

South Australia

Fisheries Management (Blue Crab Fishery) (Simplify No 2) Variation Regulations 2017

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 (Blue Crab Fishery) (Simplify No 2) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 15 January 2018.

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 (Blue Crab Fishery) Regulations 2013*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *crab pot*—delete "*Fisheries Management (General) Regulations 2007*" and substitute:

Fisheries Management (General) Regulations 2017

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

Department means the administrative unit of the Public Service responsible for assisting a Minister in the administration of the Act;

- (3) Regulation 3(1), definition of *marine scalefish fishery*—delete "*Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*" and substitute:

Fisheries Management (Marine Scalefish Fisheries) Regulations 2017

- (4) Regulation 3(3)(b)—delete paragraph (b) and substitute:

- (b) common and scientific fish names are given according to AS 5300—2015 *Australian Fish Names Standard* published by Standards Australia, as in force from time to time;

- (5) Regulation 3(3)(c)—delete "or involved in" and substitute:

, or involved in,

5—Variation of regulation 8—Revocation of registration

Regulation 8(2)(b)—delete "signed by the applicant and"

6—Variation of regulation 10—Individual blue crab catch quota system

- (1) Regulation 10(3)(b)—delete "signed by the applicants and"

- (2) Regulation 10(3)(c)—delete paragraph (c) and substitute:

- (c) be accompanied by the prescribed fee.

7—Substitution of regulation 11

Regulation 11—delete the regulation and substitute:

11—Catch and disposal requirements

- (1) The holder of a licence in respect of the fishery or the registered master of a registered boat from which blue crab is taken under such a licence must comply with the following provisions:

- (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of blue crabs taken under the licence as determined by the Minister;

- (b) the holder of the licence or registered master must provide such information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or registered master must ensure that blue crab taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.
- Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of a licence must keep records made under subregulation (1) in the manner, at such place, and for such period as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$315.

8—Substitution of regulation 12

Regulation 12—delete the regulation and substitute:

12—Periodic returns

- (1) The holder of a licence in respect of the fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$500.
- (2) The holder of a licence in respect of the fishery must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$500.

13—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

- (a) is maintained in a good condition and is legible; and
- (b) is kept so that it is readily accessible; and

- (c) is produced for inspection by a fisheries officer on request.
Maximum penalty: \$2 500.
Expiation fee: \$210.

14—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.
- (3) If the Minister makes a determination for the purposes of a regulation, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 9 or 10.

9—Variation of Schedule 1—Aquatic resources prescribed for Blue Crab Fishery

- (1) Schedule 1, Part 2—delete "Gould's Squid (*Nototodarus gouldii*)" and substitute:
Gould's Squid (*Nototodarus gouldi*)
- (2) Schedule 1, Part 2—delete "Mulloway (*Argyrosomus hololepidotus*)" and substitute:
Mulloway (*Argyrosomus japonicus*)
- (3) Schedule 1, Part 2—delete "Trevally (*Caranginae* spp)" and substitute:
Trevally (*Carangidae* spp)
- (4) Schedule 1, Part 2—delete "Bluethroat Wrasse (*Notolabrus tetricus*)" and substitute:
Wrasse (*Labridae*) (other than Western Blue Groper (*Achoerodus gouldii*))

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 8 August 2017

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