

South Australia

## **Fisheries Management (Rock Lobster 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 (Rock Lobster 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.

## Part 2—Variation of *Fisheries Management (Rock Lobster 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 Pipli (*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)—after the definition of *Victorian licence* insert:

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

*vongole fishing zone* has the same meaning as in the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*;

*vongole quota entitlement*—see regulation 14.

### 5—Variation of regulation 14—Individual vongole catch quota system

- (1) Regulation 14(1) to (7) (inclusive)—delete "cockle" wherever occurring and substitute in each case:

vongole

- (2) Regulation 14(1) to (7) (inclusive)—delete "cockles" wherever occurring and substitute in each case:

vongole

- (3) Regulation 14(8)—delete subregulation (8)

### 6—Insertion of regulation 18A

After regulation 18 insert:

#### 18A—Restriction on taking of vongole and cockles

- (1) The holder of a rock lobster licence 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.

- (2) The holder of a licence in respect of a rock lobster 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.

## **7—Insertion of regulation 20A**

After regulation 20 insert:

### **20A—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 an eligible rock lobster fishery licence 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.

## **8—Substitution of regulation 23A**

Regulation 23A—delete the regulation and substitute:

### **23A—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 an eligible rock lobster fishery licence 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 metres 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 licence number under which the vongole were taken and the licence number and the number of containers are 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 an eligible rock lobster fishery licence 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 an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement must keep completed V-CDR books for a period of 5 years.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The holder of an eligible rock lobster fishery licence 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.

## **9—Variation of regulation 23B—Disposal of vongole**

- (1) Regulation 23B—delete "cockle" and substitute:

vongole

- (2) Regulation 23B—delete "cockles" and substitute:

vongole

## **10—Variation of Schedule 1—Aquatic resources prescribed for rock lobster fisheries**

- (1) Schedule 1—delete "Cockle (*Anandara & Katelysia* spp)" and substitute:

Cockle

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

Vongole

**Made by the Governor**

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

No 295 of 2016

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