

South Australia

Fisheries Management (Rock Lobster Fisheries) Variation Regulations 2015

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 (Rock Lobster Fisheries) Variation Regulations 2015*.

2—Commencement

These regulations will come into operation on 1 November 2015.

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 (Rock Lobster Fisheries) Regulations 2006*

4—Substitution of regulation 16

Regulation 16—delete the regulation and substitute:

16—Individual rock lobster catch quota system—Northern Zone

- (1) In this regulation—

fishery means the Northern Zone Rock Lobster Fishery;

Northern Zone Inner Region means those waters of the Northern Zone commencing at the intersection of Mean High Water Springs and 133°53'00" East, then to position 33°42'00" South, 133°53'00" East, then to position 34°44'00" South, 134°17'00" East, then to position 35°54'00" South, 136°23'50" East, then to position 36°05'00" South, 136°30'00" East, then to position 36°30'00" South, 137°19'00" East, then to position 36°30'00" South, 138°40'00" East, then to position 36°20'00" South, 138°40'00" East, then to position 36°20'00" South, 139°00'00" East then north along the meridian of longitude 139°00'00" East to the intersection of Mean High Water Springs, then following Mean High Water Springs in the generally west, north-westerly direction to the intersection with the point of commencement;

Northern Zone Outer Region means the waters of the Northern Zone that are not within the Northern Zone Inner Region;

Northern Zone Region or **Region** means the Northern Zone Inner Region or the Northern Zone Outer Region;

quota period means—

- (a) the period commencing on 1 November 2015 and ending on 30 June 2016; or
- (b) the period of 12 months commencing on 1 July 2016; or
- (c) the period of 12 months commencing on 1 July in any subsequent year;

rock lobster quota entitlement or **quota entitlement**, in relation to a licence in respect of the fishery and a Northern Zone Region, means the maximum number of kilograms of rock lobster that may be lawfully taken by the holder of the licence in that Region during a quota period, being the product of—

- (a) the unit entitlement under the licence in respect of that Region; and
- (b) the unit value for the Region and that quota period,

subject to any variation applying during that quota period;

unit entitlement means the number of rock lobster units for the time being allocated to a licence in respect of the fishery for a Northern Zone Region.

- (2) The Minister must determine the number of kilograms of rock lobster that is to be the value of a rock lobster unit for a Northern Zone Region and each quota period.

- (3) The Minister may impose or vary conditions on licences in respect of the fishery fixing rock lobster quota entitlements as follows:
- (a) on the commencement of the quota period ending on 30 June 2016, a licence in respect of the fishery may be allocated a number of rock lobster units in respect of each Northern Zone Region that equals the number of rock lobster units under the licence on 1 July 2015;
 - (b) subject to subregulation (4), on joint application made to the Minister by the holders of any 2 licences, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of a particular Northern Zone Region and decrease the unit entitlement under the other licence in respect of the same Northern Zone Region by a corresponding number of units;
 - (c) if the total catch of rock lobster taken by the holder of a licence in a particular Northern Zone Region during a particular quota period exceeded the rock lobster quota entitlement under the licence for that Region and that quota period, the Minister may vary the conditions of the licence so as to reduce the quota entitlement in respect of that Region—
 - (i) if the catch exceeded the quota entitlement by not more than 20 kilograms of rock lobster—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 20 kilograms but not more than 50 kilograms of rock lobster—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
 - (d) if—
 - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing a rock lobster quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of rock lobster in excess of the quota entitlement in respect of a Northern Zone Region,the conditions of the licence may be varied so as to reduce the rock lobster quota entitlement in respect of that Region for 3 quota periods following the conviction by 1 kilogram for each kilogram of rock lobster taken in excess of the quota entitlement for the quota period during which the offence was committed.

- (4) If an application for the variation of a rock lobster quota entitlement under subregulation (3)—
- (a) is made in a quota period ending before 30 June 2019; and
 - (b) is not to apply only for the quota period during which it is made,

the conditions of the licences must be varied so as to increase the unit entitlement under 1 of the licences by equal numbers of units in respect of each Northern Zone Region and decrease the unit entitlement under the other licence by a corresponding number of units in respect of each Northern Zone Region.

- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by—
 - (i) the documents specified in the application form; and
 - (ii) the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (6) The holder of a licence in respect of the fishery must not, for a commercial purpose—
- (a) take rock lobster in a Northern Zone Region while the number of rock lobster units allocated to the licence in respect of that Region is less than 320; or
 - (b) take aquatic resources of a kind specified in Schedule 1 in the waters of the fishery while the number of rock lobster units allocated to the licence in respect of the Northern Zone Inner Region is less than 320.

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 29 October 2015

No 226 of 2015

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