

South Australia

Fisheries (Fish Processors) Variation Regulations 2004

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 2004*.

2—Commencement

These regulations come into operation on the day on which they are made.

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—Insertion of regulation 18

After regulation 17 insert:

18—Delivery, storage and sale of Goolwa cockles

- (1) In this regulation—

approved test means a test for the level of total coliforms present in water conducted by a NATA accredited laboratory in accordance with—

- (a) *Australian Standard 4276.4-1995: Water microbiology - Coliforms - Estimation of most probable number (MPN)*; or
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- (b) *Australian Standard 4276.5-1995: Water microbiology - Coliforms - Membrane filtration method;*

cockle season means the period commencing on 1 November in any year and ending on 31 May in the following year;

Coorong shellfish harvesting area means the area bounded by a line commencing at a point that is 500 metres due west of the intersection of the high water mark and a point 2 kilometres south-east of the mouth of the River Murray, then running easterly to the intersection of the high water mark and a point 2 kilometres south-east of the mouth of the River Murray, then running along the high water mark to a point 62 kilometres from the mouth of the River Murray, then running due west for 500 metres, then running in a generally northerly direction along a line parallel to the high water mark to the point of commencement;

form GCHPR means the form entitled *Primary Industries and Resources (S.A.) Goolwa Cockles Harvesting and Processing Record* properly completed by the person who took the Goolwa cockles;

Goolwa cockle means Goolwa cockle (*Donax deltoides*);

Lakes and Coorong Fishery has the same meaning as in the *Fisheries (Scheme of Management—Lakes and Coorong Fishery) Regulations 1991*;

Marine Scalefish Fishery has the same meaning as in the *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 1991*;

NATA accredited laboratory means a laboratory that is accredited by the National Association of Testing Authorities of Australia as complying with the International Organisation for Standardisation quality assurance standard *ISO/IEC 17025:1999 General requirements for the competence of testing and calibration laboratories* for the performance of tests to determine total coliform levels of waters.

- (2) A registered fish processor who purchases or obtains Goolwa cockles from—
- (a) the holder of a licence in respect of the Lakes and Coorong Fishery or Marine Scalefish Fishery; or
 - (b) the agent of the holder of such a licence,

must not accept delivery of the cockles unless a form GCHPR in respect of the cockles is delivered to the fish processor with the cockles.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (3) A registered fish processor who purchases or obtains Goolwa cockles from a person referred to in subregulation (2) must—
- (a) complete Part B of the form GCHPR in respect of the cockles in accordance with the instructions on the form; and
 - (b) within 15 days of the end of the month to which the form relates, deliver, or cause to be delivered, the completed form to the Director.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (4) If a registered fish processor keeps Goolwa cockles purchased or obtained for the purposes of sale for human consumption in a tank containing natural or synthetic seawater—
- (a) the processor must take such measures as may be necessary to ensure that the quality of the water does not adversely affect the safety of the cockles for human consumption; and
 - (b) the processor must not sell the cockles for human consumption unless—
 - (i) an approved test has been carried out in relation to water from the tank—
 - (A) within 30 days before the commencement of the cockle season during which the cockles were taken; and
 - (B) during each calendar month during which the cockles are kept in the tank; and
 - (ii) if an approved test indicates the presence of coliforms in water from the tank—the approved test has been repeated until the results indicate that coliforms are no longer present in water from that tank.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (5) A registered fish processor must—
- (a) within 15 days after the end of the month during which an approved test is carried out for the purposes of subregulation (4), complete and lodge with the Director—
 - (i) the form entitled *Primary Industries and Resources (S.A.) Testing of Water Quality in Tanks Used for Wet Storage of Goolwa Cockles*; and
 - (ii) a copy of the written report of the test prepared by the laboratory that carried out the test; and
 - (b) keep a copy of the form and report for at least 5 years; and

- (c) produce a copy of the form or report for inspection when requested to do so by a fisheries officer.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (6) A registered fish processor must not sell, for human consumption, Goolwa cockles taken from waters of the State outside the Coorong shellfish harvesting area.

Penalty: Division 7 fine.

Expiation fee: Division 9 fine.

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 21 October 2004

No 216 of 2004

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