

South Australia

Fisheries Management (Rock Lobster Fisheries) (Quota) (No 3) 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 3) 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 15—Individual rock lobster catch quota system—Northern Zone

- (1) Regulation 15(1)—after the definition of *quota period 2021-2022* insert:

quota period 2022-2023 means the quota period ending on 31 October 2023;
 - (2) Regulation 15(3)(ab)—delete "2019-2020 quota period" wherever occurring and substitute in each case:

quota period 2019-2020
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- (3) Regulation 15(3)(ab)—delete "rock lobster entitlement" and substitute:
rock lobster quota entitlement
- (4) Regulation 15(3)—after paragraph (ab) insert:
- (ac) if the total catch of rock lobster taken by the holder of a licence in a particular Northern Zone Region during the quota period 2020-2021 is less than the rock lobster quota entitlement under the licence for that Region and that quota period, the Minister may vary the conditions of the licence so as to increase the quota entitlement in respect of that Region for the quota periods 2021-2022 and 2022-2023 by up to 1 kilogram of rock lobster for each kilogram by which the catch fell short of the rock lobster quota entitlement under the licence for the quota period 2020-2021;
- (5) Regulation 15(3a)—delete "rock lobster entitlement" and substitute:
rock lobster quota entitlement
- (6) Regulation 15(3a)—delete "2021-2022 quota period" and substitute:
quota period 2021-2022
- (7) Regulation 15(3a)—delete "2020-2021 quota period" wherever occurring and substitute in each case:
quota period 2020-2021
- (8) Regulation 15—after subregulation (3a) insert:
- (3b) In determining whether to vary the conditions of a licence under subregulation (3)(ac) so as to increase the rock lobster quota entitlement under the licence for a particular Northern Zone Region and the quota period 2022-2023, the Minister must take into account—
- (a) the total catch of rock lobster taken by the holder of the licence in that Region during the quota period 2021-2022;
and
- (b) any increase in the rock lobster quota entitlement under that licence in respect of that Region for the quota period 2021-2022.

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

- (1) Regulation 16(1), definition of *quota period*, paragraph (b)—delete "30 September" and substitute:
14 September
- (2) Regulation 16(1), definition of *quota period*, paragraph (c)—delete the paragraph and substitute:
- (c) the period commencing on 15 September 2021 and ending on 30 September 2022; or

- (d) the period of 12 months commencing on 1 October 2022 or on 1 October in any subsequent year;
- (3) Regulation 16(1), definition of *quota period 2020-2021*—delete "30 September" and substitute:
- 14 September
- (4) Regulation 16(1)—after the definition of *quota period 2020-2021* insert:
- quota period 2021-2022* means the quota period ending on 30 September 2022;
- (5) Regulation 16(3)(ab)—delete "2019-2020 quota period" wherever occurring and substitute in each case:
- quota period 2019-2020
- (6) Regulation 16(3)(ab)—delete "2020-2021 quota period" and substitute:
- quota period 2020-2021
- (7) Regulation 16(3)(ab)—delete "rock lobster entitlement" and substitute:
- rock lobster quota entitlement
- (8) Regulation 16(3)—after paragraph (ab) insert:
- (ac) if the total catch of rock lobster taken by the holder of a licence during the quota period 2020-2021 is less than the rock lobster quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to increase the quota entitlement for the quota period 2021-2022 by up to 1 kilogram of rock lobster for each kilogram by which the catch fell short of the rock lobster quota entitlement under the licence for the quota period 2020-2021;

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 324 of 2020