

South Australia

## **Fisheries Management (Charter Boat Fishery) (Simplify No 2) Variation Regulations 2017**

under the *Fisheries Management Act 2007*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Fisheries Management (Charter Boat Fishery) Regulations 2016***

- 4 Variation of regulation 3—Interpretation
  - 5 Variation of regulation 9—Revocation of registration
  - 6 Substitution of regulations 12 and 13
    - 12 Information to be provided—use of registered boat
    - 13 Periodic returns
    - 14 Provision relating to keeping of records
    - 15 Minister's determinations
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Fisheries Management (Charter Boat 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 (Charter Boat Fishery) Regulations 2016***

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

Regulation 3(1)—after the definition of *current company extract* insert:

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

---

## **5—Variation of regulation 9—Revocation of registration**

Regulation 9(2)(b)—delete paragraph (b) and substitute:

- (b) be completed in accordance with the instructions contained in the form; and

## **6—Substitution of regulations 12 and 13**

Regulations 12 and 13—delete the regulations and substitute:

### **12—Information to be provided—use of registered boat**

- (1) If a registered boat is, or is to be, used under a licence in respect of the fishery, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If the determination of the Minister made for the purposes of subregulation (1) is not complied with, the registered owner and registered master of the registered boat are each guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$500.

### **13—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 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.

### **14—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.

### **15—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 they are expressed to apply.
- (3) If the Minister makes a determination, 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 made for the purposes of a regulation.

**Made by the Governor's Deputy**

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

No 222 of 2017

DPC17/041CS