

South Australia

Fisheries (Scheme of Management—Abalone Fisheries) Variation Regulations 2007

under the *Fisheries Management Act 2007*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries (Scheme of Management—Abalone Fisheries) Variation Regulations 2007*.

2—Commencement

These regulations will come into operation on the day on which Part 6 Division 1 of the *Fisheries Management Act 2007* comes into operation.

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 (Scheme of Management—Abalone Fisheries) Regulations 2006*

4—Variation of regulation 1—Short title

Regulation 1—delete "*Fisheries (Scheme of Management—Abalone Fisheries) Regulations*" and substitute:

Fisheries Management (Abalone Fisheries) Regulations

5—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definitions of *Act*, *Central Zone* and *coastal waters*—delete the definitions and substitute:

Act means the *Fisheries Management Act 2007*;

Blacklip Abalone means *Haliotis rubra*;

Central Zone means the waters adjacent to South Australia between the meridians of longitude 136°30' East and 139° East, but does not include the waters of the Coorong or any other waters inside the Murray Mouth;

- (2) Regulation 3(1), definition of *conversion value*—delete "Director" and substitute:

Minister

- (3) Regulation 3(1), definition of *licence period*—delete the definition and substitute:

Greenlip Abalone means *Haliotis laevis*;

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;

- (4) Regulation 3(1), definitions of *revoked regulations* and *SARDI*—delete the definitions

- (5) Regulation 3(1), definitions of *Southern Zone* and *Western Zone*—delete the definitions and substitute:

Southern Zone means the waters adjacent to South Australia east of the meridian of longitude 139° East;

Western Zone means the waters adjacent to South Australia west of the meridian of longitude 136°30' East;

- (6) Regulation 3(4)—delete "Director" and substitute:

Minister

(7) Regulation 3—after subregulation (4) insert:

Notes—

- 1 Common and scientific fish names are given according to *AS: SSA-001 Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.
- 2 Unless the contrary intention appears, 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 co-ordinates are expressed in terms of GDA94.

6—Variation of regulation 4—Conversion of whole weight to meat weight

Regulation 4—delete "Director" and substitute:

Minister

7—Substitution of regulations 6 to 13

Regulations 6 to 13 (inclusive)—delete the regulations and substitute:

6—Maximum number of licences that may be in force

- (1) The maximum number of licences that may be in force in respect of the Central Zone Abalone Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.
- (2) The maximum number of licences that may be in force in respect of the Southern Zone Abalone Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.
- (3) The maximum number of licences that may be in force in respect of the Western Zone Abalone Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.

7—Transfer of licence

- (1) Licences in respect of an abalone 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 21 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 the licence to be transferred has not been suspended;
 - (b) 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;
 - (c) 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 an abalone fishery;
 - (d) if the transferee is a company, that 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 an abalone fishery;
 - (e) if a boat registered for use under the licence is the subject of, or registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement to take fish granted under a law of the Commonwealth or a corresponding law—
 - (i) that the entitlement is either to be transferred together with the licence to the transferee or to be surrendered on or before the transfer of the licence; or
 - (ii) that—
 - (A) the transfer of the licence separately from the entitlement is not likely to result in fishing activities that over-exploit or endanger the aquatic resources of the State; and
 - (B) the person or body that granted the entitlement concurs with the separate transfer of the licence.

8—Registration

An application by the holder of a licence in respect of an abalone 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.

9—Revocation of registration

- (1) The Minister may, on application by the holder of a licence in respect of an abalone 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 signed by the applicant and be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.

8—Variation of regulation 14—Individual catch quota system—Central Zone

- (1) Regulation 14(1), definition of *abalone quota*—delete the definition and substitute:

abalone quota entitlement or *quota entitlement*, in relation to a licence in respect of the fishery and a class of abalone, means the maximum number of kilograms of meat of abalone of that class that may be lawfully taken by the holder of the licence during a quota period, being the product of—

 - (a) the unit entitlement under the licence in respect of that class of abalone; and
 - (b) the unit value for the fishery and that class of abalone and quota period,

subject to any variation applying during that quota period;
- (2) Regulation 14(1), definition of *prescribed period*—delete the definition and substitute:

quota period—a quota period for the fishery is a period of 12 months commencing on 1 January;
- (3) Regulation 14(1), definition of *unit value*—delete "Director" and substitute:

Minister
- (4) Regulation 14(1), definition of *unit value*—delete "prescribed" and substitute:

quota
- (5) Regulation 14(2) to (5) (inclusive)—delete subregulations (2) to (5) and substitute:
 - (2) The Minister—
 - (a) must determine—
 - (i) the number of kilograms of abalone meat that is to be the value of an abalone unit for the fishery, a class of abalone and each quota period; and
 - (ii) the conversion value for the fishery and a class of abalone;

- (b) may, from time to time, vary the conversion value for the fishery and a class of abalone.
- (3) The Minister may vary conditions on licences in respect of the fishery fixing abalone quota entitlements as follows:
 - (a) on joint application made to the Minister by the holders of any 2 licences, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of a particular class of abalone and increase the unit entitlement under the other licence in respect of that class of abalone by a corresponding number of units;
 - (b) if the total catch of abalone of a particular class taken by the holder of a licence during a quota period exceeded the abalone quota entitlement under the licence in respect of that class of abalone and quota period, the Minister may vary the conditions of the licence so as to decrease the quota entitlement in respect of that class of abalone—
 - (i) if the catch exceeded the quota entitlement by not more than 10 kilograms of abalone meat—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 10 kilograms but not more than 50 kilograms of abalone meat—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
 - (c) if—
 - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing an abalone quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of abalone meat in excess of the quota entitlement,the conditions of the licence may be varied so as to decrease the abalone quota entitlement under the licence in respect of the class of abalone that was taken for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed;
 - (d) if the total catch of abalone of a particular class taken by the holder of a licence during a quota period was less than the abalone quota entitlement under the licence in respect of that class of abalone and quota period, the Minister may vary the conditions of the licence so as to—

- (i) increase the quota entitlement in respect of that class of abalone by 1 kilogram of abalone meat for each kilogram by which the catch fell short of the quota entitlement (but in any case by not more than 20 kilograms); and
 - (ii) prohibit any additional abalone units allocated to the licence as a result of the increase in the quota entitlement made under this paragraph from being transferred to another licence;
 - (e) if—
 - (i) the holder of a licence has assisted in the carrying out of research work under the Act or the repealed Act in relation to the fishery; and
 - (ii) the Minister considers that it is appropriate to compensate or reward the holder of the licence for the time spent in providing that assistance,
the Minister may vary the conditions of the licence so as to increase the abalone quota entitlement under the licence;
 - (f) a variation of a quota entitlement or unit entitlement under this subregulation (other than under paragraph (a) or (c)) must be expressed to apply only for the quota period during which the variation is made.
- (4) For the purposes of subregulation (3)(d), in determining whether the total catch of abalone during a particular quota period was less than the abalone quota entitlement under the licence in respect of that quota period, any increase in the quota entitlement applying during that period as a result of a variation made under that subregulation must be disregarded.
- (5) An application to vary unit entitlements must—
 - (a) be made in a manner and form approved by the Minister; and
 - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (7) The holder of a licence in respect of the fishery must not, for a commercial purpose, take abalone of the class specified in column 1 of the table below if the unit entitlement under the licence in respect of that class of abalone falls below the number specified alongside in column 2.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Column 1	Column 2
Class of abalone	Unit entitlement
Blacklip Abalone	25
Greenlip Abalone	25

- (8) For the purposes of subregulation (7), if the conditions of a licence in respect of the fishery are varied so as to decrease the unit entitlement under the licence in respect of a class of abalone and the variation is expressed to apply only for the quota period during which the variation is made, the number of abalone units in the decrease must be taken to form part of the unit entitlement under the licence in respect of that class of abalone in determining whether the unit entitlement under the licence falls below the minimum specified in the table.

9—Variation of regulation 15—Individual catch quota system—Southern Zone

- (1) Regulation 15(1), definitions of *abalone quota*, *area 1*, *area 2*, *area 3* and *area 4*—delete the definitions and substitute:

abalone quota entitlement or *quota entitlement*, in relation to a licence in respect of the fishery, a class of abalone and a fishing zone, means the maximum number of kilograms of meat of abalone of that class that may be lawfully taken by the holder of the licence in that fishing zone during a quota period, being the product of—

- (a) the unit entitlement under the licence in respect of that class of abalone and fishing zone; and
- (b) the unit value for that class of abalone, fishing zone and quota period,

subject to any variation applying during that quota period;

area 1 means the waters near Nene Valley contained within and bounded by a line commencing at Mean High Water Springs closest to 37°59'11.00" South, 140°30'45.31" East, then generally south-easterly following the line of Mean High Water Springs to the location closest to 38°01'14.86" South, 140°34'14.13" East, then southerly to 38°04'26.91" South, 140°34'12.99" East, then north-westerly to 38°02'26.87" South, 140°30'44.00" East, then northerly to the point of commencement;

area 2 means the waters of or near Discovery Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 38°03'24.61" South, 140°45'00.00" East, then beginning north-easterly following the line of Mean High Water Springs to the location closest to 38°03'07.53" South, 140°55'00.00" East, then southerly to a line 5560 metres seaward of Mean High Water Springs closest to 38°06'05.97" South, 140°54'59.85" East, then westerly to a line 5560 metres seaward of Mean High Water Springs closest to 38°06'23.01" South, 140°44'59.42" East, then northerly to the point of commencement;

area 3 means the waters near Ringwood Reef contained within and bounded by a line commencing at the location closest to 37°31'57.00" South, 140°01'18.00" East, then easterly to 37°31'57.00" South, 140°02'36.00" East, then southerly to 37°32'30.00" South, 140°02'36.00" East, then north-westerly to 37°32'18.00" South, 140°01'18.00" East, then northerly to the point of commencement;

area 4 means the waters of or near Gerloff Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 37°55'09.05" South, 140°23'48.16" East (Cape Banks), then beginning generally northerly following the line of Mean High Water Springs to the location closest to 37°57'04.33" South, 140°28'11.44" East, then south-westerly to 37°58'30.00" South, 140°26'00.00" East, then north-westerly to 37°56'00.00" South, 140°21'30.00" East, then north-easterly to the point of commencement;

- (2) Regulation 15(1), definition of **prescribed period**—delete the definition and substitute:
quota period—a quota period for the fishery is a period of 12 months commencing on 1 September;
- (3) Regulation 15(1), definition of **unit value**—delete "Director" and substitute:
Minister
- (4) Regulation 15(1), definition of **unit value**—delete "prescribed" and substitute:
quota
- (5) Regulation 15(2) to (5) (inclusive)—delete subregulations (2) to (5) and substitute:
 - (2) The Minister—
 - (a) must determine—
 - (i) the number of kilograms of abalone meat that is to be the value of an abalone unit for a fishing zone, a class of abalone and each quota period; and
 - (ii) the conversion value for a fishing zone and a class of abalone;
 - (b) may, from time to time, vary the conversion value for a fishing zone and a class of abalone.
 - (3) The Minister may vary conditions on licences in respect of the fishery fixing abalone quotas entitlements as follows:
 - (a) on joint application made to the Minister by the holders of any 2 licences, the conditions of those licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of a particular class of abalone and fishing zone and decrease the unit entitlement under the other licence in respect of that class of abalone and fishing zone by a corresponding number of units;

- (b) if the total catch of abalone of a particular class taken by the holder of a licence in a fishing zone during a quota period exceeded the abalone quota entitlement under the licence in respect of that class of abalone, fishing zone and quota period, the Minister may vary the conditions of the licence so as to decrease the quota entitlement in respect of that class of abalone and fishing zone—
 - (i) if the catch exceeded the quota entitlement by not more than 10 kilograms of abalone meat—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 10 kilograms but not more than 50 kilograms of abalone meat—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
- (c) if—
 - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing an abalone quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of abalone meat in excess of the quota entitlement,the conditions of the licence may be varied so as to decrease the abalone quota entitlement under the licence in respect of the class of abalone that was taken for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed;
- (d) if the total catch of abalone of a particular class taken by the holder of a licence in a fishing zone during a quota period was less than the abalone quota entitlement under the licence in respect of that class of abalone, fishing zone and quota period, the Minister may vary the conditions of the licence so as to—
 - (i) increase the quota entitlement in respect of that class of abalone and fishing zone by 1 kilogram of abalone meat for each kilogram by which the catch fell short of the quota entitlement (but in any case by not more than 20 kilograms); and
 - (ii) prohibit any additional abalone units allocated to the licence as a result of the increase in the quota entitlement made under this paragraph from being transferred to another licence;
- (e) if—

- (i) the holder of a licence has assisted in the carrying out of research work under the Act or repealed Act in relation to the fishery; and
 - (ii) the Minister considers that it is appropriate to compensate or reward the holder of the licence for the time spent in providing that assistance,

the Minister may vary the conditions of the licence so as to increase the abalone quota entitlement under the licence;
 - (f) a variation of a quota entitlement or unit entitlement under this subregulation (other than paragraph (a) or (c)) must be expressed to apply only for the quota period during which the variation is made.
- (4) For the purposes of subregulation (3)(d), in determining whether the total catch of abalone during a particular quota period was less than the abalone quota entitlement under the licence in respect of that quota period, any increase in the quota entitlement applying during that period as a result of a variation made under that subregulation must be disregarded.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (6) Regulation 15(6)—delete "abalone" wherever occurring and substitute in each case:
Blacklip Abalone
- (7) Regulation 15(6)—delete "pursuant to" wherever occurring and substitute in each case:
under
- (8) Regulation 15(6), penalty provision—delete "\$4 000" and substitute:
\$5 000
- (9) Regulation 15—after subregulation (6) insert:
- (7) The holder of a licence in respect of the fishery must not, for a commercial purpose, take abalone of the class specified in column 1 of the table below in a fishing zone specified alongside in column 2 if the unit entitlement under the licence in respect of that class of abalone and fishing zone falls below the number specified alongside in column 3.

Maximum penalty: \$5 000.
Expiation fee: \$315.

Column 1	Column 2	Column 3
Class of abalone	Fishing zone	Unit entitlement
Blacklip Abalone	Area S	50
	The waters of the Southern Zone outside Area S	50
Greenlip Abalone	The Southern Zone	5

- (8) For the purposes of subregulation (7), if the conditions of a licence in respect of the fishery are varied so as to decrease the unit entitlement under the licence in respect of a class of abalone and fishing zone and the variation is expressed to apply only for the quota period during which the variation is made, the number of abalone units in the decrease must be taken to form part of the unit entitlement under the licence in respect of that class of abalone and fishing zone in determining whether the unit entitlement under the licence falls below the minimum specified in the table.

10—Variation of regulation 16—Individual catch quota system—Western Zone

- (1) Regulation 16(1), definition of *abalone quota*—delete the definition and substitute:
- abalone quota entitlement* or *quota entitlement*, in relation to a licence in respect of the fishery, region A and a class of abalone—means the maximum number of kilograms of meat of abalone of that class that may be lawfully taken by the holder of the licence in that region during a quota period, being the product of—
- the unit entitlement under the licence in respect of that region and class of abalone; and
 - the unit value for that region, class of abalone and quota period, subject to any variation applying during that quota period;
- (2) Regulation 16(1), definition of *prescribed period*—delete the definition
- (3) Regulation 16(1)—after the definition of *prescribed region* insert:
- quota period*—a quota period for the fishery is a period of 12 months commencing on 1 January;
- (4) Regulation 16(1), definitions of *region A* and *region B*—delete the definitions and substitute:
- region A* means the waters of the Western Zone east of the meridian of longitude commencing at Mean High Water Springs closest to 32°32'33.78" South, 133°51'02.21" East (Point Brown);
- region B* means the waters of the Western Zone west of the meridian of longitude commencing at Mean High Water Springs closest to 32°32'33.78" South, 133°51'02.21" East (Point Brown);

- (5) Regulation 16(1), definition of *unit value*—delete "Director" wherever occurring and substitute in each case:

Minister

- (6) Regulation 16(1), definition of *unit value*—delete "prescribed" wherever occurring and substitute in each case:

quota

- (7) Regulation 16(2) to (5) (inclusive)—delete subregulations (2) to (5) and substitute:

(2) The Minister—

(a) must determine—

- (i) the number of kilograms of abalone meat that is to be the value of an abalone unit for region A, a class of abalone and each quota period; and
- (ii) the number of kilograms of abalone meat that is to be the value of an abalone unit for region B and each quota period; and
- (iii) the conversion value for a prescribed region and a class of abalone;

(b) may from time to time vary the conversion value for a prescribed region and a class of abalone.

(3) The Minister may vary conditions on licences in respect of the fishery fixing abalone quota entitlements as follows:

- (a) on joint application made to the Minister by the holders of any 2 licences subject to conditions fixing abalone quota entitlements in respect of region A and the same class of abalone, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that region and class of abalone and decrease the unit entitlement under the other licence in respect of that region and class of abalone by a corresponding number of units;
- (b) on joint application made to the Minister by the holders of any 2 licences subject to conditions fixing abalone quota entitlements in respect of region B, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that region and decrease the unit entitlement under the other licence in respect of that region by a corresponding number of units;
- (c) if the total catch of abalone of a particular class taken by the holder of a licence in region A during a quota period exceeded the abalone quota entitlement under the licence in respect of that region, class of abalone and quota period, the Minister may vary the conditions of the licence so as to decrease the quota entitlement in respect of that region and class of abalone—

- (i) if the catch exceeded the quota entitlement by not more than 10 kilograms of abalone meat—by 1 kilogram for each kilogram taken in excess of the quota entitlement;
 - (ii) if the catch exceeded the quota entitlement by more than 10 kilograms but not more than 50 kilograms of abalone meat—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
- (d) if the total catch of abalone of a particular class taken by the holder of a licence in respect of the fishery in region B during a quota period exceeded the abalone quota entitlement under the licence in respect of that region and quota period, the Minister may vary the conditions of the licence so as to decrease the quota entitlement in respect of that region—
 - (i) if the catch exceeded the quota entitlement by not more than 10 kilograms of abalone meat—by 1 kilogram for each kilogram taken in excess of the quota entitlement;
 - (ii) if the catch exceeded the quota entitlement by more than 10 kilograms but not more than 50 kilograms of abalone meat—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
- (e) if—
 - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing an abalone quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of abalone meat—
 - (i) in excess of the quota entitlement under the licence in respect of region A and a class of abalone; or
 - (ii) in excess of the quota entitlement under the licence in respect of region B,

the conditions of the licence may be varied so as to reduce the quota entitlement under the licence in respect of that region and class of abalone for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed;

- (f) if the total catch of abalone of a particular class taken by the holder of a licence in region A during a particular quota period was less than the abalone quota entitlement under the licence in respect of that region, class of abalone and quota period, the Minister may vary the conditions of the licence so as to—
 - (i) increase the quota entitlement in respect of that region and class of abalone by 1 kilogram of abalone meat for each kilogram by which the catch fell short of the quota entitlement (but in any case by not more than 20 kilograms); and
 - (ii) prohibit any additional abalone units allocated to the licence as a result of the increase in the quota entitlement made under this paragraph from being transferred to another licence;
- (g) if the total catch of abalone of a particular class taken by the holder of a licence in region B during a particular quota period was less than the abalone quota entitlement under the licence in respect of that region and quota period, the Minister may vary the conditions of the licence so as to—
 - (i) increase the quota entitlement in respect of that region by 1 kilogram of abalone meat for each kilogram by which the catch fell short of the quota entitlement (but in any case by not more than 20 kilograms); and
 - (ii) prohibit any additional abalone units allocated to the licence as a result of the increase in the quota entitlement made under this paragraph from being transferred to another licence;
- (h) if—
 - (i) the holder of a licence has assisted in the carrying out of research work under the Act or the repealed Act in relation to the fishery; and
 - (ii) the Minister considers that it is appropriate to compensate or reward the holder of the licence for the time spent in providing that assistance,vary the conditions of the licence so as to increase the abalone quota entitlement under the licence;
- (i) a variation of a quota entitlement or unit entitlement under this subregulation (other than paragraph (a), (b) or (e)) must be expressed to apply only for the quota period during which the variation is made.

- (4) For the purposes of subregulation (3)(f) or (g), in determining whether the total catch of abalone during a particular quota period was less than the abalone quota entitlement under the licence in respect of that quota period, any increase in the quota entitlement applying during that period as a result of a variation made under that subregulation must be disregarded.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (6) The holder of a licence in respect of the fishery must not, for a commercial purpose, take abalone of the class specified in column 1 of the table below in a prescribed region specified alongside in column 2 if the unit entitlement under the licence in respect of that class of abalone and region falls below the number specified alongside in column 3.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Column 1	Column 2	Column 3
Class of abalone	Region	Unit entitlement
Blacklip Abalone	Region A	25
Greenlip Abalone	Region A	25
Blacklip and Greenlip Abalone	Region B	5

- (7) For the purposes of subregulation (6), if the conditions of a licence in respect of the fishery are varied so as to decrease the unit entitlement under the licence in respect of a class of abalone and region and the variation is expressed to apply only for the quota period during which the variation is made, the number of abalone units in the decrease must be taken to form part of the unit entitlement under the licence in respect of that class of abalone and region in determining whether the unit entitlement under the licence falls below the minimum specified in the table.

11—Variation of regulation 17—Only 1 registered boat to be used at any 1 time

- (1) Regulation 17—delete "fish pursuant to" wherever occurring and substitute in each case:

abalone under

- (2) Regulation 17, penalty provision—delete "\$4 000" and substitute:
\$5 000

12—Variation of regulation 18—Only 1 registered master to be engaged in fishing activities on any 1 day

- (1) Regulation 18—delete "pursuant to" and substitute:
under
- (2) Regulation 18, penalty provision—delete "\$4 000" and substitute:
\$5 000

13—Variation of regulation 19—Registered boat not to be transported or towed to fishing location

- (1) Regulation 19—delete "fish pursuant to" and substitute:
abalone under
- (2) Regulation 19, penalty provision—delete "\$4 000" and substitute:
\$5 000.

14—Variation of regulation 20—Catch and disposal records

- (1) Regulation 20—delete "pursuant to" wherever occurring and substitute in each case:
under
- (2) Regulation 20(3), penalty provision—delete "\$4 000" and substitute:
\$5 000

15—Variation of regulation 21—Periodic returns

- (1) Regulation 21(1)(b)—delete "Executive Director of SARDI, with the approval of the Minister," and substitute:
Minister
- (2) Regulation 21(1)(c)—delete "office of the Executive Director of SARDI" and substitute:
Minister
- (3) Regulation 21(1), penalty provision—delete "\$4 000" and substitute:
\$5 000
- (4) Regulation 21(2)—delete "pursuant to" and substitute:
under
- (5) Regulation 21(4)(a)—delete "Executive Director of SARDI" and substitute:
Minister
- (6) Regulation 21(4), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$5 000.
Expiation fee: \$315.

16—Substitution of Schedules 1 and 2

Schedules 1 and 2—delete the Schedules and substitute:

Schedule 1—Transitional provision

1—Eligibility to be granted fishery licence

- (1) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Central Zone Abalone Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.
- (2) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Southern Zone Abalone Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.
- (3) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Western Zone Abalone Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.

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 29 November 2007

No 278 of 2007

MAFF07/020CS