

South Australia

Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation Regulations 2021

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (Demerit Points) Regulations 2017*

- 4 Variation of Schedule 1—Demerit point offences and demerit points
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 2021.

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 (Demerit Points) Regulations 2017*

4—Variation of Schedule 1—Demerit point offences and demerit points

- (1) Schedule 1, Part 1, clause 2, table, entry relating to clause 29 of Schedule 6 of the *Fisheries Management (General) Regulations 2017*—delete the entry

Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation Regulations 2021

Part 2—Variation of *Fisheries Management (Demerit Points) Regulations 2017*

- (2) Schedule 1, Part 2, clause 7, table—after the entry relating to regulation 15(3) of the *Fisheries Management (Fish Processors) Regulations 2017* insert:

15A(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of King George whiting, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of King George whiting purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
15A(3)	<i>Failing to keep records made under subregulation (1) in relation to King George whiting as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
15B(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of snapper, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of snapper purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
15B(3)	<i>Failing to keep records made under subregulation (1) in relation to snapper as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
15C(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of southern calamari, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of southern calamari purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
15C(3)	<i>Failing to keep records made under subregulation (1) in relation to southern calamari as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

**Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation
Regulations 2021**

Variation of Fisheries Management (Demerit Points) Regulations 2017—Part 2

15D(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of southern garfish, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of southern garfish purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
15D(3)	<i>Failing to keep records made under subregulation (1) in relation to southern garfish as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
(3)	Schedule 1, Part 2, clause 10, table, entry relating to regulation 4(3) of the <i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> —delete the entry	
(4)	Schedule 1, Part 2, clause 10, table, entry relating to regulation 11 of the <i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> —delete " <i>in respect of a marine scalefish fishery</i> "	
(5)	Schedule 1, Part 2, clause 10, table, entry relating to regulation 12 of the <i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> —delete the entry	
(6)	Schedule 1, Part 2, clause 10, table, entry relating to regulation 14(7) of the <i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> —delete the entry	
(7)	Schedule 1, Part 2, clause 10, table, entry relating to regulation 17(6) of the <i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> —delete the entry	
(8)	Schedule 1, Part 2, clause 10, table, entry relating to regulation 18(1) of the <i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> —delete " <i>(other than licence subject to vongole quota entitlement) taking vongole other than for purpose of bait to be used under licence, or taking on 1 day for such purpose number of vongole in excess of daily limit—</i> " and substitute: <i>taking vongole other than for purpose of bait to be used under licence, or taking vongole on 1 day for such purpose in excess of daily limit fixed by condition of licence—</i>	
(9)	Schedule 1, Part 2, clause 10, table, entry relating to regulation 18(6) of the <i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> —delete the entry and substitute:	
18(6)	<i>Licence holder taking sardines other than for purpose of bait to be used under licence, or taking sardines on 1 day for such purpose in excess of daily limit fixed by condition of licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45

Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation Regulations 2021

Part 2—Variation of *Fisheries Management (Demerit Points) Regulations 2017*

	(ii)	second offence	60
	(iii)	third or subsequent offence	75
18(7)		<i>Licence holder taking King George whiting for commercial purpose without quota entitlement—</i>	
	(a)	if the offence is expiated	15
	(b)	in any other case—	
	(i)	first offence	45
	(ii)	second offence	60
	(iii)	third or subsequent offence	75
18(8)		<i>Licence holder taking snapper for commercial purpose without quota entitlement—</i>	
	(a)	if the offence is expiated	15
	(b)	in any other case—	
	(i)	first offence	45
	(ii)	second offence	60
	(iii)	third or subsequent offence	75
18(9)		<i>Licence holder taking southern calamari for commercial purpose without quota entitlement—</i>	
	(a)	if the offence is expiated	15
	(b)	in any other case—	
	(i)	first offence	45
	(ii)	second offence	60
	(iii)	third or subsequent offence	75
18(10)		<i>Licence holder taking southern garfish for commercial purpose without quota entitlement—</i>	
	(a)	if the offence is expiated	15
	(b)	in any other case—	
	(i)	first offence	45
	(ii)	second offence	60
	(iii)	third or subsequent offence	75
(10)		Schedule 1, Part 2, clause 10, table, entry relating to regulation 23(2) of the <i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> —delete the entry	
(11)		Schedule 1, Part 2, clause 10, table, entry relating to regulation 24(2) of the <i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> —delete "Failing to comply with Minister's determination by failing to notify Department of certain information before fishing activities involving taking of vongole under licence subject to vongole quota entitlement—" and substitute:	
		<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of King George whiting under licence subject to King George whiting quota entitlement—</i>	

**Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation
Regulations 2021**

Variation of *Fisheries Management (Demerit Points) Regulations 2017*—Part 2

- (12) Schedule 1, Part 2, clause 10, table—after the entry relating to regulation 25(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017* insert:

25A(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of snapper under licence subject to snapper quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
25B(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of southern calamari under licence subject to southern calamari quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
25C(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of southern garfish under licence subject to southern garfish quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75

- (13) Schedule 1, Part 2, clause 10, table, entry relating to regulation 26(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry

- (14) Schedule 1, Part 2, clause 10, table, entry relating to regulation 27(6) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry

- (15) Schedule 1, Part 2, clause 10, table, entry relating to regulation 28(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "relevant fishing activity" and substitute:

taking pipi in the Lakes and Coorong

- (16) Schedule 1, Part 2, clause 10, table, entry relating to regulation 29(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "vongole" wherever occurring and substitute in each case:

King George whiting

- (17) Schedule 1, Part 2, clause 10, table, entry relating to regulation 32(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "sardines" and substitute:

snapper

- (18) Schedule 1, Part 2, clause 10, table, entry relating to regulation 32(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "sardine" and substitute:

snapper

Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation Regulations 2021

Part 2—Variation of *Fisheries Management (Demerit Points) Regulations 2017*

- (19) Schedule 1, Part 2, clause 10, table—after the entry relating to regulation 32(3) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017* insert:

32A(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of southern calamari taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of southern calamari taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
32A(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
32B(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of southern garfish taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of southern garfish taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
32B(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

- (20) Schedule 1, Part 2, clause 10, table, entry relating to regulation 33(1) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "vongole" wherever occurring and substitute in each case:

King George whiting

- (21) Schedule 1, Part 2, clause 10, table, entry relating to regulation 33(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "Marine Scalefish Fishery"

**Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation
Regulations 2021**

Variation of *Fisheries Management (Demerit Points) Regulations 2017*—Part 2

- (22) Schedule 1, Part 2, clause 10, table, entry relating to regulation 33(3) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry and substitute:

33(3)	<i>Licence holder failing to ensure all snapper taken under licence subject to snapper quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
33(4)	<i>Licence holder failing to ensure all southern calamari taken under licence subject to southern calamari quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
33(5)	<i>Licence holder failing to ensure all southern garfish taken under licence subject to southern garfish quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

- (23) Schedule 1, Part 2, clause 10, table, entry relating to regulation 34 of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry

- (24) Schedule 1, Part 2, clause 17, table, entry relating to regulation 13(6) of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*—delete the entry

- (25) Schedule 1, Part 2, clause 17, table—after the entry relating to regulation 15(6) of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017* insert:

17E(1)	<i>Licence holder taking King George whiting for commercial purpose without King George whiting quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60

Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation Regulations 2021

Part 2—Variation of *Fisheries Management (Demerit Points) Regulations 2017*

	(iii) third or subsequent offence	75
17E(2)	<i>Licence holder taking snapper for commercial purpose without snapper quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
17E(3)	<i>Licence holder taking southern calamari for commercial purpose without southern calamari quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
17E(4)	<i>Licence holder taking southern garfish for commercial purpose without southern garfish quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
(26)	Schedule 1, Part 2, clause 17, table, entry relating to regulation 18(1) of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> —delete " <i>Licence holder (other than licence subject to vongole quota entitlement) taking vongole other than for the purpose of bait or taking vongole in excess of the daily limit—</i> " and substitute: <i>Licence holder taking vongole other than for the purpose of bait to be used under licence, or taking vongole on 1 day for such purpose in excess of daily limit fixed by condition of licence—</i>	
(27)	Schedule 1, Part 2, clause 17, table, entry relating to regulation 21(2) of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> —delete "vongole" wherever occurring and substitute in each case: <i>King George whiting</i>	
(28)	Schedule 1, Part 2, clause 17, table—after the entry relating to regulation 21(2) of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> insert: 21A(2) <i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of snapper under licence subject to snapper quota entitlement—</i>	
	(a) if the offence is expiated	15

**Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation
Regulations 2021**

Variation of *Fisheries Management (Demerit Points) Regulations 2017*—Part 2

	(b)		75
21B(2)		<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of southern calamari under licence subject to southern calamari quota entitlement—</i>	
	(a)	if the offence is expiated	15
	(b)	in any other case	75
21C(2)		<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of southern garfish under licence subject to southern garfish quota entitlement—</i>	
	(a)	if the offence is expiated	15
	(b)	in any other case	75
(29) Schedule 1, Part 2, clause 17, table, entry relating to regulation 25(2) of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> —delete "vongole" wherever occurring and substitute in each case:			
<i>King George whiting</i>			
(30) Schedule 1, Part 2, clause 17, table—after the entry relating to regulation 25(2) of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> insert:			
25A(2)		<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of snapper taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of snapper taken under licence—</i>	
	(a)	if the offence is expiated	15
	(b)	in any other case—	
	(i)	first offence	45
	(ii)	second offence	60
	(iii)	third or subsequent offence	75
25A(3)		<i>Failing to keep records as determined by Minister—</i>	
	(a)	if the offence is expiated	10
	(b)	in any other case	50

Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation Regulations 2021

Part 2—Variation of *Fisheries Management (Demerit Points) Regulations 2017*

25B(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of southern calamari taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of southern calamari taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
25B(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
25C(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of southern garfish taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of southern garfish taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
25C(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
(31)	Schedule 1, Part 2, clause 17, table, entry relating to regulation 26 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> —delete the entry and substitute:	
26(1)	<i>Licence holder failing to ensure all King George whiting taken under licence subject to King George whiting quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45

**Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation
Regulations 2021**

Variation of Fisheries Management (Demerit Points) Regulations 2017—Part 2

	(ii)	second offence	60
	(iii)	third or subsequent offence	75
26(2)		<i>Licence holder failing to ensure all snapper taken under licence subject to snapper quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a)	if the offence is expiated	15
	(b)	in any other case—	
	(i)	first offence	45
	(ii)	second offence	60
	(iii)	third or subsequent offence	75
26(3)		<i>Licence holder failing to ensure all southern calamari taken under licence subject to southern calamari quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a)	if the offence is expiated	15
	(b)	in any other case—	
	(i)	first offence	45
	(ii)	second offence	60
	(iii)	third or subsequent offence	75
26(4)		<i>Licence holder failing to ensure all southern garfish taken under licence subject to southern garfish quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a)	if the offence is expiated	15
	(b)	in any other case—	
	(i)	first offence	45
	(ii)	second offence	60
	(iii)	third or subsequent offence	75

(32) Schedule 1, Part 2—after clause 17 insert:

17A—Fisheries Management (Sardine Fishery) Regulations 2021

Regulation	Description of offence	Demerit points
9(6)	<i>Licence holder taking sardines while unit entitlement is below prescribed number—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation Regulations 2021

Part 2—Variation of *Fisheries Management (Demerit Points) Regulations 2017*

Regulation	Description of offence	Demerit points
10(2)	<i>Being registered owner or registered master of boat registered under more than 1 licence in respect of the fishery used to take sardines under more than 1 licence at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before boat registered under more than 1 licence in respect of the fishery is used to take sardines under such licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
12(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of sardines taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of sardines taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
12(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
13	<i>Licence holder failing to ensure all sardines taken under licence are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

**Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation
Regulations 2021**

Variation of Fisheries Management (Demerit Points) Regulations 2017—Part 2

Regulation	Description of offence	Demerit points
14	<i>Licence holder or registered master causing, suffering or permitting sardines to be unloaded onto boat not specified on certificate of registration of fish processor to whom sardines are to be consigned—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
15(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
15(2)	<i>Failing to keep record of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
16	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

(33) Schedule 1, Part 2—after clause 18 insert:

19—Fisheries Management (Vongole Fishery) Regulations 2021

Regulation	Description of offence	Demerit points
9(7)	<i>Licence holder taking vongole for commercial purpose in a vongole fishing zone without quota entitlement relating to that zone—</i>	
	(a) first offence	45
	(b) second offence	60
	(c) third or subsequent offence	75
10(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of vongole under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75

Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation Regulations 2021

Part 2—Variation of *Fisheries Management (Demerit Points) Regulations 2017*

Regulation	Description of offence	Demerit points
11(2)	<i>Causing or permitting agents to be engaged in taking vongole on shore when licence holder or registered master is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11(3)	<i>Causing or permitting more than prescribed number of agents to be engaged in taking vongole on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
12(2)	<i>Causing or permitting agents to be engaged in taking vongole on shore when licence holder is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
12(3)	<i>Causing or permitting more than prescribed number of agents to be engaged in taking vongole on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
13(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of vongole taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of vongole taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
13(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
14	<i>Licence holder failing to ensure all vongole taken under licence are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	

**Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation
Regulations 2021**

Variation of Fisheries Management (Demerit Points) Regulations 2017—Part 2

Regulation	Description of offence	Demerit points
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
15(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
15(2)	<i>Failing to keep record of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
16	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

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 24 June 2021

No 91 of 2021