

South Australia

Fisheries Management (Miscellaneous Fishery) Variation Regulations 2013

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (Miscellaneous Fishery) Regulations 2000*

- 4 Variation of regulation 4—Interpretation
 - 5 Substitution of regulation 6
 - 6 Issue of licences
 - 6 Revocation of Schedule 3
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Miscellaneous Fishery) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

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 (Miscellaneous Fishery) Regulations 2000*

4—Variation of regulation 4—Interpretation

- (1) Regulation 4(3)—delete subregulation (3) and substitute:
 - (3) In these regulations—
 - (a) 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 coordinates are expressed in terms of GDA94;
 - (b) 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;
 - (c) a reference to the *taking of aquatic resources* includes a reference to an act preparatory to or involved in the taking of the aquatic resources.
- (2) Regulation 4, note—delete the note

5—Substitution of regulation 6

Regulation 6—delete the regulation and substitute:

6—Issue of licences

- (1) If a licence in force in respect of the fishery ceases to be held by a person, the Minister may issue the licence to another person.
- (2) If the Minister considers that it would not be detrimental to the aquatic resources of the State to issue an additional licence in respect of the fishery, the Minister may issue a licence in respect of the fishery.
- (3) The Minister may, but is not required to, call for applications in respect of a licence to be issued under this regulation in accordance with the competitive tender procedure prescribed by Schedule 2.
- (4) Subject to subregulation (5), if the Minister conducts a tender in accordance with Schedule 2, the Minister must not grant a licence in respect of which the procedure was conducted except to the person who was the successful applicant for the licence at the tender.
- (5) If a person who is a successful applicant at a tender conducted in accordance prescribed by Schedule 2—
 - (a) fails to make an application for the licence in respect of which the person was the successful applicant; or
 - (b) having made an application for that licence, is for any reason not granted the licence,

the Minister may call for additional applications in respect of that licence in accordance with the procedure prescribed by Schedule 2.

- (6) The Minister may not issue a licence to an applicant under this regulation unless satisfied—
- (a) in the case of a natural person—that the person is at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery;
 - (b) in the case of 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 the fishery.

6—Revocation of Schedule 3

Schedule 3—delete the Schedule

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 1 August 2013

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