

South Australia

Fisheries Management (Marine Scalefish Fisheries) Variation Regulations 2011

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 (Marine Scalefish Fisheries) Variation Regulations 2011*.

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

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *Northern Zone Rock Lobster Fishery* insert:

ocean jacket trap means a fish trap (within the meaning of the *Fisheries Management (General) Regulations 2007*) which may, under those regulations, be lawfully used to take Ocean Jacket (*Nelusetta ayraudi*);

(2) Regulation 3(1)—after the definition of *Port River cockle fishing zone* insert:

sand crab pot has the same meaning as in the *Fisheries Management (General) Regulations 2007*;

5—Variation of regulation 12—Registration

Regulation 12(2)—delete subregulation (2) and substitute:

- (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—
- (a) 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; or
 - (b) the gear entitlement under the licence authorises the use of 1 or more of any of the following devices:
 - (i) an ocean jacket trap;
 - (ii) a sand crab pot;
 - (iii) a sardine net.

6—Insertion of regulation 13A

After regulation 13 insert:

13A—Restriction on fishing activities in which second registered master may be engaged

If a person holds only 1 licence in respect of a marine scalefish fishery, a registered master other than the licence holder must not engage in fishing activities under the licence other than those involving the use of ocean jacket traps, sand crab pots or sardine nets.

Maximum penalty: \$5 000.

Expiation fee: \$315.

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 7 April 2011

No 24 of 2011

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