

South Australia

Fisheries Management (Demerit Points) Variation Regulations 2009

under the *Fisheries Management Act 2007*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Demerit Points) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on the day on which the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009* come 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 Management (Demerit Points) Regulations 2009*

4—Variation of Schedule 1—Demerit point offences and demerit points

- (1) Schedule 1, Part 2, table, clause 7—after the item relating to regulation 9A(3) insert:

reg 9B(2) *Unsealing containers of Pipi other than at registered premises—*

- (a) if the offence is expiated 15
- (b) in any other case 75

- reg 9B(3) *Failing to keep completed forms relating to Pipi purchased by registered fish processor—*
- (a) if the offence is expiated 10
 - (b) in any other case 50

(2) Schedule 1, Part 2, table, clause 9—delete clause 9 and substitute:

9—*Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*

Regulations	Description of offence	Demerit points
reg 11(1)	<i>Causing or permitting agents to be engaged in fishing activities on shore when licence holder or registered master is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 11(2)	<i>Causing or permitting agents to be engaged in fishing activities on boat when licence holder or registered master is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 11(3)	<i>Causing or permitting more than prescribed number of agents to be engaged in fishing activities on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 11(4)	<i>Causing or permitting more than prescribed number of agents to be engaged in taking Pipi on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 11(6)	<i>Causing or permitting more than prescribed number of agents to be engaged in fishing activities on boat at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 13(1)	<i>Holder of licence taking Pipi for commercial purpose without quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60

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 Variation of *Fisheries Management (Demerit Points) Regulations 2009*—Part 2

Regulations	Description of offence	Demerit points
	(iii) third or subsequent offence	75
reg 13(2)	<i>Holder of licence (other than eligible licence) taking Pipi except for purpose of bait to be used under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
reg 14	<i>Using more than 3 cockle rakes at any 1 time for purpose of taking Pipi under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 15(2)	<i>Failing to provide certain information to Minister before Pipi are taken—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
reg 16	<i>Failing to land Pipi taken under licence within State—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
reg 17	<i>Failing to ensure all Pipi taken under licence are consigned or delivered to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
reg 18(2)	<i>Failing to comply with subregulation (2) by failing to complete form in respect of Pipi before removal of Pipi (paragraph (a)(ii))—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Regulations	Description of offence	Demerit points
reg 18(2)	<i>Failing to comply with subregulation (2) by failing to place Pipi in approved sealed container (paragraph (a)(i)), failing to place completed form in envelope issued by Minister and secure it to approved container (paragraph (a)(iii)), failing to ensure damaged tag is threaded onto replacement tag etc (paragraph (b)), failing to ensure Minister is immediately notified of loss of tag (paragraph (c)), failing to ensure form is posted or faxed to Minister (paragraph (d)), failing to ensure forms are completed in consecutive order etc (paragraph (e)) or failing to ensure sealed approved containers containing Pipi are not opened before delivery or consignment to fish processor (paragraph (f))—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
reg 18(3)	<i>Failing to ensure cancelled form in respect of Pipi is marked or failing to ensure original form is delivered—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
reg 18(4)	<i>Failing to keep completed G-CDR books in respect of Pipi—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
reg 18(5)	<i>Failing to keep completed forms in respect of Pipi—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
reg 19(1)	<i>Failing to complete or deliver monthly catch return—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
reg 19(3)	<i>Failing to make and retain copy of monthly catch return—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

(3) Schedule 1, Part 2, table, clause 10—after the item relating to regulation 17(5) insert:

reg 18A(1)	<i>Holder of licence taking Pipi for commercial purpose without quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45

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	(ii) second offence	60
	(iii) third or subsequent offence	75
reg 18A(2)	<i>Holder of licence (other than eligible licence) taking Pipi except for purpose of bait to be used under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
reg 18B	<i>Using more than 3 cockle rakes at any 1 time for purpose of taking Pipi under eligible licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 18C	<i>Failing to land Pipi taken under eligible licence within State—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
(4) Schedule 1, Part 2, table, clause 10—after the item relating to regulation 19(2) insert:		
reg 19A(2)	<i>Failing to provide certain information to Minister before Pipi are taken—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
(5) Schedule 1, Part 2, table, clause 10—after the item relating to regulation 21(2) insert:		
reg 21(2a)	<i>Causing or permitting more than prescribed number of agents to be engaged in taking Pipi under eligible licence on shore at same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
(6) Schedule 1, Part 2, table, clause 10—after the item relating to regulation 22B insert:		
reg 22C	<i>Failing to ensure all Pipi taken under eligible licence are consigned or delivered to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

(7) Schedule 1, Part 2, table, clause 10—after the item relating to regulation 25(4) insert:

reg 25A(2)	<i>Failing to comply with subregulation (2) by failing to complete form in respect of Pipi before removal of Pipi</i> (paragraph (a)(ii))—	
	(a) if the offence is expiated	15
	(b) in any other case	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
reg 25A(2)	<i>Failing to comply with subregulation (2) by failing to place Pipi in approved sealed container ((paragraph (a)(i)), failing to place completed form in envelope issued by Minister and secure it to approved container (paragraph (a)(iii)), failing to ensure damaged tag is threaded onto replacement tag etc (paragraph (b)), failing to ensure Minister is immediately notified of loss of tag (paragraph (c)), failing to ensure form is posted or faxed to Minister (paragraph (d)), failing to ensure forms are completed in consecutive order etc (paragraph (e)) or failing to ensure sealed bags containing Pipi are not opened before delivery or consignment to fish processor (paragraph (f))—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
reg 25A(3)	<i>Failing to ensure cancelled form in respect of Pipi is marked or failing to ensure original form is delivered—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
reg 25A(4)	<i>Failing to keep completed G-CDR books in respect of Pipi—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
reg 25A(5)	<i>Failing to keep completed forms in respect of Pipi—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

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 October 2009

No 261 of 2009

MAFF09/025CS