

South Australia

# **Fisheries Management (Marine Scalefish Fisheries) Regulations 2006**

under the *Fisheries Management Act 2007*

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## **1—Short title**

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These regulations prescribing a scheme of management for a fishery under the repealed *Fisheries Act 1982* were continued in force by Sch 1 cl 5(1) of the *Fisheries Management Act 2007* as if they were regulations for the management of the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

*blue crab* means Blue Swimmer Crab (*Portunus pelagicus*);

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

*blue crab fishing zone* has the same meaning as in the *Fisheries Management (Blue Crab Fishery) Regulations 1998*;

*crab net* has the same meaning as in the *Fisheries Management (General) Regulations 2007*;

*Department* means the administrative unit of the Public Service responsible, through the Minister, for the administration of the Act;

*domestic partner* means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

*Gulf St. Vincent Blue Crab Fishing Zone* has the same meaning as in the *Fisheries Management (Blue Crab Fishery) Regulations 1998*;

*marine scalefish fishery* means—

- (a) the Marine Scalefish Fishery; or
- (b) the Restricted Marine Scalefish Fishery,

constituted by these regulations;

*MSSF licence* means a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a sardine quota entitlement;

*PF-CDR form*—see regulation 25;

*sardine* means Australian Sardine (*Sardinops sagax*);

*sardine net* has the same meaning as in the *Fisheries Management (General) Regulations 2007*;

*sardine quota entitlement*—see regulation 18;

*Spencer Gulf Blue Crab Fishing Zone* has the same meaning as in the *Fisheries Management (Blue Crab Fishery) Regulations 1998*;

*spouse*—a person is the spouse of another if they are legally married.

- (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.

**Note—**

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.

#### 4—Constitution of fisheries

- (1) The following fisheries are constituted:
  - (a) the Marine Scalefish Fishery;
  - (b) the Restricted Marine Scalefish Fishery.
- (2) The Marine Scalefish Fishery and the Restricted Marine Scalefish Fishery each consist of—
  - (a) the taking of aquatic resources specified in Schedule 1 in coastal waters; and
  - (b) the taking of Razorfish (*Pinna bicolor*) in coastal waters for the purpose of bait.
- (3) The holder of a licence in respect of a marine scalefish fishery must not, for a commercial purpose, take blue crab in a blue crab fishing zone unless the licence is subject to a condition fixing a blue crab quota entitlement in relation to that zone.  
Maximum penalty: \$5 000.

#### 5—Maximum number of licences that may be in force

- (1) The maximum number of licences that may be in force in respect of the Marine Scalefish Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.
- (2) The maximum number of licences that may be in force in respect of the Restricted Marine Scalefish Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.

#### 9—Transfer of licences

- (1) In this regulation—

*authorised amalgamation scheme transfer* means a transfer of a licence that is authorised under regulation 11;

*authorised family transfer* means a transfer of a licence that is authorised under regulation 10.
- (2) Subject to these regulations, licences in respect of a marine scalefish fishery are transferable.
- (3) A licence in respect of the Restricted Marine Scalefish Fishery cannot be transferred to the holder of another licence in respect of that fishery.
- (4) 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 27 completed by the holder of the licence up to the date of application.
- (5) The Minister may only consent to the transfer of a licence if satisfied as to the following:
  - (a) that the transfer is—
    - (i) an authorised family transfer; or
    - (ii) an authorised amalgamation scheme transfer;

- (b) that any fees or other amounts payable in relation to the licence under the Act or the repealed Act have been paid in full;
- (c) that the licence to be transferred has not been suspended;
- (d) that the transfer is to 1 person only;
- (e) 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;
- (f) 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 a marine scalefish fishery;
- (g) if a boat registered for use under the licence is the subject of, is 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.

## 10—Transfer of licences between family members

Subject to regulation 9, a licence in respect of the Marine Scalefish Fishery may be transferred if the transferee is—

- (a) the spouse or domestic partner of the licensee; or
- (b) a parent or grandparent of the licensee; or
- (c) a brother or sister, or half-brother or half-sister, of the licensee; or
- (d) a child or grandchild of the licensee; or
- (e) a child or grandchild of the spouse or domestic partner of the licensee.

## 11—Transfer of licences under amalgamation scheme

- (1) In this regulation—

*aggregate fishing points value*, in relation to 2 or more licences, means the sum of the fishing points values endorsed on the licences under this regulation;

*aggregate gear entitlement*, in relation to 2 or more licences, means the aggregate of the gear entitlements under the licences;

*licence* means a licence in respect of a marine scalefish fishery;

*line licence* means a licence other than a net licence;

*net* means a fish net as defined in the *Fisheries Management (General) Regulations 2007* but does not include a bait net as defined in those regulations;

*net licence* means a licence under which there is a gear entitlement that authorises the use of 1 or more nets (whether or not the entitlement authorises the use of other devices).

- (2) For the purposes of this regulation, the Minister must adopt and implement a system for ranking net licences in respect of the Marine Scalefish Fishery and a system for ranking line licences in respect of that fishery under which—
  - (a) points are allotted to every net licence or line licence, as the case may be, based on—
    - (i) the quantities of each species of aquatic resources taken under the licence during a specified period (as recorded on returns lodged in respect of the licence under regulation 27 or the corresponding regulation previously in force); and
    - (ii) values (reflecting market values) applied in relation to those recorded quantities of each species,  
so that the greater the resulting total value the greater the points allotted to the licence; and
  - (b) all net licences are arranged in ascending order of allotted points and then divided into 10 approximately equal groups and all line licences are similarly arranged and divided into groups; and
  - (c) the licences in each group are each given a value (a *fishing points value*) starting with 11 for the group with the lowest range of allotted points, 12 for the next group and so on through to 18 so that the value 18 is given to the licences in the groups with the 3 highest ranges of allotted points.
- (3) The Minister must then endorse on each licence in respect of the Marine Scalefish Fishery the fishing points value given to the licence under the system for ranking net licences or the system for ranking line licences (as the case may be) under subregulation (2).
- (4) The Minister must endorse on each licence in respect of the Restricted Marine Scalefish Fishery a fishing points value of 7.
- (5) The fishing points value endorsed on a licence under this regulation may be varied only—
  - (a) to reflect a change of the licence from a net licence to a line licence; or
  - (b) as otherwise required under this regulation; or
  - (c) in order to correct an error.
- (6) Subject to regulation 9, a licence may then be transferred as authorised under the following provisions:
  - (a) a net licence in respect of the Marine Scalefish Fishery may be transferred to the holder of another net licence in respect of that fishery;
  - (b) a line licence in respect of the Marine Scalefish Fishery may be transferred to the holder of another line licence in respect of that fishery;

- (c) 1 or 2 licences in respect of the Restricted Marine Scalefish Fishery may be transferred to the holder of a licence in respect of the Marine Scalefish Fishery;
- (d) if a transfer of a kind referred to in a preceding paragraph has effect, the transferee must surrender to the Minister 1 of the 2 licences, or 2 of the 3 licences, as the case may be, then held by the transferee;
- (e) if 1 or more of the licences held by the transferee has recorded on it under section 56 of the repealed Act a conviction for an offence committed within the preceding period of 3 years, the licence or licences surrendered must be—
  - (i) the licence or licences without such a conviction, or as the case may require, the licence or licences with the lesser number of such convictions, recorded on the licence or licences; or
  - (ii) if the same number of such convictions is recorded on each licence—the licence or licences other than the licence with a conviction recorded on it for the most recently committed offence;
- (f) if 1 or more licences are to be surrendered but any fees or other amounts payable under the Act or the repealed Act in respect of those licences have not been paid in full, the fees or amounts still owing must be paid on or before the surrender of those licences;
- (g) on the surrender of a licence and payment of any amount required to be paid under paragraph (f) in respect of the licence, the Minister must—
  - (i) replace the gear endorsement of the remaining licence held by the transferee with a gear endorsement that makes provision for the aggregate gear entitlement in relation to that licence and the surrendered licence or licences; and
  - (ii) vary the fishing points value endorsed on the remaining licence under this regulation so that it equals the aggregate fishing points value in relation to that licence and the surrendered licence or licences;
- (h) when, as a result of the process referred to in paragraphs (a) to (g), the fishing points value endorsed on a licence under this regulation equals or exceeds 24, the licence may be transferred without complying with those paragraphs;
- (i) replace the gear entitlement under the remaining licence held by the transferee with a gear entitlement that makes provision for the aggregate gear entitlement under that licence and the surrendered licence or licences.

## **12—Registration**

- (1) An application by the holder of a licence in respect of a marine scalefish 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 a marine scalefish fishery (the *licensee*) cannot be registered as the master of a boat used under the licence unless the licensee is already registered as the master of a boat used under another licence in respect of a marine scalefish fishery held by the licensee.

### 13—Revocation of registration

- (1) The Minister may, on application by the holder of a licence in respect of a marine scalefish 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 completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the documents specified in the application form.

### 14—Registered master may be assisted by only 1 agent

The registered master of a registered boat must not, when using the boat under a licence in respect of the Restricted Marine Scalefish Fishery, cause or permit more than 1 other person to assist him or her in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### 15—Carriage of crab nets on boats

The Minister may impose conditions on licences in respect of a marine scalefish fishery limiting the number of crab nets that may be carried on boats and otherwise regulating the carrying of crab nets used for fishing activities engaged in under the licences.

### 17—Individual blue crab catch quota system

- (1) In this regulation—
- blue crab quota entitlement* or *quota entitlement*, in relation to a licence in respect of a marine scalefish fishery or the Blue Crab Fishery and a blue crab fishing zone, means the maximum number of kilograms of blue crab that may lawfully be taken by the holder of the licence in that zone during a quota period, being the product of—
- (a) the unit entitlement under that licence in respect of that zone; and
  - (b) the unit value for that zone and that quota period,
- subject to any variation applying during that quota period;
- quota period*—a quota period for a marine scalefish fishery or the Blue Crab Fishery is a period of 12 months commencing on 1 July;
- unit entitlement*, in relation to a licence in respect of a marine scalefish fishery or the Blue Crab Fishery and a blue crab fishing zone, means the number of blue crab units for the time being allocated to the licence in respect of that zone;

*unit value* means the number of kilograms of blue crab determined by the Minister to be the value of a blue crab unit for a blue crab fishing zone and a quota period.

- (2) The Minister must, on or before the commencement of each quota period, determine the number of kilograms of blue crab that is to be the value of a blue crab unit for a blue crab fishing zone and the quota period.
- (3) The Minister may vary conditions on licences in respect of a marine scalefish fishery or the Blue Crab Fishery fixing blue crab quota entitlements as follows:
  - (a) on joint application made to the Minister by the holders of any 2 licences in respect of a marine scalefish fishery subject to conditions fixing blue crab quota entitlements in relation to the same blue crab fishing zone, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
  - (b) on joint application made to the Minister by the holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement in relation to a particular blue crab fishing zone (the *first licence*) and the holder of another licence in respect of a marine scalefish fishery, being a licence not subject to a condition fixing a blue crab quota entitlement (whether at all or in relation to that zone) (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
    - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a blue crab quota entitlement in respect of that zone may be imposed on that licence;
  - (c) on joint application made to the Minister by the holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement in relation to a particular blue crab fishing zone (the *first licence*) and the holder of a licence in respect of the Blue Crab Fishery subject to a condition fixing a blue crab quota entitlement in respect of the same zone (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units; or
    - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence in respect of that zone and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;

- (d) on joint application made to the Minister by the holder of a licence in respect of the Blue Crab Fishery subject to a condition fixing a blue crab quota in respect of a particular blue crab fishing zone (the *first licence*) and the holder of a licence in respect of a marine scalefish fishery not subject to a condition fixing a blue crab quota entitlement (whether at all or in relation to the same zone) (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
    - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a blue crab quota entitlement in respect of that zone may be imposed on that licence;
  - (e) if the total blue crab catch taken under a licence in respect of a marine scalefish fishery during a quota period exceeded the blue crab quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the blue crab quota entitlement—
    - (i) if the catch exceeded the blue crab quota entitlement by not more than 20 kilograms of blue crab—by 1 kilogram for each kilogram taken in excess of the blue crab quota entitlement; or
    - (ii) if the catch exceeded the blue crab quota entitlement by more than 20 kilograms but not more than 50 kilograms of blue crab—by 2 kilograms for each kilogram taken in excess of the blue crab quota entitlement;
  - (f) if—
    - (i) the holder of a licence in respect of a marine scalefish fishery is convicted of an offence of contravening a condition of the licence fixing a blue crab quota entitlement; and
    - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of blue crab in excess of the quota entitlement,the conditions of the licence may be varied so as to decrease the blue crab quota entitlement under the licence for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed;
  - (g) a variation of a quota entitlement made under paragraph (e) must be expressed to apply only for the quota period during which the variation is made.
- (4) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.

- (5) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement must not, while the unit entitlement under the licence is less than—
- (a) in the case of a licence referred to in Schedule 4 of the *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 1991* as in force on 31 August 2006—19 blue crab units; or
  - (b) in any other case—80 blue crab units,
- take blue crab under the licence except in the waters of the State west of longitude 135°E.
- Maximum penalty: \$5 000.

### 18—Individual sardine catch quota system

- (1) This regulation applies only in relation to licences in respect of the Marine Scalefish Fishery under which sardine nets are registered.
- (2) In this regulation—
- quota period**—a quota period for the Marine Scalefish Fishery is a period of 12 months commencing on 1 January;
- sardine quota entitlement** or **quota entitlement**, in relation to a licence in respect of the Marine Scalefish Fishery, means the maximum number of kilograms of sardines that may lawfully be taken by the holder of the licence during a quota period, being the product of—
- (a) the unit entitlement under that licence; and
  - (b) the unit value for that quota period,
- subject to any variation applying during that quota period;
- unit entitlement** means the number of pilchard units for the time being allocated to a licence;
- unit value** means the number of kilograms of pilchard determined by the Director to be the value of a pilchard unit for a prescribed period.
- (3) The Minister must, on or before the commencement of each quota period, determine the number of kilograms of sardines that is to be the value of a sardine unit for the quota period.
- (4) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery fixing sardine quota entitlements as follows:
- (a) all licences in respect of the fishery must be allocated the same number of sardine units;
  - (b) the Minister may, not more than twice during a quota period, vary the conditions of all licences in respect of the fishery so as to increase the sardine quota entitlements under the licences by the same number of sardine units;
  - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, the conditions of those licences may be varied so as to increase (by whole units or part units) the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;

- (d) if the total catch of sardines taken by the holder of a licence in respect of the fishery during a quota period exceeded the sardine quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the sardine quota entitlement—
    - (i) if the catch exceeded the sardine quota entitlement by not more than 2 tonnes of sardines—by 1 kilogram for each kilogram taken in excess of the sardine quota entitlement; or
    - (ii) if the catch exceeded the sardine quota entitlement by more than 2 tonnes but not more than 4 tonnes of sardines—by 2 kilograms for each kilogram taken in excess of the sardine quota entitlement;
  - (e) if—
    - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing a sardine quota entitlement; and
    - (ii) the conduct constituting the offence involved the taking of more than 4 tonnes of sardines in excess of the quota entitlement,the conditions of the licence may be varied so as to decrease the sardine quota entitlement under the licence for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the sardine quota entitlement for the quota period during which the offence was committed;
  - (f) a variation of a quota entitlement or unit entitlement under this subregulation (other than paragraph (e)) must be expressed to apply only for the remainder of the quota period during which the variation is made.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.

### **19—Restriction on use of certain registered boats to take sardines**

- (1) A registered boat registered for use under more than 1 MSSF licence must not be used to take sardines under more than 1 such licence at any 1 time.
- (2) If subregulation (1) is contravened, the registered owner and registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## 20—Information to be provided to Minister before certain registered boats are used to take sardines

- (1) Subject to subregulation (3), at least 4 hours before a registered boat used under more than 1 MSSF licence departs on a trip during which it is to be used to take sardines under such a licence, the Minister must be informed by telephone of—
  - (a) the intended time of the boat's departure; and
  - (b) the number of the licence under which the boat is to be used.
- (2) If subregulation (1) is not complied with, the registered owner and registered master of the registered boat are each guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (3) If a boat is used to take sardines on 2 or more consecutive occasions under the same MSSF licence, subregulation (1) need only be complied with in relation to the first occasion.

## 21—Use of agents in fishing activities

- (1) The holder of a licence in respect of a marine scalefish 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 Marine Scalefish 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.
- (3) The holder of a licence in respect of the Restricted Marine Scalefish Fishery or the registered master of a registered boat used under such a licence must not cause or permit more than 1 person to be engaged at the same time on the shore as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

## 22—Catch and disposal records—blue crab

- (1) In this regulation—  
***CDR book*** means a book issued by the Department containing blank BSCF1 forms;

*BSCF1 form* means the document produced by the Department entitled *BSCF1 Primary Industries (S.A.) Fisheries Blue Crab Catch and Disposal Record*.

- (2) The holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement or the registered master of a boat from which blue crab is taken under such a licence must comply with the following provisions:
- (a) immediately on landing blue crab taken under the licence, he or she must weigh the crabs on accurate scales and complete Part A of a BSCF1 form;
  - (b) he or she must cause the crabs to which the completed Part A of that form relates to be transported to the registered premises of the registered fish processor specified on the form, together with the white, blue and green copies of the completed form;
  - (c) he or she must complete BSCF1 forms in consecutive ascending order and complete all forms in a CDR book before commencing to use a new CDR book;
  - (d) he or she must ensure that the yellow copies of BSCF1 forms and the CDR book are kept on board the registered boat until the CDR book is completed;
  - (e) he or she must deliver a completed CDR book to the Minister within 14 days of its completion.
- (3) If a provision of subregulation (2) is not complied with, the holder of the licence is guilty of an offence.  
Maximum penalty: \$5 000.

### **23—Disposal of sardines**

The holder of a MSSF licence must ensure that all sardines taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **24—Restriction on unloading of sardines onto other boats**

The registered owner or registered master of a registered boat from which sardines are taken under a MSSF licence must not cause, suffer or permit the sardines to be unloaded onto another boat unless the other boat is specified on the certificate of registration of the registered fish processor to whom the sardines are to be consigned.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **25—Information relating to catch and disposal of sardines to be reported to Minister**

- (1) If sardines are taken from a registered boat under a MSSF licence, the holder of the licence must ensure that the information specified in subregulation (2) is reported to the Minister within the time specified in subregulation (3).

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) The information that must be reported is—
- (a) the name of the person making the telephone call; and
  - (b) the number of the licence under which the sardines were taken; and
  - (c) the name of the registered boat from which the sardines were taken; and
  - (d) the name of the registered master of the registered boat; and
  - (e) the location at which the sardines are to be unloaded from the registered boat; and
  - (f) the estimated time of arrival of the registered boat at that location; and
  - (g) the estimated total weight in tonnes of the sardines taken; and
  - (h) the name of the registered fish processor to whom the sardines are to be consigned; and
  - (i) whether the sardines are to be delivered to the registered premises of the registered fish processor or to be loaded onto a boat specified in the certificate of registration of the registered fish processor; and
  - (j) the estimated time at which the sardines are to be unloaded from the registered boat; and
  - (k) the number of the PF-CDR form that is to be completed in respect of the sardines.
- (3) The time within which the information must be reported to the Minister is—
- (a) if the sardines are to be delivered to the registered premises of a registered fish processor—at least 1 hour before the sardines are unloaded from the registered boat; or
  - (b) if the sardines are to be loaded onto a boat specified in the certificate of registration of a registered fish processor—at least 2 hours before the sardines are unloaded from the registered boat.
- (4) If, after the name of a registered fish processor is reported to the Minister under subregulation (1), the holder of the licence decides to consign the sardines to a different fish processor from that named in the report, the holder of the licence must ensure that the name of the other registered fish processor is reported to the Minister before the sardines are unloaded from the registered boat.
- Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (5) A report required by subregulation (1) or (4) must be made by telephone to a telephone number provided by the Minister for the purposes of this regulation.

## **26—Catch and disposal records—sardines**

- (1) In this regulation—

***PF-CDR book*** means the book issued by the Department containing blank PF-CDR forms;

***PF-CDR form*** means the form produced by the Department entitled *PIRSA Sardine Catch and Disposal Record*;

**PFTF book** means the book issued by the Department containing blank PFTF forms;

**PFTF form** means the form produced by the Department entitled *Sardine Fishery Transit Form*.

- (2) If sardines are taken from a registered boat under a MSSF licence, the holder of the licence or the registered master of the registered boat must comply with the following provisions:
- (a) immediately after the sardines are unloaded from the registered boat, he or she must complete Part A of a PF-CDR form in respect of the sardines;
  - (b) if the sardines are to be loaded onto a boat specified in the certificate of registration of a registered fish processor, he or she must ensure that the blue and green copies of the PF-CDR form completed in respect of the sardines are given to the registered fish processor or an agent of the registered fish processor when the sardines are loaded onto that boat;
  - (c) if the sardines are to be transported to the registered premises of a registered fish processor, he or she must ensure that the blue and green copies of the PF-CDR form completed in respect of the sardines are transported to the registered premises together with the sardines;
  - (d) if the sardines are to be transported to the registered premises of a registered fish processor by 2 or more vehicles, he or she must ensure that—
    - (i) the blue and green copies of the PF-CDR form completed in respect of the sardines are transported in 1 of the vehicles together with the sardines; and
    - (ii) Part A of a PFTF form is completed in respect of each other vehicle that is to be used to transport the sardines; and
    - (iii) the blue copy of a PFTF form completed in respect of a vehicle is transported to the registered premises together with the sardines carried in that vehicle;
  - (e) he or she must cause the white copy of a PFTF form completed in respect of a vehicle to be posted to the Minister within 48 hours of the sardines having been loaded onto the vehicle for transportation to the registered premises of the registered fish processor;
  - (f) he or she must cause the white copy of the PF-CDR form completed in respect of the sardines to be posted to the Minister—
    - (i) within 24 hours of the sardines having been unloaded from the registered boat; or
    - (ii) if a copy of the form has been sent to the Minister by facsimile transmission—within 48 hours of the sardines having been unloaded from the registered boat;
  - (g) he or she must ensure that the CDR book is kept on the registered boat until all the PF-CDR forms in the book are completed.

- (3) If a provision of subregulation (2) is not complied with, the holder of the licence is guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (4) The holder of a MSSF licence must ensure that if a PF-CDR form completed in respect of pilchards taken pursuant to the licence is cancelled, all copies of the form are marked with the word "cancelled" and the white, blue and green copies of the form are delivered to the Minister within 24 hours of the cancellation.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (5) The holder of a MSSF licence must keep the following documents for a period of 7 years:
- (a) CDR books containing the yellow copies of completed PF-CDR forms;
  - (b) PFTF books containing the yellow copies of completed PFTF forms.
- Maximum penalty: \$5 000.  
Expiation fee: \$315.

## **27—Periodic returns**

- (1) The holder of a licence in respect of a marine scalefish 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 or 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) If a marine scalefish fishery has been closed for a whole calendar month, the holder of a licence need not furnish a return for that month.
- (4) The holder of a licence must—
- (a) make a copy of each return that he or she completes under this regulation before the return is sent or delivered to the Minister; and
  - (b) retain the copy for a period of 12 months from the last day of the month to which the return relates.
- Maximum penalty: \$5 000.  
Expiation fee: \$315.

## 28—Provision relating to keeping of documents

A person 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.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## Schedule 1—Aquatic resources prescribed for marine scalefish fisheries

### Annelids

Beachworm (Class Polychaeta)

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

### Crustaceans

Blue Swimmer Crab (*Portunus pelagicus*)

Sand Crab (*Ovalipes* spp)

Velvet Crab (*Nectocarcinus tuberculatus*)

### Molluscs

Southern Calamari (*Sepioteuthis australis*)

Cockle (Suborder Teledonta)

Cuttlefish (*Sepia* spp)

Mussel (*Mytilus* spp)

Octopus (*Octopus* spp)

Oyster (Family Ostreidae)

Scallop (Family Pectinidae)

Gould's Squid (*Notodarus gouldi*)

### Scalefish

Australian Anchovy (*Engraulis australis*)

Barracouta (*Thyrsites atun*)

Black Bream (*Acanthopagrus butcheri*)

Cod of all marine species (Family Moridae)

Dory (Family Zeidae)

Flathead (Family Platycephalidae)

Flounder (Family Bothidae or Pleuronectidae)

Southern Garfish (*Hyporhamphus melanochir*)

Bluespotted Goatfish (*Upeneichthys vlamingii*)

Australian Herring (*Arripis georgianus*)  
Yellowtail Kingfish (*Seriola lalandi*)  
Leatherjacket (Family Monacanthidae)  
Pink Ling (*Genypterus blacodes*)  
Blue Mackerel (*Scomber australasicus*)  
Common Jack Mackerel (*Trachurus declivis*)  
Morwong (Family Cheilodactylidae)  
Mullet of all species (Family Mugilidae)  
Mulloway (*Argyrosomus hololepidotus*)  
Redfish (*Centroberyx affinis*)  
Bight Redfish (*Centroberyx gerrardi*)  
West Australian Salmon (*Arripis truttaceus*)  
Australian Sardine (*Sardinops sagax*)  
Snapper (*Pagrus auratus*)  
Snook (*Sphyraena novaehollandiae*)  
Southern Sole (*Aseraggodes haackeanus*)  
Sea Sweep (*Scorpis aequipinnis*)  
Swallowtail (*Centroberyx lineatus*)  
Blue-eye Trevalla (*Hyperoglyphe antarctica*)  
Trevally (*Caranginae* spp)  
Whiting (Family Sillaginidae)  
Bluethroat Wrasse (*Notolabrus tetricus*)

#### **Sharks**

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 provision**

### **1—Eligibility to be granted fishery licence**

- (1) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Marine Scalefish Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.
- (2) Only a person who is, immediately before 30 June 2008, the holder of a licence in respect of the Restricted Marine Scalefish Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.

## 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](http://www.legislation.sa.gov.au).

### Formerly

*Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 2006*

### Legislation revoked by principal regulations

The *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* revoked the following:

*Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 1991*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2006	205	<i>Gazette 24.8.2006 p2941</i>	1.9.2006: r 2
2007	51	<i>Gazette 26.4.2007 p1410</i>	1.6.2007: r 2
2007	124	<i>Gazette 7.6.2007 p2477</i>	Pt 8 (r 10)—1.7.2007: r 2
2007	175	<i>Gazette 21.6.2007 p2698</i>	Pt 8 (rr 25—27)—21.6.2007: r 2
2007	282	<i>Gazette 29.11.2007 p4480</i>	1.12.2007: r 2
<b>2007</b>	<b>310</b>	<b><i>Gazette 13.12.2007 p4867</i></b>	<b>13.12.2007: r 2—disallowed on 23.7.2008 (<i>Gazette 31.7.2008 p3495</i>)</b>
<b>2008</b>	<b>182</b>	<b><i>Gazette 26.6.2008 p2653</i></b>	<b>26.6.2008: r 2—rendered inoperative by disallowance of 310/2007</b>

### 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 282/2007 r 4	1.12.2007
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.6.2007</i>
r 3	varied by 282/2007 r 5(12)	1.12.2007

<i>r 3(1)</i>		
<i>Act</i>	<i>substituted by 282/2007 r 5(1)</i>	<i>1.12.2007</i>
<i>blue crab</i>	<i>varied by 282/2007 r 5(2)</i>	<i>1.12.2007</i>
<i>Blue Crab Fishery</i>	<i>varied by 282/2007 r 5(3)</i>	<i>1.12.2007</i>
<i>blue crab fishing zone</i>	<i>varied by 282/2007 r 5(4)</i>	<i>1.12.2007</i>
<b><i>cm</i></b>	<b><i>inserted by 310/2007 r 4(1)</i></b>	<b><i>13.12.2007—disallowed 23.7.2008</i></b>
<i>coastal waters</i>	<i>deleted by 282/2007 r 5(5)</i>	<i>1.12.2007</i>
<i>crab net</i>	<i>varied by 282/2007 r 5(6)</i>	<i>1.12.2007</i>
<i>domestic partner</i>	<i>inserted by 51/2007 r 19(1)</i>	<i>1.6.2007</i>
<b><i>eligible licence</i></b>	<b><i>inserted by 310/2007 r 4(2)</i></b>	<b><i>13.12.2007—disallowed 23.7.2008</i></b>
<i>Gulf St. Vincent Blue Crab Fishing Zone</i>	<i>varied by 282/2007 r 5(7)</i>	<i>1.12.2007</i>
<b><i>Lakes and Coorong</i></b>	<b><i>inserted by 310/2007 r 4(3)</i></b>	<b><i>13.12.2007—disallowed 23.7.2008</i></b>
<b><i>Lakes and Coorong Fishery</i></b>	<b><i>inserted by 310/2007 r 4(3)</i></b>	<b><i>13.12.2007—disallowed 23.7.2008</i></b>
<b><i>m</i></b>	<b><i>inserted by 310/2007 r 4(3)</i></b>	<b><i>13.12.2007—disallowed 23.7.2008</i></b>
<i>MSFP licence</i>	<i>deleted by 282/2007 r 5(8)</i>	<i>1.12.2007</i>
<i>MSSF licence</i>	<i>inserted by 282/2007 r 5(8)</i>	<i>1.12.2007</i>
<i>pilchard</i>	<i>deleted by 282/2007 r 5(9)</i>	<i>1.12.2007</i>
<i>pilchard net</i>	<i>deleted by 282/2007 r 5(9)</i>	<i>1.12.2007</i>
<b><i>pipi</i></b>	<b><i>inserted by 310/2007 r 4(4)</i></b>	<b><i>13.12.2007—disallowed 23.7.2008</i></b>
<b><i>pipi quota entitlement</i></b>	<b><i>inserted by 310/2007 r 4(4)</i></b>	<b><i>13.12.2007—disallowed 23.7.2008</i></b>
<i>revoked regulations</i>	<i>deleted by 282/2007 r 5(9)</i>	<i>1.12.2007</i>
<i>SARDI</i>	<i>deleted by 282/2007 r 5(9)</i>	<i>1.12.2007</i>
<i>sardine</i>	<i>inserted by 282/2007 r 5(9)</i>	<i>1.12.2007</i>
<i>sardine net</i>	<i>inserted by 282/2007 r 5(9)</i>	<i>1.12.2007</i>
<i>sardine quota entitlement</i>	<i>inserted by 282/2007 r 5(9)</i>	<i>1.12.2007</i>
<i>Spencer Gulf Blue Crab Fishing Zone</i>	<i>varied by 282/2007 r 5(10)</i>	<i>1.12.2007</i>
<i>spouse</i>	<i>substituted by 51/2007 r 19(2)</i>	<i>1.6.2007</i>
<i>r 3(2)</i>	<i>varied by 282/2007 r 5(11)</i>	<i>1.12.2007</i>
<b>r 4</b>		
<i>r 4(2)</i>	<i>varied by 282/2007 r 6(1), (2)</i>	<i>1.12.2007</i>
<i>r 4(3)</i>	<i>substituted by 282/2007 r 6(3)</i>	<i>1.12.2007</i>
<i>r 5</i>	<i>substituted by 282/2007 r 7</i>	<i>1.12.2007</i>
<i>r 6</i>	<i>deleted by 282/2007 r 7</i>	<i>1.12.2007</i>

<i>r 7 before deletion by 282/2007</i>		
<i>r 7(6)</i>	<i>substituted by 175/2007 r 25(1)</i>	21.6.2007
<i>r 7(8)</i>	<i>varied by 175/2007 r 25(2)</i>	21.6.2007
<i>rr 7 and 8</i>	<i>deleted by 282/2007 r 7</i>	1.12.2007
<i>r 9</i>		
<i>r 9(2)</i>	<i>substituted by 282/2007 r 8(1)</i>	1.12.2007
<i>rr 9(4) and (5)</i>	<i>substituted by 282/2007 r 8(2)</i>	1.12.2007
<i>r 10</i>	<i>varied by 51/2007 r 20(1), (2)</i>	1.6.2007
<i>r 11</i>		
<i>r 11(1)</i>		
<i>aggregate gear entitlement</i>	<i>substituted by 282/2007 r 9(1)</i>	1.12.2007
<i>gear endorsement</i>	<i>deleted by 282/2007 r 9(1)</i>	1.12.2007
<i>net</i>	<i>varied by 282/2007 r 9(2)</i>	1.12.2007
<i>net licence</i>	<i>substituted by 282/2007 r 9(3)</i>	1.12.2007
<i>r 11(2)</i>	<i>varied by 282/2007 r 9(4)—(6)</i>	1.12.2007
<i>r 11(3)</i>	<i>varied by 282/2007 r 9(7)</i>	1.12.2007
<i>r 11(4)</i>	<i>varied by 282/2007 r 9(8)</i>	1.12.2007
<i>r 11(6)</i>	<i>varied by 282/2007 r 9(9)—(12)</i>	1.12.2007
<i>rr 12—15</i>	<i>substituted by 282/2007 r 10</i>	1.12.2007
<i>r 16</i>	<i>deleted by 282/2007 r 10</i>	1.12.2007
<i>r 17</i>		
<i>r 17(1)</i>		
<i>blue crab quota</i>	<i>deleted by 282/2007 r 11(1)</i>	1.12.2007
<i>blue crab quota entitlement</i>	<i>inserted by 282/2007 r 11(1)</i>	1.12.2007
<i>licence period</i>	<i>deleted by 282/2007 r 11(1)</i>	1.12.2007
<i>quota period</i>	<i>inserted by 282/2007 r 11(1)</i>	1.12.2007
<i>unit value</i>	<i>varied by 282/2007 r 11(2), (3)</i>	1.12.2007
<i>rr 17(2)—(5)</i>	<i>substituted by 282/2007 r 11(4)</i>	1.12.2007
<b><i>r 17A</i></b>	<b><i>inserted by 310/2007 r 5</i></b>	<b>13.12.2007—disallowed 23.7.2008</b>
<i>r 18</i>		
<i>r 18(1)</i>	<i>varied by 282/2007 r 12(1)</i>	1.12.2007
<i>r 18(2)</i>		
<i>pilchard quota</i>	<i>deleted by 282/2007 r 12(2)</i>	1.12.2007
<i>prescribed period</i>	<i>deleted by 282/2007 r 12(2)</i>	1.12.2007
<i>quota period</i>	<i>inserted by 282/2007 r 12(2)</i>	1.12.2007
<i>sardine quota entitlement</i>	<i>inserted by 282/2007 r 12(2)</i>	1.12.2007
<b><i>unit entitlement</i></b>	<b><i>varied by 310/2007 r 6(1)</i></b>	<b>13.12.2007—disallowed 23.7.2008</b>
<b><i>unit value</i></b>	<b><i>varied by 310/2007 r 6(2), (3)</i></b>	<b>13.12.2007—disallowed 23.7.2008</b>

rr 18(3)—(5)	substituted by 282/2007 r 12(3)	1.12.2007
<b>rr 18A and 18B</b>	<b>inserted by 310/2007 r 7</b>	<b>13.12.2007—disallowed 23.7.2008</b>
r 19		
r 19(1)	substituted by 282/2007 r 13(1)	1.12.2007
r 19(2)	varied by 282/2007 r 13(2)	1.12.2007
<b>r 19A</b>	<b>inserted by 310/2007 r 8</b>	<b>13.12.2007—disallowed 23.7.2008</b>
r 20		
r 20(1)	substituted by 282/2007 r 14(1)	1.12.2007
r 20(2)	varied by 282/2007 r 14(2)	1.12.2007
r 20(3)	substituted by 282/2007 r 14(3)	1.12.2007
<b>r 20A</b>	<b>inserted by 310/2007 r 9</b>	<b>13.12.2007—disallowed 23.7.2008</b>
r 21		
r 21(1)	varied by 282/2007 r 15(1), (2)	1.12.2007
r 21(2)	varied by 282/2007 r 15(1), (3)	1.12.2007
	<b>varied by 310/2007 r 10(1)</b>	<b>13.12.2007—disallowed 23.7.2008</b>
<b>rr 21(2a) and (2b)</b>	<b>inserted by 310/2007 r 10(2)</b>	<b>13.12.2007—disallowed 23.7.2008</b>
r 21(3)	varied by 282/2007 r 15(1), (4)	1.12.2007
r 22		
r 22(2)	varied by 282/2007 r 16(1)—(3)	1.12.2007
r 22(3)	varied by 282/2007 r 16(4)	1.12.2007
r 23	substituted by 282/2007 r 17	1.12.2007
r 24	varied by 282/2007 r 18(1)—(3)	1.12.2007
r 25		
r 25(1)	varied by 282/2007 r 19(1)—(3)	1.12.2007
r 25(2)	varied by 282/2007 r 19(1), (4)	1.12.2007
r 25(3)	varied by 282/2007 r 19(1), (2)	1.12.2007
r 25(4)	varied by 282/2007 r 19(1), (2), (5)	1.12.2007
r 25(5)	varied by 282/2007 r 19(2)	1.12.2007
r 26		
r 26(1)	substituted by 282/2007 r 20(1)	1.12.2007
r 26(2)	varied by 282/2007 r 20(2)—(4)	1.12.2007
r 26(3)	varied by 282/2007 r 20(5)	1.12.2007
r 26(4)	varied by 282/2007 r 20(6)—(8)	1.12.2007
	<b>varied by 310/2007 r 11</b>	<b>13.12.2007—disallowed 23.7.2008</b>
r 26(5)	varied by 282/2007 r 20(9), (10)	1.12.2007
<b>rr 26A and 26B</b>	<b>inserted by 310/2007 r 12</b>	<b>13.12.2007—disallowed 23.7.2008</b>
r 27		
r 27(1)	varied by 282/2007 r 21(1)—(3)	1.12.2007

r 27(2)	varied by 282/2007 r 21(4), (5)	1.12.2007
r 27(4)	varied by 282/2007 r 21(6), (7)	1.12.2007
Sch 1	substituted by 282/2007 r 22	1.12.2007
<i>Sch 1A</i>	<i>inserted by 310/2007 r 13</i>	<i>13.12.2007—disallowed 23.7.2008</i>
<i>Pt 2</i>		
<i>cl 5</i>	<i>substituted by 182/2008 r 4</i>	<i>26.6.2008—rendered inoperative by disallowance of 310/2007</i>
Sch 2	substituted by 175/2007 r 26	21.6.2007
	varied by 124/2007 r 10(1), (2)	1.7.2007
	substituted by 282/2007 r 22	1.12.2007
<i>Sch 3</i>	<i>deleted by 282/2007 r 22</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)*

#### 27—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 26, 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

1.6.2007  
21.6.2007 (electronic only)  
1.7.2007  
1.12.2007  
13.12.2007  
26.6.2008