

South Australia

## **Fisheries Management (Marine Scalefish Fisheries) (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 (Marine Scalefish Fisheries) (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.

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## Part 2—Variation of *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*

### 4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *cockle*—delete the definition and substitute:

*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), definition of *cockle fishing zone*—delete the definition

- (3) Regulation 3(1), definition of *cockle quota entitlement*—delete the definition

- (4) Regulation 3(1), definition of *Coffin Bay cockle fishing zone*—delete "*cockle*" and substitute:

*vongole*

- (5) Regulation 3(1), definition of *Port River cockle fishing zone*—delete "*cockle*" and substitute:

*vongole*

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

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

*vongole fishing zone* means—

- (a) the Coffin Bay vongole fishing zone; or
- (b) the Port River vongole fishing zone; or
- (c) the West Coast vongole fishing zone;

*vongole quota entitlement*—see regulation 16;

- (7) Regulation 3(1), definition of *West Coast cockle fishing zone*—delete "*cockle*" and substitute:

*vongole*

### 5—Variation of regulation 12—Registration

Regulation 12(2)—after paragraph (ab) insert:

- (ac) the licence is subject to a condition fixing a vongole quota entitlement; or

## 6—Substitution of regulation 13A

Regulation 13A—delete the regulation and substitute:

### 13A—Restriction on fishing activities in which registered masters other than licence holder may be engaged

If a person holds only 1 licence in respect of a marine scale fishery, a registered master other than the holder of the licence must not engage in fishing activities under the licence other than—

- (a) in the case of a licence subject to a condition fixing a pipi quota entitlement—the taking of pipi under the licence; or
- (b) in the case of a licence subject to a condition fixing a vongole quota entitlement—the taking of vongole under the licence; or
- (c) in the case of a licence that authorises the use of ocean jacket traps, sand crab pots or sardine nets—fishing activities involving the use of those devices.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## 7—Variation of regulation 16—Individual vongole catch quota system

- (1) Regulation 16(1) to (10) (inclusive)—delete "cockle" wherever occurring and substitute in each case:  
vongole
- (2) Regulation 16(1) to (10) (inclusive)—delete "cockles" wherever occurring and substitute in each case:  
vongole
- (3) Regulation 16(11)—delete subregulation (11)

## 8—Variation of regulation 16A—Individual pipi catch quota system

- (1) Regulation 16A(1), definition of *quota period*—delete the definition and substitute:  
*quota period*—a quota period for the Marine Scalefish Fishery for the taking of pipi is the period of 12 months commencing on 1 July in any year;
- (2) Regulation 16A(3)(b)—delete paragraph (b) and substitute:
  - (b) for the quota period commencing on 1 July 2017 or 1 July in any subsequent year, an eligible licence in respect of the Marine Scalefish Fishery may be allocated a number of pipi units equal to the number of pipi units allocated to the licence immediately before the commencement of that quota period;

## **9—Variation of regulation 18A—Restrictions on taking of pipi, blue crab, sardines, cockles and vongole**

Regulation 18A—after subregulation (4) insert:

- (5) The holder of a licence in respect of a marine scalefish fishery that is not subject to a condition fixing a vongole quota entitlement 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.

- (6) The holder of a licence in respect of a marine scalefish 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.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **10—Insertion of regulation 19B**

After regulation 19A insert:

### **19B—Information to be provided to Minister before vongole are taken**

At least 1 hour before the commencement of fishing activities involving the taking of vongole under a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement, the holder of the licence must ensure that—

- (a) the Minister is informed by telephone of—
  - (i) the name of the person making the telephone call; and
  - (ii) the date on which the fishing activities are to be engaged in; and
  - (iii) the number of the licence under which the fishing activities are to be engaged in; and
  - (iv) the name of the holder of the licence; and
  - (v) the location at which any vongole to be taken under the licence are to be weighed; and
  - (vi) the estimated time of arrival of the vongole at that location; and

- (vii) whether any vongole to be taken are to be returned to the waters of the State for storage before consignment or delivery to a registered fish processor; and
- (b) the Minister is notified of any change in the estimated time of arrival of the vongole at the location referred to in paragraph (a)(v) if it appears likely that the vongole will arrive at that location earlier than the estimated time previously notified to the Minister or more than 1 hour after that time.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **11—Variation of regulation 21A—Use of agents in fishing activities (licences under which no registered boats are used)**

Regulation 21A(9), definitions of *relevant fishing activity* and *relevant quota entitlement*—delete the definitions and substitute:

*relevant fishing activity* means—

- (a) the taking of pipi in the Lakes and Coorong; or
- (b) the taking of vongole;

*relevant quota entitlement* means—

- (a) a pipi quota entitlement; or
- (b) a vongole quota entitlement.

### **12—Substitution of regulation 22A**

Regulation 22A—delete the regulation and substitute:

#### **22A—Catch and disposal records—vongole**

- (1) In this regulation—

*approved* means approved by the Minister;

*V-CDR book* means the document issued by the Department containing blank V-CDR forms;

*V-CDR form* means the form produced by the Department entitled *Vongole Catch and Disposal Record*.

- (2) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of vongole taken under the licence:
  - (a) before the vongole are removed to a place that is 50 m or more above Mean High Water Springs, the holder of the licence or the registered master must complete the white, blue and yellow copies of a V-CDR form;

- (b) the holder of the licence or the registered master must ensure that—
  - (i) before any vongole are returned to the waters of the State for storage—
    - (A) the vongole are weighed and placed in containers of an approved kind each of which is sealed with a tag issued by the Minister; and
    - (B) the containers are marked with the number of the licence under which the vongole were taken and the licence number and the number of containers is recorded on the V-CDR form; and
  - (ii) the fact that the vongole have been so returned and the location of the containers in which the vongole are stored are recorded on the V-CDR form;
- (c) the holder of the licence or the registered master must ensure that tags are used in consecutive order and that all tags in each series issued by the Minister are completed before a new series of tags is used;
- (d) the holder of the licence or the registered master must ensure that tags are not reused;
- (e) if a tag is damaged in the process of sealing a container—the holder of the licence or the registered master must ensure that the damaged tag is threaded onto a replacement tag used to seal the container and that the number of the replacement tag is recorded on the V-CDR form;
- (f) if a tag is lost—the holder of the licence or the registered master must ensure that the Minister is immediately notified of the loss;
- (g) the holder of the licence or the registered master must ensure—
  - (i) that the white copy of the V-CDR form is posted to the Minister within 48 hours of its completion; or
  - (ii) if, within 48 hours of completion of the V-CDR form, the form is transmitted by fax to a number nominated by the Minister for the purposes of this subparagraph—that the white copy of the V-CDR form is posted to the Minister within 7 days of its completion;
- (h) the holder of the licence or the registered master must ensure that V-CDR forms are completed in consecutive order and that all forms in a V-CDR book are completed before a new V-CDR book is used;

- (i) the holder of the licence or the registered master must ensure that, at least 1 hour before any vongole being stored in the waters of the State are brought ashore or landed, the Minister is notified of—
  - (i) the weight of the vongole being stored; and
  - (ii) the number of containers of an approved kind in which the vongole are being stored; and
  - (iii) the tag number on each tag used to seal a container in which the vongole are being stored;
- (j) the holder of the licence or the registered master must cause the vongole to which the completed V-CDR form relates to be transported to the registered premises of the registered fish processor specified on the form, together with the blue copy of the completed form;
- (k) the holder of the licence or the registered master must ensure that any sealed containers of an approved kind containing vongole are not unsealed before the vongole are consigned or delivered to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement must ensure that if a V-CDR form completed in respect of vongole taken under the licence is cancelled, all copies of the form are marked with the word "cancelled" and the original copy of the form is delivered to the Minister within 24 hours of the cancellation.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement must keep all completed V-CDR books for a period of 5 years.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement must keep the yellow copies of completed V-CDR forms for a period of 3 years.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **13—Variation of regulation 22B—Disposal of vongole**

- (1) Regulation 22B—delete "cockle" and substitute:  
vongole

- (2) Regulation 22B—delete "cockles" and substitute:

vongole

**14—Variation of Schedule 1—Aquatic resources prescribed for marine scalefish fisheries**

- (1) Schedule 1—delete "Cockle (Suborder Teledonta)" and substitute:

Cockle

- (2) Schedule 1—after "Gould's Squid (*Notodarus gouldi*)" insert:

Vongole

- (3) Schedule 1—after "Trevally (*Caranginae* spp)" insert:

Western Striped Grunter (*Pelates octolineatus*)

- (4) Schedule 1—delete "Bluethroat Wrasse (*Notolabrus tetricus*)" and substitute:

Wrasse (Family Labridae) (other than Western Blue Groper (*Achoerodus gouldii*))

**Made by the Governor**

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

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