

South Australia

Fisheries Management (Miscellaneous 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 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 Fishery) Regulations 2015*

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 that is responsible for assisting a Minister in the administration of the Act;

- (2) Regulation 3(3)—delete subregulation (3) and substitute:

- (3) In these regulations—

- (a) 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;
- (b) a reference to the *taking of aquatic resources* includes a reference to an act preparatory to, or involved in, the taking of the aquatic resources.

5—Variation of regulation 8—Revocation of registration

Regulation 8(2)(b)—delete paragraph (b) and substitute:

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

6—Variation of regulation 9—Individual giant crab catch quota system

- (1) Regulation 9—delete "*Fisheries Management (Rock Lobster Fisheries) Regulations 2006*" wherever occurring and substitute in each case:

Fisheries Management (Rock Lobster Fisheries) Regulations 2017

- (2) Regulation 9(4)—after "The Minister may" insert:

impose or

- (3) Regulation 9(5)(b)—delete "be signed by the applicants and"
- (4) Regulation 9(5)(c)(ii)—delete subparagraph (ii) and substitute:
- (ii) the prescribed fee.

7—Substitution of regulation 11

Regulation 11—delete the regulation and substitute:

11—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.

12—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.

13—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.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 9 or Schedule 2.

8—Schedule 1—Aquatic resources prescribed for Miscellaneous Fishery

Schedule 1, note—delete the note

9—Variation of Schedule 2—Competitive tender procedure for issue of licences

- (1) Clause 1(1)—delete "in the Gazette and in a newspaper circulating generally throughout the State"

(2) Clause 1—after subclause (1) insert:

(1a) An advertisement under subclause (1)—

(a) must be published in the Gazette; and

(b) may also be published—

(i) on a website determined by the Minister; or

(ii) in a newspaper circulating generally throughout the State.

Made by the Governor's Deputy

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

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