

South Australia

Fisheries Management (Lakes and Coorong Fishery) Regulations 2009

under the *Fisheries Management Act 2007*

Contents

- 1 Short title
- 3 Interpretation
- 4 Constitution of fishery
- 5 Maximum number of licences that may be in force
- 6 Transfer of licence
- 7 Registration
- 8 Revocation of registration
- 9 Mesh net and pyramid net entitlements
- 10 Individual pipi catch quota system
- 11 Use of agents in fishing activities (licences under which boats are registered)
- 11A Use of agents in fishing activities (licences under which no boats are registered)
- 12 Certain boats need not be registered
- 13 Restrictions on taking of pipi, cockles and vongole
- 14 Restriction on use of cockle rakes
- 15 Information to be provided—taking pipi
- 16 Pipi to be landed within State
- 17 Disposal of pipi
- 18 Catch and disposal requirements—pipi
- 19 Periodic returns
- 20 Provision relating to keeping of records
- 21 Minister's determinations

Schedule 1—Aquatic resources prescribed for Lakes and Coorong Fishery

Part 1—Aquatic resources prescribed for the purposes of regulation 4(2)(a)

Part 2—Aquatic resources prescribed for the purposes of regulation 4(2)(b)

Schedule 2—Revocation and transitional provisions

- 1 Revocation of *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006*
- 2 Eligibility to be granted fishery licence
- 3 Continuation of fishery licence, registration and other entitlements

Legislative history

1—Short title

These regulations may be cited as the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*.

3—Interpretation

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

Act means the *Fisheries Management Act 2007*;

cockle means any mollusc of—

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

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

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

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

fishery means the Lakes and Coorong Fishery constituted by these regulations;

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

Marine Scalefish Fishery means the fishery of that name constituted by the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

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

mesh net has the same meaning as in the *Fisheries Management (General) Regulations 2017*, and includes a drum net as defined in those regulations;

mesh net entitlement means the maximum number of mesh nets that the holder of a licence in respect of the fishery may lawfully use at any 1 time for the purpose of taking aquatic resources under the licence;

pipi means Pipi (*Donax* spp);

pipi quota entitlement—see regulation 10;

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

pyramid net entitlement means the maximum number of pyramid nets that the holder of a licence in respect of the fishery may lawfully use at any 1 time to take aquatic resources under the licence;

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

vongole means any mollusc of the genus *Katelysia*.

- (2) In these regulations—

- (a) a reference to the *taking of aquatic resources* includes a reference to an act preparatory to, or involved in, the taking of the aquatic resources; and

- (b) all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (*GDA94*) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995, and all coordinates are expressed in terms of GDA94; and
- (c) common and scientific fish names are given according to AS5300—2019 *Australian Fish Names Standard* published by the Fisheries Research & Development Corporation, as in force from time to time.

4—Constitution of fishery

- (1) The Lakes and Coorong Fishery is constituted.
- (2) The Lakes and Coorong Fishery consists of—
 - (a) the taking of aquatic resources specified in Schedule 1 Part 1 in the Lakes and Coorong; and
 - (b) the taking of aquatic resources specified in Schedule 1 Part 2 in the Lakes and Coorong for the purpose of bait.

5—Maximum number of licences that may be in force

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

6—Transfer of licence

- (1) Licences in respect of the fishery are transferable.
- (2) An application for consent to the transfer of a licence must be accompanied by—
 - (a) the licence to be transferred; and
 - (b) a form of return as required by regulation 19 completed by the holder of the licence up to the date of application; and
 - (c) if the transferee is a company—a current company extract relating to the transferee issued not more than 1 month immediately preceding the date of application.
- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
 - (a) that any fees or other amounts payable in relation to the licence under the Act or the repealed Act have been paid in full;
 - (b) that the licence to be transferred has not been suspended;
 - (c) that no proceedings alleging an offence against the Act or the repealed Act are pending or likely to be commenced in the State against the holder of the licence;
 - (d) if the transferee is a natural person—that the transferee is at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery;
 - (e) if the transferee is a company, that—
 - (i) the licence is subject to a condition fixing a pipi quota entitlement; and

- (ii) the only devices registered for use under the licence are devices that may be used for taking pipi; and
- (iii) each director of the company is a fit and proper person to be a director of a company that holds a licence in respect of the fishery.

7—Registration

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

8—Revocation of registration

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

9—Mesh net and pyramid net entitlements

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

- (2) The Minister may impose or vary conditions on licences in respect of the fishery fixing pyramid net entitlements as follows:
- (a) a pyramid net entitlement may be fixed by condition of a licence but must not exceed 100;
 - (b) if a person becomes the holder of a licence as a result of the transfer of the licence, the pyramid net entitlement under that licence will be fixed at 50 subject to any subsequent variation under paragraph (c);
 - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, a pyramid net entitlement under 1 of the licences may be increased by a number equal to the pyramid net entitlement under the other licence, provided that—
 - (i) the other licence is first surrendered to the Minister; and
 - (ii) if the entitlement as so increased would exceed 100, the entitlement is fixed at 100 only.
- (3) An application to vary a mesh net or pyramid net entitlement must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form.
- (4) Subregulations (1)(b) and (2)(b) do not apply if the transferee is—
- (a) the spouse or domestic partner of the licensee; or
 - (b) a parent or grandparent of the licensee; or
 - (c) a brother or sister, or half-brother or half-sister, of the licensee; or
 - (d) a child or grandchild of the licensee; or
 - (e) a child or grandchild of the spouse or domestic partner of the licensee.

10—Individual pipi catch quota system

- (1) In this regulation—

following quota period, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which pipi may be taken by the holder of the licence following the first quota period;

pipi quota entitlement or ***quota entitlement***, in relation to a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement, means the maximum number of kilograms of pipi that may be taken by the holder of the licence during a quota period, being the product of—

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

subject to any variation applying during that quota period;

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

quota period 2019-2020 means the quota period that ended on 30 June 2020;

quota period 2020-2021 means the quota period ending on 30 June 2021;

quota period 2021-2022 means the quota period ending on 30 June 2022;

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

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

- (2) The Minister must determine the number of kilograms of pipi that is to be the value of a pipi unit for the fishery and each quota period.
- (3) The Minister may impose or vary conditions on licences in respect of the fishery fixing pipi quota entitlements as follows:
 - (b) a licence in respect of the fishery may be allocated a number of pipi units for a quota period equal to the number of pipi units allocated to that licence immediately before the commencement of that quota period;
 - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery subject to a condition fixing a pipi quota entitlement, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
 - (d) on joint application made to the Minister by the holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement (the **first licence**) and the holder of a licence in respect of the Marine Scalefish Fishery subject to such a condition (the **second licence**)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence by a corresponding number of units; or
 - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence by a corresponding number of units;
 - (da) if the total catch of pipi taken by the holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement during the quota period 2019-2020 is less than the pipi quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to increase the pipi quota entitlement for the quota periods 2020-2021 and 2021-2022 by up to 1 kilogram of pipi for each kilogram by which the catch fell short of the pipi quota entitlement for the quota period 2019-2020;
 - (e) if the total catch of pipi taken by the holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement during a quota period (the **first quota period**) (being a quota period that commenced on or after 1 July 2021) is less than the pipi quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to increase the pipi quota entitlement for the following quota period (the **subsequent quota period**) by 1 kilogram of pipi for each kilogram by which the catch fell short of the pipi quota entitlement for the first quota period up to—

- (i) —
 - (A) 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
 - (ii) if the Minister is satisfied that exceptional circumstances apply—
 - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
 - (B) such other greater kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period;
- (f) if the total catch of pipi taken by the holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement during a quota period (the **first quota period**) (being a quota period that commences on or after 1 July 2022) exceeded the pipi quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement for the following quota period (the **subsequent quota period**) as follows:
- (i) if the catch exceeded the quota entitlement by—
 - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,
by 1 kilogram of pipi for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by—
 - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,
by 2 kilograms of pipi for each kilogram taken in excess of the quota entitlement.
- (3a) In determining whether to vary the conditions of a licence under subregulation (3)(da) so as to increase the pipi quota entitlement under the licence for the quota period 2021-2022, the Minister must take into account—
- (a) the total catch of pipi taken by the holder of the licence during the quota period 2020-2021; and

- (b) any increase in the pipi quota entitlement under the licence for the quota period 2020-2021.
- (3b) For the purposes of—
- (a) subregulation (3)(e)(i) and (ii); and
 - (b) subregulation (3)(f)(i) and (ii),
- the following must be disregarded:
- (c) any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence made under subregulation (3)(da);
 - (d) any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (3)(e)(i) or (ii).
- (3c) A variation of a quota entitlement under subregulation (3)(e) or (f) must be expressed to apply only for the quota period during which the variation is made.
- (3d) An application under subregulation (3)(c) or (d)(i) may not be made in respect of pipi units allocated to the licence under subregulation (3)(e).
- (4) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.

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

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

Maximum penalty: \$5 000.

Expiation fee: \$315.

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

Maximum penalty: \$5 000.

Expiation fee: \$315.

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

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The holder of a licence in respect of the fishery, or the registered master of a registered boat used under such a licence, must not cause or permit a person to be engaged on a boat as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—

- (a) the holder of the licence or the registered master is at the same time also engaged on a registered boat in a fishing activity of a class that constitutes the fishery; and
- (b) the holder of the licence or the registered master (as the case may be) and the other person remain, while so engaged, within 500 m of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (6) The holder of a licence in respect of the fishery, or the registered master of a registered boat used under such a licence, must not cause or permit more than 2 persons to be engaged at the same time on a boat as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

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

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

- (1) This regulation applies only in relation to licences under which there are no registered boats.

- (2) The holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—
- (a) the holder of the licence or a nominated agent is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and
 - (b) the holder of the licence or the nominated agent (as the case may be) and the other person remain, while so engaged, within 700 m of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

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

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of the fishery (other than a licence subject to a condition fixing a pipi quota entitlement) must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—

- (a) the holder of the licence is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and
- (b) the holder of the licence and the other person remain, while so engaged, within 700 m of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The holder of a licence in respect of the fishery must not cause or permit more than 2 persons to be engaged at the same time on the shore as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery (other than the taking of pipi under a licence subject to a condition fixing a pipi quota entitlement).

Maximum penalty: \$5 000.

Expiation fee: \$315.

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

- (7) The Minister may, on application by the holder of a licence subject to a condition fixing a pipi quota entitlement, approve a person as a nominated agent for the purposes of this regulation.

- (8) An approval under subregulation (7) may be made subject to such conditions as the Minister thinks fit.

- (9) A person must not contravene, or fail to comply with, a condition of an approval under subregulation (7).
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (10) In this regulation—
nominated agent means a person approved by the Minister as a nominated agent under subregulation (7).

12—Certain boats need not be registered

- (1) A boat used by a person as the agent of the holder of a licence in respect of the fishery in a fishing activity of a class that constitutes the fishery need not be registered if the boat is marked with the same distinguishing mark and in the same way as a registered boat.
- (2) An unregistered boat that is marked as referred to in subregulation (1) need not be in the charge of a registered master.

13—Restrictions on taking of pipi, cockles and vongole

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

14—Restriction on use of cockle rakes

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

Maximum penalty: \$5 000.

Expiation fee: \$315.

15—Information to be provided—taking pipi

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

Maximum penalty: \$5 000.

Expiation fee: \$500.

16—Pipi to be landed within State

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

Maximum penalty: \$5 000.

Expiation fee: \$315.

17—Disposal of pipi

The holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement must ensure that all pipi taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

18—Catch and disposal requirements—pipi

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

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

19—Periodic returns

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

20—Provision relating to keeping of records

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

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

Maximum penalty: \$2 500.

Expiation fee: \$210.

21—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.

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

Schedule 1—Aquatic resources prescribed for Lakes and Coorong Fishery

Part 1—Aquatic resources prescribed for the purposes of regulation 4(2)(a)

Annelids

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

Crustaceans

Crab of all species (Family Portunidae)

Freshwater Prawn (*Macrobrachium australiensis*)

Yabby (*Cherax* spp)

Molluscs

Southern Calamari (*Sepioteuthis australis*)

Cockle

Mussels (*Mytilus* spp)

Freshwater Mussels (Family Hyriidae)

Pipi (*Donax* spp)

Gould's Squid (*Nototodarus gouldi*)

Scalefish

Barracouta (*Thyrsites atun*)

Black Bream (*Acanthopagrus butcheri*)

Bony Bream (*Nematalosa erebi*)

Carp of all species (Family Cyprinidae)

Cod of all marine species (Family Moridae)

Congolli (*Pseudaphritis urvilli*)

Dory of all species (Family Zeidae)
Flathead (*Platycephalus* spp)
Flounder of all species (Family Bothidae or Pleuronectidae)
Garfish (*Hyporhamphus melanochir*)
Australian Herring (*Arripis georgianus*)
Mullet of all species (Family Mugilidae)
Mulloway (*Argyrosomus japonicus*)
Murray Cod (*Maccullochella peelii*)
Golden Perch (*Macquaria ambigua*)
Redfin (*Perca fluviatilis*)
Bight Redfish (*Centroberyx gerrardi*)
Redfish (*Centroberyx affinis*)
Western Australian Salmon (*Arripis truttaceus*)
Snapper (*Chrysophrys auratus*)
Snook (*Sphyraena novaehollandiae*)
Southern Sole (*Aserragodes haackeanus*)
Swallowtail (*Centroberyx lineatus*)
Sea Sweep (*Scorpius aequipinnis*)
Blue-eye Trevalla (*Hyperoglyphe antarctica*)
Trevally (*Carangidae* spp)
Brown Trout (*Salmo trutta*)
Rainbow Trout (*Oncorhynchus mykiss*)
Whiting of all species (Family Sillaginidae)
Wrasse (*Labridae*) (other than Western Blue Groper (*Achoerodus gouldii*))

Shark

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

Part 2—Aquatic resources prescribed for the purposes of regulation 4(2)(b)

Molluscs

Razorfish (*Pinna bicolor*)
Vongole

Scalefish

Australian Anchovy (*Engraulis australis*)
Australian Sardine (*Sardinops sagax*)

Schedule 2—Revocation and transitional provisions

1—Revocation of *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006*

The *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006* are revoked.

2—Eligibility to be granted fishery licence

Only a person who was, immediately before 30 June 2009, the holder of a licence in respect of the fishery, may make an application under section 54 of the Act for a licence in respect of the fishery.

3—Continuation of fishery licence, registration and other entitlements

Subject to the Act and these regulations—

- (a) a licence in respect of the fishery held by a person immediately before the revocation of the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006* by clause 1 of this Schedule (the **revoked regulations**) will continue to be held by the person as a licence under these regulations; and
- (b) registration under the revoked regulations of a boat or device for use under any such licence will continue; and
- (c) registration of a person as a master of a boat that may be used under any such licence will continue; and
- (d) any mesh net entitlement fixed under the revoked regulations by condition of any such licence will be the number of mesh nets registered for use under the licence immediately before the commencement of this Schedule; and
- (e) any yabby pot entitlement fixed under the revoked regulations by condition of any such licence will be the number of yabby pots registered for use under the licence immediately before the commencement of this Schedule.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2009	258	<i>Gazette 29.10.2009 p5035</i>	29.10.2009: r 2
2013	21	<i>Gazette 28.2.2013 p589</i>	28.2.2013: r 2
2013	155	<i>Gazette 6.6.2013 p2505</i>	1.7.2013: r 2
2016	244	<i>Gazette 20.10.2016 p4079</i>	20.2.2017: r 2
2016	291	<i>Gazette 15.12.2016 p5037</i>	1.1.2017 except rr 4, 6 & 8—1.7.2017: r 2
2017	227	<i>Gazette 8.8.2017 p3379</i>	15.1.2018: r 2
2020	262	<i>Gazette 27.8.2020 p4410</i>	27.8.2020: r 2
2021	95	<i>Gazette 24.6.2021 p2376</i>	1.7.2021: r 2
2022	37	<i>Gazette 16.6.2022 p1796</i>	1.7.2022: r 2
2023	24	<i>Gazette 20.4.2023 p842</i>	1.7.2023: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>28.2.2013</i>
r 3		
r 3(1)		
cockle	inserted by 291/2016 r 4(1)	1.7.2017
cockle rake	varied by 227/2017 r 4(1)	15.1.2018
Department	substituted by 227/2017 r 4(2)	15.1.2018
domestic partner	inserted by 21/2013 r 4(1)	28.2.2013
<i>eligible licence</i>	<i>deleted by 227/2017 r 4(3)</i>	<i>15.1.2018</i>
Marine Scalefish Fishery	varied by 227/2017 r 4(4)	15.1.2018
	varied by 95/2021 r 4(1)	1.7.2021

mesh net	varied by 227/2017 r 4(5)	15.1.2018
pyramid net	inserted by 24/2023 r 3(1)	1.7.2023
pyramid net entitlement	inserted by 24/2023 r 3(1)	1.7.2023
spouse	inserted by 21/2013 r 4(2)	28.2.2013
vongole	inserted by 291/2016 r 4(2)	1.7.2017
<i>yabby pot</i>	<i>varied by 227/2017 r 4(6)</i>	<i>15.1.2018</i>
	<i>deleted by 24/2023 r 3(2)</i>	<i>1.7.2023</i>
<i>yabby pot entitlement</i>	<i>deleted by 24/2023 r 3(2)</i>	<i>1.7.2023</i>
r 3(2)	varied by 227/2017 r 4(7)	15.1.2018
	varied by 95/2021 r 4(2)	1.7.2021
r 4		
r 4(2)	varied by 95/2021 r 5(1), (2)	1.7.2021
r 6		
r 6(2)	varied by 227/2017 r 5(1)	15.1.2018
r 6(3)	(e) deleted by 244/2016 r 4	20.2.2017
	varied by 227/2017 r 5(2)	15.1.2018
r 7		
r 7(3)	inserted by 227/2017 r 6	15.1.2018
r 8		
r 8(2)	varied by 227/2017 r 7	15.1.2018
r 9		
heading	amended by 24/2023 r 4(1)	1.7.2023
r 9(2)	amended by 24/2023 r 4(2)	1.7.2023
r 9(3)	varied by 227/2017 r 8	15.1.2018
	amended by 24/2023 r 4(3)	1.7.2023
r 9(4)	inserted by 21/2013 r 5	28.2.2013
r 10		
r 10(1)		
following quota period	inserted by 37/2022 r 3(1)	1.7.2022
pipi quota entitlement or quota entitlement	varied by 227/2017 r 9(1)	15.1.2018
quota period	substituted by 155/2013 r 4(1)	1.7.2013
	substituted by 227/2017 r 9(2)	15.1.2018
quota period 2019-2020	inserted by 262/2020 r 4(1)	27.8.2020
quota period 2020-2021	inserted by 262/2020 r 4(1)	27.8.2020
quota period 2021-2022	inserted by 262/2020 r 4(1)	27.8.2020
r 10(3)	(a) deleted by 155/2013 r 4(2)	1.7.2013
	varied by 155/2013 r 4(3)	1.7.2013

	varied by 227/2017 r 9(3), (4)	15.1.2018
	varied by 262/2020 r 4(2)	27.8.2020
	amended by 37/2022 r 3(2)	1.7.2022
r 10(3a)	inserted by 262/2020 r 4(3)	27.8.2020
r 10(3b)—(3d)	inserted by 37/2022 r 3(3)	1.7.2022
r 10(5)	varied by 227/2017 r 9(5), (6)	15.1.2018
r 11	substituted by 291/2016 r 5	1.1.2017
r 11(3)	varied by 227/2017 r 10(1)	15.1.2018
r 11(4)	varied by 227/2017 r 10(2)	15.1.2018
r 11(7)	varied by 227/2017 r 10(3)	15.1.2018
r 11A	inserted by 291/2016 r 5	1.1.2017
r 11A(2)	varied by 227/2017 r 11(1)	15.1.2018
r 11A(3)	varied by 227/2017 r 11(2)	15.1.2018
r 11A(4)	varied by 227/2017 r 11(3)	15.1.2018
r 11A(5)	varied by 227/2017 r 11(4)	15.1.2018
r 11A(6)	varied by 227/2017 r 11(5)	15.1.2018
r 11A(7)	varied by 227/2017 r 11(6)	15.1.2018
r 13		
r 13(2)	varied by 227/2017 r 12	15.1.2018
r 13(3) and (4)	inserted by 291/2016 r 6	1.7.2017
r 14	varied by 291/2016 r 7	1.1.2017
	varied by 227/2017 r 13	15.1.2018
r 15	substituted by 227/2017 r 14	15.1.2018
r 16	varied by 227/2017 r 15	15.1.2018
r 17	varied by 227/2017 r 16	15.1.2018
rr 18 and 19	substituted by 227/2017 r 17	15.1.2018
rr 20 and 21	inserted by 227/2017 r 17	15.1.2018
Sch 1	varied by 291/2016 r 8(1), (2)	1.7.2017
	varied by 227/2017 r 18(1)—(5)	15.1.2018
	varied by 95/2021 r 6(2)—(4)	1.7.2021
Pt 1		
heading	inserted by 95/2021 r 6(1)	1.7.2021
Pt 2	inserted by 95/2021 r 6(5)	1.7.2021
Sch 2		
cl 4	<i>deleted by 95/2021 r 7</i>	<i>1.7.2021</i>

Historical versions

28.2.2013
1.7.2013
1.1.2017
20.2.2017
1.7.2017
15.1.2018

27.8.2020

1.7.2021

1.7.2022