

South Australia

Fisheries (Fish Processors) Regulations 1991

under the *Fisheries Act 1982*

Contents

- 1 Short title
- 4 Interpretation
- 5 Registration as a fish processor (section 54 of Act)
- 5A Refund on surrender of registration
- 6 Registration of additional premises etc (section 54 of the Act)
- 7 Persons not required to be registered as fish processors (section 54 of Act)
- 8 Written records to be kept
- 9 Returns to be lodged with Executive Director of SARDI
- 10 Duty of fish processor to check for undersize fish
- 11 Procedure to be followed if registered fish processor obtains fish from unlicensed person
- 12 Delivery of tuna to registered fish processor
- 13 Delivery of abalone to registered fish processor
- 14 Delivery, storage and sale of rock lobster
- 15 Delivery of blue crab to registered fish processor
- 16 Delivery of giant crab to registered fish processor
- 17 Delivery of pilchards to registered fish processor
- 18 Delivery, storage and sale of Goolwa cockles
- 19 Provision relating to keeping of documents

Schedule 1—Fees

Legislative history

Appendix—Divisional penalties and expiation fees

1—Short title

These regulations may be cited as the *Fisheries (Fish Processors) Regulations 1991*.

4—Interpretation

In these regulations, unless the contrary intention appears—

the Act means the *Fisheries Act 1982*;

aquaculture licence means a licence under the *Aquaculture Act 2001*;

Department means the Department of Primary Industries and Resources;

eligible applicant, in relation to an application for registration or renewal of registration as a fish processor under section 54 of the Act, means the holder of a fishery licence or an aquaculture licence who applies for registration as a fish processor for the sole purpose of processing fish taken or farmed under the licence for sale to a person who—

- (a) is an unregistered fish processor; and
- (b) carries on a business in the course of which fish is sold, or fish is supplied as a meal or part of a meal, directly to the public;

registration period means the period of 12 months commencing on 1 July in any year;

SARDI means the South Australian Research and Development Institute;

undersize fish has the same meaning as in the *Fisheries (General) Regulations 2000*.

Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

5—Registration as a fish processor (section 54 of Act)

- (1) For the purposes of section 54 of the Act, an application for registration or renewal of registration as a fish processor must be made to the Director on a form approved by the Director, completed and signed by the applicant in accordance with the instructions contained in the form.
- (2) The Director must not grant an application for registration or renewal of registration as a fish processor unless the applicant has paid—
 - (a) —
 - (i) the registration fee as specified in Schedule 1; or
 - (ii) the first instalment of the registration fee, in accordance with subregulation (3) or (4); and
 - (b) the amount of any previous registration fee remaining payable by the applicant.
- (3) Where—
 - (a) an application for registration is made before the commencement of the registration period in respect of which the application is made; and
 - (b) the applicant is not an eligible applicant,

the registration fee may be paid in four equal instalments payable on or before that commencement and 1 October, 1 January and 1 April following the date of registration.

- (4) Where—
 - (a) an application for renewal of registration is made before the expiry of the registration; and
 - (b) the applicant is not an eligible applicant,

the registration fee may be paid in four equal instalments payable on or before the date of renewal and 1 October, 1 January and 1 April following the date of renewal.

- (5) Where an instalment of a registration fee is not paid in full on or before the due date, the amount unpaid may be recovered from the holder or former holder of the registration as a debt due to the Crown.

5A—Refund on surrender of registration

Where the holder of registration as a fish processor surrenders the registration, the Director must, on application by the former holder, refund an amount that bears to the registration fee last paid the same proportion as the number of complete months from the date of surrender to the following 1 July bears to the number of months in the registration period.

6—Registration of additional premises etc (section 54 of the Act)

- (1) Where a registered fish processor proposes to use for or in connection with processing, storing or dealing with fish any premises, place, boat or vehicle that is not specified in his or her certificate of registration, he or she must lodge with the Director an application to have the additional premises, place, boat or vehicle so specified.
- (2) An application under subregulation (1) must—
- (a) be made on a form approved by the Director, completed and signed by the applicant in accordance with the instructions contained in the form; and
 - (b) be accompanied by the fee set out in item 3 of Schedule 1 in respect of the application.

7—Persons not required to be registered as fish processors (section 54 of Act)

Pursuant to section 54 of the Act, the following persons are not required to be registered as fish processors:

- (a) a person who only processes fish obtained from a registered fish processor;
- (b) a person—
 - (i) who is the holder of a fishery licence or an aquaculture licence; and
 - (ii) who only processes fish taken or farmed under the licence for sale to a registered fish processor or directly to persons who consume the fish.

8—Written records to be kept

- (1) A fish processor must keep a separate written record for each of the premises, places, boats or vehicles used by the fish processor for, or in connection with, the storage, processing or transport of fish containing the following information in relation to each consignment or batch of fish received for storage, processing or transport at or by the premises, place, boat or vehicle:
- (a) the name and address of the person from whom the fish were purchased or obtained; and
 - (b) if the person from whom the fish were purchased or obtained is the holder of a fishery licence—the number of the fishery licence; and
 - (c) the date on which the fish were purchased or obtained; and
 - (d) the species of the fish and, for each species, the quantity of and price (if any) paid for the fish; and

- (e) where any of the fish are undersize, the species of the fish and, for each species, the quantity of the fish.
- (2) The information required under subregulation (1) must be entered—
 - (a) immediately after the fish were purchased or obtained in a book or register the pages of which are numbered consecutively; and
 - (b) in the order in which the transactions to which the information relates occurred; and
 - (c) so that each entry is made immediately below the previous entry and each page of the book or register is filled before an entry is made on the next page.
- (3) The records made in accordance with this regulation must be kept—
 - (a) for 12 months after the fish to which they relate were purchased or obtained by the processor; and
 - (b) at or in the premises, place, boat or vehicle to which they relate, or, if the Director specifies some other place for that purpose in the processor's certificate of registration, that place.
- (4) A person who contravenes or fails to comply with this regulation is guilty of an offence.
Penalty: Division 7 fine.
Expiation fee: Division 9 fee.
- (5) The holder of a fishery licence or an aquaculture licence is not required to comply with this regulation in relation to fish taken or farmed under the licence.

9—Returns to be lodged with Executive Director of SARDI

- (1) A registered fish processor must lodge with the Executive Director of SARDI within 21 days of the end of each month returns in respect of the sale, purchase, processing, storage and movement of fish carried out during the month.
- (2) The returns must—
 - (a) be in a form approved by the Minister and completed in accordance with the instructions contained in the form;
 - (b) be signed by or on behalf of the registered fish processor;
 - (c) contain such information relating to the sale, purchase, processing, storage and movement of fish carried out during the month as the Executive Director of SARDI, with the approval of the Minister, requires.
- (3) The holder of a fishery licence or aquaculture licence is only required to comply with this regulation in relation to fish sold or delivered to an unregistered fish processor.
- (4) A person who contravenes or fails to comply with this regulation is guilty of an offence.
Penalty: Division 7 fine.
Expiation fee: Division 9 fee.

10—Duty of fish processor to check for undersize fish

- (1) A registered fish processor must, as soon as possible after a consignment of fish is delivered to the processor, take all reasonable steps to check for the presence of undersize fish in the consignment.
Penalty: Division 7 fine.
- (2) Where a registered fish processor finds undersize fish in a consignment, he or she must immediately render the undersize fish unsuitable for sale or consumption and dispose of them as waste material.
- (3) Where, in proceedings for an offence against subregulation (1), it is proved that undersize fish were found in the possession of a registered fish processor the registered fish processor will be taken, in the absence of proof to the contrary, to have failed to comply with subregulation (1).

11—Procedure to be followed if registered fish processor obtains fish from unlicensed person

- (1) Where a registered fish processor obtains fish that were not taken pursuant to a fishery licence, he or she must—
 - (a) place the fish in a container in which no other fish are stored; and
 - (b) immediately after placing the fish in the container—
 - (i) mark on the container or on a label affixed or attached to the container—
 - (A) the name and address of the person from whom the fish were obtained; and
 - (B) —
 - (a) if the fish were taken in the course of recreational fishing—"Rec";
 - (b) if the fish were farmed under an aquaculture licence—"FF"; and
 - (ii) keep a written record of the following information:
 - (A) the species of each fish in the container; and
 - (B) the quantity of each such species; and
 - (C) the date on which the fish were received; and
 - (D) the date on which the fish were placed in the container; and
 - (E) the name and address of the person from whom the fish were obtained; and
 - (c) keep the container in which the fish are stored marked in accordance with paragraph (b)(i) throughout the period during which those fish are stored in that container.

- (2) Where a registered fish processor ceases to store fish in accordance with subregulation (1), he or she must immediately make a written record of the following information:
 - (a) the date on which he or she ceased to store them; and
 - (b) the name and address of the person to whom the fish were delivered.
- (3) A registered fish processor must keep any records made pursuant to this regulation for six months after he or she has ceased to store the fish to which the records relate.
- (4) A person who contravenes or fails to comply with this regulation is guilty of an offence.

Penalty: Division 7 fine.
Expiation fee: Division 9 fee.

12—Delivery of tuna to registered fish processor

- (1) In this regulation—

Australian Fisheries Management Authority means the body of that name constituted by the *Fisheries Administration Act 1991* of the Commonwealth as amended from time to time;

form CR3 means the yellow copy of a document produced by the Australian Fisheries Management Authority entitled *CR3—Record of Southern Bluefin Tuna (SBT) Taken* properly completed by the person who took the tuna;

tuna means southern bluefin tuna (*Thunnus maccoyii*).
- (2) A registered fish processor must not purchase or obtain tuna for processing from a boat authorised to take tuna unless a form CR3 in respect of all of the tuna from the boat is delivered together with the tuna.
- (3) On receiving a form CR3 in accordance with subregulation (2), the registered fish processor must—
 - (a) immediately complete the certificate contained in the form; and
 - (b) on or before the Monday next following after the day on which delivery of the tuna to which the form relates was taken, deliver, or cause to be delivered, the completed form to the Director or the Australian Fisheries Management Authority.
- (4) A person who contravenes or fails to comply with this regulation is guilty of an offence.

Penalty: Division 7 fine.
Expiation fee: Division 9 fee.

13—Delivery of abalone to registered fish processor

- (1) In this regulation—

abalone means abalone (*Haliotis* spp.) of all species;

form CDR1 means the document produced by the Department entitled *CDR1 Department of Primary Industries (Fisheries) Abalone Catch and Disposal Record* properly completed by the person who took the abalone;

meat, in relation to an abalone, means all the muscular foot from which the viscera have been detached by the usual shucking procedure;

Western Zone Abalone Fishery has the same meaning as in the *Scheme of Management (Abalone Fisheries) Regulations 1991*;

whole, in relation to an abalone, means the whole of the abalone including the meat, viscera and shell.

- (2) A registered fish processor must not purchase or obtain abalone from—
- (a) the holder of a fishery licence that entitles the holder of the licence to take abalone; or
 - (b) the agent of such a licence holder,
- unless a form CDR1 in respect of the abalone is delivered with the abalone.
- (3) Where a registered fish processor has taken delivery of the abalone and the form CDR1, he or she must—
- (a) immediately weigh the abalone; and
 - (b) immediately complete the certificate contained in Part B of the form; and
 - (c) within seven days of taking delivery of the abalone to which the form relates, deliver, or cause to be delivered, the completed form to the Director.
- (3a) If whole abalone purchased or obtained by a registered fish processor from the holder of a licence in respect of the Western Zone Abalone Fishery or the agent of such a licence holder is to be sold without the shell, the registered fish processor must—
- (a) shuck the abalone within 12 hours of taking delivery of the abalone and the form CDR1; and
 - (b) within 6 hours of shucking the abalone, weigh the shucked abalone meat and record the weight on the form.
- (4) A person who contravenes or fails to comply with this regulation is guilty of an offence.
- Penalty: Division 7 fine.
- Expiation fee: Division 9 fee.

14—Delivery, storage and sale of rock lobster

- (1) In this regulation—

approved means approved by the Director;

NZRL-TF book means a book issued by the Department containing blank NZRL-TF forms;

NZRL-TF form means the form produced by the Department entitled *PIRSA Fishwatch NZRL Sales and Transfer Form*;

SZRL2 form means the form produced by the Department entitled *SZRL2 Primary Industries (S.A.)—Fisheries Rock Lobster Purchase Record*;

SZRL3 form means the form produced by the Department entitled *SZRL3 Primary Industries (S.A.)—Fisheries Rock Lobster Sales, Storage and Transfer Record*.

- (2) Unless the contrary intention appears, terms used in this regulation that are defined in the *Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations 1991* have the same respective meanings as in those regulations.
- (3) A registered fish processor who purchases or obtains rock lobster from—
- (a) the holder of a licence in respect of the Northern Zone Rock Lobster Fishery; or
 - (b) the agent of the holder of such a licence; or
 - (c) another registered fish processor who purchased or obtained the rock lobster from a person referred to in paragraph (a) or (b),

must not accept delivery of the rock lobster unless—

- (d) the rock lobster is delivered to the registered fish processor in bins of an approved kind each of which is sealed with a tag of an approved kind; and
- (e) the white, blue and green copies of Parts B and C of the NZRL-CDR form completed in respect of the rock lobster are delivered to the fish processor with the rock lobster.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (4) A registered fish processor who purchases or obtains rock lobster from a person referred to in subregulation (3) must—
- (a) immediately on taking delivery of the rock lobster at premises (or a vehicle) specified on the certificate of registration of the fish processor, weigh the sealed bins containing the rock lobster and complete the certificate in Part C of the NZRL-CDR form relating to the rock lobster; and
 - (b) within 2 hours of the rock lobster being received at premises specified on the certificate of registration of the fish processor, transmit the completed NZRL-CDR form by facsimile transmission to a facsimile number nominated by the Director for the purposes of this paragraph; and
 - (ba) within 48 hours of taking delivery of the rock lobster, deliver or cause to be delivered, the green copy of Parts B and C of the NZRL-CDR form completed in respect of the rock lobster to the holder of the licence pursuant to which the rock lobster were taken; and
 - (c) within 48 hours of completing the certificate, deliver or cause to be delivered, the white copy of the completed NZRL-CDR form to the Director at an address nominated by the Director for the purposes of this paragraph.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (5) If a registered fish processor who purchases or obtains rock lobster from a person referred to in subregulation (3)—
- (a) sells the rock lobster to any person; or
 - (b) transfers the rock lobster to a different place, premises, boat or vehicle for storage at that place, premises, boat or vehicle,

the registered fish processor—

- (c) must immediately weigh the rock lobster and complete a NZRL-TF form in respect of the rock lobster; and
- (d) must, within 2 hours of completing the form, transmit the completed form by facsimile transmission to a facsimile number nominated by the Director for the purposes of this paragraph; and
- (e) must, within 48 hours of completing the form, deliver, or cause to be delivered, the completed form to the Director at an address nominated by the Director for the purposes of this paragraph; and
- (f) must ensure that the blue copy of the completed form is kept with the rock lobster to which the form relates at all times while the rock lobster is being transported; and
- (g) must ensure that the yellow copy of the completed form remains in the NZRL-TF book; and
- (h) must deliver, or cause to be delivered, a completed NZRL-TF book to the Director within 14 days of its completion.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (6) A registered fish processor who purchases or obtains rock lobster from—
- (a) the holder of a licence in respect of the Southern Zone Rock Lobster Fishery; or
 - (b) the agent of the holder of such a licence; or
 - (c) another registered fish processor who purchased or obtained the rock lobster from a person referred to in paragraph (a) or (b),
- must—
- (d) on taking delivery of the rock lobster, immediately weigh the rock lobster and complete a SZRL2 form in respect of the rock lobster; and
 - (e) within 24 hours of taking delivery of the rock lobster, deliver, or cause to be delivered, the completed form to the Director.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (7) If a registered fish processor who has purchased or obtained rock lobster from a person referred to in subregulation (6)—
- (a) sells the rock lobster to any person; or
 - (b) transfers the rock lobster to a different place, premises, boat or vehicle for storage at that place, premises, boat or vehicle,
- the registered fish processor must—
- (c) immediately weigh the rock lobster and complete a SZRL3 form in respect of the rock lobster; and

- (d) within 24 hours of the sale or transfer of the rock lobster, deliver, or cause to be delivered, the completed form to the Director.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (8) If the provisions of this regulation require the completion of Parts A and C, or Parts B and C, of a NZRL-CDR form, the person who completes Part A or Part B (as the case requires) must not be the same person as the person who completes Part C of the NZRL-CDR form.

Maximum penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (9) A registered fish processor must keep the following documents for a period of 5 years:
- (a) the blue copies of all NZRL-CDR forms completed by the registered fish processor;
 - (b) the green copies of all NZRL-TR forms completed by the registered fish processor;
 - (c) the blue copies of all NZRL-TR forms delivered to the registered fish processor with rock lobster purchased or obtained from another registered fish processor.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

15—Delivery of blue crab to registered fish processor

- (1) In this regulation—

blue crab means blue crab (*Portunus pelagicus*);

Blue Crab Fishery has the same meaning as in the *Scheme of Management (Blue Crab Fishery) Regulations 1998*;

blue crab quota has the same meaning as in regulation 14B of the *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991*;

form BSCF1 means the document produced by the Department entitled *BSCF1 Primary Industries (S.A.) Fisheries Blue Crab Catch and Disposal Record* properly completed by the person who took the blue crab;

Marine Scalefish Fishery has the same meaning as in the *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991*.

- (2) A registered fish processor who purchases or obtains blue crab from—

- (a) the holder of a licence in respect of the Blue Crab Fishery; or
- (b) the holder of a licence in respect of the Marine Scalefish Fishery that is endorsed with a condition fixing a blue crab quota on the licence; or
- (c) the agent of the holder of a licence referred to in paragraph (a) or (b),

must—

- (d) on taking delivery of the blue crab—
 - (i) immediately weigh the blue crab; and

- (ii) immediately complete the certificate contained in Part B of a form BSCF1 in respect of the blue crab; and
- (e) within 24 hours of taking delivery of the blue crab to which the form relates, deliver, or cause to be delivered, the completed form to the Director.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

16—Delivery of giant crab to registered fish processor

- (1) In this regulation—

form GCCDR means the document produced by the Department entitled *GCCDR Primary Industries (S.A.) Fisheries Giant Crab Catch and Disposal Record* properly completed by the person who took the giant crab;

giant crab means giant crab (*Pseudocarcinus gigas*);

Miscellaneous Fishery has the same meaning as in the *Scheme of Management (Miscellaneous Fishery) Regulations 2000*;

rock lobster fishery has the same meaning as in the *Scheme of Management (Rock Lobster Fisheries) Regulations 1991*.

- (2) If—

- (a) a registered fish processor purchases or obtains giant crab from—
 - (i) the holder of a licence in respect of the Miscellaneous Fishery or a rock lobster fishery; or
 - (ii) the agent of the holder of a licence referred to in subparagraph (i);and
- (b) a form GCCDR in respect of the giant crab is produced to the fish processor on delivery of the giant crab,

the fish processor must—

- (c) on taking delivery—
 - (i) immediately weigh the giant crab; and
 - (ii) immediately complete the certificate contained in Part B of that form GCCDR in respect of the giant crab; and
- (d) within 24 hours of taking delivery of the giant crab to which the form relates, deliver, or cause to be delivered, the completed form to the Director.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

17—Delivery of pilchards to registered fish processor

- (1) In this regulation—

form PFCDR means the document produced by the Department entitled *PFCDR Primary Industries (S.A.) Fisheries Pilchards Catch and Disposal Record* properly completed by the person who took the pilchards;

form PFTF means the document produced by the Department entitled *Pilchard Fishery Transit Form* properly completed by the person who took the pilchards;

Marine Scalefish Fishery has the same meaning as in the *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991*;

pilchard means pilchard (*Sardinops neopilchardus*);

pilchard quota has the same meaning as in the *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991*.

(2) If—

- (a) a registered fish processor purchases or obtains pilchards from—
 - (i) the holder of a licence in respect of the Marine Scalefish Fishery endorsed with a condition fixing a pilchard quota on the licence; or
 - (ii) the agent of the holder of a licence referred to in subparagraph (i); and
- (b) the pilchards are consigned to the registered fish processor when the pilchards are unloaded from the registered boat from which they were taken; and
- (c) the pilchards are to be transported to the registered premises of the registered fish processor by 2 or more vehicles,

the registered fish processor must, before the vehicles depart for the registered premises, complete Part B of a form PFTF in respect of each vehicle other than the vehicle in which pilchards are to be transported together with a form PFCDR in respect of the pilchards.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

(3) A registered fish processor who purchases or obtains pilchards from a person referred to in subregulation (2)(a)(i) or (ii) must—

- (a) on delivery of the pilchards to the registered premises of the registered fish processor—
 - (i) immediately weigh the pilchards; and
 - (ii) immediately complete the certificate contained in Part B of a form PFCDR in respect of the pilchards; and
- (b) within 7 days of taking delivery of the pilchards to which the form PFCDR relates, deliver, or cause to be delivered, the completed form to the Director.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

(4) A registered fish processor must keep the blue copies of all forms PFCDR completed by the registered fish processor for a period of 7 years.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

18—Delivery, storage and sale of Goolwa cockles

(1) In this regulation—

approved test means a test for the level of total coliforms present in water conducted by a NATA accredited laboratory in accordance with—

- (a) *Australian Standard 4276.4-1995: Water microbiology - Coliforms - Estimation of most probable number (MPN)*; or
- (b) *Australian Standard 4276.5-1995: Water microbiology - Coliforms - Membrane filtration method*;

cockle season means the period commencing on 1 November in any year and ending on 31 May in the following year;

Coorong shellfish harvesting area means the area bounded by a line commencing at a point that is 500 metres due west of the intersection of the high water mark and a point 2 kilometres south-east of the mouth of the River Murray, then running easterly to the intersection of the high water mark and a point 2 kilometres south-east of the mouth of the River Murray, then running along the high water mark to a point 62 kilometres from the mouth of the River Murray, then running due west for 500 metres, then running in a generally northerly direction along a line parallel to the high water mark to the point of commencement;

form GCHPR means the form entitled *Primary Industries and Resources (S.A.) Goolwa Cockles Harvesting and Processing Record* properly completed by the person who took the Goolwa cockles;

Goolwa cockle means Goolwa cockle (*Donax deltoides*);

Lakes and Coorong Fishery has the same meaning as in the *Fisheries (Scheme of Management—Lakes and Coorong Fishery) Regulations 1991*;

Marine Scalefish Fishery has the same meaning as in the *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 1991*;

NATA accredited laboratory means a laboratory that is accredited by the National Association of Testing Authorities of Australia as complying with the International Organisation for Standardisation quality assurance standard *ISO/IEC 17025:1999 General requirements for the competence of testing and calibration laboratories* for the performance of tests to determine total coliform levels of waters.

(2) A registered fish processor who purchases or obtains Goolwa cockles from—

- (a) the holder of a licence in respect of the Lakes and Coorong Fishery or Marine Scalefish Fishery; or
- (b) the agent of the holder of such a licence,

must not accept delivery of the cockles unless a form GCHPR in respect of the cockles is delivered to the fish processor with the cockles.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (3) A registered fish processor who purchases or obtains Goolwa cockles from a person referred to in subregulation (2) must—
- (a) complete Part B of the form GCHPR in respect of the cockles in accordance with the instructions on the form; and
 - (b) within 15 days of the end of the month to which the form relates, deliver, or cause to be delivered, the completed form to the Director.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (4) If a registered fish processor keeps Goolwa cockles purchased or obtained for the purposes of sale for human consumption in a tank containing natural or synthetic seawater—
- (a) the processor must take such measures as may be necessary to ensure that the quality of the water does not adversely affect the safety of the cockles for human consumption; and
 - (b) the processor must not sell the cockles for human consumption unless—
 - (i) an approved test has been carried out in relation to water from the tank—
 - (A) within 30 days before the commencement of the cockle season during which the cockles were taken; and
 - (B) during each calendar month during which the cockles are kept in the tank; and
 - (ii) if an approved test indicates the presence of coliforms in water from the tank—the approved test has been repeated until the results indicate that coliforms are no longer present in water from that tank.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (5) A registered fish processor must—
- (a) within 15 days after the end of the month during which an approved test is carried out for the purposes of subregulation (4), complete and lodge with the Director—
 - (i) the form entitled *Primary Industries and Resources (S.A.) Testing of Water Quality in Tanks Used for Wet Storage of Goolwa Cockles*; and
 - (ii) a copy of the written report of the test prepared by the laboratory that carried out the test; and
 - (b) keep a copy of the form and report for at least 5 years; and
 - (c) produce a copy of the form or report for inspection when requested to do so by a fisheries officer.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

- (6) A registered fish processor must not sell, for human consumption, Goolwa cockles taken from waters of the State outside the Coorong shellfish harvesting area.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

19—Provision relating to keeping of documents

A registered fish processor required by these regulations to keep a document for a period of time must ensure that the document—

- (a) is maintained in a good condition and is legible; and
- (b) is kept in a readily accessible place; and
- (c) is produced for inspection by a fisheries officer on request.

Penalty: Division 7 fine.

Expiation fee: Division 9 fee.

Schedule 1—Fees

1	For registration or renewal of registration as a fish processor (regulation 5)—	
	(a) in the case of an application by an eligible applicant	\$131
	(b) in any other case	\$758
2	Fee (per species) (in addition to the fee payable under clause 1(b)) where the applicant (not being an eligible applicant) proposes to process any of the following species of fish pursuant to the registration:	\$980
	abalone (<i>Haliotis</i> spp.) of all species	
	western king prawn (<i>Penaeus latisulcatus</i>)	
	southern rock lobster (<i>Jasus edwardsii</i>).	
	Where registration is to be granted or renewed for a term of less than the registration period, the fee is a proportion of the fee set out above, being the proportion that the number of complete months in the term of registration bears to the number of months in the registration period.	
3	For processing an application to have premises, places, boats or vehicles specified in the certificate of registration (regulation 6)	\$23

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1991	109	<i>Gazette 27.6.1991 p2172</i>	27.6.1991: r 2
1992	64	<i>Gazette 28.5.1992 p1570</i>	28.5.1992: r 2
1992	111	<i>Gazette 25.6.1992 p1940</i>	25.6.1992: r 2
1993	87	<i>Gazette 13.5.1993 p1648</i>	13.5.1993: r 2
1994	28	<i>Gazette 19.5.1994 p1240</i>	19.5.1994—disallowed on 12.10.1994 (<i>Gazette 20.10.1994 p1227</i>)
1994	164	<i>Gazette 29.9.1994 p877</i>	29.9.1994 except r 7—1.10.1994: r 2
1995	111	<i>Gazette 25.5.1995 p2495</i>	25.5.1995: r 2
1998	130	<i>Gazette 11.6.1998 p2517</i>	11.6.1998: r 2
2001	137	<i>Gazette 28.6.2001 p2438</i>	28.6.2001 except r 6—1.7.2001: r 2
2002	46	<i>Gazette 14.6.2002 p2151</i>	14.6.2002: r 2
2002	227	<i>Gazette 12.12.2002 p4609</i>	1.1.2003: r 2
2003	141	<i>Gazette 5.6.2003 p2407</i>	Pt 3—1.7.2003: r 2(2)
2003	219	<i>Gazette 30.10.2003 p3942</i>	30.10.2003: r 2
2004	137	<i>Gazette 24.6.2004 p2301</i>	Pt 2 (rr 5 & 6)—24.6.2004: r 2
2004	216	<i>Gazette 21.10.2004 p3930</i>	21.10.2004: r 2
2004	227	<i>Gazette 28.10.2004 p4134</i>	1.11.2004: r 2
2005	138	<i>Gazette 16.6.2005 p1834</i>	Pt 2 (r 5)—16.6.2005: r 2
2005	205	<i>Gazette 22.9.2005 p3413</i>	Sch 3 (cll 9—13)—1.10.2005: r 2
2005	208	<i>Gazette 29.9.2005 p3560</i>	1.10.2005: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>rr 2 and 3</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>30.10.2003</i>

r 4			
	aquaculture licence	inserted by 205/2005 Sch 3 cl 9(2)	1.10.2005
	Department	inserted by 130/1998 r 3(a)	11.6.1998
	eligible applicant	inserted by 46/2002 r 3	14.6.2002
		substituted by 205/2005 Sch 3 cl 9(1)	1.10.2005
	registration period	substituted by 130/1998 r 3(b)	11.6.1998
	SARDI	inserted by 164/1994 r 3	29.9.1994
	registration period	inserted by 111/1995 r 3	25.5.1995
	size limit	revoked by 137/2001 r 3	28.6.2001
	undersize fish	substituted by 137/2001 r 3	28.6.2001
r 5		substituted by 111/1995 r 4	25.5.1995
	r 5(2)	varied by 137/2004 r 5	24.6.2004
	r 5(3) and (4)	substituted by 46/2002 r 4	14.6.2002
r 5A		inserted by 111/1992 r 3	25.6.1992
		varied by 111/1995 r 5	25.5.1995
r 7		substituted by 111/1995 r 6	25.5.1995
		varied by 205/2005 Sch 3 cl 10	1.10.2005
r 8			
	r 8(1)	varied by 111/1995 r 7(a), (b)	25.5.1995
	r 8(4)	varied by 219/2003 r 4	30.10.2003
	r 8(5)	inserted by 111/1995 r 7(c)	25.5.1995
		substituted by 205/2005 Sch 3 cl 11	1.10.2005
r 9			
	r 9(1)	varied by 111/1992 r 4(a)	25.6.1992
		varied by 164/1994 r 4(a)	29.9.1994
		varied by 130/1998 r 4(a)	11.6.1998
	r 9(2)	varied by 111/1992 r 4(b)	25.6.1992
		varied by 164/1994 r 4(b)	29.9.1994
		varied by 130/1998 r 4(b)	11.6.1998
	r 9(3)	substituted by 111/1995 r 8	25.5.1995
		substituted by 205/2005 Sch 3 cl 12	1.10.2005
	r 9(4)	varied by 219/2003 r 5	30.10.2003
r 11			
	r 11(1)	varied by 205/2005 Sch 3 cl 13(1), (2)	1.10.2005
	r 11(4)	varied by 219/2003 r 6	30.10.2003
r 12		substituted by 164/1994 r 5	29.9.1994
	r 12(4)	varied by 219/2003 r 7	30.10.2003
13			
	r 13(1)		
	form CDR1	substituted by 164/1994 r 6	29.9.1994
		varied by 130/1998 r 5	11.6.1998
	meat	inserted by 227/2002 r 3(a)	1.1.2003

Fisheries (Fish Processors) Regulations 1991—1.10.2005 to 19.10.2005

Legislative history

Western Zone Abalone Fishery	inserted by 227/2002 r 3(a)	1.1.2003
whole	inserted by 227/2002 r 3(a)	1.1.2003
r 13(3a)	inserted by 227/2002 r 3(b)	1.1.2003
r 13(4)	varied by 219/2003 r 8	30.10.2003
<i>r 14 before substitution by 219/2003</i>	<i>inserted by 164/1994 r 7</i>	<i>1.10.1994</i>
<i>r 14(1)</i>		
<i>SZRL2</i>	<i>varied by 130/1998 r 6(a)</i>	<i>11.6.1998</i>
<i>SZRL3</i>	<i>varied by 130/1998 r 6(b)</i>	<i>11.6.1998</i>
r 14	substituted by 219/2003 r 9	30.10.2003
r 14(3)	varied by 227/2004 r 4(1)	1.11.2004
r 14(4)	varied by 227/2004 r 4(2)	1.11.2004
r 14(8)	substituted by 227/2004 r 4(3)	1.11.2004
r 15	inserted by 130/1998 r 7	11.6.1998
r 15(1)		
<i>blue crab net entitlement</i>	<i>revoked by 137/2001 r 4(a)</i>	<i>28.6.2001</i>
blue crab quota	inserted by 137/2001 r 4(a)	28.6.2001
Marine Scalefish Fishery	inserted by 137/2001 r 4(b)	28.6.2001
r 15(2)	varied by 137/2001 r 4(c)	28.6.2001
	varied by 219/2003 r 10	30.10.2003
r 16	inserted by 137/2001 r 5	28.6.2001
r 16(2)	varied by 210/2003 r 11	30.10.2003
r 17	inserted by 137/2001 r 5	28.6.2001
r 17(1)		
form PFTF	inserted by 208/2005 r 4(1)	1.10.2005
r 17(2)	varied by 46/2002 r 5	14.6.2002
	varied by 219/2003 r 12	30.10.2003
	substituted by 208/2005 r 4(2)	1.10.2005
r 17(3) and (4)	inserted by 208/2005 r 4(2)	1.10.2005
r 18	inserted by 216/2004 r 4	21.10.2004
r 19	inserted by 208/2005 r 5	1.10.2005
<i>Sch</i>	<i>varied by 64/1992 r 3</i>	<i>28.5.1992</i>
	<i>varied by 87/1993 r 3</i>	<i>13.5.1993</i>
	<i>substituted by 111/1995 r 9</i>	<i>25.5.1995</i>
	<i>varied by 137/2001 r 6</i>	<i>1.7.2001</i>
	<i>varied by 46/2002 r 6</i>	<i>14.6.2002</i>
	<i>varied by 141/2003 r 6</i>	<i>1.7.2003</i>
	<i>deleted by 137/2004 r 6</i>	<i>24.6.2004</i>
Sch 1	inserted by 137/2004 r 6	24.6.2004
	substituted by 138/2005 r 5	16.6.2005

Historical versions

30.10.2003
24.6.2004
21.10.2004
1.11.2004
16.6.2005

Appendix—Divisional penalties and expiation fees

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

Note: This appendix is provided for convenience of reference only.