

South Australia

Fisheries Management (Demerit Points) (Miscellaneous) Variation Regulations 2021

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 (Demerit Points) (Miscellaneous) Variation Regulations 2021*.

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 (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 25 of Schedule 6 of the *Fisheries Management (General) Regulations 2017*—delete the entry
- (2) Schedule 1, Part 1, clause 2, table, entry relating to clause 33 of Schedule 6 of the *Fisheries Management (General) Regulations 2017*—after "*Blue Swimmer Crab*" insert:

, *Rock Crab or Spider Crab*

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- (3) Schedule 1, Part 1, clause 2, table—after the entry relating to clause 35 of Schedule 6 of the *Fisheries Management (General) Regulations 2017* insert:

35A	<i>Taking Pipi in certain waters (commercial)—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

- (4) Schedule 1, Part 1, clause 2, table, entry relating to clause 44 of Schedule 6 of the *Fisheries Management (General) Regulations 2017*—delete "*River Murray proper*" and substitute:

certain inland waters

- (5) Schedule 1, Part 1, clause 2, table, entry relating to clause 61 of Schedule 6 of the *Fisheries Management (General) Regulations 2017*—delete "*or yabby pot*" and substitute:

, yabby pot or pyramid net

- (6) Schedule 1, Part 1, clause 2, table, first entry relating to clause 66 of Schedule 6 of the *Fisheries Management (General) Regulations 2017*—delete "Bronze Whaler Shark, Dusky Shark," and "Mulloway (Outside Coorong), Samsonfish,"

- (7) Schedule 1, Part 1, clause 2, table, first entry relating to clause 66 of Schedule 6 of the *Fisheries Management (General) Regulations 2017*—delete ", Rock Lobster, Western Blue Groper & Yellowtail Kingfish" and substitute:

and Rock Lobster

- (8) Schedule 1, Part 1, clause 2, table, entries relating to clause 68 of Schedule 6 of the *Fisheries Management (General) Regulations 2017*, items relating to taking Blue Warehou, Rock Ling, Silver Warehou and Southern Bluefin Tuna—delete "*bag, boat*" wherever occurring and substitute in each case:

daily bag

- (9) Schedule 1, Part 1, clause 2, table—before the entry relating to clause 70 of Schedule 6 of the *Fisheries Management (General) Regulations 2017* insert:

68	Taking Western Blue Groper in certain waters (<i>recreational charter boat fishing daily bag or trip limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by 1 Western Blue Groper	10
	(ii) by 2 Western Blue Groper	15
	(iii) by 3 Western Blue Groper	20
	(iv) by more than 3 Western Blue Groper	25
	(b) in any other case—	
	(i) first offence	60

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	(ii) second offence	80
	(iii) third or subsequent offence	100
68	Taking Yellowtail Kingfish (<i>recreational charter boat fishing daily bag or trip limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by 1 Yellowtail Kingfish	10
	(ii) by 2 Yellowtail Kingfish	15
	(iii) by 3 Yellowtail Kingfish	20
	(iv) by more than 3 Yellowtail Kingfish	25
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
68	Taking Mulloway (Outside Coorong) (<i>recreational charter boat fishing daily bag or trip limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by 1 Mulloway	10
	(ii) by 2 Mulloway	15
	(iii) by 3 Mulloway	20
	(iv) by more than 3 Mulloway	25
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
68	Taking Samsonfish (<i>recreational charter boat fishing daily bag or trip limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by 1 Samsonfish	10
	(ii) by 2 Samsonfish	15
	(iii) by 3 Samsonfish	20
	(iv) by more than 3 Samsonfish	25
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
68	Taking Bronze Whaler Shark (<i>recreational charter boat fishing daily bag or trip limit</i>)—exceeding limit:	
	(a) if the offence is expiated—	
	(i) by 1 Bronze Whaler Shark	10

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	(ii)	by 2 Bronze Whaler Shark	15
	(iii)	by 3 Bronze Whaler Shark	20
	(iv)	by more than 3 Bronze Whaler Shark	25
	(b)	in any other case—	
	(i)	first offence	60
	(ii)	second offence	80
	(iii)	third or subsequent offence	100
68		Taking Dusky Shark (<i>recreational charter boat fishing daily bag or trip limit</i>)—exceeding limit:	
	(a)	if the offence is expiated—	
	(i)	by 1 Dusky Shark	10
	(ii)	by 2 Dusky Shark	15
	(iii)	by 3 Dusky Shark	20
	(iv)	by more than 3 Dusky Shark	25
	(b)	in any other case—	
	(i)	first offence	60
	(ii)	second offence	80
	(iii)	third or subsequent offence	100
(10)		Schedule 1, Part 1, clause 2, table—after the entry relating to clause 73 of Schedule 6 of the <i>Fisheries Management (General) Regulations 2017</i> insert:	
73A		<i>Taking Pipi in certain waters (recreational)</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
73B		<i>Taking Pipi in certain waters in closed season (recreational)</i> —	
	(a)	if the offence is expiated	10
	(b)	in any other case—	
	(i)	first offence	45
	(ii)	second offence	60
	(iii)	third or subsequent offence	75
(11)		Schedule 1, Part 1, clause 2, table—first entry relating to clause 120 of Schedule 6 of the <i>Fisheries Management (General) Regulations 2017</i> —delete paragraph (a)(i)	
(12)		Schedule 1, Part 1, clause 2, table—first entry relating to clause 120 of Schedule 6 of the <i>Fisheries Management (General) Regulations 2017</i> —delete paragraph (a)(iv)	
(13)		Schedule 1, Part 1, clause 2, table—second entry relating to clause 120 of Schedule 6 of the <i>Fisheries Management (General) Regulations 2017</i> —delete paragraph (a)(i)	

- (14) Schedule 1, Part 1, clause 2, table—second entry relating to clause 120 of Schedule 6 of the *Fisheries Management (General) Regulations 2017*—delete paragraph (a)(iv)
- (15) Schedule 1, Part 2, clause 8, table—after the entry relating to regulation 23 of the *Fisheries Management (General) Regulations 2017* insert:

23A	<i>Taking bivalve filter-feeding molluscs by licensed person in Port Adelaide River estuary—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
23A	<i>Taking bivalve filter-feeding molluscs by unlicensed person in Port Adelaide River estuary—</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
23B	<i>Taking Murray Cod by licensed person in certain waters—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
23B	<i>Taking Murray Cod by unlicensed person in certain waters—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
23C	<i>Taking snapper by licensed person in certain waters—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

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23C	<i>Taking snapper by unlicensed person in certain waters—</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
23D	<i>Taking Razorfish by licensed person—exceeding daily limit:</i>	
	(a) if the offence is expiated—	
	(i) by up to 5 Razorfish	5
	(ii) by more than 5 but not more than 10 Razorfish	10
	(iii) by more than 10 but not more than 15 Razorfish	15
	(iv) by more than 15 but not more than 20 Razorfish	20
	(v) by more than 20 Razorfish	25
	(b) in any other case—	
	(i) first offence	30
	(ii) second offence	40
	(iii) third or subsequent offence	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 1 July 2021

No 107 of 2021