

South Australia

Fisheries Management (General) 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 (General) Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 1 July 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—Variation of regulation 10—Registration of devices for non-commercial fishing

- (1) Regulation 10(3)—delete subregulation (3) and substitute:
 - (3) An application for registration of a mesh net—
 - (a) in the case of a mesh net for use in the waters of Lake George—
 - (i) cannot be made earlier than 2 months before the commencement of the registration period during which the registration is to have effect; and
 - (ii) cannot be made at all if the applicant has by a separate application obtained the registration of another mesh net for use in the waters of Lake George for the same registration period;
 - (b) in any other case—cannot be made except by a person who, immediately before 1 December 2007, had the mesh net registered in the person's name under regulation 8 of the revoked regulations.
- (2) Regulation 10(4)—delete "prescribed period" wherever occurring and substitute in each case:

registration period
- (3) Regulation 10(7)—after paragraph (d) insert:
 - (da) in the case of a mesh net for use in the waters of Lake George—
 - (i) if the application was made on or before the commencement of the registration period—for the whole of the registration period;
 - (ii) if the application was made after the commencement of the registration period—for a period commencing on the date of grant of the application and ending on the expiry of the last day of the registration period; or
- (4) Regulation 10(8)(b)—delete paragraph (b) and substitute:
 - (b) in the case of a rock lobster pot—issue to the person in whose name the pot is registered a tag bearing the registered number; and
 - (c) in the case of a mesh net for use in the waters of Lake George—issue to the person in whose name the net is registered a tag bearing the registered number.
- (5) Regulation 10(9)—after "rock lobster pot" insert:

, or a mesh net for use in the waters of Lake George,

- (6) Regulation 10(10), definition of *prescribed period*—delete the definition and substitute:

registration period—

- (a) in relation to a rock lobster pot—means a period of 8 months commencing on 1 October in any year;
- (b) in relation to a mesh net for use in the waters of Lake George—means a period of 12 months commencing on 1 July in any year.

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

- (1) Schedule 6, Part 2, Division 2, clause 47(b)—delete "3" and substitute:

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- (2) Schedule 6, Part 2, Division 3, clause 51—delete clause 51 and substitute:

51—Use of mesh net of unlawful specifications in Lake George

The taking of fish by an unlicensed person in Lake George by using a mesh net—

- (a) the length of which exceeds 75 m; or
- (b) the height of which exceeds 2.5 m; or
- (c) the mesh of which is less than 70 mm.
- (3) Schedule 6, Part 2, Division 4, clause 55—after "regulations" insert:
(other than a mesh net registered for use in the waters of Lake George)
- (4) Schedule 6, Part 2, Division 4—after clause 55 insert:

55A—Use of mesh net in Lake George without buoy or tag

- (1) The taking of fish by an unlicensed person in the waters of Lake George by using a mesh net registered under these regulations that—
- (a) does not have attached to 1 extremity of the net, a yellow buoy that complies with regulation 13; and
- (b) does not have attached to the other extremity of the net 2 black buoys that comply with regulation 13.
- (2) The taking of fish by an unlicensed person in the waters of Lake George by using a mesh net registered under these regulations that—
- (a) in the case of a net for which the Minister has issued a tag—does not have that tag affixed to the top of the yellow buoy referred to in subclause (1)(a); or
- (b) in any other case—does not have a tag that—
- (i) complies with regulation 13; and
- (ii) bears the name of the person in whose name the net is registered and the registration number.

- (5) Schedule 6, Part 2, Division 6, clause 71—delete the clause and substitute:

71—Use of mesh net in Lake George

The taking of fish by an unlicensed person in the waters of Lake George—

- (a) between 1 and a half hours after sunrise and 1 and a half hours before sunset on the same day by using a mesh net without attending the net; or
- (b) by using a mesh net otherwise than by setting it so that it floats with no part of the net more than 2.5 m below the surface of the water.

6—Variation of Schedule 7—Areas in which use of fish nets is prohibited under section 70 of Act

Schedule 7, Part 1, item relating to Rivoli Bay, Beachport—delete the item and substitute:

Rivoli Bay and Lake George (southern lagoon), Beachport

The waters of or near Rivoli Bay contained within and bounded by a line commencing at Mean High Water Springs closest to 37°28'28.77" South, 140°02'06.55" East, then south-westerly to the location on Mean High Water Springs closest to 37°28'54.50" South, 140°00'54.31" East (approximate intersection of Beachport jetty and Mean High Water Springs), then generally north following the line of Mean High Water Springs and including all inland waters of the southern lagoon of Lake George to the location closest to 37°27'05.83" South, 140°00'56.94" East, then generally north-easterly 37°27'01.01" South, 140°01'07.92" East, then generally south-east to the point of commencement.

7—Variation of Schedule 10—Expiation fees

- (1) Schedule 10, table—after the item relating to clause 55 of Schedule 6 insert:

55A	<i>Taking fish in Lake George using mesh net without buoy or tag (recreational)</i>	\$50
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- (2) Schedule 10, table, item relating to clause 71 of Schedule 6—delete the description of the offence and substitute:

Taking fish in Lake George using mesh net in unlawful manner or at certain times of day without attending net (recreational)

Part 3—Transitional provision

8—Transitional provision

The registration of a mesh net in force under the *Fisheries Management (General) Regulations 2007* immediately before the commencement of these regulations continues in force for the unexpired portion of the period for which the mesh net was registered.

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 23 June 2016

No 54 of 2016

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