'06" South, 139°40'28" East), then easterly to the line of Mean High Water Springs closest to Point 2 (36°35'06" South, 139°49'52.27" East), then beginning south-easterly along the line of Mean High Water Springs to the location closest to Point 3 (37°13'48.90" South, 139°46'56.46" East), then westerly to Point 4 (37°13'44" South, 139°37'34" East), then north-westerly to Point 5 (37°09'50" South, 139°34'08" East), then northerly to Point 6 (36°50'53" South, 139°34'08" East), then easterly to Point 7 (36°50'53" South, 139°40'28" East), then northerly to the point of commencement.

Area 2

The waters of or near Robe contained within and bounded by a line commencing at Point 4 (37°13'44" South, 139°37'34" East), then easterly to the line of Mean High Water Springs closest to Point 3 (37°13'48.90" South, 139°46'56.46" East), then beginning south-easterly along the line of Mean High Water Springs to the location closest to Point 8 (37°26'01.92" South, 139°57'00.20" East), then west south-westerly to Point 9 (37°27'00" South, 139°49'17" East), then north-westerly to the point of commencement.

Area 3

The waters of or near Beachport contained within and bounded by a line commencing at Point 9 (37°27'00" South, 139°49'17" East), then east north-easterly to the line of Mean High Water Springs closest to Point 8 (37°26'01.92" South, 139°57'00.20" East), then beginning south-easterly along the line of Mean High Water Springs to the location closest to Point 10 (37°29'09.15" South, 140°03'41.58" East), then south-westerly to Point 11 (37°31'59" South, 139°53'55" East), then north-westerly to the point of commencement.

Area 4

The waters of or near Beachport contained within and bounded by a line commencing at Point 11 (37°31'59" South, 139°53'55" East), then north-easterly to the line of Mean High Water Springs closest to Point 10 (37°29'09.15" South, 140°03'41.58" East), then beginning south-easterly along the line of Mean High Water Springs to the location closest to Point 12 (37°33'54.60" South, 140°06'28.06" East), then south-westerly to Point 13 (37°35'44" South, 139°57'29" East), then north-westerly to the point of commencement.

Area 5

The waters of or near Southend contained within and bounded by a line commencing at Point 13 (37°35'44" South, 139°57'29" East), then north-easterly to the line of Mean High Water Springs closest to Point 12 (37°33'54.6" South, 140°06'28.06" East), then beginning south-easterly along the line of Mean High Water Springs to the location closest to Point 14 (37°38'30.98" South, 140°12'18.48" East), then west south-westerly to Point 15 (37°39'37" South, 140°01'11" East), then north-westerly to the point of commencement.

Area 6

The waters of or near Millicent contained within and bounded by a line commencing at Point 15 (37°39'37" South, 140°01'11" East), then east north-easterly to the line of Mean High Water Springs closest to Point 14 (37°38'30.98" South, 140°12'18.48" East), then beginning south-easterly along the line of Mean High Water Springs to the location closest to Point 16 (37°51'16.48" South, 140°21'25.38" East), then westerly to Point 17 (37°51'18" South, 140°16'25" East), then north-westerly to Point 18 (37°45'33" South, 140°10'34" East), then north-westerly to Point 19 (37°43'37" South, 140°05'48" East), then north-westerly to the point of commencement.

Area 7

The waters of or near Tantanoola contained within and bounded by a line commencing at Point 17 (37°51'18" South, 140°16'25" East), then easterly to the line of Mean High Water Springs closest to Point 16 (37°51'16.48" South, 140°21'25.38" East), then beginning south-easterly along the line of Mean High Water Springs to the location closest to Point 20 (37°53'54.88" South, 140°22'31.48" East), then south-westerly to Point 21 (37°56'52" South, 140°17'48" East), then north north-westerly to the point of commencement.

Area 8

The waters of or near Tantanoola contained within and bounded by a line commencing at Point 21 (37°56'52" South, 140°17'48" East), then north-easterly to the line of Mean High Water Springs closest to Point 20 (37°53'54.88" South, 140°22'31.48" East), then beginning south-easterly along the line of Mean High Water Springs to the location closest to Point 23 (37°55'09.05" South, 140°23'48.16" East), then south-westerly to Point 24 (38°00'13" South, 140°18'52" East), then north north-westerly to the point of commencement.

Area 9

The waters of or near Tantanoola contained within and bounded by a line commencing at Point 24 (38°00'13" South, 140°18'52" East), then north-easterly to the line of Mean High Water Springs closest to Point 23 (37°55'09.05" South, 140°23'48.16" East), then beginning south-easterly along the line of Mean High Water Springs to the location closest to Point 25 (37°56'58.29" South, 140°27'58.60" East), then south-westerly to Point 26 (38°01'24" South, 140°22'46" East), then west north-westerly to the point of commencement.

Area 10

The waters of or near Tantanoola contained within and bounded by a line commencing at Point 26 (38°01'24" South, 140°22'46" East), then north-easterly to the line of Mean High Water Springs closest to Point 25 (37°56'58.29" South, 140°27'58.60" East), then beginning south-easterly along the line of Mean High Water Springs to the location closest to Point 27 (37°59'23.62" South, 140°31'01.72" East), then south-westerly to Point 28 (38°02'49" South, 140°27'27" East), then west north-westerly to the point of commencement.

Area 11

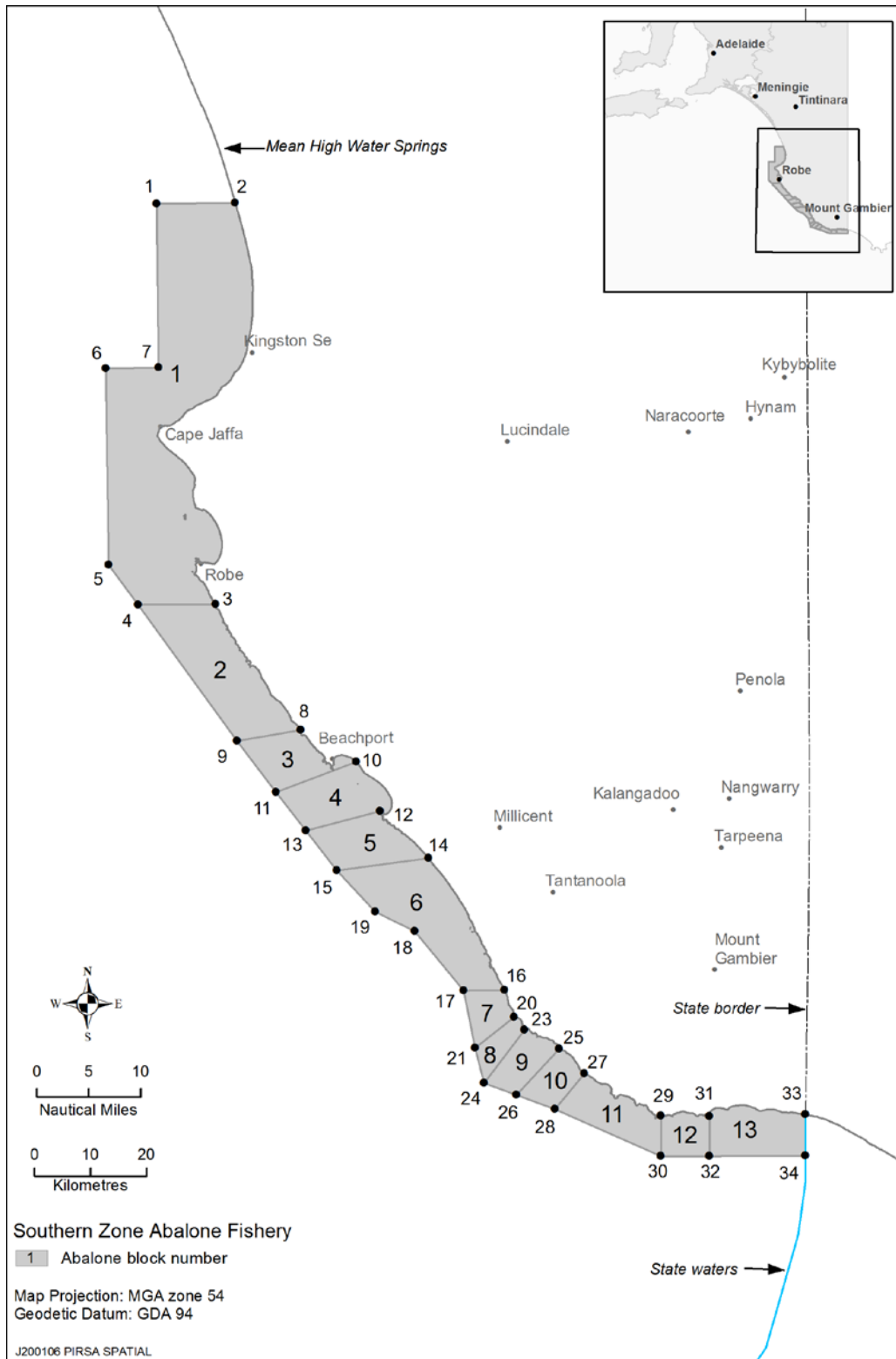
The waters of or near Blanche Bay contained within and bounded by a line commencing at Point 28 (38°02'49" South, 140°27'27" East), then north-easterly to the line of Mean High Water Springs closest to Point 27 (37°59'23.62" South, 140°31'01.72" East), then beginning south-easterly along the line of Mean High Water Springs to the location closest to Point 29 (38°03'30.05" South, 140°40'20" East), then south to Point 30 (38°07'23" South, 140°40'20" East), then north-westerly to the point of commencement.

Area 12

The waters of or near Port MacDonnell contained within and bounded by a line commencing on the line of Mean High Water Springs closest to Point 29 (38°03'30.05" South, 140°40'20" East), then beginning easterly along the line of Mean High Water Springs to the location closest to Point 31 (38°03'32.82" South, 140°46'13.84" East), then south to Point 32 (38°07'23" South, 140°46'14" East), then west to Point 30 (38°07'23" South, 140°40'20" East), then north to the point of commencement.

Area 13

The waters of or near Port MacDonnell contained within and bounded by a line commencing on the line of Mean High Water Springs closest to Point 31 (38°03'32.82" South, 140°46'13.84" East), then beginning easterly along the line of Mean High Water Springs to the eastern border of the State of South Australia (Point 33 (38°03'23.18" South, 140°57'57.71" East), then southerly along the border of the State to the boundary of the State waters, then southerly along that boundary to Point 34 (38°07'23" South, 140°57'56.92" East), then west to Point 32 (38°07'23" South, 140°46'14" East), then north to the point of commencement.



Note—

The map is provided for convenience of reference only.

Schedule 2—Revocation of regulations and transitional provisions

Part 1—Revocation of *Fisheries Management (Abalone Fisheries) Regulations 2006*

1—Revocation of regulations

The *Fisheries Management (Abalone Fisheries) Regulations 2006* are revoked.

Part 2—Transitional provisions

2—Eligibility to be granted fishery licence

- (1) Only a person who is, immediately before the commencement of this clause, 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 the commencement of this clause, 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 the commencement of this clause, 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.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 220 of 2017

DPC17/041CS

South Australia

Fisheries Management (Blue Crab Fishery) (Simplify No 2) Variation Regulations 2017

under the *Fisheries Management Act 2007*

Contents

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- 4 Variation of regulation 3—Interpretation
 - 5 Variation of regulation 8—Revocation of registration
 - 6 Variation of regulation 10—Individual blue crab catch quota system
 - 7 Substitution of regulation 11
 - 11 Catch and disposal requirements
 - 8 Substitution of regulation 12
 - 12 Periodic returns
 - 13 Provision relating to keeping of records
 - 14 Minister's determinations
 - 9 Variation of Schedule 1—Aquatic resources prescribed for Blue Crab Fishery
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Blue Crab Fishery) (Simplify No 2) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

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 Management (Blue Crab Fishery) Regulations 2013*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *crab pot*—delete "*Fisheries Management (General) Regulations 2007*" and substitute:

Fisheries Management (General) Regulations 2017

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

Department means the administrative unit of the Public Service responsible for assisting a Minister in the administration of the Act;

- (3) Regulation 3(1), definition of *marine scalefish fishery*—delete "*Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*" and substitute:

Fisheries Management (Marine Scalefish Fisheries) Regulations 2017

- (4) Regulation 3(3)(b)—delete paragraph (b) and substitute:

- (b) common and scientific fish names are given according to AS 5300—2015 *Australian Fish Names Standard* published by Standards Australia, as in force from time to time;

- (5) Regulation 3(3)(c)—delete "or involved in" and substitute:

, or involved in,

5—Variation of regulation 8—Revocation of registration

Regulation 8(2)(b)—delete "signed by the applicant and"

6—Variation of regulation 10—Individual blue crab catch quota system

- (1) Regulation 10(3)(b)—delete "signed by the applicants and"

- (2) Regulation 10(3)(c)—delete paragraph (c) and substitute:

- (c) be accompanied by the prescribed fee.

7—Substitution of regulation 11

Regulation 11—delete the regulation and substitute:

11—Catch and disposal requirements

- (1) The holder of a licence in respect of the fishery or the registered master of a registered boat from which blue crab is taken under such a licence must comply with the following provisions:

- (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of blue crabs taken under the licence as determined by the Minister;

- (b) the holder of the licence or registered master must provide such information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or registered master must ensure that blue crab taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of a licence must keep records made under subregulation (1) in the manner, at such place, and for such period as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$315.

8—Substitution of regulation 12

Regulation 12—delete the regulation and substitute:

12—Periodic returns

- (1) The holder of a licence in respect of the fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (2) The holder of a licence in respect of the fishery must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$500.

13—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

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

Maximum penalty: \$2 500.

Expiation fee: \$210.

14—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.
- (3) If the Minister makes a determination for the purposes of a regulation, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 9 or 10.

9—Variation of Schedule 1—Aquatic resources prescribed for Blue Crab Fishery

- (1) Schedule 1, Part 2—delete "Gould's Squid (*Nototodarus gouldii*)" and substitute:
Gould's Squid (*Nototodarus gouldi*)
- (2) Schedule 1, Part 2—delete "Mulloway (*Argyrosomus hololepidotus*)" and substitute:
Mulloway (*Argyrosomus japonicus*)
- (3) Schedule 1, Part 2—delete "Trevally (*Caranginae* spp)" and substitute:
Trevally (*Carangidae* spp)
- (4) Schedule 1, Part 2—delete "Bluethroat Wrasse (*Notolabrus tetricus*)" and substitute:
Wrasse (*Labridae*) (other than Western Blue Groper (*Achoerodus gouldii*))

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 221 of 2017

DPC17/041CS

South Australia

Fisheries Management (Charter Boat Fishery) (Simplify No 2) Variation Regulations 2017

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (Charter Boat Fishery) Regulations 2016*

- 4 Variation of regulation 3—Interpretation
 - 5 Variation of regulation 9—Revocation of registration
 - 6 Substitution of regulations 12 and 13
 - 12 Information to be provided—use of registered boat
 - 13 Periodic returns
 - 14 Provision relating to keeping of records
 - 15 Minister's determinations
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Charter Boat Fishery) (Simplify No 2) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

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 Management (Charter Boat Fishery) Regulations 2016*

4—Variation of regulation 3—Interpretation

Regulation 3(1)—after the definition of *current company extract* insert:

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act;

5—Variation of regulation 9—Revocation of registration

Regulation 9(2)(b)—delete paragraph (b) and substitute:

- (b) be completed in accordance with the instructions contained in the form; and

6—Substitution of regulations 12 and 13

Regulations 12 and 13—delete the regulations and substitute:

12—Information to be provided—use of registered boat

- (1) If a registered boat is, or is to be, used under a licence in respect of the fishery, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If the determination of the Minister made for the purposes of subregulation (1) is not complied with, the registered owner and registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

13—Periodic returns

- (1) The holder of a licence in respect of the fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (2) The holder of a licence must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

14—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

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

Maximum penalty: \$2 500.

Expiation fee: \$210.

15—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.

- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which they are expressed to apply.
- (3) If the Minister makes a determination, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination made for the purposes of a regulation.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 222 of 2017

DPC17/041CS

South Australia

Fisheries Management (Demerit Points) Regulations 2017

under the *Fisheries Management Act 2007*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Demerit points

Schedule 1—Demerit point offences and demerit points

Part 1—Offences against Act

- 1 Sections other than section 70
- 2 Section 70 (Prescribed fishing activities prohibited)—engaging in a fishing activity of class specified in Schedule 6 of *Fisheries Management (General) Regulations 2017*
- 3 Section 70 (Prescribed fishing activities prohibited)—engaging in a fishing activity of class specified in Schedule 7 of *Fisheries Management (General) Regulations 2017*

Part 2—Offences against regulations

- 4 *Fisheries Management (Abalone Fisheries) Regulations 2017*
- 5 *Fisheries Management (Blue Crab Fishery) Regulations 2013*
- 6 *Fisheries Management (Charter Boat Fishery) Regulations 2016*
- 7 *Fisheries Management (Fish Processors) Regulations 2017*
- 8 *Fisheries Management (General) Regulations 2017*
- 9 *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*
- 10 *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*
- 11 *Fisheries Management (Miscellaneous Fishery) Regulations 2015*
- 12 *Fisheries Management (Miscellaneous Broodstock and Seedstock Fishery) Regulations 2013*
- 13 *Fisheries Management (Miscellaneous Developmental Fishery) Regulations 2013*
- 14 *Fisheries Management (Miscellaneous Research Fishery) Regulations 2013*
- 15 *Fisheries Management (Prawn Fisheries) Regulations 2017*
- 16 *Fisheries Management (River Fishery) Regulations 2017*
- 17 *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*
- 18 *Fisheries Management (Vessel Monitoring Scheme) Regulations 2017*

Schedule 2—Revocation of *Fisheries Management (Demerit Points) Regulations 2009*

1—Short title

These regulations may be cited as the *Fisheries Management (Demerit Points) Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

3—Interpretation

(1) In these regulations—

Act means the *Fisheries Management Act 2007*.

(2) The clause headings in Schedule 1 form part of these regulations.

4—Demerit points

(1) For the purposes of section 104(1) of the Act—

(a) an offence against a provision specified in Schedule 1 is an offence of a prescribed kind and the number of demerit points prescribed in relation to the offence is the number specified for the offence in Schedule 1; and

(b) an offence against section 120 of the Act is an offence of a prescribed kind and the number of demerit points prescribed in relation to the offence is the same number as the number specified for the principal offence in Schedule 1.

(2) Text set out in italic type under a column headed "Description of offence" in a table in Schedule 1 is a description for convenience purposes only and is not to be taken to define the offence for which a particular number is prescribed as the number of demerit points attracted by the offence.

Schedule 1—Demerit point offences and demerit points

Part 1—Offences against Act

1—Sections other than section 70

Section	Description of offence	Demerit points
52	<i>Person not holding licence or permit in respect of fishery, or person not acting as agent of holder of such licence or permit, engaging, for commercial purpose, in fishing activity of class that constitutes fishery</i>	100
53(1)(a)	<i>Using boat other than registered boat, for commercial purpose, to engage in fishing activity of class that constitutes fishery</i>	50
53(1)(b)	<i>Using boat in charge of person other than registered master, for commercial purpose, to engage in fishing activity of class that constitutes fishery</i>	50
53(2)	<i>Using unregistered device, for commercial purpose, to engage in fishing activity of class that constitutes fishery</i>	75
55(3)	<i>Contravening condition of fishery authority related to quota entitlement—</i>	
	(a) if the offence is expiated by the holder of the authority and the Minister has not varied the conditions of the authority so as to reduce the quota entitlement under the licence	20
	(b) in any other case	100

Section	Description of offence	Demerit points
55(3)	<i>Contravening condition of fishery authority not related to quota entitlement—</i>	
	(a) if the offence is expiated	20
	(b) in any other case	50
59(1)	<i>Holder of fishery authority failing to carry fishery authority or identification while engaging in fishing activity under fishery authority—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
59(2)	<i>Person in charge of registered boat on waters failing to carry fishery authority or identification—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
59(3)(a)	<i>Person using registered device on waters failing to carry fishery authority or identification—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
59(3)(b)	<i>Person in charge of boat on which registered device is being used failing to carry fishery authority or identification—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
62(1)	<i>Person not registered as fish processor acting as fish processor</i>	75
62(3)	<i>Registered fish processor using premises, place, boat or vehicle not specified in certificate of registration for or in connection with processing, storing, transporting or dealing with aquatic resources—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
65(4)	<i>Registered fish processor contravening condition of registration—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	25
67(a)	<i>Giving another person possession or control of fishery authority not in name of the other person</i>	75
67(b)	<i>Having possession or control of another person's fishery authority</i>	75
67(c)	<i>Falsely representing to be person named in fishery authority</i>	75
71(1)(a)	<i>Taking aquatic mammal</i>	100
71(1)(a)	<i>Taking aquatic resource of protected species—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	80
	(ii) second or subsequent offence	100

Section	Description of offence	Demerit points
71(1)(b)	<i>Injuring, damaging or otherwise harming aquatic mammal—</i>	
	(a) if the offence is expiated	20
	(b) in any other case	100
71(1)(b)	<i>Injuring, damaging or otherwise harming aquatic resource of protected species—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	80
	(ii) second or subsequent offence	100
71(2)(a)	<i>Interfering with, harassing or molesting aquatic mammal</i>	100
71(2)(a)	<i>Interfering with, harassing or molesting aquatic resource of protected species—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	80
	(ii) second or subsequent offence	100
71(2)(b)	<i>Causing or permitting interference with, or harassment or molestation of, aquatic mammal</i>	100
71(2)(b)	<i>Causing or permitting interference with, or harassment or molestation of, aquatic resource of protected species—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	80
	(ii) second or subsequent offence	100
72(1)	<i>Selling or purchasing aquatic resource taken without authority</i>	100
72(2)(a)	<i>Selling or purchasing, or having possession or control, of aquatic resource taken in contravention of Act or corresponding law</i>	100
72(2)(b)	<i>Selling or purchasing, or having possession or control of, aquatic resource of protected species</i>	100
72(2)(c)	<i>Selling or purchasing, or having possession or control of, aquatic resource of prescribed class—</i>	
	(a) first offence	45
	(b) second offence	60
	(c) third or subsequent offence	75
73(1)	<i>Possessing quantity of fish of priority species exceeding prescribed quantity</i>	100
73(1)	<i>Possessing quantity of aquatic resource (other than fish of priority species) exceeding prescribed quantity—</i>	
	(a) if the offence is expiated	20

Section	Description of offence	Demerit points
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
74(1)	<i>Trafficking in, or having possession or control of, commercial quantity of fish of priority species</i>	100
75(1)	<i>Obstructing or interfering with lawful fishing activity or interfering with aquatic resources taken in course of lawful fishing activity—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
75(2)	<i>Failing to cease or discontinue obstructive conduct or interference with lawful fishing activity—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
76(a)	<i>Entering or remaining in aquatic reserve without authorisation or permit—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
76(b)	<i>Engaging in fishing activity in aquatic reserve without authorisation or permit—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
77(1)(a)	<i>Engaging in operation involving or resulting in disturbance of bed of waters in aquatic reserve without authorisation or permit—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
77(1)(b)	<i>Engaging in operation involving or resulting in removal of or interference with aquatic or benthic animals or plants of waters in aquatic reserve—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	

Section	Description of offence	Demerit points
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
78(1)(a)	<i>Bringing into State aquatic resources of noxious species without permit</i>	100
78(1)(b)	<i>Taking from any waters aquatic resources of noxious species without permit</i>	100
78(1)(c)	<i>Selling, purchasing or delivering aquatic resources of noxious species without permit</i>	100
78(1)(d)	<i>Having possession or control of aquatic resources of noxious species without permit</i>	100
78(2)(a)	<i>Releasing or permitting escape into any waters of exotic fish, aquaculture fish, or fish kept apart from natural habitat, without permit</i>	100
78(2)(b)	<i>Depositing into any waters exotic fish, aquaculture fish, fish kept apart from natural habitat, or exotic aquatic plants, without permit</i>	100
79(9)(a)	<i>Engaging in fishing activity in contravention of declaration or direction under section 79—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
79(9)(b)	<i>Having possession or control of aquatic resources in contravention of declaration under section 79—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
79A(3)	<i>Contravening condition of a permit issued for purposes of Part 7</i>	100
80(8)	<i>Failing to comply with requirement of Minister</i>	5
84(3)	<i>Resisting arrest or escaping from lawful custody</i>	100
88(4)	<i>Using registered boat without scientific observer aboard during period specified in notice given by Minister</i>	100
91(1)	<i>Hindering etc authorised person</i>	100
91(2)	<i>Assaulting authorised person etc</i>	100
92(9)	<i>Failing to comply with protection order—</i>	
	(a) if the offence is expiated	20
	(b) in any other case	100
94(9)	<i>Failing to comply with reparation order</i>	100

Section	Description of offence	Demerit points
102(2)	<i>Contravening suspension, disqualification or prohibition order made by court</i>	100
115(6)	<i>Contravening condition of exemption—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
119	<i>Making false or misleading statement in information provided, or record kept, under Act</i>	100
124(1)	<i>Person engaged in administration of Act divulging or communicating information obtained in course of official duties except in prescribed circumstances</i>	100
124(3)	<i>Person using for other purpose information disclosed for particular purpose</i>	100

2—Section 70 (Prescribed fishing activities prohibited)—engaging in a fishing activity of class specified in Schedule 6 of *Fisheries Management (General) Regulations 2017*

Clause	Description of offence	Demerit points
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>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	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>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
3	<i>Taking fish in Coorong (area 1) using certain net during closed season (commercial)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	

Clause	Description of offence	Demerit points
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
4	<i>Taking fish in coastal waters using hauling net during certain holiday periods (commercial)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
5	<i>Taking fish in certain coastal waters using swinger net (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
6	<i>Taking fish in River Murray proper using certain device (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
7	<i>Taking fish for purpose of bait using fish net other than bait net (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
8	<i>Taking Scallop using scallop dredge (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Clause	Description of offence	Demerit points
9(1)	<i>Taking certain fish in Lakes and Coorong using more than permitted number of certain nets at same time (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
10	<i>Taking fish using drum net of unlawful specifications (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
11	<i>Taking fish in coastal waters using gill net or mesh net of unlawful specifications (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
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>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	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>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Clause	Description of offence	Demerit points
13	<i>Taking fish in Coorong (area 1), Coorong (area 2) or Coorong coastal waters using large monofilament mesh net of unlawful specifications (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
14	<i>Taking fish in Coorong coastal waters using large mesh monofilament net of unlawful specifications other than as set net (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	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>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
16(1)	<i>Taking prawn in coastal waters using prawn trawl net of unlawful specifications (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
17	<i>Taking Blue Swimmer Crab using crab net of unlawful specifications (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Clause	Description of offence	Demerit points
18(1)	<i>Taking rock lobster in Northern Zone using rock lobster pot of unlawful specifications (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
19	<i>Taking rock lobster in Southern Zone using rock lobster pot of unlawful specifications (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
20	<i>Taking Ocean Jacket in waters deeper than 60m using fish trap of unlawful specifications (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
21	<i>Taking fish using fish trap of unlawful specifications (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
22	<i>Taking Pipi in Coorong coastal waters using cockle rake of unlawful specifications (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
23	<i>Taking fish using certain device without buoy (commercial)—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25

Clause	Description of offence	Demerit points
24	<i>Taking fish using certain device without tag (commercial)—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	25
25	<i>Taking Razorfish (bag limit) (commercial)—exceeding daily limit:</i>	
	(a) if the offence is expiated	10
	(b) in any other case—	
	(i) first offence	30
	(ii) second offence	40
	(iii) third or subsequent offence	50
26	<i>Taking fish by licensed person using trawl nets and boats in Gulf St. Vincent Prawn Fishery—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
27	<i>Taking fish by licensed person using trawl nets and boats in Spencer Gulf Prawn Fishery—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
28	<i>Taking fish by licensed person using trawl nets and boats in West Coast Prawn Fishery—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
29	<i>Taking fish using unattended long line (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Clause	Description of offence	Demerit points
30	<i>Taking fish using set line with more than permitted number of hooks (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
31	<i>Taking certain fish in River Murray (commercial)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
32	<i>Taking Blue Swimmer Crab in certain Spencer Gulf waters (commercial)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
33	<i>Taking Blue Swimmer Crab in certain other waters (commercial)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
34	<i>Taking Sand Crab using sand crab pot in certain waters (commercial)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
35	<i>Taking Vongole in certain waters (commercial)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Clause	Description of offence	Demerit points
36	<i>Taking Blue Swimmer Crab in certain waters during closed season (commercial)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
37	<i>Taking fish in River Murray using certain device without buoy or tag (commercial)—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
38	<i>Taking fish in Lakes and Coorong by electrofishing (commercial)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
39	<i>Taking fish in coastal waters using fish net or long line (recreational)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
40	<i>Taking fish using fish net in River Murray proper (recreational)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
41	<i>Taking fish in Coorong (area 1) using fish net during certain period (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Clause	Description of offence	Demerit points
42	<i>Taking fish using fish trap (recreational)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
43	<i>Taking fish in coastal waters using more than permitted number of certain devices (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
44	<i>Taking fish in River Murray proper using more than permitted number of certain devices (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
45	<i>Taking fish in Coorong (area 1) using more than permitted number of certain devices during certain period (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
46	<i>Taking fish in Coorong (area 2) using more than permitted number of certain devices (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
47	<i>Taking fish in Lakes Albert and Alexandrina using more than permitted number of certain devices (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	

Clause	Description of offence	Demerit points
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
48	<i>Taking fish in Lake George using more than permitted number of certain devices (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
49	<i>Taking fish in Coorong (area 1) during certain period using mesh net of unlawful specifications (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
50	<i>Taking fish in Coorong (area 2) using mesh net of unlawful specifications (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
51	<i>Taking fish in Lakes Albert and Alexandrina using mesh net of unlawful specifications (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
52	<i>Taking fish in Lake George using mesh net of unlawful specifications (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Clause	Description of offence	Demerit points
53	<i>Taking crabs using crab net or hand net of unlawful specifications (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
54	<i>Taking rock lobster in Northern Zone or Southern Zone using rock lobster pot of unlawful specifications (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
55	<i>Taking fish using device without tag (recreational)—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15
	(ii) second offence	20
	(iii) third or subsequent offence	25
56	<i>Taking fish using mesh net without tag (recreational)—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15
	(ii) second offence	20
	(iii) third or subsequent offence	25
57	<i>Taking fish in Lake George using mesh net without buoy or tag (recreational)—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15
	(ii) second offence	20
	(iii) third or subsequent offence	25
58	<i>Taking fish using drop net without buoy or tag (recreational)—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15

Clause	Description of offence	Demerit points
	(ii) second offence	20
	(iii) third or subsequent offence	25
59	<i>Taking fish using hoop net without buoy or tag (recreational)—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15
	(ii) second offence	20
	(iii) third or subsequent offence	25
60	<i>Taking rock lobster using rock lobster pot without buoy or tag (recreational)—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15
	(ii) second offence	20
	(iii) third or subsequent offence	25
61	<i>Taking fish using shrimp trap or yabby pot without buoy or tag (recreational)—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15
	(ii) second offence	20
	(iii) third or subsequent offence	25
62	<i>Taking fish using device with tag bearing registration information relating to device registered for commercial fishing (recreational)—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15
	(ii) second offence	20
	(iii) third or subsequent offence	25
63	<i>Taking fish (recreational non-charter boat fishing bag or boat limit)—exceeding limit:</i>	
	(a) if the offence is expiated—	
	(i) by up to 10 fish	5
	(ii) by more than 10 but not more than 20 fish	10
	(iii) by more than 20 fish	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Clause	Description of offence	Demerit points
64	Taking rock lobster (<i>recreational non-charter boat fishing bag or boat limit</i>) in the Northern Zone or Southern Zone—exceeding limit:	
	(a) if the offence is expiated	10
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
64	Taking abalone (<i>recreational non-charter boat fishing bag or boat limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 5 abalone	5
	(ii) by more than 5 but not more than 10 abalone	10
	(iii) by more than 10 abalone	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
64	Taking Murray Cod (<i>recreational non-charter boat fishing bag or boat limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 5 Murray Cod	10
	(ii) by more than 5 Murray Cod	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
65(1)	Taking cockle and vongole (<i>recreational bag limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 50 cockles or vongole	5
	(ii) by more than 50 but not more than 100 cockles or vongole	10
	(iii) by more than 100 cockles or vongole	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Clause	Description of offence	Demerit points
65(1)	Taking Black Cowrie (<i>recreational bag limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 5 Black Cowrie	10
	(ii) by more than 5 Black Cowrie	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
65(1)	Taking Pipi (<i>recreational bag limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 100 Pipi	5
	(ii) by more than 100 but not more than 200 Pipi	10
	(iii) by more than 200 Pipi	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
65(1)	Taking Mulloway (<i>recreational bag limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 10 Mulloway	5
	(ii) by more than 10 but not more than 20 Mulloway	10
	(iii) by more than 20 Mulloway	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
65(2)	Taking bloodworms (<i>recreational limit</i>)—exceeding limit:	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
66	Taking fish (<i>recreational charter boat fishing boat or trip limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 10 fish	5
	(ii) by more than 10 but not more than 20 fish	10
	(iii) by more than 20 fish	15

Clause	Description of offence	Demerit points
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
67	Taking fish (<i>recreational charter boat fishing boat or trip limit</i>)— exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 10 fish	5
	(ii) by more than 10 but not more than 20 fish	10
	(iii) by more than 20 fish	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
68	Taking cockle and vongole (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 100 cockles or vongole	5
	(ii) by more than 100 but not more than 200 cockles or vongole	10
	(iii) by more than 200 cockles or vongole	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
68	Taking Pipi (<i>recreational charter boat fishing bag or trip limit</i>)— exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 100 Pipi	5
	(ii) by more than 100 but not more than 200 Pipi	10
	(iii) by more than 200 Pipi	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Clause	Description of offence	Demerit points
68	Taking Abalone, Congolli, Giant Crab, Western Blue Groper, Harlequin fish, Yellowtail Kingfish, Rock Lobster, Samsonfish, Bronze Whaler Shark, Dusky Shark, King George Whiting or Wrasse (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 5 fish	5
	(ii) by more than 5 but not more than 10 fish	10
	(iii) by more than 10 fish	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
68	Taking fish (other than Abalone, Cockle, Congolli, Giant Crab, Western Blue Groper, Harlequin fish, Yellowtail Kingfish, Rock Lobster, Pipi, Samsonfish, Bronze Whaler Shark, Dusky Shark, King George Whiting or Wrasse) (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 10 fish	5
	(ii) by more than 10 but not more than 20 fish	10
	(iii) by more than 20 fish	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
69	Taking fish (<i>recreational charter boat fishing bag, boat or trip limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 10 fish	5
	(ii) by more than 10 but not more than 20 fish	10
	(iii) by more than 20 fish	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
70	Taking fish in Coorong (area 1) during certain period using mesh net in unlawful manner or without attending net (<i>recreational</i>)—	
	(a) if the offence is expiated	15

Clause	Description of offence	Demerit points
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
71	<i>Taking fish in Coorong (area 2) using mesh net in unlawful manner or without attending net (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
72	<i>Taking fish in Lakes Albert and Alexandrina using mesh net in unlawful manner or without attending net (recreational)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
73	<i>Taking fish in Lake George using mesh net in unlawful manner or at certain times of day without attending net (recreational)</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
74	<i>Taking fish for non-commercial purpose using device other than permitted device etc—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
75	<i>Taking fish for non-commercial purpose using mesh net or rock lobster pot not registered in user's name—</i>	
	(a) if the offence is expiated	20
	(b) in any other case	100
76	<i>Taking fish using bow and arrow—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	

Clause	Description of offence	Demerit points
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
77	<i>Taking rock lobster using fish spear etc—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
78	<i>Taking fish using more than permitted number of rod and lines or hand lines etc—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
79	<i>Taking fish using more than permitted number of large mesh nets—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
80	<i>Taking fish using more than permitted number of teaser lines from jetty etc—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
81	<i>Taking fish by licensed person in inland waters using yabby pot of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Clause	Description of offence	Demerit points
81	<i>Taking fish by unlicensed person in inland waters using yabby pot of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
82	<i>Taking fish by licensed person in Lake George using fish net of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
82	<i>Taking fish by unlicensed person in Lake George using fish net of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
83	<i>Taking fish in coastal waters other than by power hauling method using hauling net of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
84	<i>Taking fish by power hauling method using hauling net of unlawful specifications etc—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
85	<i>Taking fish by licensed person in certain Coorong waters using mesh net of unlawful specifications—</i>	
	(a) if the offence is expiated	15

Clause	Description of offence	Demerit points
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
85	<i>Taking fish by unlicensed person in certain Coorong waters using mesh net of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
86	<i>Taking fish on week days in certain waters using mesh net of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
87	<i>Taking fish by licensed person in Lakes Albert and Alexandrina using mesh net of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
87	<i>Taking fish by unlicensed person in Lakes Albert and Alexandrina using mesh net of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
88	<i>Taking fish using large mesh net of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Clause	Description of offence	Demerit points
89	<i>Taking Salmon using purse seine net of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
90	<i>Taking fish by licensed person using shrimp trap of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
90	<i>Taking fish by unlicensed person using shrimp trap of unlawful specifications—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
91	<i>Taking fish by licensed person using mesh net or set line without buoys—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
91	<i>Taking fish by unlicensed person using mesh net or set line without buoys—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15
	(ii) second offence	20
	(iii) third or subsequent offence	25
92	<i>Taking fish by licensed person using fish net without buoys—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
92	<i>Taking fish by unlicensed person using fish net without buoys—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15
	(ii) second offence	20
	(iii) third or subsequent offence	25

Clause	Description of offence	Demerit points
93	<i>Taking fish by licensed person in Lakes Albert and Alexandrina, Murray Mouth or Coorong using fish net within certain distance of another fish net—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
93	<i>Taking fish by unlicensed person in Lakes Albert and Alexandrina, Murray Mouth or Coorong using fish net within certain distance of another fish net—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
94	<i>Taking fish in certain waters using device other than rod and line, hand line or hand net—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
95(1)	<i>Taking fish by licensed person in certain inland waters—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
95(1)	<i>Taking fish by unlicensed person in certain inland waters—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Clause	Description of offence	Demerit points
96	<i>Taking fish using towed net in certain waters—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
97	<i>Taking fish in certain waters deeper than 5m using fish net—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
98	<i>Taking fish in certain waters of Spencer Gulf using fish net—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
99	<i>Taking fish by licensed person in certain waters of Coorong using fish net or set line—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
99	<i>Taking fish by unlicensed person in certain waters of Coorong using fish net or set line—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
100	<i>Taking fish in Murray Mouth using long line—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Clause	Description of offence	Demerit points
101	<i>Taking fish by licensed person in certain waters using mesh net as set net—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
101	<i>Taking fish by unlicensed person in certain waters using mesh net as set net—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
102	<i>Taking fish by licensed person in certain waters of Coorong using mesh net as set net on weekend—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
102	<i>Taking fish by unlicensed person in certain waters of Coorong using mesh net as set net on weekend—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
103	<i>Taking fish in certain waters of Coorong using hauling net on weekend—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
104(1) or (2)	<i>Taking fish by licensed person using certain device near artificial reef—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	

Clause	Description of offence	Demerit points
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
104(1) or (2)	<i>Taking fish by unlicensed person using certain device near artificial reef—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
105	<i>Taking fish using large mesh net left in water more than 4 hours—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
106	<i>Taking prawn by licensed person by power hauling method—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
106	<i>Taking prawn by unlicensed person by power hauling method—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
107	<i>Taking fish in Gulf St. Vincent or Spencer Gulf using large mesh net not shot out in straight line—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
108	<i>Taking fish using fish net fixed etc across bay, inlet etc—</i>	
	(a) if the offence is expiated	15

Clause	Description of offence	Demerit points
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
109	<i>Taking fish by licensed person by fixing or placing stake, log etc across mouth of waters, channel etc so as to impair free passage of fish—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
109	<i>Taking fish by unlicensed person by fixing or placing stake, log etc across mouth of waters, channel etc so as to impair free passage of fish—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
110	<i>Taking fish by licensed person using pipeline—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
110	<i>Taking fish by unlicensed person using pipeline—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
111	<i>Taking fish using explosive or anaesthetic etc—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Clause	Description of offence	Demerit points
112	Taking rock lobster by diving (<i>bag limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 5 rock lobster	5
	(ii) by more than 5 but not more than 10 rock lobster	10
	(iii) by more than 10 rock lobster	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
113(1)(a)	Taking undersize fish—	
	(a) if the offence is expiated—	
	(i) up to 10 fish	5
	(ii) more than 10 fish	10
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
113(1)(b)	Taking oversize Western Blue Groper or Murray Cod—	
	(a) if the offence is expiated	20
	(b) in any other case	50
113(2)	Taking undersize or oversize Wrasse—	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
114	<i>Taking molluscs in waters of West Lakes etc—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15
	(ii) second offence	20
	(iii) third or subsequent offence	25
115	<i>Taking filter-feeding marine molluscan shellfish in certain waters of Port Adelaide River—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15

Clause	Description of offence	Demerit points
	(ii) second offence	20
	(iii) third or subsequent offence	25
116	<i>Taking benthic marine organisms by licensed person in certain waters—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
116	<i>Taking benthic marine organisms by unlicensed person in certain waters—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
117	<i>Taking prawn by licensed person in certain waters less than 10m deep</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
117	<i>Taking prawn by unlicensed person in certain waters less than 10m deep</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
118	<i>Taking rock lobster by licensed person in certain waters—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
118	<i>Taking rock lobster by unlicensed person in certain waters—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Clause	Description of offence	Demerit points
119	<i>Taking fish by licensed person near locks and weir of River Murray—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
119	<i>Taking fish by unlicensed person near locks and weir of River Murray—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
120	<i>Taking fish by licensed person during closed season in certain waters—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
120	<i>Taking fish by unlicensed person during closed season in certain waters—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
121	<i>Taking fish by licensed person using 2mm or greater trace wire with size 12/0 fishing hooks—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
121	<i>Taking fish by unlicensed person using 2mm or greater trace wire with size 12/0 fishing hooks—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Clause	Description of offence	Demerit points
122	<i>Setting rock lobster pots in Southern Zone by licensed person during closed season—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
122	<i>Setting rock lobster pots in Southern Zone by unlicensed person during closed season—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
123	<i>Setting rock lobster pots containing rock lobster for purpose other than commercial purpose—</i>	
	(a) first offence	60
	(b) second offence	80
	(c) third or subsequent offence	100
124(1)	<i>Taking fish (other than under fishery authority) using registered boat</i>	50
125	<i>Taking cephalopod in False Bay, Spencer Gulf—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
126	<i>Taking fish using certain traces or hooks in certain waters between 0500 and 2100 hours on any day—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
127	<i>Taking fish near Horseshoe Reef—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15
	(ii) second offence	20
	(iii) third or subsequent offence	25

Clause	Description of offence	Demerit points
128	<i>Taking fish in certain parts of Onkaparinga River—</i>	
	(a) if the offence is expiated	5
	(b) in any other case—	
	(i) first offence	15
	(ii) second offence	20
	(iii) third or subsequent offence	25

3—Section 70 (Prescribed fishing activities prohibited)—engaging in a fishing activity of class specified in Schedule 7 of *Fisheries Management (General) Regulations 2017*

Part	Description of offence	Demerit points
Part 1	<i>Engaging in a fishing activity of a prescribed class—taking fish by using a fish net in any of the waters of the State specified in Schedule 7 Part 1 of the Fisheries Management (General) Regulations 2017:</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
Part 2	<i>Engaging in a fishing activity of a prescribed class—taking fish 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 of the Fisheries Management (General) Regulations 2017:</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Part 2—Offences against regulations

4—*Fisheries Management (Abalone Fisheries) Regulations 2017*

Regulation	Description of offence	Demerit points
10(6)	<i>Licence holder taking abalone of certain class for commercial purpose where unit entitlement under licence falls below prescribed number (Central Zone Abalone Fishery)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
11(6)	<i>Licence holder taking abalone of certain class for commercial purpose where unit entitlement under licence falls below prescribed number (Southern Zone Abalone Fishery)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
12(6)	<i>Licence holder taking abalone of certain class for commercial purpose where unit entitlement under licence falls below prescribed number (Western Zone Abalone Fishery)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
13	<i>Licence holder taking abalone under licence using more than 1 registered boat at any 1 time, or causing etc more than 1 registered boat to be used at any 1 time to take abalone under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
14(1)	<i>Licence holder causing etc more than 1 person to engage in fishing activities under licence on the same day—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
15	<i>Licence holder causing etc registered boat to be transported or towed by another boat to fishing location</i>	50

Regulation	Description of offence	Demerit points
16(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of abalone taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of abalone taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
16(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
17(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
17(2)	<i>Failing to keep copy of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
18	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

5—Fisheries Management (Blue Crab Fishery) Regulations 2013

Regulation	Description of offence	Demerit points
11(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of blue crab taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of blue crab taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Regulation	Description of offence	Demerit points
11(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
12(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
12(2)	<i>Failing to keep copy of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
13	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

6—Fisheries Management (Charter Boat Fishery) Regulations 2016

Regulation	Description of offence	Demerit points
11(1)	<i>Using, possessing or controlling rock lobster pot (recreational) registered in name of licensed person, registered master or agent of licensed person aboard registered boat being used under licence—</i>	
	(a) if the offence is expiated	20
	(b) in any other case	50
12(2)	<i>Failing to comply with determination of Minister made for purposes of subregulation (1) by failing to provide certain information to Department if registered boat is, or is to be, used under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
13(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
13(2)	<i>Failing to keep copy of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
14	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

7—Fisheries Management (Fish Processors) Regulations 2017

Regulation	Description of offence	Demerit points
7(1)	<i>Failing to check for undersize fish in consignment of aquatic resources</i>	50
7(2)	<i>Failing to dispose of undersize fish found in consignment of aquatic resources—</i>	50
8(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of abalone, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of abalone purchased or obtained by fish processor</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
8(3)	<i>Failing to keep records made under subregulation (1) in relation to abalone as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
9(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of vongole, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of vongole purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
9(3)	<i>Failing to keep records made under subregulation (1) in relation to vongole as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
10(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of pipi, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of pipi purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
10(3)	<i>Failing to keep records made under subregulation (1) in relation to pipi as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

Regulation	Description of offence	Demerit points
11(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of blue crab, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of blue crab purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
11(3)	<i>Failing to keep records made under subregulation (1) in relation to blue crab as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
12(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of giant crab, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of giant crab purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
12(3)	<i>Failing to keep records made under subregulation (1) in relation to giant crab as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
13(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of sardines, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of sardines purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
13(3)	<i>Failing to keep records made under subregulation (1) in relation to sardines as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

Regulation	Description of offence	Demerit points
14(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of tuna, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of tuna purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
14(3)	<i>Failing to keep records made under subregulation (1) in relation to tuna as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
15(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of rock lobster, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of rock lobster purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
15(3)	<i>Failing to keep records made under subregulation (1) in relation to rock lobster as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
16(4)	<i>Contravening regulation by failing to provide return to Department as determined by Minister, or failing to keep record of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
17(3)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in connection with purchasing, obtaining, processing, storage, transport or dealing with aquatic resources, or failing to provide such information to Department—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
17(3)	<i>Failing to comply with Minister's determination made for purposes of subregulation (2) by failing to record information in connection with receipt of aquatic resources, or failing to provide such information to Department—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75

Regulation	Description of offence	Demerit points
17(4)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(a) in any other case	50
18	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

8—Fisheries Management (General) Regulations 2017

Regulation	Description of offence	Demerit points
8(1)	<i>Being person in charge of vehicle in or on which there are more than 300 Pipi (West of longitude 136°East)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
8(2)	<i>Being person in charge of vehicle in or on which there are more than 900 Pipi (East of longitude 136°East)—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
11	<i>Person using registered device for recreational fishing failing to produce certificate of registration within 48 hours of request—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
14(1)	<i>Carrying explosive device by licensed person in specified area—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
14(1)	<i>Carrying explosive device by unlicensed person in specified area—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
15(1)	<i>Carrying certain devices while using scuba, hookah or other apparatus for breathing underwater—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	

Regulation	Description of offence	Demerit points
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
16	<i>Carrying device by licensed person near lock and weir of River Murray—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
16	<i>Carrying device by unlicensed person near lock and weir of River Murray—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
17(2)	<i>Using registered boat not bearing distinguishing marks to engage in fishing activity of class that constitutes fishery—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
17(3)	<i>Using dinghy as tender to registered boat where dinghy does not bear same distinguishing marks (with addition of letter "T" forming part of distinguishing marks as prefix) as registered boat to which dinghy is tender—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
17(4)	<i>Owner of registered boat that ceases to be registered boat failing to remove or cause to be removed as soon as practicable after cessation any distinguishing mark on boat—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
18(2)	<i>Mutilating certain fish before fish are brought ashore or landed—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
19(1)	<i>Removing abalone (Southern Zone) from shell other than at premises of registered fish processor in course of business of processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Regulation	Description of offence	Demerit points
19(2)	<i>Removing abalone from shell before bringing abalone to position above water line—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
19(3)	<i>Taking abalone without carrying measuring device—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
19(4)	<i>Failing to immediately and carefully replace undersize abalone—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
19(5)	<i>Possessing etc abalone removed from shell other than in prescribed circumstances—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
20	<i>Storing or confining fish in corfs without tagged buoy attached—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
21	<i>Storing or confining rock lobster in corf without holding licence in respect of rock lobster fishery—</i>	100
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
22(1)	<i>Taking rock lobster by unlicensed person in Northern Zone during closed season—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Regulation	Description of offence	Demerit points
22(2)	<i>Setting rock lobster pot by unlicensed person in Northern Zone during closed season—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
23	<i>Failing to clip tail fan of rock lobster—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
24(1)	<i>Using certain animal body parts as berley (otherwise than in rock lobster pot or other fish trap) within 2 nautical miles of mainland or exposed island or reef of State—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
24(3)	<i>Depositing or using in marine waters body or body parts of mammal, bird, reptile or amphibian—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
25(3)	<i>Leaving bait net registered under fishery authority unattended after set in waters from registered boat—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
26(1)	<i>Failing to remove from Lakes and Coorong anchors etc from nets removed from Lakes and Coorong (commercial)—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25

Regulation	Description of offence	Demerit points
27(1)	<i>Holder of fishery authority, fish processor or person otherwise involved in business of handling, storing, moving or dealing with fish transporting etc fish in receptacle without marking or labelling receptacle with name etc and fishery licence, fishery permit number or fish processor registration number—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
29(1)	<i>Holder of fishery authority (natural person) failing to notify Minister of change of residential or business address within 30 days of change—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
29(2)	<i>Holder of fishery authority (body corporate) failing to notify Minister of change of registered address within 30 days of change—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25

9—Fisheries Management (Lakes and Coorong Fishery) Regulations 2009

Regulation	Description of offence	Demerit points
11(2)	<i>Causing or permitting agents to be engaged in fishing activities on shore when licence holder or registered master is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11(3)	<i>Causing or permitting more than prescribed number of agents to be engaged in taking pipi on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11(4)	<i>Causing or permitting more than prescribed number of agents to be engaged in fishing activities on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11(5)	<i>Causing or permitting agents to be engaged in fishing activities on boat when licence holder or registered master is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11(6)	<i>Causing or permitting more than prescribed number of agents to be engaged in fishing activities on boat at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50

Regulation	Description of offence	Demerit points
11A(2)	<i>Causing or permitting agents to be engaged in fishing activities on shore when licence holder or nominated agent is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11A(3)	<i>Causing or permitting more than prescribed number of agents to be engaged in taking pipi on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11A(4)	<i>Causing or permitting agents to be engaged in fishing activities on shore when licence holder is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11A(5)	<i>Causing or permitting more than prescribed number of agents to be engaged in fishing activities on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11A(9)	<i>Contravening or failing to comply with condition of approval—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
13(1)	<i>Licence holder taking pipi for commercial purpose without quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
13(2)	<i>Licence holder (other than licence subject to pipi quota entitlement) taking pipi other than for purpose of bait to be used under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
13(3)	<i>Licence holder taking vongole other than for purpose of bait or taking vongole in excess of daily limit—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Regulation	Description of offence	Demerit points
13(4)	<i>Licence holder taking cockles in excess of daily limit—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
14	<i>Using more than 6 cockle rakes at any 1 time for purpose of taking pipi under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
15(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) as to provision of certain information to Department if fishing activities involving taking of pipi are, or are to be, engaged in—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
16	<i>Failing to land pipi taken under licence subject to pipi quota entitlement within State—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
17	<i>Failing to ensure all pipi taken under licence subject to pipi quota entitlement are consigned or delivered to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
18(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of pipi taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of pipi taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Regulation	Description of offence	Demerit points
18(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
19(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
19(2)	<i>Failing to keep copy of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
20	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

10—Fisheries Management (Marine Scalefish Fisheries) Regulations 2017

Regulation	Description of offence	Demerit points
4(3)	<i>Licence holder taking blue crab for commercial purpose in blue crab fishing zone without quota entitlement relating to that zone—</i>	
	(a) first offence	45
	(b) second offence	60
	(c) third or subsequent offence	75
11	<i>Registered master other than licence holder in respect of a marine scalefish fishery engaging in certain fishing activities—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
12	<i>Registered master using boat under licence in respect of Restricted Marine Scalefish Fishery causing or permitting more than prescribed number of agents to assist in fishing activities—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
14(7)	<i>Licence holder taking vongole for commercial purpose in vongole fishing zone without quota entitlement relating to that zone—</i>	
	(a) first offence	45
	(b) second offence	60
	(c) third or subsequent offence	75

Regulation	Description of offence	Demerit points
16(5)	<i>Licence holder taking blue crab in certain waters while unit entitlement is below prescribed number—</i>	
	(a) first offence	45
	(b) second offence	60
	(c) third or subsequent offence	75
17(6)	<i>Licence holder taking sardines while unit entitlement is below prescribed number—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
18(1)	<i>Licence holder (other than licence subject to vongole quota entitlement) taking vongole other than for purpose of bait to be used under licence, or taking on 1 day for such purpose number of vongole in excess of daily limit—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
18(2)	<i>Licence holder taking pipi for commercial purpose without quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
18(3)	<i>Licence holder without pipi quota entitlement taking pipi other than for purpose of bait to be used under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
18(4)	<i>Licence holder taking cockles in any 1 day in excess of daily limit fixed by condition of licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	

Regulation	Description of offence	Demerit points
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
18(5)	<i>Licence holder taking blue crab for commercial purpose without quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
18(6)	<i>Licence holder taking sardines for commercial purpose without quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
19	<i>Licence holder using or causing etc use of more than 6 cockle rakes at any 1 time for purpose of taking pipi under eligible licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
20	<i>Licence holder failing to ensure pipi taken under licence subject to pipi quota entitlement is landed within State—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
21	<i>Licence holder taking aquatic resources other than sand crabs using sand crab pot (Marine Scalefish Fishery)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Regulation	Description of offence	Demerit points
22(2)	<i>Being registered owner or registered operator of registered boat on which are carried sand crab pots and other kinds of registered devices at the same time—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
23(2)	<i>Being registered owner or registered operator of boat registered under more than 1 MSSF licence used to take sardines under more than 1 licence at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
24(2)	<i>Failing to comply with Minister's determination by failing to notify Department of certain information before fishing activities involving taking of vongole under licence subject to vongole quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
25(2)	<i>Failing to comply with Minister's determination by failing to notify Department of certain information before fishing activities involving taking of pipi under licence subject to pipi quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
26(2)	<i>Failing to comply with Minister's determination by failing to notify Department of certain information before boat registered under more than 1 MSSF licence is used to take sardines under such licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
27(2)	<i>Causing or permitting agents to be engaged in fishing activities on shore when licence holder or registered master is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
27(3)	<i>Causing or permitting more than prescribed number of agents to be engaged in fishing activities on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
27(4)	<i>Causing or permitting more than prescribed number of agents to be engaged in taking pipi on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50

Regulation	Description of offence	Demerit points
27(6)	<i>Causing or permitting more than prescribed number of agents to be engaged in fishing activities under Restricted Marine Scalefish Fishery licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
28(2)	<i>Causing or permitting agents to be engaged in relevant fishing activity on shore when licence holder or nominated agent is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
28(3)	<i>Causing or permitting more than prescribed number of agents to be engaged in fishing activities on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
28(4)	<i>Causing or permitting more than prescribed number of agents to be engaged in taking Pipi on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
28(8)	<i>Contravening or failing to comply with condition of approval of nominated agent—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
29(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of vongole taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of vongole taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
29(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
30(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of pipi taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of pipi taken under licence—</i>	
	(a) if the offence is expiated	15

Regulation	Description of offence	Demerit points
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
30(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
31(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of blue crab taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of blue crab taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
31(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
32(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of sardines taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of sardine taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
32(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
33(1)	<i>Licence holder failing to ensure all vongole taken under licence subject to vongole quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	

Regulation	Description of offence	Demerit points
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
33(2)	<i>Licence holder failing to ensure all pipi taken under Marine Scalefish Fishery licence subject to pipi quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
33(3)	<i>Licence holder failing to ensure all sardines taken under MSSF licence are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
34	<i>Licence holder or registered master causing, suffering or permitting sardines to be unloaded onto boat not specified on certificate of registration of fish processor to whom sardines are to be consigned—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
35(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
35(2)	<i>Failing to keep copy of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
36	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

11—Fisheries Management (Miscellaneous Fishery) Regulations 2015

Regulation	Description of offence	Demerit points
10(1)	<i>Causing or permitting agents to be engaged in fishing activities on shore when licence holder or registered master is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
10(2)	<i>Causing or permitting more than prescribed number of agents to be engaged in fishing activities on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
11(2)	<i>Failing to keep copy of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
12	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

12—Fisheries Management (Miscellaneous Broodstock and Seedstock Fishery) Regulations 2013

Regulation	Description of offence	Demerit points
10(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
10(2)	<i>Failing to keep copy of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
11	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

13—Fisheries Management (Miscellaneous Developmental Fishery) Regulations 2013

Regulation	Description of offence	Demerit points
10(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
10(2)	<i>Failing to keep copy of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
11	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

14—Fisheries Management (Miscellaneous Research Fishery) Regulations 2013

Regulation	Description of offence	Demerit points
9(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
9(2)	<i>Failing to keep copy of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
10	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

15—Fisheries Management (Prawn Fisheries) Regulations 2017

Regulation	Description of offence	Demerit points
9(6)	<i>Engaging in fishing activity under licence during daylight hours or closed season—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
9(7)	<i>Engaging in fishing activity under licence by using amalgamated gear without Minister's approval—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

Regulation	Description of offence	Demerit points
10(3)	<i>Contravening or failing to comply with notice under subregulation (1)—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
11(2)	<i>Licence holder or registered master (Gulf St. Vincent Prawn Fishery) failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of prawn taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of prawn taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
11(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
12(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
12(2)	<i>Failing to keep copy of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
13	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

16—Fisheries Management (River Fishery) Regulations 2017

Regulation	Description of offence	Demerit points
9(a)	<i>Causing or permitting agents to be engaged in fishing activities on shore when licence holder is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
9(b)	<i>Causing or permitting more than prescribed number of agents to be engaged in fishing activities on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50

Regulation	Description of offence	Demerit points
10(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
10(2)	<i>Failing to keep copy of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
11	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

17—Fisheries Management (Rock Lobster Fisheries) Regulations 2017

Regulation	Description of offence	Demerit points
9(1)	<i>Using, or causing or permitting the use of, 2 registered boats at the same time</i>	50
10(5)	<i>Contravening regulation 10 by using registered boat to take aquatic resources under Southern Zone Rock Lobster Fishery licence where boat has been used on same day under Victorian licence (subregulation (1))—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
10(5)	<i>Failing to comply with regulation 10 by failing to notify Department if using registered boat to take aquatic resources under Southern Zone Rock Lobster Fishery licence or Victorian licence (subregulation (2))—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
10(5)	<i>Contravening regulation 10 by using registered boat to take aquatic resources under Southern Zone Rock Lobster Fishery licence, or storing aquatic resources taken under such licence on registered boat, while aquatic resources taken outside waters to which Act applies are aboard boat (subregulation (4))—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
11(2)	<i>Registered master failing to notify Department as determined by the Minister of certain information before registered bait net is set in waters from registered boat—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75

Regulation	Description of offence	Demerit points
12(1)	<i>Northern Zone Rock Lobster Fishery licence holder taking rock lobster in Northern Zone Inner Region during closed season—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
12(2)	<i>Northern Zone Rock Lobster Fishery licence holder setting rock lobster pot in Northern Zone Inner Region during closed season—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
13(6)	<i>Eligible rock lobster licence holder taking vongole for commercial purpose in vongole fishing zone without quota entitlement relating to that zone—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
14(3)	<i>Northern Zone Rock Lobster Fishery licence holder engaging, for commercial purpose, in fishing activities of class constituting Fishery while rock lobster pot entitlement under licence is less than prescribed number—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
14(4)	<i>Southern Zone Rock Lobster Fishery licence holder engaging, for commercial purpose, in fishing activities of class constituting Fishery while rock lobster pot entitlement under licence is less than prescribed number—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Regulation	Description of offence	Demerit points
15(6)	<i>Northern Zone Rock Lobster Fishery licence holder engaging, for commercial purpose, in fishing activities of class constituting Fishery while number of rock lobster units allocated to licence is less than prescribed number—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
18(1)	<i>Licence holder (other than licence subject to vongole quota entitlement) taking vongole other than for the purpose of bait or taking vongole in excess of the daily limit—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
18(2)	<i>Licence holder taking cockles in any 1 day in excess of daily limit fixed by condition of licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
19	<i>Failing to ensure that rock lobster taken under Northern Zone Rock Lobster Fishery licence is landed whole and within State—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
20(1)	<i>Failing to ensure all rock lobster and giant crab taken under licence are consigned or delivered to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Regulation	Description of offence	Demerit points
21(2)	<i>Failing to notify Department of certain information if fishing activities involving taking of vongole under licence subject to vongole quota entitlement are, or are to be, engaged in—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
22(3)	<i>Licence holder or registered master (Northern Zone Rock Lobster Fishery) failing to comply with regulation 22(1) by failing to notify Department before rock lobster taken under licence is removed from registered boat, or failing to notify Department of any changes in information notified—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
22(3)	<i>Licence holder or registered master (Northern Zone Rock Lobster Fishery) failing to comply with Minister's determination made for purposes of subregulation (2) by failing to record information in respect of catch and disposal of rock lobster taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of rock lobster taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
22(4)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
23(3)	<i>Licence holder or registered master (Southern Zone Rock Lobster Fishery) failing to comply with regulation 23(1) by failing to notify Department before rock lobster taken under licence is removed from registered boat, or failing to notify Department of any changes in information notified—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Regulation	Description of offence	Demerit points
23(3)	<i>Licence holder or registered master (Southern Zone Rock Lobster Fishery) failing to comply with Minister's determination made for purposes of subregulation (2) by failing to record information in respect of catch and disposal of rock lobster taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of rock lobster taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
23(4)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
24(3)	<i>Licence holder or registered master (Southern Zone Rock Lobster Fishery) failing to comply with regulation 24(1) by failing to notify Department before giant crab taken under licence is removed from registered boat, or failing to notify Department of any changes in information notified—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
24(3)	<i>Licence holder or registered master (Southern Zone Rock Lobster Fishery) failing to comply with Minister's determination made for purposes of subregulation (2) by failing to record information in respect of catch and disposal of giant crab taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of giant crab taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
24(4)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

Regulation	Description of offence	Demerit points
25(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of vongole taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of vongole taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
25(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
26	<i>Failing to ensure all vongole taken under licence subject to vongole quota entitlement are consigned or delivered to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
27(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
27(2)	<i>Failing to keep copy of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
28	<i>Southern Zone Rock Lobster Fishery licence holder failing to notify Department on becoming holder of, or on ceasing to hold, Victorian licence—</i>	
	(a) if the offence is expiated	5
	(b) in any other case	25
29(1)	<i>Southern Zone Rock Lobster Fishery licence holder selling live rock lobster during closed season—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Regulation	Description of offence	Demerit points
30	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

18—Fisheries Management (Vessel Monitoring Scheme) Regulations 2017

Regulation	Description of offence	Demerit points
4(1)	<i>Failing to ensure registered boat is fitted with approved VMS unit—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
4(2)	<i>Failing to ensure device capable of sending and receiving email is connected to VMS unit in registered boat used to take sardines—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
5(1)	<i>Failing to ensure VMS unit is operating at all times during fishing season—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
5(2)	<i>Failing to ensure device capable of sending and receiving email is operating at all times while VMS unit is operating—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
5(3)	<i>Failing to take reasonable measures to ensure registered owner is made aware of cessation of operation of VMS unit etc—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
5(4)	<i>Failing to notify Minister that VMS unit has ceased to operate—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	25
6(4)	<i>Contravention of or failure to comply with condition of approval relating to switching off or placing in sleep mode VMS unit—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	25
6(7)	<i>Failing to ensure VMS unit is switched on etc before engaging in fishing activity after period when VMS was switched off or placed in sleep mode—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

Regulation	Description of offence	Demerit points
6(8)	<i>Failing to ensure device capable of sending and receiving email connected to VMS unit is switched on etc before engaging in fishing activity after period when VMS unit and device were switched off or placed in sleep mode—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
7	<i>Failing to ensure testing of operation of VMS unit etc following servicing or repairing of boat—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
8(2)	<i>Failing to comply with requirements of notice relating to modification or replacement of VMS unit—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
9(1)	<i>Person other than approved installer installing etc VMS unit on registered boat—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	25
9(2)	<i>Failing to take reasonable steps to prevent person other than approved installer installing etc VMS unit on registered boat—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	25
10(1)	<i>Failing to ensure alternative means of communication with boat is provided (paragraph (a)), failing to ensure that Department is notified of call sign etc (paragraph (b)), failing to provide Department with details of nominated contact person (paragraph (c)), failing to ensure alternative means of communication with boat is operating at all times during fishing season (paragraph (d)) or failing to ensure directions given by fisheries officer or VMS administrator respecting alternative means of communications are complied with (paragraph (e))—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	25
10(2)	<i>Failing to notify Department of change in name or contact details of nominated contact person—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	25
10(4)	<i>Nominated contact person failing to immediately inform registered master of registered boat by alternative means of communication on boat that VMS unit is not operating—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	25

Regulation	Description of offence	Demerit points
12	<i>Failing to comply with directions given by Minister, fisheries officer or VMS administrator—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	25

Schedule 2—Revocation of *Fisheries Management (Demerit Points) Regulations 2009*

The *Fisheries Management (Demerit Points) Regulations 2009* are revoked.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 223 of 2017

DPC17/041CS

South Australia

Fisheries Management (Fees) Regulations 2017

under the *Fisheries Management Act 2007*

Contents

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Division 2—Miscellaneous fees

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Schedule 8—Revocation of *Fisheries Management (Fees) Regulations 2007*

1—Short title

These regulations may be cited as the *Fisheries Management (Fees) Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

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 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 supplied as a meal or part of a meal directly to the public.

4—Fees

The fees set out in Schedules 1 to 7 are prescribed for the purposes set out in those Schedules.

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% 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% of the unpaid balance of the instalment; or
- (b) in any other case—an amount equal to 10% 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) a fishery permit; or
- (c) 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—Commercial fishing—fishery licence application and annual fees

Application or annual fees payable for a fishery licence (section 54(1)(c) and 56(5)(a) of Act)

1	For a licence in respect of the Central Zone Abalone Fishery—	
	(a) base fee	\$18 499.00
	(b) additional fee for each abalone unit of the abalone quota entitlement under the licence	\$739.95
2	For a licence in respect of the Southern Zone Abalone Fishery—	
	(a) base fee	\$10 539.00
	(b) additional fee for each abalone unit of the abalone quota entitlement under the licence	\$183.60
3	For a licence in respect of the Western Zone Abalone Fishery—	
	(a) base fee	\$12 837.00
	(b) additional fee for each abalone unit of the abalone quota entitlement under the licence	\$488.15
4	For a licence in respect of the Blue Crab Fishery—	
	(a) base fee	\$3 029.00
	(b) additional fee for each blue crab unit of the blue crab quota entitlement under the licence	\$27.50
5	For a licence in respect of the Charter Boat Fishery	\$2 571.00
6	For a licence in respect of the Lakes and Coorong Fishery—	
	(a) base fee	\$2 756.00
	(b) additional fee—	
	(i) for a gill net entitlement under the licence	no fee

	(ii) for each gill net to be registered for use under the licence	no fee
	(iii) for a pipi quota entitlement under the licence	\$3 328.00
	(iv) for each pipi unit of the pipi quota entitlement under the licence	\$256.85
7	For a licence in respect of the Marine Scalefish Fishery or Restricted Marine Scalefish Fishery—	
	(a) base fee—	
	(i) for a vongole quota entitlement under the licence relating to the Coffin Bay vongole fishing zone	\$7 203.00
	(ii) for a vongole quota entitlement under the licence relating to the Port River vongole fishing zone	no fee
	(iii) for a vongole quota entitlement under the licence relating to the West Coast vongole fishing zone	\$7 203.00
	(iv) if there is no vongole quota entitlement under the licence	\$5 361.00
	(b) additional fee for each blue crab unit of the blue crab quota entitlement under the licence	\$30.00
	(c) additional fee for each pipi unit of the pipi quota entitlement under the licence	\$256.85
	(d) additional fee for each vongole unit of the vongole quota entitlement under the licence—	
	(i) for a vongole quota entitlement relating to the Coffin Bay vongole fishing zone	\$69.80
	(ii) for a vongole quota entitlement relating to the Port River vongole fishing zone	no fee
	(iii) for a vongole quota entitlement relating to the West Coast vongole fishing zone	\$45.80
8	For a licence in respect of the Miscellaneous Fishery with a giant crab quota entitlement—	
	(a) base fee	\$4 449.00
	(b) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$22.15
9	For a licence in respect of the Miscellaneous Fishery without a giant crab quota entitlement—	
	(a) base fee—	
	(i) if the licence authorises the taking of aquatic resources in the Lake Eyre Basin	no fee
	(ii) in any other case	\$4 449.00
	(b) additional fee if the licence authorises the taking of aquatic resources in the Lake Eyre Basin	no fee
	(c) additional fee if a prescribed fishing activity (as defined in the <i>Fisheries Management (Vessel Monitoring Scheme) Regulations 2017</i>) is to be engaged in under the licence	\$900.00
10	For a licence in respect of the Gulf St. Vincent Prawn Fishery	\$25 413.00
11	For a licence in respect of the Spencer Gulf Prawn Fishery	\$27 912.00
12	For a licence in respect of the West Coast Prawn Fishery	\$25 401.00

13	For a licence in respect of the River Fishery	\$200.00
14	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 Rock Lobster, Octopus and Giant Crab and a condition authorising the holder to take, for the purpose of bait only, any aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> that are incidentally caught in rock lobster pots—	
	(a) base fee	\$3 782.00
	(b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence	\$10.80
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$22.15
	(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	\$9.50
15	For a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rock Lobster, 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 2017</i> for the purpose of bait only—	
	(a) base fee	\$4 282.00
	(b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence	\$10.80
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$22.15
	(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	\$9.50
16	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	\$6 203.00
	(b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence—	
	(i) relating to the Northern Zone Inner Region	\$10.80
	(ii) relating to the Northern Zone Outer Region	\$10.80
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$22.15
	(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	\$9.50
17	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 Rock Lobster, Octopus and Giant Crab and a condition authorising the holder to take, for the purpose of bait only, any aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> that are incidentally caught in rock lobster pots—	
	(a) base fee	\$7 559.00
	(b) additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence	\$164.05

	(c)	additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$22.15
	(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	\$9.50
18		For a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rock Lobster, 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 2017</i> for the purpose of bait only—	
	(a)	base fee	\$8 059.00
	(b)	additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence	\$164.05
	(c)	additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$22.15
	(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	\$9.50
19		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	\$9 980.00
	(b)	additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence	\$164.05
	(c)	additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$22.15
	(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	\$9.50

Schedule 2—Commercial fishing—fishery permit application and annual fees

Application fees payable by an applicant for the issue of a fishery permit (section 54(1)(c) of Act)

1	For a permit in respect of the Miscellaneous Broodstock and Seedstock Fishery	\$382.00
2	For a permit in respect of the Miscellaneous Developmental Fishery	\$4 724.00
3	For a permit in respect of the Miscellaneous Research Fishery	\$382.00

Annual fees payable by the holder of a fishery permit (section 56(5)(a) of Act)

4	For a permit in respect of the Miscellaneous Developmental Fishery	\$2 186.00
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Schedule 3—Commercial fishing—boat and device registration fees

Application or annual fees for the registration of a device under a fishery licence (section 54(1)(c) and 56(5)(a) of Act)

1	For registration of 1 or more swinger nets to be used under a licence in respect of the Lakes and Coorong Fishery	no fee
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2	For registration of 1 or more fish nets (other than swinger nets) under a licence in respect of the Lakes and Coorong Fishery under which the holder may take aquatic resources prescribed in Schedule 1 of the <i>Fisheries Management (Marine Scalefish Fisheries) Regulations 2017</i>	\$2 421.00
3	For registration of 1 or more fish nets under a licence in respect of the Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery	\$2 421.00
4	For registration of 1 or more sardine nets under a licence in respect of the Marine Scalefish Fishery	\$67 336.00
5	For registration of 1 or more fish nets (other than sardine nets) under a licence in respect of the Marine Scalefish Fishery, Restricted Marine Scalefish Fishery or Miscellaneous Fishery	\$4 841.00
6	For registration of 1 or more sand crab pots under a licence in respect of the Marine Scalefish Fishery	no fee
7	For registration of a fish net used solely to take fish for bait provided that the bait is not for sale	no fee

Application or annual fees payable for the registration of a boat under a fishery licence (section 54(1)(c) and 56(5)(a) of Act)

8	For registration of a boat 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	\$642.85
	(b) if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 12 passengers	\$1 286.00
	(c) if the certificate of survey in force in respect of the boat specifies that the boat may carry more than unberthed 12 passengers	\$2 571.00

Schedule 4—Commercial fishing—miscellaneous fees

1	On application for consent to the transfer of a fishery authority	\$431.00
2	On application to vary the registration of a boat used under a fishery authority	\$117.00
3	On application to vary the registration of a master	\$117.00
4	On application to vary a quota entitlement under a fishery authority	\$145.00
5	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	\$145.00
	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 the 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.	
6	On application for registration of an additional boat under a fishery authority	\$117.00
7	On application for—	
	(a) notation of an interest in a fishery authority on the register of authorities	\$188.00
	(b) removal from the register of authorities of such a notation	\$188.00

Schedule 5—Processing fees

Division 1—Fish processor registration application and annual fees

Registration fees payable by an applicant for registration as a fish processor (section 64(1)(d) of Act)

1	On application for registration as a fish processor made by an eligible person	\$188.00
2	On application for registration as a fish processor made by a person other than an eligible person—	
	(a) base fee	\$1 083.00
	(b) additional fee—	
	(i) if the applicant proposes to process abalone (<i>Haliotis</i> spp) under the registration	\$1 403.00
	(ii) if the applicant proposes to process King Prawn (<i>Merlicertus latisulcatus</i>) under the registration	\$1 403.00
	(iii) if the applicant proposes to process Southern Rock Lobster (<i>Jasus edwardsii</i>) under the registration	\$1 403.00

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)

3	Annual fee payable by a fish processor who is an eligible person	\$188.00
4	Annual fee payable by a fish processor who is not an eligible person—	
	(a) base fee	\$1 083.00
	(b) additional fee—	
	(i) if the fish processor processes abalone (<i>Haliotis</i> spp) under the registration	\$1 403.00
	(ii) if the fish processor processes King Prawn (<i>Merlicertus latisulcatus</i>) under the registration	\$1 403.00
	(iii) if the fish processor processes Southern Rock Lobster (<i>Jasus edwardsii</i>) under the registration	\$1 403.00

Division 2—Miscellaneous fees

5	On application by a registered fish processor to have additional premises, places, boats or vehicles specified in the certificate of registration	\$33.00
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Schedule 6—Recreational fishing fees

Application fees payable by an applicant for registration under the *Fisheries Management (General) Regulations 2017* of a device to be used for recreational fishing

- | | | |
|---|---|----------|
| 1 | On application for registration of a mesh net to be used by a person for recreational fishing— | |
| | (a) in the case of a mesh net for use in the waters of Lake George | \$153.00 |
| | (b) in the case of a mesh net for use in any other waters— | |
| | (i) if the applicant produces evidence to the satisfaction of the Minister that the applicant is entitled, as the holder of a pensioner entitlement card issued under an Act or law of the Commonwealth, to travel on public transport in this State at reduced fares (for each year in the term of the registration) | \$21.75 |
| | (ii) in any other case (for each year in the term of the registration) | \$43.75 |
| | 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. | |
| 2 | 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 | \$72.50 |
| | (b) for registration of 2 rock lobster pots | \$201.00 |
| 3 | On application for the issue of a replacement tag for a rock lobster pot, or a mesh net for use in the waters of Lake George, registered for recreational fishing | \$29.25 |

Schedule 7—Miscellaneous fees

- | | | |
|---|---|----------|
| 1 | On application for a permit under Part 7 Division 2 of the Act | \$117.00 |
| 2 | On application for an exemption or a variation of an exemption under section 115 of the Act | \$145.00 |
| 3 | On application for the issue of a duplicate authority under section 68 of the Act | \$29.25 |

Schedule 8—Revocation of *Fisheries Management (Fees) Regulations 2007*

The *Fisheries Management (Fees) Regulations 2007* are revoked.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 224 of 2017

DPC17/041CS

South Australia

Fisheries Management (Fish Processors) Regulations 2017

under the *Fisheries Management Act 2007*

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Schedule 1—Revocation of *Fisheries Management (Fish Processors) Regulations 2007*

1—Short title

These regulations may be cited as the *Fisheries Management (Fish Processors) Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

3—Interpretation

In these regulations, unless the contrary intention appears—

abalone means Abalone (*Haliotis* spp);

Act means the *Fisheries Management Act 2007*;

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

blue crab has the same meaning as in the *Fisheries Management (Blue Crab Fishery) Regulations 2013*;

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act;

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

Miscellaneous Broodstock and Seedstock Fishery has the same meaning as in the *Fisheries Management (Miscellaneous Broodstock and Seedstock Fishery) Regulations 2013*;

pipi means Pipi (*Donax* spp);

rock lobster means Southern Rock Lobster (*Jasus edwardsii*);

sardine means Australian Sardine (*Sardinops sagax*);

vongole means any mollusc of the genus *Katelysia*;

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

undersize fish has the same meaning as in the *Fisheries Management (General) Regulations 2017*.

4—Prescribed classes of persons not required to be registered as fish processors

For the purposes of section 62(2)(c) of the Act, the following persons are not required to be registered as fish processors:

- (a) persons who buy and sell aquatic resources without ever taking physical possession of the aquatic resources;
- (b) persons who sell aquatic resources that are taken pursuant to a permit in respect of the *Miscellaneous Broodstock and Seedstock Fishery*.

5—Prescribed grounds for refusing application for registration as fish processor

For the purposes of section 64(3)(b) of the Act, the Minister may refuse to grant an application for registration as a fish processor if the Minister is satisfied that, if registration of the kind to which the application relates were granted, there would be a risk of harm (including disease) to aquatic resources or the local ecological environment.

6—Registration of additional premises, place, boat or vehicle

- (1) If a registered fish processor proposes to use for, or in connection with, the processing, storage, transport of, or other dealing with, aquatic resources any premises, place, boat or vehicle that is not specified in the fish processor's certificate of registration, the fish processor 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 completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.

7—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 fish 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, the fish processor 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 fish processor will be taken, in the absence of proof to the contrary, to have failed to comply with subregulation (1).

8—Requirements relating to processing of abalone

- (1) A registered fish processor must comply with the following provisions in respect of abalone purchased or obtained by, or consigned or delivered to, the fish processor—
 - (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the abalone as determined by the Minister;
 - (b) the registered fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the fish processor must ensure that abalone purchased or obtained by, or consigned or delivered to, the fish processor are—
 - (i) accompanied by such records and information; and
 - (ii) weighed, stored, placed in containers, sealed, tagged, and sold, transported, delivered, consigned or otherwise disposed of or dealt with, at such places and at such times,

in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the fish processor is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (3) The fish processor must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$2 500.
Expiation fee: \$210.

9—Requirements relating to processing of vongole

- (1) A registered fish processor must comply with the following provisions in respect of vongole purchased or obtained by, or consigned or delivered to, the fish processor—
- (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the vongole as determined by the Minister;
 - (b) the registered fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the fish processor must ensure that vongole purchased or obtained by, or consigned or delivered to, to the fish processor are—
 - (i) accompanied by such information; and
 - (ii) weighed, stored, placed in containers, sealed, tagged, and sold, transported, delivered, consigned or otherwise disposed of or dealt with, at such places and at such times,in accordance with the requirements (if any) as determined by the Minister.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the fish processor is guilty of an offence.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) The fish processor must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$2 500.

Expiation fee: \$210.

10—Requirements relating to processing of pipi

- (1) A registered fish processor must comply with the following provisions in respect of pipi purchased or obtained by, or consigned or delivered to, the fish processor—
- (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the pipi as determined by the Minister;
 - (b) the registered fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the fish processor must ensure that pipi purchased or obtained by, or consigned or delivered to, the fish processor are—
 - (i) accompanied by such information; and
 - (ii) weighed, stored, placed in containers, sealed, tagged, and sold, transported, delivered, consigned or otherwise disposed of or dealt with, at such places and at such times,in accordance with the requirements (if any) as determined by the Minister.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the fish processor is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (3) The fish processor must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$2 500.
Expiation fee: \$210.

11—Requirements relating to processing of blue crab

- (1) A registered fish processor must comply with the following provisions in respect of blue crab purchased or obtained by, or consigned or delivered to, the fish processor—
 - (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the blue crab as determined by the Minister;
 - (b) the registered fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the fish processor must ensure that blue crab purchased or obtained by, or consigned or delivered to, the fish processor are—
 - (i) accompanied by such information; and
 - (ii) weighed, stored, placed in containers, sealed, tagged, and sold, transported, delivered, consigned or otherwise disposed of or dealt with, at such places and at such times,in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the fish processor is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (3) The fish processor must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$2 500.
Expiation fee: \$210.

12—Requirements relating to processing of giant crab

- (1) A registered fish processor must comply with the following provisions in respect of giant crab purchased or obtained by, or consigned or delivered to, the fish processor—
 - (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the giant crab as determined by the Minister;
 - (b) the registered fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;

- (c) the fish processor must ensure that giant crab purchased or obtained by, or consigned or delivered to, the fish processor are—
 - (i) accompanied by such information; and
 - (ii) weighed, stored, placed in containers, sealed, tagged, and sold, transported, delivered, consigned or otherwise disposed of or dealt with, at such places and at such times,
in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the fish processor is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (3) The fish processor must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$2 500.
Expiation fee: \$210.

13—Requirements relating to processing of sardines

- (1) A registered fish processor must comply with the following provisions in respect of sardines purchased or obtained by, or consigned or delivered to, the fish processor—
 - (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the sardines as determined by the Minister;
 - (b) the registered fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the fish processor must ensure that sardines purchased or obtained by, or consigned or delivered to, the fish processor are—
 - (i) accompanied by such information; and
 - (ii) weighed, stored, placed in containers, sealed, tagged, and sold, transported, delivered, consigned or otherwise disposed of or dealt with, at such places and at such times,
in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the fish processor is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (3) The fish processor must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$2 500.
Expiation fee: \$210.

14—Requirements relating to processing of tuna

- (1) A registered fish processor must comply with the following provisions in respect of tuna purchased or obtained by, or consigned or delivered to, the fish processor—
 - (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the tuna as determined by the Minister;
 - (b) the registered fish processor must provide the information recorded under paragraph (a) to the Department or AFMA in the manner and form, and at such times, as determined by the Minister;
 - (c) the fish processor must ensure that tuna purchased or obtained by, or consigned or delivered to, the fish processor are—
 - (i) accompanied by such information; and
 - (ii) weighed, stored, placed in containers, sealed, tagged, and sold, transported, delivered, consigned or otherwise disposed of or dealt with, at such places and at such times,

in accordance with the requirements (if any) as determined by the Minister.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the fish processor is guilty of an offence.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) The fish processor must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$2 500.

Expiation fee: \$210.

15—Requirements relating to processing of rock lobster

- (1) A registered fish processor must comply with the following provisions in respect of rock lobster purchased or obtained by, or consigned or delivered to, the fish processor—
 - (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the rock lobster as determined by the Minister;
 - (b) the registered fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the fish processor must ensure that rock lobster purchased or obtained by, or consigned or delivered to, the fish processor are—
 - (i) accompanied by such information; and
 - (ii) weighed, stored, placed in containers, sealed, tagged, and sold, transported, delivered, consigned or otherwise disposed of or dealt with, at such places and at such times,

in accordance with the requirements (if any) as determined by the Minister.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the fish processor is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (3) The fish processor must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$2 500.
Expiation fee: \$210.

16—Periodic returns

- (1) A registered fish processor must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.
- (2) A registered fish processor must keep a record of each return that the processor provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.
- (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.

17—Records to be kept

- (1) A fish processor must comply with the following provisions in relation to each of the premises, places, boats or vehicles used by the fish processor for, or in connection with, the processing, storage, transport of, or other dealing with, aquatic resources:
 - (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in connection with the purchasing or obtaining, processing, storage or transport of, or dealing with, aquatic resources as determined by the Minister;
 - (b) the fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister.
- (2) A fish processor must comply with the following provisions in relation to each consignment or batch of aquatic resources received for storage, processing or transport, or other dealing with:
 - (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in connection with the receipt of the aquatic resources as determined by the Minister;
 - (b) the fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister.

- (3) If a determination of the Minister made for the purposes of subregulation (1) or (2) is not complied with, the fish processor is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (4) A fish processor must keep records made under subregulation (1) or (2) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (5) 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.

18—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.

19—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which they are expressed to apply.
- (3) If the Minister makes a determination, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination made for the purposes of a regulation.

Schedule 1—Revocation of *Fisheries Management (Fish Processors) Regulations 2007*

The *Fisheries Management (Fish Processors) Regulations 2007* are repealed.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 225 of 2017

DPC17/041 CS

South Australia

Fisheries Management (General) Regulations 2017

under the *Fisheries Management Act 2007*

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1 Revocation of *Fisheries Management (General) Regulations 2007*

2 Transitional provision—registration of devices

1—Short title

These regulations may be cited as the *Fisheries Management (General) Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

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 metres in length; and
- (b) has a mesh size of not less than 30 millimetres and not more than 150 millimetres;

Blacklip Abalone means *Haliotis rubra*;

Blue Swimmer Crab means *Portunus armatus*;

Central Zone Abalone Fishery means the fishery of that name constituted by the *Fisheries Management (Abalone Fisheries) Regulations 2017*;

Charter Boat Fishery means the fishery constituted by the *Fisheries Management (Charter Boat Fishery) Regulations 2016*;

coastal waters does not include Coorong (area 1), Coorong (area 2) and Lake George;

cockle means any mollusc of—

- (a) the order Veneroida (other than Pipi (*Donax* spp) or Vongole (*Katelysia* spp)); or
- (b) the genus Anadara;

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 millimetres; and
- (c) has a maximum diameter of 2 metres; and
- (d) is covered with a fish net that has—
 - (i) a minimum mesh size of 75 millimetres; or
 - (ii) an escape panel that has a minimum mesh size of 75 millimetres and is at least 700 millimetres by 300 millimetres;

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;

Department means the administrative unit of the Public Service responsible for assisting a Minister in the administration of the Act;

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 the water;

dip tin means a perforated open metal basket that—

- (a) has a handle; and
- (b) has perforations of 8 millimetres in diameter; and
- (c) is not more than 400 millimetres long; and
- (d) is not more than 300 millimetres wide; and
- (e) is not more than 200 millimetres deep;

drop line means a device that consists of a length of line with hooks attached by snoods along its length and 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 that consists 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 that consists 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 means the waters contained within 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);

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 metre 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 metre;

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 that consists of 1 hoop of a diameter not exceeding 107 centimetres to which netting is attached in the form of a cone or bag that does not extend more than 92 centimetres 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;

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 Tauwichee 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 2009*;

large mesh monofilament net means a monofilament mesh net that—

- (a) has a mesh size exceeding 115 millimetres; and
- (b) consists of line with a minimum breaking strain of not less than 7 kilograms;

large mesh multifilament hauling net means a multifilament hauling net that—

- (a) has a mesh size exceeding 95 millimetres; 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 millimetres;

large mullet means Mullet that exceeds 75 centimetres in length;

large salmon means Salmon that exceeds 35 centimetres in length;

large snapper means Snapper that exceeds 60 centimetres 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;

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;

Miscellaneous Broodstock and Seedstock Fishery means the fishery of that name constituted by the *Fisheries Management (Miscellaneous Broodstock and Seedstock Fishery) Regulations 2013*;

Mulloway means *Argyrosomus japonicus*;

Murray Cod means *Maccullochella peelii*;

Murray Mouth means the Coorong and coastal waters that are within 500 metres 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 metre wide; and
- (c) has attached to it a net not more than 1 metre 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 2017*;

Northern Zone Rock Lobster Fishery means the fishery of that name constituted by the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;

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;

Pipi means any mollusc of the genus *Donax*;

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;

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 2017*;

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 Rock Lobster (*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 millimetres; and
- (c) has a maximum diameter of 1.5 metres; and
- (d) is covered with a fish net that has—
 - (i) a minimum mesh size of 75 millimetres; or
 - (ii) an escape panel that has a minimum mesh size of 75 millimetres and is at least 700 millimetres by 300 millimetres;

sardine net means a purse seine net that—

- (a) is no more than 1000 metres in length; and
- (b) is no more than 200 metres in depth; and
- (c) has a minimum mesh size of 14 millimetres;

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 metres in length; and
- (b) having a mesh size of at least 50 millimetres but less than 150 millimetres,

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 mesh monofilament net means a monofilament mesh net that—

- (a) has a mesh size exceeding 50 millimetres but not exceeding 64 millimetres; and
- (b) consists of line with a minimum breaking strain of not less than 5.5 kilograms;

small mesh multifilament hauling net means a multifilament hauling net that—

- (a) has a mesh size exceeding 50 millimetres but not exceeding 64 millimetres; and
- (b) consists of line with a minimum ply of not less than 15;

small Mulloway means Mulloway that is at least 46 centimetres in length but does not exceed 75 centimetres in length;

small Salmon means Salmon that is at least 21 centimetres in length but does not exceed 35 centimetres in length;

small Snapper means Snapper that is at least 38 centimetres in length but does not exceed 60 centimetres in length;

Snapper means *Chrysophrys auratus*;

Southern Bluefin Tuna means *Thunnus maccoyii*;

Southern Zone has the same meaning as in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;

Southern Zone Abalone Fishery means the fishery of that name constituted by the *Fisheries Management (Abalone Fisheries) Regulations 2017*;

Southern Zone Rock Lobster Fishery means the fishery of that name constituted by the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;

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;

Spencer Gulf means the waters contained within 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);

squid jig means a lure or bait that—

- (a) is used for taking cephalopods; and
- (b) is attached by a line to a handline or rod and line,

but does not include a free floating device;

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; or
- (c) fish taken by the holder of an aquaculture licence under a permit in respect of the Miscellaneous Broodstock and Seedstock Fishery;

unlicensed person, in relation to a fishing activity, means a person who is not a licensed person in relation to that activity;

vongole means any mollusc of the genus *Katelysia*;

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 2017*;

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) 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 coordinates are expressed in terms of GDA94;
 - (b) common and scientific fish names are given according to AS 5300—2015 *Australian Fish Names Standard* published by Standards Australia, as in force from time to time;
 - (c) a reference to a person **carrying a device** includes a reference to the person—
 - (i) having the device on or about the person; or
 - (ii) having the device so near to the person that the person is able to exercise physical control over the device;
 - (d) 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;
 - (e) 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 kilograms 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 metres from the landward boundary of the Lake;
 - (ii) while the device is in any other waters of the State—no more than 50 metres 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 metres from the landward boundary of the Lake;
 - (ii) while the device is in any other waters of the State—no more than 50 metres from any part of the device.

4—Declarations for purposes of section 3(1) of Act

- (1) 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.
- (2) 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.
- (3) 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.

5—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.

6—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.

7—Possession of prescribed quantity of aquatic resource in prescribed circumstances

- (1) For the purposes of section 73(1) of the Act—
- (a) a quantity specified in Schedule 8 is fixed in relation to the class of fish or other aquatic resource specified alongside that quantity; and
 - (b) the following circumstances, or any combination of the following circumstances, are prescribed:
 - (i) where the fish or other aquatic resource is—
 - (A) frozen; or
 - (B) stored in a freezer;
 - (ii) where the fish or other aquatic resource—
 - (A) has been pickled, salted, smoked, cooked or otherwise processed; or
 - (B) is otherwise stored,

in a manner designed to preserve the fish or other aquatic resource.
- (2) For the purposes of section 73(2)(c) of the Act, in proceedings for an offence against section 73(1) of the Act it is a defence if the defendant proves that the fish or aquatic resources to which the proceedings relate—
- (a) were purchased from a person whose ordinary business was the selling of such fish or aquatic resources; and
 - (b) were purchased in the ordinary course of that business.

8—Possession of Pipi in vehicles carrying 3 or more persons

- (1) If—
- (a) a motor vehicle (other than a public passenger vehicle) is West of longitude 136° East; and
 - (b) 2 or more persons (excluding the driver) are being carried in the vehicle; and
 - (c) there are more than 300 Pipi in or on the vehicle,
- the person in charge of the vehicle is guilty of an offence.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second or subsequent offence—\$20 000.

Expiation fee: \$315.

- (2) If—
- (a) a motor vehicle (other than a public passenger vehicle) is East of longitude 136° East; and

(b) 2 or more persons (excluding the driver) are being carried in the vehicle; and

(c) there are more than 900 Pipi in or on the vehicle,

the person in charge of the vehicle is guilty of an offence.

Maximum penalty:

(a) for a first offence—\$10 000;

(b) for a second or subsequent offence—\$20 000.

Expiation fee: \$315.

(3) In proceedings for an offence against subregulation (1) or (2), it is a defence if the defendant proves that—

(a) the Pipi were taken for a commercial purpose under an authority; or

(b) the Pipi were purchased—

(i) from a person whose ordinary business was the selling of fish or aquatic resources; and

(ii) in the ordinary course of that business; or

(c) the Pipi were not taken in contravention of the Act or these regulations.

(4) For the purposes of this regulation—

(a) Pipi will be taken to be in or on a motor vehicle if the Pipi are in or on a trailer being towed by a motor vehicle;

(b) a person will be taken to be in charge of a motor vehicle if—

(i) the person is driving, or has just driven, the vehicle; or

(ii) the person is attempting to put the vehicle in motion; or

(iii) the person is the registered owner or registered operator of the vehicle and is in, on or near the vehicle.

(5) In this regulation—

motor vehicle has the same meaning as in the *Motor Vehicles Act 1959*;

public passenger vehicle has the same meaning as in the *Passenger Transport Act 1994*;

registered operator, in relation to a motor vehicle, has the same meaning as in the *Motor Vehicles Act 1959*;

registered owner, in relation to a motor vehicle, has the same meaning as in the *Motor Vehicles Act 1959*.

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 9 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 in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.
- (3) An application for registration of a mesh net—
 - (a) in the case of a mesh net for use in the waters of Lake George—
 - (i) cannot be made earlier than 2 months before the commencement of the registration period during which the registration is to have effect; and
 - (ii) cannot be made at all if the applicant has by a separate application obtained the registration of another mesh net for use in the waters of Lake George for the same registration period;
 - (b) in any other case—cannot be made except by a person who, immediately before the commencement of these regulations, had the mesh net registered in the person's name under the *Fisheries Management (General) Regulations 2007*.
- (4) An application for registration of a rock lobster pot—
 - (a) cannot be made earlier than 2 months before the commencement of the registration 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 registration 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 the case of a mesh net for use in the waters of Lake George—
 - (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
 - (f) 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) in the case of a rock lobster pot—issue to the person in whose name the pot is registered a tag bearing the registered number; and
 - (c) in the case of a mesh net for use in the waters of Lake George—issue to the person in whose name the net 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, or a mesh net for use in the waters of Lake George, 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 prescribed fee, issue a replacement tag.
- (10) In this regulation—
- registration period*—
- (a) in relation to a rock lobster pot—means a period of 8 months commencing on 1 October in any year;
 - (b) in relation to a mesh net for use in the waters of Lake George—means a period of 12 months commencing on 1 July in any 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 millimetres 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 millimetres in height; and
 - (iii) be not less than 100 millimetres long and 50 millimetres 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 an area specified in Schedule 10.

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 underwater, 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 10.

16—Carriage of devices near lock and weirs of the River Murray

A person must not carry a device within 150 metres 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 millimetres high; and
 - (ii) is not less than 100 millimetres wide; and
 - (iii) contains no line that is less than 30 millimetres broad; and
 - (d) are clearly visible above the waterline; 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, pier 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 the person 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 waterline 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 the 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 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 the person's 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

A person must not store or confine rock lobster in a corf unless the person holds a licence in respect of a rock lobster fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

22—Taking rock lobster or setting rock lobster pots in Northern Zone during closed season

- (1) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, an unlicensed person must not take rock lobster in the Northern Zone during the closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second or subsequent offence—\$20 000.

Expiation fee: \$200.

- (2) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, an unlicensed person must not set a rock lobster pot in the Northern Zone during the closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second or subsequent offence—\$20 000.

Expiation fee: \$315.

- (3) In this regulation—

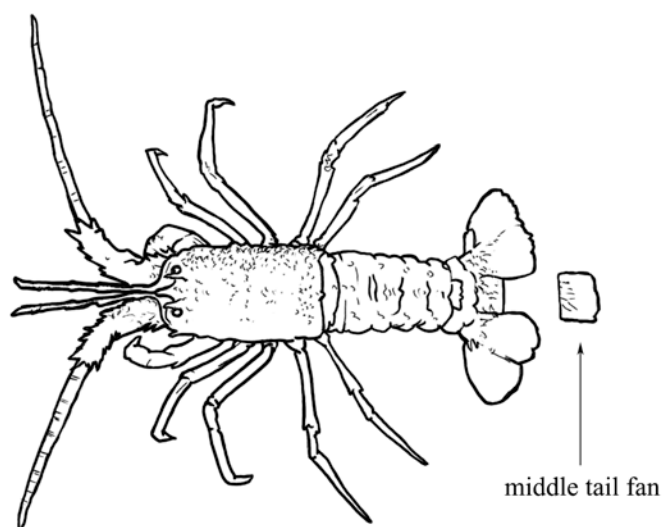
closed season means the period commencing at 1800 hours on 31 May in any year and ending at 1200 hours on the following 1 November.

23—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.



24—Berleying

- (1) A person must not use any part of the body of an animal (other than a fish, worm or insect) as berley within 2 nautical miles of—
 - (a) the mainland of the State; or
 - (b) any island or reef that forms part of the State and is exposed at the low water mark, except in a rock lobster pot or other fish trap.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) Subregulation (1)(b) does not apply in the Neptune Islands Group (Ron and Valerie Taylor) Marine Park established under section 10 of the *Marine Parks Act 2007* if that use is authorised under the *National Parks and Wildlife Act 1972*.
- (3) A person must not deposit or use in marine waters of the State the body, or part of the body, of a mammal, bird, reptile or amphibian.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) In this regulation—

worm means any animal belonging to the phylum *Annelida*.

25—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 millimetres 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.

26—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).

27—Marking of receptacles in which aquatic resources are transported, consigned for sale etc

- (1) A person must not transport, consign for or have on sale, in a receptacle any aquatic resources unless—
- (a) in the case of the holder of a fishery authority—there is legibly marked on the outside of the receptacle or on a label attached to the outside of the receptacle—
 - (i) the person's full name or initials and surname; or
 - (ii) the person's fishery licence or fishery permit number; or
 - (b) in the case of a registered fish processor—there is legibly marked on the outside of the receptacle or on a label attached to the outside of the receptacle—
 - (i) the person's full name or initials and surname; or
 - (ii) the person's fish processor registration number; or
 - (c) in any other case—there is legibly marked on the outside of the receptacle or on a label attached to the outside of the receptacle the person's full name or initials and surname.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) In this regulation—

receptacle includes any container, box or other package.

28—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.

29—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 the person's new address.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (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: \$20 000.

Expiation fee: \$750.

30—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.

- (2) A determination may—

- (a) be of general or limited application; and
- (b) make different provision according to the persons, things or circumstances to which they are expressed to apply.

- (3) If the Minister makes a determination, notice of the determination—

- (a) must be published on the Department's website; and
- (b) may also be published in the Gazette.

- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 22.

31—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.

32—Expiation of alleged offences

- (1) The expiation fees set out in Schedule 11 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 11 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

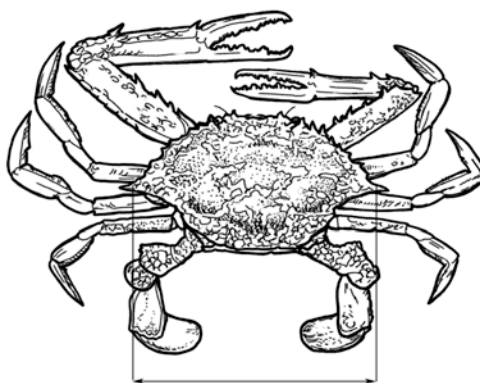
(Regulation 3(1))

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 centimetres when measured from side to side at the base of the largest spines.

Diagram 1—Blue Swimmer Crab (*Portunus armatus*)

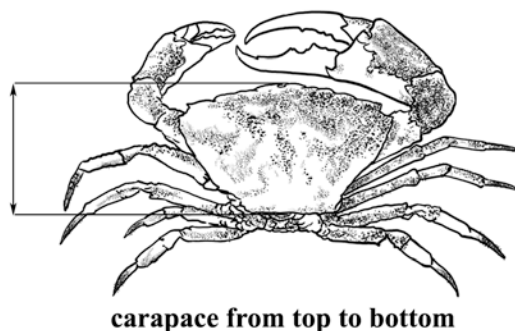


carapace from side to side
at base of largest spines

2—Giant Crab

Giant Crab is undersize if the length of its carapace, as shown in diagram 2, is less than 15 centimetres when measured from top to bottom.

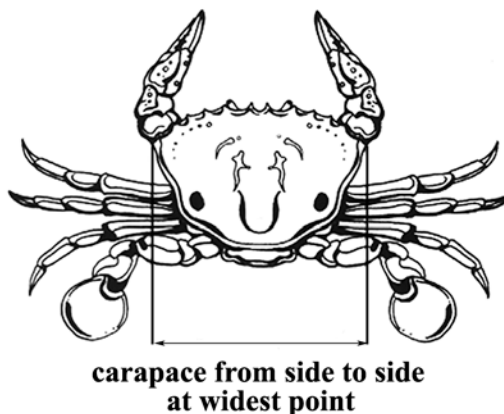
Diagram 2—Giant Crab (*Pseudocarcinus gigas*)



3—Sand Crab

Sand Crab is undersize if the length of its carapace, as shown in diagram 3, is less than 10 centimetres when measured from side to side at its widest point.

Diagram 3—Sand Crab (*Ovalipes* spp)



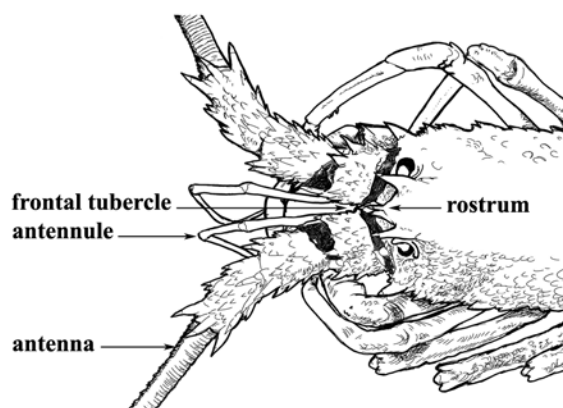
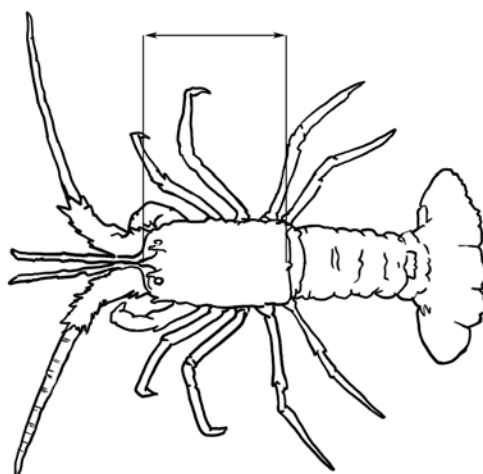
4—Rock lobster

- (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 centimetres; or
 - (b) in any other case—less than 9.85 centimetres.
- (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*)

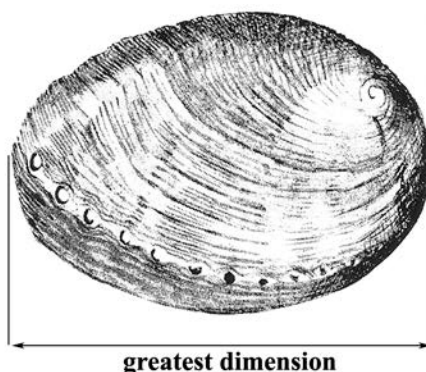
length from anterior of frontal tubercle
to posterior edge of carapace

**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 centimetres in length; or
 - (b) the meat, having been removed from the shell, weighs less than 113 grams.
- (2) Blacklip abalone is undersize—
 - (a) if taken in an abalone fishing area in the Southern Zone—its length is less than the length specified by the Minister from time to time by notice in the Gazette; or
 - (b) if taken in waters other than the Southern Zone—
 - (i) it is less than 13 centimetres in length; or
 - (ii) the meat, having been removed from the shell, weighs less than 113 grams.

- (3) Greenlip Abalone is undersize—
- (a) if taken in the waters of the Western Zone—
 - (i) it is less than 14.5 centimetres in length; or
 - (ii) the meat, having been removed from the shell, weighs less than 140 grams; or
 - (b) if taken in any other waters of the State—
 - (i) it is less than 13 centimetres in length; or
 - (ii) the meat, having been removed from the shell, weighs less than 113 grams.
- (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—
- abalone fishing area** has the same meaning as in regulation 11 of the *Fisheries Management (Abalone Fisheries) Regulations 2017*;
- 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 2017*;
- Western Zone** has the same meaning as in the *Fisheries Management (Abalone Fisheries) Regulations 2017*.
- (6) This clause applies only in relation to abalone taken by a licensed person.

Diagram 5—Abalone (*Haliotis* spp)



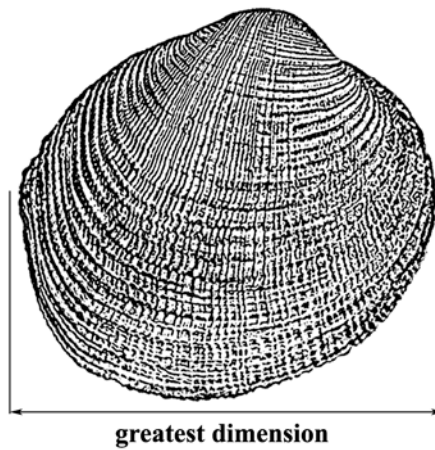
6—Abalone taken by unlicensed person

- (1) Abalone of all species (except Greenlip Abalone) is undersize—
- (a) if it is less than 13 centimetres in length; or
 - (b) if the meat, having been removed from the shell, weighs less than 113 grams.

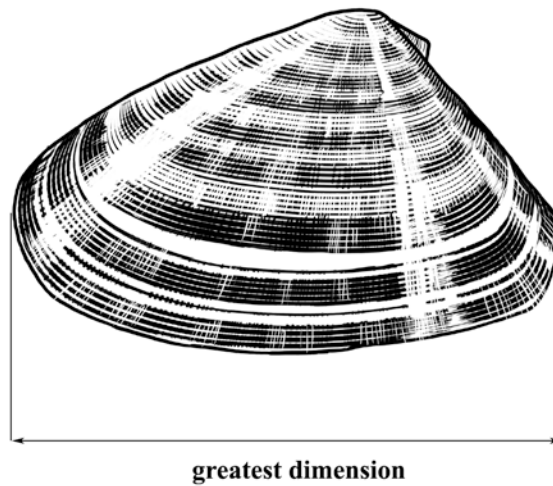
- (2) Greenlip Abalone is undersize—
- (a) if taken in the waters of the Western Zone—
 - (i) it is less than 14.5 centimetres in length; or
 - (ii) the meat, having been removed from the shell, weighs less than 140 grams; or
 - (b) if taken in any other waters of the State—
 - (i) it is less than 13 centimetres in length; or
 - (ii) the meat, having been removed from the shell, weighs less than 113 grams.
- (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

- (1) Cockle or vongole taken by a licensed person is undersize if, when measured at its greatest dimension as shown in diagram 6—
- (a) in the case of cockle, White Vongole (*Katylisia peroneii*) or Yellow Vongole (*Katylisia rhytiphora*) 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 or vongole is less than 3.5 centimetres; or
 - (b) in any other case—the cockle or vongole is less than 3 centimetres.
- (2) Cockle or vongole taken by an unlicensed person is undersize if, when measured at its greatest dimension as shown in diagram 6—
- (a) in the case of cockle or vongole 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 or vongole is less than 3.8 centimetres; or
 - (b) in any other case—the cockle or vongole is less than 3 centimetres.

Diagram 6—Cockle and vongole**8—Pipi**

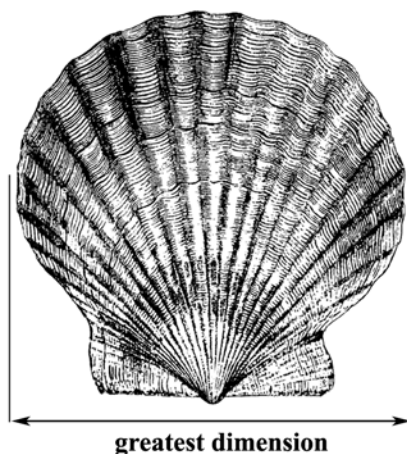
Pipi is undersize if, when measured at its greatest dimension as shown in diagram 7, it is less than 3.5 centimetres.

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 centimetres.

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 centimetres.
- (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*)

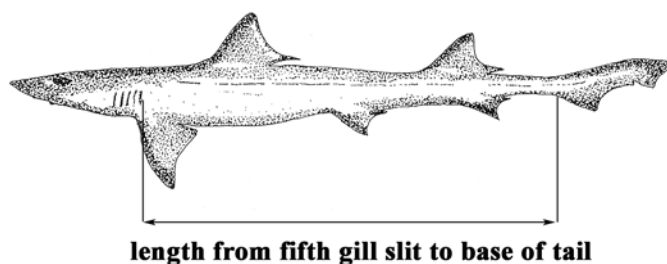
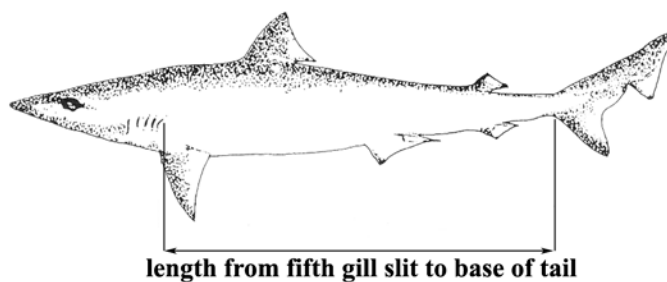


Diagram 10—School Shark (*Galeorhinus galeus*)

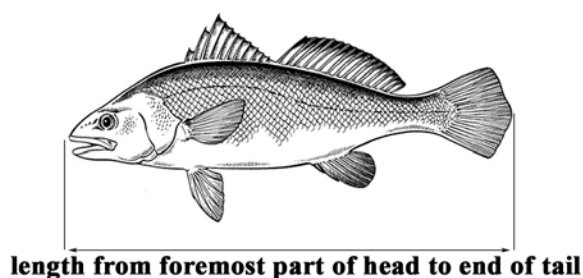


11—Mulloway

- (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 centimetres; or
 - (b) in any other case—less than 82 centimetres.
- (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.

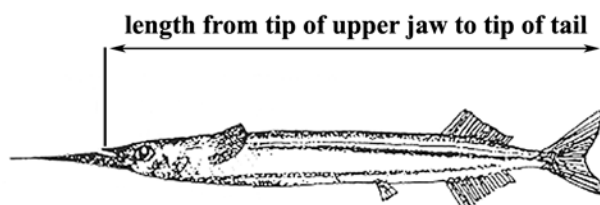
Diagram 11—Mulloway (*Argyrosomus japonicus*)



12—Southern Garfish

Southern Garfish (*Hyporhamphus melanochir*) is undersize if its length, when measured as shown in diagram 12, is less than 23 centimetres from the foremost part of the upper jaw to the end of the tail fin.

Diagram 12—Southern Garfish (*Hyporhamphus melanochir*)

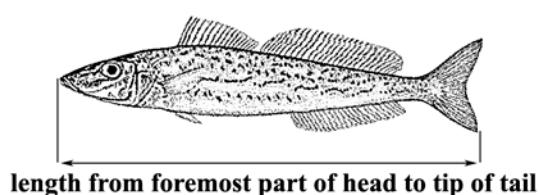


13—King George Whiting

- (1) King George Whiting (*Syllaginodes punctatus*) is undersize if—
- 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 32 centimetres; or
 - in any other case—its length is less than 30 centimetres.
- (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.

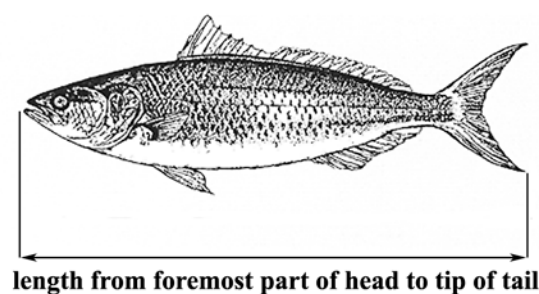
Diagram 13—King George Whiting (*Syllaginodes punctatus*)



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 centimetres) shown in column 2 of the table immediately alongside of the class so specified.

Diagram 14—Other fish



Column 1 Class of fish	Column 2 Length (centimetres)
Bream (<i>Acanthopagrus</i> spp)	30
Flathead (<i>Platycephalus</i> spp)	30
Flounder (Family Bothidae or Pleuronectidae)	25
Western Blue Groper (<i>Achoerodus gouldii</i>)	60
Yellowtail Kingfish (<i>Seriola lalandi</i>)	60
Blue Morwong (<i>Nemadactylus valenciennesi</i>)	38
Mullet (Family Mugilidae)	21
Murray Cod (<i>Maccullochella peeli</i>)	60

Column 1 Class of fish	Column 2 Length (centimetres)
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>)	88
Snapper (<i>Chrysophrys auratus</i>)	38
Snook (<i>Sphyraena novaehollandiae</i>)—	
(a) if taken by a licensed person	41
(b) if taken by an unlicensed person	45
Swallowtail (<i>Centroberyx lineatus</i>)	30
Sweep (Family Scorpididae)	24
Trevally (<i>Pseudocaranx</i> spp)	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(1))

Column 1 Class of fish	Column 2 Quantity
Crustaceans	
Blue Swimmer Crab (<i>Portunus armatus</i>)	more than 100
Sand Crab (<i>Ovalipes</i> spp)	more than 100
Southern Rock Lobster (<i>Jasus edwardsii</i>)	more than 15
Molluscs	
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
Scalefish	
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 japonicus</i>)—	
(a) 75 centimetres or more in length	more than 10
(b) less than 75 centimetres in length	more than 25
Western Australian Salmon (<i>Arripis truttaceus</i>) more than 35 centimetres in length	more than 40

Column 1 Class of fish	Column 2 Quantity
Snapper (<i>Chrysophrys auratus</i>)—	
(a) less than 60 centimetres in length	more than 40
(b) 60 centimetres 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 4(2))

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 4(3))

Crustaceans of the following classes carrying external eggs:

Bug (*Ibacus* spp)

Blue Swimmer Crab (*Portunus armatus*)

Giant Crab (*Pseudocarcinus gigas*)

Slipper Lobster (*Scyllarides* spp)

Southern Rock Lobster (*Jasus edwardsii*)

Yabby (*Cherax* spp)

Murray River Crayfish (*Euastacus armatus*)

South-east Crayfish (*Euastacus bispinosa*)

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*)

Cooper Creek Catfish (*Neosiluroides cooperensis*)

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 5)

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; and
- (b) the period commencing at 0100 hours on the Thursday preceding Easter Sunday in any year and ending at midnight on the following Monday; and
- (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; and
- (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 2009* 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 centimetres; or
- (d) has a body that exceeds 2 metres in length; or
- (e) has a wing that exceeds 3 metres 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 centimetres; or
- (h) has a wing covered with cotton or synthetic mesh of less than 15 centimetres.

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 metres in length; or
- (b) exceeds 5 metres in depth; or
- (c) has a mesh of less than 5 centimetres; 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 metres.

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 metres; 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 metres; 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 metres; or
 - (B) any part of the net extends more than 1 metre 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 metres; 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 metres; 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 metres;
 - (ii) Coorong (area 2)—the length of the net exceeds 550 metres;
 - (iii) Coorong coastal waters—the length of the net exceeds 600 metres.

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 millimetres; or
- (b) the net consists of line with a minimum breaking strain of less than 9 kilograms; or
- (c) the net has attached to it a rope or ropes the length or total length of which exceeds 600 metres; or
- (d) the length of the net exceeds 100 metres.

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 metres 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 metres in length; or
 - (ii) ropes the total length of which exceeds 100 metres in length; or
- (c) by using, in Coorong (area 1), a large mesh multifilament hauling net that exceeds 240 metres in length; or
- (d) by using, in Coorong (area 2), a large mesh multifilament hauling net that exceeds 400 metres in length; or
- (e) by using, in Coorong coastal waters, a large mesh multifilament hauling net that exceeds 600 metres 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 metres in length; or
 - (ii) ropes the total length of which exceeds 50 metres 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 certain coastal waters

- (1) The taking of prawn by a licensed person in coastal waters (other than Gulf St. Vincent) by using a prawn trawl net that has a mesh size of less than 45 millimetres (as measured from the middle of the knot).
- (2) In subclause (1)—

Gulf St. Vincent has the same meaning as in the *Fisheries Management (Prawn Fisheries) Regulations 2017*.

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 centimetres; or
- (b) any part of which extends from the hoop at its opening for more than 30 % of the diameter of the hoop; or
- (c) having a mesh size at its base of less than 3 centimetres.

18—Use of rock lobster pot of unlawful specifications in Northern Zone

(1) The taking of rock lobster by a licensed person in the Northern Zone—

- (a) by using, in waters less than 100 metres in depth, a rock lobster pot that is not fitted with a metal rod that is securely fastened to the centroid of the base of the pot and extends perpendicular to a height not less than level with the base of the neck of the pot; or
- (b) by using a rock lobster pot that does not comply with subclause (2); or
- (c) 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 kilograms; and
- (b) be not more than 61 centimetres high; and
- (c) be not more than 122 centimetres 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 centimetres high and 28 centimetres wide; and
- (d) be not more than 11 centimetres 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 centimetres at its widest part; or
- (b) exceeds 120 centimetres in height; or
- (c) is not attached by a line to a buoy that complies with regulation 13; or
- (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 centimetres in length and 5.5 centimetres in depth; and
- (iii) the highest point of each of which is no more than 11 centimetres 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 centimetres which is such that a cylindrical rod 5 centimetres 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 metres 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 millimetres in diameter; and
- (c) is not, when calculated by measuring its outside dimensions, greater than 1 cubic metre in volume; and
- (d) does not have more than 2 openings each not exceeding 30 centimetres in length and 8 centimetres 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 metres 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 centimetres by 6 centimetres; and
 - (ii) has a rigid frame of steel rod not less than 1.25 centimetres 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 centimetres by 6 centimetres; and
 - (iii) has a rigid frame of steel rod not less than 1.25 centimetres in diameter.

22—Use of cockle rake of unlawful specifications

The taking of Pipi (*Donax* spp) by a licensed person in Coorong coastal waters by using a cockle rake that has a net with a mesh size of less than 43 millimetres.

Division 4—Use of devices with buoy or tag etc

23—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 centimetres wide and visible above the water.

24—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

25—Taking more than daily bag limit of Razorfish

The taking in any 1 day by a licensed person of more than 50 Razorfish (*Pinna bicolor*) in the waters of the State.

Division 6—Miscellaneous

26—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 2017*)—

- (a) by use of—
 - (i) a boat that has—
 - (A) an overall length exceeding 15.2 metres; and
 - (B) a main engine the continuous brake power rating of which exceeds 224 kilowatts; and

- (ii) —
 - (A) a single trawl net with a headline length exceeding 27.43 metres; or
 - (B) 2 trawl nets set up as a double rig with a combined headline length exceeding 27.43 metres; or
 - (C) 3 trawl nets set up as a triple rig with a combined headline length exceeding 27.43 metres; or
 - (D) a trawl net or trawl nets other than as a single, double or triple rig;
- (b) by use of—
 - (i) a boat that has—
 - (A) an overall length exceeding 22 metres; and
 - (B) a main engine the continuous brake power rating of which exceeds 336 kilowatts; and
 - (ii) —
 - (A) a single trawl net with a headline length exceeding 29.26 metres; or
 - (B) 2 trawl nets set up as a double rig with a combined headline length exceeding 29.26 metres; or
 - (C) 3 trawl nets set up as a triple rig with a combined headline length exceeding 43.89 metres; or
 - (D) a trawl net or trawl nets other than as a single, double or triple rig.

27—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 2017*—

- (a) by use of a boat that has—
 - (i) an overall length exceeding 22 metres; and
 - (ii) a main engine the continuous brake power of which exceeds 336 kilowatts; or
- (b) by use of a trawl net the length of the headline of which exceeds 29.26 metres; 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 metres; or
- (d) a trawl net or trawl nets other than as a single or double rig.

28—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 2017*)—

- (a) by use of a boat that has—
 - (i) an overall length exceeding 22 metres; and
 - (ii) a main engine the continuous brake power rating of which exceeds 336 kilowatts; or
- (b) by use of a trawl net the length of the headline of which exceeds 29.26 metres; 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 metres; or
- (d) by use of a trawl net or trawl nets other than as a single or double rig.

29—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.

30—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.

31—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 2017*.

32—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, then north-westerly to 33°04'26.05" South, 137°33'24.19" East, then westerly 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.

33—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.

34—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.

35—Taking of Vongole in waters of Coffin Bay

The taking of Vongole (*Katelysia* spp) by a licensed person for a commercial purpose from—

- (a) the waters of or near Coffin Bay within 50 metres 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 metres of the line of Mean High Water Springs of Goat Island.

36—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 period commencing on 1 January in any year and ending on the following 15 January.
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 February.

37—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.

38—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 2009* 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

39—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.

40—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.

41—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.

42—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

43—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.

44—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.

45—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 hoop nets at the same time; or
 - (iii) 4 or more hoop nets and a hand net at the same time.

46—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.

47—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).

48—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) 2 or more mesh nets at the same time.

Division 3—Use of devices of unlawful specifications**49—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 metres; or
- (b) the mesh of which does not exceed 50 millimetres or exceeds 64 millimetres.

50—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 metres; or
- (b) the mesh of which does not exceed 50 millimetres or exceeds 64 millimetres.

51—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 metres; or
- (b) the mesh of which does not exceed 110 millimetres or exceeds 150 millimetres.

52—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 metres; or
- (b) the height of which exceeds 2.5 metres; or
- (c) the mesh of which is less than 70 millimetres.

53—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 centimetres; or
- (b) any part of which extends from the hoop at its opening for more than 92 centimetres.

54—Use of rock lobster pot of unlawful specifications

(1) The taking of rock lobster by an unlicensed person in the Northern Zone—

- (a) by using a rock lobster pot that—
 - (i) exceeds 150 centimetres at its widest part; or
 - (ii) exceeds 120 centimetres in height; or
 - (iii) does not have its cove or mouth at the top; or
 - (iv) is not fitted with 2 rectangular escape gaps that—
 - (A) are as near as practicable 180° apart; and
 - (B) are kept free of obstructions at all times; and
 - (C) are not less than 5.7 centimetres high and 28 centimetres wide; and
 - (D) are not more than 11 centimetres above the base of the pot at their highest point; or

- (b) by using, in waters less than 100 metres in depth, a rock lobster pot that is not fitted with a metal rod that is securely fastened to the centroid of the base of the pot and extends perpendicular to a height not less than level with the base of the neck of the pot.
- (2) The taking of rock lobster by an unlicensed person in the Southern Zone by using a rock lobster pot that—
- (a) exceeds 150 centimetres at its widest part; or
 - (b) exceeds 120 centimetres 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 centimetres in length and 5.5 centimetres in depth; and
 - (iii) the highest point of each is no more than 11 centimetres 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 centimetres which is such that a cylindrical rod 5 centimetres in diameter is able to be passed through it freely without distorting it).

Division 4—Use of devices without buoy or tag etc

55—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.

56—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 (other than a mesh net registered for use in the waters of Lake George) 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.

57—Use of mesh net in Lake George without buoy or tag

- (1) The taking of fish by an unlicensed person in the waters of Lake George by using a mesh net registered under these regulations that—
- (a) does not have attached to 1 extremity of the net, a yellow buoy that complies with regulation 13; and

- (b) does not have attached to the other extremity of the net 2 black buoys that comply with regulation 13.
- (2) The taking of fish by an unlicensed person in the waters of Lake George by using a mesh net registered under these regulations that—
 - (a) in the case of a net for which the Minister has issued a tag—does not have that tag affixed to the top of the yellow buoy referred to in subclause (1)(a); or
 - (b) in any other case—does not have a tag that—
 - (i) complies with regulation 13; and
 - (ii) bears the name of the person in whose name the net is registered and the registration number.

58—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.

59—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.

60—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.

61—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.

62—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**63—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

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per boat per day	Column 4 Maximum quantity per person per day
	Crustaceans		
The waters of the State	Blue Swimmer Crab (<i>Portunus armatus</i>)	60	20
The waters of the State	Sand Crab (<i>Ovalipes</i> spp)	60	20
The waters of the State	Yabby (<i>Cherax</i> spp)	600	200
	Echinoderms		
The waters of the State	Sea urchin (Echinoidea)	60	20
	Molluscs		
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)	150	50

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per boat per day	Column 4 Maximum quantity per person per day
	Scalefish		
The waters of the State	Bream (<i>Acanthopagrus</i> spp)	30	10
The waters of the State	Congolli (<i>Pseudaphritis urvillii</i>)	6	2
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	Harlequin fish (<i>Othos dentex</i>)	6	2
The waters of the State	Hyrtl's Tandan (<i>Neosilurus hyrtlii</i>)	30	10
The waters of the State	Southern Garfish (<i>Hyporhamphus melanochir</i>)	90	30
The waters of the State (other than those waters specified in Schedule 5)	Western Blue Groper (<i>Achoerodus gouldii</i>)	3	1
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 Terapontidae) (not including Spangled Perch (<i>Leiopotherapon unicolor</i>))	15	5
The waters of the State	Australian Herring (<i>Arripis georgianus</i>)	120	40
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 japonicus</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>)	3	1

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per boat per day	Column 4 Maximum quantity per person per day
The waters of the State	Spangled Perch (<i>Leiopotherapon unicolor</i>)	45	15
The waters of the State	Yellowtail Kingfish (<i>Seriola lalandi</i>)	3	1
The waters of the State	Large Snapper (<i>Chrysophrys auratus</i>)	6	2
The waters of the State	Small Snapper (<i>Chrysophrys auratus</i>)	15	5
The waters of Coorong (area 1) or Coorong (area 2)	Small Mulloway (<i>Argyrosomus japonicus</i>)	30	10
The waters of the State	Snook (<i>Sphyaena 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	Trevally (<i>Pseudocaranx spp</i>)	60	20
The waters of the State	Wrasse (Labridae) (other than Western Blue Groper (<i>Achoerodus gouldii</i>))	15	5
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	King George Whiting (<i>Sillaginodes punctatus</i>)	30	10
The waters of the State	Yellowfin Whiting (<i>Sillago schomburgkii</i>)	60	20
	Shark		
The waters of the State	Bronze Whaler Shark (<i>Carcharhinus brachyurus</i>)	3	1
The waters of the State	Dusky Shark (<i>Carcharhinus obscurus</i>)	3	1
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 60 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 shark (being Bronze Whaler Shark or Dusky Shark) from a boat from which 3 shark (being a combination of Bronze Whale Shark and Dusky Shark) have 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 20 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 shark (being Bronze Whaler Shark or Dusky Shark) if the person has already taken 1 shark (being Bronze Whale Shark or Dusky Shark) 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.

64—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

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per boat per day	Column 4 Maximum quantity per person per day
Crustaceans			
The Northern Zone or the Southern Zone	Southern Rock Lobster (<i>Jasus edwardsii</i>)	8	4
Molluscs			
The waters of the State	Abalone (<i>Haliotis</i> spp)	10	5
Scalefish			
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.

65—Recreational bag limits

- (1) 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

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per person per day
Molluscs		
The waters of the State	Cockle and vongole	300
The waters of the State	Black Cowrie (<i>Zoila friendii thersites</i>)	1
The waters of the State west of longitude 136° East	Pipi (<i>Donax</i> spp)	100
The waters of the State east of longitude 136° East	Pipi (<i>Donax</i> spp)	300
Scalefish		
The waters of Coorong (area 1) or Coorong (area 2)	Large Mulloway (<i>Argyrosomus japonicus</i>)	2

- (2) The taking by an unlicensed person in any 1 day, in the waters of the State, of bloodworms (*Glycera*) exceeding a volume that fits a container capable of holding 4 litres of liquid.

66—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

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per boat per day (charter boat carrying more than 3 but not more than 6 passengers)
	Crustaceans	
The waters of the State	Blue Swimmer Crab (<i>Portunus armatus</i>)	120
The waters of the State	Sand crab (<i>Ovalipes</i> spp)	120
	Molluscs	
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
	Scalefish	
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 lalandi</i>)	6
The waters of the State	Large Snapper (<i>Chrysophrys auratus</i>)	6
The waters of the State	Small Snapper (<i>Chrysophrys auratus</i>)	15
The waters of the State	Blue Morwong (<i>Nemadactylus valenciennesi</i>)	15

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per boat per day (charter boat carrying more than 3 but not more than 6 passengers)
The waters of the State	Mullet (Family Mugilidae)	180
The waters of the State other than Coorong (area 1) or Coorong (area 2)	Large Mulloway (<i>Argyrosomus japonicus</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>Sphyaena 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	Trevally (<i>Pseudocaranx</i> spp)	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
Shark		
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.

67—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)
Molluscs			
The waters of the State	Southern Calamari (<i>Sepioteuthis australis</i>)	15	8
The waters of the State	Cockle and vongole	300	150
The waters of the State	Cuttlefish (<i>Sepia</i> spp)	15	8
The waters of the State	Razorfish (<i>Pinna bicolor</i>)	25	13
Scalefish			
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	Blue Morwong (<i>Nemadactylus</i> <i>valenciennesi</i>)	5	3
The waters of the State	Mullet (Family Mugilidae)	60	30
The waters of the State other than Coorong (area 1) or Coorong (area 2)	Large Mulloway (<i>Argyrosomus japonicus</i>)	2	1
The waters of the State	Yelloweye Redfish (<i>Centroberyx australis</i>)	10	5
The waters of the State	Swallowtail (<i>Centroberyx</i> <i>lineatus</i>)	10	5
The waters of the State	Large Salmon (<i>Arripis</i> <i>truttaceus</i>)	10	5
The waters of the State	Small Salmon (<i>Arripis</i> <i>truttaceus</i>)	20	10
The waters of the State	Large Snapper (<i>Chrysophrys auratus</i>)	2	1
The waters of the State	Small Snapper (<i>Chrysophrys auratus</i>)	5	3
The waters of the State	Snook (<i>Sphyraena</i> <i>novaehollandiae</i>)	20	10

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)
The waters of the State	Sweep (Genus Scorpis)	20	10
The waters of the State	Trevally (<i>Pseudocaranx</i> spp)	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) 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.

68—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)
Crustaceans			
The waters of the State	Blue Swimmer Crab (<i>Portunus armatus</i>)	20	20
The waters of the State	Sand Crab (<i>Ovalipes</i> spp)	20	20
The waters of the State	Giant Crab (<i>Pseudocarcinus gigas</i>)	2	2
The waters of the State	Southern Rock Lobster (<i>Jasus edwardsii</i>)	4	2
Echinoderms			
The waters of the State	Sea urchin (Echinoidea)	20	20
Molluscs			
The waters of the State	Abalone (<i>Haliotis</i> spp)	5	3
The waters of the State	Cockle and vongole	300	150
The waters of the State	Pipi (<i>Donax</i> spp)	300	300
The waters of the State	Scallop (Family Pectinidae)	50	50
Scalefish			
The waters of the State	Congolli (<i>Pseudaphritis urvillii</i>)	2	2
The waters of the State	Harlequin fish (<i>Othos dentex</i>)	2	2
The waters of the State	Southern Garfish (<i>Hyporhamphus melanochir</i>)	30	30
The waters of the State (other than those waters specified in Schedule 5)	Western Blue Groper (<i>Achoerodus gouldii</i>)	1	1
The waters of the State	Australian Herring (<i>Arripis georgianus</i>)	40	40
The waters of the State	Samsonfish (<i>Seriola hippos</i>)	1	1

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)
The waters of the State	Yellowtail Kingfish (<i>Seriola lalandi</i>)	1	1
The waters of the State	Wrasse (Labridae) (other than Western Blue Groper)	5	5
The waters of the State	King George Whiting (<i>Sillaginodes punctatus</i>)	10	10
Shark			
The waters of the State	Bronze Whaler Shark (<i>Carcharhinus brachyurus</i>)	1	1
The waters of the State	Dusky Shark (<i>Carcharhinus obscurus</i>)	1	1

- (5) 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—
 - (i) from which the person has already taken 20 Blue Swimmer Crab and Sand Crab in combination on the same day; or
 - (ii) from which 60 Blue Swimmer Crab and Sand Crab in combination have already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days); or
 - (b) of shark (being Bronze Whaler Shark or Dusky Shark) from a boat—
 - (i) from which the person has already taken 1 Bronze Whaler Shark or Dusky Shark on the same day; or
 - (ii) from which 3 Bronze Whaler Shark and Dusky Shark in combination have already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days).
- (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.

69—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)
Scalefish			
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	Blue Warehou (<i>Seriolella brama</i>)	30	10
The waters of the State	Silver Warehou (<i>Seriolella punctata</i>)	30	10
Shark			
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) 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

70—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 metre below the surface of the water; or
- (b) without attending the net.

71—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 metre below the surface of the water; or
- (b) without attending the net.

72—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 metres below the surface of the water; or
- (b) without attending the net.

73—Use of mesh net in Lake George

The taking of fish by an unlicensed person in the waters of Lake George—

- (a) between 1 and a half hours after sunrise and 1 and a half hours before sunset on the same day by using a mesh net without attending the net; or
- (b) by using a mesh net otherwise than by setting it so that it floats with no part of the net more than 2.5 metres below the surface of the water.

Part 3—Fishing activities not to be engaged in by any person

Division 1—Use of prohibited devices

74—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.

75—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.

76—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 metres from all other persons not directly involved in that fishing activity.

77—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**78—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, the person is using 2 or more hand lines;
or
- (d) by using a hand line if, at the same time, the person is using 2 or more rods and lines.

79—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.

80—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**81—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 metre at its greatest dimension; or
- (b) has no more than 2 entrance funnels; or
- (c) has an entrance funnel that exceeds 7.5 centimetres at its narrowest part.

82—Use of fish net of unlawful specifications in Lake George

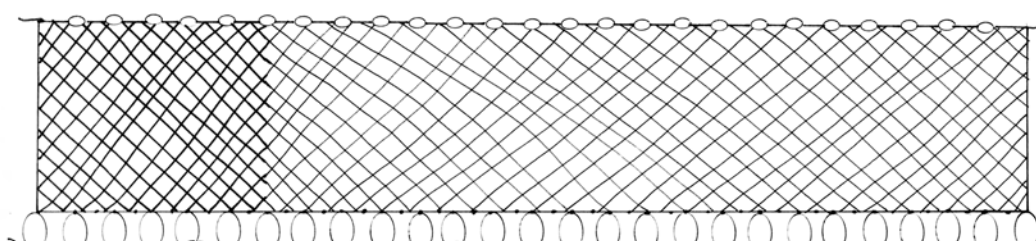
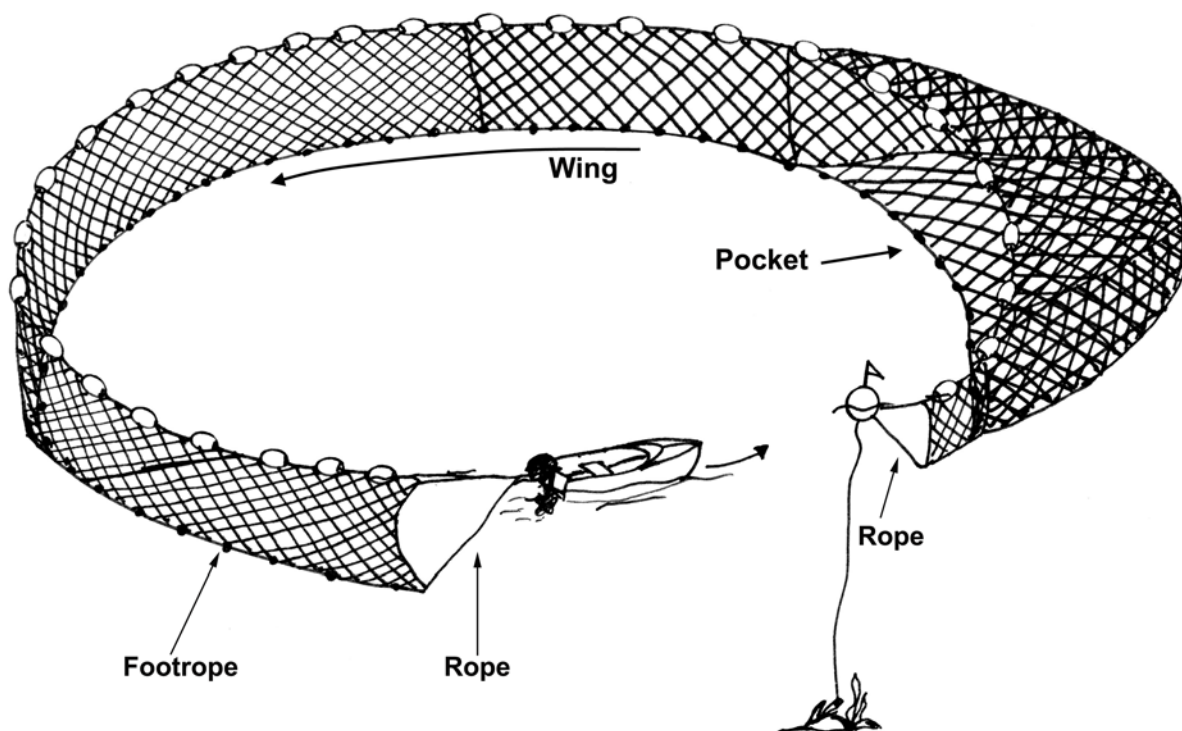
The taking of fish by using a fish net having a mesh of less than 7 centimetres in the waters of Lake George, near Beachport.

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 that—

- (a) exceeds 600 metres in length; or
- (b) exceeds 10 metres in depth; or
- (c) has a mesh size in the pocket of the net—
 - (i) in the case of a pocket with a mesh knotted in a standard manner—less than 32 millimetres; or
 - (ii) in any other case—less than 34 millimetres; or
- (d) has a mesh size in the net (other than in the pocket) that is less than 30 millimetres; or
- (e) has attached to it—
 - (i) a footrope that exceeds 150 metres in length when measured from the first purse ring to the last purse ring; or
 - (ii) a rope or ropes the length or combined lengths of which exceed 100 metres.

The diagram below is for convenience of reference only.



Section of hauling net showing footrope with purse rings at bottom

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 metres in length; or
- (b) has a depth exceeding 10 metres; or
- (c) has more than 100 metres 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 centimetres by 30 centimetres displayed from the top so as to be visible at least 1 metre 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 metres 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 metres 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 metres in length; or
- (b) exceeds 5 metres in depth; or
- (c) has a mesh size of less than 50 millimetres.

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 metres 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 metres in length; or
- (b) exceeds 13 metres in depth; or
- (c) has a mesh size of less than 50 millimetres.

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 millimetres at its greatest dimension; or
- (b) exceeds 200 millimetres in height; or
- (c) has a net forming part of the trap which has a mesh of less than 5 millimetres; or
- (d) has an entrance or opening the diameter of which exceeds 30 millimetres.

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 metres in length, the net or line is marked with red buoys that comply with regulation 13 and are placed at intervals not exceeding 50 metres; 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 metres of any other fish net.

Division 6—Use of certain devices in certain waters**94—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 Onkaparinga River;
- (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 metres 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 the Chapman River;
- (d) the waters of or near Vivonne Bay that are within 50 metres 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 the Eleanor River), together with the waters of the Eleanor River;
- (e) the waters of or near Vivonne Bay that are within 50 metres 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 the Harriet River;
- (f) the waters of or near Snelling Beach that are within 50 metres 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 the Middle River), together with the waters of the Middle River;
- (g) the waters of or near Western River Cove that are within 50 metres 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 the Western River), together with the waters of the 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 metres 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 metres 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 metres 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 metres 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.

95—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 metres in height, length and width; and
 - (ii) none of the entrance funnels of the net may exceed 6 centimetres 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 millimetres 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 centimetres; 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.

96—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 metres 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 metres in depth.

97—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° East and 140°58'00" East at a depth exceeding 5 metres 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.

98—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 metres mark near Gibbon Point (longitude 136°47.00' East), then easterly along latitude 33°50.00' South to intersect longitude 137°14.00'E, then northerly to the 5 metres mark near Shoal Water Light; or
- (c) in the waters of Spencer Gulf deeper than 5 metres 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.

99—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.

100—Use of long line in Murray Mouth

The taking of fish in the Murray Mouth by using a long line.

101—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 metres of each side of the Goolwa, Mundoo, Boundary Creek, Ewe Island and Tauwitche Barrages.

102—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.

103—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 102 that is usually marked by beacons and commonly known as the "boating channel".

104—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.

Location	Artificial reef	Latitude (South)	Longitude (East)
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 metres from the artificial reef known as Fleurieu Reef, 35°28'09.00" South, 138°09'05.00" East.

105—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

106—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.

107—Taking fish in Gulf 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.

108—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.

109—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.

110—Taking of fish using pipeline

The taking of fish by using a pipeline through which water is pumped from any waters of the State.

111—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

112—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

113—Taking of undersize or oversize fish

- (1) The taking, in the waters of the State, of—
 - (a) undersize fish; or
 - (b) Western Blue Groper or Murray Cod that exceeds 100 centimetres in length.
- (2) The taking, in coastal waters, of Wrasse (Family Labridae) (other than Western Blue Groper) that is less than 25 centimetres in length or more than 35 centimetres in length.

114—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.

115—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.

116—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 metres 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.

117—Taking of prawn in certain waters less than 10 metres deep

The taking of prawn in any waters of the ocean and the bays and gulfs of the State between meridians of longitude 129° East and 140°58'00" East less than 10 metres in depth at the low water mark.

118—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 metres 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 metres 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 metres 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 metres 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 metres 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.

119—Taking of fish near locks and weir of River Murray proper

The taking of fish in waters within 150 metres of each side of each lock and weir of the River Murray proper.

120—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	Column 2	Column 3
Class of fish	Waters	Closed season
Crustaceans		
Southern Rock Lobster	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.
Molluscs		
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.

Column 1	Column 2	Column 3
Class of fish	Waters	Closed season
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.
Scalefish		
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.

121—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 2 millimetres or greater gauge in conjunction with fishing hooks size 12/0 or greater.

122—Setting of rock lobster pots in Southern Zone during closed season

The setting of a rock lobster pot 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.

123—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.

124—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 Department has been notified in the manner and form, and at such time, as determined by the Minister, 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.

125—Taking of cephalopods in False Bay (Spencer Gulf)

The taking of a mollusc of the class Cephalopoda in the following waters:

The waters of or near False Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 33°02'10.19" South, 137°35'49.27" East, then beginning north-westerly following the line of Mean High Water Springs to the location closest to 33°00'00.75" South, 137°47'08.71" East (near Point Lowly Lighthouse), then south-westerly to the southern end of the jetty at Port Bonython at the location closest to 33°00'48.25" South, 137°45'55.28" East, then south-westerly to the south-eastern end of the BHP jetty at the location closest to 33°02'11.64" South, 137°35'56.61" East, then north-westerly along the said jetty to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs.

126—Taking fish using certain traces or hooks in certain waters

- (1) The taking of fish between 0500 and 2100 hours on any day using—
- (a) wire trace; or
 - (b) monofilament trace exceeding 1 millimetres in diameter; or
 - (c) a fishing hook size exceeding 56 millimetres in length; or
 - (d) a fishing hook with a gape exceeding 23 millimetres; or
 - (e) a combination or gang of hooks that are joined by threading the point of 1 through the eye of another,

in the waters and adjacent foreshore areas contained within the area from the southern Outer Harbor breakwater (34°46'59.00" South, 138°28'40.45" East), to Lady Bay Shacks, south of Normanville (35°28'30.82" South, 138°17'05.26" East) from Mean High Water Springs to a distance of 500 metres seaward.

- (2) In this clause—

gape of a fishing hook means the distance from the tip of the point of the hook to the inside of the shaft.

127—Taking fish near Horseshoe Reef

The taking of fish from within 25 metres of any part of Horseshoe Reef (35°8'14.6" South, 138°27'49.1" East) that becomes exposed at low water.

128—Taking fish in certain parts of Onkaparinga River

The taking of fish (other than the taking of fish by using a hand line or rod and line or the taking of shrimp (Suborder Natantia) by using a shrimp net)—

- (a) upstream from the mouth of the Onkaparinga River at a point closest to 35°09'53.26" South, 138°28'13.51" East, to the bridge on Main South Road at Noarlunga (D V Fleming Bridge) closest to 35°10'33.36" South, 138°29'55.85" East; or
- (b) in that portion of the waters of the estuary from the mouth of the Onkaparinga River at a point closest to 35°09'53.26" South, 138°28'13.51" East, to the bridge on Main South Road at Noarlunga (D V Fleming Bridge) closest to 35°10'33.36" South, 138°29'55.85" East.

Schedule 7—Areas in which use of fish nets is prohibited under section 70 of Act

(Regulation 5(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 the Tod River contained within and bounded by a line at a radius of 200 metres 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 metres 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 Harbour 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 33°06'55.80" South, 137°56'19.86" 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 33°00'35.89" South, 137°57'03.39" East (the northern most point of the Port of Port Pirie), then north-easterly to Mean High Water Springs closest to 33°00'19.65" South, 137°57'58.53" East (Ward Point), then beginning south-easterly following the line of Mean High Water Springs to the location closest to 33°09'40.38" South, 137°56'19.82" East, then north to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs.

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 metres 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 metres 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" 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 metres 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 metres 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 the 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 Harbor to Aldinga

The waters of or near 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°46'59.00" South, 138°28'40.45" East, then beginning south-easterly following the line of Mean High Water Springs to the location closest to 35°17'00.75" South, 138°26'33.51" East, then westerly to a line 600 metres 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 metres 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, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs.

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 metres 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 metres 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 and Lake George (southern lagoon), 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 following the line of Mean High Water Springs and including all inland waters of the southern lagoon of Lake George to the location closest to 37°27'05.83" South, 140°00'56.94" East, then generally north-easterly 37°27'01.01" South, 140°01'07.92" East, then generally south-east 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 metres 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 metres 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 metres 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 metres 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 metres from any portion of the jetty at Brighton, Glenelg, Henley Beach, Grange, Semaphore or Largs Bay; and
- (b) a distance of 100 metres 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 nets other than large mesh nets and sardine 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—Prescribed quantities

(Regulation 7)

Column 1 Class of fish	Column 2 Quantity
King George Whiting (<i>Sillaginodes punctatus</i>)	(a) if the person has in his or her possession both fish and fillets of the fish—36 fish or 5 kilograms of fillets of the fish; (b) in any other case—72 fish or 10 kilograms of fillets of the fish.
Pipi (<i>Donax</i> spp)	1 200 Pipi
Razorfish (<i>Pinna bicolor</i>)	100 fish

Schedule 9—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 armatus*)

Giant Crab (*Psuedocarcinus gigas*)

Sand Crab (*Ovalipes* spp)

Velvet Crab (*Nectocarcinus tuperculosus*)

Freshwater Prawn (*Macrobrachium australiensis*)

King Prawn (*Penaeus latisulcatus*)

Southern Rock Lobster (*Jasus edwardsii*)

Yabby (*Cherax* spp)

Echinoderms

Sea Urchin (*Heliocidaris erythrogramma*)

Molluscs

Abalone of the species *Haliotis laevigata*, *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
Pipi (*Donax* spp)
Heart Cockle (Family Cardiidae)
Mactra Cockle (Family Mactridae)
Venus Cockle (Family Veneridae)
Vongole
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 Ostreidae)
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)
Helmut Shell (Family Cassidae)
Margin Shell (Family Marginellidae)
Mitre Shell (Family Mitridae)
Moon Shell (Family Nacticidae)
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)
Chunk 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 10—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 metres of those waters.
- 2 The waters near the Hindmarsh River contained within and bounded by a line at a radius of 200 metres 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 the Inman River contained within and bounded by a line at a radius of 200 metres 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 to a line 600 metres 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 metres 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 metres 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 11—Expiation fees

(Regulation 32)

Clause of Schedule 6	Description of prescribed fishing activity constituting offence	Expiation fee
Part 1—Fishing activities not to be engaged in by licensed persons		
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
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

Clause of Schedule 6	Description of prescribed fishing activity constituting offence	Expiation fee
17	<i>Taking Blue Swimmer Crab using crab net of unlawful specifications (commercial)</i>	\$100
18(1)	<i>Taking Southern Rock Lobster in Northern Zone using rock lobster pot of unlawful specifications (commercial)</i>	\$100
19	<i>Taking Southern Rock Lobster in Southern Zone using rock lobster pot of unlawful specifications (commercial)</i>	\$50
20	<i>Taking Ocean Jacket in waters deeper than 60 metres 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 Pipi in Coorong coastal waters using cockle rake of unlawful specifications (commercial)</i>	\$100
23	<i>Taking fish using certain device without buoy (commercial)</i>	\$50
24	<i>Taking fish using certain device without tag (commercial)</i>	\$50
25	Taking razorfish (<i>bag limit</i>) (<i>commercial</i>)—exceeding daily limit: <ul style="list-style-type: none"> • by up to 20 razorfish • by more than 20 but not more than 40 razorfish • by more than 40 razorfish 	\$50 \$100 \$200
29	<i>Taking fish using unattended long line (commercial)</i>	\$100
30	<i>Taking fish using set line with more than permitted number of hooks (commercial)</i>	\$200
31	<i>Taking certain fish in River Murray (commercial)</i>	\$100
32	<i>Taking Blue Swimmer Crab in certain Spencer Gulf waters (commercial)</i>	\$300
33	<i>Taking Blue Swimmer Crab in certain other waters (commercial)</i>	\$300
34	<i>Taking Sand Crab using sand crab pot in certain waters (commercial)</i>	\$300
35	<i>Taking Vongole in certain waters (commercial)</i>	\$100
36	<i>Taking Blue Crab in certain waters during closed season (commercial)</i>	\$200
37	<i>Taking fish in River Murray using certain device without buoy or tag (commercial)</i>	\$50
38	<i>Taking fish in Lakes and Coorong by electrofishing (commercial)</i>	\$100
Part 2—Fishing activities not to be engaged in by unlicensed persons		
39	<i>Taking fish in coastal waters using fish net or long line (recreational)</i>	\$100
40	<i>Taking fish using fish net in River Murray proper (recreational)</i>	\$100
41	<i>Taking fish in Coorong (area 1) using fish net during certain period (recreational)</i>	\$100
42	<i>Taking fish using fish trap (recreational)</i>	\$100
43	<i>Taking fish in coastal waters using more than permitted number of certain devices (recreational)</i>	\$100
44	<i>Taking fish in River Murray proper using more than permitted number of certain devices (recreational)</i>	\$100
45	<i>Taking fish in Coorong (area 1) using more than permitted number of certain devices during certain period (recreational)</i>	\$100

Clause of Schedule 6	Description of prescribed fishing activity constituting offence	Expiation fee
46	<i>Taking fish in Coorong (area 2) using more than permitted number of certain devices (recreational)</i>	\$100
47	<i>Taking fish in Lakes Albert and Alexandrina using more than permitted number of certain devices (recreational)</i>	\$100
48	<i>Taking fish in Lake George using more than permitted number of certain devices (recreational)</i>	\$100
49	<i>Taking fish in Coorong (area 1) during certain period using mesh net of unlawful specifications (recreational)</i>	\$100
50	<i>Taking fish in Coorong (area 2) using mesh net of unlawful specifications (recreational)</i>	\$100
51	<i>Taking fish in Lakes Albert and Alexandrina using mesh net of unlawful specifications (recreational)</i>	\$100
52	<i>Taking fish in Lake George using mesh net of unlawful specifications (recreational)</i>	\$100
53	<i>Taking crabs using crab net or hand net of unlawful specifications (recreational)</i>	\$100
54	<i>Taking Southern Rock Lobster in Northern Zone or Southern Zone using rock lobster pot of unlawful specifications (recreational)</i>	\$50
55	<i>Taking fish using device without tag (recreational)</i>	\$50
56	<i>Taking fish using mesh net without tag (recreational)</i>	\$50
57	<i>Taking fish in Lake George using mesh net without buoy or tag (recreational)</i>	\$50
58	<i>Taking fish using drop net without buoy or tag (recreational)</i>	\$50
59	<i>Taking fish using hoop net without buoy or tag (recreational)</i>	\$50
60	<i>Taking fish using rock lobster pot without buoy or tag (recreational)</i>	\$50
61	<i>Taking fish using shrimp trap or yabby pot without buoy or tag (recreational)</i>	\$50
62	<i>Taking fish using device with tag bearing registration information relating to device registered for commercial fishing (recreational)</i>	\$100
63	Taking fish (<i>recreational non-charter boat fishing bag or boat limit</i>)— exceeding limit: <ul style="list-style-type: none"> • by up to 10 fish • by more than 10 but not more than 20 fish • by more than 20 fish 	\$50 \$100 \$200
64	Taking rock lobster (<i>recreational non-charter boat fishing bag or boat limit</i>) in the Northern Zone or Southern Zone—exceeding limit	\$300
64	Taking abalone (<i>recreational non-charter boat fishing bag or boat limit</i>)— exceeding limit: <ul style="list-style-type: none"> • by up to 5 abalone • by more than 5 but not more than 10 abalone • by more than 10 abalone 	\$50 \$100 \$200
64	Taking Murray Cod (<i>recreational non-charter boat fishing bag or boat limit</i>)— exceeding limit: <ul style="list-style-type: none"> • by up to 5 Murray Cod • by more than 5 Murray Cod 	\$100 \$200

Clause of Schedule 6	Description of prescribed fishing activity constituting offence	Expiation fee
65(1)	Taking Cockle or Vongole (<i>recreational bag limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 50 cockles or vongole by more than 50 but not more than 100 cockles or vongole by more than 100 cockles or vongole 	\$50 \$100 \$200
65(1)	Taking Black Cowrie (<i>recreational bag limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 5 Black Cowrie by more than 5 Black Cowrie 	\$200 \$300
65(1)	Taking Pipi (<i>recreational bag limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 50 Pipi by more than 50 but not more than 100 Pipi by more than 100 Pipi 	\$50 \$100 \$200
65(1)	Taking Mulloway (<i>recreational bag limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 10 Mulloway by more than 10 but not more than 20 Mulloway by more than 20 Mulloway 	\$50 \$100 \$200
65(2)	Taking bloodworms (<i>recreational limit</i>)—exceeding limit	\$315
66	Taking fish (<i>recreational charter boat fishing boat or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 10 fish by more than 10 but not more than 20 fish by more than 20 fish 	\$50 \$100 \$200
67	Taking fish (<i>recreational charter boat fishing boat or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 10 fish by more than 10 but not more than 20 fish by more than 20 fish 	\$50 \$100 \$200
68	Taking Abalone (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 5 Abalone by more than 5 but not more than 10 Abalone by more than 10 Abalone 	\$50 \$100 \$200
68	Taking Cockle or Vongole (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 100 cockles or vongole by more than 100 but not more than 200 cockles or vongole by more than 200 cockles or vongole 	\$50 \$100 \$200
68	Taking Congolli (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 5 Congolli by more than 5 Congolli 	\$100 \$200

Clause of Schedule 6	Description of prescribed fishing activity constituting offence	Expiation fee
68	Taking Giant Crab (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 5 Giant Crabs by more than 5 Giant Crabs 	\$100 \$200
68	Taking Harlequin fish (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 5 Harlequin fish by more than 5 Harlequin fish 	\$100 \$200
68	Taking Western Blue Groper (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 5 Western Blue Groper by more than 5 Western Blue Groper 	\$100 \$200
68	Taking Yellowtail Kingfish (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 5 Yellowtail Kingfish by more than 5 Yellowtail Kingfish 	\$100 \$200
68	Taking Pipi (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 50 Pipi by more than 50 but not more than 100 Pipi by more than 100 Pipi 	\$50 \$100 \$200
68	Taking Rock Lobster (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 5 rock lobster by more than 5 but not more than 10 rock lobster by more than 10 rock lobster 	\$50 \$100 \$200
68	Taking Samsonfish (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 5 Samsonfish by more than 5 Samsonfish 	\$100 \$200
68	Taking Bronze Whaler Shark (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 5 Bronze Whaler Shark by more than 5 Bronze Whaler Shark 	\$100 \$200
68	Taking Dusky Shark (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 5 Dusky Shark by more than 5 Dusky Shark 	\$100 \$200
68	Taking King George Whiting (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 10 Whiting 	\$50

Clause of Schedule 6	Description of prescribed fishing activity constituting offence	Expiation fee
	<ul style="list-style-type: none"> by more than 10 but not more than 20 Whiting 	\$100
	<ul style="list-style-type: none"> by more than 20 Whiting 	\$200
68	Taking Wrasse (other than Western Blue Groper) (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 5 Wrasse 	\$100
	<ul style="list-style-type: none"> by more than 5 Wrasse 	\$200
68	Taking fish (other than Abalone, Cockle, Congolli, Giant Crab, Harlequin fish, Western Blue Groper, Yellowtail Kingfish, Pipi, Rock Lobster, Samsonfish, Bronze Whaler Shark, Dusky Shark, King George Whiting or Wrasse) (<i>recreational charter boat fishing bag, boat or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 10 fish 	\$50
	<ul style="list-style-type: none"> by more than 10 but not more than 20 fish 	\$100
	<ul style="list-style-type: none"> by more than 20 fish 	\$200
69	Taking fish (<i>recreational charter boat fishing bag, boat or trip limit</i>)—exceeding limit: <ul style="list-style-type: none"> by up to 10 fish 	\$50
	<ul style="list-style-type: none"> by more than 10 but not more than 20 fish 	\$100
	<ul style="list-style-type: none"> by more than 20 fish 	\$200
70	<i>Taking fish in Coorong (area 1) during certain period using mesh net in unlawful manner or without attending net (recreational)</i>	\$100
71	<i>Taking fish in Coorong (area 2) using mesh net in unlawful manner or without attending net (recreational)</i>	\$100
72	<i>Taking fish in Lakes Albert and Alexandrina using mesh net in unlawful manner or without attending net (recreational)</i>	\$100
73	<i>Taking fish in Lake George using mesh net in unlawful manner or at certain times of day without attending net (recreational)</i>	\$100
Part 3—Fishing activities not to be engaged in by any person		
74	<i>Taking fish for non-commercial purpose using device other than permitted device etc</i>	\$100
75	<i>Taking fish for non-commercial purpose using mesh net or rock lobster pot not registered in user's name</i>	\$100
76	<i>Taking fish using bow and arrow</i>	\$100
77	<i>Taking rock lobster using fish spear etc</i>	\$200
78	<i>Taking fish using more than permitted number of rod and lines or hand lines etc</i>	\$50
79	<i>Taking fish using more than permitted number of large mesh nets</i>	\$200
80	<i>Taking fish using more than permitted number of teaser lines from jetty etc</i>	\$50
81	<i>Taking fish in inland waters using yabby pot of unlawful specifications</i>	\$50
82	<i>Taking fish in Lake George using fish net of unlawful specifications</i>	\$200
83	<i>Taking fish in coastal waters other than by power hauling method using hauling net of unlawful specifications</i>	\$200
84	<i>Taking fish by power hauling method using hauling net of unlawful specifications etc</i>	\$100

Clause of Schedule 6	Description of prescribed fishing activity constituting offence	Expiation fee
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
94	<i>Taking fish in certain waters using device other than rod and line, hand line or hand net</i>	\$200
95(1)	<i>Taking fish in certain inland waters</i>	\$200
97	<i>Taking fish in certain waters deeper than 5 metres using fish net</i>	\$200
98	<i>Taking fish in certain waters of Spencer Gulf using fish net</i>	\$200
99	<i>Taking fish in certain waters of Coorong using fish net or set line</i>	\$100
100	<i>Taking fish in Murray mouth using long line</i>	\$100
101	<i>Taking fish in certain waters using mesh net as set net</i>	\$100
102	<i>Taking fish in certain waters of Coorong using mesh net as set net on weekend</i>	\$100
103	<i>Taking fish in certain waters of Coorong using hauling net on weekend</i>	\$100
104(1) or (2)	<i>Taking fish using certain device near artificial reef</i>	\$100
105	<i>Taking fish using large mesh net left in water more than 4 hours</i>	\$100
106	<i>Taking prawn by power hauling method</i>	\$200
107	<i>Taking fish in Gulf St. Vincent or Spencer Gulf using large mesh net shot out in straight line</i>	\$50
108	<i>Taking fish using fish net fixed etc across bay, inlet etc</i>	\$200
109	<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
112	Taking rock lobster by diving (<i>bag limit</i>)—exceeding limit: <ul style="list-style-type: none"> • by up to 5 rock lobster • by more than 5 but not more than 10 rock lobster • by more than 10 rock lobster 	\$50 \$100 \$200
113(1)(a)	Taking undersize fish— <ul style="list-style-type: none"> • up to 10 fish • more than 10 fish 	\$50 \$100
113(1)(b)	Taking oversize Western Blue Groper or Murray Cod	\$500
113(2)	Taking undersize or oversize Wrasse (other than Western Blue Groper)	\$315

Clause of Schedule 6	Description of prescribed fishing activity constituting offence	Expiation fee
114	<i>Taking molluscs in waters of West Lakes etc</i>	\$100
115	<i>Taking filter-feeding marine molluscan shellfish in certain waters of Port Adelaide River</i>	\$315
116	<i>Taking benthic marine organisms in certain waters</i>	\$300
118	<i>Taking rock lobster in certain waters</i>	\$200
119	<i>Taking fish near locks and weir of River Murray</i>	\$100
120	<i>Taking fish during closed season in certain waters—</i> <ul style="list-style-type: none"> • taking rock lobster • taking Pipi • taking Bream • taking Murray Cod • taking razorfish 	\$200 \$50 \$100 \$200 \$100
121	<i>Taking fish using 2 millimetres or greater trace wire with size 12/0 fishing hooks</i>	\$100
122	<i>Setting rock lobster pot in Southern Zone during closed season</i>	\$315
123	<i>Setting rock lobster pot containing rock lobster for purpose other than commercial purpose</i>	\$315
124	<i>Taking fish by using registered boat (other than taking under a fishery authority)</i>	\$315
125	<i>Taking cephalopod in False Bay, Spencer Gulf</i>	\$315
126	<i>Taking fish using certain traces or hooks in certain waters between 0500 and 2100 hours on any day</i>	\$315
127	<i>Taking fish near Horseshoe Reef</i>	\$100
128	<i>Taking fish in certain parts of Onkaparinga River</i>	\$100

Schedule 12—Revocation and transitional provisions

1—Revocation of *Fisheries Management (General) Regulations 2007*

The *Fisheries Management (General) Regulations 2007* are revoked.

2—Transitional provision—registration of devices

A device registered under the *Fisheries Management (General) Regulations 2007* immediately before the commencement of these regulations will, on that commencement, be taken to be registered under these regulations.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 226 of 2017

DPC17/041CS

South Australia

Fisheries Management (Lakes and Coorong Fishery) (Simplify No 2) Variation Regulations 2017

under the *Fisheries Management Act 2007*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Lakes and Coorong Fishery) (Simplify No 2) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

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 Management (Lakes and Coorong Fishery) Regulations 2009*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *cockle rake*—delete "*Fisheries Management (General) Regulations 2007*" and substitute:

Fisheries Management (General) Regulations 2017

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

Department means the administrative unit of the Public Service responsible for assisting a Minister in the administration of the Act;

- (3) Regulation 3(1), definition of *eligible licence*—delete the definition

- (4) Regulation 3(1), definition of *Marine Scalefish Fishery*—delete "*Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*" and substitute:

Fisheries Management (Marine Scalefish Fisheries) Regulations 2017

- (5) Regulation 3(1), definition of *mesh net*—delete "*Fisheries Management (General) Regulations 2007*" and substitute:

Fisheries Management (General) Regulations 2017

- (6) Regulation 3(1), definition of *yabby pot*—delete "*Fisheries Management (General) Regulations 2007*" and substitute:

Fisheries Management (General) Regulations 2017

- (7) Regulation 3(2)(c)—delete paragraph (c) and substitute:

- (c) common and scientific fish names are given according to AS 5300—2015 *Australian Fish Names Standard* published by Standards Australia, as in force from time to time.

5—Variation of regulation 6—Transfer of licence

- (1) Regulation 6(2)—after paragraph (b) insert:

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.

- (2) Regulation 6(3)(d)—delete paragraph (d) and substitute:
- (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—
 - (i) the licence is subject to a condition fixing a pipi quota entitlement; and
 - (ii) the only devices registered for use under the licence are devices that may be used for taking pipi; and
 - (iii) 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.

6—Variation of regulation 7—Registration

Regulation 7—after subregulation (2) insert:

- (3) If the holder of a licence in respect of the fishery is a company, a device, other than a device for taking pipi, must not be registered for use under the licence.

7—Variation of regulation 8—Revocation of registration

Regulation 8(2)(b)—delete "be signed by the applicant and"

8—Variation of regulation 9—Mesh net and yabby pot entitlements

Regulation 9(3)(b)—delete "be signed by the applicants and"

9—Variation of regulation 10—Individual pipi catch quota system

- (1) Regulation 10(1), definition of *pipi quota entitlement* or *quota entitlement*—delete "an eligible licence in respect of the fishery" and substitute:
 - a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement
- (2) Regulation 10(1), definition of *quota period*—delete the definition and substitute:
 - quota period*—a quota period for the fishery for the taking of pipi is a period of 12 months commencing on 1 July;
- (3) Regulation 10(3)—delete "of eligible licences" and substitute:
 - on licences
- (4) Regulation 10(3)(b)—delete paragraph (b) and substitute:
 - (b) a licence in respect of the fishery may be allocated a number of pipi units for a quota period equal to the number of pipi units allocated to that licence immediately before the commencement of that quota period;
- (5) Regulation 10(5)(b)—delete "signed by the applicants and"
- (6) Regulation 10(5)(c)—delete paragraph (c) and substitute:
 - (c) be accompanied by the prescribed fee.

10—Variation of regulation 11—Use of agents in fishing activities (licences under which boats are registered)

- (1) Regulation 11(3)—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement
- (2) Regulation 11(4)—delete "an eligible licence" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement
- (3) Regulation 11(7)—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement

11—Variation of regulation 11A—Use of agents in fishing activities (licences under which no boats are registered)

- (1) Regulation 11A(2)—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement
- (2) Regulation 11A(3)—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement
- (3) Regulation 11A(4)—delete "an eligible licence" and substitute:
a licence subject to a condition fixing a pipi quota entitlement
- (4) Regulation 11A(5)—delete "an eligible licence" and substitute:
a licence subject to a condition fixing a pipi quota entitlement
- (5) Regulation 11A(6)—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement
- (6) Regulation 11A(7)—delete "an eligible licence" and substitute:
a licence subject to a condition fixing a pipi quota entitlement

12—Variation of regulation 13—Restrictions on taking of pipi, cockles and vongole

- Regulation 13(2)—delete "an eligible licence" and substitute:
a licence subject to a condition fixing a pipi quota entitlement

13—Variation of regulation 14—Restriction on use of cockle rakes

- Regulation 14—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement

14—Substitution of regulation 15

Regulation 15—delete the regulation and substitute:

15—Information to be provided—taking pipi

- (1) If fishing activities involving the taking of pipi under a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

15—Variation of regulation 16—Pipi to be landed within State

Regulation 16—delete "an eligible licence in respect of the fishery" and substitute:

a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement

16—Variation of regulation 17—Disposal of pipi

Regulation 17—delete "an eligible licence in respect of the fishery" and substitute:

a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement

17—Substitution of regulations 18 and 19

Regulations 18 and 19—delete the regulations and substitute:

18—Catch and disposal requirements—pipi

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of pipi taken under the licence:
 - (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of pipi taken under the licence as determined by the Minister;
 - (b) the holder of the licence or registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or registered master must ensure that pipi taken under the licence is weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$315.

19—Periodic returns

- (1) The holder of a licence in respect of the fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (2) The holder of a licence in respect of the fishery must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$500.

20—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

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

Maximum penalty: \$2 500.

Expiation fee: \$210.

21—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.
- (3) If the Minister makes a determination for the purposes of a regulation, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.

- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 10.

18—Variation of Schedule 1—Aquatic resources prescribed for Lakes and Coorong Fishery

- (1) Schedule 1—delete "Gould's Squid (*Nototodarus gouldii*)" and substitute:
Gould's Squid (*Nototodarus gouldi*)
- (2) Schedule 1—delete "Mulloway (*Argyrosomus hololepidotus*)" and substitute:
Mulloway (*Argyrosomus japonicus*)
- (3) Schedule 1—delete "Snapper (*Pagrus auratus*)" and substitute:
Snapper (*Chrysophrys auratus*)
- (4) Schedule 1—delete "Trevally (*Caranginae* spp)" and substitute:
Trevally (*Carangidae* spp)
- (5) Schedule 1—delete "Bluethroat Wrasse (*Notolabrus tetricus*)" and substitute:
Wrasse (*Labridae*) (other than Western Blue Groper (*Achoerodus gouldii*))

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 227 of 2017

DPC17/041CS

South Australia

Fisheries Management (Marine Scalefish Fisheries) Regulations 2017

under the *Fisheries Management Act 2007*

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Schedule 2—Revocation of *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* and transitional provision

- 1 Revocation of *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*

2 Eligibility to be granted fishery licence

1—Short title

These regulations may be cited as the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

3—Interpretation

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

Act means the *Fisheries Management Act 2007*;

blue crab means Blue Swimmer Crab (*Portunus armatus*);

Blue Crab Fishery has the same meaning as in the *Fisheries Management (Blue Crab Fishery) Regulations 2013*;

blue crab fishing zone has the same meaning as in the *Fisheries Management (Blue Crab Fishery) Regulations 2013*;

cockle means any mollusc of—

- (a) the order Veneroida (other than Pipi (*Donax* spp) or Vongole (*Katelysia* spp)); or
- (b) the genus *Anadara*;

cockle rake has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

Coffin Bay vongole fishing zone means the waters of or near Coffin Bay contained within and bounded by a line commencing at the line of Mean High Water Springs closest to 34°30'36.68" South, 135°22'46.38" East (generally south-west of Farm Beach), then beginning southwesterly following the line of Mean High Water Springs to the location closest to 34°27'20.32" South, 135°13'00.83" East (Point Burgess), then south-easterly to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs;

crab net has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

Gulf St. Vincent Blue Crab Fishing Zone has the same meaning as in the *Fisheries Management (Blue Crab Fishery) Regulations 2013*;

Lakes and Coorong has the same meaning as in the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*;

Lakes and Coorong Fishery means the fishery of that name constituted by the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*;

marine scalefish fishery means—

- (a) the Marine Scalefish Fishery; or
- (b) the Restricted Marine Scalefish Fishery,

constituted by these regulations;

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

Northern Zone Rock Lobster Fishery means the fishery of that name constituted by the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;

ocean jacket trap means a fish trap (within the meaning of the *Fisheries Management (General) Regulations 2017*) which may, under those regulations, be lawfully used to take Ocean Jacket (*Nelusetta ayraudi*);

pipi means Pipi (*Donax* spp);

pipi quota entitlement—see regulation 15;

Port River vongole fishing zone means the waters of or near Port Gawler contained within and bounded by a line commencing at the line of Mean High Water Springs closest to 34°40'12.26" South, 138°26'35.25" East (end of Port Gawler road), then beginning easterly following the line of Mean High Water Springs to the location closest to 34°46'59.03" South, 138°28'40.48" East, then north-westerly to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs;

sand crab pot has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

sardine means Australian Sardine (*Sardinops sagax*);

sardine net has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

sardine quota entitlement—see regulation 17;

Spencer Gulf Blue Crab Fishing Zone has the same meaning as in the *Fisheries Management (Blue Crab Fishery) Regulations 2013*;

spouse—a person is the spouse of another if they are legally married;

vongole means any mollusc of the genus *Katelysia*;

vongole fishing zone means—

- (a) the Coffin Bay vongole fishing zone; or
- (b) the Port River vongole fishing zone; or
- (c) the West Coast vongole fishing zone;

vongole quota entitlement—see regulation 14;

West Coast vongole fishing zone means—

- (a) the waters of or near Smoky Bay contained within and bounded by a line commencing at the line of Mean High Water Springs closest to 32°15'48.62" South, 133°46'09.70" East (Cape D'Estrees), then beginning easterly following the line of Mean High Water Springs to the location closest to 32°23'54.35" South, 133°52'00.15" East (Cape Missiessy), then westerly to the line of Mean High Water Springs closest to 32°23'55.74" South, 133°43'09.43" East (Goalen Rocks), then north-easterly to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs; and
 - (b) the waters of or near Streaky Bay contained within and bounded by a line commencing at the line of Mean High Water Springs closest to 32°39'22.17" South, 134°17'13.59" East (most northern point of Perlubie beach), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 32°42'37.66" South, 134°05'08.97" East, then north-easterly to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs; and
 - (c) the waters of or near Venus Bay contained within and bounded by a line commencing at the line of Mean High Water Springs closest to 33°10'19.37" South, 134°41'04.36" East (Port Kenny jetty), then beginning easterly following the line of Mean High Water Springs to the location closest to 33°13'48.68" South, 134°39'38.86" East (South Head), then northerly to the line of Mean High Water Springs closest to 33°13'31.48" South, 134°39'41.81" East (North Head), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 33°10'51.24" South, 134°38'14.69" East, then north-easterly to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs.
- (2) In these regulations—
- (a) 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 coordinates are expressed in terms of GDA94;
 - (b) common and scientific fish names are given according to AS 5300—2015 *Australian Fish Names Standard* published by Standards Australia, as in force from time to time;
 - (c) 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.

4—Constitution of fisheries

- (1) The following fisheries are constituted:
 - (a) the Marine Scalefish Fishery;
 - (b) the Restricted Marine Scalefish Fishery.

- (2) The Marine Scalefish Fishery and the Restricted Marine Scalefish Fishery each consist of—
 - (a) the taking of aquatic resources specified in Schedule 1 in coastal waters; and
 - (b) the taking of Razorfish (*Pinna bicolor*) in coastal waters for the purpose of bait.
- (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.

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.

6—Transfer of licences

- (1) In this regulation—

authorised amalgamation scheme transfer means a transfer of a licence that is authorised under regulation 8;

authorised family transfer means a transfer of a licence that is authorised under regulation 7.
- (2) Subject to these regulations, licences in respect of a marine scalefish fishery are transferable.
- (3) A licence in respect of the Restricted Marine Scalefish Fishery cannot be transferred to the holder of another licence in respect of that fishery.
- (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 35 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—
 - (i) is an authorised family transfer; or
 - (ii) is an authorised amalgamation scheme transfer; or
 - (iii) occurs in the course of the administration of a deceased estate under section 57(6) of the Act; or
 - (iv) occurs as a result of the holder of the licence suffering from total and permanent incapacity; or
 - (v) occurs as a result of a disqualification under Part 8 Division 4 of the Act;

- (b) that an application for consent to the transfer (other than a transfer referred to in paragraph (a)) has not previously been made within a period of 5 years of the date of this application;
- (c) that any fees or other amounts payable in relation to the licence under the Act have been paid in full;
- (d) that the licence to be transferred has not been suspended;
- (e) that the transfer is to 1 person only;
- (f) that no proceedings alleging an offence against the Act are pending or likely to be commenced in the State against the holder of the licence;
- (g) 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.

7—Transfer of licences between family members

Subject to regulation 6, a licence in respect of the Marine Scalefish Fishery may be transferred if the transferee is—

- (a) the spouse or domestic partner of the licensee; or
- (b) a parent or grandparent of the licensee; or
- (c) a brother or sister, or half-brother or half-sister, of the licensee; or
- (d) a child or grandchild of the licensee; or
- (e) a child or grandchild of the spouse or domestic partner of the licensee.

8—Transfer of licences under amalgamation scheme

- (1) In this regulation—

aggregate fishing points value, in relation to 2 or more licences, means the sum of the fishing points values endorsed on the licences under this regulation;

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

licence means a licence in respect of a marine scalefish fishery;

line licence means a licence other than a net licence;

net means a fish net as defined in the *Fisheries Management (General) Regulations 2017* but does not include a bait net as defined in those regulations;

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).

- (2) For the purposes of this regulation, the fishing points value in respect of each net licence or line licence is the fishing points value endorsed on each licence immediately before the commencement of this regulation.
- (3) The fishing points value endorsed on a licence may be varied only—

- (a) to reflect a change of the licence from a net licence to a line licence; or
 - (b) as otherwise required under this regulation; or
 - (c) in order to correct an error.
- (4) Subject to regulation 6, a licence may then be transferred as authorised under the following provisions:
- (a) a net licence in respect of the Marine Scalefish Fishery may be transferred to the holder of another net licence in respect of that fishery;
 - (b) a line licence in respect of the Marine Scalefish Fishery may be transferred to the holder of another line licence in respect of that fishery;
 - (c) 1 or 2 licences in respect of the Restricted Marine Scalefish Fishery may be transferred to the holder of a licence in respect of the Marine Scalefish Fishery;
 - (d) if a transfer of a kind referred to in a preceding paragraph has effect, the transferee must surrender to the Minister 1 of the 2 licences, or 2 of the 3 licences (as the case may be) then held by the transferee;
 - (e) if 1 or more of the licences held by the transferee has recorded on it demerit points incurred under Part 8 Division 4 of the Act in respect of offences committed within the preceding period of 5 years, the licence or licences surrendered must be—
 - (i) the licence or licences without any such demerit points, or (as the case may require) the licence or licences with the greater number of such demerit points, recorded on the licence or licences; or
 - (ii) if the same number of such demerit points is recorded on each licence—the licence or licences with demerit points recorded on it in respect of the most recently committed offence;
 - (f) if 1 or more licences are to be surrendered but any fees or other amounts payable under the 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;
 - (g) on the surrender of a licence and payment of any amount required to be paid under paragraph (f) in respect of the licence, the Minister must—
 - (i) replace the gear endorsement of the remaining licence held by the transferee with a gear endorsement that makes provision for the aggregate gear entitlement in relation to that licence and the surrendered licence or licences; and
 - (ii) vary the fishing points value endorsed on the remaining licence under this regulation so that it equals the aggregate fishing points value in relation to that licence and the surrendered licence or licences;
 - (h) when, as a result of the process referred to in paragraphs (a) to (g), the fishing points value endorsed on a licence under this regulation equals or exceeds 24, the licence may be transferred without complying with those paragraphs;
 - (i) the gear entitlement under the remaining licence held by the transferee is replaced with a gear entitlement that makes provision for the aggregate gear entitlement under that licence and the surrendered licence or licences.

9—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—
 - (a) 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; or
 - (b) the licence is subject to a condition fixing a pipi quota entitlement; or
 - (c) the licence is subject to a condition fixing a vongole quota entitlement; or
 - (d) the gear entitlement under the licence authorises the use of 1 or more of any of the following devices:
 - (i) an ocean jacket trap;
 - (ii) a sand crab pot;
 - (iii) a sardine net.
- (3) If the gear entitlement under a licence in respect of a marine scalefish fishery authorises the use of an ocean jacket trap, a person cannot be registered as the master of a boat used under the licence if the holder of the licence and 2 other persons are already registered as masters of that boat.

10—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 completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.

11—Restriction on fishing activities in which registered masters other than licence holder may be engaged

If a person holds only 1 licence in respect of a marine scalefish fishery, a registered master other than the holder of the licence must not engage in fishing activities under the licence other than—

- (a) in the case of a licence subject to a condition fixing a pipi quota entitlement—the taking of pipi under the licence; or
- (b) in the case of a licence subject to a condition fixing a vongole quota entitlement—the taking of vongole under the licence; or

- (c) in the case of a licence that authorises the use of ocean jacket traps, sand crab pots or sardine nets—fishing activities involving the use of those devices.

Maximum penalty: \$5 000.

Expiation fee: \$315.

12—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 the master in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

13—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.

14—Individual vongole catch quota system

- (1) In this regulation—

vongole quota entitlement or **quota entitlement**, in relation to a licence in respect of a marine scalefish fishery or an eligible rock lobster fishery licence and a vongole fishing zone, means the maximum number of kilograms of vongole that may be lawfully 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 quota period,

subject to any variation applying during that quota period;

eligible rock lobster fishery licence means a licence in respect of the Northern Zone Rock Lobster Fishery under which the holder may lawfully take aquatic resources specified in Schedule 1 of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;

relevant regulations means the *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 1991*, the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* or these regulations (as the case requires);

quota period—a quota period is a period of 12 months commencing on 1 July;

unit entitlement means the number of vongole units for the time being allocated to a licence;

unit value means the number of kilograms of vongole determined by the Minister to be the value of a vongole unit for a vongole fishing zone and a quota period.

- (2) The Minister must determine the number of kilograms of vongole that is to be the value of a vongole unit for a vongole fishing zone and a quota period.

- (3) The Minister may impose or vary conditions on licences in respect of a marine scalefish fishery or eligible rock lobster fishery licences fixing vongole 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 a condition fixing a vongole quota entitlement in respect of the same vongole 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 vongole quota entitlement in respect of a particular vongole fishing zone and the holder of an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement in respect of that 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;
 - (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 vongole quota entitlement in respect of a particular vongole 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 vongole quota entitlement in respect of 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 vongole quota entitlement in respect of that zone may be imposed on that licence;
 - (d) 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 vongole quota entitlement in respect of a particular vongole fishing zone (the *first licence*) and the holder of an eligible rock lobster fishery licence not subject to a condition fixing a vongole quota entitlement in respect of 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 vongole quota entitlement in respect of that zone may be imposed on that licence;
 - (e) if the total catch of vongole taken during a quota period by the holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement exceeded the vongole quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the vongole quota entitlement—

- (i) if the catch exceeded the quota entitlement by not more than 50 kilograms—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 50 kilograms but not more than 250 kilograms—by 2 kilograms for each kilogram taken in excess of the 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 vongole quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 250 kilograms of vongole in excess of the vongole quota entitlement,

the conditions of the licence may be varied so as to decrease the vongole 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) if—
 - (i) the holder of a licence in respect of a marine scalefish fishery licence subject to a condition fixing a vongole quota entitlement has assisted in the carrying out of research work under the 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 conditions of the licence may be varied so as to increase the vongole quota entitlement under the licence.
- (4) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (5) An application to vary unit entitlements must—
 - (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.
- (6) If a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement is transferred to the holder of another such licence and 1 of those licences is surrendered, the conditions of the remaining licence may be varied so as to increase the unit entitlement under that licence by the number of vongole units allocated to the surrendered licence immediately before its surrender.
- (7) Subject to subregulation (8), the holder of a licence in respect of a marine scalefish fishery must not take vongole for a commercial purpose in a vongole fishing zone unless the licence is subject to a condition fixing a vongole quota entitlement in respect of that zone.

Maximum penalty: \$5 000.

- (8) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement in respect of a vongole fishing zone may take vongole in another vongole fishing zone if—
- (a) the holder of the licence is unable to lawfully take vongole in the vongole fishing zone to which the condition relates because—
 - (i) as a result of a variation in the conditions of the licence under subregulation (3), the number of vongole units allocated to the licence for the time being is zero; or
 - (ii) the total number of kilograms of vongole taken under the licence in that zone equals the quota entitlement under the licence in respect of that zone; and
 - (b) the vongole are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
 - (c) the number of vongole taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of vongole that may be taken in any 1 day for that purpose.

15—Individual pipi catch quota system

- (1) In this regulation—

pipi quota entitlement or ***quota entitlement***, in relation to a licence in respect of the Marine Scalefish Fishery or the Lakes and Coorong Fishery subject to a condition fixing a pipi quota entitlement, means the maximum number of kilograms of pipi 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 that quota period,

subject to any variation applying during that quota period;

quota period—a quota period for the Marine Scalefish Fishery for the taking of pipi is a period of 12 months commencing on 1 July;

unit entitlement under a licence means the number of pipi units allocated to the licence for the time being;

unit value means the number of kilograms of pipi determined by the Minister to be the value of a pipi unit for a quota period.

- (2) The Minister must determine the number of kilograms of pipi that is to be the value of a pipi unit for each quota period.
- (3) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery fixing pipi quota entitlements as follows:
 - (a) on joint application made to the Minister by the holders of any 2 licences in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi 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 Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement (the *first licence*) and the holder of a licence in respect of the Lakes and Coorong 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 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 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) if the total catch of pipi taken by the holder of a licence in respect of the Marine Scalefish Fishery during a quota period exceeded the pipi quota entitlement under the licence for that quota period—the conditions of the licence may be varied so as to decrease the pipi quota entitlement—
- (i) if the catch exceeded the quota entitlement by not more than 500 kg—by 1 kg for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 500 kg but not more than 2 000 kg—by 2 kg for each kilogram taken in excess of the quota entitlement;
- (d) if—
- (i) the holder of a licence in respect of the Marine Scalefish Fishery is convicted of an offence of contravening a condition of the licence fixing a pipi quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 2 000 kg of pipi in excess of the quota entitlement,
- the conditions of the licence may be varied so as to decrease the pipi quota entitlement under the licence for 3 quota periods following the conviction by 1 kg for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed.
- (4) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.

16—Individual blue crab catch quota system

- (1) In this regulation—

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;

unit 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 number of blue crab units for the time being allocated to the licence in respect of that zone;

unit value means the number of kilograms of blue crab determined by the Minister to be the value of a blue crab unit for a blue crab fishing zone and a quota period.

- (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 impose or 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 completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.
- (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.

17—Individual sardine catch quota system

- (1) This regulation applies only in relation to licences in respect of the Marine Scalefish Fishery under which sardine nets are registered.
- (2) In this regulation—

Gulfs Zone means the waters adjacent to South Australia that are east of the meridian of longitude 135°37'30"E (extending south from near Cape Carnot, Eyre Peninsula) and north of latitude 35°52'00"S (extending to Kangaroo Island, in the vicinity of Vennachar Point) and north of a line between Penneshaw, Kangaroo Island, and Cape Jervis, Fleurieu Peninsula, enclosing the waters of Gulf St. Vincent and Spencer Gulf;

Outside Zone means the waters adjacent to South Australia that are not within the Gulfs Zone;

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

sardine fishing zone means—

- (a) the Gulfs Zone; or
- (b) the Outside Zone;

sardine quota entitlement or **quota entitlement**, in relation to a licence in respect of the Marine Scalefish Fishery and a sardine fishing zone, means the maximum number of kilograms of sardines 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 quota period,

subject to any variation applying during that quota period;

unit entitlement in relation to a licence in respect of the Marine Scalefish Fishery and a sardine fishing zone, means the number of sardine units for the time being allocated to the licence in respect of that zone;

unit value means the number of kilograms of sardines determined by the Minister to be the value of a sardine unit for a sardine fishing zone and a quota period.

- (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 a sardine fishing zone and 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) licences in respect of the fishery may be allocated an equal number of sardine units in respect of the same sardine fishing zone;
 - (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 in respect of the same sardine fishing zone;
 - (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 in respect of a particular sardine fishing zone and decrease the unit entitlement under the other licence in respect of that zone 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 15 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 15 tonnes but not more than 30 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 30 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 completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.
- (6) The holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a sardine quota entitlement must not take sardines under the licence while the total number of sardine units allocated to the licence is less than 100 units.
- Maximum penalty: \$5 000.
Expiation fee: \$315.

18—Restrictions on taking vongole, pipi, cockles, blue crab and sardines

- (1) The holder of a licence in respect of a marine scalefish fishery that is not subject to a condition fixing a vongole quota entitlement must not take vongole under the licence unless—
- (a) the vongole are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
 - (b) the number of vongole taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of vongole that may be taken in any 1 day for that purpose.
- Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2) The holder of a licence in respect of a marine scalefish fishery must not take pipi for a commercial purpose unless the licence is subject to a condition fixing a pipi quota entitlement.
- Maximum penalty: \$5 000.
Expiation fee: \$315.
- (3) The holder of a licence in respect of a marine scalefish fishery (other than a licence subject to a condition fixing a pipi quota entitlement) must not take pipi under the licence except for the purpose of bait to be used to take aquatic resources under the licence.
- Maximum penalty: \$5 000.
Expiation fee: \$315.

- (4) The holder of a licence in respect of a marine scalefish fishery must not, on any 1 day, take a number of cockles under the licence exceeding the number fixed by condition of the licence as the maximum number of cockles that may be taken in any 1 day.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (5) The holder of a licence in respect of a marine scalefish fishery must not take blue crab in a blue crab fishing zone for a commercial purpose unless the licence is subject to a condition fixing a blue crab quota entitlement in relation to that zone.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (6) The holder of a licence in respect of a marine scalefish fishery must not take sardines for a commercial purpose unless the licence is subject to a condition fixing a sardine quota entitlement.
Maximum penalty: \$5 000.
Expiation fee: \$315.

19—Restriction on use of cockle rakes

The holder of a licence in respect of a marine scalefish fishery must not use, or cause, suffer or permit the use of, more than 6 cockle rakes at any 1 time for the purpose of taking pipi under the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

20—Pipi to be landed within State

The holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement must ensure that all pipi taken under the licence are landed within the State.

Maximum penalty: \$5 000.

Expiation fee: \$315.

21—Restriction on use of sand crab pots

The holder of a licence in respect of the Marine Scalefish Fishery must not take aquatic resources (other than sand crabs) in the waters of the Fishery using a sand crab pot.

Maximum penalty: \$5 000.

Expiation fee: \$315.

22—Restriction on carriage of devices on registered boat

- (1) If sand crab pots are carried on a registered boat used under a licence in respect of the Marine Scalefish Fishery, registered devices of any other kind must not be carried on the boat at the same time.

- (2) If subregulation (1) is contravened, the registered owner and the registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

23—Restriction on use of certain registered boats to take sardines

- (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) If subregulation (1) is contravened, the registered owner and the registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

24—Information to be provided—taking vongole

- (1) If fishing activities involving the taking of vongole under a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

25—Information to be provided—taking pipi

- (1) If fishing activities involving the taking of pipi under a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement are, or are to be, engaged in, the Department must be notified in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

26—Information to be provided when certain registered boats used to take sardines

- (1) If a registered boat is, or is to be, used under more than 1 MSSF licence to take sardines under the licence, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.

- (2) If the determination of the Minister made for the purposes of subregulation (1) is not complied with, the registered owner and registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

27—Use of agents in fishing activities—licences under which boats are registered

- (1) This regulation applies only in relation to licences under which 1 or more registered boats are used to take aquatic resources.
- (2) The holder of a licence in respect of a marine scalefish fishery, or the registered master of a registered boat used under such a licence, must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—
- (a) the holder of the licence or the registered master is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and
 - (b) the holder of the licence or the registered master (as the case may be) and the other person remain, while so engaged, within 700 metres of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of the Marine Scalefish Fishery, or the registered master of a registered boat used under such a licence, must not cause or permit more than 2 persons to be engaged at the same time on the shore as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery (other than the taking of pipi under a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement in the Lakes and Coorong).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement, or the registered master of a registered boat used under such a licence, must not cause or permit more than 8 persons to be engaged at the same time on the shore as agents of the holder of the licence in the taking of pipi under the licence in the Lakes and Coorong.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The Minister may impose conditions on a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement limiting the fishing activities that may be engaged in by agents of the holder of the licence in connection with the taking of pipi under the licence in the Lakes and Coorong.

- (6) The holder of a licence in respect of the Restricted Marine Scalefish Fishery or the registered master of a registered boat used under such a licence must not cause or permit more than 1 person to be engaged at the same time on the shore as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

28—Use of agents in fishing activities—licences under which no registered boats are used

- (1) This regulation applies only in relation to licences under which there are no registered boats.
- (2) The holder of a licence in respect of the Marine Scalefish Fishery that is subject to a condition fixing a relevant quota entitlement must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in a relevant fishing activity unless—
- (a) the holder of the licence or a nominated agent is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and
 - (b) the holder of the licence or nominated agent (as the case may be) and the other person remain, while so engaged, within 700 metres of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of the Marine Scalefish Fishery must not cause or permit more than 2 persons to be engaged at the same time on the shore as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery other than the taking of pipi under the licence in the Lakes and Coorong.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement must not cause or permit more than 8 persons (not including a nominated agent) to be engaged at the same time on the shore as agents of the holder of the licence in the taking of pipi under the licence in the Lakes and Coorong.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The Minister may impose conditions on a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement limiting the fishing activities that may be engaged in by agents of the holder of the licence in connection with a relevant fishing activity.
- (6) The Minister may, on application by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement, approve a person as a nominated agent for the purposes of this regulation.
- (7) An approval under subregulation (6) may be made subject to such conditions as the Minister thinks fit.

- (8) A person must not contravene, or fail to comply with, a condition of an approval under subregulation (6).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (9) In this regulation—

nominated agent means a person approved by the Minister as a nominated agent under subregulation (6);

relevant fishing activity means—

- (a) the taking of pipi in the Lakes and Coorong; or
- (b) the taking of vongole;

relevant quota entitlement means—

- (a) a pipi quota entitlement; or
- (b) a vongole quota entitlement.

29—Catch and disposal requirements—vongole

- (1) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of vongole taken under the licence:

- (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of vongole taken under the licence as determined by the Minister;
- (b) the holder of the licence or registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
- (c) the holder of the licence or registered master must ensure that vongole taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (3) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

30—Catch and disposal requirements—pipi

- (1) The holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of pipi taken under the licence:
 - (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of pipi taken under the licence as determined by the Minister;
 - (b) the holder of the licence or registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or registered master must ensure that pipi taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (3) The holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

31—Catch and disposal requirements—blue crab

- (1) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement or the registered master of a boat from which blue crab is taken under such a licence must comply with the following provisions:
 - (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of blue crab taken under the licence as determined by the Minister;
 - (b) the holder of the licence or registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;

- (c) the holder of the licence or registered master must ensure that blue crab taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$315.

32—Catch and disposal requirements—sardines

- (1) If sardines are taken from a registered boat under a MSSF licence, the holder of the licence or the registered master must comply with the following provisions:
 - (a) the holder of the licence must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of sardines taken under the licence as determined by the Minister;
 - (b) the holder of the licence must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence must ensure that the sardines are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$315.

33—Vongole, pipi and sardines to be delivered or consigned to registered fish processor

- (1) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement must ensure that all vongole taken under the licence are delivered or consigned to a registered fish processor.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2) The holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement must ensure that all pipi taken under the licence are delivered or consigned to a registered fish processor.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (3) 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.

34—Restriction on unloading of sardines onto other boats

The registered owner or registered master of a registered boat from which sardines are taken under a MSSF licence must not cause, suffer or permit the sardines to be unloaded onto another boat unless the other boat is specified on the certificate of registration of the registered fish processor to whom the sardines are to be consigned.

Maximum penalty: \$5 000.
Expiation fee: \$315.

35—Periodic returns

- (1) The holder of a licence in respect of a marine scalefish fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (2) The holder of a licence must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$500.

36—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

- (a) is maintained in a good condition and is legible; and
- (b) is kept so that it is readily accessible; and

(c) is produced for inspection by a fisheries officer on request.

Maximum penalty: \$2 500.

Expiation fee: \$210.

37—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which they are expressed to apply.
- (3) If the Minister makes a determination, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination made for the purposes of a regulation.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 14, 15, 16 or 17.

Schedule 1—Aquatic resources prescribed for marine scalefish fisheries

Annelids

Beachworm (Class Polychaeta)

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

Crustaceans

Blue Crab (*Portunus armatus*)

Sand Crab (*Ovalipes* spp)

Velvet Crab (*Nectocarcinus tuberculatus*)

Molluscs

Southern Calamari (*Sepioteuthis australis*)

Cockle

Cuttlefish (*Sepia* spp)

Mussel (*Mytilus* spp)

Octopus (*Octopus* spp)

Oyster (Family Ostreidae)

Scallop (Family Pectinidae)

Gould's Squid (*Notodarus gouldi*)

Vongole

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*)

Maray (*Etrumeus teres*)

Morwong (Family Cheilodactylidae)

Mullet of all species (Family Mugilidae)

Mulloway (*Argyrosomus japonicus*)

Redfish (*Centroberyx affinis*)

Bight Redfish (*Centroberyx gerrardi*)

West Australian Salmon (*Arripis truttaceus*)

Australian Sardine (*Sardinops sagax*)

Snapper (*Chrysophrys auratus*)

Snook (*Sphyraena novaehollandiae*)

Southern Sole (*Aseraggodes haackeanus*)

Blue Sprat (*Spratelloides robustus*)

Sandy Sprat (*Hyperlophus vittatus*)

Sea Sweep (*Scorpius aequipinnis*)

Swallowtail (*Centroberyx lineatus*)

Blue-eye Trevalla (*Hyperoglyphe antarctica*)

Trevally (*Carangidae* spp)

Western Striped Grunter (*Pelates octolineatus*)

Whiting (Family Sillaginidae)

Wrasse (Family Labridae) (other than Western Blue Groper (*Achoerodus gouldii*))

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—Revocation of *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* and transitional provision**1—Revocation of *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006***

The *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* are revoked.

2—Eligibility to be granted fishery licence

- (1) Only a person who is, immediately before the commencement of these regulations, 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 the commencement of these regulations, 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.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 228 of 2017

DPC17/041CS

South Australia

Fisheries Management (Miscellaneous Broodstock and Seedstock Fishery) (Simplify No 2) Variation Regulations 2017

under the *Fisheries Management Act 2007*

Contents

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Miscellaneous Broodstock and Seedstock Fishery) (Simplify No 2) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

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 Management (Miscellaneous Broodstock and Seedstock Fishery) Regulations 2013*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *current company extract* insert:

Department means the administrative unit of the Public Service responsible for assisting a Minister in the administration of the Act;

- (2) Regulation 3(3)—delete "or involved in" and substitute:
, or involved in,

5—Variation of regulation 8—Revocation of registration

Regulation 8(2)(b)—delete "be signed by the applicant and"

6—Substitution of regulations 10 and 11

Regulations 10 and 11—delete the regulations and substitute:

10—Periodic returns

- (1) The holder of a permit in respect of the fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (2) The holder of a permit in respect of the fishery must keep a record of each return that the permit holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$500.

11—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

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

Maximum penalty: \$2 500.

Expiation fee: \$210.

12—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.

- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.
- (3) If the Minister makes a determination for the purposes of a regulation, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 229 of 2017

DPC17/041CS

South Australia

Fisheries Management (Miscellaneous Developmental Fishery) (Simplify No 2) Variation Regulations 2017

under the *Fisheries Management Act 2007*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Miscellaneous Developmental Fishery) (Simplify No 2) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

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 Management (Miscellaneous Developmental Fishery) Regulations 2013*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *current company extract* insert:

Department means the administrative unit of the Public Service responsible for assisting a Minister in the administration of the Act;

- (2) Regulation 3(1), definition of *prescribed fishery regulations*—delete the definition and substitute:

prescribed fishery regulations means any of the following regulations:

- (a) the *Fisheries Management (Abalone Fisheries) Regulations 2017*;
- (b) the *Fisheries Management (Blue Crab Fishery) Regulations 2013*;
- (c) the *Fisheries Management (Charter Boat Fishery) Regulations 2016*;
- (d) the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*;
- (e) the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*;
- (f) the *Fisheries Management (Prawn Fisheries) Regulations 2017*;
- (g) the *Fisheries Management (River Fishery) Regulations 2017*;
- (h) the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;

5—Variation of regulation 8—Revocation of registration

Regulation 8(2)(b)—delete "be signed by the applicant and"

6—Substitution of regulations 10 and 11

Regulations 10 and 11—delete the regulations and substitute:

10—Periodic returns

- (1) The holder of a permit in respect of the fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (2) The holder of a permit in respect of the fishery must keep a record of each return that the permit holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$500.

11—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

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

Maximum penalty: \$2 500.

Expiation fee: \$210.

12—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.
- (3) If the Minister makes a determination for the purposes of a regulation, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 230 of 2017

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South Australia

Fisheries Management (Miscellaneous Fishery) (Simplify No 2) Variation Regulations 2017

under the *Fisheries Management Act 2007*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Miscellaneous Fishery) (Simplify No 2) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

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 Management (Miscellaneous Fishery) Regulations 2015*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *current company extract* insert:

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act;

- (2) Regulation 3(3)—delete subregulation (3) and substitute:
- (3) In these regulations—
- (a) common and scientific fish names are given according to AS 5300—2015 *Australian Fish Names Standard* published by Standards Australia, as in force from time to time;
- (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.

5—Variation of regulation 8—Revocation of registration

Regulation 8(2)(b)—delete paragraph (b) and substitute:

- (b) be completed in accordance with the instructions contained in the form; and

6—Variation of regulation 9—Individual giant crab catch quota system

- (1) Regulation 9—delete "*Fisheries Management (Rock Lobster Fisheries) Regulations 2006*" wherever occurring and substitute in each case:
- Fisheries Management (Rock Lobster Fisheries) Regulations 2017*
- (2) Regulation 9(4)—after "The Minister may" insert:
- impose or
- (3) Regulation 9(5)(b)—delete "be signed by the applicants and"
- (4) Regulation 9(5)(c)(ii)—delete subparagraph (ii) and substitute:
- (ii) the prescribed fee.

7—Substitution of regulation 11

Regulation 11—delete the regulation and substitute:

11—Periodic returns

- (1) The holder of a licence in respect of the fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$500.
- (2) The holder of a licence must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$500.

12—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

- (a) is maintained in a good condition and is legible; and
- (b) is kept so that it is readily accessible; and

- (c) is produced for inspection by a fisheries officer on request.
Maximum penalty: \$2 500.
Expiation fee: \$210.

13—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which they are expressed to apply.
- (3) If the Minister makes a determination, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination made for the purposes of a regulation.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 9 or Schedule 2.

8—Schedule 1—Aquatic resources prescribed for Miscellaneous Fishery

Schedule 1, note—delete the note

9—Variation of Schedule 2—Competitive tender procedure for issue of licences

- (1) Clause 1(1)—delete "in the Gazette and in a newspaper circulating generally throughout the State"

(2) Clause 1—after subclause (1) insert:

(1a) An advertisement under subclause (1)—

(a) must be published in the Gazette; and

(b) may also be published—

(i) on a website determined by the Minister; or

(ii) in a newspaper circulating generally throughout the State.

Made by the Governor's Deputy

with the advice and consent of the Executive Council

on 8 August 2017

No 231 of 2017

DPC17/041CS

South Australia

Fisheries Management (Miscellaneous Research Fishery) (Simplify No 2) Variation Regulations 2017

under the *Fisheries Management Act 2007*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Miscellaneous Research Fishery) (Simplify No 2) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

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 Management (Miscellaneous Research Fishery) Regulations 2013*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *Act* insert:

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act;

- (2) Regulation 3(2)—delete "or involved in" and substitute:
 , or involved in,

5—Variation of regulation 8—Revocation of registration

Regulation 8(2)(b)—delete paragraph (b) and substitute:

- (b) be completed in accordance with the instructions contained in the form;
 and

6—Substitution of regulations 9 and 10

Regulations 9 and 10—delete the regulations and substitute:

9—Periodic returns

- (1) The holder of a permit in respect of the fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (2) The holder of a licence must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

10—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

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

Maximum penalty: \$2 500.

Expiation fee: \$210.

11—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.

- (2) A determination may—

- (a) be of general or limited application; and
(b) make different provision according to the persons, things or circumstances to which they are expressed to apply.

- (3) If the Minister makes a determination, notice of the determination—

- (a) must be published on the Department's website; and
(b) may also be published in the Gazette.

- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination made for the purposes of a regulation.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 232 of 2017

DPC17/041CS

South Australia

Fisheries Management (Prawn Fisheries) Regulations 2017

under the *Fisheries Management Act 2007*

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- 5 Maximum number of licences that may be in force
- 6 Transfer of licence
- 7 Registration
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Schedule 1—Aquatic resources prescribed for prawn fisheries

Part 1—Aquatic resources prescribed for Gulf St. Vincent & Spencer Gulf Prawn Fisheries

Part 2—Aquatic resources prescribed for West Coast Prawn Fishery

Schedule 2—Revocation of regulations and transitional provisions

Part 1—Revocation of *Fisheries Management (Prawn Fisheries) Regulations 2006*

- 1 Revocation of regulations

Part 2—Transitional provisions

- 2 Eligibility to be granted fishery licence
-

1—Short title

These regulations may be cited as the *Fisheries Management (Prawn Fisheries) Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

3—Interpretation

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

Act means the *Fisheries Management Act 2007*;

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;

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act;

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°13'38.09" 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;

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;

prawn means King Prawn (*Merlicertus latisulcatus*);

prawn fishery means—

- (a) the Gulf St. Vincent Prawn Fishery; or

- (b) the Spencer Gulf Prawn Fishery; or
- (c) the West Coast Prawn Fishery,

constituted by these regulations;

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°17'59.60" South, 136°52'50.11" East (Cape Spencer, Yorke Peninsula);

surveyed length, in relation to a registered boat, means the length as shown on the certificate of survey issued under the *Harbors and Navigation Act 1993*;

trawl net has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

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).

- (2) In these regulations, unless the contrary intention appears, **company**, **director**, **proprietary company** and **public company** have the same respective meanings as in the Corporations Act.
- (3) In these regulations—
 - (a) 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 coordinates are expressed in terms of GDA94;
 - (b) common and scientific fish names are given according to AS 5300—2015 *Australian Fish Names Standard* published by Standards Australia, as in force from time to time;
 - (c) 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.

4—Constitution of fisheries

- (1) The following fisheries are constituted:
 - (a) the Gulf St. Vincent Prawn Fishery;
 - (b) the Spencer Gulf Prawn Fishery;
 - (c) the West Coast Prawn Fishery.
- (2) The Gulf St. Vincent Prawn Fishery consists of—
 - (a) the taking of prawns in Gulf St. Vincent; and
 - (b) the taking of aquatic resources specified in Schedule 1 Part 1 in Gulf St. Vincent where the aquatic resources are taken at the same time in the same net incidentally to the taking of prawns.

- (3) The Spencer Gulf Prawn Fishery consists of—
 - (a) the taking of prawns in Spencer Gulf; and
 - (b) the taking of aquatic resources specified in Schedule 1 Part 1 in Spencer Gulf where the aquatic resources are taken at the same time in the same net incidentally to the taking of prawns.
- (4) The West Coast Waters Prawn Fishery consists of—
 - (a) the taking of prawns in the West Coast waters; and
 - (b) the taking of aquatic resources specified in Schedule 1 Part 2 in the West Coast waters where the aquatic resources are taken at the same time in the same net incidentally to the taking of prawns.

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 12 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 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 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 336 kw; 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 completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.

9—Individual fishing nights entitlement scheme—Gulf St. Vincent Prawn Fishery

(1) In this regulation—

amalgamated gear means trawl nets set up as a triple rig with an overall headline length not exceeding 43.89 metres;

closed season means—

- (a) the period commencing on 25 December in any year and ending on the last day of February in the following year; or
- (b) the period commencing on 1 August in any year and ending on 31 October in the same year;

fishery means the Gulf St. Vincent Prawn Fishery;

fishing night means a night occurring during a prescribed period;

fishing nights entitlement, in relation to a licence in respect of the fishery and a fishing season, means the maximum number of nights during which the holder of the licence may lawfully take aquatic resources under the licence during that fishing season, being the product of—

- (a) the unit entitlement under the licence; and
- (b) the unit value for the fishery and the fishing season,

subject to any variation applying during that fishing season;

fishing season means the period comprising prescribed period 1 in any year and the prescribed period 2 ending on 31 July in the following year;

night means the period between sunset on 1 day and sunrise on the next day;

prescribed period means—

- (a) prescribed period 1; or
- (b) prescribed period 2;

prescribed period 1 means a period commencing on 1 November in any year and ending on 24 December in the same year;

prescribed period 2 means a period commencing on 1 March in any year and ending on 31 July in the same year;

unit entitlement means the number of fishing night units for the time being allocated to a licence in respect of the fishery;

unit value means the value of a fishing night unit determined by the Minister for the fishery and a fishing season.

(2) The Minister will, for the purposes of this regulation, determine—

- (a) the total number of nights on which aquatic resources may be lawfully taken by holders of licences in respect of the fishery during a prescribed period in a fishing season; and
- (b) the number of fishing night units that are to be required for the holder of a licence in respect of the fishery to lawfully take aquatic resources under the licence on a night during a prescribed period in a fishing season; and

- (c) the number of fishing night units that are to be required for the holder of a licence in respect of the fishery to lawfully take aquatic resources under the licence on a night during a prescribed period in a fishing season by using amalgamated gear.
- (3) The Minister may, for the purposes of this regulation, determine that fishing night units are to be of 2 or more classes.
- (4) The Minister may impose or vary conditions on licences in respect of the fishery fixing fishing nights entitlements as follows:
 - (a) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, the Minister may vary the conditions of the licences 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) a variation of a unit entitlement under paragraph (a) may be expressed to apply only for the fishing season 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 completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.
- (6) The holder of a licence in respect of the fishery must not engage in a fishing activity under the licence—
 - (a) during daylight hours; or
 - (b) during a closed season.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (7) The holder of a licence in respect of the fishery must not engage in a fishing activity under the licence by using amalgamated gear without the approval of the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

10—Temporary restrictions or prohibitions on certain fishing activities

- (1) The Minister may, by notice given to each holder of a licence in respect of a prawn fishery in a manner determined by the Minister—
 - (a) restrict or prohibit fishing activities of a specified class during a specified period; or
 - (b) vary or revoke such a restriction or prohibition.
- (2) A restriction or prohibition under subregulation (1) may be subject to such exceptions and conditions as the Minister thinks fit.
- (3) A person must not contravene, or fail to comply with, a notice under subregulation (1).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) Notice of a restriction or prohibition imposed under subregulation (1) must be published by the Minister in the Gazette as soon as practicable.

11—Catch and disposal requirements—Gulf St. Vincent Prawn Fishery

- (1) The holder of a licence in respect of the Gulf St. Vincent Prawn Fishery or the registered master of a registered boat from which aquatic resources are taken under such a licence must comply with the following provisions:
- (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of aquatic resources taken under the licence as determined by the Minister;
 - (b) the holder of the licence or registered master must provide such information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or registered master must ensure that aquatic resources taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (3) The holder of a licence must keep records made under subregulation (1) in the manner, at such place, and for such period as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

12—Periodic returns

- (1) The holder of a licence in respect of a prawn fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (2) The holder of a licence must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

13—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

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

Maximum penalty: \$2 500.

Expiation fee: \$210.

14—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.
- (3) If the Minister makes a determination, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 9 or 10.

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 gouldi*)

Schedule 2—Revocation of regulations and transitional provisions**Part 1—Revocation of *Fisheries Management (Prawn Fisheries) Regulations 2006*****1—Revocation of regulations**

The *Fisheries Management (Prawn Fisheries) Regulations 2006* are revoked.

Part 2—Transitional provisions**2—Eligibility to be granted fishery licence**

- (1) Only a person who is, immediately before the commencement of this clause, 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 the commencement of this clause, 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 the commencement of this clause, 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.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 233 of 2017

DPC17/041CS

South Australia

Fisheries Management (River Fishery) Regulations 2017

under the *Fisheries Management Act 2007*

Contents

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- 5 Conditions limiting certain fishing activities to specified areas
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Schedule 1—Aquatic resources prescribed for River Fishery

Schedule 2—Revocation of *Fisheries Management (River Fishery) Regulations 2006* and transitional provision

- 1 Revocation of *Fisheries Management (River Fishery) Regulations 2006*
 - 2 Eligibility to be granted fishery licence
-

1—Short title

These regulations may be cited as the *Fisheries Management (River Fishery) Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

3—Interpretation

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

Act means the *Fisheries Management Act 2007*;

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act;

fishery means the River Fishery constituted by these regulations.

- (2) In these regulations—

- (a) common and scientific fish names are given according to AS 5300—2015 *Australian Fish Names Standard* published by Standards Australia, as in force from time to time;

- (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.

4—Constitution of River Fishery

- (1) The River Fishery is constituted.
- (2) The River Fishery consists of the taking of fish specified in Schedule 1 in the River Murray.

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 completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.

9—Use of agents in fishing activities

The holder of a licence in respect of the fishery must not cause or permit—

- (a) a person to be engaged on the shore as their agent in a fishing activity of a class that constitutes the fishery unless—
 - (i) the holder of the licence is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and
 - (ii) the holder of the licence and the other person remain, while so engaged, within 500 metres of each other; or

- (b) more than 2 other persons to be engaged at the same time on the shore as their agents in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

10—Periodic returns

- (1) The holder of a licence in respect of the fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (2) The holder of a licence must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

11—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

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

Maximum penalty: \$2 500.

Expiation fee: \$210.

12—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which they are expressed to apply.
- (3) If the Minister makes a determination, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination made for the purposes of a regulation.

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

Schedule 2—Revocation of *Fisheries Management (River Fishery) Regulations 2006* and transitional provision

1—Revocation of *Fisheries Management (River Fishery) Regulations 2006*

The *Fisheries Management (River Fishery) Regulations 2006* are revoked.

2—Eligibility to be granted fishery licence

Only a person who is, immediately before the commencement of these regulations, 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.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 234 of 2017

DPC17/041CS

South Australia

Fisheries Management (Rock Lobster Fisheries) Regulations 2017

under the *Fisheries Management Act 2007*

Contents

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Schedule 1—Aquatic resources prescribed for rock lobster fisheries

Schedule 2—Revocation of regulations and transitional provisions

Part 1—Revocation of *Fisheries Management (Rock Lobster Fisheries)
Regulations 2006*

1	Revocation of regulations
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Part 2—Transitional provisions

2 Eligibility to be granted fishery licence

1—Short title

These regulations may be cited as the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

3—Interpretation

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

Act means the *Fisheries Management Act 2007*;

bait net has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

cockle means any mollusc of—

- (a) the order Veneroida (other than Pipi (*Donax* spp) or Vongole (*Kataysia* spp)); or
- (b) the genus *Anadara*;

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;

Department means the administrative unit of the Public Service responsible for assisting a Minister in the administration of the Act;

eligible rock lobster fishery licence means a licence in respect of the Northern Zone Rock Lobster Fishery under which the holder may lawfully take aquatic resources specified in Schedule 1;

giant crab means giant crab (*Pseudocarcinus gigas*);

marine scalefish fishery has the same meaning as in the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*;

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;

mesh net has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

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°40'00.00" 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;

Northern Zone Inner Region means those waters of the Northern Zone commencing at the intersection of Mean High Water Springs and 133°53'00" East, then to position 33°42'00" South, 133°53'00" East, then to position 34°44'00" South, 134°17'00" East, then to position 35°54'00" South, 136°23'50" East, then to position 36°05'00" South, 136°30'00" East, then to position 36°30'00" South, 137°19'00" East, then to position 36°30'00" South, 138°40'00" East, then to position 36°20'00" South, 138°40'00" East, then to position 36°20'00" South, 139°00'00" East, then north along the meridian of longitude 139°00'00" East to the intersection of Mean High Water Springs, then following Mean High Water Springs in the generally west, north-westerly direction to the intersection with the point of commencement;

Northern Zone Outer Region means the waters of the Northern Zone that are not within the Northern Zone Inner Region;

Northern Zone Region or **Region** means the Northern Zone Inner Region or the Northern Zone Outer Region;

prescribed Victorian licence means a Victorian licence that is held by the holder of a licence in respect of the Southern Zone Rock Lobster Fishery as a result of a transfer made before 28 June 1990;

revoked regulations means the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*;

rock lobster means Southern Rock Lobster (*Jasus edwardsii*);

rock lobster fishery means—

- (a) the Northern Zone Rock Lobster Fishery; or
- (b) the Southern Zone Rock Lobster Fishery,

constituted by these regulations;

rock lobster pot means a fish trap designed and constructed for the purpose of taking rock lobster;

rock lobster pot entitlement means the maximum number of rock lobster pots that the holder of a licence in respect of a rock lobster fishery may lawfully use at any 1 time for the purpose of taking rock lobster under the licence;

South Australian licence means a licence in respect of the Southern Zone Rock Lobster Fishery;

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°40'00.00" 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;

Victorian licence means a licence, permit, authority or other entitlement that authorises the holder to take aquatic resources for sale from waters of the State of Victoria that are adjacent to or adjoin the Southern Zone;

vongole means any mollusc of the genus *Katelysia*;

vongole fishing zone has the same meaning as in the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*;

vongole quota entitlement—see regulation 13.

- (2) In these regulations, unless the contrary intention appears, **company**, **director**, **proprietary company** and **public company** have the same respective meanings as in the Corporations Act.
- (3) In these regulations—
 - (a) 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 coordinates are expressed in terms of GDA94;
 - (b) common and scientific fish names are given according to AS 5300—2015 *Australian Fish Names Standard* published by Standards Australia, as in force from time to time;
 - (c) 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.

4—Constitution of fisheries

- (1) The following fisheries are constituted:
 - (a) the Northern Zone Rock Lobster Fishery;
 - (b) the Southern Zone Rock Lobster Fishery.
- (2) The Northern Zone Rock Lobster Fishery consists of—
 - (a) the taking of rock lobster in the waters of the Northern Zone; and
 - (b) the taking of aquatic resources specified in Schedule 1 in the waters of the Northern Zone; and
 - (c) the taking of Razorfish (*Pinna bicolor*) in the waters of the Northern Zone for the purpose of bait.
- (3) The Southern Zone Rock Lobster Fishery consists of—
 - (a) the taking of rock lobster in the waters of the Southern Zone; and

- (b) the taking of aquatic resources specified in Schedule 1 in the waters of the Southern Zone; and
- (c) the taking of Razorfish (*Pinna bicolor*) in the waters of the Southern Zone for the purpose of bait.

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 27 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 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 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.

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 completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.

9—Use of second registered boat

- (1) If 2 boats are registered for use under a licence in respect of a rock lobster fishery, the holder of the licence must not use both boats, or cause, suffer or permit both boats to be used, at the same time for taking aquatic resources under the licence unless the use made of 1 of the boats is limited to the setting and retrieval of bait nets and mesh nets.
Maximum penalty: \$5 000.
- (2) A second registered boat that is being used for the setting and retrieval of nets as referred to in subregulation (1) need not be in the charge of a registered master.

10—Restrictions on use of registered boat in Southern Zone

- (1) A registered boat must not be used to take aquatic resources under a licence in respect of the Southern Zone Rock Lobster Fishery (the *Fishery*) on a particular day if the boat has already been used on that day to take aquatic resources under a Victorian licence.
- (2) If a registered boat is to be used to take aquatic resources under a licence in respect of the Fishery or a Victorian licence on a particular day, the Department must be notified in the manner and form, and at such times, as determined by the Minister under which licence the boat is to be on that day.
- (3) If a registered boat is used to take aquatic resources on 2 or more consecutive days under the same licence, subregulation (2) need only be complied with in relation to the first day.
- (4) While aquatic resources taken outside waters to which this Act applies are aboard a registered boat—
 - (a) the boat must not be used to take aquatic resources under a licence in respect of the Fishery; and
 - (b) any aquatic resources taken in the waters of the Fishery must not be stored on the boat.

- (5) If a provision of 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.

11—Obligation of registered master to notify Department of use of bait nets

- (1) The Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination before a bait net registered for use under a licence in respect of a rock lobster fishery is set in waters from a registered boat used under the licence.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the registered master of the registered boat is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

12—Restrictions on fishing activities during closed season in Northern Zone

- (1) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, the holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not take rock lobster in the Northern Zone Inner Region during a closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second offence—\$20 000;
- (c) for a third or subsequent offence—\$35 000.

Expiation fee: \$315.

- (2) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, the holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not set a rock lobster pot in the Northern Zone Inner Region during a closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second offence—\$20 000;
- (c) for a third or subsequent offence—\$35 000.

Expiation fee: \$315.

- (3) In this regulation—

closed season means the period commencing at 1800 hours on 31 May in any year and ending at 1200 hours on the following 1 November.

13—Individual vongole catch quota system

- (1) In this regulation—

vongole quota entitlement or **quota entitlement**, in relation to an eligible rock lobster fishery licence or a licence in respect of a marine scalefish fishery and a vongole fishing zone, means the maximum number of kilograms of vongole that may be lawfully 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 quota period,

subject to any variation applying during that quota period;

unit entitlement means the number of vongole units for the time being allocated to a licence;

unit value means the number of kilograms of vongole determined by the Minister under regulation 14 of the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017* to be the value of a vongole unit for a vongole fishing zone and a quota period.

- (2) In this regulation, a reference to a **quota period** is a reference to a period of 12 months commencing on 1 July.
- (3) The Minister may impose or vary conditions on eligible rock lobster fishery licences and licences in respect of a marine scalefish fishery fixing vongole quota entitlements as follows:
- (a) on joint application made to the Minister by the holders of any 2 eligible rock lobster fishery licences subject to a condition fixing a vongole quota entitlement in respect of the same vongole 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 by the holder of an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement in respect of a particular vongole fishing zone and the holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement in respect of that 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;
 - (c) on joint application made to the Minister by the holder of an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement in respect of a particular vongole fishing zone (the **first licence**) and the holder of an eligible rock lobster fishery licence not subject to a condition fixing a vongole quota entitlement in respect of 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 vongole quota entitlement in respect of that zone may be imposed on that licence;
- (d) on joint application made to the Minister by the holder of an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement in respect of a particular vongole 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 vongole quota entitlement in respect of 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 vongole quota entitlement in respect of that zone may be imposed on that licence;
- (e) if the total catch of vongole taken during a quota period by the holder of an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement exceeded the vongole quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the vongole quota entitlement—
 - (i) if the catch exceeded the quota entitlement by not more than 50 kilograms—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 50 kilograms but not more than 250 kilograms—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
- (f) if—
 - (i) the holder of an eligible rock lobster fishery licence is convicted of an offence of contravening a condition of the licence fixing a vongole quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 250 kilograms of vongole in excess of the vongole quota entitlement,the conditions of the licence may be varied so as to decrease the vongole 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) if—
 - (i) the holder of an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement has assisted in the carrying out of research work under the 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 conditions of the licence may be varied so as to increase the vongole quota entitlement under the licence.

- (4) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (5) An application to vary unit entitlements must—
 - (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.
- (6) Subject to subregulation (7), the holder of an eligible rock lobster licence must not take vongole for a commercial purpose in a vongole fishing zone unless the licence is subject to a condition fixing a vongole quota entitlement in respect of that zone.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (7) The holder of an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement in respect of a vongole fishing zone may take vongole in another vongole fishing zone if—
 - (a) the holder of the licence is unable to lawfully take vongole in the vongole fishing zone to which the condition relates because—
 - (i) as a result of a variation in the conditions of the licence under subregulation (3), the number of vongole units allocated to the licence for the time being is zero; or
 - (ii) the total number of kilograms of vongole taken under the licence in that zone equals the quota entitlement under the licence in respect of that zone; and
 - (b) the vongole are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
 - (c) the number of vongole taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of vongole that may be taken in any 1 day for that purpose.

14—Rock lobster pot entitlements

- (1) The Minister may impose or vary conditions on licences in respect of a rock lobster fishery fixing rock lobster pot entitlements as follows:
 - (a) a rock lobster pot entitlement may be fixed by condition of a licence but must—
 - (i) in the case of a licence in respect of the Northern Zone Rock Lobster Fishery—be not more than 100 and not less than 20;
 - (ii) in the case of a licence in respect of the Southern Zone Rock Lobster Fishery—be not more than 100 and not less than 40;

- (b) the rock lobster pot entitlement fixed by any such condition of a licence must be the number endorsed on the licence as the rock lobster pot entitlement under the revoked regulations immediately before the commencement of these regulations subject to any subsequent variation made in accordance with this regulation;
- (c) the rock lobster pot entitlements fixed by licence conditions as referred to in this regulation may be increased or decreased on the same proportionate basis for all licences (provided that where in relation to any licence the result of such proportionate variation would be a fractional entitlement, that fractional entitlement is increased to the next highest whole number) if the Minister is satisfied that it is appropriate to do so for the proper management of a rock lobster fishery;
- (d) subject to paragraph (e), on joint application made to the Minister by the holders of any 2 licences in respect of the same fishery, the rock lobster pot entitlements under the licences may be varied so as to increase the entitlement under 1 of the licences and decrease the entitlement under the other by a corresponding number;
- (e) a variation must not be made as referred to in paragraph (d) if it would result in the entitlement under 1 of the licences exceeding the upper limit referred to in paragraph (a);
- (f) a variation must not be made as referred to in paragraph (d) if it would result in the entitlement under 1 of the licences falling below the lower limit referred to in paragraph (a) unless—
 - (i) the variation is expressed to apply only until the expiry of the licence; or
 - (ii) —
 - (A) the licence is surrendered to the Minister; and
 - (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;
- (g) despite any other provisions of this regulation, if the rock lobster pot entitlement under a licence in respect of the Southern Zone Rock Lobster Fishery was, immediately before the commencement of these regulations, less than 40, the entitlement under that licence may, until the licence is transferred, continue to be fixed at a number less than 40;
- (h) despite any other provisions of this regulation, a variation may be made in accordance with paragraph (c) in respect of the Northern Zone Rock Lobster Fishery despite the fact that it would result in the rock lobster pot entitlement under a licence falling below 20 and, in that event, the entitlement under that licence may, until the licence is transferred, continue to be fixed at a number less than 20 but may not be decreased subsequently.

- (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 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 prescribed fee.
- (3) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not, for a commercial purpose, engage in a fishing activity of a class that constitutes the Fishery while the rock lobster pot entitlement under the licence is less than 20.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (4) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery must not, for a commercial purpose, engage in a fishing activity of a class that constitutes the Fishery while the rock lobster pot entitlement under the licence is less than 40.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (5) The Minister may impose conditions on licences in respect of a rock lobster fishery limiting the number of rock lobster pots that may be carried on boats and otherwise regulating the carrying of rock lobster pots on boats used for fishing activities under the licences.
- (6) If a court convicts the holder of a licence in respect of a rock lobster fishery of an offence of contravening a condition of the licence fixing a rock lobster pot entitlement, the court must make an order requiring the Minister to vary the conditions of the licence so as to reduce the rock lobster pot entitlement under the licence by 1 rock lobster pot for each rock lobster pot used in excess of the entitlement.

15—Individual rock lobster catch quota system—Northern Zone

- (1) In this regulation—

fishery means the Northern Zone Rock Lobster Fishery;

quota period means a period of 12 months commencing on 1 November;

rock lobster quota entitlement or *quota entitlement*, in relation to a licence in respect of the fishery and a Northern Zone Region, means the maximum number of kilograms of rock lobster 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
 - (b) the unit value for the Region and that quota period,

subject to any variation applying during that quota period;

unit entitlement means the number of rock lobster units for the time being allocated to a licence in respect of the fishery for a Northern Zone Region.
- (2) The Minister must determine the number of kilograms of rock lobster that is to be the value of a rock lobster unit for a Northern Zone Region 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) subject to subregulation (4), 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 Northern Zone Region and decrease the unit entitlement under the other licence in respect of the same Northern Zone Region by a corresponding number of units;
 - (b) if the total catch of rock lobster taken by the holder of a licence in a particular Northern Zone Region during a particular quota period exceeded the rock lobster quota entitlement under the licence for that Region and that quota period, the Minister may vary the conditions of the licence so as to reduce the quota entitlement in respect of that Region—
 - (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 in respect of a Northern Zone Region,the conditions of the licence may be varied so as to reduce the rock lobster quota entitlement in respect of that Region 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.
- (4) If an application for the variation of a rock lobster quota entitlement under subregulation (3)—
- (a) is made in a quota period ending before 30 June 2019; and
 - (b) is not to apply only for the quota period during which it is made,
- the conditions of the licences must be varied so as to increase the unit entitlement under 1 of the licences by equal numbers of units in respect of each Northern Zone Region and decrease the unit entitlement under the other licence by a corresponding number of units in respect of each Northern Zone Region.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) 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 prescribed fee.
- (6) The holder of a licence in respect of the fishery must not, for a commercial purpose—
 - (a) take rock lobster in a Northern Zone Region while the number of rock lobster units allocated to the licence in respect of that Region is less than 320; or
 - (b) take aquatic resources of a kind specified in Schedule 1 in the waters of the fishery while the number of rock lobster units allocated to the licence in respect of the Northern Zone Inner Region is less than 320.

Maximum penalty: \$5 000.

Expiation fee: \$500.

16—Individual rock lobster catch quota system—Southern Zone

- (1) In this regulation—
 - the fishery* means the Southern Zone Rock Lobster Fishery;
 - 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;
 - unit entitlement* means the number of rock lobster units for the time being allocated to a licence;
 - unit value* means the number of kilograms of rock lobster determined by the Minister to be the value of a rock lobster unit for the fishery and a quota period.
- (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 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 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 prescribed fee.

17—Individual giant crab catch quota system

- (1) In this regulation—
- 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 9 of the *Fisheries Management (Miscellaneous Fishery) Regulations 2015*;

Miscellaneous Fishery means the fishery of that name constituted by the *Fisheries Management (Miscellaneous Fishery) Regulations 2015*;

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;

unit entitlement—

- (a) in relation to a licence in respect of a rock lobster fishery—means the number of giant crab units for the time being allocated to the licence;
- (b) in relation to a licence in respect of the Miscellaneous Fishery—has the same meaning as in regulation 9 of the *Fisheries Management (Miscellaneous Fishery) Regulations 2015*;

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 rock lobster fishery and a quota period.

- (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 impose or 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;
 - (e) 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;
 - (f) 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 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 prescribed fee.

18—Restriction on taking of vongole and cockles

- (1) The holder of a rock lobster licence that is not subject to a condition fixing a vongole quota entitlement must not take vongole under the licence unless—
 - (a) the vongole are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
 - (b) the number of vongole taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of vongole that may be taken in any 1 day for that purpose.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The holder of a licence in respect of a rock lobster fishery must not, on any 1 day, take a number of cockles under the licence exceeding the number fixed by condition of the licence as the maximum number of cockles that may be taken in any 1 day.

Maximum penalty: \$5 000.

Expiation fee: \$315.

19—Rock lobster taken in Northern Zone to be landed whole within State

The holder of a licence in respect of the Northern Zone Rock Lobster Fishery must ensure that rock lobster taken under the licence—

- (a) is landed whole; and
- (b) is landed within the State.

Maximum penalty: \$5 000.

Expiation fee: \$315.

20—Disposal of rock lobster and giant crab

- (1) Subject to subregulation (2), the holder of a licence in respect of a rock lobster fishery must ensure that all rock lobster and giant crab taken under the licence are consigned or delivered to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) If a rock lobster is found to be dead when it is landed, the holder of the licence may retain the dead landed rock lobster for a non-commercial purpose, provided that—
 - (a) there are no more than 2 such rock lobster at any time on the boat on which they are landed; and
 - (b) the total number of such rock lobster retained by the holder of a licence in a financial year does not exceed 30.

21—Information to be provided—taking vongole

- (1) If fishing activities involving the taking of vongole under an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

22—Catch and disposal requirements (rock lobster)—Northern Zone

- (1) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery or the registered master of a registered boat from which rock lobster is taken under such a licence must—

- (a) notify the Department, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination, before the rock lobster is removed from the boat; and
- (b) notify the Department of any changes in the information notified under paragraph (a) as determined by the Minister, in the manner and form and in accordance with the requirements specified by the Minister in the determination.

- (2) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery or the registered master of a registered boat from which rock lobster is taken under such a licence must comply with the following provisions in respect of rock lobster taken under the licence:

- (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of rock lobster taken under the licence as determined by the Minister;
- (b) the holder of the licence or registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
- (c) the holder of the licence or registered master must ensure that rock lobster taken under the licence is weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.

- (3) If a determination of the Minister made for the purposes of subregulation (1) or (2) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (4) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery must keep records made under subregulation (2) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

23—Catch and disposal requirements (rock lobster)—Southern Zone

- (1) Unless the rock lobster is to be weighed at a certification station nominated by the Minister by notice in the Gazette between the hours specified in the notice, if rock lobster is taken under a South Australian licence, the holder of the licence or the registered master of the registered boat from which the rock lobster is taken must—
 - (a) notify the Department in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination, before the rock lobster is removed from the boat; and
 - (b) notify the Department of any changes in the information notified under paragraph (a) as determined by the Minister, in the manner and form and in accordance with the requirements specified by the Minister in the determination.
- (2) The holder of a South Australian licence or the registered master of a registered boat used under a South Australian licence must comply with the following provisions:
 - (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of rock lobster taken under the licence as determined by the Minister;
 - (b) if rock lobster taken under a Victorian licence is on board a registered boat used under the South Australian licence when the boat enters the Southern Zone, the holder of the South Australian licence or registered master of a registered boat used under the South Australian licence must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of rock lobster taken under the Victorian licence as determined by the Minister;
 - (c) the holder of the licence or registered master must provide the information recorded under paragraph (a) or (b) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (d) the holder of the licence or registered master must ensure that rock lobster taken under the licence or a Victorian licence is weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (3) If a determination of the Minister made for the purposes of subregulation (1) or (2) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.
Expiation fee: \$500.
- (4) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery must keep records made under subregulation (2) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.
Expiation fee: \$315.

24—Catch and disposal requirements (giant crab)—Southern Zone

- (1) Unless the giant crab is to be weighed at a certification station nominated by the Minister by notice in the Gazette between the hours specified in the notice, if giant crab is taken under a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement, the holder of the licence or the registered master of the registered boat from which the giant crab is taken must—
 - (a) notify the Department in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination, before the giant crab is removed from the registered boat from which it was taken; and
 - (b) notify the Department of any changes in the information notified under paragraph (a) as determined by the Minister, in the manner and form and in accordance with the requirements specified by the Minister in the determination.
- (2) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement or the registered master of a registered boat used to take giant crab under such a licence must comply with the following provisions:
 - (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of giant crab taken under the licence as determined by the Minister;
 - (b) the holder of the licence or registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or registered master must ensure that giant crab taken under the licence is weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (3) If a determination of the Minister made for the purposes of subregulation (1) or (2) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.
Expiation fee: \$500.
- (4) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement must keep records made under subregulation (2) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.
Expiation fee: \$315.

25—Catch and disposal requirements—vongole

- (1) The holder of an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of vongole taken under the licence:
 - (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of vongole taken under the licence as determined by the Minister;
 - (b) the holder of the licence or registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or registered master must ensure that vongole taken under the licence is weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$315.

26—Disposal of vongole

The holder of an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement must ensure that all vongole taken under the licence are consigned or delivered to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

27—Periodic returns

- (1) The holder of a licence in respect of a rock lobster fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$500.

- (2) The holder of a licence must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

28—Victorian licences

A person who is the holder of a licence in respect of the Southern Zone Rock Lobster Fishery must—

- (a) if the person becomes the holder of a Victorian licence, notify the Department in the manner and form, and within such time, as determined by the Minister; or
- (b) if the person ceases to hold a Victorian licence, notify the Department in the manner and form, and within such time, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

29—Sale of rock lobster during closed season

- (1) 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.

- (2) It is a defence to a charge of an offence against subregulation (1) if the defendant proves that the defendant did not take the rock lobster to which the charge relates in the Southern Zone.

30—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

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

Maximum penalty: \$2 500.

Expiation fee: \$210.

31—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.

- (2) A determination may—

- (a) be of general or limited application; and
- (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.

- (3) If the Minister makes a determination for the purposes of a regulation, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 12, 13, 15, 16 or 17.

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

Cuttlefish (*Sepia* spp)

Mussel (*Mytilus* spp)

Octopus (*Octopus* spp)

Oyster (Family Ostreidae)

Scallop (Family Pectinidae)

Gould's Squid (*Notodarus gouldi*)

Vongole

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 japonicus*)
Redfish (*Centroberyx affinis*)
Bight Redfish (*Centroberyx gerrardi*)
West Australian Salmon (*Arripis truttaceus*)
Australian Sardine (*Sardinops sagax*)
Snapper (*Chrysophrys auratus*)
Snook (*Sphyræna novaehollandiae*)
Southern Sole (*Aseraggodes haackeanus*)
Sea Sweep (*Scorpiæ aequipinnis*)
Swallowtail (*Centroberyx lineatus*)
Blue-eye Trevalla (*Hyperoglyphe antarctica*)
Trevally (*Carangidae* spp)
Whiting (Family Sillaginidae)
Wrasse (*Labridae*) (other than Western Blue Groper (*Achoerodus gouldii*))

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—Revocation of regulations and transitional provisions

Part 1—Revocation of *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*

1—Revocation of regulations

The *Fisheries Management (Rock Lobster Fisheries) Regulations 2006* are revoked.

Part 2—Transitional provisions

2—Eligibility to be granted fishery licence

- (1) Only a person who is, immediately before the commencement of this clause, 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 the commencement of this clause, 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.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 235 of 2017

DPC17/041CS

South Australia

Fisheries Management (Vessel Monitoring Scheme) Regulations 2017

under the *Fisheries Management Act 2007*

Contents

1	Short title
2	Commencement
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Schedule 1—Revocation of *Fisheries Management (Vessel Monitoring Scheme) Regulations 2007*

1—Short title

These regulations may be cited as the *Fisheries Management (Vessel Monitoring Scheme) Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

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;

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act;

fishing season, in relation to a fishery referred to in the definition of *prescribed fishing activity*, means any period during which the holder of a licence in respect of the fishery may lawfully engage in a prescribed fishing activity;

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 giant crab or 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 giant crab or rock lobster in the Southern Zone for a commercial purpose;
- (e) in relation to a fishery authority in respect of the Southern Zone Abalone Fishery—means the taking of abalone 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, other than a registered boat that—
 - (i) has an overall length not exceeding 7.5 metres; and
 - (ii) is not used for the purposes of taking sardines under that authority; 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, other than a registered boat that—
 - (i) has an overall length not exceeding 7.5 metres; and
 - (ii) is not used for the purposes of taking giant crab or rock lobster under that authority; 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; or
- (e) a registered boat used under a fishery authority in respect of the Southern Zone Abalone Fishery;

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**, **Marine Scalefish Fishery**, **sardine**, **sardine net** and **sardine quota entitlement** have the same respective meanings as in the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*;
- (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 2015*;
- (c) **Northern Zone**, **Northern Zone Rock Lobster Fishery**, **rock lobster**, **Southern Zone Rock Lobster Fishery** and **Victorian licence** have the same respective meanings as in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;
- (d) **Southern Zone**—
 - (i) in relation to the Southern Zone Abalone Fishery—has the same meaning as in the *Fisheries Management (Abalone Fisheries) Regulations 2017*;
 - (ii) in relation to the Southern Zone Rock Lobster Fishery—has the same meaning as in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;
- (e) **Southern Zone Abalone Fishery** has the same meaning as in the *Fisheries Management (Abalone Fisheries) Regulations 2017*;
- (f) 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 used only for either 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, the registered owner 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 Department, in the manner and form determined by 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 the registered owner proves that the contravention did not result from any failure on the registered owner's 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 Department is notified, in a manner and form, and within the time, determined by the Minister, 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 Department is provided in a manner and form, and within the time, determined by the Minister, with the name and contact details of a person (the *nominated contact person*) that the Department may contact if there is reason to believe that the VMS unit has ceased to operate or 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 Department in a manner and form determined by the Minister, of the new name or contact details (as the case may require).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (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.

13—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which they are expressed to apply.
- (3) If the Minister makes a determination, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination made for the purposes of a regulation.

Schedule 1—Revocation of *Fisheries Management (Vessel Monitoring Scheme) Regulations 2007*

The *Fisheries Management (Vessel Monitoring Scheme) Regulations 2007* are repealed.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 236 of 2017

DPC17/041CS

South Australia

Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) (Simplify) Variation Regulations 2017

under the *Primary Industry Funding Schemes Act 1998*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2016*

- 4 Variation of regulation 5—Contributions to Fund
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) (Simplify) Variation Regulations 2017*.

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 *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2016*

4—Variation of regulation 5—Contributions to Fund

Regulation 5(8)—delete subregulation (8) and substitute:

- (8) A person claiming a refund under subregulation (7) must supply the Minister with evidence acceptable to the Minister of the contributions made by the claimant in respect of which the claim for refund is made.

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's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 237 of 2017

DPC17/041CS

South Australia

Forestry (Simplify) Variation Regulations 2017

under the *Forestry Act 1950*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Forestry Regulations 2013*

- 4 Variation of regulation 21—Seizure, disposal of animals
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Forestry (Simplify) Variation Regulations 2017*.

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 *Forestry Regulations 2013*

4—Variation of regulation 21—Seizure, disposal of animals

Regulation 21(3)(b)—delete "—by publication of the notice in a newspaper circulating generally throughout the State" and substitute:

, by publishing the notice—

- (a) on a website determined by the Minister; or
- (b) in a newspaper circulating generally throughout the State

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's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 238 of 2017

DPC17/041CS

South Australia

Fire and Emergency Services (Simplify) Variation Regulations 2017

under the *Fire and Emergency Services Act 2005*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fire and Emergency Services Regulations 2005*

- 4 Variation of regulation 24A—Dissolution of an SACFS organisation—consultation requirements
 - 5 Variation of regulation 64—Dissolution of organisation (section 116)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fire and Emergency Services (Simplify) Variation Regulations 2017*.

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 *Fire and Emergency Services Regulations 2005*

4—Variation of regulation 24A—Dissolution of an SACFS organisation—consultation requirements

Regulation 24A(4)—delete subregulation (4) and substitute:

- (4) The Chief Officer must give notice of a public meeting under subregulation (3)(b) by publishing notice of the public meeting—
 - (a) on a website determined by the Chief Officer; or
 - (b) in a newspaper circulating throughout the local area.

5—Variation of regulation 64—Dissolution of organisation (section 116)

Regulation 64(4)—delete subregulation (4) and substitute:

- (4) The Chief Officer must give notice of a public meeting under subregulation (3)(b) by publishing notice of the public meeting—
 - (a) on a website determined by the Chief Officer; or
 - (b) in a newspaper circulating throughout the local area.

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's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 239 of 2017

DPC17/041CS

South Australia

Roads (Opening and Closing) (Simplify) Variation Regulations 2017

under the *Roads (Opening and Closing) Act 1991*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Roads (Opening and Closing) Regulations 2006*

- 4 Variation of regulation 6—Public notice of proposed road process
 - 5 Variation of regulation 11—Adelaide Park Lands—public notice of application
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Roads (Opening and Closing) (Simplify) Variation Regulations 2017*.

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 *Roads (Opening and Closing) Regulations 2006*

4—Variation of regulation 6—Public notice of proposed road process

Regulation 6(3)—delete subregulation (3) and substitute:

- (3) Notice of a proposed road process—
 - (a) must be published in the Gazette; and
 - (b) may also be published—
 - (i) on a website determined by the Minister; or

- (ii) in a newspaper circulating generally in the area in which the proposed road process is to be undertaken.

5—Variation of regulation 11—Adelaide Park Lands—public notice of application

Regulation 11(3)—delete subregulation (3) and substitute:

- (3) Notice of an application—
 - (a) must be published in the Gazette; and
 - (b) may also be published—
 - (i) on a website determined by the Minister; or
 - (ii) in a newspaper circulating generally in the State.

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's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 240 of 2017

DPC17/041CS

South Australia

Air Transport (Route Licensing—Passenger Services) (Simplify) Variation Regulations 2017

under the *Air Transport (Route Licensing—Passenger Services) Act 2002*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Air Transport (Route Licensing—Passenger Services) Regulations 2014*

- 4 Substitution of regulation 5
 - 5 Notice of requirements etc for applicants for route service licence
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Air Transport (Route Licensing—Passenger Services) (Simplify) Variation Regulations 2017*.

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 *Air Transport (Route Licensing—Passenger Services) Regulations 2014*

4—Substitution of regulation 5

Regulation 5—delete the regulation and substitute:

5—Notice of requirements etc for applicants for route service licence

For the purposes of section 7(5) of the Act, notice of any requirement, standard, criteria, qualification or condition specified by the Minister to be met by an applicant for a route service licence—

- (a) must be published by notice in the Gazette; and
- (b) may also be published—
 - (i) on a website determined by the Minister; or
 - (ii) in a newspaper circulating generally throughout the State or throughout Australia.

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's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 241 of 2017

DPC17/041CS

South Australia

Motor Vehicles (Modification of Act) Variation Regulations 2017

under the *Motor Vehicles Act 1959*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Motor Vehicles Regulations 2010*

- 4 Insertion of regulation 4A
4A Modification of Act
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Motor Vehicles (Modification of Act) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on the day on which section 76(2) of the *Statutes Amendment and Repeal (Simplify) Act 2017* 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 *Motor Vehicles Regulations 2010*

4—Insertion of regulation 4A

After regulation 4 insert:

4A—Modification of Act

In accordance with section 5(6a) of the Act, the following modifications are prescribed:

- (a) section 75 of the Act is modified to provide that subsection (2) does not apply to a licence issued in electronic form;

- (b) section 75AAA of the Act is modified to provide (in addition to its present contents)—
 - (i) that if any licence issued in the form of a physical document or item is subsequently also issued in electronic form, the fact that the licence has been issued in electronic form will not affect the term of the licence; and
 - (ii) that the reference to the grant of a licence in subsection (2)(a) is a reference to the licence when issued in the form of a physical document or item;
- (c) section 75AAA(11)(a) of the Act is modified by inserting after "the licence" the following words:
 - (including, if the licence has also been issued in electronic form, cancelling that electronic form of the licence)
- (d) section 75A of the Act is modified to provide that subsection (9)(a) does not apply in relation to a learner's permit issued in electronic form.

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's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 242 of 2017

DPC17/041CS

South Australia

Police Superannuation Regulations 2017

under the *Police Superannuation Act 1990*

Contents

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- 1 Short title
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- 5 Right to apply for commutation
- 6 Right of non-member spouse or legal representative to apply for commutation
- 7 Commutation factors
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- 21 Notice to Board on invalidity
- 22 Minimum pension payable to eligible children
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Schedule 1—Factors for determination of associate pension

Schedule 2—Revocation of *Police Superannuation Regulations 2002*

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Police Superannuation Regulations 2017*.

2—Commencement

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

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Police Superannuation Act 1990*;

South Australian Police Superannuation Scheme or *Scheme* means the scheme of superannuation established by the Act and (where the context admits) includes the scheme of superannuation established by a corresponding previous enactment.

Part 2—Commutation

4—Interpretation of Part

For the purposes of this Part, a pensioner's annual pension is the pensioner's fortnightly pension multiplied by 313 and divided by 12.

5—Right to apply for commutation

(1) Subject to this Part—

- (a) a contributor who is entitled to a retirement pension, or who is in receipt of an invalidity pension and has reached the age of 55 years, may apply to the Board for commutation of the whole or a part of the pension; and
- (b) a contributor who is in receipt of a retrenchment pension and has reached the age of 55 years may apply to the Board for commutation of 50% of the pension; and
- (c) the spouse of a deceased contributor who is entitled to a pension may apply to the Board for commutation of the whole or a part of the pension,

in accordance with this regulation.

- (2) Subject to subregulation (3), an application for commutation of a retirement pension must be made within 3 months after retirement and an application for commutation of an invalidity pension or a retrenchment pension must be made within 3 months after the pensioner reaches the age of 55 years.
- (3) If a contributor is unable to apply for commutation of a pension in accordance with subregulation (2) because the pension is suspended, the contributor may apply for commutation of the pension within 3 months after the pension ceases to be suspended.
- (4) If—
 - (a) part only of an invalidity pension or a retrenchment pension is available to a contributor because the pension is reduced under section 40 of the Act; and

- (b) the contributor has commuted the whole, or a part, of that part of the pension, the contributor may, in accordance with this Part, within 3 months after the contributor reaches the age of 60 years, commute the whole or a part of the part of the pension previously denied to the contributor because of the reduction.
- (5) Subject to subregulation (6), an application for commutation of a pension payable to a spouse must be made within 6 months after the death of the contributor.
- (6) If a spouse of a contributor is unable to apply for commutation of a pension in accordance with subregulation (5) because the pension is suspended, the spouse may apply for commutation of the pension within 3 months after the pension ceases to be suspended.
- (7) If—
- (a) part only of a pension is available to the spouse of a contributor because the pension is reduced under section 40 of the Act; and
- (b) the spouse has commuted the whole, or a part, of that part of the pension, the spouse may, within 3 months after the spouse first becomes entitled to the other part of the pension, commute the whole or a part of it in accordance with this Part.
- (8) A contributor who is entitled to an invalidity pension may apply to the Board within 3 months after termination of employment for commutation of 20% or less of the pension.
- (9) An application under subregulation (8) does not prejudice the right of the contributor to apply for a further commutation under subregulation (1) on reaching the age of 55 years.
- (10) The Board may extend the time within which a person may apply for commutation of a pension if, in the Board's opinion, the person was not at fault in failing to apply within the time prescribed by this regulation.
- (11) The Board must commute the pension within 1 month after receiving the application and must pay the lump sum within 14 days after commutation.

6—Right of non-member spouse or legal representative to apply for commutation

- (1) For the purposes of section 38S(2)(b) of the Act, non-member spouses who are entitled to have the whole of their share in a superannuation interest commuted to a lump sum must make their election in accordance with that section within 3 months of the operative time.
- (2) For the purposes of section 38S(7) of the Act, if a non-member spouse dies while entitled to, or in receipt of, a pension under that section (other than an associate pension), an election by the non-member spouse's legal representative for the pension to be commuted to a lump sum must be made within 6 months of the non-member spouse's death.

7—Commutation factors

The following tables set out commutation factors:

- (a) in the case of a contributor on retirement—

Age at time of commutation	Amount of lump sum for each dollar of annual pension commuted
55–56	\$11.50–\$11.30
56–57	\$11.30–\$11.10
57–58	\$11.10–\$10.90
58–59	\$10.90–\$10.70
59–60	\$10.70–\$10.50
60–61	\$10.50–\$10.30
61–62	\$10.30–\$10.10
62–63	\$10.10–\$ 9.90
63–64	\$ 9.90–\$ 9.70
64–65	\$ 9.70–\$ 9.50
65–66	\$ 9.50–\$ 9.30
66–67	\$ 9.30–\$ 9.10

- (b) in the case of a contributor who is entitled to an invalidity pension or is in receipt of an invalidity pension or retrenchment pension—

Age at time of commutation	Amount of lump sum for each dollar of annual pension commuted
54 or under	\$11.50
55–56	\$11.50–\$11.30

- (c) in the case of a spouse of a deceased contributor—

Age of spouse at time of commutation	Amount of lump sum for each dollar of annual pension commuted
50 or under	\$11.50
50–55	\$11.50–\$11.00
55–60	\$11.00–\$ 9.75
60–65	\$ 9.75–\$ 8.50
65–70	\$ 8.50–\$ 7.25
70–80	\$ 7.25–\$ 4.75
80–90	\$ 4.75–\$ 2.25
90–100	\$ 2.25–\$ 0.00

- (d) in the case of—

- (i) a non-member spouse who elects under section 38S(2)(b) of the Act to have the non-member spouse's share of a superannuation interest commuted to a lump sum; or

- (ii) the legal representative of a deceased non-member spouse who elects under section 38S(7) of the Act to have a pension that the non-member spouse was receiving, or was entitled to receive, commuted to a lump sum—

Age of member spouse at time of commutation	Amount of lump sum for each dollar of annual pension commuted
less than 55	\$11.50
55–60	\$11.50–\$10.50
60–65	\$10.50–\$ 9.50
65–70	\$ 9.50–\$ 8.20
70–75	\$ 8.20–\$ 6.70
75–80	\$ 6.70–\$ 5.30
80–85	\$ 5.30–\$ 3.90
85–90	\$ 3.90–\$ 2.80
90–95	\$ 2.80–\$ 2.10
95–100	\$ 2.10–\$ 0.00

8—Restriction on commutation

- (1) The Board must not pay a lump sum to the spouse of a contributor unless it is satisfied that no other spouse of the contributor is entitled to part of the pension commuted by the Board.
- (2) The Board is not liable to any person in respect of a payment made by the Board in accordance with subregulation (1).

9—Adjustment of commutation factors

When determining the amount of the lump sum payable on commutation, the commutation factor must be adjusted proportionately, in accordance with the appropriate table, to the age of the applicant expressed in years and completed months.

10—Rounding of lump sum

When determining the amount of a lump sum payable on commutation the Board may round the amount to the nearest dollar.

Part 3—Non-member spouse entitlements

11—Procedure for payment of lump sum

- (1) For the purposes of section 38T(3) of the Act, notice given by the Board to a non-member spouse of the non-member spouse's right to make an election in respect of an interest must—
 - (a) be in writing; and
 - (b) advise the non-member spouse of—
 - (i) the option to make an election and the consequences of a failure to do so within 28 days; and

- (ii) the value of the interest; and
 - (iii) the basis of any adjustments that have been, or will be, applied to the interest; and
 - (c) notify the non-member spouse that the interest cannot be retained in the Scheme.
- (2) If a non-member spouse interest is rolled over to the credit of the non-member spouse in the Southern State Superannuation Fund because an election has not been made, the Board must, within 14 days of the interest being rolled over—
- (a) advise the non-member spouse that the interest has been rolled over to the Southern State Superannuation Fund; and
 - (b) provide the non-member spouse with a membership identification number, a copy of the most recent annual report prepared in respect of the Southern State Superannuation Fund and any other information that, according to a determination of the Board, may be of assistance to the non-member spouse.

12—Procedure for payment of pension

For the purposes of section 38T(4) of the Act, if the interest of a non-member spouse following service of a splitting instrument is a pension, and the non-member spouse has not directed that the pension be commuted to a lump sum, the following provisions apply:

- (a) the Board must—
 - (i) split the relevant pension within 14 days of receipt of the splitting instrument; and
 - (ii) advise the non-member spouse of the value of the interest and the basis of any adjustments that have been, or will be, applied to the interest;
- (b) the non-member spouse must, before the Board can commence payment of the pension—
 - (i) advise the Board of their name, address, date of birth and bank account details; and
 - (ii) provide any other relevant information at the request of the Board (including documents verifying the non-member spouse's personal details).

13—Associate pension

- (1) For the purposes of section 38S(2)(a)(ii) of the Act, notice of an election by a non-member spouse to have the whole of a share of a superannuation interest converted to, and taken as, an associate pension must be given in writing within 3 months of the date on which notification of the non-member spouse's right to make the election is given by the Board.

- (2) For the purposes of section 38S(3) of the Act, the amount of an associate pension will be determined by applying the following method:

$$AP = \frac{P(Mx+m)}{Ny+n}$$

Where:

AP is the amount of the associate pension payable for the life of the non-member spouse

P is the amount of the non-member spouse's share of the pension determined under section 38S(1) of the Act

Mx+m is the conversion factor relating to the member spouse at age x completed years and m completed months and is derived by interpolating between age x and x+1, the factors from the relevant table in Schedule 1 for the relevant type of pension interest and gender of the member spouse

Ny+n is the conversion factor relating to the non-member spouse at age y completed years and n completed months and is derived by interpolating between age y and y+1, the factors from the relevant table in Schedule 1 for the relevant type of pension interest and gender of the non-member spouse.

For a pension payable in connection with a member spouse whose pension commenced before the commencement of the Act, the factors from table 1 of Schedule 1 must be used.

For a pension payable in connection with any other member spouse, the factors from table 2 of Schedule 1 must be used.

Part 4—General

14—Salary

- (1) The following allowances are excluded from the definition of *salary* in the Act:
- allowances for work on public holidays or weekends;
 - the Patrol Tutor Allowance;
 - the Prosecutors Attraction and Retention Payment;
 - the Detectives Attraction and Retention Payment.
- (2) A higher duties allowance is excluded from the definition of salary in the Act for the purpose of calculating contributions.
- (3) If a higher duties allowance has been paid—
- for a continuous period of less than 12 months—the allowance is excluded from the definition of salary for the purpose of calculating benefits; or
 - for a continuous period of 12 months or more—the allowance will, subject to subregulation (4), be included as a component of salary for the purpose of calculating benefits.

- (4) If the amount of a higher duties allowance that is to be included as a component of salary for the purpose of calculating benefits has changed during the period of 12 months immediately preceding termination of the contributor's employment, the allowance will be included as a component of salary at the lowest level paid during that period.
- (5) In this regulation—
salary means salary as defined by the second definition of *salary* in section 4(1) of the Act.

15—Inclusion of allowance as component of salary

- (1) Despite any other regulation (and despite any provision to the contrary in the Act), the Flexibility Allowance payable under the *South Australia Police Enterprise Agreement 2011* will be included as a component of salary for the purposes of determining benefits payable to a contributor who has received the allowance during the contributor's membership of the Scheme in accordance with the following formula:

$$FS = S_1 \left[\frac{CM - X}{CM} \right] + \frac{S_2 \times X}{CM}$$

where—

FS is the salary

S₁ is the contributor's actual or attributed salary, excluding the allowance, immediately before the cessation of contributor's employment

S₂ is the contributor's actual or attributed salary, including the allowance, immediately before the cessation of the contributor's employment

CM is the number of contribution months in the contributor's contribution period

X is the number of contribution months in that part of the contributor's contribution period during which the contributor was in receipt of the allowance (with any part of a contribution month being taken to be a full contribution month).

- (2) In this regulation—
salary means salary as defined in the second definition of *salary* in section 4(1) of the Act.
- (3) To avoid doubt, this regulation does not apply to the Flexibility Allowance payable under any enterprise agreement entered into subsequent to the *South Australia Police Enterprise Agreement 2011*.

16—Salary (contract under section 13 or 16 of *Police Act 1998*)

The proportion of the total remuneration package specified in a contract under section 13 or 16 of the *Police Act 1998* for the purposes of the first definition of *salary* in section 4(1) of the Act is 86.6%.

17—Prescribed body

For the purposes of section 4(6b)(f) of the Act the Police Association of South Australia is a prescribed body.

18—Fund's share of administrative costs

For the purposes of section 10(7)(b) of the Act the prescribed percentage is 30.

19—Restriction on retirees under 55

The number of contributors who may retire below the age of 55 years in any financial year under section 28(3) of the Act is 50 or such larger number as the Minister approves in respect of a particular year.

20—Period of notice

The period of notice of resignation under section 31(5)(b)(iv) of the Act is 1 month.

21—Notice to Board on invalidity

A notice given to the Board by the Commissioner under section 31(8) of the Act must—

- (a) be accompanied by a certificate in a form approved by the Board from a medical practitioner stating the nature of the invalidity; and
- (b) inform the Board of any inquiries made by the Commissioner or by the Commissioner for Public Sector Employment as to other suitable employment, carrying a salary of at least 80% of the salary applicable to the contributor's present position and available to the contributor in South Australia Police or the Public Service, and the result of those inquiries; and
- (c) inform the Board of the contributor's existing or future entitlement (if any) to weekly payments of workers compensation.

22—Minimum pension payable to eligible children

For the purposes of section 32(3) of the Act, the prescribed amount of the fortnightly pension is—

- (a) \$8 where a benefit is payable or has been paid to a spouse of the contributor; or
- (b) \$12 where no such benefit is or was payable.

23—Payment in case of pensioner who is incompetent

- (1) If the Board is satisfied that a person who is entitled to a pension under the Act is not competent to give the Board directions as to payment of the pension, the Board may—
 - (a) continue to make payments in a manner authorised by the pensioner when competent; or
 - (b) pay the pension into an account in the name of the pensioner with an ADI; or
 - (c) pay the pension to a person who is caring for the pensioner on condition that it is applied for the maintenance and benefit of the pensioner.
- (2) Subregulation (1) is subject to the right of a manager appointed under the *Aged and Infirm Persons' Property Act 1940*, or an administrator appointed under the *Guardianship and Administration Act 1993*, to payment of the pension.

24—Employment of medical practitioner

The Board may employ a medical practitioner to advise it on matters relating to the state of health of contributors.

Schedule 1—Factors for determination of associate pension

Conversion Factors for Determination of Associate Pension						
Police Superannuation Act 1990						
Pre-1990 Act Pensioners						
Type of Interest:-	Age Pension		Invalidity Pension		Spouse Pension	
Gender:-	Male	Female	Male	Female	Male	Female
Age						
18	28.665	29.223	25.878	26.047	28.665	29.223
19	28.540	29.128	25.785	25.983	28.540	29.128
20	28.409	29.026	25.686	25.913	28.409	29.026
21	28.271	28.917	25.582	25.838	28.271	28.917
22	28.127	28.800	25.473	25.756	28.127	28.800
23	27.977	28.676	25.357	25.668	27.977	28.676
24	27.819	28.544	25.236	25.574	27.819	28.544
25	27.655	28.405	25.107	25.474	27.655	28.405
26	27.483	28.257	24.972	25.365	27.483	28.257
27	27.302	28.094	24.828	25.245	27.302	28.094
28	27.116	27.925	24.676	25.119	27.116	27.925
29	26.922	27.751	24.517	24.988	26.922	27.751
30	26.722	27.571	24.351	24.851	26.722	27.571
31	26.515	27.385	24.176	24.709	26.515	27.385
32	26.300	27.193	23.994	24.562	26.300	27.193
33	26.078	26.994	23.803	24.408	26.078	26.994
34	25.848	26.790	23.603	24.249	25.848	26.790
35	25.611	26.578	23.396	24.084	25.611	26.578
36	25.366	26.360	23.180	23.913	25.366	26.360
37	25.113	26.135	22.957	23.737	25.113	26.135
38	24.851	25.902	22.725	23.554	24.851	25.902
39	24.581	25.662	22.486	23.365	24.581	25.662
40	24.302	25.414	22.239	23.169	24.302	25.414
41	24.015	25.159	21.983	22.967	24.015	25.159
42	23.718	24.895	21.719	22.758	23.718	24.895
43	23.413	24.624	21.447	22.542	23.413	24.624
44	23.098	24.344	21.165	22.318	23.098	24.344
45	22.774	24.056	20.874	22.086	22.774	24.056
46	22.440	23.760	20.573	21.846	22.440	23.760
47	22.097	23.455	20.262	21.597	22.097	23.455
48	21.745	23.141	19.941	21.339	21.745	23.141
49	21.383	22.818	19.608	21.071	21.383	22.818
50	21.012	22.486	19.264	20.793	21.012	22.486
51	20.631	22.146	18.908	20.505	20.631	22.146
52	20.242	21.796	18.538	20.206	20.242	21.796
53	19.843	21.436	18.155	19.895	19.843	21.436
54	19.435	21.068	17.758	19.573	19.435	21.068
55	19.017	20.689	17.345	19.239	19.017	20.689
56	18.592	20.301	16.917	18.891	18.592	20.301

57	18.157	19.903	16.473	18.530	18.157	19.903
58	17.714	19.495	16.018	18.156	17.714	19.495
59	17.263	19.077	15.559	17.767	17.263	19.077
60	16.803	18.649	15.098	17.363	16.803	18.649
61	16.336	18.210	14.634	16.943	16.336	18.210
62	15.862	17.760	14.170	16.506	15.862	17.760
63	15.381	17.300	13.705	16.053	15.381	17.300
64	14.894	16.829	13.240	15.592	14.894	16.829
65	14.400	16.348	12.778	15.126	14.400	16.348
66	13.899	15.856	12.318	14.654	13.899	15.856
67	13.398	15.357	11.861	14.177	13.398	15.357
68	12.896	14.851	11.409	13.697	12.896	14.851
69	12.395	14.339	10.961	13.213	12.395	14.339
70	11.895	13.821	10.517	12.726	11.895	13.821
71	11.397	13.298	10.079	12.238	11.397	13.298
72	10.902	12.771	9.646	11.747	10.902	12.771
73	10.410	12.241	9.218	11.256	10.410	12.241
74	9.921	11.709	8.793	10.765	9.921	11.709
75	9.436	11.176	8.374	10.275	9.436	11.176
76	8.958	10.644	7.962	9.789	8.958	10.644
77	8.489	10.116	7.559	9.310	8.489	10.116
78	8.031	9.595	7.168	8.839	8.031	9.595
79	7.586	9.083	6.791	8.379	7.586	9.083
80	7.156	8.582	6.428	7.932	7.156	8.582
81	6.743	8.092	6.082	7.499	6.743	8.092
82	6.347	7.615	5.752	7.077	6.347	7.615
83	5.971	7.150	5.440	6.668	5.971	7.150
84	5.615	6.700	5.146	6.272	5.615	6.700
85	5.279	6.266	4.871	5.891	5.279	6.266
86	4.964	5.850	4.614	5.527	4.964	5.850
87	4.672	5.457	4.377	5.184	4.672	5.457
88	4.404	5.090	4.161	4.864	4.404	5.090
89	4.160	4.750	3.967	4.570	4.160	4.750
90	3.944	4.438	3.796	4.301	3.944	4.438
91	3.757	4.155	3.651	4.057	3.757	4.155
92	3.594	3.899	3.526	3.836	3.594	3.899
93	3.448	3.667	3.411	3.633	3.448	3.667
94	3.310	3.456	3.296	3.444	3.310	3.456
95	3.180	3.265	3.180	3.265	3.180	3.265
96	3.060	3.094	3.060	3.094	3.060	3.094
97	2.933	2.928	2.933	2.928	2.933	2.928
98	2.796	2.763	2.796	2.763	2.796	2.763
99	2.643	2.592	2.643	2.592	2.643	2.592

Conversion Factors for Determination of Associate Pension						
Police Superannuation Act 1990						
1990 Act Pensioners						
Type of Interest:-	Age Pension		Invalidity Pension		Spouse Pension	
Gender:-	Male	Female	Male	Female	Male	Female
Age						
18	23.980	24.334	21.854	21.921	23.980	24.334
19	23.905	24.278	21.800	21.886	23.905	24.278
20	23.827	24.218	21.744	21.847	23.827	24.218
21	23.744	24.153	21.684	21.804	23.744	24.153
22	23.656	24.083	21.620	21.757	23.656	24.083
23	23.564	24.008	21.551	21.706	23.564	24.008
24	23.467	23.928	21.479	21.651	23.467	23.928
25	23.365	23.843	21.401	21.591	23.365	23.843
26	23.257	23.752	21.318	21.526	23.257	23.752
27	23.143	23.652	21.229	21.454	23.143	23.652
28	23.024	23.547	21.134	21.378	23.024	23.547
29	22.900	23.438	21.033	21.297	22.900	23.438
30	22.770	23.325	20.926	21.212	22.770	23.325
31	22.634	23.207	20.812	21.123	22.634	23.207
32	22.493	23.084	20.692	21.030	22.493	23.084
33	22.345	22.956	20.564	20.932	22.345	22.956
34	22.190	22.823	20.430	20.829	22.190	22.823
35	22.029	22.684	20.288	20.722	22.029	22.684
36	21.862	22.539	20.140	20.609	21.862	22.539
37	21.687	22.389	19.985	20.492	21.687	22.389
38	21.505	22.232	19.822	20.370	21.505	22.232
39	21.315	22.069	19.653	20.243	21.315	22.069
40	21.118	21.900	19.477	20.110	21.118	21.900
41	20.913	21.723	19.293	19.972	20.913	21.723
42	20.699	21.540	19.102	19.828	20.699	21.540
43	20.478	21.350	18.903	19.677	20.478	21.350
44	20.247	21.152	18.695	19.520	20.247	21.152
45	20.008	20.947	18.478	19.356	20.008	20.947
46	19.760	20.733	18.253	19.185	19.760	20.733
47	19.503	20.512	18.017	19.005	19.503	20.512
48	19.237	20.283	17.772	18.818	19.237	20.283
49	18.962	20.046	17.517	18.622	18.962	20.046
50	18.677	19.800	17.250	18.416	18.677	19.800
51	18.383	19.546	16.971	18.201	18.383	19.546
52	18.080	19.283	16.679	17.976	18.080	19.283
53	17.767	19.010	16.374	17.741	17.767	19.010
54	17.445	18.728	16.055	17.494	17.445	18.728
55	17.113	18.437	15.720	17.235	17.113	18.437
56	16.772	18.136	15.370	16.965	16.772	18.136

57	16.421	17.825	15.003	16.681	16.421	17.825
58	16.061	17.504	14.625	16.384	16.061	17.504
59	15.692	17.173	14.242	16.073	15.692	17.173
60	15.314	16.830	13.853	15.746	15.314	16.830
61	14.927	16.477	13.461	15.404	14.927	16.477
62	14.531	16.112	13.066	15.046	14.531	16.112
63	14.127	15.736	12.668	14.670	14.127	15.736
64	13.715	15.349	12.269	14.285	13.715	15.349
65	13.294	14.950	11.869	13.893	13.294	14.950
66	12.865	14.539	11.469	13.494	12.865	14.539
67	12.433	14.119	11.070	13.089	12.433	14.119
68	11.998	13.690	10.673	12.678	11.998	13.690
69	11.561	13.254	10.277	12.261	11.561	13.254
70	11.123	12.809	9.885	11.840	11.123	12.809
71	10.684	12.358	9.495	11.414	10.684	12.358
72	10.245	11.900	9.107	10.985	10.245	11.900
73	9.806	11.436	8.722	10.552	9.806	11.436
74	9.368	10.968	8.338	10.116	9.368	10.968
75	8.932	10.496	7.958	9.680	8.932	10.496
76	8.499	10.023	7.582	9.245	8.499	10.023
77	8.072	9.550	7.213	8.813	8.072	9.550
78	7.653	9.081	6.854	8.386	7.653	9.081
79	7.245	8.618	6.505	7.969	7.245	8.618
80	6.849	8.162	6.169	7.561	6.849	8.162
81	6.466	7.715	5.847	7.163	6.466	7.715
82	6.099	7.277	5.539	6.775	6.099	7.277
83	5.748	6.849	5.247	6.396	5.748	6.849
84	5.414	6.431	4.971	6.028	5.414	6.431
85	5.099	6.027	4.712	5.673	5.099	6.027
86	4.803	5.639	4.470	5.332	4.803	5.639
87	4.527	5.270	4.245	5.010	4.527	5.270
88	4.273	4.924	4.040	4.709	4.273	4.924
89	4.042	4.603	3.856	4.431	4.042	4.603
90	3.836	4.308	3.694	4.177	3.836	4.308
91	3.658	4.040	3.556	3.946	3.658	4.040
92	3.503	3.796	3.438	3.735	3.503	3.796
93	3.364	3.576	3.328	3.543	3.364	3.576
94	3.233	3.374	3.220	3.362	3.233	3.374
95	3.109	3.192	3.109	3.192	3.109	3.192
96	2.995	3.029	2.995	3.029	2.995	3.029
97	2.875	2.870	2.875	2.870	2.875	2.870
98	2.744	2.711	2.744	2.711	2.744	2.711
99	2.598	2.548	2.598	2.548	2.598	2.548

Schedule 2—Revocation of *Police Superannuation Regulations 2002*

The *Police Superannuation Regulations 2002* 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's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 243 of 2017

T&F17/018CS

South Australia

Superannuation (Transfer of Electricity Industry Members) Regulations 2017

under the *Superannuation Act 1988*

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Schedule 1—Revocation of *Superannuation (Transfer of Electricity Industry Members) Regulations 2002*

1—Short title

These regulations may be cited as the *Superannuation (Transfer of Electricity Industry Members) Regulations 2017*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Superannuation Act 1988*;

EISS means the Electricity Industry Superannuation Scheme;

Section A Contributor means a contributor to Section A of the Provident Account established in Part V of Division 3 of the Rules of EISS.

4—Entitlements of Provident Account Section A Contributor

- (1) A Section A Contributor who is transferred to the State Scheme under clause 5(1) of Schedule 1B of the Act is entitled, on ceasing service, to benefits and options equivalent to those that would have been available if the contributor had remained in EISS.
- (2) The terms and conditions applicable to a Section A Contributor's entitlements after the contributor becomes a member of the State Scheme are the same terms and conditions applicable to the contributor's entitlements under EISS immediately prior to the contributor's transfer to the State Scheme.

5—Employer component of contribution on transfer of member to State Scheme

- (1) If a person is transferred from EISS to the State Scheme under clause 3(1) of Schedule 1B of the Act, an actuary must, in determining the assessed amount, take into account—
 - (a) the amount of any commuted pension paid to the person; and
 - (b) the total amount of benefits the person is entitled to receive if the person does not commute the whole or part of the person's pension.

- (2) In this regulation—

assessed amount means the amount to be paid by the Trustee from the Scheme assets to the Treasurer under clause 3(9) of Schedule 1B of the Act, as determined by an actuary appointed by the Treasurer.

6—Modification of Act

The Act is modified to the extent necessary to give effect to these regulations.

Schedule 1—Revocation of *Superannuation (Transfer of Electricity Industry Members) Regulations 2002*

The *Superannuation (Transfer of Electricity Industry Members) Regulations 2002* 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's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 244 of 2017

T&F17/018CS

South Australia

Retirement Villages Regulations 2017

under the *Retirement Villages Act 2016*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Retirement Villages Regulations 2017*.

2—Commencement

These regulations will come into operation on 1 January 2018.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Retirement Villages Act 2016*.

4—Payments excluded from definition of ingoing contribution

For the purposes of the definition of *ingoing contribution* in section 4(1) of the Act, an ingoing contribution does not include the following:

- (a) an amount paid or required to be paid under a residential park agreement under the *Residential Parks Act 2007*;
- (b) an amount paid or required to be paid under a residential tenancy agreement under the *Residential Tenancies Act 1995*;
- (c) an amount paid or required to be paid under a domestic services agreement within the meaning of the *Residential Tenancies Act 1995*;
- (d) an amount paid or required to be paid in consideration for occupation in a prescribed retirement village within the meaning of the *Residential Tenancies Act 1995*;
- (e) an amount paid or required to be paid in consideration for entry into residential care at an aged care facility provided by an approved provider under the *Aged Care Act 1997* of the Commonwealth;
- (f) an amount paid or required to be paid in consideration for a lease or a licence to occupy land within a retirement village under section 57 of the Act.

Part 2—Rights of residents

5—Residence contracts (section 20 of Act)

- (1) For the purposes of section 20(1) of the Act, the following requirements are prescribed:
 - (a) the residence contract must include a statement (shown conspicuously in bold black type) advising—

- (i) that the prospective resident should seek independent legal advice about the prospective resident's rights and duties under the contract; and
 - (ii) that the Act sets out various rights that a person has on entering into a residence contract that cannot be excluded by the contract;
 - (b) the residence contract must, as far as possible—
 - (i) be expressed plainly in gender neutral language; and
 - (ii) be printed in not less than 12 point type face; and
 - (iii) be set out clearly with appropriate headings and numbered clauses;
 - (c) the residence contract must include definitions of words and phrases used in the contract (including relevant words and phrases defined in the Act).
- (2) For the purposes of section 20(2)(e) of the Act, the residence contract must include the following information in addition to the information required by section 20(2) of the Act:
- (a) if the Minister has conferred an exemption from a provision of the Act in relation to the retirement village—details about the exemption and any conditions imposed on the exemption;
 - (b) the following information in relation to the contract:
 - (i) the name and address of each of the parties to the contract (being the operator and the prospective resident or residents);
 - (ii) if there is a limitation on who may, in the future, become a party to the contract, details of the limitation;
 - (iii) the date of the contract;
 - (c) the following information in relation to the retirement village scheme:
 - (i) the name and location of the retirement village;
 - (ii) details of the certificates of title for the land on which the retirement village is situated, including—
 - (A) the volume and folio numbers; and
 - (B) the name of the owner in fee simple of the land registered on the certificates of title; and
 - (C) if the land is subject to a mortgage or charge—the name of the holder of the mortgage or charge; and
 - (D) the endorsement on the certificates of title as required by section 56 of the Act; and
 - (E) any other endorsement on the certificates of title;
 - (iii) the form of tenure that will apply to the resident, being—
 - (A) community title; or
 - (B) strata title; or
 - (C) lease; or

- (D) licence to occupy; or
 - (E) some other form of tenure (with a full description),
and the terms and conditions of the tenure;
- (d) the following information in relation to the residence in the retirement village to be occupied by the resident:
 - (i) a description (in reasonable detail) of the features of the residence;
 - (ii) a plan of the residence showing significant dimensions;
 - (iii) a plan of the retirement village showing the location of the residence in the retirement village and any separate facilities allocated to the resident;
- (e) details of the facilities available in the retirement village, including—
 - (i) communal facilities available to all residents; and
 - (ii) any separate facilities allocated to the resident; and
 - (iii) if additional facilities are to be provided to the resident—
 - (A) any work that is to be undertaken in relation to the provision of those facilities; and
 - (B) the cost of the work to be undertaken;
- (f) details of services available to residents in the retirement village, including—
 - (i) services provided to all residents (payment for which is by a recurrent charge); and
 - (ii) optional personal services available to residents (payment for which would be by an additional recurrent charge), specifying any such services to be provided to the resident;
- (g) the following financial information about the retirement village scheme:
 - (i) in relation to the ingoing contribution to be paid by the resident—
 - (A) the amount of the ingoing contribution; and
 - (B) the basis on which the ingoing contribution is to be paid; and
 - (C) the date (or, in the case of progress payments, the dates) on which the ingoing contribution is payable;
 - (ii) in relation to recurrent charges payable by the resident—
 - (A) the amount of each recurrent charge and how that amount is calculated; and
 - (B) the reason for each recurrent charge; and
 - (C) when each recurrent charge becomes payable; and
 - (D) if a recurrent charge may be varied by the operator—
 - the date on which the charge was last varied; and

- the estimated date on which the charge will next be varied; and
 - the period of notice to be given to the resident before a variation will come into force; and
 - (E) recurrent charges (if any) that will continue to be payable if the resident is absent or leaves the retirement village which may include maintenance charges or charges for additional personal services provided to the resident (such as a cleaning service or the provision of meals);
 - (iii) in relation to funds established by the operator to which the resident will be required to contribute—
 - (A) the purpose of each fund; and
 - (B) the amount required to be contributed by the resident to each fund; and
 - (C) when the resident will be required to contribute to each fund;
 - (iv) the terms and conditions under which the exit entitlement will be paid and the manner in which the exit entitlement will be calculated including—
 - (A) the formula for calculating the payment; and
 - (B) the fees and charges that may be deducted from the amount of the payment; and
 - (C) the conditions that must be met before the payment will be made; and
 - (D) when, how and to whom the refund will be made;
 - (v) any fee or charge payable in relation to remarketing, including the manner of calculation of such fees or charges;
 - (vi) when, in relation to the retirement village scheme, the financial year begins and ends;
 - (vii) a copy of the surplus and deficit policy of the retirement village scheme;
- (h) the following information in relation to the resident's settling-in period:
- (i) when the settling-in period begins and ends;
 - (ii) the fees and charges for which the resident will be responsible during the settling-in period;
 - (iii) a statement of the provisions in section 44(5) to (7) of the Act, including a statement of what payments the resident may be required to make if the resident terminates the contract during the settling-in period;
- (i) the following information in relation to any development of the retirement village being undertaken, or planned, as at the date of the contract:

- (i) the number (if any) of residences under construction or to be constructed and the estimated completion date;
 - (ii) any communal facilities under construction or to be constructed and the estimated completion date;
 - (iii) any landscaping being undertaken or to be undertaken and the estimated completion date;
 - (iv) if development approval is required under the *Planning, Development and Infrastructure Act 2016*—details of the approvals granted and any conditions of the approvals;
 - (v) a statement of the provisions in section 37 of the Act, including details of consultation with residents that must occur before any future redevelopment of the retirement village may commence;
- (j) procedures for the resolution of a dispute within the retirement village, including a statement of the provisions in section 45 of the Act;
- (k) the following information in relation to any trustee in respect of a retirement village scheme:
- (i) the name and address of the trustee;
 - (ii) the terms and conditions on which the trustee has been appointed for the purposes of the retirement village scheme (insofar as any such trustee is involved in holding money paid by the resident on trust, or is available or responsible to represent the interests of the resident);
 - (iii) the assistance available to residents from the trustee;
 - (iv) how the trustee's fees are to be paid;
- (l) the action to be taken to terminate the contract, the steps (if any) that a party agrees to undertake after a termination, and a statement of the provisions in section 44 of the Act;
- (m) any other information that is agreed between the parties.

6—Disclosure statement (section 21 of Act)

For the purposes of section 21(1) of the Act, it is a requirement that a disclosure statement must be in the form set out in Schedule 2.

7—Exit entitlements (section 27 of Act)

- (1) For the purposes of section 27(4)(a) of the Act, a resident who gives notice to an operator in accordance with section 27(3) of the Act is taken to have agreed to comply with a requirement (the *prescribed requirement*) that, if the resident subsequently withdraws the notice (in accordance with section 27(4)(b) of the Act), the resident must pay all remarketing costs incurred during the period commencing on the day on which the notice is given and ending on the day on which the notice is withdrawn (and must permit such an amount to be deducted from any exit entitlement to be paid to the resident).

- (2) For the purposes of section 27(5)(d) of the Act, the prescribed period is—
- (a) in the case of an amount that becomes payable to a person in accordance with section 27(2)(b)(i) of the Act— the period commencing when the resident ceases to reside in a residence in a retirement village and ending 3 months before an exit entitlement becomes payable in accordance with section 27(2)(b)(i) of the Act;
 - (b) in the case of an amount that becomes payable to a person in accordance with section 27(2)(b)(ii) of the Act—the period commencing when the resident gives the operator a notice in accordance with section 27(3) of the Act (being a notice that has not since been withdrawn in accordance with section 27(4)(b) of the Act) and ending 3 months before an exit entitlement becomes payable in accordance with section 27(2)(b)(ii) of the Act.
- (3) For the purposes of section 27(16) of the Act, if a resident requires the operator to obtain an independent valuation, the valuation must be undertaken by a person authorised to carry on business as a land valuer under the *Land Valuers Act 1994*.

8—Evidence required if resident leaves to enter residential aged care facility (section 30 of Act)

For the purposes of section 30(2) of the Act, the operator may require a resident to provide to the operator evidence of the value of the resident's income and assets as determined by the Secretary under the *Aged Care Act 1997* of the Commonwealth.

9—Resident's rights in relation to remarketing (section 32 of Act)

- (1) For the purposes of section 32 of the Act, a resident is entitled to participate in the remarketing of a residence in accordance with the scheme set out in this regulation.
- (2) If the conditions set out in section 32 of the Act are satisfied, the following provisions apply:
- (a) a resident may appoint an agent of the resident's choice in relation to the sale of a right of occupation of the residence;
 - (b) if a person is appointed as an agent in relation to a sale of a right of occupation under this regulation—
 - (i) the resident must notify the operator in writing of—
 - (A) the name and contact details of the agent; and
 - (B) any changes to—
 - the appointment of the agent; and
 - the contact details of the agent; and
 - (C) any offers to purchase the right of occupation as soon as practicable after an offer is made; and
 - (ii) the resident is liable to pay agent's costs and the commission (if any) on the sale;
 - (c) the resident must comply with any reasonable request of the operator in relation to the remarketing of the residence undertaken by an agent;

- (d) an operator must not interfere with the remarketing of a residence by an agent appointed by a resident unless—
 - (i) the remarketing would cause the operator to be in breach of the operator's obligations under the Act; or
 - (ii) the remarketing would otherwise interfere with the peace or comfort of another resident of the retirement village;
 - (e) a person claiming under a resident is entitled to participate in the remarketing of the residence under this subregulation as if the person were the resident.
- (3) This regulation does not prevent an operator from continuing to remarket a residence in accordance with the operator's remarketing policy.

10—Standards and principles for financial information (sections 33 and 40 of Act)

- (1) For the purposes of section 33(7)(a) of the Act, information provided by an operator to a resident of a retirement village under section 33(6)(a) of the Act must be in a form that—
- (a) shows specific information for the retirement village (and, if the retirement village has more than 1 site, must specifically relate to the site at which the resident resides); and
 - (b) accords with generally accepted accounting standards.
- (2) For the purposes of section 33(10) of the Act, an audit of information required to be provided by an operator to a resident under section 33 of the Act must be conducted by a registered company auditor within the meaning of the *Corporations Act 2001* of the Commonwealth.
- (3) For the purposes of section 40(4) of the Act, information provided by an operator to a resident or residents' committee under section 40(1) of the Act must be in a form that—
- (a) shows specific information for the retirement village (and, if the retirement village has more than 1 site, must specifically relate to the site at which the resident resides); and
 - (b) accords with generally accepted accounting standards.

11—Meetings of residents (section 33 of Act)

- (1) For the purposes of section 33(6)(a)(vi) of the Act, a notice convening an annual meeting for a retirement village must be accompanied by an audited statement of accounts showing the following information:
- (a) the proportion (if any) of the amount of any ingoing contribution received during the previous financial year used, or to be used, for purposes similar to those for which recurrent charges are used;
 - (b) the amount of money received from residents and held in reserve for the establishment, or maintenance, refurbishment or replacement, of facilities at the retirement village, stating the payments made from those reserves during the previous financial year;

- (c) the amount of any expenditure during the previous financial year for which residents were, or will be, liable, being expenditure not otherwise accounted for under this regulation or section 33(6) of the Act.
- (2) The minutes of a meeting convened under section 33 of the Act must include—
- (a) a copy of any written questions submitted under section 33(6)(b) of the Act; and
 - (b) a record of the questions asked at a meeting,
- and the detailed written answer to any such questions.

12—Residents' committees (section 38 of Act)

- (1) A residents' committee—
- (a) may convene a meeting of the residents' committee at any time; and
 - (b) may convene a meeting of residents at any time; and
 - (c) must convene a meeting of residents on an annual basis.
- (2) The following provisions apply in relation to the annual meeting of residents convened by a residents' committee:
- (a) the annual meeting will be convened in accordance with section 33(5) of the Act;
 - (b) a notice convening the annual meeting must be accompanied by a statement of accounts showing the committee's income and expenditure in respect of the previous financial year, which must be signed by a person (not being a person who was a member of the residents' committee in the financial year to which the accounts relate) who has verified the accuracy of the accounts;
 - (c) the election of members of a residents' committee must be held at the annual meeting.
- (3) The following provisions apply with respect to the procedure for voting at a meeting of residents convened by a residents' committee:
- (a) subject to paragraph (c), each resident present at a meeting has 1 vote on any question arising for decision at the meeting;
 - (b) a resident may exercise an absentee vote on a question arising for decision at the meeting by giving the residents' committee written notice of the proposed vote at least 24 hours before the time of the meeting;
 - (c) if 2 or more residents are in occupation of the same residence in a retirement village, only 1 of them may exercise a vote at a meeting and if more than 1 purport to vote, the person presiding at the meeting may determine which vote is to be recognised.
- (4) A residents' committee must—
- (a) cause accurate minutes to be kept of proceedings at a residents' committee meeting; and
 - (b) within 10 business days after each residents' committee meeting—

- (i) make the minutes available for inspection by residents in a manner that is easily accessible to residents; and
 - (ii) provide a copy of the minutes to the operator of the retirement village; and
 - (c) ensure that the minutes do not disclose personal information regarding residents.
- (5) A record of the minutes of a residents' committee meeting must be retained by the residents' committee for the retirement village for at least 7 years, and if there is no residents' committee for the retirement village, the operator must retain the record of the minutes.
- (6) If a residents' committee appoints a sub-committee, each sub-committee must, when requested to do so by the residents' committee, provide a report on its activities to the residents' committee.
- (7) A residents' committee must undertake reasonable consultation with residents before determining or amending its procedures.

13—Information about manager to be supplied to residents (section 43 of Act)

For the purposes of section 43 of the Act, the operator of a retirement village must, within 10 business days after—

- (a) the employment or engagement of each village manager and any senior manager of the retirement village; or
- (b) any change in details previously provided to a resident under section 43 of the Act, provide written notice of such information to each resident in the retirement village.

14—Termination of residents' rights (section 44 of Act)

A notice under section 44(12) of the Act (a *termination notice*) given to the resident by the operator of the retirement village—

- (a) must include the following information:
 - (i) the name and address of the operator;
 - (ii) the name and address of the retirement village;
 - (iii) the name of the resident;
 - (iv) that—
 - (A) the resident is being given notice of the decision by the operator to terminate the resident's right of occupation of a residence in the retirement village and the reasons for the decision; and
 - (B) the decision is not effective until confirmed by the Tribunal; and
 - (C) the resident will be notified of the time and place of the hearing of the Tribunal and will be entitled to attend and present matters related to the proposed termination; and

- (D) if the Tribunal confirms the decision to terminate—the Tribunal will set a date by which the resident must leave the retirement village; and
- (b) must be signed and dated by the operator (or by a person duly authorised to act on behalf of the operator).

Part 3—Miscellaneous

15—Residence rules

The residence rules—

- (a) must relate to the use of the retirement village to ensure the enjoyment of the retirement village by all residents; and
- (b) must at least address the following:
 - (i) visitors to the retirement village or a residence in the retirement village, including visitors who stay in a residence in the retirement village overnight or on a short or long term basis;
 - (ii) noise within the retirement village;
 - (iii) the parking of vehicles within the retirement village;
 - (iv) the collection and disposal of rubbish;
 - (v) pets;
 - (vi) gardens and landscaping within the retirement village;
 - (vii) the use and operation of services and facilities in the retirement village (including restrictions on the use and operation of services).

16—Vacated premises report

- (1) The operator of a retirement village must, not more than 10 business days after a person ceases to reside in a residence in a retirement village, complete a vacated premises report providing detailed information about the condition of the fixtures, fittings and furnishings provided in the residence.
- (2) The vacated premises report must—
 - (a) be in writing; and
 - (b) be signed by, or on behalf of, the operator; and
 - (c) be signed by, or on behalf of, the person if it is reasonably practicable to do so in all the circumstances.

17—Remarketing policy

- (1) The operator's remarketing policy must include or address at least the following matters:
 - (a) a requirement that the operator of a retirement village will act under the remarketing policy as soon as a resident gives an operator notice under section 27(3) of the Act of the decision of the resident (the *outgoing resident*) to vacate the residence (or of any other circumstance that means that the resident will no longer be residing in the retirement village);
 - (b) arrangements to meet with the outgoing resident, or an agent, nominated person or personal representative of the outgoing resident, to view the residence, and explain and discuss the remarketing process (unless this is not reasonably practicable to do in view of the resident's circumstances);
 - (c) procedures to identify any work that should be undertaken to ensure that the residence is in a reasonable condition for remarketing, and to determine when and how any such work will be undertaken, and who will be responsible for organising the work, and for the cost of the work;
 - (d) the fixing of the price at which the residence will initially be remarketed, and when and how changes to that price will be considered and made;
 - (e) the type, level and frequency of advertising that will be undertaken in relation to the marketing of the residence;
 - (f) who will be responsible for any costs associated with the valuation of the residence, advertising, and other relevant matters, and how such costs are to be calculated or determined;
 - (g) what will be required of the outgoing resident in relation to the remarketing of the residence, and the extent to which the resident may or will assume responsibility for any aspect of the remarketing process in accordance with regulation 9;
 - (h) guidelines to be followed by a resident who gives an operator notice under section 27(3) of the Act which must include—
 - (i) how inspections of the residence by prospective residents will be managed by the operator; and
 - (ii) requirements relating to the presentation of the residence for inspection; and
 - (iii) a date on which the resident is required to provide vacant possession of the residence prior to settlement if a residence is sold or relicensed before the period of 18 months has elapsed since the resident gave the operator a notice in accordance with section 27(3) of the Act (which must be reasonable in all the circumstances); and
 - (iv) any other matter that is reasonable to include in the guidelines;
 - (i) a requirement that the operator provide the resident with a monthly report on the following matters:
 - (i) what advertising has been undertaken in relation to the residence and the retirement village;

- (ii) the number of inquiries about the sale of the residence received by the operator;
 - (iii) the number of people who have viewed the residence;
 - (iv) the number of other residences for sale in the retirement village;
 - (v) the number of residences in the retirement village sold or relicensed in the preceding month;
 - (j) a requirement that if new residences within the retirement village are on the market at the same time, the operator must at least match the level of marketing for the residence of the outgoing resident that applies to those new residences;
 - (k) what steps are to be undertaken by—
 - (i) the operator; and
 - (ii) the outgoing resident,when the residence is sold or relicensed;
 - (l) settlement procedures, including that fees, charges and costs will be deducted by the operator at the time of settlement, and the provision to the outgoing resident of a statement at (or at an appropriate time after) the settlement of such fees, charges and costs.
- (2) Any fees, charges and costs set out in a remarketing policy must not be inconsistent with the fees, charges and costs in relation to remarketing set out in a residence contract or a disclosure statement.

18—Dispute resolution policy (section 45 of Act)

For the purposes of section 45(2) of the Act, a dispute resolution policy must include or address at least the following matters:

- (a) the name of the person representing the operator of the retirement village that a resident may contact in the event of a dispute;
- (b) the manner in which a complaint may be made by a resident;
- (c) how a dispute will be handled once a resident makes a complaint, including that an operator will respond within a time that must be specified in the dispute resolution policy;
- (d) the manner in which a resident may resolve a dispute with another resident;
- (e) the persons or bodies from whom a resident may seek advice in the event of a dispute;
- (f) that a resident may apply to the Tribunal if a resident is not satisfied with a response to a complaint;
- (g) a requirement that the operator keep a written record of—
 - (i) the complaint made by the resident; and
 - (ii) any response to the complaint provided by the operator; and
 - (iii) any resolution of the dispute agreed by the operator and the resident; and

- (iv) any other correspondence received or sent by the operator relating to the dispute;
- (h) the manner in which the operator will communicate with a resident in response to a complaint;
- (i) that a resident has the right to be accompanied by a person chosen by the resident at any meeting held to resolve the dispute;
- (j) procedures for variation of the dispute resolution policy which provide that variation will only occur with the agreement of a majority of the residents in the retirement village.

19—Endorsement of certificates of title (section 56 of Act)

An application to the Registrar-General under section 56(2) or (5) of the Act—

- (a) must be in a form determined by the Registrar-General; and
- (b) must be certified in accordance with section 273(1) of the *Real Property Act 1886*; and
- (c) must be accompanied by the appropriate fee under the *Real Property Regulations 2009*.

20—Offence

A person who breaches, or fails to comply with, a provision of these regulations is guilty of an offence.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Schedule 1—Operator and Residents Code of Conduct

1—Conduct of operator

The operator of a retirement village must—

- (a) not interfere with residents' self-reliance and autonomy in their personal, domestic and financial affairs; and
- (b) take reasonable steps to ensure that the retirement village is safe and secure; and
- (c) not harass or intimidate residents of the retirement village; and
- (d) respect the peace, comfort and privacy of residents; and
- (e) take reasonable steps to ensure that residents comply with the residence rules; and
- (f) acknowledge, within a reasonable time, requests from residents for repairs and maintenance of the retirement village; and
- (g) consult residents in relation to the financial affairs of the retirement village; and
- (h) take reasonable steps to ensure that a resident has access to information held by the operator about that resident; and

- (i) allow a resident to appoint, in writing, an agent to receive notices and documents on the resident's behalf.

2—Conduct of residents

The residents in a retirement village must—

- (a) respect the peace, comfort and privacy of other residents and persons in the retirement village; and
- (b) not harass or intimidate other residents and persons in the retirement village (including the operator and any person employed in the retirement village scheme); and
- (c) not act in a manner that may place the safety of other residents and persons in the retirement village at risk of harm; and
- (d) comply with the residence rules.

3—Fees for preparation and provision of certain documents

The operator of a retirement village must not charge a fee for the preparation or provision of—

- (a) a document required under section 22 of the Act to be given to a person before the person enters into a residence contract; or
- (b) a premises condition report required under section 23 of the Act to be given to a person who enters into occupation of a residence in a retirement village.

4—Surplus and deficit policy

The operator of a retirement village must not make changes to a surplus and deficit policy forming part of a residence contract in relation to the retirement village unless—

- (a) the changes are approved by a special resolution at a meeting of residents; and
- (b) an amended surplus and deficit policy incorporating the approved changes is, within 10 business days of the meeting of residents approving the changes, provided to each resident of the retirement village (or if 2 or more residents reside in a residence, each residence in the retirement village).

5—Operator to consult with residents' committee

The operator of a retirement village must undertake reasonable consultation with a residents' committee established under section 38 of the Act in relation to the following matters:

- (a) maintenance issues raised to the residents' committee by residents;
- (b) any proposed change to a service or facility provided at the retirement village that is reasonably expected to result in—
 - (i) increased costs to residents beyond any increase shown in the information provided to residents under section 33(6) of the Act; or
 - (ii) a loss of amenity;

- (c) any proposal to alter or improve a building, fixture or fitting if residents will be expected to finance some or all of the capital or recurrent costs of the work, except if—
 - (i) the costs have already been included in the information provided under section 33(6) of the Act; or
 - (ii) the costs will not exceed \$5 000 in total;
- (d) the distribution of information to residents;
- (e) the establishment of social or recreational programs at the retirement village;
- (f) the appointment of a trustee (or new trustee) for the purposes of the retirement village scheme, or any proposal to alter the functions or duties of such a trustee;
- (g) any other matter agreed between the committee and the operator.

6—Operator to consult with residents

- (1) The operator of a retirement village must, in addition to the requirements of the Act and clause 5, take steps to ensure that there is reasonable consultation with residents of the retirement village in relation to any matter that could have a significant impact on their financial affairs, the amenity of the retirement village or their way of life, including (without limitation) the following:
 - (a) any changes to the operator's dispute resolution policy;
 - (b) establishing a disputes committee in connection with the operator's dispute resolution policy;
 - (c) any changes to the residence rules;
 - (d) any changes to the operator's remarketing policy.
- (2) For the purpose of subclause (1), an operator will be taken to have taken steps to ensure reasonable consultation with residents of the retirement village if the operator at least—
 - (a) notifies residents in relation to any matter that could have a significant impact on their financial affairs, the amenity of the retirement village or their way of life; and
 - (b) provides residents with an opportunity to respond to such matters within a reasonable time; and
 - (c) considers any response provided by residents.

Schedule 2—Form of disclosure statement

Form—*Retirement Villages Act 2016*

Note—

- (i) *the disclosure statement is not a replacement for the residence contract but is intended only as a summary of certain information contained in the contract; and*
- (ii) *prospective residents must ensure that they understand the terms of the residence contract; and*
- (iii) *it is recommended that prospective residents seek legal and financial advice in relation to the residence contract.*

Name of operator:*[insert name]*

Name and address of retirement village:*[insert name and location of the retirement village]*

Name of prospective resident:*[insert name of prospective resident or residents]*

Description of residence:*[insert description of the particular residence to be occupied by the resident]*

Residence completion date:*[if residence is to be constructed or is under construction, insert anticipated completion date of the construction]*

Insurance arrangements in place for the retirement village:*[insert name of insurer and type of insurance]*

Fees and charges prior to occupation

Ingoing contribution:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Other fees and charges:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Due on:*[insert date or dates on which fees and charges are due]*

Fees and charges during occupation

Recurrent charges:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Fees and charges for additional or personal services and facilities:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Other fees and charges under the contract:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Utilities, services or facilities provided or available to residents in which the operator has an interest or in relation to which the operator would obtain a fee or reward:*[eg. electricity, Internet or telephone]*

Other fees and charges relating to occupation of the residence for which the resident is responsible:*[eg. electricity, council rates, water or gas for which the resident is responsible, in addition to recurrent charges]*

Note—

A resident may be required to pay a fee, charge or other amount to the operator to enable the operator to recover an unforeseen expense of the retirement village (a special levy).

Fees and charges on vacating the retirement village

Manner of calculation of exit entitlement

Manner of calculation of amount from which exit fees will be deducted:

[eg. whether the repayment is based on the ingoing contribution, the ingoing contribution of the next resident or on some other basis, and whether the resident will share in any capital gain or loss]

Fees and charges

Termination during settling-in period

Amount of fair market rent determined under section 44(5)(a) of the Act:*[insert amount]*

Any other fees or charges:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Termination after settling-in period

Exit fees:*[including, for example, any deferred management fees, refurbishment costs and remarketing costs. Include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Any other fees or charges:*[including, for example, fees for which a resident remains responsible until after the resident ceases to reside in the retirement village. Include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Note—

Exit fee means the amount of money that is, under a residence contract, payable by a resident of a retirement village on the resident ceasing to reside in the retirement village or on the sale of the resident's right to reside in the retirement village.

Timing of payment of exit entitlement

Timing of payment under residence contract:*[when a resident will be entitled to payment of an exit entitlement, eg. on relicensing of the residence, sale of the resident's right to reside in a residence at the retirement village or some other event]*

Note—

Section 30 of the Act provides that if a resident leaves to enter residential aged care, the resident may apply to the operator for daily accommodation payments to be made to the relevant aged care facility (up to a limit determined under the section), if the resident meets the requirements set out in that section. If this occurs, the operator may recover the amounts paid by deducting them from the exit entitlement.

Section 27 of the Act provides for the circumstances in which a resident may recover the amount of an exit entitlement as a debt from the operator, including if a period of 18 months has elapsed since the resident has ceased to reside in the retirement village.

Acknowledgement of receipt of disclosure statement

Signature of operator:

Date:

Signature of resident:

Date:

Schedule 3—Transitional regulation—surplus and deficit policy

For the purposes of Schedule 2, clause 11(4) of the Act, if an operator fails to adopt a policy as required by Schedule 2, clause 11 of the Act, the operator will be taken to have adopted the policy that a surplus or a deficit must be accounted for in the statement of accounts in respect of the financial year following the year in which the surplus or deficit is incurred.

Schedule 4—Transitional regulations—Schedule 2 clause 14 of Act

1—Remarketing policy

A remarketing policy given to a resident by the operator of a retirement village before the commencement of the Act continues to apply unless the resident agrees to any changes to the remarketing policy in accordance with the procedure set out in clause 6 of Schedule 1 of these regulations.

2—Lease of land in retirement village

A lease or a licence to occupy land entered into before the commencement of the Act by the operator of a retirement village under section 34 of the *Retirement Villages Act 1987* continues despite the provisions of section 57(1) of the Act.

Schedule 5—Revocation of *Retirement Villages Regulations 2006*

The *Retirement Villages Regulations 2006* are revoked.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 245 of 2017

HEAC-2017-00040

South Australia

Retirement Villages (Fees) Regulations 2017

under the *Retirement Villages Act 2016*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Fees

Schedule 1—Fees

1—Short title

These regulations may be cited as the *Retirement Villages (Fees) Regulations 2017*.

2—Commencement

These regulations will come into operation on 1 January 2018.

3—Interpretation

In these regulations—

Act means the *Retirement Villages Act 2016*.

4—Fees

Fees payable under the Act are set out in Schedule 1.

Schedule 1—Fees

1	Application for exemption under section 5(2) of the Act	\$309.00
2	Notification of information required for register under section 13 of the Act in relation to a retirement village—	
	• if the retirement village comprises not more than 10 residences	\$18.10
	• if the retirement village comprises more than 10 residences but not more than 50 residences	\$49.25
	• if the retirement village comprises more than 50 residences but not more than 150 residences	\$185.00
	• if the retirement village comprises more than 150 residences but not more than 300 residences	\$494.00
	• if the retirement village comprises more than 300 residences	\$619.00

3	Notification of additional stage within a retirement village	\$62.00
4	Application for exemption under section 26(2) of the Act	\$98.50
5	Application for authorisation under section 57(3) of the Act	\$98.50

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

No 246 of 2017

HEAC-2017-00040