

South Australia

Fisheries Act (Aquatic Reserves) Regulations 1989

under the *Fisheries Act 1982*

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Schedule—Aquatic reserves—Access and permitted fishing activities

Legislative history

1—Short title

These regulations may be cited as the *Fisheries Act (Aquatic Reserves) Regulations 1989*.

2—Commencement

These regulations will come into operation on 27 July, 1989.

3—Revocation

The *Fisheries Act (Aquatic Reserves) Regulations 1984* (see , *Gazette* 28.6.1984 p1980) as varied, are revoked.

4—Interpretation

- (1) In these regulations, unless the contrary intention appears—
 - (a) *the Act* means the *Fisheries Act 1982*;
 - (b) words and expressions defined in the *Fisheries (General) Regulations 1984*, have the same meanings, respectively, as in those regulations;
 - (c) a reference to a named aquatic reserve is a reference to the aquatic reserve of that name as defined from time to time by proclamation made pursuant to section 47 of the Act.
- (2) For the purposes of these regulations and any proclamation made pursuant to section 47 of the Act, a chart reference appearing at the foot of a boundary description of an aquatic reserve, or part of an aquatic reserve, is a reference to the published navigation chart in accordance with which that boundary description was plotted.

5—Access to and fishing activities in aquatic reserves

Pursuant to section 48G(1) of the Act, a person may—

- (a) enter and remain in an aquatic reserve; and
 - (b) engage in a fishing activity in an aquatic reserve,
- as permitted under the Schedule.

6—Regulations to have effect subject to Fisheries (General) Regulations

These regulations have effect subject to the *Fisheries (General) Regulations 1984*, and nothing in these regulations authorises any person to act in contravention of those regulations.

Schedule—Aquatic reserves—Access and permitted fishing activities

Aquatic reserve	Access permitted to aquatic reserve	Fishing activities permitted in aquatic reserve
Aldinga Reef Aquatic Reserve	Any person	None
American River Aquatic Reserve	Any person	None
Barker Inlet—St Kilda Aquatic Reserve	Any person	Taking fish by using— <ul style="list-style-type: none"> (a) a rod and line; or (b) a hand line.
	Any person	Taking bloodworms (Class Polychaeta) for bait by using a hand net.
Blanche Harbour—Douglas Bank Aquatic Reserve	Any person	Taking fish by using a hand fish spear
Goose Island Aquatic Reserve	Any person	None
Point Labatt Aquatic Reserve	None	None
Port Noarlunga Reef Aquatic Reserve	Any person	Taking fish by using a rod and line or a hand line— <ul style="list-style-type: none"> (a) in the portion of the Reserve comprising waters bounded as follows:

Aquatic reserve	Access permitted to aquatic reserve	Fishing activities permitted in aquatic reserve
Seal Bay Aquatic Reserve	None	<p>Commencing at the point where latitude 35° 09.20' S intersects with the high water mark, then in a generally westerly direction to the position latitude 35° 09.26' S, longitude 138° 27.72' E, then in a generally northerly direction to the position latitude 35° 08.82' S, longitude 138° 27.62' E, then in a generally easterly direction to the point where latitude 35° 08.77' S intersects with the high water mark, and then along the high water mark in a generally southerly direction to the point of commencement,</p> <p>(b) in waters in any other part of the Reserve but not—</p> <p>(i) in waters within 25 metres of any part of the southern Port Noarlunga Reef that is exposed at low water; or</p> <p>(ii) in waters within 25 metres of any part of Horseshoe Reef that is exposed at low water.</p> <p>(CHART REFERENCE: DMH Small Boat Chart Gulf St. Vincent Marino to Maslin Beach).</p> <p>Taking shrimp (<i>Suborder Natantia</i>) by hand net for bait in the waters of the estuary and Onkaparinga River upstream as far as the road bridge on the Main South Road Noarlunga Bypass.</p>
Bales Beach Aquatic Reserve	Any person	None
St Kilda—Chapman Creek Aquatic Reserve	Any person	<p>Taking blue crab (<i>Portunus pelagicus</i>) by—</p> <p>(a) hand; or</p> <p>(b) a crab rake; or</p> <p>(c) a crab net.</p>
Troubridge Hill Aquatic Reserve	Any person	<p>Taking fish by using—</p> <p>(a) a rod and line; or</p> <p>(b) a hand line.</p>

Fisheries Act (Aquatic Reserves) Regulations 1989—1.9.1994 to 31.8.2004—revoked
 Schedule—Aquatic reserves—Access and permitted fishing activities

Aquatic reserve	Access permitted to aquatic reserve	Fishing activities permitted in aquatic reserve
West Island Encounter Bay Aquatic Reserve	<p>Teachers and students while engaged in the teaching or study of a marine science.</p> <p>Any person except in relation to the portion of the Reserve comprising waters bounded as follows:</p> <p>Commencing at the high water mark at Restless Point on the western shore of West Island, then due west for a distance of 100 metres, then following the outer boundary of West Island in a generally north easterly direction maintaining a distance of 100 metres from the high water mark to a point due north of Penguin Rock on the northern shore of West Island, then due south to the high water mark on the shore of the island, then in a generally south westerly direction along the high water mark back to the point of commencement.</p>	<p>Any fishing activity engaged in by teachers and students for the purposes of the teaching or study of a marine science.</p> <p>Taking fish by using—</p> <p>(a) a rod and line; or</p> <p>(b) a hand line,</p> <p>in the portion of the Reserve comprising waters bounded as follows:</p> <p>Commencing at position latitude 35°36.75'S, longitude 138°35.4'E (being a point 200 metres seaward of the low water mark at the south east extremity of section 189, north east of King Beach on Fleurieu Peninsula), then in a generally south easterly direction to a point 100 metres off the north eastern extremity of West Island at position latitude 35°37.1'S, longitude 138°35.9'E, then in a westerly, south westerly, southerly and south easterly direction maintaining a distance of 100 metres from West Island to a point 100 metres off the south western extremity of West Island at position latitude 35°37.45'S, longitude 138°35.6'E, then in a generally north westerly direction to position latitude 35°37.15'S, longitude 138°35.2'E (being a point 200 metres seaward of the low water mark at King Head on Fleurieu Peninsula), then in a generally north easterly direction maintaining a distance of 200 metres from the low water mark back to the point of commencement.</p> <p>No fishing activity in the portion of the Reserve comprising waters bounded as follows:</p> <p>Commencing at high water mark at Restless Point on the western shore of West Island, then due west for a distance of 100 metres, then following the outer boundary of West Island in a southerly, easterly, northerly and north westerly direction maintaining a distance of 100 metres from the high water mark to a point due north of Penguin Rock on the northern shore of West Island, then due south to the high water mark on the shore of the island, then in a south easterly, southerly, westerly and northerly direction along the high water mark back to the point of commencement.</p>

Aquatic reserve	Access permitted to aquatic reserve	Fishing activities permitted in aquatic reserve
Whyalla—Cowled's Landing Aquatic Reserve	Any person	Taking blue crab (<i>Portunus pelagicus</i>) by— <ul style="list-style-type: none"> (a) hand; or (b) a crab rake; or (c) a crab net, otherwise than for the purpose of trade or business in the portion of the Reserve comprising waters bounded as follows: <p style="margin-left: 40px;">Commencing at a point where latitude 33°05.7'S meets high water mark on the western shore of Spencer Gulf (near 8 Mile Creek), then south-easterly to position latitude 33°06.4'S, longitude 137°33.2'E, then south-westerly to position latitude 33°06.8'S, longitude 137°32.8'E, then north-westerly to a point where latitude 33°06'S meets high water mark on the western shore of Spencer Gulf, then generally north-easterly along the high water mark back to the point of commencement (CHART REFERENCE: AUS 778)</p>
Yatala Harbour—Upper Spencer Gulf Aquatic Reserve	Any person	None.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Revocation of regulations

The *Fisheries Act (Aquatic Reserves) Regulations 1989* were revoked by Sch 2 of the *Fisheries (Aquatic Reserves) Regulations 2004* on 1.9.2004.

Principal regulations and variations

Year	No	Reference	Commencement
1989	151	<i>Gazette 27.7.1989 p260</i>	27.7.1989: r 2
1991	104	<i>Gazette 27.6.1991 p2121</i>	27.6.1991: r 2
1994	118	<i>Gazette 14.7.1994 p104</i>	14.7.1994: r 2
1994	155	<i>Gazette 1.9.1994 p688</i>	1.9.1994: r 2

Provisions varied

Provision	How varied	Commencement
r 5	varied by 155/1994 r 3	1.9.1994
Sch	varied by 104/1991 r 3	27.6.1991
	varied by 118/1994 r 3	14.7.1994
	varied by 155/1994 r 4	1.9.1994