

South Australia

Fisheries (Scheme of Management—Marine Scalefish 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—Marine Scalefish 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—Marine Scalefish Fisheries) Regulations 2006*

4—Variation of regulation 1—Short title

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

Fisheries Management (Marine Scalefish Fisheries) Regulations

5—Variation of regulation 3—Interpretation

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

Act means the *Fisheries Management Act 2007*;

- (2) Regulation 3(1), definition of *blue crab*—delete "blue crab" second occurring and substitute:

Blue Swimmer Crab

- (3) Regulation 3(1), definition of *Blue Crab Fishery*—delete "*Fisheries (Scheme of Management—Blue Crab Fishery) Regulations*" and substitute:

Fisheries Management (Blue Crab Fishery) Regulations

- (4) Regulation 3(1), definition of *blue crab fishing zone*—delete "*Fisheries (Scheme of Management—Blue Crab Fishery) Regulations*" and substitute:

Fisheries Management (Blue Crab Fishery) Regulations

- (5) Regulation 3(1), definition of *coastal waters*—delete the definition

- (6) Regulation 3(1), definition of *crab net*—delete "*Fisheries (General) Regulations 2000*" and substitute:

Fisheries Management (General) Regulations 2007

- (7) Regulation 3(1), definition of *Gulf St. Vincent Blue Crab Fishing Zone*—delete "*Fisheries (Scheme of Management—Blue Crab Fishery) Regulations*" and substitute:

Fisheries Management (Blue Crab Fishery) Regulations

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

MSSF licence means a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a sardine quota entitlement;

- (9) Regulation 3(1), definitions of **pilchard**, **pilchard net**, **revoked regulations** and **SARDI**—delete the definitions and substitute:

sardine means Australian Sardine (*Sardinops sagax*);

sardine net has the same meaning as in the *Fisheries Management (General) Regulations 2007*;

sardine quota entitlement—see regulation 18;

- (10) Regulation 3(1), definition of **Spencer Gulf Blue Crab Fishing Zone**—delete "*Fisheries (Scheme of Management—Blue Crab Fishery) Regulations*" and substitute:

Fisheries Management (Blue Crab Fishery) Regulations

- (11) Regulation 3(2)—delete "fish" wherever occurring and substitute in each case:

aquatic resources

- (12) Regulation 3—after subregulation (2) insert:

Note—

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.

6—Variation of regulation 4—Constitution of fisheries

- (1) Regulation 4(2)(a)—delete "fish" and substitute:

aquatic resources

- (2) Regulation 4(2)(b)—delete "razor fish" and substitute:

Razorfish

- (3) Regulation 4(3)—delete subregulation (3) and substitute:

- (3) The holder of a licence in respect of a marine scalefish fishery must not, for a commercial purpose, take blue crab in a blue crab fishing zone unless the licence is subject to a condition fixing a blue crab quota entitlement in relation to that zone.

Maximum penalty: \$5 000.

7—Substitution of regulations 5 to 8

Regulations 5 to 8 (inclusive)—delete the regulations and substitute:

5—Maximum number of licences that may be in force

- (1) The maximum number of licences that may be in force in respect of the Marine Scalefish 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 Restricted Marine Scalefish Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.

8—Variation of regulation 9—Transfer of licences

- (1) Regulation 9(2)—delete subregulation (2) and substitute:
- (2) Subject to these regulations, licences in respect of a marine scalefish fishery are transferable.
- (2) Regulation 9(4) and (5)—delete subregulations (4) and (5) and substitute:
- (4) 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 27 completed by the holder of the licence up to the date of application.
- (5) The Minister may only consent to the transfer of a licence if satisfied as to the following:
- (a) that the transfer is—
 - (i) an authorised family transfer; or
 - (ii) an authorised amalgamation scheme transfer;
 - (b) that any fees or other amounts payable in relation to the licence under the Act or the repealed Act have been paid in full;
 - (c) that the licence to be transferred has not been suspended;
 - (d) that the transfer is to 1 person only;
 - (e) 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;
 - (f) that the transferee is a natural person of at least 15 years of age and is a fit and proper person to hold a licence in respect of a marine scalefish fishery;
 - (g) if a boat registered for use under the licence is the subject of, is registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement to take aquatic resources 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.

9—Variation of regulation 11—Transfer of licences under amalgamation scheme

- (1) Regulation 11(1), definitions of *aggregate gear entitlement* and *gear endorsement*—delete the definitions and substitute:

aggregate gear entitlement, in relation to 2 or more licences, means the aggregate of the gear entitlements under the licences;
- (2) Regulation 11(1), definition of *net*—delete "*Fisheries (General) Regulations 2000*" and substitute:

Fisheries Management (General) Regulations 2007
- (3) Regulation 11(1), definition of *net licence*—delete the definition and substitute:

net licence means a licence under which there is a gear entitlement that authorises the use of 1 or more nets (whether or not the entitlement authorises the use of other devices).
- (4) Regulation 11(2)—delete "Director" and substitute:

Minister
- (5) Regulation 11(2)(a)(i)—delete "fish species taken pursuant to" and substitute:

species of aquatic resources taken under
- (6) Regulation 11(2)(a)(ii)—delete "fish"
- (7) Regulation 11(3)—delete "Director" and substitute:

Minister
- (8) Regulation 11(4)—delete "Director" and substitute:

Minister
- (9) Regulation 11(6)—delete "Director" wherever occurring and substitute in each case:

Minister
- (10) Regulation 11(6)(e)—before "Act" insert:

repealed
- (11) Regulation 11(6)(f)—delete paragraph (f) and substitute:
 - (f) if 1 or more licences are to be surrendered but any fees or other amounts payable under the Act or the repealed Act in respect of those licences have not been paid in full, the fees or amounts still owing must be paid on or before the surrender of those licences;

(12) Regulation 11(6)(i)—delete paragraph (i) and substitute:

- (i) replace the gear entitlement under the remaining licence held by the transferee with a gear entitlement that makes provision for the aggregate gear entitlement under that licence and the surrendered licence or licences;

10—Substitution of regulations 12 to 16

Regulations 12 to 16 (inclusive)—delete the regulations and substitute:

12—Registration

- (1) An application by the holder of a licence in respect of a marine scalefish 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.
- (2) A person other than the holder of a licence in respect of a marine scalefish fishery (the *licensee*) cannot be registered as the master of a boat used under the licence unless the licensee is already registered as the master of a boat used under another licence in respect of a marine scalefish fishery held by the licensee.

13—Revocation of registration

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

14—Registered master may be assisted by only 1 agent

The registered master of a registered boat must not, when using the boat under a licence in respect of the Restricted Marine Scalefish Fishery, cause or permit more than 1 other person to assist him or her in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

15—Carriage of crab nets on boats

The Minister may impose conditions on licences in respect of a marine scalefish fishery limiting the number of crab nets that may be carried on boats and otherwise regulating the carrying of crab nets used for fishing activities engaged in under the licences.

11—Variation of regulation 17—Individual blue crab catch quota system

- (1) Regulation 17(1), definitions of *blue crab quota* and *licence period*—delete the definitions and substitute:

blue crab quota entitlement or *quota entitlement*, in relation to a licence in respect of a marine scalefish fishery or the Blue Crab Fishery and a blue crab fishing zone, means the maximum number of kilograms of blue crab that may lawfully be taken by the holder of the licence in that zone during a quota period, being the product of—

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

subject to any variation applying during that quota period;

quota period—a quota period for a marine scalefish fishery or the Blue Crab Fishery is a period of 12 months commencing on 1 July;

- (2) Regulation 17(1), definition of *unit value*—delete "Director" and substitute:

Minister

- (3) Regulation 17(1), definition of *unit value*—delete "licence" and substitute:

quota

- (4) Regulation 17(2) to (5) (inclusive)—delete subregulations (2) to (5) and substitute:

- (2) The Minister must, on or before the commencement of each quota period, determine the number of kilograms of blue crab that is to be the value of a blue crab unit for a blue crab fishing zone and the quota period.

- (3) The Minister may vary conditions on licences in respect of a marine scalefish fishery or the Blue Crab Fishery fixing blue crab quota entitlements as follows:

- (a) on joint application made to the Minister by the holders of any 2 licences in respect of a marine scalefish fishery subject to conditions fixing blue crab quota entitlements in relation to the same blue crab fishing zone, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;

- (b) on joint application made to the Minister by the holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement in relation to a particular blue crab fishing zone (the *first licence*) and the holder of another licence in respect of a marine scalefish fishery, being a licence not subject to a condition fixing a blue crab quota entitlement (whether at all or in relation to that zone) (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a blue crab quota entitlement in respect of that zone may be imposed on that licence;
- (c) on joint application made to the Minister by the holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement in relation to a particular blue crab fishing zone (the *first licence*) and the holder of a licence in respect of the Blue Crab Fishery subject to a condition fixing a blue crab quota entitlement in respect of the same zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units; or
 - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence in respect of that zone and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (d) on joint application made to the Minister by the holder of a licence in respect of the Blue Crab Fishery subject to a condition fixing a blue crab quota in respect of a particular blue crab fishing zone (the *first licence*) and the holder of a licence in respect of a marine scalefish fishery not subject to a condition fixing a blue crab quota entitlement (whether at all or in relation to the same zone) (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and

- (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a blue crab quota entitlement in respect of that zone may be imposed on that licence;
 - (e) if the total blue crab catch taken under a licence in respect of a marine scalefish fishery during a quota period exceeded the blue crab quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the blue crab quota entitlement—
 - (i) if the catch exceeded the blue crab quota entitlement by not more than 20 kilograms of blue crab—by 1 kilogram for each kilogram taken in excess of the blue crab quota entitlement; or
 - (ii) if the catch exceeded the blue crab quota entitlement by more than 20 kilograms but not more than 50 kilograms of blue crab—by 2 kilograms for each kilogram taken in excess of the blue crab quota entitlement;
 - (f) if—
 - (i) the holder of a licence in respect of a marine scalefish fishery is convicted of an offence of contravening a condition of the licence fixing a blue crab quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of blue crab in excess of the quota entitlement,the conditions of the licence may be varied so as to decrease the blue crab quota entitlement under the licence 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;
 - (g) a variation of a quota entitlement made under paragraph (e) must be expressed to apply only for the quota period during which the variation is made.
- (4) 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*.

- (5) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement must not, while the unit entitlement under the licence is less than—
- (a) in the case of a licence referred to in Schedule 4 of the *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 1991* as in force on 31 August 2006—19 blue crab units; or
 - (b) in any other case—80 blue crab units,
- take blue crab under the licence except in the waters of the State west of longitude 135°E.
- Maximum penalty: \$5 000.

12—Variation of regulation 18—Individual sardine catch quota system

- (1) Regulation 18(1)—delete "endorsed with a condition permitting the holder of the licence to take pilchards by use of a pilchard net" and substitute:
- under which sardine nets are registered
- (2) Regulation 18(2), definitions of *pilchard quota* and *prescribed period*—delete the definitions and substitute:
- quota period*—a quota period for the Marine Scalefish Fishery is a period of 12 months commencing on 1 January;
- sardine quota entitlement* or *quota entitlement*, in relation to a licence in respect of the Marine Scalefish Fishery, means the maximum number of kilograms of sardines that may lawfully be taken by the holder of the licence during a quota period, being the product of—
- (a) the unit entitlement under that licence; and
 - (b) the unit value for that quota period,
- subject to any variation applying during that quota period;
- (3) Regulation 18(3) to (5)—delete subregulations (3) to (5) and substitute:
- (3) The Minister must, on or before the commencement of each quota period, determine the number of kilograms of sardines that is to be the value of a sardine unit for the quota period.
 - (4) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery fixing sardine quota entitlements as follows:
 - (a) all licences in respect of the fishery must be allocated the same number of sardine units;
 - (b) the Minister may, not more than twice during a quota period, vary the conditions of all licences in respect of the fishery so as to increase the sardine quota entitlements under the licences by the same number of sardine units;

- (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, the conditions of those licences may be varied so as to increase (by whole units or part units) the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
 - (d) if the total catch of sardines taken by the holder of a licence in respect of the fishery during a quota period exceeded the sardine quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the sardine quota entitlement—
 - (i) if the catch exceeded the sardine quota entitlement by not more than 2 tonnes of sardines—by 1 kilogram for each kilogram taken in excess of the sardine quota entitlement; or
 - (ii) if the catch exceeded the sardine quota entitlement by more than 2 tonnes but not more than 4 tonnes of sardines—by 2 kilograms for each kilogram taken in excess of the sardine 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 a sardine quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 4 tonnes of sardines in excess of the quota entitlement,the conditions of the licence may be varied so as to decrease the sardine quota entitlement under the licence for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the sardine quota entitlement for the quota period during which the offence was committed;
 - (f) a variation of a quota entitlement or unit entitlement under this subregulation (other than paragraph (e)) must be expressed to apply only for the remainder of the quota period during which the variation is made.
- (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*.

13—Variation of regulation 19—Restriction on use of certain registered boats to take sardines

- (1) Regulation 19(1)—delete subregulation (1) and substitute:
- (1) A registered boat registered for use under more than 1 MSSF licence must not be used to take sardines under more than 1 such licence at any 1 time.
- (2) Regulation 19(2), penalty provision—delete "\$4 000" and substitute:
- \$5 000

14—Variation of regulation 20—Information to be provided to Minister before certain registered boats are used to take sardines

- (1) Regulation 20(1)—delete subregulation (1) and substitute:
- (1) Subject to subregulation (3), at least 4 hours before a registered boat used under more than 1 MSSF licence departs on a trip during which it is to be used to take sardines under such a licence, the Minister must be informed by telephone of—
- (a) the intended time of the boat's departure; and
- (b) the number of the licence under which the boat is to be used.
- (2) Regulation 20(2), penalty provision—delete "\$4 000" and substitute:
- \$5 000
- (3) Regulation 20(3)—delete subregulation (3) and substitute:
- (3) If a boat is used to take sardines on 2 or more consecutive occasions under the same MSSF licence, subregulation (1) need only be complied with in relation to the first occasion.

15—Variation of regulation 21—Use of agents in fishing activities

- (1) Regulation 21—delete "boat registered by endorsement of" wherever occurring and substitute in each case:
- registered boat used under
- (2) Regulation 21(1), penalty provision—delete "\$4 000" and substitute:
- \$5 000
- (3) Regulation 21(2), penalty provision—delete "\$4 000" and substitute:
- \$5 000
- (4) Regulation 21(3), penalty provision—delete "\$4 000" and substitute:
- \$5 000

16—Variation of regulation 22—Catch and disposal records—blue crab

- (1) Regulation 22(2)—delete "endorsed with a condition fixing a blue crab quota on the licence" and substitute:
- subject to a condition fixing a blue crab quota entitlement

- (2) Regulation 22(2)—delete "pursuant to" wherever occurring and substitute in each case:

under

- (3) Regulation 22(2)(e)—delete "Director of Fisheries" and substitute:

Minister

- (4) Regulation 22(3), penalty provision—delete "\$4 000" and substitute:

\$5 000

17—Substitution of regulation 23

Regulation 23—delete the regulation and substitute:

23—Disposal of sardines

The holder of a MSSF licence must ensure that all sardines taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

18—Variation of regulation 24—Restriction on unloading of sardines onto other boats

- (1) Regulation 24—delete "pilchards" wherever occurring and substitute in each case:

sardines

- (2) Regulation 24—delete "pursuant to a MSFP licence" and substitute:

under a MSSF licence

- (3) Regulation 24, penalty provision—delete "\$4 000" and substitute:

\$5 000

19—Variation of regulation 25—Information relating to catch and disposal of sardines to be reported to Minister

- (1) Regulation 25—delete "pilchards" wherever occurring and substitute in each case:

sardines

- (2) Regulation 25—delete "Director" wherever occurring and substitute in each case:

Minister

- (3) Regulation 25(1)—delete "pursuant to a MSFP licence" and substitute:

under a MSSF licence

- (4) Regulation 25(2)(b)—delete "pursuant to" and substitute:

under

- (5) Regulation 25(4), penalty provision—delete "\$4 000" and substitute:

\$5 000

20—Variation of regulation 26—Catch and disposal records—sardines

- (1) Regulation 26(1)—delete subregulation (1) and substitute:
 - (1) In this regulation—

PF-CDR book means the book issued by the Department containing blank PF-CDR forms;

PF-CDR form means the form produced by the Department entitled *PIRSA Sardine Catch and Disposal Record*;

PFTF form means the form produced by the Department entitled *Sardine Fishery Transit Form*;

PFTF book means the book issued by the Department containing blank PFTF forms.
- (2) Regulation 26(2)—delete "pursuant to a MSFP licence" and substitute:

under a MSSF licence
- (3) Regulation 26(2)—delete "pilchards" wherever occurring and substitute in each case:

sardines
- (4) Regulation 26(2)—delete "Director" wherever occurring and substitute in each case:

Minister
- (5) Regulation 26(3), penalty provision—delete "\$4 000" and substitute:

\$5 000
- (6) Regulation 26(4)—delete "MSFP licence" and substitute:

MSSF licence
- (7) Regulation 26(4)—delete "Director" and substitute:

Minister
- (8) Regulation 26(4), penalty provision—delete "\$4 000" and substitute:

\$5 000
- (9) Regulation 26(5)—delete "MSFP licence" and substitute:

MSSF licence
- (10) Regulation 26(5), penalty provision—delete "\$4 000" and substitute:

\$5 000

21—Variation of regulation 27—Periodic returns

- (1) Regulation 27(1)(b)—delete "Executive Director of SARDI, with the approval of the Minister," and substitute:

Minister
- (2) Regulation 27(1)(c)—delete "office of the Executive Director of SARDI" and substitute:

Minister

- (3) Regulation 27(1), penalty provision—delete "\$4 000" and substitute:
\$5 000
- (4) Regulation 27(2)—delete "fish" wherever occurring and substitute in each case:
aquatic resources
- (5) Regulation 27(2)—delete "pursuant to" and substitute:
under
- (6) Regulation 27(4)(a)—delete "Executive Director of SARDI" and substitute:
Minister
- (7) Regulation 27(4), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$5 000.
Expiation fee: \$315.

22—Substitution of Schedules 1 to 3

Schedules 1 to 3 (inclusive)—delete the Schedules and substitute:

Schedule 1—Aquatic resources prescribed for marine scalefish fisheries

Annelids

Beachworm (Class Polychaeta)

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

Crustaceans

Blue Swimmer Crab (*Portunus pelagicus*)

Sand Crab (*Ovalipes* spp)

Velvet Crab (*Nectocarcinus tuberculatus*)

Molluscs

Southern Calamari (*Sepioteuthis australis*)

Cockle (Suborder Teledonta)

Cuttlefish (*Sepia* spp)

Mussel (*Mytilus* spp)

Octopus (*Octopus* spp)

Oyster (Family Ostreidae)

Scallop (Family Pectinidae)

Gould's Squid (*Notodarus gouldi*)

Scalefish

Australian Anchovy (*Engraulis australis*)

Barracouta (*Thyrsites atun*)

Black Bream (*Acanthopagrus butcheri*)

Cod of all marine species (Family Moridae)
Dory (Family Zeidae)
Flathead (Family Platycephalidae)
Flounder (Family Bothidae or Pleuronectidae)
Southern Garfish (*Hyporhamphus melanochir*)
Bluespotted Goatfish (*Upeneichthys vlamingii*)
Australian Herring (*Arripis georgianus*)
Yellowtail Kingfish (*Seriola lalandi*)
Leatherjacket (Family Monacanthidae)
Pink Ling (*Genypterus blacodes*)
Blue Mackerel (*Scomber australasicus*)
Common Jack Mackerel (*Trachurus declivis*)
Morwong (Family Cheilodactylidae)
Mullet of all species (Family Mugilidae)
Mulloway (*Argyrosomus hololepidotus*)
Redfish (*Centroberyx affinis*)
Bight Redfish (*Centroberyx gerrardi*)
West Australian Salmon (*Arripis truttaceus*)
Australian Sardine (*Sardinops sagax*)
Snapper (*Pagrus auratus*)
Snook (*Sphyraena novaehollandiae*)
Southern Sole (*Aseraggodes haackeanus*)
Sea Sweep (*Scorpius aequipinnis*)
Swallowtail (*Centroberyx lineatus*)
Blue-eye Trevalla (*Hyperoglyphe antarctica*)
Trevally (*Caranginae* spp)
Whiting (Family Sillaginidae)
Bluethroat Wrasse (*Notolabrus tetricus*)

Sharks

Rays of all species (Class Elasmobranchii)
Shark of all species (Class Elasmobranchii) other than White Shark (*Carcharodon carcharias*)
Skate of all species (Class Elasmobranchii)

Schedule 2—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 Marine Scalefish 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 Restricted Marine Scalefish 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 282 of 2007

MAFF07/020CS