

South Australia

Fisheries Management (Abalone Fisheries) (Quota) Variation Regulations 2020

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 (Abalone Fisheries) (Quota) Variation Regulations 2020*.

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 (Abalone Fisheries) Regulations 2017*

4—Variation of regulation 10—Individual catch quota system—Central Zone

- (1) Regulation 10(1)—after the definition of *quota period* insert:

quota period 2020 means the quota period ending on 31 December 2020;

quota period 2021 means the quota period ending on 31 December 2021;

quota period 2022 means the quota period ending on 31 December 2022;

quota period 2023 means the quota period ending on 31 December 2023;

quota period 2024 means the quota period ending on 31 December 2024;

quota period 2025 means the quota period ending on 31 December 2025;

- (2) Regulation 10(3)—delete "impose or"
- (3) Regulation 10(3)—before paragraph (a) insert:
- (aa) if—
- (i) the total catch of abalone of a particular class taken by holders of licences in respect of the fishery during the quota period 2020 falls short of the total allowable catch of abalone of that particular class for the fishery and that quota period; and
- (ii) the total catch of abalone of that class taken by at least 1 holder of a licence in respect of the fishery during the quota period 2020 falls short of the quota entitlement under that licence in respect of that class of abalone and that quota period by an amount exceeding 50 kilograms of abalone meat,

the Minister may vary the conditions of all licences in respect of the fishery so as to increase the quota entitlements under the licences in respect of that class of abalone for the quota periods 2021, 2022, 2023, 2024 and 2025 by the same number of abalone units;

5—Variation of regulation 11—Individual catch quota system—Southern Zone

- (1) Regulation 11(1)—after the definition of *quota period* insert:
- quota period 2019-2020* means the quota period that ended on 30 September 2020;
- quota period 2020-2021* means the quota period ending on 30 September 2021;
- quota period 2021-2022* means the quota period ending on 30 September 2022;
- quota period 2022-2023* means the quota period ending on 30 September 2023;
- (2) Regulation 11(3)(d)—delete paragraph (d) and substitute:
- (d) if the total catch of abalone of a particular class taken by the holder of a licence during a quota period is less than the abalone quota entitlement under the licence in respect of that class of abalone and that quota period, the Minister may vary the conditions of the licence so as to—
- (i) increase the quota entitlement in respect of that class of abalone by 1 kilogram of abalone meat for each kilogram by which the catch fell short of the quota entitlement (but in any case by not more than 50 kilograms); and

- (ii) prohibit any additional abalone units allocated to the licence as a result of the increase in the quota entitlement made under subparagraph (i) from being transferred to another licence; and
 - (iii) in addition to any increase in the quota entitlement made under subparagraph (i), if the total catch of abalone of a particular class taken during the quota period 2019-2020 fell short of the quota entitlement for that quota period by an amount exceeding 50 kilograms of abalone meat—increase the quota entitlement in respect of that class of abalone for the quota periods 2020-2021, 2021-2022 and 2022-2023 by up to 1 kilogram of abalone meat for each kilogram above 50 kilograms by which the total catch fell short of the quota entitlement for the quota period 2019-2020;
- (3) Regulation 11—after subregulation (3) insert:
- (3a) In determining whether to vary the conditions of a licence under subregulation (3)(d)(iii) so as to increase the abalone quota entitlement under the licence in respect of a particular class of abalone and the quota period 2021-2022 or 2022-2023, the Minister must take into account—
 - (a) the total catch of abalone of that class taken by the holder of the licence during the quota period 2020-2021 or 2021-2022 (as the case requires); and
 - (b) any increase in the abalone quota entitlement under the licence in respect of that class of abalone for the quota period 2020-2021 or 2021-2022 (as the case requires) under subregulation (3)(d)(iii).

6—Variation of regulation 12—Individual catch quota system—Western Zone

- (1) Regulation 12(1)—after the definition of *quota period* insert:
- quota period 2020* means the quota period ending on 31 December 2020;
 - quota period 2021* means the quota period ending on 31 December 2021;
 - quota period 2022* means the quota period ending on 31 December 2022;
 - quota period 2023* means the quota period ending on 31 December 2023;
- (2) Regulation 12(3)(d)—delete paragraph (d) and substitute:
- (d) if the total catch of abalone of a particular class taken by the holder of a licence during a quota period is less than the abalone quota entitlement under the licence in respect of that class of abalone and that quota period, the Minister may vary the conditions of the licence so as to—
 - (i) increase the quota entitlement in respect of that class of abalone by 1 kilogram of abalone meat for each kilogram by which the catch fell short of the quota entitlement (but in any case by not more than 50 kilograms); and

- (ii) prohibit any additional abalone units allocated to the licence as a result of the increase in the quota entitlement made under subparagraph (i) from being transferred to another licence; and
 - (iii) in addition to any increase in the quota entitlement made under subparagraph (i), if the total catch of abalone of a particular class taken during the quota period 2020 fell short of the quota entitlement for that quota period by an amount exceeding 50 kilograms of abalone meat—increase the quota entitlement in respect of that class of abalone for the quota periods 2021, 2022 and 2023 by up to 1 kilogram of abalone meat for each kilogram above 50 kilograms by which the total catch fell short of the quota entitlement for the quota period 2020;
- (3) Regulation 12—after subregulation (3) insert:
 - (3a) In determining whether to vary the conditions of a licence under subregulation (3)(d)(iii) so as to increase the abalone quota entitlement under the licence in respect of a particular class of abalone and the quota period 2022 or 2023, the Minister must take into account—
 - (a) the total catch of abalone of that class taken by the holder of the licence during the quota period 2021 or 2022 (as the case requires); and
 - (b) any increase in the abalone quota entitlement under the licence in respect of that class of abalone for the quota period 2021 or 2022 (as the case requires) under subregulation (3)(d)(iii).

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.

Made by the Governor

with the advice and consent of the Executive Council
on 17 December 2020

No 320 of 2020