

South Australia

Fisheries Management (Rock Lobster Fisheries) (Quota) (No 2) 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 (Rock Lobster Fisheries) (Quota) (No 2) 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 (Rock Lobster Fisheries) Regulations 2017*

4—Variation of regulation 13—Individual vongole catch quota system

- (1) Regulation 13(1)—before the definition of *vongole quota entitlement* or *quota entitlement* insert:

quota period 2019-2020 means the quota period that ended on 30 June 2020;

quota period 2020-2021 means the quota period ending on 30 June 2021;

quota period 2021-2022 means the quota period ending on 30 June 2022;

- (2) Regulation 13(3)—after paragraph (d) insert:
- (da) if the total catch of vongole taken by the holder of an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement in respect of a particular vongole fishing zone during the quota period 2019-2020 is less than the vongole quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the vongole quota entitlement in respect of that fishing zone for the quota periods 2020-2021 and 2021-2022 by up to 1 kilogram of vongole for each kilogram by which the catch fell short of the vongole quota entitlement for the quota period 2019-2020;
- (3) Regulation 13—after subregulation (3) insert:
- (3a) In determining whether to vary the conditions of a licence under subregulation (3)(da) so as to increase the vongole quota entitlement under the licence for a particular vongole fishing zone and the quota period 2021-2022, the Minister must take into account—
 - (a) the total catch of vongole taken by the holder of the licence in that fishing zone during the quota period 2020-2021; and
 - (b) any increase in the vongole quota entitlement under the licence in respect of that fishing zone for the quota period 2020-2021.

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

- (1) Regulation 16(1), definition of *quota period*—delete the definition and substitute:
- quota period*—a quota period for the fishery means—
- (a) the period that commenced on 1 October 2019 and ends on 14 September 2020; or
 - (b) the period commencing on 15 September 2020 and ending on 30 September 2021; or
 - (c) the period of 12 months commencing on 1 October 2021 or on 1 October in any subsequent year;
- (2) Regulation 16(1), definition of *quota period 2019-2020*—delete "30 September 2020" and substitute:

14 September 2020

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 27 August 2020

No 263 of 2020