

South Australia

## **Fisheries Management (Lakes and Coorong Fishery) (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 (Lakes and Coorong Fishery) (Vongole) Variation Regulations 2016*.

#### **2—Commencement**

- (1) Subject to subregulation (2), these regulations will come into operation on 1 January 2017.
- (2) Regulations 4, 6 and 8 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 (Lakes and Coorong Fishery) Regulations 2009***

### **4—Variation of regulation 3—Interpretation**

- (1) Regulation 3(1)—after the definition of *Act* insert:

*cockle* means any mollusc of—

- (a) the order Veneroida (other than Pipi (*Donax* spp) or Vongole (*Katelysia* spp)); or
- (b) the genus Anadara;

- (2) Regulation 3(1)—after the definition of *spouse* insert:

*vongole* means any mollusc of the genus *Katelysia*;

### **5—Substitution of regulation 11**

Regulation 11—delete the regulation and substitute:

#### **11—Use of agents in fishing activities (licences under which boats are registered)**

- (1) This regulation applies only in relation to licences under which 1 or more registered boats are used to take aquatic resources.
- (2) The holder of a licence in respect of the fishery, or the registered master of a registered boat used under such a licence, must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—
  - (a) the holder of the licence or the registered master is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and
  - (b) the holder of the licence or the registered master (as the case may be) and the other person remain, while so engaged, within 700 m of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of an eligible licence in respect of the fishery, or the registered master of a registered boat used under such a licence, must not cause or permit more than 8 persons to be engaged at the same time on the shore as agents of the holder of the licence in the taking of pipi under the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of the fishery, or the registered master of a registered boat used under such a licence, must not cause or permit more than 2 persons to be engaged at the same time on the shore as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery (other than the taking of pipi under an eligible licence).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The holder of a licence in respect of the fishery, or the registered master of a registered boat used under such a licence, must not cause or permit a person to be engaged on a boat as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—

- (a) the holder of the licence or the registered master is at the same time also engaged on a registered boat in a fishing activity of a class that constitutes the fishery; and
- (b) the holder of the licence or the registered master (as the case may be) and the other person remain, while so engaged, within 500 m of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (6) The holder of a licence in respect of the fishery, or the registered master of a registered boat used under such a licence, must not cause or permit more than 2 persons to be engaged at the same time on a boat as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (7) The Minister may impose conditions on an eligible licence in respect of the fishery limiting the fishing activities that may be engaged in by agents of the holder of the licence in connection with the taking of pipi under the licence.

#### **11A—Use of agents in fishing activities (licences under which no boats are registered)**

- (1) This regulation applies only in relation to licences under which there are no registered boats.
- (2) The holder of an eligible licence in respect of the fishery must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—
  - (a) the holder of the licence or a nominated agent is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and

- (b) the holder of the licence or the nominated agent (as the case may be) and the other person remain, while so engaged, within 700 m of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of an eligible licence in respect of the fishery must not cause or permit more than 8 persons (not including a nominated agent) to be engaged at the same time on the shore as agents of the holder of the licence in the taking of pipi under the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of the fishery (other than an eligible licence) must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—

- (a) the holder of the licence is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and

- (b) the holder of the licence and the other person remain, while so engaged, within 700 m of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The holder of a licence in respect of the fishery must not cause or permit more than 2 persons to be engaged at the same time on the shore as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery (other than the taking of pipi under an eligible licence).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (6) The Minister may impose conditions on an eligible licence in respect of the fishery limiting the fishing activities that may be engaged in by agents of the holder of the licence in connection with the taking of pipi under the licence.

- (7) The Minister may, on application by the holder of an eligible licence, approve a person as a nominated agent for the purposes of this regulation.

- (8) An approval under subregulation (7) may be made subject to such conditions as the Minister thinks fit.

- (9) A person must not contravene, or fail to comply with, a condition of an approval under subregulation (7).

Maximum penalty: \$5 000.

Expiation fee: \$315.

(10) In this regulation—

*nominated agent* means a person approved by the Minister as a nominated agent under subregulation (7).

## **6—Variation of regulation 13—Restrictions on taking of pipi, cockles and vongole**

Regulation 13—after subregulation (2) insert:

- (3) The holder of a licence in respect of the fishery must not take vongole under the licence unless—
- (a) the vongole are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
  - (b) the number of vongole taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of vongole that may be taken in any 1 day for that purpose.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of the fishery must not, on any 1 day, take a number of cockles under the licence exceeding the number fixed by condition of the licence as the maximum number of cockles that may be taken in any 1 day under the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **7—Variation of regulation 14—Restriction on use of cockle rakes**

Regulation 14—delete "3" and substitute:

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## **8—Variation of Schedule 1—Aquatic resources prescribed for Lakes and Coorong**

- (1) Schedule 1—delete "Cockle (*Anadara & Katelaysia* spp)" and substitute:

Cockle

- (2) Schedule 1—after "Gould's squid (*Nototodarus gouldii*)" insert:

Vongole

### **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 15 December 2016

No 291 of 2016

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