

South Australia

Fisheries Management (Lakes and Coorong Fishery) Regulations 2006

under the *Fisheries Management Act 2007*

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Legislative history

1—Short title

These regulations may be cited as the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006*.

Note—

These regulations prescribing a scheme of management for a fishery under the repealed *Fisheries Act 1982* were continued in force by Sch 1 cl 5(1) of the *Fisheries Management Act 2007* as if they were regulations for the management of the fishery made under the *Fisheries Management Act 2007*.

3—Interpretation

(1) In these regulations, unless the contrary intention appears—

Act means the *Fisheries Management Act 2007*;

fishery means the Lakes and Coorong Fishery constituted by these regulations;

Lakes and Coorong means the waters of the Coorong, Lake Alexandrina, Lake Albert, and the coastal waters adjacent to South Australia between the location on Mean High Water Springs closest to 35°31'23.50" South, 138°46'23.83" East (Beach Road, Goolwa) and the location on Mean High Water Springs closest to 36°49'34.59" South, 139°50'55.95" East (Kingston SE Jetty);

Mean High Water Springs means the line representing the average of all high water observations at the time of spring tide over a period of 19 years;

mesh net has the same meaning as in the *Fisheries Management (General) Regulations 2007* and includes a drum net as defined in those regulations;

mesh net entitlement means the maximum number of mesh nets that the holder of a licence in respect of the fishery may lawfully use at any 1 time for the purpose of taking aquatic resources under the licence;

yabby pot has the same meaning as in the *Fisheries Management (General) Regulations 2007*, and includes a drop net and hoop net as defined in those regulations;

yabby pot entitlement means the maximum number of yabby pots that the holder of a licence in respect of the fishery may lawfully use at any 1 time to take aquatic resources under the licence.

- (2) In these regulations, a reference to the **taking of aquatic resources** includes a reference to an act preparatory to, or involved in, the taking of the aquatic resources.

Notes—

- 1 Common and scientific fish names are given according to *AS: SSA-001 Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.
- 2 Unless the contrary intention appears, all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995 and all co-ordinates are expressed in terms of GDA94.

4—Constitution of fishery

- (1) The Lakes and Coorong Fishery is constituted.
- (2) The Lakes and Coorong Fishery consists of—
 - (a) the taking of aquatic resources specified in Schedule 1 in the Lakes and Coorong; and
 - (b) the taking of Razorfish (*Pinna bicolor*) in the Lakes and Coorong for the purpose of bait.

5—Maximum number of licences that may be in force

The maximum number of licences that may be in force in respect of the fishery is the number of licences in force in respect of the fishery immediately before the commencement of this regulation.

6—Transfer of licence

- (1) Licences in respect of the fishery are transferable.

- (2) An application for consent to the transfer of a licence must be accompanied by—
 - (a) the licence to be transferred; and
 - (b) a form of return as required by regulation 16 completed by the holder of the licence up to the date of application.
- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
 - (a) that any fees or other amounts payable in relation to the licence under the Act or the repealed Act have been paid in full;
 - (b) that the licence to be transferred has not been suspended;
 - (c) that no proceedings alleging an offence against the Act or the repealed Act are pending or likely to be commenced in the State against the holder of the licence;
 - (d) that the transferee is a natural person of at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery;
 - (e) if a boat registered for use under the licence is the subject of, or registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement to take aquatic resources granted under a law of the Commonwealth or a corresponding law—
 - (i) that the entitlement is either to be transferred together with the licence to the transferee or to be surrendered on or before the transfer of the licence; or
 - (ii) that—
 - (A) the transfer of the licence separately from the entitlement is not likely to result in fishing activities that over-exploit or endanger the aquatic resources of the State; and
 - (B) the person or body that granted the entitlement concurs with the separate transfer of the licence.

7—Registration

- (1) An application by the holder of a licence in respect of the fishery—
 - (a) to register a boat or device for use under the licence; or
 - (b) to register a person as a master of a boat that may be used under the licence,must be accompanied by the documents specified in the application form.
- (2) A person other than the holder of a licence in respect of the fishery cannot be registered as a master of a boat used under the licence unless the holder of the licence is already registered as the master of a registered boat used under a fishery licence.

8—Revocation of registration

- (1) The Minister may, on application by the holder of a licence in respect of the fishery, revoke the registration of—
 - (a) a boat or device used under the licence; or
 - (b) a person as a master of a boat that may be used under the licence.

- (2) An application for revocation of registration must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be signed by the applicant and be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.

9—Mesh net and yabby pot entitlements

- (1) The Minister may impose or vary conditions on licences in respect of the fishery fixing mesh net entitlements as follows:
- (a) a mesh net entitlement may be fixed by condition of a licence but must not exceed 100;
 - (b) if a person becomes the holder of a licence as a result of the transfer of the licence, the mesh net entitlement under that licence will be fixed at 25 subject to any subsequent variation under paragraph (c);
 - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, the mesh net entitlement under 1 of the licences may be increased by 25, provided that—
 - (i) the other licence is first surrendered to the Minister; and
 - (ii) if the entitlement as so increased would exceed 100, the entitlement is fixed at 100 only.
- (2) The Minister may impose or vary conditions on licences in respect of the fishery fixing yabby pot entitlements as follows:
- (a) a yabby pot entitlement may be fixed by condition of a licence but must not exceed 100;
 - (b) if a person becomes the holder of a licence as a result of the transfer of the licence, the yabby pot entitlement under that licence will be fixed at 50 subject to any subsequent variation under paragraph (c);
 - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, a yabby pot entitlement under 1 of the licences may be increased by a number equal to the yabby pot entitlement under the other licence, provided that—
 - (i) the other licence is first surrendered to the Minister; and
 - (ii) if the entitlement as so increased would exceed 100, the entitlement is fixed at 100 only.
- (3) An application to vary a mesh net or yabby pot entitlement must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be signed by the applicants and be completed in accordance with the instructions contained in the form.

14—Use of agents in fishing activities

- (1) The holder of a licence in respect of the fishery or the registered master of a registered boat used under such a licence must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—
 - (a) the holder of the licence or the registered master is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and
 - (b) the holder of the licence or the registered master (as the case may be) and the other person remain, while so engaged, within 700 metres of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The holder of a licence in respect of the fishery or the registered master of a registered boat used under such a licence must not cause or permit a person to be engaged on a boat as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—
 - (a) the holder of the licence or the registered master is at the same time also engaged on a registered boat in a fishing activity of a class that constitutes the fishery; and
 - (b) the holder of the licence or the registered master (as the case may be) and the other person remain, while so engaged, within 500 metres of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of the fishery or the registered master of a registered boat used under such a licence must not cause or permit more than 2 persons to be engaged at the same time on the shore as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of the fishery or the registered master of a registered boat used under such a licence must not cause or permit more than 2 persons to be engaged at the same time on a boat as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

15—Certain boats need not be registered

- (1) A boat used by a person as the agent of the holder of a licence in respect of the fishery in a fishing activity of a class that constitutes the fishery need not be registered if the boat is marked with the same distinguishing mark and in the same way as a registered boat.
- (2) An unregistered boat that is marked as referred to in subregulation (1) need not be in the charge of a registered master.

16—Periodic returns

- (1) The holder of a licence in respect of the fishery must—
 - (a) complete a return, in a form determined by the Minister, in respect of each calendar month during the currency of the licence; and
 - (b) include in the return such information as the Minister requires; and
 - (c) date and sign the return and certify that the information contained in the return is complete and accurate, and post and deliver the return to the Minister within 15 days of the end of the month to which it relates.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) If the holder of a licence takes no aquatic resources under the licence during a particular calendar month, he or she is required by subregulation (1) to furnish a return in respect of that period indicating that no aquatic resources were taken.
- (3) The holder of a licence must—
 - (a) make a copy of each return he or she completes under this regulation before the return is sent or delivered to the Minister; and
 - (b) retain a copy for the period of 1 year from the last day of the month to which the return relates.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Schedule 1—Aquatic resources prescribed for Lakes and Coorong Fishery

Annelids

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

Crustaceans

Crab of all species (Family Portunidae)

Freshwater Prawn (*Macrobrachium australiensis*)

Yabby (*Cherax* spp)

Molluscs

Southern Calamari (*Sepioteuthis australis*)

Cockle (*Anadara* & *Katelysia* spp)

Mussels (*Mytilus* spp)

Freshwater Mussels (Family Hyriidae)

Pipi (*Donax* spp)

Gould's Squid (*Nototodarus gouldii*)

Scalefish

Australian Anchovy (*Engraulis australis*)

Barracouta (*Thyrsites atun*)
Black Bream (*Acanthopagrus butcheri*)
Bony Bream (*Nematalosa erebi*)
Carp of all species (Family Cyprinidae)
Cod of all marine species (Family Moridae)
Congolli (*Pseudaphritis urvilli*)
Dory of all species (Family Zeidae)
Flathead (*Platycephalus* spp)
Flounder of all species (Family Bothidae or Pleuronectidae)
Garfish (*Hyporhamphus melanochir*)
Australian Herring (*Arripis georgianus*)
Mullet of all species (Family Mugilidae)
Mulloway (*Argyrosomus hololepidotus*)
Murray Cod (*Maccullochella peelii*)
Golden Perch (*Macquaria ambigua*)
Redfin (*Perca fluviatilis*)
Bight Redfish (*Centroberyx gerrardi*)
Redfish (*Centroberyx affinis*)
Western Australian Salmon (*Arripis truttaceus*)
Australian Sardine (*Sardinops sagax*)
Snapper (*Pagrus auratus*)
Snook (*Sphyaena novaehollandiae*)
Southern Sole (*Aserragodes haackeanus*)
Swallowtail (*Centroberyx lineatus*)
Sea Sweep (*Scorpius aequipinnis*)
Blue-eye Trevalla (*Hyperoglyphe antarctica*)
Trevally (*Caranginae* spp)
Brown Trout (*Salmo trutta*)
Rainbow Trout (*Oncorhynchus mykiss*)
Whiting of all species (Family Sillaginidae)
Bluethroat Wrasse (*Notolabrus tetricus*)
Shark
Rays of all species (Class Elasmobranchii)
Shark of all species (Class Elasmobranchii) other than White Shark (*Carcharodon carcharias*)
Skate of all species (Class Elasmobranchii)

Schedule 2—Transitional provisions

1—Eligibility to be granted fishery licence

Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the fishery, may make an application under section 54 of the Act for a licence in respect of the fishery.

2—Mesh net and yabby pot entitlements

- (1) A mesh net entitlement fixed under regulation 9(1)(a) by condition of a licence in respect of the fishery must, until the licence is transferred, be the number of mesh nets registered for use under the licence immediately before the commencement of that regulation (subject to any subsequent variation under regulation 9(1)(c)).
- (2) A yabby pot entitlement fixed under regulation 9(2)(a) by condition of a licence in respect of the fishery must, until the licence is transferred, be the number of yabby pots registered for use under the licence immediately before the commencement of that regulation (subject to any subsequent variation under regulation 9(2)(c)).

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 or www.legislation.sa.gov.au.

Formerly

Fisheries (Scheme of Management—Lakes and Coorong Fishery) Regulations 2006

Legislation revoked by principal regulations

The *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006* revoked the following:

Fisheries (Scheme of Management—Lakes and Coorong Fishery) Regulations 1991

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2006	202	<i>Gazette 24.8.2006 p2903</i>	1.9.2006: r 2
2007	124	<i>Gazette 7.6.2007 p2477</i>	Pt 7 (r 9)—1.7.2007: r 2
2007	175	<i>Gazette 21.6.2007 p2698</i>	Pt 7 (rr 22—24)—21.6.2007: r 2
2007	281	<i>Gazette 29.11.2007 p4472</i>	1.12.2007: 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
r 1	varied by 281/2007 r 4	1.12.2007
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>21.6.2007</i>
r 3	varied by 281/2007 r 5(7)	1.12.2007
r 3(1)		
Act	substituted by 281/2007 r 5(1)	1.12.2007
<i>coastal waters</i>	<i>deleted by 281/2007 r 5(1)</i>	<i>1.12.2007</i>
Lakes and Coorong	substituted by 281/2007 r 5(2)	1.12.2007

Mean High Water Springs	inserted by 281/2007 r 5(2)	1.12.2007
mesh net	varied by 281/2007 r 5(3)	1.12.2007
mesh net entitlement	varied by 281/2007 r 5(4)	1.12.2007
<i>revoked regulations</i>	<i>deleted by 281/2007 r 5(5)</i>	<i>1.12.2007</i>
<i>SARDI</i>	<i>deleted by 281/2007 r 5(5)</i>	<i>1.12.2007</i>
yabby pot	substituted by 281/2007 r 5(5)	1.12.2007
yabby pot entitlement	substituted by 281/2007 r 5(5)	1.12.2007
r 3(2)	varied by 281/2007 r 5(6)	1.12.2007
r 4		
r 4(2)	varied by 281/2007 r 6(1), (2)	1.12.2007
rr 5 and 6	substituted by 281/2007 r 7	1.12.2007
<i>r 7 before substitution by 281/2007</i>		
r 7(6)	<i>substituted by 175/2007 r 22(1)</i>	<i>21.6.2007</i>
r 7(8)	<i>varied by 175/2007 r 22(2)</i>	<i>21.6.2007</i>
rr 7—9	substituted by 281/2007 r 7	1.12.2007
rr 10—13	<i>deleted by 281/2007 r 7</i>	<i>1.12.2007</i>
r 14		
r 14(1)—(4)	varied by 281/2007 r 8(1), (2)	1.12.2007
r 15		
r 15(1)	varied by 281/2007 r 9	1.12.2007
r 16		
r 16(1)	varied by 281/2007 r 10(1)—(3)	1.12.2007
r 16(2)	varied by 281/2007 r 10(4), (5)	1.12.2007
r 16(3)	varied by 281/2007 r 10(6), (7)	1.12.2007
Sch 1	substituted by 281/2007 r 11	1.12.2007
<i>Sch 2 before substitution by 281/2007</i>	<i>substituted by 175/2007 r 23</i>	<i>21.6.2007</i>
	<i>varied by 124/2007 r 9</i>	<i>1.7.2007</i>
Sch 2	substituted by 281/2007 r 11	1.12.2007
Sch 3	<i>deleted by 281/2007 r 11</i>	<i>1.12.2007</i>

Transitional etc provisions associated with regulations or variations

Fisheries (Fees No 2) Variation Regulations 2007 (No 175 of 2007)

24—Transitional provision

- (1) A fee prescribed by Schedule 2 of the principal regulations as substituted by this Part applies in relation to the licence period commencing on 1 July 2007.

- (2) Despite regulation 23, a fee prescribed by Schedule 2 of the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to the licence period that commenced on 1 July 2006.

Historical versions

21.6.2007 (electronic only)

1.7.2007