

South Australia

**Fisheries (Prohibition of Net Fishing in Gulf St Vincent) Amendment Bill 2004**

A BILL FOR

An Act to amend the *Fisheries Act 1982*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Fisheries (Prohibition of Net Fishing in Gulf St Vincent) Amendment Act 2004*.

#### 5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Fisheries Act 1982*

#### 3—Substitution of section 41

10 Section 41—delete the section and substitute:

#### 41—Offence of engaging in certain fishing activities

- (1) A person must not take fish by using a fish net in the Gulf St. Vincent.

15 Penalty: For a first offence—division 7 fine; for a second offence—division 6 fine; for a subsequent offence—division 5 fine.

Expiation fee: Division 10 fee.

- (2) Subsection (1) does not apply in relation to the taking of blue crab (*Portunus pelagicus*), western king prawn (*Penaeus latisulcatus*) or southern rock lobster (*Jasus edwardsii*) pursuant to a fishery licence.
  - (3) It is a defence to a charge of an offence against subsection (1) if the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.
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- (4) A person must not engage in a fishing activity of a prescribed class.  
Penalty: For a first offence—division 7 fine; for a second offence—  
division 6 fine; for a subsequent offence—division 5 fine.  
Expiation fee: A fee determined in accordance with the regulations.

5 (5) In this section—

*fish net* means a device of a kind declared by the regulations to be a fish net for the purposes of this section;

10 *Gulf St Vincent* means the waters within the area bounded by a line commencing at the intersection of the southern shore of Yorke Peninsula at high water mark with the meridian 137° east longitude, then proceeding due south along that meridian to its intersection with the northern shore of Kangaroo Island at high water mark, then easterly along that shore at high water mark to Cape St. Alban (latitude 35°48.7' south, longitude 138°07.4' east), then in a direction  
15 of 030°T to Porpoise Head on the southern shore of Fleurieu Peninsula (latitude 35°39.6' south, longitude 138°13.6' east), then along the high water mark of the eastern and western shoreline of Gulf St. Vincent back to the point of commencement.

## **Part 3—Review of operation of Act**

### **4—Review of certain provisions**

- (1) The Minister must—
- (a) cause a review of the operation of section 41 (other than subsection (4)) of the *Fisheries Act 1982* (as substituted by this Act) to be undertaken as soon as possible after the fifth anniversary of the commencement of this Act; and
- 25 (b) cause a report on the outcome of the review to be prepared and submitted to him or her.
- (2) The Minister must, within 6 sitting days after receiving the report, cause a copy of the report to be laid before both Houses of Parliament.