

South Australia

## **Fisheries (Fish Processors) Variation Regulations 2003**

under the *Fisheries Act 1982*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Fisheries (Fish Processors) Variation Regulations 2003*.

#### **2—Commencement**

These regulations will come into operation on 30 October 2003.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Fisheries (Fish Processors) Regulations 1991***

### **4—Variation of regulation 8—Written records to be kept**

Regulation 8(4), penalty provision—delete the penalty provision and substitute:

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

### **5—Variation of regulation 9—Returns to be lodged with Executive Director of SARDI**

Regulation 9(4), penalty provision—delete the penalty provision and substitute:

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

### **6—Variation of regulation 11—Procedure to be followed where registered fish processor obtains fish from unlicensed person**

Regulation 11(4), penalty provision—delete the penalty provision and substitute:

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

### **7—Variation of regulation 12—Delivery of tuna to registered fish processor**

Regulation 12(4), penalty provision—delete the penalty provision and substitute:

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

### **8—Variation of regulation 13—Delivery of abalone to registered fish processor**

Regulation 13(4), penalty provision—delete the penalty provision and substitute:

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

### **9—Substitution of regulation 14**

Regulation 14—delete the regulation and substitute:

#### **14—Delivery, storage and sale of rock lobster**

(1) In this regulation—

*approved* means approved by the Director;

*NZRL-TF book* means a book issued by the Department containing blank NZRL-TF forms;

*NZRL-TF form* means the form produced by the Department entitled *PIRSA Fishwatch NZRL Sales and Transfer Form*;

**SZRL2 form** means the form produced by the Department entitled *SZRL2 Primary Industries (S.A.)—Fisheries Rock Lobster Purchase Record*;

**SZRL3 form** means the form produced by the Department entitled *SZRL3 Primary Industries (S.A.)—Fisheries Rock Lobster Sales, Storage and Transfer Record*.

- (2) Unless the contrary intention appears, terms used in this regulation that are defined in the *Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations 1991* have the same respective meanings as in those regulations.
- (3) A registered fish processor who purchases or obtains rock lobster from—
- (a) the holder of a licence in respect of the Northern Zone Rock Lobster Fishery; or
  - (b) the agent of the holder of such a licence; or
  - (c) another registered fish processor who purchased or obtained the rock lobster from a person referred to in paragraph (a) or (b),

must not accept delivery of the rock lobster unless—

- (d) the rock lobster is delivered to the registered fish processor in bins of an approved kind each of which is sealed with a tag of an approved kind; and
- (e) the white, blue and green copies of the NZRL-CDR form completed in respect of the rock lobster are delivered to the fish processor with the rock lobster.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (4) A registered fish processor who purchases or obtains rock lobster from a person referred to in subregulation (3) must—
- (a) immediately on taking delivery of the rock lobster at premises (or a vehicle) specified on the certificate of registration of the fish processor, weigh the sealed bins containing the rock lobster and complete the certificate in Part C of the NZRL-CDR form relating to the rock lobster; and
  - (b) within 2 hours of the rock lobster being received at premises specified on the certificate of registration of the fish processor, transmit the completed NZRL-CDR form by facsimile transmission to a facsimile number nominated by the Director for the purposes of this paragraph; and

- (c) within 48 hours of completing the certificate, deliver or cause to be delivered, the white copy of the completed NZRL-CDR form to the Director at an address nominated by the Director for the purposes of this paragraph.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (5) If a registered fish processor who purchases or obtains rock lobster from a person referred to in subregulation (3)—
  - (a) sells the rock lobster to any person; or
  - (b) transfers the rock lobster to a different place, premises, boat or vehicle for storage at that place, premises, boat or vehicle, the registered fish processor—
    - (c) must immediately weigh the rock lobster and complete a NZRL-TF form in respect of the rock lobster; and
    - (d) must, within 2 hours of completing the form, transmit the completed form by facsimile transmission to a facsimile number nominated by the Director for the purposes of this paragraph; and
    - (e) must, within 48 hours of completing the form, deliver, or cause to be delivered, the completed form to the Director at an address nominated by the Director for the purposes of this paragraph; and
    - (f) must ensure that the blue copy of the completed form is kept with the rock lobster to which the form relates at all times while the rock lobster is being transported; and
    - (g) must ensure that the yellow copy of the completed form remains in the NZRL-TF book; and
    - (h) must deliver, or cause to be delivered, a completed NZRL-TF book to the Director within 14 days of its completion.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (6) A registered fish processor who purchases or obtains rock lobster from—
  - (a) the holder of a licence in respect of the Southern Zone Rock Lobster Fishery; or
  - (b) the agent of the holder of such a licence; or
  - (c) another registered fish processor who purchased or obtained the rock lobster from a person referred to in paragraph (a) or (b),

must—

- (d) on taking delivery of the rock lobster, immediately weigh the rock lobster and complete a SZRL2 form in respect of the rock lobster; and
- (e) within 24 hours of taking delivery of the rock lobster, deliver, or cause to be delivered, the completed form to the Director.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (7) If a registered fish processor who has purchased or obtained rock lobster from a person referred to in subregulation (6)—
  - (a) sells the rock lobster to any person; or
  - (b) transfers the rock lobster to a different place, premises, boat or vehicle for storage at that place, premises, boat or vehicle,the registered fish processor must—
  - (c) immediately weigh the rock lobster and complete a SZRL3 form in respect of the rock lobster; and
  - (d) within 24 hours of the sale or transfer of the rock lobster, deliver, or cause to be delivered, the completed form to the Director.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (8) A person who completes Part A or Part B of a NZRL-CDR form must not complete Part C of that form.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (9) A registered fish processor must keep the following documents for a period of 5 years:
  - (a) the blue copies of all NZRL-CDR forms completed by the registered fish processor;
  - (b) the green copies of all NZRL-TR forms completed by the registered fish processor;
  - (c) the blue copies of all NZRL-TR forms delivered to the registered fish processor with rock lobster purchased or obtained from another registered fish processor.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

## **10—Variation of regulation 15—Delivery of blue crab to registered fish processor**

Regulation 15(2), penalty provision—delete the penalty provision and substitute:

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

**11—Variation of regulation 16—Delivery of giant crab to registered fish processor**

Regulation 16(2), penalty provision—delete the penalty provision and substitute:

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

**12—Variation of regulation 17—Delivery of pilchards to registered fish processor**

Regulation 17(2), penalty provision—delete the penalty provision and substitute:

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 30 October 2003

No 219 of 2003

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