

South Australia

# **Fisheries Management (Rock Lobster 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 (Rock Lobster 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 (Rock Lobster Fisheries) Regulations 2017***

### **4—Variation of regulation 12—Restrictions on fishing activities during closed season**

Regulation 12(3)—delete subregulation (3) and substitute:

- (3) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, the holder of a licence in respect of the Southern Zone Rock Lobster Fishery must not take rock lobster in the Southern Zone during a closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;  
(b) for a second offence—\$20 000;  
(c) for a third or subsequent offence—\$35 000.

Expiation fee: \$315.

- (4) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, the holder of a licence in respect of the Southern Zone Rock Lobster Fishery must not set a rock lobster pot in the Southern Zone during a closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;  
(b) for a second offence—\$20 000;  
(c) for a third or subsequent offence—\$35 000.

Expiation fee: \$315.

- (5) In this regulation—

*closed season* means—

- (a) in relation to the Northern Zone Inner Region—the period commencing at 1800 hours on 31 May in any year and ending at 1200 hours on the following 1 November;  
(b) in relation to the Southern Zone—the period commencing at 1800 hours on 31 May in any year and ending at 0600 hours on the following 1 October.

### **5—Variation of regulation 15—Individual rock lobster catch quota system—Northern Zone**

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

*quota period 2019-2020* means the quota period ending on 31 October 2020;

*quota period 2020-2021* means the quota period ending on 31 October 2021;

*quota period 2021-2022* means the quota period ending on 31 October 2022;

- (2) Regulation 15(3)—after paragraph (a) insert:
- (ab) if the total catch of rock lobster taken by the holder of a licence in a particular Northern Zone Region during the 2019-2020 quota period 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 2020-2021 and 2021-2022 by up to 1 kilogram of rock lobster for each kilogram by which the catch fell short of the rock lobster entitlement under the licence for the 2019-2020 quota period;
- (3) Regulation 15—after subregulation (3) insert:
- (3a) In determining whether to vary the conditions of a licence under subregulation (3)(ab) so as to increase the rock lobster entitlement under the licence for a particular Northern Zone Region and the 2021-2022 quota period, 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 2020-2021 quota period; and
    - (b) any increase in the rock lobster quota entitlement under that licence in respect of that Region for the 2020-2021 quota period.

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

- (1) Regulation 16(1)—after the definition of *quota period* insert:
- quota period 2019-2020* means the quota period ending on 30 September 2020;
- quota period 2020-2021* means the quota period ending on 30 September 2021;
- (2) Regulation 16(3)—after paragraph (a) insert:
- (ab) if the total catch of rock lobster taken by the holder of a licence during the 2019-2020 quota period 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 2020-2021 quota period by 1 kilogram of rock lobster for each kilogram by which the catch fell short of the rock lobster entitlement under the licence for the 2019-2020 quota period;

## **7—Variation of regulation 29—Sale of rock lobster during closed season**

Regulation 29(1)—delete "The" and substitute:

Unless the Minister has, by notice in the Gazette, made a determination to the contrary, the

**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 21 May 2020

No 67 of 2020