

South Australia

## **Fisheries (Scheme of Management—River Fishery) 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—River Fishery) 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.

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## **Part 2—Variation of *Fisheries (Scheme of Management—River Fishery) Regulations 2006***

### **4—Variation of regulation 1—Short title**

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

*Fisheries Management (River Fishery) 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), definitions of *licence period*, *revoked regulations*, *River Murray* and *SARDI*—delete the definitions

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

### **6—Substitution of regulations 5 to 12**

Regulations 5 to 12 (inclusive)—delete the regulations and substitute:

#### **5—Conditions limiting certain fishing activities to specified areas**

The Minister may impose a condition on a licence in respect of the fishery limiting to specified areas of the River Murray the fishing activities that may be engaged in under the licence.

#### **6—Maximum number of licences that may be in force**

The maximum number of licences that may be in force in respect of the fishery is the number of licences in force in respect of the fishery immediately before the commencement of this regulation.

#### **7—Registration**

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

#### **8—Revocation of registration**

- (1) The Minister may, on application by the holder of a licence in respect of the 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 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.

### **7—Variation of regulation 13—Use of agents in fishing activities**

Regulation 13, penalty provision—delete "\$4 000" and substitute:

\$5 000

### **8—Variation of regulation 14—Periodic returns**

- (1) Regulation 14(1)(b)—delete "Executive Director of SARDI, with the approval of the Minister," and substitute:

Minister
- (2) Regulation 14(1)(c)—delete "office of the Executive Director of SARDI" and substitute:

Minister
- (3) Regulation 14(1), penalty provision—delete "\$4 000" and substitute:

\$5 000
- (4) Regulation 14(2)—delete "fish" wherever occurring and substitute in each case:

aquatic resources
- (5) Regulation 14(2)—delete "pursuant to" and substitute:

under
- (6) Regulation 14(4)(a)—delete "Executive Director of SARDI" and substitute:

Minister
- (7) Regulation 14(4), penalty provision—delete the penalty provision and substitute:

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

## **9—Substitution of Schedules 1 to 3**

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

### **Schedule 1—Aquatic resources prescribed for River Fishery**

#### **Crustaceans**

Yabby (*Cherax* spp)

#### **Scalefish**

Bony Bream (*Nematalosa erebi*)

Carp of all species (Family Cyprinidae)

Redfin (*Perca fluviatilis*)

Brown Trout (*Salmo trutta*)

Rainbow Trout (*Oncorhynchus mykiss*)

All other non-native fish

#### **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.

### **Schedule 2—Transitional provision**

#### **1—Eligibility to be granted fishery licence**

Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the fishery, may make an application under section 54 of the Act for a licence in respect of the 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 285 of 2007

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