

South Australia

# **Fisheries Management (Demerit Points) (Vongole) Variation Regulations 2016**

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) (Vongole) Variation Regulations 2016*.

### **2—Commencement**

These regulations will come into operation on 1 July 2017.

### **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 1, clause 2, table, item relating to clause 34—delete "*Cockle*" and substitute:

*Vongole*

- (2) Schedule 1, Part 1, clause 2, table, item relating to clause 63 and Cockle—delete the item and substitute:

clause 63	Taking Vongole ( <i>recreational bag limit</i> )—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 50 vongole	5
	(ii) by more than 50 but not more than 100 vongole	10
	(iii) by more than 100 vongole	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

- (3) Schedule 1, Part 1, clause 2, table, item relating to clause 66 and Cockle—delete the item and substitute:

clause 66	Taking Vongole ( <i>recreational charter boat fishing bag or trip limit</i> )—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by up to 100 vongole	5
	(ii) by more than 100 but not more than 200 vongole	10
	(iii) by more than 200 vongole	15
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

- (4) Schedule 1, Part 2, clause 4, table, item relating to regulation 20(3)—after "*form*" first occurring insert:

*, failing to deliver completed form to Minister*

- (5) Schedule 1, Part 2, clause 7, table, item relating to regulation 9A(2)—delete "*cockles*" and substitute:

*vongole*

- (6) Schedule 1, Part 2, clause 7, table, item relating to regulation 9A(3)—delete "*cockles*" and substitute:

*vongole*

- (7) Schedule 1, Part 2, clause 9, table—after item relating to regulation 13(2) insert:

reg 13(3)	<i>Holder of licence taking vongole other than for purposes of bait or taking vongole in excess of daily limit—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	

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	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
reg 13(4)	<i>Holder of licence taking cockles in excess of daily limit—</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
(8) Schedule 1, Part 2, clause 10, table, item relating to regulation 16(9)—delete " <i>cockles for commercial purpose in cockle fishing zone</i> " and substitute:		
	<i>vongole for commercial purpose in vongole fishing zone</i>	
(9) Schedule 1, Part 2, clause 10, table—before the item relating to regulation 18B insert:		
reg 18A(5)	<i>Holder of licence without quota entitlement taking vongole except for purpose of bait to be used under licence or in excess of daily limit—</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 18A(6)	<i>Holder of licence taking cockles in excess of daily limit—</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
(10) Schedule 1, Part 2, clause 10, table—after the item relating to regulation 19A(2) insert:		
reg 19B	Failing to provide certain information to Minister before vongole are taken—	
	(a) if the offence is expiated	15
	(b) in any other case	75

- (11) Schedule 1, Part 2, clause 10, table, item relating to regulation 22A(2)—delete the item and substitute:

reg 22A(2)	<i>Failing to ensure vongole are weighed and placed in sealed approved containers before return to waters for storage (paragraph (b)(i)(A)), failing to ensure licence number is marked on containers and the licence number and number of containers are recorded on form before return of vongole to waters for storage (paragraph (b)(i)(B)), failing to record certain information on form (paragraph (b)(ii)), failing to ensure tags are used in consecutive order etc (paragraph (c)), failing to ensure tags are not reused (paragraph (d)), failing to ensure damaged tag is threaded to replacement tag and number is recorded (paragraph (e)), failing to ensure Minister is immediately notified of loss of tag (paragraph (f)), or failing to ensure that containers of vongole are not unsealed before consignment or delivery to registered fish processor (paragraph (k))—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75

- (12) Schedule 1, Part 2, clause 10, table, item relating to regulation 22A(3)—delete "*cockle*" and substitute:

*vongole*

- (13) Schedule 1, Part 2, clause 10, table, item relating to regulation 22A(4)—delete "*cockle*" and substitute:

*vongole*

- (14) Schedule 1, Part 2, clause 10, table, item relating to regulation 22A(5)—delete "*cockle*" and substitute:

*vongole*

- (15) Schedule 1, Part 2, clause 10, table, item relating to regulation 22B—delete "*cockles*" and substitute:

*vongole*

- (16) Schedule 1, Part 2, clause 14, table, item relating to regulation 14(6)—delete "*cockles*" and substitute:

*vongole*

- (17) Schedule 1, Part 2, clause 14, table, item relating to regulation 14(6)—delete "*cockle*" and substitute:

*vongole*

- (18) Schedule 1, Part 2, clause 14, table—after the item relating to regulation 16(5) insert:

reg 18A(1)	<i>Holder of licence without quota entitlement taking vongole except for purpose of bait to be used under licence or in excess of daily limit—</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 18A(2)	<i>Holder of licence taking cockles in excess of daily limit—</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
(19) Schedule 1, Part 2, clause 14, table, after the item relating to regulation 20(1) insert:		
reg 20A	<i>Failing to provide certain information to Minister before vongole are taken—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
(20) Schedule 1, Part 2, clause 14, table, items relating to regulation 23A(2)—delete both items and substitute:		
reg 23A(2)	<i>Failing to complete form in respect of vongole before removal of vongole (paragraph (a)), failing to ensure form is posted or faxed to Minister (paragraph (g)), failing to ensure forms are completed in consecutive order etc (paragraph (h)) or failing to cause vongole to which completed form relates to be transported to registered premises of registered fish processor specified on form etc (paragraph (j))—</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 23A(2)	<i>Failing to ensure vongole are weighed and placed in sealed approved containers before return to waters for storage (paragraph (b)(i)(A)), failing to ensure licence number is marked on containers and number of containers and licence number are recorded on form before return of vongole to waters for storage (paragraph (b)(i)(B)), failing to record certain information on form (paragraph (b)(ii)), failing to ensure tags are used in consecutive order etc (paragraph (c)), failing to ensure tags are not reused (paragraph (d)), failing to ensure damaged tag is threaded to replacement tag and number is recorded (paragraph (e)), failing to ensure Minister is immediately notified of loss of tag (paragraph (f)), failing to ensure Minister is notified of certain information (paragraph (i)) or failing to ensure that containers of vongole are not unsealed before consignment or delivery to registered fish processor (paragraph (k))—</i>	
	(a) if the offence is expiated	15

(b) in any other case

75

- (21) Schedule 1, Part 2, clause 14, item relating to regulation 23A(3)—delete "cockle" and substitute:

*vongole*

- (22) Schedule 1, Part 2, clause 14, item relating to regulation 23A(4)—delete "*Failing to keep completed M-CDR books in respect of cockles*" and substitute:

*Failing to keep completed CDR books in respect of vongole*

- (23) Schedule 1, Part 2, clause 14, item relating to regulation 23A(5)—delete "*cockles*" and substitute:

*vongole*

- (24) Schedule 1, Part 2, clause 14, item relating to regulation 23B—delete "*cockles*" and substitute:

*vongole*

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 15 December 2016

No 296 of 2016

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