

South Australia

**SCHEME OF MANAGEMENT (MISCELLANEOUS FISHERY)
REGULATIONS, 1984**

REGULATIONS UNDER THE FISHERIES ACT, 1982

Scheme of Management (Miscellaneous Fishery) Regulations, 1984

being

No. 103 of 1984: *Gaz.* 14 June 1984, p. 1686¹

as varied by

No. 122 of 1984: *Gaz.* 28 June 1984, p. 1984
No. 97 of 1985: *Gaz.* 30 May 1985, p. 1822
No. 220 of 1985: *Gaz.* 21 November 1985, p. 1559
No. 147 of 1986: *Gaz.* 31 July 1986, p. 430
No. 179 of 1986: *Gaz.* 11 September 1986, p. 790
No. 182 of 1988: *Gaz.* 25 August 1988, p. 871²
No. 163 of 1989: *Gaz.* 24 August 1989, p. 655
No. 160 of 1990: *Gaz.* 2 August 1990, p. 486
No. 155 of 1991: *Gaz.* 27 June 1991, p. 2274³
No. 184 of 1991: *Gaz.* 22 August 1991, p. 641
No. 106 of 1992: *Gaz.* 25 June 1992, p. 1930⁴
No. 125 of 1993: *Gaz.* 24 June 1993, p. 2070⁵
No. 96 of 1994: *Gaz.* 23 June 1994, p. 1810⁶
No. 142 of 1995: *Gaz.* 29 June 1995, p. 3148⁷
No. 153 of 1996: *Gaz.* 20 June 1996, p. 3010⁸
No. 124 of 1997: *Gaz.* 13 May 1997, p. 1952⁹
No. 134 of 1998: *Gaz.* 11 June 1998, p. 2544¹⁰
No. 138 of 1999: *Gaz.* 1 July 1999, p. 45¹¹
No. 143 of 1999: *Gaz.* 1 July 1999, p. 55¹¹
No. 136 of 2000: *Gaz.* 22 June 2000, p. 3359¹²

- ¹ Came into operation 1 July 1984: reg. 2.
² Came into operation 29 August 1988: reg. 2.
³ Came into operation 27 June 1991: reg. 2.
⁴ Came into operation 25 June 1992: reg. 2.
⁵ Came into operation 24 June 1993: reg. 2.
⁶ Came into operation 23 June 1994: reg. 2.
⁷ Came into operation 29 June 1995: reg. 2.
⁸ Came into operation 20 June 1996: reg. 2.
⁹ Came into operation 13 May 1997: reg. 2.
¹⁰ Came into operation 11 June 1998: reg. 2.
¹¹ Came into operation 1 July 1999: reg. 2.
¹² **Came into operation 22 June 2000: reg. 2.**

NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last consolidation.
- For the legislative history of the regulations see Appendix.

2.

1. These regulations may be cited as the *Scheme of Management (Miscellaneous Fishery) Regulations, 1984*.

2. These regulations shall take effect from 1 July 1984.

3. (1) In these regulations unless the context otherwise requires:

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

"**in any one day**" means the period commencing at midnight and ending at the midnight next following;

"**fishery**" means the class of fishing activities declared by regulation 6 of these regulations to constitute a fishery under Division 1 of Part IV of the Act;

"**licence period**" means the period of 12 months commencing on 1 July in any year;

"**licensee under the repealed Act**" means a person:

- (a) who immediately preceding the coming into operation of the Act held a Class A or Class B fishing licence granted under the repealed Act; and
- (b) who is not a person who comes within the definition of "licensee under the repealed Act" in the following regulations made under the Act:
 - (i) *Scheme of Management (Western Zone Abalone Fishery) Regulations, 1984*
 - (ii) *Scheme of Management (Central Zone Abalone Fishery) Regulations, 1984*
 - (iii) *Scheme of Management (Southern Zone Abalone Fishery) Regulations, 1984*
 - (iv) *Scheme of Management (Spencer Gulf Prawn Fishery) Regulations, 1984*
 - (v) *Scheme of Management (Gulf St. Vincent Prawn Fishery) Regulations, 1984*
 - (vi) *Scheme of Management (Northern Zone Rock Lobster Fishery) Regulations, 1984*
 - (vii) *Scheme of Management (Southern Zone Rock Lobster Fishery) Regulations, 1984*
 - (viii) *Scheme of Management (Marine Scale Fishery) Regulations, 1984*
 - (ix) *Scheme of Management (Restricted Marine Scale Fishery) Regulations, 1984*

3.

(x) *Scheme of Management (Lakes and Coorong Fishery) Regulations, 1984*

(xi) *Scheme of Management (River Fishery) Regulations, 1984;*

"SARDI" means the South Australian Research and Development Institute.

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4. (1) In these regulations a reference to the policy of one person one licence is a reference to the policy that a person may not hold a licence in respect of a fishery if—

(a) the person already holds a licence in respect of that fishery or any other fishery;

or

(b) the person is an associate of a person who holds such a licence.

(2) For the purposes of this regulation, a person is an associate of another if—

(a) they are partners;

(b) they are parties to a contract, arrangement or understanding, the purpose or effect of which is that a party will act at the direction of, or in accordance with, the wishes or instructions of another person when, for the purpose of trade or business, he or she engages or refrains from engaging in a fishing activity of a class that constitutes a fishery;

(c) one is a body corporate and the other is a director or secretary of, or the holder of a share in, that body corporate;

(d) they are bodies corporate that are related to each other for the purposes of the *Corporations Law*;

(e) they are both trustees or beneficiaries of the same trust, or one is a trustee and the other is a beneficiary of the same trust;

or

(f) a chain of relationships can be traced between them under one or more of the above paragraphs.

(3) For the purposes of subregulation (2)—

(a) "**share**", in relation to a body corporate, has the meaning assigned to that term by section 9 of the *Corporations Law*;

(b) a person is the holder of a share in a body corporate if—

(i) he or she is beneficially entitled to that share;

4.

or

(ii) he or she has a relevant interest in that share;

and

(c) a person has a relevant share in a body corporate if the person has a relevant interest in the share for the purposes of the *Corporations Law*.

* * * * *

6. (1) The class of fishing activities specified in subregulation (2) of this regulation is declared by this regulation to constitute a fishery under Division 1 of Part IV of the Act.

(2) The taking of all or any of the species of fish of the class of fish specified in Schedule 1 in the waters of the State including any act preparatory to, or involved in the taking of such fish.

6A. A licence in respect of the fishery expires on 30 June following the date of its grant or last renewal.

7. (1) An application for a licence in respect of the fishery must:

- (a) be in writing on a form approved by the Director;
- (b) contain the information specified in Schedule 2; and
- (c) be completed and signed by the applicant.

(2) Where the application is made by a licensee under the repealed Act the application must be accompanied by the licence by which he qualifies as a licensee under the repealed Act.

(3) Where the application is made by a successful applicant at a competitive tender conducted in accordance with these regulations, the application must be accompanied by:

- (a) any fishing licence and authority granted to the applicant under the repealed Act;
- (b) any authority granted to the applicant under the Act.

* * * * *

(4) The Director may not grant a licence unless the applicant has paid—

- (a) the licence fee specified in Schedule 3 less \$90; or
- (b) the first instalment of the licence fee specified in Schedule 3, in accordance with subregulation (6).

* * * * *

5.

(6) A licence fee payable in respect of a licence for a term of more than three months may be paid by instalments as follows:

- (a) in the case of a licence issued for the term of a licence period—by four instalments of 25 per cent payable on or before the date of the grant of the licence and 1 October, 1 January and 1 April following the date of the grant of the licence;
- (b) in any other case—by instalments of such amounts, and payable on such dates, as are fixed by the Director.

(7) The Director may impose a condition of a licence requiring payment of an additional amount not exceeding 10 per cent of the amount of any instalment not paid in full within 21 days after the instalment became payable.

(8) Where—

- (a) an instalment of a licence fee is not paid in full on or before the due date;
- or
- (b) an additional amount is required to be paid for late payment of an instalment of a licence fee,

the amount unpaid may be recovered from the holder of the licence as a debt due to the Crown.

(9) The Director must return any licence fee that accompanied the application if the application is not successful.

8. The Director shall not grant a licence in respect of the fishery to a body corporate or to more than one person.

9. (1) Applications for a licence in respect of the fishery shall be limited to:

- (a) applications made by persons who are licensees under the repealed Act; or
- (b) applications made by persons who are successful applicants at a competitive tender conducted in accordance with these regulations.

(2) A licensee under the repealed Act who has been granted a licence in respect of the fishery and has surrendered that licence may not apply for a licence in respect of the fishery as a licensee under the repealed Act.

10. (1) Where:

- (a) the Director considers that it would not be detrimental to the living resources of the fishery to issue an additional licence in respect of the fishery; or
- (b) a licence that was in force in respect of the fishery has ceased to be held by any person,

the Director may make a call for applications in respect of those licences.

6.

(2) Where a person who is a successful applicant at a tender conducted in accordance with these regulations fails to make an application for the licence in respect of which he was a successful applicant or having made such an application is for any reason not granted that licence the Director shall call for applications in respect of that licence.

11. Except in those cases where the Director has made a call for applications for a licence in respect of the fishery a person must in order to be eligible to be granted a licence in respect of the fishery be a person who is a licensee under the repealed Act.

12. Where the Director has made a call for applications for a licence in respect of the fishery a person must in order to be eligible to be granted a licence in respect of the fishery:

- (a) be a person who is at least fifteen years of age;
- (b) be a person who has not been convicted by a court in a State or Territory of the Commonwealth of any offence involving a breach of any legislation relating to fishing during the period of three years immediately preceding the date upon which he makes his application; and
- (c) be a person who is a successful applicant at a competitive tender conducted in accordance with these regulations.

13. In determining eligibility for a licence in respect of the fishery whether the applicant is a licensee under the repealed Act or a successful applicant at a competitive tender conducted in accordance with these regulations the Director shall have regard to the policy of one person one licence.

14. A call for applications for a licence in respect of the fishery and a competitive tender for such licence shall be made and conducted in accordance with regulations 15 and 16 of these regulations.

15. (1) A call for applications for a licence in respect of the fishery shall be by way of competitive tender.

(2) At least one month before tenders close the Director shall insert in the Government Gazette and in a newspaper circulating generally throughout the State an advertisement calling for tenders for such number of licences in respect of the fishery as are to be granted.

(3) The advertisement shall be in a form approved by the Director and it must:

- (a) fix a time and date upon which tenders close;
- (b) require each tender to be accompanied by an ADI guarantee equal to ten per centum of the amount tendered;
- (c) require all tenders to be made in a manner and form approved by the Director.

(4) Tenders shall close at the time and on the date fixed by the advertisement.

(5) All tenders must be made in the manner and form approved by the Director.

7.

(6) All tenders must be enclosed in a sealed envelope and forwarded to the office of the Director.

(7) The Director shall provide at his office a locked box into which all tenders must be deposited.

(8) All tenders deposited in the locked box shall remain there until the close of tenders.

(9) Any person who interferes with or removes a tender from the locked box prior to the close of tenders shall be guilty of an offence and liable to a penalty not exceeding \$1 000.

(10) A person who makes a tender which is successful but who fails, within a reasonable time, to make an application for the licence in respect of which his tender was accepted or having made such an application and for any reason does not accept the licence which the Director is prepared to grant in his favour shall forfeit an amount equal to ten per centum of the amount tendered. The amount shall be forfeited by the Director making a demand upon the guarantee referred to in subregulation (3) of this regulation.

(11) Where a person makes a tender which is not successful or if it is successful and the Director is not prepared to grant the licence in his favour such a person shall not forfeit the amount of ten per centum of the amount tendered.

16. (1) At the close of tenders the Director shall open the locked box in the presence of two Officers of the Department of Fisheries appointed by the Director for this purpose.

(2) One of the Officers shall remove each of the envelopes from the box taking each one singly and at random.

(3) After removing an envelope from the box the Officer shall open each envelope and hand the contents to the other Officer.

(4) Upon receiving the contents of an envelope the other Officer shall prepare a schedule of tenderers which shall contain:

(a) the name of each tenderer;

(b) the amount tendered; and

(c) the order in which the envelopes containing the tenders were removed from the box.

(5) When all the tenders have been removed from the box and the schedule of tenderers has been completed the Director shall examine each tender and the schedule of tenderers.

(6) Where there is to be granted one licence in respect of the fishery:

(a) the amount payable for the licence shall be an amount equal to the highest amount tendered;

(b) the successful applicant shall be the person who tenders an amount equal to the highest amount.

8.

(7) Where there is to be granted one licence in respect of the fishery and more than one person tenders an amount equal to the highest amount one of the persons who tendered an amount equal to the highest amount shall be the successful applicant and such person shall be the one whose tender was removed from the box before the tenders of the other persons who tendered an amount equal to the highest amount.

(8) Where there is to be granted in respect of the fishery more than one licence and that number of licences is equal to the number of persons who have tendered an amount equal to or greater than the clearing price those persons who have tendered an amount equal to or greater than the clearing price shall be the successful applicants.

(9) Where the number of licences to be granted in respect of the fishery is less than the number of persons who have tendered an amount equal to or greater than the clearing price the successful applicants shall be selected as follows:

- (a) each of the persons who tendered an amount greater than the clearing price shall be a successful applicant;
- (b) the name of the other persons who have tendered an amount equal to the clearing price shall be put on a list in the order in which their tender was removed from the box and the successful applicant shall be the one whose name appears first on the list; and
- (c) where after following the procedure outlined in paragraph (b) of this subregulation there remains a licence or licences to be granted in respect of the fishery the successful applicant or applicants in respect of that licence or those licences shall be the person or persons whose name appears next on the list prepared pursuant to paragraph (b) and so on in descending order until a successful applicant has been determined in respect of each licence to be granted.

(10) Where more than one licence is to be granted in respect of the fishery the amount payable for that licence shall be the clearing price fixed by the Director at the close of tenders.

(11) For the purposes of this regulation the "clearing price" shall mean an amount equal to the lowest amount that, having regard to the number of licences to be granted in respect of the fishery, would have to be tendered by an applicant to enable that applicant to be a successful applicant.

* * * * *

18. (1) A licence in respect of the fishery may be renewed by the Director on application made before the expiry of the licence or before the end of the licence period following the expiry of the licence.

(2) 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;

and

9.

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

(3) 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) 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.

(5) The Director may not renew a licence unless the applicant has paid—

(a) —

(i) the renewal fee specified in Schedule 3 less \$90; or

(ii) the first instalment of the renewal fee specified in Schedule 3, in accordance with subregulation (6); and

(b) the amount of any previous renewal fee remaining payable in respect of the licence, together with any additional amount payable for late payment of an instalment of the renewal fee.

(6) Where an application to renew a licence is made before or within three months after the expiry of the licence, the renewal fee may be paid by four instalments of 25 per cent on or before the date of renewal of the licence and 1 October, 1 January and 1 April following the date of renewal.

(7) The Director may impose a condition of a licence requiring payment of an additional amount not exceeding 10 per cent of the amount of any instalment not paid in full within 21 days after the instalment became payable.

(8) Where—

(a) an instalment of a renewal fee for a licence is not paid in full on or before the due date;

or

(b) an additional amount is required to be paid for late payment of an instalment of a renewal fee,

the amount unpaid may be recovered from the holder of the licence or the person who last held the licence as a debt due to the Crown.

18A. Where a licence in respect of the fishery is surrendered, the Director must, on application by the former licensee, refund an amount that bears to the licence or renewal fee last paid in respect of the licence the same proportion as the number of complete months from the date of surrender to the day on which the following licence period commences bears to the number of months in the licence period during which the licence was surrendered.

18B. (1) This regulation applies only in relation to licences in respect of the fishery that are endorsed with a condition permitting the holder of the licence to take giant crabs by use of rock lobster pots.

(2) In this regulation—

"**giant crab**" means giant crab (*Pseudocarcinus gigas*);

"**giant crab quota**", in relation to a licence in respect of the fishery, means the maximum number of kilograms of giant crab that may be lawfully taken by the holder of the licence during a licence period, being the product of—

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

subject to any variation of the giant crab quota of the licence applying during that licence period;

"**rock lobster pot**" has the same meaning as in the *Fisheries (General) Regulations 1984*;

"**unit entitlement**" means the number of giant crab units for the time being allocated to a licence;

"**unit value**" means the number of kilograms of giant crab determined by the Director to be the value of a giant crab unit for the fishery and a licence period.

(3) The Director may impose or vary conditions on licences in respect of the fishery fixing giant crab quotas as follows:

- (a) all licences in respect of the fishery must be allocated numbers of giant crab units to be determined by the Director having regard to—
 - (i) the respective number of rock lobster pots that the holders of the licences are permitted to use pursuant to the licences to take giant crab; and
 - (ii) the respective quantities of giant crab taken pursuant to the licences during a specified period (as recorded on returns lodged under regulation 24);
- (b) the Director must, on the commencement of each licence period, determine the number of kilograms of giant crab that is to be the value of a giant crab unit for the fishery and the licence period;
- (c) the conditions of any two licences in respect of the fishery may, on application made to the Director by the holders of those licences in a manner and form approved by the Director, be varied so as to increase the unit entitlement of one of the licences and decrease the unit entitlement of the other licence by a corresponding number of units;

11.

- (d) the Director may, if the total giant crab catch taken pursuant to a licence during a licence period exceeded the giant crab quota of the licence for that licence period, vary the conditions of the licence so as to decrease the quota—
 - (i) where the catch exceeded the quota by not more than 20 kilograms of giant crab—by one kilogram for each kilogram in excess of the quota; or
 - (ii) where the catch exceeded the quota by more than 20 kilograms but not more than 50 kilograms of giant crab—by two kilograms for each kilogram in excess of the quota;
- (e) any variation of—
 - (i) a unit entitlement made pursuant to paragraph (c); or
 - (ii) a giant crab quota made pursuant to paragraph (d),must be expressed to apply only for the licence period during which the variation is made;
- (f) unit entitlements and giant crab quotas must not be varied except as provided by this regulation.

(4) Where—

- (a) a court convicts the holder of a licence in respect of the fishery of an offence of contravening a condition of the licence imposing a giant quota on the licence; and
- (b) the conduct constituting the offence involved the taking of more than 50 kilograms of giant crab in excess of the quota,

the court must make an order requiring the Director to vary the conditions of the licence so as to reduce the giant crab quota of the licence for three licence periods following the conviction by one kilogram for each kilogram in excess of the quota for the licence period during which the offence was committed.

19. (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) The application must be accompanied by the following:

- (a) any licence or authority granted under the repealed Act;
- (b) any authority granted under the Act.

(3) Before granting registration of the boat the Director must be satisfied that the applicant is the holder of a licence in respect of the fishery.

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

12.

(2) The application must be accompanied by the following:

- (a) any licence or authority granted under the repealed Act;
- (b) any authority granted under the Act.

21. 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.

22. Where the holder of a licence in respect of the fishery wishes any registration which has been endorsed on such licence to be revoked he must make an application in writing on a form approved by the Director and such application must be accompanied by the licence upon which the endorsement had been made.

23. (1) Except as provided by this regulation, no person shall, while he is on the shore, engage in a fishing activity of a class which constitutes the fishery.

(2) While he is on the shore, the holder of a licence in respect of the fishery may engage in a fishing activity of a class which constitutes the fishery provided that:

- (a) no more than two other persons who are acting as his agent are, at the same time, engaged in a fishing activity of a class which constitutes the fishery and each of such persons is, at all times, while so engaged:
 - (i) on the shore; and
 - (ii) within a distance of 700 metres from the holder of the licence; or
- (b) no other person who is acting as his agent is, at the same time, engaged in a fishing activity of a class which constitutes the fishery.

(3) While on the shore, a person who is acting as the agent of the holder of a licence in respect of the fishery may engage in a fishing activity of a class which constitutes the fishery provided that at all times while he is engaged in such activity:

- (a) he is within 700 metres of the holder of the licence of whom he is the agent;
- (b) the holder of the licence is on the shore engaged in a fishing activity of a class which constitutes the fishery; and
- (c) no more than one other person who is acting as the agent of the holder of the licence is engaged in a fishing activity of a class which constitutes the fishery and such other person is, at all times, while so engaged:
 - (i) on the shore; and
 - (ii) within 700 metres of the holder of the licence.

(4) In this regulation "engage in a fishing activity of a class which constitutes the fishery" means to engage in such activity for the purpose of trade or business.

(5) Any person who contravenes or fails to comply with this regulation shall be guilty of an offence and liable to a penalty not exceeding \$2 000.

24. (1) The holder of a licence in respect of the fishery shall:

- (a) furnish the Chief Executive Officer of SARDI with a form of return in a form fixed by the Minister in respect of each calendar month during the currency of the licence, provided that where the fishery has been closed for the whole of a calendar month, no return shall be required to be furnished for that month;
- (b) post or deliver or cause to be posted or delivered to the office of the Chief Executive Officer of SARDI the form of return duly completed and signed within 15 days of the end of the month in respect to which it relates;
- (c) include in the form of return such information as the Chief Executive Officer of SARDI, with the approval of the Minister, requires.

(2) Where the holder of a licence in respect of the fishery has taken no fish during any period of one calendar month he shall in respect of that period furnish to the Chief Executive Officer of SARDI a return indicating that no fish has been taken during that period, provided that where the fishery has been closed for the whole of a calendar month, no return shall be required to be furnished for that month.

(3) The holder of a licence in respect of the fishery shall date and sign the form of return and certify that the information set out in the form of return is complete and accurate.

(4) The holder of a licence in respect of the fishery shall make a copy of any form of return made by him pursuant to this regulation.

(5) A copy of any form of return must:

- (a) be made by the holder of a licence in respect of the fishery before the original form is sent to the Chief Executive Officer of SARDI; and
- (b) be retained by the holder of a licence for a period of one year immediately following the last day of the month to which the form of return relates.

(6) Any person who contravenes or fails to comply with this regulation shall be guilty of an offence and liable to a penalty not exceeding \$2 000.

14.

SCHEDULE 1

All fish other than fish of the following species, namely abalone of all species (*Haliotis* spp.); southern rock lobster (*Jasus novaehollandiae*) and western king prawn (*Penaeus latisulcatus*).

SCHEDULE 2

1. Full name, date of birth, address (for service, residential and postal) and telephone number of the applicant.
2. Details of any boat to be used by the applicant to take fish including, in respect of each boat:
 - (a) length (where surveyed—surveyed length);
 - (b) number of current survey certificate;
 - (c) year of construction;
 - (d) material of which hull is made;
 - (e) main colour;
 - (f) name;
 - (g) registration number.
3. Details of the number of persons who are to assist the applicant to take fish from the boat or otherwise.
4. Details of the person who is to be the registered master of the boat.
5. Details of any device to be used to take fish.
6. Statements by the applicant as to whether or not he or she—
 - (a) is a licensee under the repealed Act;
 - (b) holds a licence in respect of any fishery;
 - (c) is the associate of a person who holds a licence in respect of any fishery;
 - (d) has, during the three years immediately preceding the date of this application, been convicted by a court of a State or Territory of the Commonwealth of an offence involving a breach of legislation relating to fishing.
7. Details in respect of any of the statements made by the applicant in respect of the matters referred to in paragraph 6.

SCHEDULE 3

1. The following fees are payable under the Act and these regulations:

- (a) on application for the issue or renewal of a licence in respect of the fishery—
 - (i) in the case of a licence for the term of the licence period \$3 183
 - (ii) in the case of a licence for a term of less than the term of the licence period—a proportion of the fee specified in subparagraph (i), being the proportion that the number of months (part of a month being treated as a whole month) in the term of the licence bears to the number of months in the licence period;
- (b) on application under regulation 18B by the holder of a licence in respect of the fishery to vary a condition of the licence so as to decrease the unit entitlement of the licence in respect of giant crab and increase the unit entitlement under one or more other licences—\$100 plus a fee of an amount obtained by multiplying \$20 by the number of licences the unit entitlements of which are to be increased.

APPENDIX

LEGISLATIVE HISTORY

Transitional Provisions

(Transitional provision from Regulation No. 106 of 1992, reg. 7)

7. (1) The licence and renewal fees prescribed by the principal regulations as varied by these regulations apply in relation to a licence year commencing after the commencement of these regulations.

(2) Notwithstanding these regulations, the licence and renewal fees prescribed by the principal regulations as in force immediately before the commencement of these regulations continue to apply in relation to a licence year that commenced before the commencement of these regulations.

(3) In this regulation—

"**licence year**" means the period of 12 months from 1 November in any year.

(Transitional provision from Regulation No. 125 of 1993, reg. 7)

7. (1) The licence and renewal fees prescribed by the principal regulations as varied by these regulations apply in relation to a licence year commencing after the commencement of these regulations.

(2) Notwithstanding these regulations, the licence and renewal fees prescribed by the principal regulations as in force immediately before the commencement of these regulations continue to apply in relation to a licence year that commenced before the commencement of these regulations.

(3) In this regulation—

"**licence year**" means the period of 12 months from 1 November in any year.

(Transitional provision from Regulation No. 96 of 1994, reg. 5)

5. (1) The licence and renewal fees prescribed by the principal regulations as varied by these regulations apply in relation to a licence year commencing after the commencement of these regulations.

(2) Notwithstanding these regulations, the licence and renewal fees prescribed by the principal regulations as in force immediately before the commencement of these regulations continue to apply in relation to a licence year that commenced before the commencement of these regulations.

(3) In this regulation—

"**licence year**" means the period of 12 months from 1 November in any year.

(Transitional provision from Regulation No. 142 of 1995, reg. 9)

9. (1) The licence and renewal fees prescribed by the principal regulations as varied by these regulations apply in relation to a licence period commencing after the commencement of these regulations.

(2) Notwithstanding these regulations, the licence and renewal fees prescribed by the principal regulations as in force immediately before the commencement of these regulations continue to apply in relation to a licence period that commenced before the commencement of these regulations.

(3) In this regulation—

"licence period" has the same meaning as in the principal regulations as varied by these regulations.

(Transitional provision from Regulation No. 124 of 1997, reg. 5)

5. (1) The licence and renewal fees prescribed by the principal regulations as varied by these regulations apply in relation to a licence period commencing after the commencement of these regulations.

(2) Despite these regulations, the licence and renewal fees prescribed by the principal regulations as in force immediately before the commencement of these regulations continue to apply in relation to a licence period that commenced before the commencement of these regulations.

(3) In this regulation—

"licence period" has the same meaning as in the principal regulations.

(Transitional provision from Regulation No. 134 of 1998, reg. 8)

8. (1) The licence and renewal fees prescribed by the principal regulations as varied by these regulations apply in relation to a licence period commencing after the commencement of these regulations.

(2) Despite these regulations, the licence and renewal fees prescribed by the principal regulations as in force immediately before the commencement of these regulations continue to apply in relation to a licence period that commenced before the commencement of these regulations.

(3) In this regulation—

"licence period" has the same meaning as in the principal regulations.

(Transitional provision from Regulation No. 138 of 1999, reg. 5)

5. (1) The licence and renewal fees prescribed by the principal regulations as varied by these regulations apply in relation to a licence period commencing after the commencement of these regulations.

(2) Despite regulations 3 and 4, the licence and renewal fees prescribed by the principal regulations as in force immediately before the commencement of these regulations continue to apply in relation to a licence period that commenced before the commencement of these regulations.

(3) In this regulation—

"licence period" has the same meaning as in the principal regulations.

(Transitional provision from Regulation No. 136 of 2000, reg. 7)

7. (1) **A fee prescribed by the principal regulations as varied by these regulations applies in relation to a licence period commencing after the commencement of these regulations.**

(2) **Despite regulations 3, 4 and 6, a fee prescribed by the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to a licence period that commenced before the commencement of these regulations.**

(3) **In this regulation—**

"licence period" has the same meaning as in the principal regulations.

Legislative History

(entries in bold type indicate amendments incorporated since the last consolidation)

Regulation 3(1):	varied by 182, 1988, reg. 3(a) definition of "fishery" varied by 122, 1984, reg. 2 (Sched. cl. 12) definition of "licence period" inserted by 142, 1995, reg. 3; substituted by 134, 1998, reg. 3 definition of "SARDI" inserted by 125, 1993, reg. 3 definition of "share" revoked by 182, 1988, reg. 3(b)
Regulation 3(2) - (4):	revoked by 182, 1988, reg. 3(c)
Regulation 4:	substituted by 182, 1988, reg. 4
Regulation 4(2):	varied by 134, 1998, reg. 4(a)
Regulation 4(3):	varied by 134, 1998, reg. 4(b), (c)
Regulation 5:	revoked by 182, 1988, reg. 4
Regulation 6A:	inserted by 142, 1995, reg. 4; substituted by 134, 1998, reg. 5
Regulation 7(3)(c):	revoked by 184, 1991, reg. 2(a)
Regulation 7(4):	varied by 97, 1985, reg. 2; 147, 1986, reg. 2; 182, 1988, reg. 5; 163, 1989, reg. 10(a); 160, 1990, reg. 10(2); 155, 1991, reg. 3; substituted by 184, 1991, reg. 2(b); varied by 138, 1999, reg. 3(a); 136, 2000, reg. 3(a), (b)
Regulation 7(5):	substituted by 184, 1991, reg. 2(b); varied by 106, 1992, reg. 3; 125, 1993, reg. 4; 96, 1994, reg. 3; 142, 1995, reg. 5(a)-(c); 153, 1996, reg. 3; 124, 1997, reg. 3; 134, 1998, reg. 6(a); 138, 1999, reg. 3(b); revoked by 136, 2000, reg. 3(c)
Regulation 7(6):	substituted by 184, 1991, reg. 2(b); varied by 142, 1995, reg. 5(d); 134, 1998, reg. 6(b)
Regulation 7(6) and (7):	substituted by 184, 1991, reg. 2(b)
Regulation 7(8) and (9):	inserted by 184, 1991, reg. 2(b)
Regulation 15(3) and (10):	varied by 143, 1999, reg. 3 (Sched. cl. 10)
Regulation 17:	varied by 182, 1988, reg. 6; 184, 1991, reg. 3; revoked by 142, 1995, reg. 6
Regulation 18:	varied by 97, 1985, reg. 3; 147, 1986, reg. 3; 179, 1986, reg. 2; 182, 1988, reg. 7; 163, 1989, reg. 10(b); 160, 1990, reg. 10(3); 155, 1991, reg. 4; substituted by 184, 1991, reg. 4
Regulation 18(1):	varied by 142, 1995, reg. 7(a)
Regulation 18(5):	varied by 106, 1992, reg. 4; 125, 1993, reg. 5; 96, 1994, reg. 4; 142, 1995, reg. 7(b); 153, 1996, reg. 4; 124, 1997, reg. 4; 134, 1998, reg. 7(a); 138, 1999, reg. 4; 136, 2000, reg. 4
Regulation 18(6):	substituted by 142, 1995, reg. 7(c); 134, 1998, reg. 7(b)
Regulation 18A:	inserted by 106, 1992, reg. 5; substituted by 142, 1995, reg. 8
Regulation 18B:	inserted by 136, 2000, reg. 5
Regulation 23:	varied by 220, 1985, reg. 2
Regulation 24(1):	varied by 106, 1992, reg. 6; 125, 1993, reg. 6(a)-(c)
Regulation 24(2):	varied by 125, 1993, reg. 6(d)
Regulation 24(5):	varied by 125, 1993, reg. 6(e)
Schedule 2	
Clause 6:	substituted by 182, 1988, reg. 8
Schedule 3:	inserted by 136, 2000, reg. 6