

South Australia

FISHERIES (GENERAL) REGULATIONS 2000

REGULATIONS UNDER THE FISHERIES ACT 1982*Fisheries (General) Regulations 2000*

being

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¹ Came into operation 1 September 2000: reg. 2.

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PART 1
PRELIMINARY

Citation

1. These regulations may be cited as the *Fisheries (General) Regulations 2000*.

Commencement

2. These regulations will come into operation on 1 September 2000.

Revocation

3. The *Fisheries (General) Regulations 1984* (see *Gazette* 28 June 1984 p. 1947), as varied, are revoked.

Interpretation

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

"Act" means the *Fisheries Act 1982*;

"**coastal waters**" means the waters of the ocean and all bays, gulfs, straits, passages, inlets and estuaries of the State that are subject to the tidal influence of the sea; but does not include Coorong (area 1), Coorong (area 2) and Lake George;

"**cockle rake**" means a device designed and constructed to be held in the hand and consisting of a pole attached to one end of which is—

(a) a cross-bar mounted upon which is a rake; and

(b) a net bag;

"**continuous brake power rating**", in relation to an engine of a boat, means the continuous brake power rating of the engine as stated by the engine manufacturer's specifications and in accordance with Australian Standard 4594-1999 published by Standards Australia;

"**Coorong**" means that area of water known as the Coorong, separated from that area of water known as the 'Lower Murray' at Goolwa, and from Lake Alexandrina, by the barrages known as the Goolwa, Mundoo, Boundary Creek, Ewe Island and Tauwitchere Barrages, and separated from the ocean by Sir Richard Peninsula and Youngusband Peninsula and by the geodesic from the mouth of the River Murray where it enters the ocean from high water mark on the seaward side of the headland of Sir Richard Peninsula to high water mark on the seaward side of the headland of Youngusband Peninsula;

"**Coorong (area 1)**" means the waters of the Coorong separated from that area of water known as the 'Lower Murray' at Goolwa, and from Lake Alexandrina, by the barrages known as the Goolwa, Mundoo, Boundary Creek, Ewe Island and Tauwitchere Barrages, separated from the waters of the Coorong south east of Tauwitchere Barrage by a straight line drawn westerly from Pelican Point to Gnurlung Point on Youngusband Peninsula, and separated from the ocean by Sir Richard Peninsula and Youngusband Peninsula and the geodesic from the mouth of the River Murray where it enters the ocean from high water mark on the seaward side of the headland of Sir Richard Peninsula to high water mark on the seaward side of the headland of Youngusband Peninsula;

"**Coorong (area 2)**" means the waters of the Coorong bounded at its north western extremity by a straight line drawn westerly from Pelican Point to Gnurlung Point on Younghusband Peninsula, then in a generally south easterly direction to the most southerly limit of the lagoon proper, and separated from the ocean by the Younghusband Peninsula;

"**Coorong coastal waters**" means the waters of the ocean from position latitude 35° 31.3' south, longitude 138° 46.3' east (Goolwa Beach Road) to position latitude 36° 49.7' south, longitude 139° 51.1' east (Kingston Jetty);

"**crab net**" means a hoop net or drop net that is designed and constructed for the purpose of taking blue crabs (*Portunus pelagicus*);

"**crab pot**" means a fish trap that—

- (a) is designed and constructed for the purpose of taking blue crabs (*Portunus pelagicus*); 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 and constructed to be held in the hand and consisting of a pole attached to one end of which is—

- (a) a cross-bar mounted on which is a rake; and
- (b) a circular metal framed mesh;

"**depth**", in relation to a net, means the distance from the cork line, buoyant line or other line on which the net is slung to the lead line or to the bottom of the net if there is no lead line such distance to be measured when the cork line, buoyant line or other line on which the net is slung is taut and the lead line or the bottom of the net, if there is no lead line, is hanging free and out of water;

"**drop line**" means a device consisting of a length of line with hooks attached by snoods along its length and that is anchored by a weight, buoyed at the surface and deployed vertically through the water;

"**drop net**" means a net that consists of two hoops, the top hoop having a diameter not smaller than that of the bottom hoop, to which netting is attached so as to form a cylindrical bag or cone shaped bag;

"**drum net**" means a fish trap consisting of mesh supported by three large diameter bands to form a body or shape which is closed at one end and a cove at the other;

"**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;

"**fishing reach**" means a reach of the River Murray proper in which the holder of a fishery licence in respect of the River Fishery may, pursuant to that licence, take fish for the purpose of trade or business;

"**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 any device that is designed and constructed to trap fish and has an entrance or cove;

"**fyke net**" means a fish trap consisting of a series of large diameter rings which support mesh on the exterior and a series of coves along the interior with a wing or wings at one 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;

"**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;

"**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 three fishing hooks are attached (for the purpose of this definition not more than five hooks joined by threading the point of one through the eye of another, or by fastening their shanks together will be taken to be one hook);

"**hauling net**" means a net hauled by a rope one end of which is securely anchored to the sea bed or attached to a securely anchored boat or securely attached to the shore;

"**hoop net**" means a net consisting of one 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 one 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;

"**Lakes Albert and Alexandrina**" means all of the waters of Lake Albert and Lake Alexandrina situated downstream of the punt that services the main road joining the township of Wellington to the township of Wellington East, and separated from the Coorong by land and by the barrages known as Goolwa, Boundary Creek, Ewe Island and Tauwitchere Barrages, and includes those waters of the Finnis River and Currency Creek situated upstream from Lake Alexandrina to the first road bridge by which they are crossed;

"**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;

"**length**", 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 the purpose of trade or business, is engaged in a fishing activity of a class that constitutes the fishery in respect of which the person holds a licence; or
- (b) a person acting as the agent of a holder of such a licence;

"**long line**" means a length of line to which is attached one or more traces or hooks and which is anchored and buoyed at one or both ends;

"**mesh net**" means a net designed and constructed to enmesh fish;

"**Murray cod**" means Murray cod (*Maccullochella peeli*);

"**Murray Mouth**" means those waters within 500 metres from any point on the geodesic from a point at high water mark on the most south-easterly corner from the seaward side of Younghusband Peninsula to a point at high water mark on the most south-westerly corner from the seaward side of Sir Richard 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 one metre wide; and

- (c) has attached to it a net not more than one metre deep;

"**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 mesh net, a hand net (including a dab net, dip net or shrimp net), hand fish spear, spear gun, bow and arrow other than a crossbow, set line, drum net, shrimp trap, mussel dredge, rock lobster pot, rock lobster snare, yabbie pot, drop net, hoop net, bait pump, bait fork, bait spade, razor fish tongs, crab rake, crab net, scallop dredge, cockle net and cockle rake squid jig;

"**pilchard net**" means a purse seine net that—

- (a) is no more than 600 metres in length; and
- (b) is no more than 100 metres in depth; and
- (c) has a minimum mesh size of 16 millimetres; and
- (d) has a maximum mesh size of 20 millimetres;

"**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 one boat is used to haul the net; and
- (c) one 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) one end of the net is being hauled back to the other end;

"**prawn**" means western king prawn (*Penaeus latisulcatus*);

"**prawn trawl net**" means a trawl net that is designed and constructed for the taking of prawn;

"**purse seine net**" means a long winged hauling net with a bunt and a pursing line attached by rings to the bottom mesh or foot rope;

"**revoked regulations**" means the regulations revoked by regulation 3;

"**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 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 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 three fishing hooks attached to it (and for the purpose of this definition not more than five hooks joined by threading the point of one through the eye of another or by fastening their shanks to each other will be taken to be one hook);

"**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;

"**set line**" includes any device using hooks and known as a cross line, springer, side line, long line or buoyed line;

"**set net**" means any 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 and 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;

"**spear gun**" means a device for spearing fish consisting of a spear and an apparatus for discharging the spear by means of explosive, spring or elastic material or other mechanical means;

"**swinger net**" means a non-static gill net with a rope attached which rope is anchored to the shore so as to enable the net to drift with the aid of offshore and longshore currents;

"**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 are undersize as determined in accordance with Schedule 6 but does not include—

- (a) flounder (Family Pleuronectidae) (Family Bothidae) taken by an unlicensed person; or
- (b) fish taken by a person under the *Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 2000* from a fish farming operation in respect of which the person is registered;

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

"**waters of the State**" means all the waters to which the Act applies;

"**yabbie pot**" means a fish trap designed and constructed for the purpose of taking yabbie (*Cherax destructor*).

(2) In these regulations, a reference to the taking of fish or a particular species of fish is to be taken to include any act that is preparatory to or involved in the taking of that fish or species of fish, whether or not any such fish or species of fish have been taken.

(3) In these regulations, 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—

- (a) to take fish; and
- (b) in or as part of any act preparatory to, or involved in, the taking of fish.

(4) In these regulations, a reference to a person "carrying a device" includes a reference to—

- (a) having the device on or about his or her person; or
- (b) having the device so near to his or her person that he or she is able to exercise physical control over the device.

(5) 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 one 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 five minutes; and
 - (ii) immediately after soaking a weight of 1.5 kilograms must be attached or slung to one 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.

(6) For the purposes of these regulations, a device is attended only if it is at all times actually being attended by the person in whose name it is registered under these regulations and that person is at all times—

- (a) while the device is in the waters of Lake George—no more than 50 metres from the high water mark of the Lake;
- (b) while the device is in any other waters of the State—no more than 50 metres from any part of the device.

PART 2
REGULATION OF FISHING

Fishing activities of a prescribed class (s. 41 of the Act)

5. For the purposes of section 41 of the Act, each class of fishing activity described in Schedule 1 is a fishing activity of a prescribed class.

Protected fish (s. 42 of the Act)

6. For the purposes of section 42 of the Act, the following classes of fish are declared to be protected:

- (a) fish of the genus *Ambassis*, *Mogurnda* or *Nannoperca*;
- (b) female fish of the following species if carrying external eggs:

Blue crab (*Portunus pelagicus*)
Giant crab (*Pseudocarcinus gigas*)
Rock lobster (*Jasus edwardsii*)
Yabbie (*Cherax destructor*);

- (c) fish of the following species:

Freshwater catfish (*Tandanus tandanus*)
Leafy sea dragon (*Phycodurus eques eques*)
Murray River crayfish (*Euastacus armatus*)
River blackfish (*Gadopsis marmoratus*)
Silver perch (*Bidyanus bidyanus*)
Trout cod (*Maccullochella macquariensis*)
White pointer shark (*Carcharodon carcharias*);

- (d) blue groper (*Achoerodus gouldii*) in the following waters:

All of the waters of the ocean north of the geodesic: Commencing at high water mark on the shore at Newland Head, position latitude 35° 39' 00" south, and longitude 138° 31' 00" east, then in a direction of 238°T, to high water mark on the shore at Cape Willoughby in position latitude 35° 51' 10" south, and longitude 138° 07' 40" east, then from high water mark on the shore in position latitude 35° 53' 10" south and longitude 136° 32' 00" east, (West Coast of Kangaroo Island adjacent to West Bay), in a direction of 321°T to high water mark on the shore at Cape Carnot, position latitude 34° 56' 45" south, and longitude 135° 37' 30" east.

Sale, purchase or possession of fish (s. 44 of the Act)

7. (1) For the purposes of section 44(2) of the Act, undersize fish are fish of a prescribed class.
- (2) For the purposes of section 44(2AA) of the Act, 25 abalone is the prescribed quantity.
 - (3) For the purposes of section 44(4) of the Act—
 - (a) fish of a class set out in column 1 of Schedule 8 are fish of a prescribed class; and

- (b) the quantity set out in column 2 of that Schedule alongside a class of fish is the prescribed quantity of fish of that class.

Registration of devices for recreational use

8. (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 licence) for purposes other than trade or business.

(2) An application for registration of a device to which this regulation applies must—

- (a) be made to the Director in a form approved by the Director; and
- (b) be accompanied by the fee (if any) specified in Schedule 5.

(3) Before registering a device under this regulation the Director may require the applicant to produce the device for examination by a fisheries officer.

(4) The Director must refuse to register a device if—

- (a) it is not produced for examination pursuant to a requirement made under subregulation (3); or
- (b) the applicant could not, on registration of the device, lawfully use it for the purpose of taking fish 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 one time, in the waters of the State.

(5) If the Director is satisfied that—

- (a) an application to register a device has been made in accordance with this regulation; and
- (b) the device complies with these regulations,

the Director may register the device in the name of the applicant—

- (c) in the case of a rock lobster pot—for a period not exceeding 12 months; or
- (d) in any other case—for a period not exceeding three years.

(6) The Director must, on registering a device, allot a registered number to the device.

Registration of devices for commercial use

9. (1) This regulation applies in relation to any device, other than a rod and line or hand line, to be used by the holder of a fishery licence pursuant to the licence (being a device that may be lawfully used for that purpose).

(2) An application for registration of a device to which this regulation applies must—

- (a) be made to the Director in a form approved by the Director; and

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- (b) be accompanied by—
- (i) the fee (if any) specified in Schedule 5; or
 - (ii) the first instalment of the fee (if any) specified in Schedule 5, in accordance with that Schedule.
- (3) Before registering a device under this regulation the Director may require the applicant to produce the device for examination by a fisheries officer.
- (4) The Director must refuse to register a device if—
- (a) it is not produced for examination pursuant to a requirement made under subregulation (3); or
 - (b) the applicant could not, on registration of the device, lawfully use it for the purpose of taking fish 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 one time, in the waters of the State.
- (5) The Director may refuse to register a device despite the fact that the effect of the refusal is to prevent the taking of one or more species of fish that could otherwise lawfully be taken pursuant to the licence.
- (6) If the Director is satisfied that—
- (a) an application to register a device has been made in accordance with this regulation; and
 - (b) the device complies with these regulations; and
 - (c) registration of the device would not be inconsistent with the objectives set out in section 20 of the Act,
- the Director may register the device in the name of the applicant for a period not exceeding 12 months.
- (7) The Director must, on registering a device, allot a registered number to the device.

Inspection of certificate of registration of devices registered for recreational use

10. A person using a registered device for purposes other than trade or business must, on demand by a fisheries officer, produce for inspection by a fisheries officer the certificate of registration of the device within 48 hours of that demand.

Maximum penalty: \$2 500.

Requirements relating to buoys

- 11.** (1) A buoy will be taken to comply with these regulations if—
- (a) it is constructed of material that is durable in water; and

- (b) it displays the marks required by these regulations in letters and figures of not less than 7 centimetres in height; and
- (c) —
 - (i) in the case of a buoy attached to a yabbie pot, shrimp trap, hoop net, drop net or drum net used by any person to take fish in the River Murray proper, Lakes Albert and Alexandrina or the Coorong—it has a volume of not less than two litres;
 - (ii) in any other case—it has a volume of not less than four litres.

Requirements relating to tags

12. (1) A tag will be taken to comply with these regulations if—

- (a) it is made of material that is durable and non-corrodible in water; and
- (b) it is not less than—
 - (i) 10 centimetres in length; and
 - (ii) 5 centimetres in width; and
- (c) it clearly display the marks required by these regulations in letters and figures of not less than 2 centimetres in height.

Carriage of certain devices in specified areas

13. (1) A person must not carry a hand fish spear, spear gun or device that operates by means of an explosive cartridge in the areas specified in Schedule 3.

Maximum penalty: \$2 500.

(2) It is a defence to a charge of an offence against this regulation to prove that the defendant was carrying the spear, spear gun or device only for the purpose of transporting it across the area.

Carriage of certain devices while using scuba, etc.

14. (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.

(2) A person may, while using a scuba, hookah or other apparatus for breathing under water, carry a device that operates by means of an explosive cartridge if—

- (a) the device is not attached to a hand fish spear or spear gun; and
- (b) the device is carried only for protection; and
- (c) any fish that is injured or killed is left in the water.

(3) Subregulation (2) does not permit the carrying of a device in an aquatic reserve or an area specified in Schedule 3.

Carriage of devices near lock and weirs of Murray River

15. 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.

Distinguishing marks on boats (s. 34 of the Act)

16. (1) The Director must, on registering a boat under section 34 of the Act, allot to the boat a distinguishing mark consisting of one or more numbers or letters or a combination of numbers and letters.

(2) The holder of a fishery licence 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 licence 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) are not less than 150 millimetres high; and
 - (ii) are 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 water line; and
- (e) are painted in—
 - (i) black paint or otherwise marked in black if painted on a light coloured background; or
 - (ii) white paint or otherwise marked in white if painted or marked on a dark coloured background.

Maximum penalty: \$2 500.

(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.

(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.

Aquatic or benthic flora or fauna (s. 48G(9) of the Act)

17. For the purposes of section 48G(9) of the Act, the species of fish specified in Schedule 7 are prescribed.

Mutilation of certain fish

18. (1) If fish of a class or species referred to in Schedule 6 (other than in clause 9 of that Schedule) are taken in the course of fishing from a boat, a person must not mutilate those fish before they are brought ashore or landed on a jetty or other landing place.

Maximum penalty: \$2 500.

(2) In proceedings for an offence against subregulation (1) it will be presumed, in the absence of proof to the contrary, that any mutilated fish on a boat have been mutilated by the person in charge of the boat unless that person proves that some other person mutilated them and that he or she made reasonable efforts to prevent the mutilation.

(3) This regulation does not apply in relation to—

- (a) fish that are on a boat and that within 24 hours of mutilation are to be consumed as food on that boat by persons who are on that boat; or
- (b) fish that are on a boat and that within 24 hours of mutilation are to be used as bait in the course of a fishing activity in which persons on that boat intend, and are lawfully entitled, to engage in.

(4) In this regulation—

"**mutilate**" means to divide, cut up, mangle or dismember in any way except by scaling and gutting.

Provisions relating to abalone fishing

19. (1) A person must not remove from the shell abalone taken pursuant to a licence in respect of the Central Zone Abalone Fishery or 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 high water mark before the abalone is removed from its shell.

Maximum penalty: \$2 500.

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(3) A person who takes abalone in the waters of the State must have attached to his or her person an effective and accurate measuring device suitable for measuring abalone.

Maximum penalty: \$2 500.

(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.

(5) Subject to subregulation (6), a person must not have in his or her possession, control or custody abalone that has been removed from its shell.

Maximum penalty: \$2 500.

(6) Subregulation (5) does not apply to a person who has in his or her possession, control or custody abalone that has been removed from its shell if—

- (a) being an unlicensed person, the person has complied with subregulation (2); or
- (b) the person is acting during the course of his or her work or employment at the premises of a registered fish processor that are situated on land; or
- (c) the abalone has previously been delivered to and processed at the premises of a registered fish processor that are situated on land; or
- (d) the abalone was taken pursuant to a licence in respect of the Western Zone Abalone Fishery.

(7) In this regulation—

"**land**" does not include waters over land.

Keeping of fish in corfs

20. A person must not store or confine fish in a corf unless, there is attached to it a red buoy that—

- (a) complies with these regulations; and
- (b) is marked with the letter "C"; and
- (c) —
 - (i) in the case of a corf owned by the holder of a fishery licence—is marked with the licence number;
 - (ii) in any other case—has attached to it a tag bearing the name and address of the owner of the corf.

Maximum penalty: \$2 500.

Keeping of rock lobster in corf

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

Maximum penalty: \$2 500.

Duty of rock lobster fishery licence holder to mark buoys

22. The holder of a licence in respect of a rock lobster fishery must not deposit a buoy that is not attached to a device unless the buoy—

- (a) complies with these regulations; and
- (b) is marked with the letter "M" and the licence number.

Maximum penalty: \$2 500.

Duty to clip tail fan of rock lobster

23. (1) A person who takes a rock lobster in the waters of the State must, before the rock lobster is brought ashore or landed, clip its middle tail fan in half horizontally (across the tail) and remove it (*see Schedule 4*).

Maximum penalty: \$2 500.

(2) Subregulation (1) does not apply in relation to rock lobster taken pursuant to a licence in respect of a rock lobster fishery.

Berleying

24. (1) A person must not use blood, bone, meat, offal or skin of an animal as berley (otherwise than in a rock lobster pot or other fish trap) within two 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 low water mark.

Maximum penalty: \$2 500.

(2) A person must not deposit or use in marine waters of the State the body, or part of the body, of a mammal.

Maximum penalty: \$2 500.

Requirement to remove anchors, etc. from nets removed from Lakes and Coorong Fishery

25. (1) A person who—

- (a) for the purpose of trade or business engages in a fishing activity of a class that constitutes the Lakes and Coorong Fishery; and

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(b) for the purposes of engaging in that activity places a net in the waters of the Fishery, must, on removing the net from those waters, immediately remove from those waters any buoy, anchor or other device or thing to which the net was attached.

Maximum penalty: \$2 500.

(2) For the purposes of subregulation (1), if—

(a) a net is removed from the waters of the Lakes and Coorong Fishery for the purpose of carrying out an action that is part of a fishing activity of a class that constitutes the Fishery; and

(b) the net is returned to those waters immediately after the action is carried out,

the net will not be taken to have been removed from the waters.

Marking of receptacles in which fish are transported, consigned for sale, etc.

26. (1) A person who is—

(a) the holder of a fishery licence; or

(b) a registered fish processor; or

(c) otherwise involved in a business that involves, the handling, storage, movement or dealing with fish,

must not transport, consign for or have on sale, in a receptacle any fish unless there is legibly marked on the outside of the receptacle or on a label attached to the outside of the receptacle—

(d) the person's full name or initials and surname; and

(e) the person's address; and

(f) if the person—

(i) is the holder of a fishery licence—the person's licence number; or

(ii) is a person registered under the *Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 2000*—the name of the fish farming operation in respect of which the person is registered and any identifying number allocated by the Director.

Maximum penalty: \$2 500.

(2) In subregulation (1)—

"receptacle" includes any container, box or other package.

**PART 3
MISCELLANEOUS**

Fees

27. The fees set out in Schedule 5 are prescribed for the purposes of the Act and these regulations.

Notice of seizure of device

28. Pursuant to section 28(10)(d) of the Act, notice of 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 one month following the date of the notice.

Research and Development Fund—prescribed fishing industry body

29. For the purposes of section 32(3)(b)(ii) of the Act, the South Australian Fishing Industry Council is a prescribed fishing industry body.

Notice of address for service of documents

30. Pursuant to section 71 of the Act, notice of an address for service must be given to the Director—

- (a) in the case of a person applying for a fishery licence—in the application for the licence;
- (b) in the case of a person applying for renewal of a fishery licence—in the application for the renewal;
- (c) in the case of a person who has given notice in accordance with paragraph (a) or (b) but who wishes to change the address given—by notice in writing left at or sent by prepaid post to the office of the Director.

Evidentiary provision

31. 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.

Expiation of alleged offences

32. (1) The expiation fees set out in Schedule 9 are fixed for alleged offences against the Act or the regulations specified in the Schedule.

(2) Text set out in italic type in a column headed "Description of Offence" in the tables in Schedule 9 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*Fishing activities of a prescribed class for the purposes of s. 41 of the Act*

1. The taking of fish in the waters of the State by any person for purposes other than trade or business by using a device other than—

- (a) a permitted device; or
- (b) a rod and line; or
- (c) a hand line.

2. The taking of fish by any person in the waters of the State by using wire trace of 2mm or greater gauge in conjunction with fishing hooks size 12/0 or greater.

3. The taking of fish in the waters of the State for purposes other than trade or business by using a mesh net other than a mesh net registered under regulation 8 in the name of a person who—

- (a) registered a mesh net under that regulation (or the regulation previously in force) before 30 January 1986; and
- (b) registered or applied for the registration of a mesh net pursuant to that regulation within 12 months after the expiration of the term of each such registration granted to that person whether before or after that date.

4. The taking of fish in coastal waters by an unlicensed person, otherwise than the taking of fish (other than rock lobster) in coastal waters by an unlicensed person by using a number of hoop nets such number being no less than 4 and no more than 10, if at the same time he is using no other device—

- (a) by using, at any one time, more than the permitted number of any kind of device referred to in column 1 of Table 1 the permitted number in respect of each device being the number appearing immediately alongside of each device in column 2 of Table 1; or
- (b) by using, at any one time, a combination of the different kinds of devices referred to in column 1 of Table 1 where such combination consists of or includes—
 - (i) more than two kinds of the different kinds of devices referred to in Part A of Table 1; or
 - (ii) more than one kind of the different kinds of devices referred to in Part B of Table 1.

Table 1
Part A

Column 1	Column 2
hand net	1
spear gun	2
mussel dredge	1

Part B

Column 1	Column 2
rock lobster pot	2
hoop net	3
drop net	3

5. The taking of fish in coastal waters by an unlicensed person by using a fish net.

- 6.** The taking of fish in coastal waters by a licensed person by using a hauling net—
- (a) from 1 a.m. on 23 December in any year to midnight on 1 January in the following year; or
 - (b) from 1 a.m. on the Thursday preceding Easter Sunday in any year to midnight on the following Monday; or
 - (c) from 1 a.m. hours on a Thursday in any year to midnight on the following Sunday if the Friday in that period is a public holiday; or
 - (d) from 1 a.m. hours on a Friday in any year to midnight on the following Monday if that Monday is a public holiday.
- 7.** The taking of fish in coastal waters by an unlicensed person by using a long line.
- 8.** The taking of fish in the waters of the State by a licensed person by using a long line without attending the line.
- 9.** The taking of fish by an unlicensed person in the waters of the River Murray, Lakes Albert and Alexandrina or the Coorong by using a set line.
- 10.** The taking of fish by an unlicensed person in the River Murray proper by using—
- (a) a drum net; or
 - (b) a fish net; or
 - (c) at any one time—
 - (i) more hand nets than 1; or
 - (ii) more shrimp traps than 1; or
 - (iii) more yabbie pots than 3; or
 - (iv) more drop nets than 3; or
 - (v) more hoop nets than 10; or
 - (vi) more than 1 kind of the kinds of devices referred to in subparagraphs (iii) and (iv); or
 - (vii) more than 3 hoop nets and 2 different kinds of the kinds of devices referred to in subparagraphs (i) and (ii).
- 11.** The taking of fish by any person in the waters of the State by use of a bow and arrow, except for the taking of carp (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.
- 12.** The taking of fish by an unlicensed person in Coorong (area 1) by using a fish net between midnight on 24 December in any year and sunset on 7 January in the following year.

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13. The taking of fish by an unlicensed person—

(a) in Coorong (area 1) during 1 April to 31 October (both inclusive); or

(b) in Coorong (area 2),

by using—

(c) a mesh net—

(i) the length of which exceeds 75 metres; or

(ii) the mesh of which does not exceed 50 millimetres or exceeds 64 millimetres; or

(d) a mesh net—

(i) 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

(ii) without attending the net; or

(e) by using at any one time—

(i) more mesh nets than 1; or

(ii) more hand nets than 1; or

(iii) more hoop nets than 10; or

(iv) more than 3 hoop nets and 1 mesh net; or

(v) more than 3 hoop nets and 1 hand net.

14. The taking of fish by an unlicensed person in Coorong (area 1) during 1 November to 31 March (both inclusive) by using—

(a) a fish net; or

(b) at any one time—

(i) more hand nets than 1; or

(ii) more hoop nets than 10; or

(iii) more than 3 hoop nets and 1 hand net.

15. The taking of fish by an unlicensed person in Lakes Albert and Alexandrina by using—

(a) a drum net; or

(b) a mesh net—

(i) the length of which exceeds 75 metres; or

(ii) the mesh of which does not exceed 110 millimetres or exceeds 150 millimetres; or

- (c) a mesh net—
 - (i) 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
 - (ii) without attending the net; or
- (d) at any one time—
 - (i) more mesh nets than 1; or
 - (ii) more hand nets than 1; or
 - (iii) more shrimp traps than 1; or
 - (iv) more yabbie pots than 3; or
 - (v) more drop nets than 3; or
 - (vi) more hoop nets than 10; or
 - (vii) more than 2 different kinds of the kinds of devices referred to in subparagraphs (i), (ii) and (iii); or
 - (viii) more than 1 kind of the kinds of devices referred to in subparagraphs (iv) and (v); or
 - (ix) more than 3 hoop nets and 2 different kinds of the kinds of devices referred to in subparagraphs (i), (ii) and (iii).

16. The taking of fish in Lake George by an unlicensed person—

- (a) by using, at any one time, more than the permitted number of any kind of device referred to in column 1 of Table 5 the permitted number in respect of each device being the number appearing immediately alongside of each device in column 2 of Table 5; or
- (b) by using, at any one time, a combination of the different kinds of devices referred to in column 1 of Table 5 where such combination consists of or includes more than two kinds of the different kinds of devices referred to in Table 5.

Table 5

Column 1	Column 2
mesh net	2
hand net	1
drum net	1

In this table "**mesh net**" means a mesh net of not more than 75 metres in length and having a mesh of not less than 7 centimetres.

17. The taking of fish in the waters of the State by any person by using, at any one time, more than two rods and lines.

18. The taking of fish in the waters of the State by any person by using, at any one time, more than two hand lines.

19. The taking of fish in the waters of the State by any person by using—

- (a) a rod and line if at the same time he or she is using more than one hand line; or

(b) a hand line if at the same time he or she is using more than one rod and line.

20. (1) The use of teaser lines by any person from a jetty, pier, wharf or breakwater abutting land where more than three such lines are used by the person at the same time or one or more such lines having been deployed in the water are left unattended by the person.

(2) For the purposes of this clause, a "**teaser line**" is a line (without an attached hook) used to lure or attract fish.

21. The taking of fish in the waters of the State by any person for purposes other than trade or business by using a mesh net or rock lobster pot that is not registered pursuant to regulation 8.

22. The taking of fish in the waters of the State by a licensed person for the purposes of trade or business by using any device (other than a rod and line or hand line) that is not registered under regulation 9.

23. The taking of fish by any person—

(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) one extremity of the net or line is marked by two floating black buoys that comply with these regulations; and

(ii) the other extremity of the net or line is marked by a floating yellow buoy that complies with these regulations; and

(iii) if the net or line exceeds 50 metres in length, the net or line is marked with floating red buoys that comply with these regulations and are placed at intervals not exceeding 50 metres; or

(b) in the waters of the River Murray upstream of Wellington or in any contiguous waterway by using a mesh net or set line placed at a depth beneath the water of less than 1.7 metres unless—

(i) the extremity of the net or line that is closest to the shore is marked by a floating yellow buoy that complies with these regulations; and

(ii) the extremity of the net or line that is furthest from the shore is marked by a floating white buoy that complies with these regulations; and

(iii) if the net or line exceeds 50 metres in length—the net or line is marked with floating red buoys that comply with these regulations and are placed at intervals not exceeding 50 metres; or

(c) in the waters of the River Murray upstream of Wellington or in any contiguous waterway by using a mesh net or set line placed at a depth beneath the water of not less than 1.7 metres unless—

(i) the extremity of the net or line that is closest to the shore is marked by a floating yellow buoy that complies with these regulations; and

(ii) the net or line is marked with a floating white buoy that complies with these regulations and the buoy is placed at a distance of at least three metres from the yellow buoy, indicating the direction in which the net or line is placed; or

(d) in any other waters of the State by using a mesh net or set line unless—

(i) one extremity of the net or line is marked by a floating yellow buoy that complies with these regulations; and

(ii) the other extremity of the net or line is marked by two floating black buoys that comply with these regulations.

24. The taking of fish by any person in the waters of the State by using a fish net (other than a mesh net or drum net) unless—

- (a) one extremity of the net is marked by a floating yellow buoy that complies with these regulations; and
- (b) the other extremity of the net is marked by two floating black buoys that comply with these regulations.

25. The taking of fish by a licensed person by using a drop line that is not marked by a floating yellow buoy that complies with these regulations.

26. The taking of fish by a licensed person by using a trot line that is not marked—

- (a) at one end by a floating yellow buoy that complies with these regulations; and
- (b) at the other end by 2 floating black buoys both of which comply with these regulations.

27. The taking of fish in the waters of the State by a licensed person by using more than 400 hooks attached to a set line or set lines.

28. (1) The taking of fish by a licensed person by using a device (other than a rod and line, handline or 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 licence number marked on the buoy or buoys or on a tag that complies with these regulations and is attached to the device;
- (b) in any other case—a tag attached to the device that complies with these regulations and bears the person's licence number.

(2) For the purposes of subclause (1), "**licensed person**" does not include a person who holds a licence in respect of the River Fishery.

29. The taking of fish by any person in inland waters by using a yabbie pot that—

- (a) is more than 1 metre at its greatest dimension; or
- (b) has no more than two entrance funnels; or
- (c) has an entrance funnel that exceeds 7.5 centimetres at its narrowest part.

30. The taking of fish by any person by using a fish net in any of the waters of the State described in Schedule 2.

31. The taking of fish by any person by using a fish net in the following waters between 1 January and 31 March (both days inclusive) in any year:

Bay of Shoals

Comprising all the waters of the Bay of Shoals inside a line drawn from The Bluff (latitude 35°38.30'S, longitude 137°37.08'E) to Cape Rouge (latitude 35°35.87'S, longitude 137°37.53'E).

32. The taking of fish by any person in the waters of the State, except the waters of the Coorong and the River Murray, by using a fish net within 100 metres of any line or part of a line which is held in the hand of any person or is attached to any rod or reel which is held in the hand of any person.

33. The taking of fish by any person by using a hauling net that exceeds 370 metres in length in the following waters:

Venus Bay (West Coast)

Comprising all the waters of Venus Bay adjoining the hundreds of Wright and Rounsevell, county of Robinson bounded as follows:

Situated west of a straight line extending southerly across Venus Bay from the most westerly corner of section 72, hundred of Wright to the Trigonometrical Station on Point Weyland, south of Block C, hundred of Rounsevell.

34. The taking of fish by any person by using a fish net—

(a) in the waters of Spencer Gulf situated northerly from the parallel of latitude passing through the beacon on Douglas Bank (being latitude 32°48.54'S); or

(b) in the waters of Spencer Gulf commencing at the 5 metre mark near Gibbon Point, longitude 136°47.00'E, then easterly along latitude 33°50.00'S to intersect longitude 137°14.00'E, then northerly to the 5 metre mark near Shoal Water Light; or

(c) in any other waters of Spencer Gulf (being waters that are deeper than 5 metres), other than—

(i) the taking of fish by any person by using a large mesh net; or

(ii) the taking of salmon (*Arripis truttaceus*) by a licensed person by using a fish net; or

(iii) the taking of fish by a licensed person by using a fish net, such fish being taken for live bait for tuna poling.

35. The taking of fish by any person by using a fish net, otherwise than the taking of fish by a licensed person by using a fish net to take live bait for tuna poling, in the following waters:

Streaky Bay—Blanche Port

Those waters of Streaky Bay and Blanche Port bounded as follows:

Commencing at a point at high water mark on Point De Mole, latitude 32° 30' 25" south and longitude 133° 59' 20" east, then along the geodesic (165°T) to a point at high water mark on Cape Bauer, (Wandoma) latitude 32° 43' 22" south and longitude 134° 03' 25" east, then following the line of high water mark around Blanche Port and Streaky Bay back to the point of commencement.

36. The taking of fish by any person by using a fish net having a mesh of less than 7 centimetres in the following waters:

Lake George, Beachport

All the waters of Lake George situated in the Hundreds of Lake George and Rivoli Bay.

37. The taking of fish by any person 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 otherwise 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 fish net for the purposes of live bait for tuna poling; or

- (d) the taking of fish by a licensed person by using a fish net which does not exceed 150 metres in length and which has a mesh size of less than 150 millimetres for the purpose of bait to be used for the taking of rock lobster within the waters of the fishery in respect of which he or she holds a licence.

38. (1) The taking of fish by any person by using any device (other than a rod and line, hand line or hand net) in the following waters:

Kangaroo Island Rivers

The waters of Chapman's River (Hundred of Dudley), Harriet River (Hundred of Newland), Eleanor River (Hundreds of Newland and Seddon), Western River (Hundreds of Duncan and Gosse) and Middle River (Hundred of Duncan), together with all waters of the sea within a radius of 50 metres of the mouth of each of those rivers.

River Onkaparinga

The waters of the River Onkaparinga.

Baird Bay

The waters of Baird Bay (West Coast).

Port MacDonnell

Those waters of the ocean bounded as follows:

All the waters below high water mark within a radius of 0.55 of a nautical mile from the seaward lead light at the shoreward end of the Port MacDonnell jetty, position latitude 38° 03.4' south and longitude 140° 42.2' east (excluding the waters referred to in subclause (2)).

(2) The taking of fish—

- (a) by any unlicensed person by using any device other than a rod and line, hand line or hand net; or
(b) by any licensed person by using any device other than a rod and line, hand line or hand net,

in the following waters:

Port MacDonnell (Special Area)

The waters of Port MacDonnell bounded as follows:

Commencing at a point at high water mark on the shore at the western edge of Hammond's Drain, latitude 38° 03' 20" south, longitude 140° 42' 32" east, then in a direction of 170°T towards the navigation light on the seaward end of the Port MacDonnell breakwater, for a distance of 300 metres, then in a generally easterly direction, remaining 300 metres from the high water mark on the shore, to the point of intersection with the 0.55 nautical mile radial line described in subclause (1), then following that line to high water mark on the shore, then along the high water mark in a generally westerly direction to the point of commencement.

39. (1) The taking of fish by any person in the waters described in subclause (2)—

- (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 0.9 centimetres 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 any fish (other than short finned eel) by a rod and line, hand line, hand net or yabbie pot.

(2) The waters referred to are as follows:

Counties of MacDonnell, Robe and Grey

The inland waters within the counties of MacDonnell, Robe and Grey bounded by the geodesic commencing at a point on high water mark on the seashore on the northern boundary of the county of MacDonnell, then along that boundary to the Victorian Border, then around the corner to the southern boundary of the county of Grey on the seashore, then following high water mark to the point of commencement, but excluding the waters of Lake George.

40. The taking of fish (other than by the power hauling method of fishing) by any person in coastal waters by using a hauling net or seine net that—

- (a) exceeds 600 metres in length; or
- (b) exceeds 10 metres in depth; or
- (c) has a mesh size of less than 30 millimetres; or
- (d) has attached to it a rope or ropes the length or combined lengths of which exceed 100 metres.

41. The taking of fish by a licensed person in coastal waters by using a mesh net or gill 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 a rope or ropes, other than floating rope; or
- (e) has, except where such net is used as a swinger net, attached to it a rope or ropes the length or combined length of which exceeds 100 metres.

42. The taking of fish by any person in the waters of the State by using a large mesh net that exceeds 600 metres in length.

43. The taking of fish by any person by using a large mesh net that has been left in the waters of the State for any period comprised of more than four consecutive hours.

44. The taking of fish in the waters of the State by any person by using, at any one time, more than 5 large mesh nets.

45. The taking of fish by any person 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.

46. (1) The taking of fish (other than prawn) and other than by the power hauling method of fishing) by any person 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) those waters of Spencer Gulf of a depth of less than 40 metres;

- (b) all those waters of Gulf St. Vincent north of the geodesic joining Troubridge Point, Yorke Peninsula and Cape Jervis, Fleurieu Peninsula;
- (c) all those waters of the State of a depth of less than 20 metres.
- 47.** The taking of fish by any person by using a pipeline through which water is pumped from any waters of the State.
- 48.** The taking of fish in the waters of the State by any person 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.
- 49.** The taking of fish by any person 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.
- 50.** The taking of fish by any person 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.
- 51.** The taking of salmon (*Arripis truttaceus*) by any person 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.
- 52.** The taking of fish by any person in the waters of the State by using a drum net that is set within 20 metres of a drum net previously set by another person.
- 53.** The taking of fish by any person 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.
- 54.** (1) The taking of fish by a licensed person by means of a fish trap unless—
- (a) the fish trap has a buoy attached that complies with these regulations and is marked with a black stripe 5 centimetres in width visible above the water; and
- (b) the fish trap does not exceed 2.0 metres at its greatest dimension; and
- (c) each opening in the fish trap is either—
- (i) rectangular; or

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- (ii) the shape of a funnel; and
- (d) in the case of an opening in the fish trap that is rectangular, the opening—
 - (i) is not greater in size than 20 centimetres × 6 centimetres; and
 - (ii) has a rigid frame of steel rod not less than 1.25 centimetres in diameter; and
- (e) 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 × 6 centimetres; and
 - (iii) has a rigid frame of steel rod not less than 1.25 centimetres in diameter.

55. The taking of ocean leather jacket (*Nelusetta ayraudi*) in waters deeper than 60 metres by a licensed person by means of a fish trap unless—

- (a) the trap complies with the following requirements:
 - (i) the trap must not, when calculated by measuring its outside dimensions, exceed one cubic metre in volume;
 - (ii) the trap must be cylindrical, rectangular or square in shape;
 - (iii) the trap must—
 - (A) have not more than two openings each not exceeding 30 centimetres in length and 8 centimetres in width; and
 - (B) be constructed of rigid steel rod not less than 0.8 centimetres in diameter; and
- (b) a buoy that—
 - (i) complies with these regulations; and
 - (ii) is marked with a black stripe that is 5 centimetres wide and visible above the water, is attached to the trap.

56. (1) The taking of prawn by a licensed person in coastal waters by using a prawn trawl net that—

- (a) has a mesh size of less than 45 millimetres; or
- (b) has a headline the length of which exceeds 40 metres.

(2) For the purpose of this clause, the mesh must be measured from the middle of the knot and the length of the headline includes the length of the headline of any other net combined with it if used at the same time.

57. (1) The taking of fish by any person pursuant to a licence under the *Scheme of Management (Prawn Fisheries) Regulations 1991* in Gulf St. Vincent (as defined in those regulations) by use of—

- (a) a trawl net the length of the headline of which exceeds 29.26 metres; or
- (b) more than one trawl net at any one time where the combined length of the headlines of all the nets exceeds 29.26 metres; or

(c) —

(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 kW; and

(ii) a trawl net or trawl nets other than as a single or double rig.

(2) The taking of fish by any person pursuant to a licence under the *Scheme of Management (Prawn Fisheries) Regulations 1991* in Gulf St. Vincent (within the meaning of those regulations) by use of—

(a) a boat that has—

(i) an overall length not exceeding 15.2 metres; and

(ii) a main engine the continuous brake horse power rating does not exceed 224 kW; and

(b) —

(i) a trawl net the length of the headline of which exceeds 27.43 metres; or

(ii) more than one trawl net at any one time where the combined length of the headlines of all the nets exceeds 27.43 metres; or

(iii) a trawl net or trawl nets other than as a single, double or triple rig.

58. The taking of fish by any person pursuant to a licence under the *Scheme of Management (Prawn Fisheries) Regulations 1991* in Spencer Gulf (as defined in those regulations) by use of—

(a) a boat that has—

(i) an overall length exceeding 22 metres; and

(ii) a main engine the continuous brake power of which exceeds 272 kW; or

(b) a trawl net the length of the headline of which exceeds 29.26 metres; or

(c) more than one trawl net at any one 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.

59. The taking of fish by any person pursuant to a licence under the *Scheme of Management Prawn (Fisheries) Regulations 1991* in West Coast Waters (as defined in those regulations) by use of—

(a) a boat that has—

(i) an overall length exceeding 22 metres; and

(ii) a main engine the continuous brake power rating of which exceeds 272 kW; or

(b) a trawl net the length of the headline of which exceeds 29.26 metres; or

(c) more than one trawl net at any one 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.

60. The taking of undersize fish by any person in the waters of the State.

61. The taking in any one day by any person of more than 50 razor fish (*Pinna bicolor*) in the waters of the State.

62. The taking of razor fish (*Pinna bicolor*) by a person during the months of January, February, October, November and December in waters bounded by an imaginary line commencing at high water mark on the western shoreline of Spencer Gulf position latitude 32° 41.5' south, longitude 137° 45.2' east, then due east to Beacon No. 8, then generally northerly following a line which is drawn through Beacons No. 9, 13, 20, 19, 21, 23 to Beacon No. 28 then due west to high water mark on the shore at Curlew Point at position latitude 32° 32.6' south, longitude 137° 45.9' east, then generally southerly along high water mark back to the point of commencement.

63. The taking of molluscs by any person in the waters known as West Lakes and foreshore areas (including reserves for public use) adjacent to those waters.

64. The taking of cockle (*Katelysia* spp.) by a licensed person for the purposes of trade or business from waters—

(a) within 50 metres of the shore along the Coffin Bay township from Quinlan Point, position latitude 34° 37'S, longitude 135° 27'E, to the point where the underground cable enters the water, position latitude 34° 37.2'S, longitude 135° 28.6'E; or

(b) within 50 metres of the shore of Goat Island.

65. The taking by any person of a benthic marine organism 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,

being the area that extends from the high water mark seawards to a depth of waters of two metres.

66. (1) The taking by an unlicensed person, in the waters specified in column 1 of the table below—

(a) of fish of the species specified in column 2 from a boat from which the quantity specified in column 3 has already been taken on the same day; or

(b) of more fish of the species specified in column 2 than the quantity specified in column 4 in any one day.

(2) In this clause—

"Gulf St. Vincent, Investigator Strait and Backstairs Passage" means those waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage bounded by a line commencing at the high water mark at Cape Spencer on Yorke Peninsula, then a generally south south-westerly direction to Cape Borda on Kangaroo Island, then in an easterly direction along the high water mark of the Island to Cape Willoughby, then in a generally north-easterly direction to Newland Head on Fleurieu Peninsula, then along the high water mark of the eastern and western shore shoreline of Gulf St. Vincent back to the point of commencement;

"large salmon" means salmon that is at least 35 centimetres in length;

"large snapper" means snapper that exceeds 60 centimetres in length;

"length", in relation to salmon or snapper, means the distance from the foremost part of the head to the end of the tail;

"salmon" means salmon (*Arripis truttaceus*);

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

"snapper" means snapper (*Pagrus auratus*).

TABLE
Recreational fishing daily limits

Column 1 Waters	Column 2 Species of fish	Column 3 Maximum quantity (from the same boat on the same day)	Column 4 Maximum quantity per person per day
The waters of the State	Calamary (<i>Sepioteuthis australis</i>)	45	15
The waters of the State	Blue crab (<i>Portunus pelagicus</i>)	120	40
The waters of the State	Sand crab (<i>Ovalipes australiensis</i>)	120	40
The waters of the State	Flounder (Family Pleuronectidae) (Family Bothidae)	60	20
The waters of the State	Garfish (<i>Hyporhamphus melanochir</i>)	240	80
The waters of the State (other than those waters specified in regulation 7(2))	Blue groper (<i>Achoerodus gouldii</i>)	6	2
The waters of the State	Large salmon (<i>Arripis truttaceus</i>)	45	15
The waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage	Large snapper (<i>Pagrus auratus</i>)	6	2
The waters of the State other than the waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage	Large snapper (<i>Pagrus auratus</i>)	6	2
The waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage	Small snapper (<i>Pagrus auratus</i>)	15	5
The waters of the State other than the waters of Gulf St. Vincent, Investigator Strait and Backstairs Passage	Small snapper (<i>Pagrus auratus</i>)	30	10
The waters of the State	Snook (<i>Sphyraena novaehollandiae</i>)	75	25
The waters of the State	King George whiting (<i>Sillaginodes punctatus</i>)	60	20

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Column 1 Waters	Column 2 Species of fish	Column 3 Maximum quantity (from the same boat on the same day)	Column 4 Maximum quantity per person per day
The waters of the State	Yellowfin whiting (<i>Sillago schombergkii</i>)	75	25

67. The taking in any one day by any person of more than one black cowrie (*Zoila friendii thersites*) in the waters of the State.

68. (1) The taking in any one day by an unlicensed person in Coorong (area 1) or Coorong (area 2)—

(a) from a jetty, pier, wharf or breakwater abutting land—

- (i) of more than 10 mullocky that do not exceed 75 centimetres in length;
- (ii) of more than 3 large mullocky;

(b) in any other case—

- (i) of more than 10 small mullocky;
- (ii) of more than 3 large mullocky;
- (iii) of any mullocky less than 46 centimetres in length.

(2) The taking in any one day by an unlicensed person in the waters of the State (other than Coorong (area 1) or Coorong (area 2))—

(a) from a jetty, pier, wharf or breakwater abutting land—of more than 3 mullocky;

(b) in any other case—

- (i) of more than 3 large mullocky;
- (ii) of any mullocky less than 46 centimetres in length.

(3) In this clause—

"**large mullocky**" means a mullocky that exceeds 75 centimetres in length:

"**length**" in relation to mullocky, means the distance from the foremost part of the head to the end of the tail:

"**mullocky**" means Mullocky (*Argyrosomus hololepidotus*):

"**small mullocky**" means a mullocky that is at least 46 centimetres in length but does not exceed 75 centimetres.

69. The taking in any one day by an unlicensed person of more than 5 abalone in the waters of the State.

70. The taking of abalone in any one day in the waters of the State by an unlicensed person by using a boat if that boat—

- (a) has previously been used on that day by an unlicensed person or persons for the purpose of taking abalone in the waters of the State; and
- (b) 10 abalone have been taken on that day by that person or those persons by using that boat.

71. The taking in any one day by any person of more than four rock lobster by diving in the waters of the State.

72. The taking in any one day by an unlicensed person of more than 200 yabbies (*Cherax destructor*) in the waters of the State.

73. The taking by an unlicensed person in the waters of the Northern Zone Rock Lobster Fishery or the Southern Zone Rock Lobster Fishery of—

- (a) any rock lobster from a boat from which eight rock lobster have already been taken on the same day; or
- (b) more than four rock lobster in any one day.

74. The taking in any one day by an unlicensed person of more than 6 callop (Golden perch *Macquaria ambigua*) in the waters of the State.

75. The taking in any one day by an unlicensed person of more than 200 scallop (Family Pectinidae).

76. (1) The taking in any one day by an unlicensed person in the waters of the State of more than two Murray cod.

(2) The taking by any person in the waters of the State of a Murray cod that exceeds 110 centimetres in length.

(3) The taking by any person in the waters of the State of Murray cod between 1 September and 31 December (both days inclusive) in any year.

(4) In this clause—

"length", in relation to Murray cod, means the distance from the foremost part of the head to the end of the tail.

77. (1) The taking in any one day by an unlicensed person in the waters of the Cooper Creek or the Diamantina Creek (including the anabranches and lakes of those creeks) of—

- (a) more than 5 Lake Eyre callop (Genus *Macquaria*); or
- (b) more than 5 grunter (Family Teraponidae).

(2) The taking in any one day by an unlicensed person in the waters of the Cooper Creek or the Diamantina Creek (including the anabranches and lakes of those creeks) of—

- (a) more than 10 catfish (Family Plotosidae); or
- (b) more than 2 catfish that exceed 33 centimetres in length.

(3) In this clause—

"length", in relation to catfish, means the distance from the foremost part of the head to the end of the tail.

78. The taking of blue crab (*Portunus pelagicus*) in the waters of Spencer Gulf north of the geodesic from Cape Catastrophe (latitude 34°59.4' south, longitude 136°00.1' east) to Cape Spencer (latitude 35°18.3' south, longitude 136°52.9' east) for the purpose of trade or business during the months of January or December of any year.

79. The taking of blue crab (*Portunus pelagicus*) for the purpose of trade or business in the waters of Gulf St. Vincent north of the geodesic from Troubridge Point (latitude 35° 10.5' south, longitude 137° 41.0' east) to Cape Jervis (latitude 35° 36.8' south, longitude 138° 05.8' east)—

(a) from 1 January to 15 January of any year (both days inclusive); or

(b) during the months of November and December of any year.

80. The taking of blue crab (*Portunus pelagicus*) by the holder of a fishery licence granted under the *Scheme of Management (Blue Crab Fishery) Regulations 1998* or the *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991*—

(a) in the waters of Spencer Gulf north of latitude 32°43.66' south; or

(b) in the waters of Spencer Gulf north westerly of an imaginary straight line from Stony Point (latitude 32°59.76' south, longitude 137°45.40' east) to latitude 33°05.20' south, longitude 137°34.0' east being the north eastern corner of the Cowled's Landing aquatic reserve and from there to the shore and then back to the point of commencement; or

(c) in the waters of Spencer Gulf south and easterly of an imaginary straight line from latitude 33°32.8' south longitude 137°56.25' east, to a position on the eastern point of Shag Island (latitude 33°33.34' south, longitude 137°55.25' east), then to a position on the northern shore of Webling Point (latitude 33°35.33' south, longitude 137°55.53' east), including the waters of Fisherman Bay, Muntoora Bay and Muntoora Arm, and the anabranches and tributaries of those waters.

81. (1) The taking of blue crab (*Portunus pelagicus*) by a licensed person in the waters of the State east of longitude 135°E other than the waters of the Blue Crab Fishery.

(2) In this clause—

"**Blue Crab Fishery**" has the same meaning as in the *Scheme of Management (Blue Crab Fishery) Regulations 1998*.

82. The taking of prawn by any person in the following waters:

Waters less than 10 metres Deep

All waters of the ocean and the bays and gulfs of the State between meridians of longitude 129° east and 140° 58' 00" east of a depth of less than 10 metres at low water mark.

83. The setting in the waters of the State for purposes other than trade or business by any person of a rock lobster pot that contains rock lobster.

84. The taking of rock lobster for purposes other than trade or business by any person in the waters of the State by using a rock lobster pot registered under regulation 8 in the name of another person.

85. The taking of rock lobster by any person in the following waters:

(a) *Cape Jaffa*

The waters adjoining the hundred of Mount Benson, bounded as follows:

Commencing at the intersection of high water mark with the production westerly of the northern boundary of Cape Jaffa Lighthouse Reserve; then seawards along that production for 1 kilometre; generally northerly and easterly by a line distant 1 kilometre from and parallel to high water mark (to near Kings Camp), to intersect a line extending due north from the north-western corner of section 62, hundred of Mount Benson; southerly along that line to high water mark; generally westerly and southerly following high water mark to the point of commencement.

(b) *Margaret Brock Reef*

All of the waters surrounding the light on Margaret Brock Reef, position latitude 36° 57' 08" south and longitude 139° 35' 45" east, within a distance of 0.55 of a nautical mile from any part of the said light.

(c) *Rivoli Bay (including Penguin Island)*

Those waters of Rivoli Bay bounded as follows:

From high water mark at Glen Point, position latitude 37° 29' 35" south and longitude 140° 00' 50" east, then seaward in a direction of 180°T to within a distance of 100 metres of Penguin Island, then around that island at a distance of 100 metres of its extremities, then to a point at high water mark on Cape Martin, position latitude 37° 29' 58" south, and longitude 140° 00' 30" east, then along the high water mark, generally north-north-easterly, to the point of commencement.

(d) *Gleesons Landing*

All the waters of Spencer Gulf situated adjacent to the Hundred of Carribe on Yorke Peninsula, bounded as follows:

Commencing at a point (latitude 34° 57' 18" south, longitude 136° 58' 18" east) at high water mark on the shore, then extending in a generally south-westerly direction on the geodesic to a point (latitude 34° 58' 00" south, longitude 136° 57' 12" east) situated on the most westerly of two exposed rocks, then in a generally southerly direction on the geodesic to a point (latitude 35° 00' 54" south, longitude 136° 56' 36" east) at high water mark on the shore, then in a generally northerly direction following high water mark to the point of commencement.

86. The taking of rock lobster by any person from 1800 hours on 31 May to 1200 hours on 1 November of each year in the waters of the Northern Zone Rock Lobster Fishery.

87. The taking of rock lobster by any person from 1800 hours on 30 April to 0600 hours on 1 October of each year in the waters of the Southern Zone Rock Lobster Fishery.

88. The retrieval by any person, between sunset on any day and 30 minutes before sunrise on the following day, of a rock lobster pot placed in the waters of the Southern Zone Rock Lobster Fishery for the purposes of taking rock lobster pursuant to a licence in respect of the Fishery.

89. The taking of rock lobster by a licensed person in the waters of the Southern Zone Rock Lobster Fishery 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 floating buoy that complies with these regulations;

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- (d) does not have its cove or mouth at the top; or
- (e) is not fitted with two 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 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.

90. The taking of rock lobster by a licensed person in the waters of the Northern Zone Rock Lobster Fishery by using a rock lobster pot that—

- (a) exceeds 40 kilograms in weight; or
- (b) exceeds 122 centimetres in width at its base; or
- (c) exceeds 61 centimetres in height; or
- (d) is not attached by a line to a floating buoy which complies with these regulations; or
- (e) does not have its mouth or cove at the top; or
- (f) is not fitted with two rectangular escape gaps—
 - (i) that are on opposite sides; or
 - (ii) each of which is not less than 15 centimetres in length and 5.5 centimetres in depth; or
 - (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 wire netting which has a diameter of at least 5 centimetres or with rectangular weldmesh measuring not less than 5 centimetres by 7.5 centimetres; or

- (g) does not have its sides 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.

91. The taking of rock lobster by a licensed person in the waters of the Northern Zone Rock Lobster Fishery by using a boat that has—

- (a) an overall length exceeding 18.3 metres; and
- (b) a main engine the continuous brake power rating of which exceeds 895 kW.

92. The retrieval by a licensed person, from the waters of the Northern Zone Rock Lobster Fishery, of a rock lobster pot placed in those waters for the purposes of taking rock lobster pursuant to a licence in respect of the Fishery if the pot has previously been retrieved from those waters for those purposes within 24 hours.

93. The taking of rock lobster in the waters of the State by any person by using a fish spear, hand fish spear, spear gun or other pointed instrument.

94. The taking, from 1800 hours on 31 May to 1200 hours on 1 November in each year and pursuant to a licence in respect of the Northern Zone Rock Lobster Fishery, of fish other than shark in the waters of that Fishery by the holder of a licence in respect of that Fishery who is not registered as the master of the boat used pursuant to the licence.

95. The taking of bream (*Acanthopagrus butcheri*) by any person during the months of January, November and December of each year in the following waters:

River Onkaparinga

All those waters of the River Onkaparinga upstream from the bridge on the Main South Road at Noarlunga.

96. The taking of fish by any person by using a mesh net as a set net between midnight on Friday and sunset on the following Sunday in those waters between the Goolwa Barrage and the geodesic commencing at the south-easterly corner of allotment 109 section 601 Hundred of Nangkita then due south across Goolwa Channel to a point being high water mark on the shore of Sir Richard Peninsula.

97. The taking of fish by any person by using a mesh net that exceeds 150 metres in length, on any day of any week except Saturday and Sunday in those waters between the Goolwa Barrage and the geodesic commencing at the south-easterly corner of allotment 109 section 601 Hundred of Nangkita then due south across Goolwa Channel to a point being high water mark on the shore of Sir Richard Peninsula.

98. The taking of fish by any person by using a hauling net between midnight on Friday and sunset on the following Sunday in that part of those waters described in clauses 96 and 97 that is usually marked by beacons and commonly known as the "boating channel".

99. The taking of fish by any person by using a fish net or set line in those waters commencing at Mundoo Light then generally north-westerly to the north-east corner of section 601 Hundred of Nangkita then generally south-westerly to the south-east corner of allotment 109, section 601 Hundred of Nangkita then due south across the Goolwa Channel to a point being high water mark on the shore of Sir Richard Peninsula then generally at high water mark around the headland of Sir Richard Peninsula to the entrance of the River Murray, then south-easterly across the entrance of the River Murray to the high water mark on the shore of Younghusband Peninsula then generally around the headland of Younghusband Peninsula at high water mark to a point due south of the Mundoo Light then to the point of commencement.

100. The taking of fish by any person by using a mesh net that exceeds 150 metres in length, in those waters of the Coorong within the geodesic due south from the Mundoo Light to high water mark on Younghusband Peninsula and the geodesic joining Pelican Point and Gnurlung Point on Younghusband Peninsula.

101. The taking of fish by any person 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.

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

103. The taking of fish by a licensed person in the waters of the River Murray proper by using any device other than a rod and line, hand line, yabbie pot, shrimp trap, hoop net, drum net, set line, mesh net, gill net, bait net or drop net.

104. The taking of fish by a licensed person in the waters of the River Murray proper by using at any one time more than 100 yabbie pots.

105. 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 waters of the Fishery 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—

- (a) complies with these regulations; and
- (b) bears the number of the fishing reach in which that person may lawfully take fish pursuant to his or her licence.

106. The taking of fish by any person by using a mesh net as a set net in the following waters:

The Murray Lakes, Murray Mouth and Coorong

All waters within 150 metres on each side of the barrages known as Goolwa, Mundoo, Boundary Creek, Ewe Island and Tauwitche Barrages situated near Goolwa and erected across the River Murray and its outlets.

107. The taking of fish by any person 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.

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

109. The taking of Goolwa cockle (*Donax deltoides*) by any person during the months of June, July, August, September and October of each year in the waters of the State.

110. 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, hand line, mesh net or rock lobster pot registered under regulation 8) if the device does not have attached to it a tag that—

- (a) complies with these regulations; and
- (b) bears the name and address of the person using it.

111. The taking of fish by an unlicensed person in the waters of the State by using a device registered under these regulations if the device does not have attached to it a tag that—

- (a) complies with these regulations; and
- (b) bears the name of the person in whose name the device is registered and the registration number.

112. The taking of fish by an unlicensed person in the waters of the State by using a drum net that does not have attached to it a floating white buoy that complies with these regulations.

113. 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 floating white buoy that complies with these regulations.

114. 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 by a line—

- (a) a floating white buoy that complies with these regulations; and
- (b) a tag that bears a number painted or marked on it in white, being a number that is the same as the number of drop nets attached to the line.

115. The taking of fish by an unlicensed person in the waters of the State by using an unattended yabbie pot or shrimp trap that does not have attached to it—

- (a) a line with a tag that—
 - (i) complies with these regulations; and
 - (ii) bears the name and address of the person using it; and
- (b) when set away from the shore—a white surface buoy that complies with these regulations.

116. The taking of rock lobster by an unlicensed person in the waters of the Southern Zone Rock Lobster Fishery by using a rock lobster pot that—

- (a) exceeds 1.5 metres at its widest part; or
- (b) exceeds 1.2 metres in height; or
- (c) is not attached by a line to a red coloured floating buoy that complies with these regulations; or
- (d) does not have its cove or mouth at the top; or
- (e) is not fitted with two 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.

117. The taking of rock lobster by an unlicensed person in the waters of the Northern Zone Rock Lobster Fishery by using a rock lobster pot that—

- (a) exceeds 1.5 metres at its widest part; or
- (b) exceeds 1.2 metres in height; or
- (c) is not attached by a line to a red coloured floating buoy that complies with these regulations; or
- (d) does not have its mouth or cove at the top; or
- (e) is not fitted with two 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 clause, 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.

118. The taking of fish by an unlicensed person by using a device other than a rod and line, hand line, shrimp trap, yabbie pot or shrimp net in a fishing reach.

119. The taking of fish by an unlicensed person by using a shrimp trap or yabbie pot in a fishing reach if the device is not set from the shore.

120. The taking of fish by an unlicensed person by trolling in a fishing reach.

121. The taking of crabs of any species (Family Portunidae) by any person in the waters of the State by using a crab net or hand net that—

(a) is fitted with a hoop the diameter of which is greater than 107 centimetres; or

(b) has a cone or bag any part of which extends more than 92 centimetres from the hoop.

122. The taking of fish by any person using a fish net, fish trap, hand fish spear, speargun or long line within 0.5 of a nautical mile from an artificial reef laid near any of the following:

(a) Ardrossan, position latitude 34° 31.9'S, longitude 138° 03.7'E;

(b) Giles Point, position latitude 35° 02.8'S, longitude 137° 47.4'E;

(c) Glenelg—

(i) position latitude 34° 58.803'S, longitude 138° 26.359'E (the dredge); or

(ii) position latitude 34° 58.817'S, longitude 138° 26.384'E (the sunken barge); or

(iii) position latitude 34° 59'S, longitude 138° 26.6'E (the tyre module);

(d) Grange, position latitude 34° 55'S, longitude 138° 24'E;

(e) Kingscote, Kangaroo Island, position latitude 35° 41.2'S, longitude 137° 40.2'E;

(f) Port Augusta, position latitude 32° 40'S, longitude 137° 45.8'E;

(g) Port Broughton, position latitude 33° 33'S, longitude 137° 51.4'E;

(h) Port Germein, position latitude 33° 03.7'S, longitude 137° 59.8'E;

(i) Port Lincoln, position latitude 34° 41'S, longitude 135° 52.4'E;

(j) Port Neill, position latitude 34° 06.7'S, longitude 136° 22.6'E;

(k) Port Noarlunga, position latitude 35° 08.9'S, longitude 138° 26.5'E;

(l) Port Pirie, position latitude 33° 05.2'S, longitude 137° 54.3'E;

(m) Wallaroo, position latitude 33° 51.5'S, longitude 137° 34.3'E;

(n) Whyalla—

(i) position latitude 32° 58.1'S, longitude 137° 46.9'E; or

(ii) position latitude 32° 59.7'S, longitude 137° 47.1'E; or

(iii) position latitude 33° 06.3'S, longitude 137° 36.3'E.

123. The taking of fish by any person in the waters of the State from a registered boat other than the taking of fish for the purposes of trade or business.

124. The taking of fish by an unlicensed person in the waters of Lake George between one and a half hours after sunrise and one and a half hours before sunset on the same day by using a mesh net without attending the net.

125. The taking of fish by an unlicensed person in the waters of Lake George by using a mesh net that exceeds 75 metres in length.

126. The taking of scallop (Family Pectinidae) by any person by using a scallop dredge in the following waters:

Coffin Bay

All the waters of Kellidie Bay, Mt. Dutton Bay, Yangie Bay and Port Douglas or in the waters of Coffin Bay southerly of the geodesic commencing at high water mark on the eastern shore of Coffin Bay, latitude 34° 27' 58" south and longitude 135° 23' 20" east (generally south-westerly of Cliff Hill) then due westerly to a point at high water mark on the western shore of Coffin Bay, latitude 34° 27' 58" south and longitude 135° 12' 40" east.

127. The taking of scallop (Family Pectinidae) by any person by using a scallop dredge in the following waters:

Gulf St. Vincent

All the waters of Gulf St. Vincent which are north of the geodesic joining Troubridge Point, Yorke Peninsula and Cape Jervis, Fleurieu Peninsula.

128. The taking of scallop (Family Pectinidae) by any person by using a scallop dredge in the following waters:

Spencer Gulf

All the waters of Spencer Gulf which are north of the geodesic joining Cape Catastrophe, Eyre Peninsula and Cape Spencer, Yorke Peninsula.

129. The taking of prawn by any person in the waters of the State by using the power hauling method of fishing.

130. The taking of fish by any person 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 these regulations 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 one nautical mile.

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- 131.** The taking of fish by any 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 covered with a mesh of less than 7.5 centimetres; or
 - (e) has a body which is not covered with cotton or synthetic mesh; or
 - (f) has a body that exceeds 2 metres in length; or
 - (g) has a wing that exceeds 3 metres in length; or
 - (h) has a wing covered with cotton or synthetic mesh of less than 15 centimetres; or
 - (i) has a wing not covered with cotton or synthetic mesh.
- 132.** The taking of fish by a licensed person in coastal waters other than those parts of coastal waters that are between Goolwa Beach Road and Kingston Jetty by using a swinger net.
- 133.** The taking of fish by any person from an aquatic reserve except for those fishing activities allowed by the *Fisheries Act (Aquatic Reserves) Regulations 1989*.
- 134.** The taking of fish by an unlicensed person in the waters of the State by using a fish trap, other than a drum net, rock lobster pot registered under regulation 8, a shrimp trap or a yabbie pot.
- 135.** 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.
- 136.** The taking of fish by a licensed person in Coorong (area 1) by using—
- (a) a fish net during 25 December to 7 January (both inclusive); or
 - (b) a small mesh monofilament net as a set net or a small mesh multifilament hauling net during 1 November to 31 March (both inclusive).
- 137.** 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 one 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 an hour, physically examined and cleared of any fish.

138. 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.

139. 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.

140. The taking of fish by a licensed person in Coorong coastal waters by using a large mesh monofilament net otherwise 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.

141. The taking of fish by a licensed person in Coorong (area 1), Coorong (area 2) or Coorong coastal waters by using a small mesh multifilament hauling net if—

- (a) the net has attached to it a rope or ropes the length or total length of which exceeds 100 metres; or
- (b) the length of the net exceeds 400 metres.

142. The taking of fish by a licensed person in Coorong (area 1), Coorong (area 2) or Coorong coastal waters by using a large mesh multifilament hauling net if—

- (a) the net has attached to it a rope or ropes the length or total length of which exceeds 50 metres; or
- (b) the length of the net exceeds—
 - (i) in the case of Coorong (area 1)—240 metres;
 - (ii) in the case of Coorong (area 2)—400 metres;
 - (iii) in the case of Coorong coastal waters—600 metres; or
- (c) the net is hauled by the aid of mechanical power.

143. The taking of a species of fish referred to in Schedule 1 of the *Scheme of Management (Lakes and Coorong Fishery) Regulations 1991* by any person in the waters of the Lakes and Coorong Fishery for the purpose of trade or business by the use of—

- (a) a hauling net and a purse seine net at any one time; or
- (b) more than one hauling net, purse seine net or swinger net or, in coastal marine waters more than one mesh net, at any one time.

144. The taking of a species of fish referred to in Schedule 1 of the *Scheme of Management (Lakes and Coorong Fishery) Regulations 1991* by any person in the waters of the Lakes and Coorong Fishery for the purpose of trade or business by electrofishing (other than the taking from Lakes Albert and Alexandrina of bony bream (*Nematalosa erebi*) or European carp (*Cyprinus carpio*)).

145. (1) The taking of a native fish (except bony bream (*Nematalosa erebi*)) by a licensed person in those waters of the River Murray proper that do not include the main stream of the river.

- (2) In this clause—

"**native fish**" means a fish of a species listed in Part 1 of Schedule 2 of the *Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 2000*.

SCHEDULE 2

Areas in which use of fish nets is prohibited (Sched. 1, cl. 30)

Fowlers Bay

The waters of Fowlers Bay within a line drawn from the point on the land known locally as First Point (latitude 32°00.72'S, longitude 132°27.50'E) to a point in the bay 200 metres northwest of the end of the Fowlers Bay jetty (latitude 31°59.32'S, longitude 132°26.22'E) and then generally westward to a point on the mainland 200 metres north of the jetty (latitude 31°59.41'S, longitude 132°27.50'E).

Denial Bay and Smoky Bay

All of those waters of Denial Bay, Smoky Bay, Tourville Bay, Murat Bay, Bosanquet Bay and Decres Bay, situated northward and eastward of the geodesic (314° True), commencing at high water mark on the shore at Point Brown (latitude 32° 32' 35" south, longitude 133° 50' 50" east), and terminating at high water mark on the shore at Point James, (latitude 32° 11' 50" south, longitude 133° 25' 25" east).

Baird Bay West Coast

The waters of Baird Bay.

Waterloo Bay

All of the waters of Waterloo Bay, (Elliston), situated northward and eastward of the geodesic, (311° True), commencing at high water mark on the shore at Wellington Point (latitude 33° 39' 15" south, longitude 134° 52' 35" east), and terminating at high water mark on the shore at Salmon Point (latitude 33° 38' 40" south, longitude 134° 51' 50" east).

Venus Bay (West Coast)

All those waters of the eastern section of Venus Bay adjoining the hundreds of Wright and Rounsevell, county of Robinson bounded as follows:

Situated east of a straight line extending southerly across Venus Bay from the most westerly corner of section 72, hundred of Wright, to the Trigonometrical Station on Point Weyland, south of Block C, hundred of Rounsevell.

Coffin Bay

The waters of Coffin Bay southerly of the geodesic from Point Sir Isaac on Coffin Bay Peninsula situated at latitude 34°25.81'S, longitude 135°12.3'E, to Frenchman Bluff on Eyre Peninsula situated at latitude 34°25.14'S, longitude 135°21.4'E.

Port Lincoln

The waters of Port Lincoln contained within the geodesic from Point Bolingbroke situated at latitude 34° 32.51'S, longitude 136° 05.33'E, to Cape Donington situated at latitude 34° 43.73'S, longitude 135° 59.63'E.

Tod River

The waters of the Tod River.

The waters of Spencer Gulf within a radius of 200 metres of the mouth of the Tod River.

Tumby Bay

The waters of Tumby Bay within a line from a point on the mainland adjacent to Tumby Island (latitude 34°24.55'S, longitude 136°07.75'E) to the southern point of Tumby Island (latitude 34°24.85'S, longitude 136°08.40'E), then following the high water mark on the eastern side of the island to a point on the northeastern side of the island (latitude 34°24.55'S, longitude 136°08.50'E) to a point on the mainland approximately 2.5 kilometres north of the Tumby Bay jetty (latitude 34°21.45'S, longitude 136°06.85'E).

The waters of Tumby Bay within a 500 metre radius of the mouth of Second Creek (latitude 34°25.43'S, longitude 136°06.40'E) south of Tumby Bay.

Port Neill

The waters of Port Neill within a line drawn from Cape Burr (latitude 34°07.42'S, longitude 136°21.37'E) to a point on the mainland approximately 1.5 kilometres north of the Port Neill jetty (latitude 34°06.40'S, longitude 136°21.02'E).

Arno Bay

The waters of Arno Bay westerly of the geodesic from the high water mark at a point 200 metres north of the Arno Bay jetty situated at latitude 33° 55.0'S, longitude 136° 34.57'E, to the high water mark at a point due south known as South Point situated at latitude 33° 55.99'S, longitude 136° 34.57'E.

Cowell: Franklin Harbour

The waters of Franklin Harbour contained within the geodesic from Germein Point situated at latitude 33° 44.63'S, longitude 136° 58.0'E, to Victoria Point situated at latitude 33° 43.65'S, longitude 136° 59.31'E.

Germein Bay

The waters of Germein Bay within a line drawn from the mouth of Second Creek (latitude 33°09.03'S, longitude 137°56.3'E), northwards to a point in the bay (latitude 33°06.97'S, longitude 137°56.3'E), then north-westerly to Ward Spit light (latitude 33°02.8'S, longitude 137°49.4'E) and then generally east-north-east to Ward Point (latitude 33°00.22'S, longitude 137°57.08'E).

Port Broughton—Fisherman Bay

The waters of Spencer Gulf in the vicinity of Port Broughton and Fisherman Bay bounded as follows:

Commencing at a point at high water mark on the shore adjacent to the northern side of the entrance to Fisherman Bay, latitude 33° 32' 59" south, longitude 137° 56' 14" east, then in a direction of 232°T to a position on the eastern point of Shag Island, latitude 33° 33' 34" south, longitude 137° 55' 25" east, then in a direction of 183°T to a position on the northern shore of Webling Point, latitude 33° 35' 25" south, longitude 137° 55' 18" east, and including the waters of Fisherman Bay, Munderoora Bay and Munderoora Arm, and the anabranches and tributaries of those waters.

Port Victoria

Comprising those waters of Spencer Gulf exceeding five metres in depth bounded as follows:

Commencing at high water mark at Point Gawler, (position latitude 34° 30' 38" south, and longitude 137° 28' 25" east), then along the geodesic (300°T), to the north-western point on Goose Island, (position latitude 34° 27' 25" south, and longitude 137° 21' 40" east), then along the geodesic (050°T), to high water mark at Reef Point, (position latitude 34° 24' 00" south, and longitude 137° 26' 40" east), then along high water mark back to the point of commencement.

Pondalowie Bay

The waters of Spencer Gulf bounded as follows:

Commencing at a point at high water mark at the most northerly point of Royston Head (latitude 35° 11' 30" south, longitude 136° 50' 46" east), then along the geodesic to the most easterly point of North Islet (Pondalowie Bay) (latitude 35° 11' 50" south, longitude 136° 50' 33" east), then along the geodesic to the most easterly point of Middle Islet (Pondalowie Bay) (latitude 35° 13' 03" south, longitude 136° 50' 12" east), then along the geodesic to the most easterly point of South Islet (Pondalowie Bay) (latitude 35° 13' 54" south, longitude 136° 50' 04" east), then following the line of high water mark generally southerly to a point at high water mark near the south-easterly corner of the said South Islet (latitude 35° 14' 00" south, longitude 136° 49' 58" east), then along the geodesic due south to a point at high water mark on the southern shore of Pondalowie Bay (latitude 35° 14' 06" south, longitude 136° 49' 56" east), then following the line of high water mark along the shore of Pondalowie Bay to the point of commencement.

Wedge Island

The waters of Spencer Gulf bounded as follows:

Commencing at a point at high water mark on the most western point of Wedge Island, (latitude 35° 09' 03" south, and longitude 136° 26' 20" east), then along the geodesic (031°T), to a point at high water mark on the most western point of North Islet, (latitude 35° 07' 08" south, and longitude 136° 27' 45" east), then following the line of high water mark generally south-easterly and then north-easterly to a point at high water mark on the most south-easterly point of North Islet, (latitude 35° 07' 17" south, and longitude 136° 28' 40" east), then along the geodesic (164°T), to a point at high water mark on the most north-eastern point of Wedge Island, (latitude 35° 09' 54" south, and longitude 136° 29' 33" east), then following the line of high water mark generally north-westerly, southerly and westerly to the point of commencement.

Brown's Beach—Yorke Peninsula

All those waters in the vicinity of Brown's Beach, Yorke Peninsula, bounded as follows:

Commencing at a point at high water mark at the northern end of the beach (latitude 35° 09' 45" south, longitude 136° 53' 42" east), then in a direction of 197°T, directly through the reef approximately ¼ mile offshore to a prominent point at the southern end of the beach (latitude 35° 11' 10" south, longitude 136° 53' 10" east), then along the high water mark in a generally easterly and northerly direction to the point of commencement.

Stansbury

The waters within a line drawn from the end of the groyne at Oyster Point (latitude 34°54.80'S, longitude 137°48.40'E) to a point in the bay 200 metres north of the Stansbury jetty (latitude 34°54.05'S, longitude 137°48.00'E) and then southwesterly to a point on the mainland 200 metres north of the jetty.

Coobowie

The waters within a line drawn from the causeway at Salt Swamp Creek (latitude 35°03.22'S, longitude 137°43.91'E) to a point at the end of the old Coobowie jetty structure (as defined by a "H" shaped pylon) (latitude 35°02.86'S, longitude 137°43.88'E) and from there to a point on the mainland adjacent to the area known locally as Hickies Point (latitude 35°02.76'S, longitude 137°45.00'E).

Edithburgh

The waters within a line drawn from Sultana Point (latitude 35°08.25'S, longitude 137°45.50'E) to a point on the mainland adjacent to the roadway running between sections 185 and 205 Hd Melville - in line with the watertower - (latitude 35°06.10'S, longitude 137°44.50'E).

The waters of Gulf St. Vincent, adjacent to the township of Edithburgh, that exceed 5 metres in depth and are comprised within the area bounded as follows:

Commencing at a point at highwater mark at Sultana Point, (position latitude 35° 06' 50" south, and longitude 137° 45' 38" east) then in a direction of 141°T to Marion Reef Buoy, (position latitude 35° 10' 30" south, and longitude 137° 49' 16" east), then in a direction of 006°T to Troubridge Lighthouse, (position latitude 35° 07' 08" south and longitude 137° 49' 42" east, then in a direction of 326°T to a point at high water mark, (adjacent to Giles Point), position latitude 35° 02' 25" south, and longitude 137° 45' 52" east, then generally westerly and southerly following high water mark to the point of commencement.

Price

The waters of Gulf St. Vincent in the vicinity of Port Price bounded as follows:

All those waters below high water mark within a radius of 1.1 nautical miles from the Will Creek Light Beacon north of Mangrove Point and all the waters of Will Creek together with the waters of its anabranches and tributaries.

Port Wakefield

The waters of Gulf St. Vincent situated within a distance of 100 metres of the dredged channel extending generally south-westerly from the mouth of the River Wakefield to low water mark.

Port Adelaide River

The waters of the Port Adelaide River upstream of the geodesic joining position latitude 34° 47.42'S, longitude 138° 27.92'E and position latitude 34° 47.15'S, longitude 138° 28.1'E (the entrance to the Port Adelaide River at Outer Harbour), including the waters of Gulf St. Vincent, adjoining the Port Adelaide River, and bounded within a line commencing at the north eastern end of the northern revetment mound (breakwater) at Outer Harbour, position latitude 34° 45.8'S, longitude 138° 29.18'E, then generally north westerly to the Section Bank pile beacon (Black Pole), latitude 34° 44.15'S, longitude 138° 27.84'E, then generally south easterly to the Middle Ground Outer Beacon position latitude 34° 45.23'S, longitude 138° 30.88'E, then generally south westerly to the northern extremity of the mangroves north of Torrens Island at position latitude 34° 45.42'S, longitude 138° 30.6'E, then in a generally south westerly direction contiguous with the northern extremity of the mangroves to Point Grey, at position latitude 34° 45.53'S, longitude 138° 30.48'E, then in a generally south easterly direction contiguous with the western extremity of the mangroves to the northern side of Torrens Island (in proximity to a marker beacon and pile situated opposite Snapper Point on Le Fevre Peninsula) at position latitude 34° 46.3'S, longitude 138° 31.3'E including the waters of North Arm west of the Grand Trunkway Road Bridge.

(CHART REFERENCE: DMH—TORRENS ISLAND AND ENVIRONS SMALL BOAT CHART).

Outer Harbour to Aldinga

Comprising all the waters of Gulf St. Vincent within 600 metres from the high water mark on the shore of the Gulf between the seaward end of the southernmost Outer Harbour breakwater and the southern boundary of the Aldinga Aquatic Reserve where latitude 35° 17.1'S meets the high water mark on the eastern shore of Gulf St. Vincent.

Patawalonga Lake

The waters of the Patawalonga lake.

The waters of Gulf St. Vincent within a radius of 500 metres from the northernmost part of the sluice gates at the mouth of the Patawalonga Lake.

Kangaroo Island—Kingscote Spit

The waters in the vicinity of Kingscote bounded as follows:

Commencing at a point at high water mark at Cape Rouge, latitude 35° 35' 52" south, and longitude 137° 37' 32" east, then along the geodesic (190°T), to a point at high water mark on the south coast of the Bay of Shoals, latitude 35° 38' 18" south, and longitude 137° 37' 05" east, then following the line of high water mark in a generally easterly and southerly direction to a point at high water mark at the landward end of the Kingscote Jetty, latitude 35° 39' 15" south, and longitude 137° 38' 32" east, then along the geodesic (123°T), for a distance of 2.3 nautical miles to position latitude 35° 40' 32" south, and longitude 137° 41' 00" east, then along the geodesic (033°T), for a distance of 2.1 nautical miles to position latitude 35° 38' 50" south, and longitude 137° 42' 15" east, then along the geodesic (325°T) to a point at highwater mark on Marsden Point, latitude 35° 33' 55" south, and longitude 137° 38' 07" east, then following the line of high water mark in a generally southerly direction back to the point of commencement.

American River—Eastern Cove

All the waters below high water mark in the vicinity of American River and Eastern Cove bounded as follows:

Commencing at a point at high water mark at American Beach latitude 35° 46' 02" south, and longitude 137° 52' 51" east, then along the geodesic (268°T), to a point at high water mark on the western shore of Eastern Cove, latitude 35° 46' 13" south, and longitude 137° 47' 06" east, then in a generally south-westerly direction along the high water mark to a position, (0.8 of a nautical mile) upstream from the American River Town Jetty, latitude 35° 47' 30" south, and longitude 137° 45' 30" east, then along the geodesic (154°T) to a point of land latitude 35° 48' 00" south, and longitude 137° 45' 50" east, then following high water mark in a generally north-easterly direction back to the point of commencement.

Parson's Beach—Fleurieu Peninsula

All those waters in the vicinity of Parson's Beach, Fleurieu Peninsula, bounded as follows:

Commencing at a point at high water mark at the eastern end of Parsons Beach (latitude 35° 38' 06" south, longitude 138° 28' 30" east), then in a direction of 275°T to a point at the western end of Parsons Beach (latitude 35° 38' 00" south, longitude 138° 27' 25" east), then along the high water mark in a generally easterly direction to the point of commencement.

Waitpinga Beach—Fleurieu Peninsula

All those waters in the vicinity of Waitpinga Beach, Fleurieu Peninsula, bounded as follows:

Commencing at a point at high water mark at Newland Head, (latitude 35° 38' 38" south, longitude 138° 31' 22" east), then in a direction of 284°T to a rocky headland at the western end of Waitpinga Beach (latitude 35° 38' 08" south, longitude 138° 28' 50" east), then following the high water mark in a generally easterly direction to the point of commencement.

Encounter Bay

The waters of Encounter Bay contained within the geodesics from the mouth of the River Hindmarsh situated at latitude 35° 32.74'S, longitude 138° 37.79'E, to the end of the breakwater on Granite Island situated at latitude 35° 33.83'S, longitude 138° 38.21'E, then to Rosetta Head situated at latitude 35° 35.59'S, longitude 138° 36.26'E.

Murray Mouth

Those waters within 500 metres of any part of the geodesic from a point at high water mark on the most south-easterly corner from the seaward side of Younghusband Peninsula to a point at high water mark on the most south-westerly corner from the seaward side of Sir Richard Peninsula.

Guichen Bay, Robe

All those waters of Guichen Bay bounded as follows:

Commencing at the prominent point located approximately one tenth of a nautical mile north-east of Cape Dombey (latitude 37° 09' 24" south, longitude 139° 44' 50" east), then in a direction of 109°T to an unnamed point (latitude 37° 09' 57" south, longitude 139° 46' 48" east), then along the high water mark in a generally westerly direction to the point of commencement.

Robe Lakes

The waters situated in the Hundred of Waterhouse.

Rivoli Bay, Beachport

The waters below high water mark of that portion of Rivoli Bay adjoining the hundred of Rivoli Bay, county of Grey, north-westerly of the geodesic joining the south-western corner of section 217, hundred of Rivoli Bay, to a point being the intersection of the jetty situated on block 15 adjacent to the town of Beachport, hundred of Rivoli Bay, with high water mark; and

The waters contained in the drainage channel connecting the waters of Lake George to the waters of Rivoli Bay.

Admella Dunes

Those waters of the ocean bounded as follows:

Commencing at a point on high water mark at Cape Banks, position latitude 37° 54' 00" south and longitude 140° 22' 30" east, then in a generally north-westerly direction along high water mark to a position latitude 37° 52' 00" south, and longitude 140° 21' 40" east, and all of the waters within 300 metres to seaward of the area of coastline defined.

Brown Bay

The waters of Brown Bay bounded as follows:

Commencing at a point on high water mark at Green Point, latitude 38° 03' 10" south, and longitude 140° 52' 15" east, then in a generally westerly direction along high water mark to Dangerous Point, latitude 38° 02' 58" south, and longitude 140° 48' 10" east, and all of the waters within 300 metres to seaward of the area of coastline defined.

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 any of the following jetties, namely, the jetties at Brighton, Glenelg, Henley Beach, Grange, Semaphore and Largs Bay; and
- (b) a distance of 100 metres of any pier, wharf or other jetty.

Salmon Hole—Beachport

Those waters contained landwards of a straight line drawn from Cape Martin at position latitude 37° 29.41'S, longitude 140° 00.03'E to Post Office Rock at position latitude 37° 29.17'S, longitude 139° 59.59'E.

SCHEDULE 3*Areas and carrying of explosive devices when diving (reg. 13)*

1. The waters of the River Murray and all other fresh water streams of the State, and the area of land adjacent to those waters and which is within 100 metres of those waters.
2. The waters of the River Hindmarsh and River Inman and the waters of the sea within a radius of 200 metres from the mouth of each of those rivers.
3. The waters of Gulf St. Vincent within 600 metres of high water mark on the shore of the Gulf between the seaward end of the southernmost breakwater at Outer Harbour, (position latitude 34° 47' 30" south, and longitude 138° 28' 05" east), and a position at high water mark on the eastern shore of the Gulf at latitude 35° 07.97' south (adjacent to Gulfview Road), and adjoining the Port Noarlunga aquatic reserve.
4. 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 3 of this Schedule.
5. The waters known as West Lakes and foreshore areas (including reserves for public use) adjacent to those waters.
6. The waters adjacent to Second Valley contained within a line commencing at a point on the seaward extremity of the western side of the bay at position latitude 35° 30.66' south, longitude 138° 12.82' east, then in a generally east-south-easterly direction to a point on the rocky shoreline of the eastern side of the bay at position latitude 35° 30.69' south, longitude 138° 13.13' east.

SCHEDULE 4

Rock lobster—removal of middle tail fan (reg. 23)

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

SCHEDULE 5

Fees (reg. 27)

Registration of devices to be used by any person other than for trade or business

1. (1) For registration under regulation 8 of—

- (a) a mesh net (per annum) \$30
- (b) a rock lobster pot (per annum) \$45

(2) If a person produces evidence to the satisfaction of the Director that he or she is in receipt of an age or invalid pension or is the holder of a State Concession Card issued by the Department of Human Services the annual fee payable for the registration of a mesh net is \$15.

(3) No fee is payable where the Director registers the registration of a net or pot for a period of less than one year for the purpose of achieving a common expiry date for that registration and the registration of any other net or pot owned by the one person.

Registration of devices to be used by holder of fishery licence pursuant to the licence

2. For registration under regulation 9 of—

(a) one or more of the following fish nets to be used in the waters of the Lakes and Coorong Fishery:

- (i) swinger nets no fee
- (ii) fish nets other than swinger nets \$1 451

(b) one or more fish nets to be used in the waters of either of the following fisheries:

- Northern Zone Rock Lobster Fishery
- Southern Zone Rock Lobster Fishery \$1 451

(c) one or more fish nets to be used in coastal waters of any of the following fisheries:

- Miscellaneous Fishery
- Marine Scalefish Fishery
- Restricted Marine Scalefish Fishery—

- (i) pilchard nets \$23 633
- (ii) fish nets other than pilchard nets \$2 434

(d) a rock lobster pot to be used in the waters of the Miscellaneous Fishery to take giant crab \$53.70

(e) a crab net (per annum) \$44.83

(f) a fish net used solely to take fish for bait provided that the bait is not for sale no fee

(g) a dredge to be used in any of the following fisheries:

- Northern Zone Rock Lobster Fishery
- Southern Zone Rock Lobster Fishery
- Marine Scalefish Fishery
- Restricted Marine Scalefish Fishery
- Miscellaneous Fishery
- (per annum) \$50

Variation of endorsements on fishery licences

3. On application—

(a) to vary the endorsement on a fishery licence of—

- (i) a boat used pursuant to the licence \$60
- (ii) the person registered as the master of a boat used pursuant to the licence \$60

(b) to endorse an additional boat on a fishery licence \$60

Registration of interests in fishery licences

4. On application under section 65(3) of the Act to register an interest in a fishery licence \$100

Application for permit or exemption

5. On application for—

(a) a permit under the Act \$60

(b) an exemption under section 59 of the Act \$60

Issue of duplicate authority

6. On application for the issue of a duplicate authority under the Act \$20

Waiver of certain fees

7. (1) If application is made for the issue of a permit or the granting of an exemption by the Minister, the Minister may waive the prescribed fee if satisfied that it is appropriate to do so in a particular case.

(2) If application is made for the issue of a permit or duplicate authority by the Director, the Director may waive the prescribed fee if satisfied that it is appropriate to do so in a particular case.

Payment of certain fees by instalments

8. The fee prescribed by clause 2(c)(i) for registration of pilchard nets under regulation 9 may be paid by four equal instalments payable on or before the date of issue or renewal of the licence pursuant to which the nets are to be used and 1 October, 1 January and 1 April following the date of that issue or renewal.

SCHEDULE 6
Undersize fish

Abalone taken by licensed person

1. (1) Abalone of all species (except blacklip and greenlip) 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) Abalone, blacklip is undersize—
 - (a) if taken in the waters of the Southern Zone—
 - (i) it is less than 12.5 centimetres in length; or
 - (ii) the meat, having been removed from the shell, weighs less than 106 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) Abalone, greenlip 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—

"length", of an abalone, means the length of the abalone as measured at its greatest dimension as shown in diagram 1;

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

"Southern Zone" means all coastal waters east of the meridian of longitude 139° east (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.

(6) This clause applies only in relation to abalone taken by a licensed person.

Diagram 1

Abalone (*Haliotis* spp.)

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

Abalone taken by unlicensed person

2. (1) Abalone of all species (except greenlip) is undersize—

(a) if it is less than 13 centimetres in length; or

(a) if the meat, having been removed from the shell, weighs less than 113 grams.

(2) Abalone, greenlip 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 1 in clause 1;

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

"**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.

Cockle

3. (1) A cockle is undersize, if when measured at its greatest dimension as shown in diagram 2—

(a) in the case of cockle taken from the waters of the Coffin Bay complex south of a line drawn due east from Point Longnose to the mainland along the parallel of latitude 34° 31.4'S—the cockle is less than 3.8 centimetres; or

(b) in any other case—the cockle is less than 3 centimetres.

Diagram 2

Cockle (*Katylsia* spp.)

(Where taken from the waters of Coffin Bay)

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

(Where taken from any other waters of the State)

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

(2) A Goolwa cockle is underrize if, when measured at its greatest dimension as shown in diagram 3, it is less than 3.5 centimetres.

Diagram 3

Goolwa cockle (*Donax deltoides*)

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

Crab

4. (1) A blue crab is underrize if its length as shown in diagram 4 is less than 11 centimetres when measured from side to side at the base of the spines.

Diagram 4

Blue crab (*Portunus pelagicus*)

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

(2) A giant crab is underrize if its length, as shown in diagram 5, is less than 15 centimetres when measured from the top to the bottom of its carapace.

Diagram 5

Giant crab (*Ovalipes australiensis*)

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

(3) A sand crab is undersize if its length, as shown in diagram 6, is less than 10 centimetres when measured from side to side at the widest point of its carapace.

Diagram 6

Sand crab (*Pseudocarcinus gigas*)

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

Garfish

5. A garfish is undersize if its length, as shown in diagram 7, is less than 21 centimetres from the foremost part of the upper jaw to the end of the tail fin.

Diagram 7

Garfish (*Hyporhamphus melanochir*)

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

Mulloway

6. (1) A mulloway is undersize if—

(a) in the case of mulloway taken in Coorong (area 1) or Coorong (area 2)—it is less than 46 centimetres in length; or

(b) in any other case—it is less than 75 centimetres in length.

(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.

Rock lobster

7. (1) A rock lobster is undersize if—

(a) in the case of a rock lobster taken from the waters of the Northern Zone Rock Lobster Fishery—it is less than 10.5 centimetres in length as shown in diagram 8; or

(b) in any other case—it is less than 9.85 centimetres in length as shown in diagram 9.

Diagram 8

Rock lobster (*Jasus edwardsii*)—Taken in the Northern Zone

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

Minimum length 10.5cm from anterior of frontal tubercle to posterior edge of carapace

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

Diagram 9

Rock lobster (*Jasus edwardsii*)—Taken in other waters

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

Minimum length 9.85cm from anterior of frontal tubercle to posterior edge of carapace

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

(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).

Scallop

8. A scallop is undersize if, when measured at its greatest dimension as shown in diagram 10, it is less than 6.5 centimetres.

Diagram 10

Scallop (Family PECTINIDAE)

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

Shark

9. (1) A gummy shark is undersize if it is less than 45 centimetres in length.

(2) A school shark is undersize if it is less than 40 centimetres in length.

(3) 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 11.

Diagram 11

Gummy shark (*Mustelus antarcticus*)

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

School shark (*Galeorhinus australis*)

[Diagram appears in *Gaz.* 31 August 2000, p. 1235]

Other species and classes of fish

10. A fish of a class or species 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, less than the length (in centimetres) shown in column 2 of the table immediately alongside of the class or species so specified.

Column 1 Class or species of fish	Column 2 Length (cm)
Bream (<i>Acanthopagrus butcheri</i>)	28
Flounder (Family Pleuronectidae)(Family Bothidae)	25
Groper, Blue (<i>Achoerodus gouldii</i>)	60
Mullet (Family Mugilidae)	21
Murray cod (<i>Maccullochella peeli</i>)	50
Perch, golden (<i>callop</i>) (<i>Macquaria ambigua</i>)	33
Perch, Lake Eyre callop (<i>Macquaria n.sp</i>)	33
Perch, silver (<i>Bidyanus bidyanus</i>)	33
Salmon (<i>Arripis truttaceus</i>)	21
Snapper (<i>Pagrus auratus</i>)	38
Snook (<i>Sphyraena novaehollandiae</i>)	36
Sweep (<i>Genus Scorpis</i>)	24
Trout, brown (<i>Salmo trutta</i>	28
Trout, rainbow (<i>Oncorhynchus mykiss</i>)	28
Whiting, King George, spotted (<i>Sillaginodes punctatus</i>)	30
Whiting, yellowfin, western sand (<i>Sillago schomburgkii</i>)	24
Yellowtail, kingfish (<i>Seriola grandis</i>)	40

SCHEDULE 7

Species of fish prescribed for the purposes of s. 48G of the Act

Annelids

blood worm	Class POLYCHAETA
tube worm	Class POLYCHAETA
beach worm	Class POLYCHAETA

Coelenterata

jellyfish

Crustaceans

southern rock lobster	<i>Jasus edwardsii</i>
western king prawn	<i>Penaeus latisulcatus</i>
blue crab	<i>Portunus pelagicus</i>
yabbies	<i>Cherax destructor</i>
freshwater shrimp	<i>Macrobrachium australiensis</i>
sand crab	<i>Ovalipis australiensis</i>
rock crab	<i>Nectocarcinus integrifrons</i>
velvet crab	<i>Nectocarcinus tuperculosus</i>
giant crab	<i>Psuedo-carcinus gigas</i>
slipper lobster	<i>Ibacus</i> spp.

Echinoderms

sea urchin	<i>Heliocidaris erythrogramma</i>
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Fin fish

Class TELEOSTOMI

Molluscs

abalone	<i>Haliotis laevigata</i>
	<i>Haliotis rubra</i>
	<i>Haliotis roei</i>
	<i>Triviida</i>
allied cowrie, bean cowrie	<i>Nototodarus gouldi</i>
arrow squid	<i>Zoila friendii thersites</i>
black cowrie	<i>Sepioteuthis australis</i>
calamary	<i>Carditidae</i>
cardita	<i>Chitonidae</i>
chiton	<i>Catylisia</i> spp.
cockle	<i>Conidae</i>
cone shell	<i>Cypraeidae</i>
cowrie	<i>Sepia</i> spp.
cuttlefish	<i>Nassaridae</i>
dog welk	<i>Calumbellidae</i>
dove shell	<i>Eulimidae</i>
eulima	<i>Solenidae</i>
fingernail, jackknife shell	<i>Donax deltoides</i>
Goolwa cockle	<i>Harpidae</i>
harp shell	<i>Cardiidae</i>
heart cockle	<i>Cassidae</i>
helmut shell	<i>Fissurellidae</i>
keyhole limpet and shield shell	<i>Epitoniidae</i>
ladder	<i>Patellidae</i>
limpet	<i>Siphonariidae</i>
limpet—air breathing	<i>Mastridae</i>
mactra, cockle	<i>Marginellidae</i>
margin shell	

mitre shell	<i>Mitridae</i>
moon shell	<i>Nacticidae</i>
murex, droop, purple/rock shell	<i>Muricidae</i>
mussels	<i>Mytilus</i> spp.
nutmeg shell	<i>Cancellaridae</i>
octopus	<i>Octopus</i> spp.
olive shell	<i>Olividae</i>
oyster	Family <i>Ostridae</i>
periwinkle, black crow	<i>Neritidae</i>
pheasant shell or painted lady	<i>Phasianellidae</i>
razor fish	<i>Pinna bicolor</i>
ring mouth shell	<i>Liotiidae</i>
scallop	Family <i>Pectinidae</i>
spindle shell	<i>Faxialariidae</i>
tellin, sunset shell	<i>Tellinidae</i>
thai, droop	<i>Thaididae</i>
thorny oyster	<i>Spondylidae</i>
triton	<i>Cymatiidae</i>
trochus, top, weed shell	<i>Trochidae</i>
turban and star shell	<i>Turbinidae</i>
turbo shell	<i>Turbo torquatus</i>
	<i>Turbo undulatus</i>
turid	<i>Turridae</i>
vase, chank shell	<i>Vasidae</i>
venus cockle	<i>Veneridae</i>
volute, baler	<i>Volutidae</i>
watering pot shell	<i>Clavagellidae</i>
welk	<i>Buccinidae</i>

Sharks

Class ELASMOBRANCHII

SCHEDULE 8

Classes of fish prescribed for the purposes of s. 44(4) of the Act

Column 1 Class of fish	Column 2 Quantity
Abalone (<i>Haliotis</i> spp.)	more than 25
Australian salmon (<i>Arripis truttaceus</i>) Over 35 cm in length	more than 40
Blue crab (<i>Portunus pelagicus</i>)	more than 100
Blue groper (<i>Achoerodus gouldii</i>)	more than 5
Calamary (<i>Sepioteuthis australis</i>)	more than 40
Flounder (Family Pleuronectidae) (Family Bothidae)	more than 50
Garfish (<i>Hyporhamphus melanochir</i>)	more than 200
King George whiting (<i>Sillaginodes punctatus</i>)	more than 75
Mulloway (<i>Argyrosomus hololepidotus</i>) 75 cm more in length Less than 75 cm in length	more than 10 more than 25
Razorfish (<i>Pinna bicolor</i>)	more than 125
Rock lobster (<i>Jasus edwardsii</i>)	more than 15
Sand crab (<i>Ovalipes australiensis</i>)	more than 100
Snapper (<i>Pagrus auratus</i>) 60 cm or more in length less than 60 cm in length	more than 5 more than 40
Snook (<i>Sphyraena novaehollandiae</i>)	more than 65
Yellowfin whiting (<i>Sillago schombergkii</i>)	more than 65

SCHEDULE 9

Expiation of offences (reg. 32)

Fisheries Act 1982 section 41

Clause of Sched. 1	Description of offence	Expiation Fee
	Engaging in a fishing activity of a prescribed class:	
1	<i>Taking fish using certain devices (recreational)</i>	\$100
2	<i>Taking fish using 2mm or greater gauge trace wire with fishing hooks size 12/0 or greater</i>	\$100
4	<i>Taking fish using more than specified number of certain devices incoastal waters (recreational)</i>	\$100
5	<i>Taking fish using fish net in coastal waters (recreational)</i>	\$100
6	<i>Taking fish using hauling net in coastal waters during specified times (commercial)</i>	\$100
7	<i>Taking fish using long line in coastal waters (recreational)</i>	\$100
8	<i>Taking fish using unattended long line (commercial)</i>	\$100
9	<i>Taking fish using set line in River Murray, Lakes Albert and Alexandrina or the Coorong (recreational)</i>	\$100
10	<i>Taking fish using certain devices or more than specified number of certain devices in River Murray (recreational)</i>	\$100
12	<i>Taking fish using fish net in Coorong (area 1) during specified period (recreational)</i>	\$100
13	<i>Taking fish using certain devices or more than specified number of certain devices in Coorong (area 1) or Coorong (area 2) (recreational)</i>	\$100
14	<i>Taking fish using certain devices or more than specified number of certain devices in Coorong (area 1) during specified period (recreational)</i>	\$100
15	<i>Taking fish using certain devices or more than specified number of certain devices in Lakes Albert and Alexandrina (recreational)</i>	\$100
16	<i>Taking fish using more than specified number of certain devices in Lake George (recreational)</i>	\$100
17	<i>Taking fish using more than two rods and lines at any one time</i>	\$50
18	<i>Taking fish using more than two hand lines at any one time</i>	\$50
19	<i>Taking fish using rod and line at same time as more than one hand line or using hand line at same time as more than one rod and line</i>	\$50
20	<i>Using more than three "teaser" lines from jetty, etc.</i>	\$50
21	<i>Taking fish using unregistered device for purpose other than trade or business (recreational)</i>	\$100
22	<i>Taking fish using unregistered device for trade or business (commercial)</i>	\$200
23	<i>Taking fish without buoying fish net or set line in specified waters</i>	\$50
24	<i>Taking fish without buoying fish net</i>	\$50
25	<i>Taking fish using drop line not marked with buoy (commercial)</i>	\$50
26	<i>Taking fish using trot line not marked with buoys (commercial)</i>	\$50
27	<i>Taking fish using set line with more than 400 hooks (commercial)</i>	\$200

Fisheries Act 1982 section 41

Clause of Sched. 1	Description of offence	Expiation Fee
28(1)	<i>Taking fish using untagged device (commercial)</i>	\$50
29	<i>Taking fish using yabbie pot of unlawful specifications in inland waters</i>	\$50
30	<i>Taking fish using fish net in waters specified in Schedule 2</i>	\$200
32	<i>Taking fish using fish net within 100 metres of line in certain waters</i>	\$50
33	<i>Taking fish using hauling net of unlawful specifications in Venus Bay</i>	\$200
34	<i>Taking fish using fish net in certain waters of Spencer Gulf</i>	\$200
35	<i>Taking fish using fish net in Streaky Bay-Blanche Port</i>	\$200
36	<i>Taking fish using fish net of unlawful specifications in Lake George</i>	\$200
37	<i>Taking fish using fish net in State waters deeper than 5 metres</i>	\$200
38	<i>Taking fish using certain devices in specified waters</i>	\$200
39	<i>Taking fish using certain devices in specified waters within Counties MacDonnell, Robe and Grey</i>	\$200
40	<i>Taking fish using hauling net or seine net of unlawful specifications in coastal waters</i>	\$200
41	<i>Taking fish using mesh net or gill net of unlawful specifications in coastal waters (commercial)</i>	\$200
42	<i>Taking fish using large mesh net exceeding 600 metres in length</i>	\$200
43	<i>Taking fish using large mesh net left in waters for more than 4 hours</i>	\$100
44	<i>Taking fish using more than 5 large mesh nets at any one time</i>	\$200
45	<i>Taking fish using large mesh net not shot out in straight line in Gulf St. Vincent or Spencer Gulf</i>	\$50
49	<i>Taking fish using fish net fixed, etc. across bay, inlet, etc.</i>	\$200
50	<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
51	<i>Taking salmon using purse seine net of unlawful specifications</i>	\$200
52	<i>Taking fish using drum net set within 20 metres of another drum net</i>	\$50
53	<i>Taking fish using shrimp trap of unlawful specifications</i>	\$50
54	<i>Taking fish using fish trap of unlawful specifications (commercial)</i>	\$50
55	<i>Taking ocean leather jacket using fish trap of unlawful specifications in waters deeper than 60 metres (commercial)</i>	\$50
56	<i>Taking prawns using prawn trawl net of unlawful specifications (commercial)</i>	\$200
60	Taking undersize fish:	
	· up to 10 fish	\$50
	· more than 10 fish	\$100
61	Taking razor fish (<i>bag limit</i>)—exceeding limit:	
	· by up to 20 razor fish	\$50
	· by 21 to 40 razor fish	\$100
	· by more than 40 razor fish	\$200

Fisheries Act 1982 section 41

Clause of Sched. 1	Description of offence	Expiation Fee
62	<i>Taking razor fish during closed season in specified waters</i>	\$100
63	<i>Taking molluscs from waters of West Lakes, etc.</i>	\$100
64	<i>Taking cockle from specified waters (commercial)</i>	\$100
65	<i>Taking benthic marine organism from specified waters of rocky reef</i>	\$300
66	Taking fish (<i>recreational bag or boat limit</i>)—exceeding limit: <ul style="list-style-type: none"> · by up to 10 fish · by 11 to 20 fish · by more than 20 fish 	\$50 \$100 \$200
67	Taking black cowrie (<i>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
68	Taking mullock in Coorong (area 1) or Coorong (area 2) (<i>recreational bag limit</i>)—exceeding limit: <ul style="list-style-type: none"> · by up to 10 mullock · by 11 to 20 mullock · by more than 20 mullock 	\$50 \$100 \$200
69	Taking abalone (<i>recreational bag limit</i>)—exceeding limit: <ul style="list-style-type: none"> · by up to 5 abalone · by 6 to 10 abalone · by more than 10 abalone 	\$50 \$100 \$200
70	Taking abalone (<i>recreational boat limit</i>)—exceeding limit: <ul style="list-style-type: none"> · by up to 5 abalone · by 6 to 10 abalone · by more than 10 abalone 	\$50 \$100 \$200
71	Taking rock lobster by diving (<i>bag limit</i>)—exceeding limit: <ul style="list-style-type: none"> · by up to 5 rock lobster · by 6 to 10 rock lobster · by more than 10 rock lobster 	\$50 \$100 \$200
72	<i>Taking yabbies—exceeding bag limit (recreational)</i>	\$300
73	<i>Taking rock lobster—exceeding bag or boat limit in a rock lobster fishery (recreational)</i>	\$300
74	Taking callop (<i>recreational bag limit</i>)—exceeding limit: <ul style="list-style-type: none"> · by up to 10 callop · by 11 to 20 callop · by more than 20 callop 	\$50 \$100 \$200

Fisheries Act 1982 section 41

Clause of Sched. 1	Description of offence	Expiation Fee
75	Taking scallop (<i>recreational bag limit</i>)—exceeding limit:	
	· by up to 50 scallop	\$50
	· by 51 to 100 scallop	\$100
	· by more than 100 scallop	\$200
76(1)	Taking Murray cod (<i>recreational bag limit</i>)—exceeding limit:	
	· by up to 5 Murray cod	\$100
	· by more than 5 Murray cod	\$200
76(2)	Taking Murray cod—exceeding maximum length limit:	
	· by up to 5 Murray cod	\$100
	· by more than 5 Murray cod	\$200
76(3)	<i>Taking Murray cod during closed season</i>	\$200
77(1)	Taking Lake Eyre callop or grunter (<i>recreational bag limit</i>)—exceeding limit:	
	· by up to 10 fish	\$50
	· by 11 to 20 fish	\$100
	· by more than 20 fish	\$200
77(2)(a)	Taking catfish (<i>recreational bag limit</i>)—exceeding limit:	
	· by up to 10 catfish	\$50
	· by 11 to 20 catfish	\$100
	· by more than 20 catfish	\$200
77(2)(b)	Taking catfish (<i>recreational</i>)—exceeding maximum length limit:	
	· by up to 5 catfish	\$100
	· by more than 5 catfish	\$200
78	<i>Taking blue crab during closed season in Spencer Gulf (commercial)</i>	\$200
79	<i>Taking blue crab during closed season in Gulf St. Vincent (commercial)</i>	\$200
80	<i>Taking blue crab in specified waters of Spencer Gulf (commercial)</i>	\$300
81	<i>Taking blue crab in specified waters (commercial)</i>	\$300
83	<i>Setting rock lobster pot containing rock lobster (recreational)</i>	\$100
84	<i>Taking rock lobster using rock lobster pot registered under regulation 8 in name of another person (recreational)</i>	\$300
85	<i>Taking rock lobster in specified waters</i>	\$200
86	<i>Taking rock lobster during closed season in Northern Zone Rock Lobster Fishery</i>	\$200
87	<i>Taking rock lobster during closed season in Southern Zone Rock Lobster Fishery</i>	\$200
89	<i>Taking rock lobster using rock lobster pot of unlawful specifications in Southern Zone Rock Lobster Fishery (commercial)</i>	\$50
90	<i>Taking rock lobster using rock lobster pot of unlawful specifications in Northern Zone Rock Lobster Fishery (commercial)</i>	\$50
93	<i>Taking rock lobster using fish spear, etc.</i>	\$200

Fisheries Act 1982 section 41

Clause of Sched. 1	Description of offence	Expiation Fee
95	<i>Taking bream during closed season in specified waters of Onkaparinga River</i>	\$100
96	<i>Taking fish using mesh net in Goolwa Channel on weekend</i>	\$100
97	<i>Taking fish using mesh net of certain specifications in Goolwa Channel on weekdays</i>	\$100
98	<i>Taking fish using hauling net in Goolwa Channel on weekend</i>	\$100
99	<i>Taking fish using fish net or set line near Murray Mouth</i>	\$100
100	<i>Taking fish using mesh net of unlawful specifications in specified waters of Coorong</i>	\$100
101	<i>Taking fish in Lakes Albert and Alexandrina using mesh net of unlawful specifications</i>	\$100
102	<i>Taking fish in Murray Mouth using long line</i>	\$100
103	<i>Taking fish using certain devices in River Murray (commercial)</i>	\$100
104	<i>Taking fish in River Murray using more than permitted number of yabbie pots (commercial)</i>	\$100
105	<i>Taking fish in River Murray using unmarked device (commercial)</i>	\$150
106	<i>Taking fish in specified waters near barrages using mesh net as set net</i>	\$100
107	<i>Taking fish in waters of Lakes Albert and Alexandrina, Murray Mouth or Coorong using fish net within 200 metres of another net</i>	\$50
108	<i>Taking fish near River Murray locks</i>	\$100
109	<i>Taking Goolwa cockles during closed season</i>	\$50
110	<i>Taking fish using untagged device (recreational)</i>	\$50
111	<i>Taking fish using untagged registered device (recreational)</i>	\$50
112	<i>Taking fish using unbuoyed drum net (recreational)</i>	\$50
113	<i>Taking fish using unattended and unbuoyed hoop net (recreational)</i>	\$50
114	<i>Taking fish using unattended and unbuoyed drop net (recreational)</i>	\$50
115	<i>Taking fish using unattended and untagged yabbie pot or shrimp trap (recreational)</i>	\$50
116	<i>Taking rock lobster in Southern Zone Rock Lobster Fishery using rock lobster pot of unlawful specifications (recreational)</i>	\$50
117	<i>Taking rock lobster in Northern Zone Rock Lobster Fishery using rock lobster pot of unlawful specifications (recreational)</i>	\$50
118	<i>Taking fish using certain devices in fishing reach (recreational)</i>	\$100
119	<i>Taking fish in fishing reach using shrimp trap or yabbie pot not set from shore (recreational)</i>	\$50
120	<i>Taking fish in fishing reach by trolling (recreational)</i>	\$100
121	<i>Taking crabs using crab net or hand net of unlawful specifications</i>	\$50
122	<i>Taking fish using certain devices near specified artificial reefs</i>	\$100
123	<i>Taking fish from registered boat for purposes other than trade or business</i>	\$100

Fisheries Act 1982 section 41

Clause of Sched. 1	Description of offence	Expiation Fee
124	<i>Taking fish in Lake George during specified hours using unattended mesh net (recreational)</i>	\$100
125	<i>Taking fish in Lake George using mesh net exceeding 75 metres in length (recreational)</i>	\$100
126	<i>Taking scallop using scallop dredge in Coffin Bay</i>	\$200
127	<i>Taking scallop using scallop dredge in Gulf St. Vincent</i>	\$200
128	<i>Taking scallop using scallop dredge in Spencer Gulf</i>	\$200
129	<i>Taking prawns by power hauling method</i>	\$200
130	<i>Taking fish by power hauling method using hauling net of unlawful specifications or unmarked hauling net</i>	\$100
131	<i>Taking fish using drum net of unlawful specifications</i>	\$50
132	<i>Taking fish in certain coastal waters using swinger net (commercial)</i>	\$100
133	<i>Taking fish in aquatic reserve</i>	\$100
134	<i>Taking fish using certain fish traps (recreational)</i>	\$100
135	<i>Taking fish in Coorong using certain net (commercial)</i>	\$100
136	<i>Taking fish in Coorong (area 1) using certain net during closed season (commercial)</i>	\$200
137	<i>Taking fish in Coorong using small mesh monofilament net of unlawful specifications or used in unlawful manner (commercial)</i>	\$100
138	<i>Taking fish in Coorong using large mesh monofilament net otherwise than as set net (commercial)</i>	\$100
139	<i>Taking fish in Coorong using large mesh monofilament net of unlawful specifications as set net (commercial)</i>	\$100
140	<i>Taking fish in Coorong coastal waters using small mesh monofilament hauling net of unlawful specifications (commercial)</i>	\$100
141	<i>Taking fish in Coorong using small mesh monofilament hauling net of unlawful specifications, etc. (commercial)</i>	\$100
142	<i>Taking fish in Coorong using large mesh multifilament hauling net of unlawful specifications, etc. (commercial)</i>	\$100
143	<i>Taking fish in Lakes and Coorong Fishery for trade or business using more than specified number of devices</i>	\$100
144	<i>Taking fish in Lakes and Coorong Fishery for trade or business by electrofishing</i>	\$100
145	<i>Taking native fish in specified waters of River Murray (commercial)</i>	\$100

Fisheries (General) Regulations 2000

Regulation	Description of offence	Expiation Fee
10	<i>Failing to produce certificate of registration (recreational)</i>	\$50
13	<i>Carrying spear, etc. in specified areas defined in Schedule 3</i>	\$50
14	<i>Carrying spear, etc. while using scuba</i>	\$50
15	<i>Carrying devices in specified waters—locks/weirs of River Murray</i>	\$100
16(2)	<i>Using registered boat not bearing distinguishing marks</i>	\$100
16(3)	<i>Using dinghy not bearing distinguishing marks as tender to registered boat</i>	\$50
16(4)	<i>Failing to remove distinguishing marks from boat no longer registered</i>	\$100
18(1)	<i>Mutilating certain fish</i>	\$100
19(2)	<i>Failing to bring abalone above high water mark before removing shell (recreational)</i>	\$100
19(3)	<i>Failing to carry measuring device for measuring abalone</i>	\$100
19(4)	<i>Failing to replace undersize abalone</i>	\$100
19(5)	<i>Having possession, control or custody of abalone removed from shell</i>	\$200
20	<i>Storing or confining fish in corf not tagged and marked as required</i>	\$50
21	<i>Storing or confining rock lobster in corf</i>	\$300
22	<i>Depositing buoy not marked as required (holder of rock lobster fishery licence)</i>	\$50
23(1)	<i>Failing to remove middle fan tail of rock lobster before landing (recreational)</i>	\$100
24(1)	<i>Using berley in certain waters</i>	\$100
24(2)	<i>Depositing or using in marine waters body or part of body of mammal</i>	\$50
25(1)	<i>Failing to remove net buoys, anchors, etc. after completing netting in Lakes and Coorong (commercial)</i>	\$300
26(1)	<i>Failing to mark receptacles in which fish transported, etc. (commercial)</i>	\$50

Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 2000

Regulation	Description of offence	Expiation Fee
9(1)	<i>Conducting fish farming operation without being registered</i>	\$200
9(5)	<i>Failing to lodge statistical returns</i>	\$100
26(1)	<i>Failing to keep records</i>	\$100

Fisheries (Fish Processors) Regulations 1991

Regulation	Description of offence	Expiation Fee
8(4)	<i>Failing to keep records of fish purchases</i>	\$100
9(4)	<i>Failing to lodge statistical returns</i>	\$100
11(4)	<i>Failing to keep records required by regulation 11(1)</i>	\$100
12(4)	<i>Failing to complete or deliver form CR3</i>	\$100
13(4)	<i>Failing to complete or deliver form CDR1</i>	\$100
14(5)	<i>Failing to complete or deliver form SZRL2 or form SZRL3</i>	\$100

Regulation	Description of offence	Expiation Fee
Scheme of Management (Abalone Fisheries) Regulations 1991		
14(1)	<i>Failing to lodge statistical returns</i>	\$100
Scheme of Management (Blue Crab Fishery) Regulations 1998		
17(1)	<i>Failing to lodge statistical returns</i>	\$100
Scheme of Management (Lakes and Coorong Fishery) Regulations 1991		
17(1)	<i>Failing to lodge statistical returns</i>	\$100
Scheme of Management (Marine Scalefish Fisheries) Regulations 1991		
14	<i>Registered master causing or permitting more than one person to assist on board boat in fishing activities (Restricted Marine Scalefish Fishery)</i>	\$100
16(1)	<i>Failing to lodge statistical returns</i>	\$100
Scheme of Management (Miscellaneous Fishery) Regulations 2000		
16(1)	<i>Failing to lodge statistical returns</i>	\$100
Scheme of Management (Prawn Fisheries) Regulations 2000		
13(1)	<i>Failing to lodge statistical returns</i>	\$100
Scheme of Management (River Fishery) Regulations 1991		
15(1)	<i>Failing to lodge statistical returns</i>	\$100
Scheme of Management (Rock Lobster Fisheries) Regulations 1991		
15(1)	<i>Failing to lodge statistical returns</i>	\$100
17	<i>Failing to give notice within 14 days of becoming, or ceasing to be, holder of Victorian licence</i>	\$50
18(1)	<i>Selling live rock lobster during closed season</i>	\$200