

South Australia

Fisheries Management (Rock Lobster Fisheries) (Southern Zone—Family Licence Transfers) Variation Regulations 2019

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 (Rock Lobster Fisheries) (Southern Zone—Family Licence Transfers) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which they are made.

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 (Rock Lobster Fisheries) Regulations 2017*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *Department* insert:

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

- (2) Regulation 3(1)—after the definition of *Southern Zone* insert:

spouse—a person is the spouse of another if they are legally married;

5—Variation of regulation 14—Rock lobster pot entitlements

- (1) Regulation 14(1)(f)(i)—delete "of the licence" and substitute:

of the quota period during which the variation is made

- (2) Regulation 14(1)(g)—delete paragraph (g)

- (3) Regulation 14—after subregulation (1) insert:

- (1a) Despite any other provisions of this regulation, if the rock lobster pot entitlement under a licence in respect of the Southern Zone Rock Lobster Fishery was, immediately before the commencement of this subregulation, less than 40, the entitlement under that licence may continue to be fixed at a number less than 40 until—

- (a) the licence is transferred to a person who is not a member of the licensee's family; or
- (b) the rock lobster pot entitlement under the licence is increased to 40 or more by variation under subregulation (1)(d) (being a variation that applies beyond the quota period during which it is made).

- (1b) For the purposes of subregulation (1a), a person is a member of the licensee's family if the person is—

- (a) the spouse or domestic partner of the licensee; or
- (b) a parent or grandparent of the licensee; or
- (c) a brother or sister, or half-brother or half-sister, of the licensee; or
- (d) a child or grandchild of the licensee; or
- (e) a child or grandchild of the spouse or domestic partner of the licensee.

- (4) Regulation 14—after subregulation (4) insert:

- (4a) Subregulation (4) does not apply if—

- (a) the rock lobster pot entitlement under the licence is fixed at a number less than 40 pursuant to subregulation (1a); and
- (b) the rock lobster pot entitlement under the licence is 30 or greater.

6—Variation of regulation 16—Individual rock lobster catch quota system—Southern Zone

Regulation 16(3)(d)—delete paragraph (d)

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Fisheries Management (Rock Lobster Fisheries) (Southern Zone—Family Licence Transfers)
Variation Regulations 2019**

Variation of *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*—Part 2

Made by the Governor

with the advice and consent of the Executive Council
on 1 August 2019

No 196 of 2019