

South Australia

## **Fisheries Management (Miscellaneous Developmental 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 (Miscellaneous Developmental 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 (Miscellaneous Developmental Fishery) Regulations 2013***

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

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

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

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Part 2—Variation of *Fisheries Management (Miscellaneous Developmental Fishery) Regulations 2013*

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

*prescribed fishery regulations* means any of the following regulations:

- (a) the *Fisheries Management (Abalone Fisheries) Regulations 2017*;
- (b) the *Fisheries Management (Blue Crab Fishery) Regulations 2013*;
- (c) the *Fisheries Management (Charter Boat Fishery) Regulations 2016*;
- (d) the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*;
- (e) the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*;
- (f) the *Fisheries Management (Prawn Fisheries) Regulations 2017*;
- (g) the *Fisheries Management (River Fishery) Regulations 2017*;
- (h) the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;

**5—Variation of regulation 8—Revocation of registration**

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

**6—Substitution of regulations 10 and 11**

Regulations 10 and 11—delete the regulations and substitute:

**10—Periodic returns**

- (1) The holder of a permit 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 permit in respect of the fishery must keep a record of each return that the permit 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.

**11—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.

## **12—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.

### **Made by the Governor's Deputy**

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

No 230 of 2017

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