

South Australia

Fisheries Management (General) Variation Regulations 2016

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (General) Regulations 2007*

- 4 Substitution of regulation 21
 - 21 Keeping of rock lobster
 - 21A Taking rock lobster or setting rock lobster pots in Northern Zone during closed season
 - 5 Variation of Schedule 6—Classes of fishing activities prescribed for purposes of section 70 of Act
 - 6 Variation of Schedule 10—Expiation fees
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (General) Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 31 May 2016.

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 (General) Regulations 2007*

4—Substitution of regulation 21

Regulation 21—delete the regulation and substitute:

21—Keeping of rock lobster

A person must not store or confine rock lobster in a corf unless he or she holds a licence in respect of a rock lobster fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

21A—Taking rock lobster or setting rock lobster pots in Northern Zone during closed season

- (1) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, an unlicensed person must not take rock lobster in the Northern Zone during the closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;
(b) for a second or subsequent offence—\$20 000.

Expiation fee: \$200.

- (2) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, an unlicensed person must not set a rock lobster pot in the Northern Zone during the closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;
(b) for a second or subsequent offence—\$20 000.

Expiation fee: \$315.

- (3) In this regulation—

closed season means the period commencing at 1800 hours on 31 May in any year and ending at 1200 hours on the following 1 November.

5—Variation of Schedule 6—Classes of fishing activities prescribed for purposes of section 70 of Act

(1) Schedule 6, clause 18(1)—delete subclause (1) and substitute:

- (1) The taking of rock lobster by a licensed person in the Northern Zone—
 - (a) by using, in waters less than 100 m in depth, a rock lobster pot that is not fitted with a metal rod that is securely fastened to the centroid of the base of the pot and extends perpendicular to a height not less than level with the base of the neck of the pot; or
 - (b) by using a rock lobster pot that does not comply with subclause (2); or
 - (c) by using, at any 1 time, more than 3 rock lobster pots not fitted with 2 escape gaps that comply with subclause (3).

(2) Schedule 6, clause 53—delete the clause and substitute:

53—Use of rock lobster pot of unlawful specifications

- (1) The taking of rock lobster by an unlicensed person in the Northern Zone—
 - (a) by using a rock lobster pot that—
 - (i) exceeds 150 cm at its widest part; or
 - (ii) exceeds 120 cm in height; or
 - (iii) does not have its cove or mouth at the top; or
 - (iv) is not fitted with 2 rectangular escape gaps that—
 - (A) are as near as practicable 180° apart; and
 - (B) are kept free of obstructions at all times; and
 - (C) are not less than 5.7 cm high and 28 cm wide; and
 - (D) are not more than 11 cm above the base of the pot at their highest point; or
 - (b) by using, in waters less than 100 m in depth, a rock lobster pot that is not fitted with a metal rod that is securely fastened to the centroid of the base of the pot and extends perpendicular to a height not less than level with the base of the neck of the pot.
- (2) The taking of rock lobster by an unlicensed person in the Southern Zone by using a rock lobster pot that—
 - (a) exceeds 150 cm at its widest part; or
 - (b) exceeds 120 cm in height; or
 - (c) does not have its cove or mouth at the top; or

- (d) is not fitted with 2 rectangular escape gaps—
- (i) that are on opposite sides; and
 - (ii) each of which is not less than 15 cm in length and 5.5 cm in depth; and
 - (iii) the highest point of each is no more than 11 cm above the base,

(provided that for the purposes of this paragraph, a rock lobster pot need not be fitted with escape gaps if its sides are covered with mesh of not less than 5 cm which is such that a cylindrical rod 5 cm in diameter is able to be passed through it freely without distorting it).

- (3) Schedule 6, clause 122, table—delete the entries relating to the taking of Southern Rocklobster in the Northern Zone
- (4) Schedule 6, clause 124—delete the clause and substitute:

124—Setting of rock lobster pots in Southern Zone during closed season

The setting of a rock lobster pot in the Southern Zone during the period commencing at 1800 hours on 31 May in any year and ending at 0600 hours on the following 1 October.

6—Variation of Schedule 10—Expiation fees

Schedule 10—after the item relating to clause 123 insert:

124	<i>Setting rock lobster pot in Southern Zone during closed season</i>	\$315
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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 26 May 2016

No 37 of 2016

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