

South Australia

## **Fisheries Management (Rock Lobster Fisheries) 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 (Rock Lobster Fisheries) Regulations 2006***

- 4 Variation of regulation 3—Interpretation
  - 5 Substitution of regulation 13
    - 13 Restrictions on fishing activities during closed season in Northern Zone
  - 6 Variation of regulation 16—Individual rock lobster catch quota system—Northern Zone
  - 7 Variation of regulation 18—Individual giant crab catch quota system
  - 8 Substitution of regulation 26
    - 26 Sale of rock lobster during closed season
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Fisheries Management (Rock Lobster Fisheries) 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 (Rock Lobster Fisheries) Regulations 2006*

### 4—Variation of regulation 3—Interpretation

Regulation 3(1)—after the definition of *Northern Zone* insert:

*Northern Zone Inner Region* means those waters of the Northern Zone commencing at the intersection of Mean High Water Springs and 133°53'00" East, then to position 33°42'00" South, 133°53'00" East, then to position 34°44'00" South, 134°17'00" East, then to position 35°54'00" South, 136°23'50" East, then to position 36°05'00" South, 136°30'00" East, then to position 36°30'00" South, 137°19'00" East, then to position 36°30'00" South, 138°40'00" East, then to position 36°20'00" South, 138°40'00" East, then to position 36°20'00" South, 139°00'00" East then north along the meridian of longitude 139°00'00" East to the intersection of Mean High Water Springs, then following Mean High Water Springs in the generally west, north-westerly direction to the intersection with the point of commencement;

*Northern Zone Outer Region* means the waters of the Northern Zone that are not within the Northern Zone Inner Region;

*Northern Zone Region* or *Region* means the Northern Zone Inner Region or the Northern Zone Outer Region;

### 5—Substitution of regulation 13

Regulation 13—delete the regulation and substitute:

#### 13—Restrictions on fishing activities during closed season in Northern Zone

- (1) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, the holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not take rock lobster in the Northern Zone Inner Region during a closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second offence—\$20 000;
- (c) for a third or subsequent offence—\$35 000.

Expiation fee: \$200.

- (2) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, the holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not set a rock lobster pot in the Northern Zone Inner Region during a closed season.

Maximum penalty:

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

(c) for a third or subsequent offence—\$35 000.

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.

## **6—Variation of regulation 16—Individual rock lobster catch quota system—Northern Zone**

- (1) Regulation 16(1), definitions of *Northern Zone Inner Region*, *Northern Zone Outer Region* and *Northern Zone Region* or *Region*—delete the definitions
- (2) Regulation 16(1), definition of *quota period*, (a)—delete "30 June" and substitute:  
31 October
- (3) Regulation 16(1), definition of *quota period*, (b) and (c)—delete "1 July" wherever occurring and substitute:  
1 November

## **7—Variation of regulation 18—Individual giant crab catch quota system**

- (1) Regulation 18(1), definition of *giant crab quota entitlement*, (b)—delete "regulation 10 of the *Fisheries Management (Miscellaneous Fishery) Regulations 2000*" and substitute:  
regulation 9 of the *Fisheries Management (Miscellaneous Fishery) Regulations 2015*
- (2) Regulation 18(1), definition of *Miscellaneous Fishery*—delete the definition and substitute:  
*Miscellaneous Fishery* means the fishery of that name constituted by the *Fisheries Management (Miscellaneous Fishery) Regulations 2015*;
- (3) Regulation 18(1), definition of *unit entitlement*, (b)—delete "regulation 10 of the *Fisheries Management (Miscellaneous Fishery) Regulations 2000*" and substitute:  
regulation 9 of the *Fisheries Management (Miscellaneous Fishery) Regulations 2015*

## **8—Substitution of regulation 26**

Regulation 26—delete the regulation and substitute:

### **26—Sale of rock lobster during closed season**

- (1) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery must not sell live rock lobster during the period commencing at 1800 hours on 31 May in any year and ending at 0600 hours on the following 1 October.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

**Fisheries Management (Rock Lobster Fisheries) Variation Regulations 2016**

Part 2—Variation of *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*

---

- (2) It is a defence to a charge of an offence against subregulation (1) if the defendant proves that he or she did not take the rock lobster to which the charge relates in the Southern Zone.

**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 34 of 2016

16MAFF0034