

SOUTH AUSTRALIA

**SCHEME OF MANAGEMENT (GULF WATERS EXPERIMENTAL
CRAB FISHERY) REGULATIONS, 1988**

REGULATIONS UNDER THE FISHERIES ACT, 1982

*Scheme of Management (Gulf Waters Experimental
Crab Fishery) Regulations, 1988*

being

No. 118 of 1988: *Gaz.* 30 June 1988, p. 2081¹

as varied by

No. 114 of 1991: *Gaz.* 27 June 1991, p. 2202²

No. 113 of 1992: *Gaz.* 25 June 1992, p. 1945³

¹ Came into operation 1 July 1988: reg. 2.

² Came into operation 27 June 1991: reg. 2.

³ Came into operation 25 June 1992: reg. 2.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

Citation

1. These regulations may be cited as the *Scheme of Management (Gulf Waters Experimental Crab Fishery) Regulations, 1988*.

Commencement

2. These regulations will come into operation on 1 July, 1988.

Revocation

3. The following regulations are revoked:

(a) the *Scheme of Management (Gulf St. Vincent Experimental Crab Fishery) Regulations, 1985* (No. 99 of 1985, see *Gazette*, 30 May, 1985, p. 1824) as varied;

(b) the *Scheme of Management (Spencer Gulf Experimental Crab Fishery) Regulations, 1985* (No. 100 of 1985, see *Gazette*, 30 May, 1985, p. 1832) as varied;

and

(c) the *Scheme of Management (West Coast Experimental Crab Fishery) Regulations, 1985* (No. 101 of 1985, see *Gazette*, 30 May, 1985, p. 1841) as varied.

Interpretation

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

"the Act" means the *Fisheries Act, 1982*:

"crab pot" means a fish trap designed and constructed for the purpose of taking crabs:

"crabs" means fish of the following species:

blue crab (*Portunus pelagicus*);

sand crab (*Ovalipes australiensis*);

rock crab (*Nectocarcinus integrifrons*);

velvet crab (*Nectocarcinus tuberculatus*);

"the fishery" means the classes of fishing activities declared by regulation 5 to constitute a fishery under Division I of Part IV of the Act;

"gulf waters" means—

(a) the waters of Gulf St. Vincent that are north of the parallel of latitude 35° 03.2' south;

and

(b) the waters of Spencer Gulf that are north of the parallel of latitude 34° 26.75' south;

3.

* * * * *

* * * * *

"return" means a form of return approved by the Minister for use under these regulations;

"undersized" in relation to blue crabs (*Portunus pelagicus*) means undersized in accordance with the *Fisheries (General) Regulations, 1984*.

Classes of fishing activities that constitute fishery

5. (1) The following classes of fishing activities constitute a fishery under Division I of Part IV of the Act—

(a) the taking of crabs in gulf waters;

(b) the taking of scale fish in gulf waters for the purpose of bait;

and

(c) any act preparatory to, or involved in, the taking of the species of fish referred to in paragraph (a) or (b).

(2) The Director may impose a condition of a licence that limits the holder of the licence to the taking of fish in the waters of Gulf St. Vincent or the waters of Spencer Gulf.

* * * * *

Expiry and renewal of licences

8. (1) A licence in respect of the fishery that is in force on the commencement of this regulation expires on 30 June 1992.

(2) A licence in respect of the fishery that is in force immediately before 30 June 1992 may be renewed by the Director on application made before or within two months after the expiry of the licence.

(3) An application to renew a licence in respect of the fishery must—

(a) be made by the holder of the licence or, if the licence has expired, by the person who last held the licence;

(b) be made in writing in a form approved by the Director and signed by the applicant;

and

(c) be accompanied by a fee of \$654.

(4) Where an application to renew a licence is made before the expiry of the licence, the renewal of the licence takes effect from the expiry of the licence.

4.

(5) Where an application to renew a licence is made after the expiry of the licence, the renewal of the licence takes effect from the date on which the application is granted.

(6) A licence renewed under this regulation expires on 30 June 1993 and may not be further renewed.

Registration of boat

9. (1) An application to register a boat to be used in the fishery must be in writing on a form approved by the Director.

(2) Before granting registration of the boat the Director must be satisfied that—

(a) the applicant is the holder of a licence in respect of the fishery;

and

(b) no other boat is registered by the endorsement of the applicant's licence in respect of the fishery.

(3) Where a boat is registered by endorsement of a licence in respect of the fishery the Director may, on application by the holder of the licence, revoke the registration.

(4) An application for revocation of the registration of a boat must be in writing on a form approved by the Director and must be accompanied by the licence upon which the registration is endorsed.

Registration as master

10. An application to be registered as the master of a boat must be in writing on a form approved by the Director.

Registered master to be holder of licence

11. No person other than the holder of a licence in respect of the fishery may be registered as the master of a boat used pursuant to the licence.

Director to supply return and maps

12. The Director must supply each person who is granted a licence in respect of the fishery with a sufficient number of returns to enable him or her to comply with these regulations together with the relevant maps of the waters included in the fishery.

Furnishing of return

13. Subject to regulation 14, the holder of a licence in respect of the fishery must—

(a) furnish the Director with a return in respect of each calendar month during the currency of the licence;

(b) include in the return the information specified in regulation 14;

(c) date and sign the return and certify that the information contained in the return is complete and accurate;

and

5.

- (d) post or deliver the return to the office of the Director within 15 days of the end of the month to which it relates.

Penalty: \$2 000.

Information to be included in return

14. (1) A return must contain the following information:

- (a) the month to which it relates;
- (b) the number of days on which the holder of the licence was engaged in the fishery;
- (c) the place at which each catch was landed;
- (d) the name and address of the fish processor to whom each catch was sold, or, in the case of other methods of disposal (e.g., personal use, public sale or bait), details of the disposal;
- (e) in respect of each day engaged in the fishery—
 - (i) a description of the gear used;
 - (ii) the number of persons engaged;
 - (iii) the area fished;
 - (iv) the species of fish intended as the principal target for taking;
 - (v) the landed weight of each species taken;
 - (vi) the number of crab pots lifted;
 - (vii) the number of crabs taken or average weight per crab;
 - (viii) of the crabs taken, the number of—
 - (A) female crabs in berry;
 - (B) soft crabs;
 - (C) dead crabs;
 - (D) female crabs;and
 - (E) undersized blue crabs (*Portunus pelagicus*);

and

6.

- (f) for the month and in respect of each species, the total weight (in kilograms) of the catch.

(2) Where the holder of a licence in respect of the fishery is engaged in the fishery on a fishing operation that continues for more than a day, he or she must indicate in the return the number of days on which he or she was engaged.

(3) The areas referred to in subregulation (1) must be shown by reference to the maps provided by the Director.

(4) Where the holder of a licence in respect of the fishery has taken no fish during a month, he or she must, in respect of that period, furnish the Director with a return indicating that no fish were taken during that period, but where the fishery has been closed for the whole of a month, he or she need not furnish a return for that month.

Copies of return to be made

15. The holder of a licence in respect of the fishery must make a copy of a return made pursuant to these regulations and the copy must—

- (a) be made by the holder of the licence before the return is sent to the Director;

and

- (b) be retained by the holder of the licence for a period of two years immediately following the last day of the month to which the return relates.

Penalty: \$2 000.

Limitation on number of devices

16. The holder of a licence in respect of the fishery must not for the purpose of engaging in a fishing activity of a class which constitutes the fishery use, or cause, suffer or permit any other person to use, at any one time—

- (a) more than 100 crab pots;

or

- (b) more than one bait net.

Penalty: \$2 000.

Officer of Department of Fisheries to be allowed on boat

17. Where the holder of a licence in respect of the fishery is requested by the Director to permit an Officer of the Department of Fisheries to be on board a boat while the boat is being used in the fishery, the holder of the licence must comply with the request.

Penalty: \$2 000.

7.

APPENDIX

LEGISLATIVE HISTORY

Regulation 4:	definition of "previous licensee" revoked by 114, 1991, reg. 3
Regulations 6 and 7:	definition of "the revoked regulations" revoked by 114, 1991, reg. 3
Regulation 8:	revoked by 114, 1991, reg. 4
	substituted by 114, 1991, reg. 5; 113, 1992, reg. 3