

South Australia

Fisheries Management (General) (Miscellaneous) (No 2) 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 (General) Regulations 2017*

- 4 Variation of regulation 3—Interpretation
 - 5 Variation of regulation 13—Requirements relating to buoys and tags
 - 6 Insertion of regulations 23A to 23D
 - 23A Taking of bivalve filter-feeding molluscs in Port Adelaide River estuary
 - 23B Taking of Murray Cod in certain waters
 - 23C Taking of snapper in certain waters
 - 23D Taking more than daily bag limit of Razorfish
 - 7 Variation of regulation 36—Waiver of fees
 - 8 Variation of Schedule 1—Permitted devices
 - 9 Variation of Schedule 3—Commercial quantities
 - 10 Variation of Schedule 5—Protected species
 - 11 Variation of Schedule 6—Classes of fishing activities prescribed for purposes of section 70 of Act
 - 12 Variation of Schedule 11—Expiation fees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (General) (Miscellaneous) (No 2) 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 (General) Regulations 2017*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *fish net*—after "drop net" insert:
 , lift net, pyramid net
- (2) Regulation 3(1)—after the definition of *fyke net* insert:
 GDA2020 means the Geocentric Datum of Australia 2020 as defined in the determination under section 8A of the *National Measurement Act 1960* of the Commonwealth for the recognised-value standard of measurement position;
 GDA94 means the Geocentric Datum of Australia 1994 as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995;
- (3) Regulation 3(1), definition of *large mullock*—delete "75" and substitute:
 82
- (4) Regulation 3(1)—after the definition of *licensed person* insert:
 lift net means a net that consists of 2 rings—
 - (a) where the upper ring is greater in diameter than the lower ring and the diameter of the upper ring does not exceed 107 centimetres; and
 - (b) to which netting is attached in the form of a cone or bag that does not extend more than 92 centimetres from the upper ring when the ring is suspended in a horizontal position;
- (5) Regulation 3(1)—after the definition of *purse seine net* insert:
 pyramid net means a square or rectangular net that—
 - (a) is open at the top with an opening that is not less than 20 centimetres by 20 centimetres; and
 - (b) is not more than 60 centimetres in length and not more than 60 centimetres wide; and
 - (c) has a mesh net height not more than 15 centimetres perpendicular from the base; and
 - (d) does not have any internal device designed for use, or capable of use, in connection with the taking of fish;
- (6) Regulation 3(1), definition of *small Mullock*—delete "75" and substitute:
 82
- (7) Regulation 3(2)(a)—delete paragraph (a) and substitute:
 - (a) all lines in spatial descriptions are geodesics based on—
 - (i) if GDA2020 is expressed to apply—GDA2020 (in which case all coordinates will be expressed in terms of GDA2020); or

- (ii) in any other case—GDA94 (in which case all coordinates will be expressed in terms of GDA94);

5—Variation of regulation 13—Requirements relating to buoys and tags

Regulation 13(a)(iii)(A)—after "hoop net," insert:

pyramid net,

6—Insertion of regulations 23A to 23D

After regulation 23 insert:

23A—Taking of bivalve filter-feeding molluscs in Port Adelaide River estuary

- (1) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, a person must not take bivalve filter-feeding molluscs in the Port Adelaide River estuary.

Maximum penalty:

- (a) for a first offence—\$5 000;
(b) for a second offence—\$10 000;
(c) for third or subsequent offence—\$20 000.

Expiation fee: \$500.

- (2) In this regulation—

bivalve filter-feeding mollusc means any mollusc of the class Bivalvia;

Port Adelaide River estuary means all waters of the Port Adelaide River estuary contained within and bounded by a line commencing at the line of Mean High Water Springs closest to 34°40'12.26" South, 138°26'35.25" East (end of Port Gawler Road), then beginning easterly following the line of Mean High Water Springs, including West Lakes, North Arm and tributaries, to the location closest to 34°46'59.03" South, 138°28'40.48" East, then north-westerly to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs.

- (3) GDA2020 applies in respect of the definition of Port Adelaide River estuary in subregulation (2).

23B—Taking of Murray Cod in certain waters

Unless the Minister has, by notice in the Gazette, made a determination to the contrary, a person must not take Murray Cod in the waters of the River Murray proper and Lakes Albert and Alexandrina (excluding the waters of the Coorong).

Maximum penalty:

- (a) for a first offence—\$5 000;
(b) for a second offence—\$10 000;

(c) for third or subsequent offence—\$20 000.

Expiation fee: \$500.

23C—Taking of snapper in certain waters

- (1) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, a person must not take snapper in the Gulf St. Vincent and Kangaroo Island Fishing Zone, the Spencer Gulf Fishing Zone or the West Coast Fishing Zone.

Maximum penalty:

- (a) for a first offence—\$5 000;
(b) for a second offence—\$10 000;
(c) for third or subsequent offence—\$20 000.

Expiation fee: \$500.

- (2) In this regulation—

Gulf St. Vincent and Kangaroo Island Fishing Zone, Spencer Gulf Fishing Zone and West Coast Fishing Zone have the same respective meanings as in the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*.

- (3) This regulation will expire on 31 January 2023.

23D—Taking more than daily bag limit of Razorfish

- (1) A licensed person must not, in any 1 day, take more than 50 Razorfish (*Pinna bicolor*) in the waters of the State.

Maximum penalty:

- (a) for a first offence—\$5 000;
(b) for a second offence—\$10 000;
(c) for a third or subsequent offence—\$20 000.

Expiation fee:

- (a) if the daily limit is exceeded by up to 5 Razorfish—\$125;
(b) if the daily limit is exceeded by more than 5 but not more than 10 Razorfish—\$250;
(c) if the daily limit is exceeded by more than 10 but not more than 15 Razorfish—\$375;
(d) if the daily limit is exceeded by more than 15 but not more than 20 Razorfish—\$500;
(e) if the daily limit is exceeded by more than 20 Razorfish—\$625.

- (2) Subregulation (1) does not apply to a licensed person who takes Razorfish under a licence in respect of the Marine Scalefish Fishery (as constituted by the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*) in waters of the State west of longitude 136° East, if the licensed person takes less than 150 Razorfish over a consecutive period of 3 days.
- (3) GDA2020 applies in respect of the spatial description in subregulation (2).

7—Variation of regulation 36—Waiver of fees

Regulation 36—after its present contents (now to be designated as subregulation (1)) insert:

- (2) The Minister may waive the prescribed fee for an application by a person for a fishery licence or registration as a fish processor if the Minister is satisfied that the application is for a fishery licence or registration as a fish processor that is in substitution for a licence or registration (as the case requires) held by the person that has expired or is about to expire.

8—Variation of Schedule 1—Permitted devices

- (1) Schedule 1—after "Hoop net" insert:
Lift net
- (2) Schedule 1—after "Mussel dredge" insert:
Pyramid net

9—Variation of Schedule 3—Commercial quantities

- (1) Schedule 3, table, entry relating to Mulloway (*Argyrosomus japonicus*), paragraph (a)—delete "75" and substitute:
82
- (2) Schedule 3, table, entry relating to Mulloway (*Argyrosomus japonicus*), paragraph (b)—delete "75" and substitute:
82

10—Variation of Schedule 5—Protected species

- (1) Schedule 5—after "Giant Crab (*Pseudocarcinus gigas*)" insert:
Rock Crab (*Nectocarcinus integrifons*)
Sand Crab (*Ovalipes* spp)
- (2) Schedule 5—after "Southern Rock Lobster (*Jasus edwardsii*)" insert:
Spider Crab (Family Majidae)

11—Variation of Schedule 6—Classes of fishing activities prescribed for purposes of section 70 of Act

- (1) Schedule 6, Part 1, Division 5—delete Division 5

- (2) Schedule 6, Part 1, Division 6, clause 33—after "Blue Swimmer Crab" insert:
 , Rock Crab (*Nectocarcinus integrifrons*) or Spider Crab (Family Majidae)

- (3) Schedule 6, Part 1, Division 6—after clause 35 insert:

35A—Taking of Pipi in certain waters

- (1) The taking of Pipi (*Donax* spp) by a licensed person for a commercial purpose in the coastal waters between the Murray Mouth and the location on Mean High Water Springs closest to 35°31'23.50" South, 138°46'23.83" East (Beach Road, Goolwa).
- (2) GDA2020 applies in respect of the spatial description in subclause (1).
- (4) Schedule 6, Part 1, Division 6, clause 36—delete clause 36 and substitute:

36—Taking of Blue Swimmer Crab during closed season

- (1) The taking by a licensed person of Blue Swimmer Crab during the period commencing on 1 December in any year and ending on the Monday after Easter Sunday in the following year from—
- (a) all waters landward of a line commencing at the seaward end of the southern Outer Harbor breakwater closest to latitude 34°47'18.96" South, longitude 138°28'00.12" East, then westerly along the geodesic to latitude 34°47'12.12" South, longitude 138°24'54.00" East, then south south-easterly along the geodesic to latitude 35°02'30.84" South, longitude 138°29'16.44" East, then east along the parallel of latitude 35°02'30.84" South to the point on Mean High Water Springs closest to latitude 35°02'30.84" South, longitude 138°30'37.44" East; or
- (b) all waters landward of a line commencing at the seaward end of the northern Outer Harbor breakwater closest to latitude 34°47'02.52" South, longitude 138°28'12.12" East, then north-westerly along the geodesic to latitude 34°44'51.06" South, longitude 138°26'40.80" East (spoil ground navigation mark), then north-easterly along the geodesic to the point on Mean High Water Springs closest to latitude 34°41'36.84" South, longitude 138°28'24.36" East; or
- (c) all waters in the area contained within 2 nautical miles from the boat ramps at the following locations:
- (i) Ardrossan (latitude 34°26'05.52" South, longitude 137°55'02.70" East);
- (ii) Black Point (latitude 34°36'22.74" South, longitude 137°52'55.38" East);
- (iii) Port Vincent (latitude 34°46'39.96" South, longitude 137°51'46.44" East);

- (iv) Stansbury (latitude 34°54'13.62" South, longitude 137°47'51.66" East); or
- (d) the waters of or near Wallaroo contained within 2 nautical miles from an approximate point location of 33°55'34.415" South, 137°37'26.060" East, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs; or
- (e) the waters of or near Moonta contained within 2 nautical miles from an approximate point location of 34°04'28.397" South, 137°32'48.225" East, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs; or
- (f) the waters of or near Franklin Harbor contained within and bounded by a line commencing at Mean High Water Springs closest to 33°43'34.047" South, 136°59'25.230" East, then south-westerly to the location on Mean High Water Springs closest to 33°44'25.604" South, 136°58'11.766" East, then beginning northerly following the line of Mean High Water Springs to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs.
- (2) GDA2020 applies in respect of the spatial descriptions in subclause (1).
- (5) Schedule 6, Part 2, Division 1, clause 42—after paragraph (c) insert:
 - or
 - (d) a pyramid net.
- (6) Schedule 6, Part 2, Division 2, clause 44—delete "the River Murray proper" and substitute:
 - inland waters other than Lakes Albert and Alexandrina, Lake George or the Coorong
- (7) Schedule 6, Part 2, Division 2, clause 44—after paragraph (d) insert:
 - (da) 4 or more pyramid nets at the same time; or
 - (db) if yabby pots and pyramid nets are used at the same time—a combined total of 4 or more of those devices; or
- (8) Schedule 6, Part 2, Division 2, clause 44(g)—after "yabby pot" insert:
 - or a pyramid net
- (9) Schedule 6, Part 2, Division 2, clause 47—after paragraph (d) insert:
 - (da) 4 or more pyramid nets at the same time; or
 - (db) if yabby pots and pyramid nets are used at the same time—a combined total of 4 or more of those devices; or
- (10) Schedule 6, Part 2, Division 2, clause 47(g)—after "yabby pot" insert:
 - or a pyramid net

- (11) Schedule 6, Part 2, Division 4, clause 61—delete "or yabby pot" and substitute:
 , yabby pot or pyramid net
- (12) Schedule 6, Part 2, Division 4, clause 61(a)(ii)—delete "or pot" and substitute:
 , pot or net
- (13) Schedule 6, Part 2, Division 5, clause 66, table, entries relating to Western Blue Groper (*Achoerodus gouldii*), Yellowtail Kingfish (*Seriola lalandi*), Mulloway (*Argyrosomus japonicus*), Samsonfish (*Seriola hippos*), Bronze Whaler Shark (*Carcharhinus brachyurus*) and Dusky Shark (*Carcharhinus obscurus*) (as specified in column 2 of the table)—delete each entry
- (14) Schedule 6, Part 2, Division 5, clause 68—delete the clause and substitute:

**68—Recreational charter boat fishing daily bag and trip limits
 (trips lasting more than 1 day)**

- (1) The taking by an unlicensed person in any 1 day, in the waters specified in column 1 of the table below, from a boat being used under a licence in respect of the Charter Boat Fishery, of more fish of the class specified in column 2 than the quantity specified in column 3.
- (2) The taking by an unlicensed person in any 1 fishing trip (being a trip lasting more than 1 day), in the waters specified in column 1 of the table below, from a boat being used under a licence in respect of the Charter Boat Fishery, of more fish of the class specified in column 2 than the quantity specified in column 3.

Table—Recreational charter boat fishing daily bag and trip limits (trips lasting more than 1 day)

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per person per day or per person per charter boat fishing trip
	Scalefish	
The waters of the State (other than those waters specified in Schedule 5)	Western Blue Groper (<i>Achoerodus gouldii</i>)	1
The waters of the State	Yellowtail Kingfish (<i>Seriola lalandi</i>)	1
The waters of the State other than Coorong (area 1) or Coorong (area 2)	Mulloway (<i>Argyrosomus japonicus</i>)	1
The waters of the State	Rock Ling (<i>Genypterus tigerinus</i>)	3
The waters of the State	Samsonfish (<i>Seriola hippos</i>)	1
The waters of the State	Southern Bluefin Tuna (<i>Thunnus maccoyii</i>)	1

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per person per day or per person per charter boat fishing trip
The waters of the State	Blue Warehou (<i>Seriolella brama</i>)	10
The waters of the State	Silver Warehou (<i>Seriolella punctata</i>)	10
Shark		
The waters of the State	Bronze Whaler Shark (<i>Carcharhinus brachyurus</i>)	1
The waters of the State	Dusky Shark (<i>Carcharhinus obscurus</i>)	1

(15) Schedule 6, Part 2, Division 6—after clause 73 insert:

73A—Taking of Pipi in certain waters

- (1) The taking of Pipi (*Donax* spp) by an unlicensed person in coastal waters between the Murray Mouth and the location on Mean High Water Springs closest to 36°25'52.63" South, 139°46'09.77" East (28 Mile Crossing).
- (2) GDA2020 applies in respect of the spatial description in subclause (1).

73B—Taking of Pipi during closed season

The taking by an unlicensed person of Pipi (*Donax* spp) in the waters of the State during the period commencing on 1 June in any year and ending on the following 31 October.

(16) Schedule 6, Part 3, Division 3, clause 81(b)—delete "no more" and substitute:
 more

(17) Schedule 6, Part 3, Division 3, clause 83(c)—delete paragraph (c)

(18) Schedule 6, Part 3, Division 9, clause 120, table, entry relating to Pipi (*Donax* spp)—delete the entry

(19) Schedule 6, Part 3, Division 9, clause 120, table, entry relating to Murray Cod (*Maccullochella peelii*)—delete the entry

12—Variation of Schedule 11—Expiation fees

(1) Schedule 11, table, entry relating to clause 25—delete the entry

(2) Schedule 11, table, entry relating to clause 33—after "*Blue Swimmer Crab*" insert:
 , *Rock Crab or Spider Crab*

(3) Schedule 11, table—after the entry relating to clause 35 insert:

35A	<i>Taking Pipi in certain waters (commercial)</i>	\$500
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- (4) Schedule 11, table, entry relating to clause 44—delete "*River Murray proper*" and substitute:

certain inland waters

- (5) Schedule 11, table, entry relating to clause 61—delete "*or yabby pot*" and substitute:

, yabby pot or pyramid net

- (6) Schedule 11, table, first entry relating to clause 66—delete "Bronze Whaler Shark, Dusky Shark," and "Mulloway (Outside Coorong), Samsonfish,"

- (7) Schedule 11, table, first entry relating to clause 66—delete ", Rock Lobster, Western Blue Groper & Yellowtail Kingfish" and substitute:

and Rock Lobster

- (8) Schedule 11, table, entries relating to clause 68, 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 11, table—after the entry relating to clause 68, item relating to taking Southern Bluefin Tuna insert:

68	Taking Western Blue Groper in certain waters <i>(recreational charter boat fishing daily bag and trip limit)</i> —exceeding limit:	
	• by 1 Western Blue Groper	\$250
	• by 2 Western Blue Groper	\$375
	• by 3 Western Blue Groper	\$500
	• by more than 3 Western Blue Groper	\$625
68	Taking Yellowtail Kingfish <i>(recreational charter boat fishing daily bag and trip limit)</i> —exceeding limit:	
	• by 1 Yellowtail Kingfish	\$250
	• by 2 Yellowtail Kingfish	\$375
	• by 3 Yellowtail Kingfish	\$500
	• by more than 3 Yellowtail Kingfish	\$625
68	Taking Mulloway (Outside Coorong) <i>(recreational charter boat fishing daily bag and trip limit)</i> —exceeding limit:	
	• by 1 Mulloway	\$250
	• by 2 Mulloway	\$375
	• by 3 Mulloway	\$500
	• by more than 3 Mulloway	\$625
68	Taking Samsonfish <i>(recreational charter boat fishing daily bag and trip limit)</i> —exceeding limit:	
	• by 1 Samsonfish	\$250
	• by 2 Samsonfish	\$375

Fisheries Management (General) (Miscellaneous) (No 2) Variation Regulations 2021
Variation of Fisheries Management (General) Regulations 2017—Part 2

	• by 3 Samsonfish	\$500
	• by more than 3 Samsonfish	\$625
68	Taking Bronze Whaler Shark (<i>recreational charter boat fishing daily bag and trip limit</i>)—exceeding limit:	
	• by 1 Bronze Whaler Shark	\$250
	• by 2 Bronze Whaler Shark	\$375
	• by 3 Bronze Whaler Shark	\$500
	• by more than 3 Bronze Whaler Shark	\$625
68	Taking Dusky Shark (<i>recreational charter boat fishing daily bag and trip limit</i>)—exceeding limit:	
	• by 1 Dusky Shark	\$250
	• by 2 Dusky Shark	\$375
	• by 3 Dusky Shark	\$500
	• by more than 3 Dusky Shark	\$625
(10) Schedule 11, table—after the entry relating to clause 73 insert:		
73A	<i>Taking Pipi in certain waters (recreational)</i>	\$250
73B	<i>Taking Pipi in waters of State during closed season (recreational)</i>	\$500
(11) Schedule 11, table, entry relating to clause 120, item relating to taking Pipi—delete the item		
(12) Schedule 11, table, entry relating to clause 120, item relating to taking Murray Cod—delete the item		

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 103 of 2021