

South Australia

Fisheries Management (Lakes and Coorong 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 (Lakes and Coorong 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 (Lakes and Coorong Fishery) Regulations 2009*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *cockle rake*—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 *eligible licence*—delete the definition

- (4) 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

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

Fisheries Management (General) Regulations 2017

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

Fisheries Management (General) Regulations 2017

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

- (c) 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—Variation of regulation 6—Transfer of licence

- (1) Regulation 6(2)—after paragraph (b) insert:

and

- (c) if the transferee is a company—a current company extract relating to the transferee issued not more than 1 month immediately preceding the date of application.

(2) Regulation 6(3)(d)—delete paragraph (d) and substitute:

- (d) if the transferee is a natural person—that the transferee is at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery;
- (e) if the transferee is a company, that—
 - (i) the licence is subject to a condition fixing a pipi quota entitlement; and
 - (ii) the only devices registered for use under the licence are devices that may be used for taking pipi; and
 - (iii) each director of the company is a fit and proper person to be a director of a company that holds a licence in respect of the fishery.

6—Variation of regulation 7—Registration

Regulation 7—after subregulation (2) insert:

- (3) If the holder of a licence in respect of the fishery is a company, a device, other than a device for taking pipi, must not be registered for use under the licence.

7—Variation of regulation 8—Revocation of registration

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

8—Variation of regulation 9—Mesh net and yabby pot entitlements

Regulation 9(3)(b)—delete "be signed by the applicants and"

9—Variation of regulation 10—Individual pipi catch quota system

- (1) Regulation 10(1), definition of *pipi quota entitlement* or *quota entitlement*—delete "an eligible licence in respect of the fishery" and substitute:

a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement
- (2) Regulation 10(1), definition of *quota period*—delete the definition and substitute:

quota period—a quota period for the fishery for the taking of pipi is a period of 12 months commencing on 1 July;
- (3) Regulation 10(3)—delete "of eligible licences" and substitute:

on licences
- (4) Regulation 10(3)(b)—delete paragraph (b) and substitute:
 - (b) a licence in respect of the fishery may be allocated a number of pipi units for a quota period equal to the number of pipi units allocated to that licence immediately before the commencement of that quota period;
- (5) Regulation 10(5)(b)—delete "signed by the applicants and"

- (6) Regulation 10(5)(c)—delete paragraph (c) and substitute:
(c) be accompanied by the prescribed fee.

10—Variation of regulation 11—Use of agents in fishing activities (licences under which boats are registered)

- (1) Regulation 11(3)—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement
- (2) Regulation 11(4)—delete "an eligible licence" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement
- (3) Regulation 11(7)—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement

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

- (1) Regulation 11A(2)—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement
- (2) Regulation 11A(3)—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement
- (3) Regulation 11A(4)—delete "an eligible licence" and substitute:
a licence subject to a condition fixing a pipi quota entitlement
- (4) Regulation 11A(5)—delete "an eligible licence" and substitute:
a licence subject to a condition fixing a pipi quota entitlement
- (5) Regulation 11A(6)—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement
- (6) Regulation 11A(7)—delete "an eligible licence" and substitute:
a licence subject to a condition fixing a pipi quota entitlement

12—Variation of regulation 13—Restrictions on taking of pipi, cockles and vongole

- Regulation 13(2)—delete "an eligible licence" and substitute:
a licence subject to a condition fixing a pipi quota entitlement

13—Variation of regulation 14—Restriction on use of cockle rakes

Regulation 14—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement

14—Substitution of regulation 15

Regulation 15—delete the regulation and substitute:

15—Information to be provided—taking pipi

- (1) If fishing activities involving the taking of pipi under a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement are, or are to be, engaged in, 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 a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

15—Variation of regulation 16—Pipi to be landed within State

Regulation 16—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement

16—Variation of regulation 17—Disposal of pipi

Regulation 17—delete "an eligible licence in respect of the fishery" and substitute:
a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement

17—Substitution of regulations 18 and 19

Regulations 18 and 19—delete the regulations and substitute:

18—Catch and disposal requirements—pipi

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of pipi taken under the licence:
 - (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 pipi taken under the licence as determined by the Minister;

- (b) the holder of the licence or registered master must provide the 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 pipi taken under the licence is 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 in respect of the fishery subject to a condition fixing a pipi quota entitlement 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.

19—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.

20—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.

21—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 10.

18—Variation of Schedule 1—Aquatic resources prescribed for Lakes and Coorong Fishery

- (1) Schedule 1—delete "Gould's Squid (*Nototodarus gouldii*)" and substitute:
Gould's Squid (*Nototodarus gouldi*)
- (2) Schedule 1—delete "Mulloway (*Argyrosomus hololepidotus*)" and substitute:
Mulloway (*Argyrosomus japonicus*)
- (3) Schedule 1—delete "Snapper (*Pagrus auratus*)" and substitute:
Snapper (*Chrysophrys auratus*)
- (4) Schedule 1—delete "Trevally (*Caranginae* spp)" and substitute:
Trevally (*Carangidae* spp)
- (5) Schedule 1—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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