

South Australia

Fisheries Management (Prawn Fisheries) Variation Regulations 2014

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (Prawn Fisheries) Regulations 2006*

- 4 Variation of regulation 3—Interpretation
 - 5 Variation of regulation 6—Transfer of licence
 - 6 Variation of regulation 7—Registration
 - 7 Insertion of regulations 9 to 11
 - 9 Individual fishing nights entitlement scheme—Gulf St. Vincent Prawn Fishery
 - 10 Catch and disposal records—Gulf St. Vincent Prawn Fishery
 - 11 Periodic returns
 - 8 Revocation of regulation 13
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Prawn Fisheries) Variation Regulations 2014*.

2—Commencement

These regulations will come into operation on 15 November 2014.

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 (Prawn Fisheries) Regulations 2006*

4—Variation of regulation 3—Interpretation

Regulation 3(1)—after the definition of *surveyed length* insert:

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

5—Variation of regulation 6—Transfer of licence

Regulation 6(1)(b)—delete "regulation 13" and substitute:

regulation 11

6—Variation of regulation 7—Registration

Regulation 7(2)(b)—delete paragraph (b) and substitute:

- (b) the continuous brake power rating of the main engine of the boat does not exceed 336 kw; and

7—Insertion of regulations 9 to 11

After regulation 8 insert:

9—Individual fishing nights entitlement scheme—Gulf St. Vincent Prawn Fishery

- (1) In this regulation—

amalgamated gear means trawl nets set up as a triple rig with an overall headline length not exceeding 43.89 metres;

closed season means—

- (a) the period commencing on 25 December in any year and ending on the last day of February in the following year; or
- (b) the period commencing on 1 August in any year and ending on 31 October in the same year;

fishery means the Gulf St. Vincent Prawn Fishery;

fishing night means a night occurring during a prescribed period;

fishing nights entitlement, in relation to a licence in respect of the fishery and a fishing season, means the maximum number of nights during which the holder of the licence may lawfully take aquatic resources under the licence during that fishing season, being the product of—

- (a) the unit entitlement under the licence; and
- (b) the unit value for the fishery and the fishing season, subject to any variation applying during that fishing season;

fishing season means the period comprising prescribed period 1 in any year and the prescribed period 2 ending on 31 July in the following year;

night means the period between sunset on 1 day and sunrise on the next day;

prescribed period means—

- (a) prescribed period 1; or
- (b) prescribed period 2;

prescribed period 1 means—

- (a) the period commencing on 15 November 2014 and ending on 24 December 2014; or
- (b) a period commencing on 1 November in any subsequent year and ending on 24 December in the same year;

prescribed period 2 means a period commencing on 1 March in any year and ending on 31 July in the same year;

unit entitlement means the number of fishing night units for the time being allocated to a licence in respect of the fishery;

unit value means the value of a fishing night unit determined by the Minister for the fishery and a fishing season.

- (2) The Minister will, for the purposes of this regulation, determine—
 - (a) the total number of nights on which aquatic resources may be lawfully taken by holders of licences in respect of the fishery during a prescribed period in a fishing season; and
 - (b) the number of fishing night units that are to be required for the holder of a licence in respect of the fishery to lawfully take aquatic resources under the licence on a night during a prescribed period in a fishing season; and
 - (c) the number of fishing night units that are to be required for the holder of a licence in respect of the fishery to lawfully take aquatic resources under the licence on a night during a prescribed period in a fishing season by using amalgamated gear; and
 - (d) the number of fishing night units that are to be allocated to each licence in respect of the fishery on the commencement of the fishing season ending on 31 July 2015.
- (3) The Minister may, for the purposes of this regulation, determine that fishing night units are to be of 2 or more classes.

- (4) The Minister may impose or vary conditions on licences in respect of the fishery fixing fishing night entitlements as follows:
- (a) on the commencement of the fishing season beginning on 15 November 2014, the Minister may allocate an equal number of fishing night units to each licence in respect of the fishery (having regard to the matters determined by the Minister under subregulation (2));
 - (b) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, the Minister may vary the conditions of the licences so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
 - (c) a variation of a unit entitlement under paragraph (b) may be expressed to apply only for the fishing season 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) must be signed by the applicants and completed in accordance with the instructions contained in the form; and
 - (c) must be accompanied by the appropriate fee (if any) fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (6) The holder of a licence in respect of the fishery must not engage in a fishing activity under the licence—
- (a) during daylight hours; or
 - (b) during a closed season.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (7) The holder of a licence in respect of the fishery must not engage in a fishing activity under the licence by using amalgamated gear without the approval of the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

10—Catch and disposal records—Gulf St. Vincent Prawn Fishery

- (1) In this regulation—

approved CDR form means a catch and disposal record form approved by the Minister;

CDR book means a book containing approved CDR forms.

- (2) The holder of a licence in respect of the Gulf St. Vincent Prawn Fishery or the registered master of a registered boat from which aquatic resources are taken under such a licence must comply with the following provisions:
- (a) before the aquatic resources are removed from the boat, he or she must complete and sign an approved CDR form;
 - (b) he or she must deliver the completed CDR form to the Minister within 48 hours after the aquatic resources are removed from the boat;
 - (c) he or she must ensure that the CDR book is kept aboard the boat until all the forms in the book are completed;
 - (d) he or she must deliver a completed CDR book to the Minister within 14 days of its completion.

Maximum penalty: \$5 000.

Expiation fee: \$315.

11—Periodic returns

- (1) The holder of a licence in respect of the Gulf St. Vincent Prawn Fishery must—
- (a) complete a return, in a form determined by the Minister, in respect of a trawl shot carried out during a fishing night; and
 - (b) include in the return such information as the Minister requires; and
 - (c) date and sign the return and certify that the information contained in the return is complete and accurate; and
 - (d) post or deliver the return to the Minister within 48 hours after unloading the aquatic resources taken by that trawl shot.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The holder of a licence in respect of the Spencer Gulf Prawn Fishery or West Coast Prawn Fishery must—
- (a) complete a return, in a form determined by the Minister, in respect of each calendar month during the currency of the licence; and
 - (b) include in the return such information as the Minister requires; and
 - (c) date and sign the return and certify that the information contained in the return is complete and accurate; and

- (d) post or deliver the return to the Minister within 15 days of the end of the month to which it relates.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) If the holder of a licence in respect of the Spencer Gulf Prawn Fishery or West Coast Prawn Fishery takes no aquatic resources under the licence during a particular calendar month, he or she is required by subregulation (2) to furnish a return in respect of that period indicating that no aquatic resources were taken.
- (4) The holder of a licence in respect of a prawn fishery must—
- (a) make a copy of each return he or she completes under this regulation before the return is sent or delivered to the Minister; and
- (b) retain a copy for the period of 12 months from the last day of the month to which the return relates.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) In this regulation—

fishing night has the same meaning as in regulation 9;

trawl shot means setting, towing and retrieval of a trawl net used as a single rig or trawl nets used as a double or triple rig.

8—Revocation of regulation 13

Regulation 13—delete the regulation

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 13 November 2014

No 270 of 2014

14MAFF0049