

South Australia

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These regulations prescribing a scheme of management for a fishery under the repealed *Fisheries Act 1982* were continued in force by Sch 1 cl 5(1) of the *Fisheries Management Act 2007* as if they were regulations for the management of the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

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

*cockle* means *Katylisia* spp;

*cockle fishing zone* has the same meaning as in the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*;

*cockle quota entitlement*—see regulation 14;

*Corporations Act* means the *Corporations Act 2001* of the Commonwealth;

*current company extract* means a document prepared by the Australian Securities and Investment Commission from its national database kept under the Corporations Act that contains current details of the following in relation to a company:

- (a) the company's name;
- (b) the address of the company's registered office;
- (c) the date of registration of the company;
- (d) the State or Territory in which the company is taken to be registered under the Corporations Act;
- (e) the company's Australian Company Number;
- (f) whether the company is a proprietary company or a public company;
- (g) the full name of each director of the company;
- (h) the full name of each secretary (if any) of the company;

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

*eligible rock lobster fishery licence* means a licence in respect of the Northern Zone Rock Lobster Fishery under which the holder may lawfully take aquatic resources specified in Schedule 1;

*GC-CDR book* means the document issued by the Department containing GC-CDR forms;

*GC-CDR form* means the form produced by the Department entitled *Giant Crab Catch and Disposal Record*;

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

*marine scalefish fishery* has the same meaning as in the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*;

**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*;

**Northern Zone** means the waters adjacent to South Australia westerly of a line commencing at Mean High Water Springs closest to 35°37'03.86" South, 139°00'00.00" East, then southerly to 36°20'00.00" South, 139°00'00.00" East, then westerly to 36°20'00.00" South, 138°40'00.00" East, then southerly to 36°40'00.00" South 138°40'00.00" East, then westerly to 36°40'00.00" South 138°20'00.00" East, then southerly to 37°00'00.00" South 138°20'00.00" East, then westerly to 37°00'00.00" South 138°00'00.00" East;

**NZRL-CDR book** means the document issued by the Department containing NZRL-CDR forms;

**NZRL-CDR form** means the form produced by the Department entitled *Northern Zone Rock Lobster Catch and Disposal Record*;

**prescribed Victorian licence** means a Victorian licence that is held by the holder of a licence in respect of the Southern Zone Rock Lobster Fishery as a result of a transfer made before 28 June 1990;

**rock lobster** means Southern Rocklobster (*Jasus edwardsii*);

**rock lobster fishery** means—

- (a) the Northern Zone Rock Lobster Fishery; or
- (b) the Southern Zone Rock Lobster Fishery,

constituted by these regulations;

**rock lobster pot** means a fish trap designed and constructed for the purpose of taking rock lobster;

**rock lobster pot entitlement** means the maximum number of rock lobster pots that the holder of a licence in respect of a rock lobster fishery may lawfully use at any 1 time for the purpose of taking rock lobster under the licence;

**South Australian licence** means a licence in respect of the Southern Zone Rock Lobster Fishery;

**Southern Zone** means the waters adjacent to South Australia easterly of a line commencing at Mean High Water Springs closest to 35°37'03.86" South, 139°00'00.00" East, then southerly to 36°20'00.00" South, 139°00'00.00" East, then westerly to 36°20'00.00" South, 138°40'00.00" East, then southerly to 36°40'00.00" South 138°40'00.00" East, then westerly to 36°40'00.00" South 138°20'00.00" East, then southerly to 37°00'00.00" South 138°20'00.00" East, then westerly to 37°00'00.00" South 138°00'00.00" East;

**SZRL1-CDR book** means the document issued by the Department containing SZRL1-CDR forms;

**SZRL1-CDR form** means the form produced by the Department entitled *Southern Zone Rock Lobster Catch and Disposal Record*;

*Victorian licence* means a licence, permit, authority or other entitlement that authorises the holder to take aquatic resources for sale from waters of the State of Victoria that are adjacent to or adjoin the Southern Zone.

- (2) In these regulations, unless the contrary intention appears, *company*, *director*, *proprietary company* and *public company* have the same respective meanings as in the Corporations Act.
- (3) In these regulations—
  - (a) 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 coordinates are expressed in terms of GDA94;
  - (b) 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;
  - (c) 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.

#### **4—Constitution of fisheries**

- (1) The following fisheries are constituted:
  - (a) the Northern Zone Rock Lobster Fishery;
  - (b) the Southern Zone Rock Lobster Fishery.
- (2) The Northern Zone Rock Lobster Fishery consists of—
  - (a) the taking of rock lobster in the waters of the Northern Zone; and
  - (b) the taking of aquatic resources specified in Schedule 1 in the waters of the Northern Zone; and
  - (c) the taking of Razorfish (*Pinna bicolor*) in the waters of the Northern Zone for the purpose of bait.
- (3) The Southern Zone Rock Lobster Fishery consists of—
  - (a) the taking of rock lobster in the waters of the Southern Zone; and
  - (b) the taking of aquatic resources specified in Schedule 1 in the waters of the Southern Zone; and
  - (c) the taking of Razorfish (*Pinna bicolor*) in the waters of the Southern Zone for the purpose of bait.

#### **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 Northern Zone Rock Lobster 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 Southern Zone Rock Lobster Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.

## 6—Transfer of licence

- (1) Licences in respect of a rock lobster 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 24 completed by the holder of the licence up to the date of application; and
  - (c) if the transferee is a company—a current company extract relating to the transferee issued not more than 1 month immediately preceding 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 transfer is to 1 person only;
  - (e) if the transferee is a natural person, that the transferee is at least 15 years of age and is a fit and proper person to hold a licence in respect of a rock lobster fishery;
  - (f) if the transferee is a company, that each director of the company is a fit and proper person to be a director of a company that holds a licence in respect of a rock lobster 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.

## 7—Registration

- (1) An application by the holder of a licence in respect of a rock lobster 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) The Minister may only grant an application to register a boat for use under a licence in respect of a rock lobster fishery if satisfied that—
  - (a) no more than 1 other boat is registered for use under the licence; and
  - (b) the boat in respect of which the application is made is not already registered for use under a licence in respect of a rock lobster fishery.

## **8—Revocation of registration**

- (1) The Minister may, on application by the holder of a licence in respect of a rock lobster 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.

## **11—Use of second registered boat**

- (1) If 2 boats are registered for use under a licence in respect of a rock lobster fishery, the holder of the licence must not use both boats, or cause, suffer or permit both boats to be used, at the same time for taking aquatic resources under the licence unless the use made of one of the boats is limited to the setting and retrieval of bait nets and mesh nets.  
Maximum penalty: \$5 000.
- (2) A second registered boat that is being used for the setting and retrieval of nets as referred to in subregulation (1) need not be in the charge of a registered master.

## **11A—Restrictions on use of registered boat in Southern Zone**

- (1) A registered boat must not be used to take aquatic resources under a licence in respect of the Southern Zone Rock Lobster Fishery (the *Fishery*) on a particular day if the boat has already been used on that day to take aquatic resources under a Victorian licence.
- (2) If a registered boat is to be used to take aquatic resources under a licence in respect of the Fishery or a Victorian licence on a particular day, the holder of the licence or the registered master of the boat must, before the boat is so used, notify the Minister by telephone under which licence the boat is to be used on that day.
- (3) If a registered boat is used to take aquatic resources on 2 or more consecutive days under the same licence, subregulation (2) need only be complied with in relation to the first day.

- (4) While aquatic resources taken outside waters to which this Act applies are aboard a registered boat—
- (a) the boat must not be used to take aquatic resources under a licence in respect of the Fishery; and
  - (b) any aquatic resources taken in the waters of the Fishery must not be stored on the boat.
- (5) If a provision of this regulation is contravened or not complied with, the registered owner of the registered boat is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **12—Obligation of registered master to notify Minister of use of bait nets**

Before a bait net registered for use under a licence in respect of a rock lobster fishery is set in waters from a registered boat used under the licence, the registered master of the registered boat must ensure that the Minister is notified by telephone of—

- (a) his or her name; and
- (b) the number of the licence under which the bait net is to be used; and
- (c) the location at which the bait net is to be set; and
- (d) the time at which the bait net is to be set; and
- (e) the period of time for which the bait net is to be left in waters; and
- (f) the species of fish that are to be targeted using the bait net.

Maximum penalty: \$125.

Expiation fee: \$55.

### **13—Restrictions on fishing activities during closed season in Northern Zone**

- (1) In this regulation—

*closed season* means the period commencing at 1800 hours on 31 May in any year and ending at 1200 hours on the following 1 November;

*Fishery* means the Northern Zone Rock Lobster Fishery;

*nominated registered master*, in respect of a company that holds a licence in respect of the Fishery, means a registered master who is also a director of the company nominated by the holder of the licence to engage in fishing activities on behalf of the holder of the licence during the closed season.

- (2) If fishing activities of a class that constitute the Fishery are engaged in on more than 28 days in aggregate during the closed season by a person or persons registered as a master of a registered boat or registered boats used under a licence in respect of the Fishery, each of the registered masters is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) Subregulation (2) does not apply to a registered master—

- (a) who is the holder of the licence; or

- (b) if the licence is held by a company—who is the nominated registered master for the holder of the licence.
- (4) An application by the holder of a licence that is a company to nominate a registered master for the purposes of this regulation must—
  - (a) be made to the Minister 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.
- (5) If—
  - (a) a licence in respect of the Fishery is held by a company; and
  - (b) a director of the company other than the nominated registered master for the holder of the licence engages in fishing activities of a class that constitute the Fishery during the closed season,

the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

#### 14—Individual cockle catch quota system

- (1) In this regulation—

***cockle quota entitlement*** or ***quota entitlement***, in relation to an eligible rock lobster fishery licence or a licence in respect of a marine scalefish fishery and a cockle fishing zone, means the maximum number of kilograms of cockles that may be lawfully 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 quota period,

subject to any variation applying during that quota period;

***unit entitlement*** means the number of cockle units for the time being allocated to a licence;

***unit value*** means the number of kilograms of cockles determined by the Minister under regulation 16 of the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* to be the value of a cockle unit for a cockle fishing zone and a quota period.
- (2) In this regulation, a reference to a ***quota period*** is a reference to—
  - (a) the period commencing on the day on which this regulation comes into operation and ending on 30 June 2009; or
  - (b) a period of 12 months commencing on 1 July 2009 or 1 July in any subsequent year.

- (3) The Minister may impose or vary conditions of eligible rock lobster fishery licences and licences in respect of a marine scalefish fishery fixing cockle quota entitlements as follows:
- (a) on joint application made to the Minister by the holders of any 2 eligible rock lobster fishery licences subject to a condition fixing a cockle quota entitlement in respect of the same cockle 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 by the holder of an eligible rock lobster fishery licence subject to a condition fixing a cockle quota entitlement in respect of a particular cockle fishing zone and the holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a cockle quota entitlement in respect of that 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;
  - (c) on joint application made to the Minister by the holder of an eligible rock lobster fishery licence subject to a condition fixing a cockle quota entitlement in respect of a particular cockle fishing zone (the *first licence*) and the holder of an eligible rock lobster fishery licence not subject to a condition fixing a cockle quota entitlement in respect of 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 cockle quota entitlement in respect of that zone may be imposed on that licence;
  - (d) on joint application made to the Minister by the holder of an eligible rock lobster fishery licence subject to a condition fixing a cockle quota entitlement in respect of a particular cockle 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 cockle quota entitlement in respect of 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 cockle quota entitlement in respect of that zone may be imposed on that licence;
  - (e) if the total catch of cockles taken during a quota period by the holder of an eligible rock lobster fishery licence subject to a condition fixing a cockle quota entitlement exceeded the cockle quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the cockle quota entitlement—
    - (i) if the catch exceeded the quota entitlement by not more than 50 kilograms—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or

- (ii) if the catch exceeded the quota entitlement by more than 50 kilograms but not more than 250 kilograms—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
  - (f) if—
    - (i) the holder of an eligible rock lobster fishery licence is convicted of an offence of contravening a condition of the licence fixing a cockle quota entitlement; and
    - (ii) the conduct constituting the offence involved the taking of more than 250 kilograms of cockles in excess of the cockle quota entitlement,  
the conditions of the licence may be varied so as to decrease the cockle 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) if—
    - (i) the holder of an eligible rock lobster fishery licence subject to a condition fixing a cockle quota entitlement has assisted in the carrying out of research work under the Act in relation to the fishery; and
    - (ii) the Minister considers that it is appropriate to compensate or reward the holder of the licence for the time spent in providing that assistance,  
the conditions of the licence may be varied so as to increase the cockle quota entitlement under the licence.
- (4) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (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 in the *Fisheries Management (Fees) Regulations 2007*.
- (6) Subject to subregulations (7) and (8), the holder of an eligible rock lobster licence must not take cockles for a commercial purpose in a cockle fishing zone unless the licence is subject to a condition fixing a cockle quota entitlement in respect of that zone.  
Maximum penalty: \$5 000.
- (7) The holder of an eligible rock lobster fishery licence subject to a condition fixing a cockle quota entitlement in respect of a cockle fishing zone may take cockles in another cockle fishing zone if—
  - (a) the holder of the licence is unable to lawfully take cockles in the cockle fishing zone to which the condition relates because—

- (i) as a result of a variation in the conditions of the licence under subregulation (3), the number of cockle units allocated to the licence for the time being is zero; or
    - (ii) the total number of kilograms of cockles taken under the licence in that zone equals the quota entitlement under the licence in respect of that zone; and
  - (b) the cockles are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
  - (c) the number of cockles taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of cockles that may be taken in any 1 day for that purpose.
- (8) The holder of an eligible rock lobster licence that is not subject to a condition fixing a cockle quota entitlement may take cockles in a cockle fishing zone if—
- (a) the cockles are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
  - (b) the number of cockles taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of cockles that may be taken in any 1 day for that purpose.

### **15—Rock lobster pot entitlements**

- (1) The Minister may impose or vary conditions on licences in respect of a rock lobster fishery fixing rock lobster pot entitlements as follows:
- (a) a rock lobster pot entitlement may be fixed by condition of a licence but must—
    - (i) in the case of a licence in respect of the Northern Zone Rock Lobster Fishery—be not more than 100 and not less than 20;
    - (ii) in the case of a licence in respect of the Southern Zone Rock Lobster Fishery—be not more than 100 and not less than 40;
  - (b) the rock lobster pot entitlement fixed by any such condition of a licence must be the number endorsed on the licence as the rock lobster pot entitlement under the revoked regulations immediately before the commencement of these regulations subject to any subsequent variation made in accordance with this regulation;
  - (c) the rock lobster pot entitlements fixed by licence conditions as referred to in this regulation may be increased or decreased on the same proportionate basis for all licences (provided that where in relation to any licence the result of such proportionate variation would be a fractional entitlement, that fractional entitlement is increased to the next highest whole number) if the Minister is satisfied that it is appropriate to do so for the proper management of a rock lobster fishery;
  - (d) subject to paragraph (e), on joint application made to the Minister by the holders of any 2 licences in respect of the same fishery, the rock lobster pot entitlements under the licences may be varied so as to increase the entitlement under 1 of the licences and decrease the entitlement under the other by a corresponding number;

- (e) a variation must not be made as referred to in paragraph (d) if it would result in the entitlement under one of the licences exceeding the upper limit referred to in paragraph (a);
  - (f) a variation must not be made as referred to in paragraph (d) if it would result in the entitlement under one of the licences falling below the lower limit referred to in paragraph (a) unless—
    - (i) the variation is expressed to apply only until the expiry of the licence; or
    - (ii) —
      - (A) the licence is surrendered to the Minister; and
      - (B) if any boat registered for use under that licence is the subject of, is registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement (other than a prescribed Victorian licence) to take aquatic resources granted under a law of the Commonwealth or a corresponding law—that other licence, permit, authority or entitlement is also surrendered;
  - (g) despite any other provisions of this regulation, if the rock lobster pot entitlement under a licence in respect of the Southern Zone Rock Lobster Fishery was, immediately before the commencement of these regulations, less than 40, the entitlement under that licence may, until the licence is transferred, continue to be fixed at a number less than 40;
  - (h) despite any other provisions of this regulation, a variation may be made in accordance with paragraph (c) in respect of the Northern Zone Rock Lobster Fishery despite the fact that it would result in the rock lobster pot entitlement under a licence falling below 20 and, in that event, the entitlement under that licence may, until the licence is transferred, continue to be fixed at a number less than 20 but may not be decreased subsequently.
- (2) An application to vary rock lobster pot 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—
    - (i) the documents specified in the application form; and
    - (ii) the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (3) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not, for a commercial purpose, engage in a fishing activity of a class that constitutes the Fishery while the rock lobster pot entitlement under the licence is less than 20.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery must not, for a commercial purpose, engage in a fishing activity of a class that constitutes the Fishery while the rock lobster pot entitlement under the licence is less than 40.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (5) The Minister may impose conditions on licences in respect of a rock lobster fishery limiting the number of rock lobster pots that may be carried on boats and otherwise regulating the carrying of rock lobster pots on boats used for fishing activities under the licences.
- (6) If a court convicts the holder of a licence in respect of a rock lobster fishery of an offence of contravening a condition of the licence fixing a rock lobster pot entitlement, the court must make an order requiring the Minister to vary the conditions of the licence so as to reduce the rock lobster pot entitlement under the licence by 1 rock lobster pot for each rock lobster pot used in excess of the entitlement.

#### **16—Individual rock lobster catch quota system—Northern Zone**

- (1) In this regulation—

*fishery* means the Northern Zone Rock Lobster Fishery;

*quota period*—a quota period for the fishery is a period of 12 months commencing on 1 July;

*rock lobster quota entitlement* or *quota entitlement*, in relation to a licence in respect of the fishery, means the maximum number of kilograms of rock lobster that may be lawfully taken by the holder of the licence during a quota period, being the product of—

- (a) the unit entitlement under the licence; and
- (b) the unit value for the fishery and that quota period,

subject to any variation applying during that quota period;

*unit entitlement* means the number of rock lobster units for the time being allocated to a licence;

*unit value* means the number of kilograms of rock lobster determined by the Minister to be the value of a rock lobster unit for the fishery and a prescribed period.

- (2) The Minister must determine the number of kilograms of rock lobster that is to be the value of a rock lobster unit for the fishery and each quota period.
- (3) The Minister may impose or vary conditions on licences in respect of the fishery fixing rock lobster quota entitlements as follows:
  - (a) on the commencement of each quota period, each licence in respect of the fishery may be allocated a number of rock lobster units for that quota period equal to the number of rock lobster units allocated to that licence immediately before the commencement of that quota period;
  - (b) on joint application made to the Minister by the holders of any 2 licences, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;

- (c) if the total catch of rock lobster taken by the holder of a licence during a particular quota period exceeded the rock lobster quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to reduce the quota entitlement—
    - (i) if the catch exceeded the quota entitlement by not more than 20 kilograms of rock lobster—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
    - (ii) if the catch exceeded the quota entitlement by more than 20 kilograms but not more than 50 kilograms of rock lobster—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
  - (d) 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 rock lobster quota entitlement; and
    - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of rock lobster in excess of the quota entitlement,the conditions of the licence may be varied so as to reduce the rock lobster quota entitlement for 3 quota periods following the conviction by 1 kilogram for each kilogram of rock lobster taken in excess of the quota entitlement for the quota period during which the offence was committed;
  - (e) a variation of a rock lobster quota entitlement under paragraph (c) 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—
    - (i) the documents specified in the application form; and
    - (ii) the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (5) The holder of a licence in respect of the fishery must not, for a commercial purpose, engage in a fishing activity of a class that constitutes the fishery while the number of rock lobster units allocated to the licence is less than 320.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **17—Individual rock lobster catch quota system—Southern Zone**

- (1) In this regulation—
- the fishery* means the Southern Zone Rock Lobster Fishery;

**quota period**—a quota period for the fishery is a period of 12 months commencing on 1 October;

**rock lobster quota entitlement** or **quota entitlement**, in relation to a licence in respect of the fishery, means the maximum number of kilograms of rock lobster that may be lawfully 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 the fishery and that quota period,

subject to any variation applying during that quota period;

**unit entitlement** means the number of rock lobster units for the time being allocated to a licence;

**unit value** means the number of kilograms of rock lobster determined by the Minister to be the value of a rock lobster unit for the fishery and a quota period.

- (2) The Minister must determine the number of kilograms of rock lobster that is to be the value of a rock lobster unit for the fishery and each quota period.
- (3) The Minister may vary conditions on licences in respect of the fishery fixing rock lobster quota entitlements as follows:
  - (a) on joint application made to the Minister by the holders of any 2 licences, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
  - (b) if the total catch of rock lobster taken by the holder of a licence during a particular quota period exceeded the rock lobster quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to decrease the quota entitlement—
    - (i) if the catch exceeded the quota entitlement by not more than 20 kilograms of rock lobster—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
    - (ii) if the catch exceeded the quota entitlement by more than 20 kilograms but not more than 50 kilograms of rock lobster—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
  - (c) 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 rock lobster quota entitlement; and
    - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of rock lobster in excess of the quota entitlement,the conditions of the licence may be varied so as to reduce the rock lobster quota entitlement for 3 quota periods following the conviction by 1 kilogram for each kilogram of rock lobster taken in excess of the quota entitlement for the quota period during which the offence was committed;

- (d) a variation of a quota entitlement or unit entitlement under this subregulation (other than paragraph (c)) 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—
    - (i) the documents specified in the application form; and
    - (ii) the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.

## 18—Individual giant crab catch quota system

- (1) In this regulation—
  - giant crab quota entitlement*** or ***quota entitlement***—
    - (a) in relation to a licence in respect of a rock lobster fishery—means the maximum number of kilograms of giant crab that may be lawfully taken by the holder of the licence during a quota period, being the product of—
      - (i) the unit entitlement under the licence; and
      - (ii) the unit value for the fishery and that quota period,subject to any variation applying during that quota period;
    - (b) in relation to a licence in respect of the Miscellaneous Fishery—has the same meaning as in regulation 10 of the *Fisheries Management (Miscellaneous Fishery) Regulations 2000*;

***Miscellaneous Fishery*** means the fishery of that name constituted by the *Fisheries Management (Miscellaneous Fishery) Regulations 2000*;

***quota period***—

- (a) a quota period for the Northern Zone Rock Lobster Fishery is a period of 12 months commencing on 1 November;
- (b) a quota period for the Southern Zone Rock Lobster Fishery is a period of 12 months commencing on 1 October;

***unit entitlement***—

- (a) in relation to a licence in respect of a rock lobster fishery—means the number of giant crab units for the time being allocated to the licence;
- (b) in relation to a licence in respect of the Miscellaneous Fishery—has the same meaning as in regulation 10 of the *Fisheries Management (Miscellaneous Fishery) Regulations 2000*;

***unit value*** means the number of kilograms of giant crab determined by the Minister to be the value of a giant crab unit for a rock lobster fishery and a quota period.

- (2) The Minister must determine the number of kilograms of giant crab that is to be the value of a giant crab unit for a rock lobster fishery and each quota period.

- (3) The Minister may vary conditions on licences in respect of a rock lobster fishery or the Miscellaneous Fishery fixing giant crab quota entitlements as follows:
- (a) on joint application made to the Minister by the holders of any 2 licences in respect of the same rock lobster fishery subject to a condition fixing a giant crab quota entitlement, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
  - (b) on joint application made to the Minister by the holder of a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement (the *first licence*) and the holder of a licence in respect of the Miscellaneous Fishery subject to a condition fixing a giant crab quota entitlement in respect of the Northern Zone (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of the Northern 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 and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of the Northern Zone by a corresponding number of units;
  - (c) on joint application made to the Minister by the holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement (the *first licence*) and the holder of a licence in respect of the Miscellaneous Fishery subject to a condition fixing a giant crab quota entitlement in respect of the Southern Zone (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of the Southern 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 and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of the Southern Zone by a corresponding number of units;
  - (d) if the total catch of giant crab taken by the holder of a licence in respect of a rock lobster fishery during a quota period exceeded the giant crab quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to reduce the quota entitlement—
    - (i) if the catch exceeded the quota entitlement by not more than 20 kilograms of giant crab—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or

- (ii) if the catch exceeded the quota entitlement by more than 20 kilograms but not more than 50 kilograms of giant crab—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
  - (e) if—
    - (i) the holder of a licence in respect of a rock lobster fishery is convicted of an offence of contravening a condition of the licence fixing a giant crab quota entitlement; and
    - (ii) the conduct constituting the offence involved the taking of more than 50 kilograms of giant crab in excess of the quota entitlement,  
the conditions of the licence may be varied so as to reduce the giant crab quota entitlement for 3 quota periods following the conviction by 1 kilogram for each kilogram of giant crab taken in excess of the quota entitlement for the quota period during which the offence was committed;
  - (f) a variation of a quota entitlement made under paragraph (d) 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—
    - (i) the documents specified in the application form; and
    - (ii) the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.

### **19—Rock lobster taken in Northern Zone to be landed whole within State**

The holder of a licence in respect of the Northern Zone Rock Lobster Fishery must ensure that rock lobster taken under the licence—

- (a) is landed whole; and
- (b) is landed within the State.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **20—Disposal of rock lobster and giant crab**

- (1) Subject to subregulation (2), the holder of a licence in respect of a rock lobster fishery must ensure that all rock lobster and giant crab taken under the licence are consigned or delivered to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) If a rock lobster is found to be dead when it is landed, the holder of the licence may retain the dead landed rock lobster for a non-commercial purpose, provided that—
- (a) there are no more than 2 such rock lobster at any time on the boat on which they are landed; and
  - (b) the total number of such rock lobster retained by the holder of a licence in a financial year does not exceed 30.

## **21—Catch and disposal records (rock lobster)—Northern Zone**

- (1) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery or the registered master of a registered boat from which rock lobster is taken under such a licence must ensure that—
- (a) at least 1 hour before the rock lobster is removed from the boat, the Minister is notified by telephone of—
    - (i) the name of the registered fish processor to whom the rock lobster is to be consigned or delivered; and
    - (ii) the location and time at which the rock lobster is to be removed from the boat; and
    - (iii) the number (if any) of rock lobster that are to be retained by the holder of the licence for a non-commercial purpose; and
  - (b) if, after the Minister is notified under paragraph (a), a decision is made to consign or deliver the rock lobster to a different registered fish processor, the Minister is immediately notified by telephone of the name of that registered fish processor.
- (2) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery or the registered master of a boat from which rock lobster is taken under such a licence must comply with the following provisions:
- (a) before the end of the day on which the rock lobster is taken, he or she must complete Part A of a NZRL-CDR form;
  - (b) before the rock lobster is removed from the boat, he or she must complete Part B of the NZRL-CDR form;
  - (c) he or she must ensure—
    - (i) that the rock lobster to which a completed NZRL-CDR form relates that is to be consigned or delivered to the registered premises of the fish processor specified on the form is transported in bins of a kind approved by the Minister; and
    - (ii) that before a bin containing rock lobster is removed from the boat, the bin is sealed with a tag of a kind approved by the Minister; and
    - (iii) that if a tag is broken while a bin is being sealed—
      - (A) the bin is sealed with a replacement tag; and
      - (B) the broken tag is attached to the bin by threading it through the replacement tag; and

- (C) the number of the replacement tag is recorded on the NZRL-CDR form; and
    - (iv) if a tag is lost—that the Minister is immediately notified of the loss;
  - (d) he or she must ensure that the white, blue and green copies of Parts B and C of a completed NZRL-CDR form that relates to rock lobster that is to be consigned or delivered to a registered fish processor are transported to the registered premises of the fish processor together with the rock lobster;
  - (e) he or she must ensure that the white and blue copies of a completed NZRL-CDR form that relates only to rock lobster that is to be retained by the holder of the licence for a non-commercial purpose are delivered to the Minister within 7 days of the removal of the rock lobster from the boat;
  - (f) he or she must ensure that the yellow copies of a completed NZRL-CDR form and the NZRL-CDR book are kept on board the boat until all the NZRL-CDR forms in the NZRL-CDR book are completed;
  - (g) he or she must deliver a completed CDR book to the Minister within 14 days of its completion.
- (3) If a provision of subregulation (1) or (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 licence in respect of the Northern Zone Rock Lobster Fishery must keep green copies of Parts B and C of completed NZRL-CDR forms relating to rock lobster taken under the licence for a period of 5 years.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

## **22—Catch and disposal records (rock lobster)—Southern Zone**

- (1) Subject to subregulation (2), if rock lobster is taken under a South Australian licence, the holder of the licence or the registered master of the registered boat from which the rock lobster was taken must ensure that—
- (a) at least 1 hour before the rock lobster is removed from the registered boat from which it was taken, the Minister is notified by telephone of—
    - (i) the name of the person making the telephone call; and
    - (ii) the number of the licence under which the rock lobster was taken; and
    - (iii) the certification station at which the rock lobster is to be weighed; and
    - (iv) the estimated time of arrival of the rock lobster at that certification station; and
    - (v) whether any rock lobster is to be stored on board a registered boat used under the licence after the boat is landed; and

- (b) the Minister is notified of any change in the estimated time of arrival of the rock lobster at the certification station if it appears likely to the holder of the licence or the registered master that the rock lobster will arrive at the certification station earlier than the estimated time previously notified to the Minister or more than 30 minutes after that time.
- (2) Subregulation (1) does not apply if the rock lobster is to be weighed at a certification station nominated by the Minister by notice in the Gazette between the hours specified in the notice.
- (3) The holder of a South Australian licence or the registered master of a registered boat used under a South Australian licence must comply with the following provisions:
  - (a) if rock lobster taken under a Victorian licence is on board a registered boat used under the South Australian licence when the boat enters the Southern Zone, he or she must immediately complete Part C of a SZRL1-CDR form in respect of the rock lobster;
  - (b) before rock lobster taken under the South Australian licence is removed from the registered boat from which it was taken, he or she must complete Part A of a SZRL1-CDR form in respect of the rock lobster;
  - (c) immediately after a registered boat used under the South Australian licence is landed, he or she must remove from the boat any rock lobster that is not to be stored on the boat;
  - (d) he or she must ensure that rock lobster removed from a registered boat is delivered to the nearest certification station within 10 minutes of being removed from the boat;
  - (e) immediately after rock lobster taken under the South Australian licence is delivered to the certification station, he or she must weigh the rock lobster and complete Part B of the SZRL1-CDR form in respect of the rock lobster;
  - (f) immediately after rock lobster taken under a Victorian licence is delivered to the certification station, he or she must weigh the rock lobster and complete Part D of the SZRL1-CDR form in respect of the rock lobster;
  - (g) before the rock lobster is removed from the certification station, he or she must deposit the white copy of the SZRL1-CDR form completed in respect of the rock lobster in the locked container provided for that purpose;
  - (h) subject to paragraph (j), he or she must ensure that the SZRL1-CDR book is kept on board the registered boat from which the rock lobster was taken until all the SZRL1-CDR forms in the book are completed;
  - (i) he or she must deliver a completed SZRL1-CDR book to the Minister within 14 days of its completion;
  - (j) if, at the end of a fishing season, a SZRL1-CDR book kept on board a registered boat has not been completed, he or she must return the book to the Minister within 14 days after the end of the fishing season.
- (4) If subregulation (1) or (3) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(5) In this regulation—

*fishing season* means a period commencing on 1 October in any year and ending on 31 May in the following year.

### **23—Catch and disposal records (giant crab)—Southern Zone**

- (1) Subject to subregulation (2), if giant crab is taken under a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement, the holder of the licence or the registered master of the registered boat from which the giant crab is taken must ensure that—
  - (a) at least 1 hour before the giant crab is removed from the registered boat from which it was taken, the Minister is notified by telephone of—
    - (i) the name of the person making the telephone call; and
    - (ii) the number of the licence under which the giant crab was taken; and
    - (iii) the certification station at which the giant crab is to be weighed; and
    - (iv) the estimated time of arrival of the giant crab at that certification station; and
    - (v) whether any giant crab is to be stored on a registered boat used under the licence after the boat is landed; and
  - (b) the Minister is notified of any change in the estimated time of arrival of the giant crab at the certification station if it appears likely to the holder of the licence or the registered master that the giant crab will arrive at the certification station earlier than the estimated time previously notified to the Minister or more than 30 minutes after that time.
- (2) Subregulation (1) does not apply if the giant crab is to be weighed at a certification station nominated by the Minister by notice in the Gazette between the hours specified in the notice.
- (3) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement or the registered master of a registered boat used to take giant crab under such a licence must comply with the following provisions:
  - (a) before giant crab taken under the licence is removed from the registered boat from which it was taken, he or she must complete Part A of a GC-CDR form in respect of the giant crab;
  - (b) immediately after a registered boat used under the licence is landed, he or she must remove from the boat any giant crab that is not to be stored on the boat;
  - (c) he or she must ensure that the GC-CDR book is kept on board the registered boat from which the giant crab was taken until all the GC-CDR forms in the book are completed;
  - (d) he or she must deliver a completed GC-CDR book to the Minister within 14 days of its completion.

- (4) If subregulation (1) or (3) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### 23A—Catch and disposal records—cockle

- (1) In this regulation—

*approved* means approved by the Minister;

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

*M-CDR form* means the form produced by the Department entitled *Mud Cockle Catch and Disposal Record*.

- (2) The holder of an eligible rock lobster fishery licence subject to a condition fixing a cockle quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of cockles taken under the licence:
- (a) he or she must ensure that, at least 1 hour before the cockles are brought ashore or landed, the Minister is notified by telephone of—
    - (i) the name of the person making the telephone call; and
    - (ii) the number of the licence under which the cockles were taken; and
    - (iii) the location at which the cockles are to be weighed; and
    - (iv) the estimated time of arrival of the cockles at that location; and
    - (v) whether any of the cockles are to be returned to the waters of the State for storage before consignment or delivery to a registered fish processor;
  - (b) he or she must ensure that the Minister is notified of any change in the estimated time of arrival of the cockles at the location referred to in paragraph (a)(iii) if it appears likely to the holder of the licence or the registered master that the cockles will arrive at that location earlier than the estimated time previously notified to the Minister or more than 30 minutes after that time;
  - (c) he or she must, immediately after the cockles are brought ashore or landed, complete the white, blue and yellow copies of a M-CDR form within 50 metres of the place at which they are brought ashore or landed;
  - (d) he or she must ensure that before any of the cockles are returned to the waters of the State for storage, the cockles are weighed and placed in containers of an approved kind each of which is sealed with a tag issued by the Minister;
  - (e) he or she must ensure that tags are used in consecutive order and that all tags in each series issued by the Minister are completed before a new series of tags is used;
  - (f) he or she must ensure that tags are not reused;

- (g) if a tag is damaged in the process of sealing a container—he or she must ensure that the damaged tag is threaded onto a replacement tag used to seal the container and that the number of the replacement tag is recorded on the M-CDR form;
- (h) if a tag is lost—he or she must ensure that the Minister is immediately notified of the loss;
- (i) he or she must ensure—
  - (i) that the white copy of the M-CDR form is posted to the Minister within 48 hours of its completion; or
  - (ii) if, within 48 hours of completion of the M-CDR form, the form is transmitted by fax to a number nominated by the Minister for the purposes of this subparagraph—that the white copy of the M-CDR form is posted to the Minister within 7 days of its completion;
- (j) he or she must ensure that M-CDR forms are completed in consecutive order and that all forms in a M-CDR book are completed before a new M-CDR book is used;
- (k) he or she must ensure that, at least 1 hour before any cockles being stored in the waters of the State are brought ashore or landed, the Minister is notified of—
  - (i) the weight of the cockles being stored; and
  - (ii) the number of containers of an approved kind in which the cockles are being stored; and
  - (iii) the tag number on each tag used to seal a container in which the cockles are being stored;
- (l) he or she must cause the cockles to which the completed M-CDR form relates to be transported to the registered premises of the registered fish processor specified on the form, together with the blue copy of the completed form;
- (m) he or she must ensure that any sealed containers of an approved kind containing cockles are not unsealed before the cockles are consigned or delivered to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of an eligible rock lobster fishery licence subject to a condition fixing a cockle quota entitlement must ensure that if a M-CDR form completed in respect of cockles taken under the licence is cancelled, all copies of the form are marked with the word "cancelled" and the original copy of the form is delivered to the Minister within 24 hours of the cancellation.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of an eligible rock lobster fishery licence subject to a condition fixing a cockle quota entitlement must keep completed M-CDR books for a period of 5 years.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The holder of an eligible rock lobster fishery licence subject to a condition fixing a cockle quota entitlement must keep the yellow copies of completed M-CDR forms for a period of 3 years.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **23B—Disposal of cockles**

The holder of an eligible rock lobster fishery licence subject to a condition fixing a cockle quota entitlement must ensure that all cockles taken under the licence are consigned or delivered to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **24—Periodic returns**

- (1) The holder of a licence in respect of a rock lobster 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 rock lobster 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.

### **25—Victorian licences**

A person who is the holder of a licence in respect of the Southern Zone Rock Lobster Fishery must—

- (a) if he or she becomes the holder of a Victorian licence, give written notice within 14 days informing the Minister of that fact; or

- (b) where he or she ceases to hold a Victorian licence, give written notice within 14 days informing the Minister of that fact.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **26—Sale of rock lobster during closed season**

- (1) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not sell live rock lobster during the period commencing at 1800 hours on 31 May in any year and ending at 1200 hours on the following 1 November.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) It is a defence to a charge of an offence against subregulation (1) if the defendant proves that he or she did not take the rock lobster to which the charge relates in the Northern Zone.

- (3) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery must not sell live rock lobster during the period commencing at 1800 hours on 31 May in any year and ending at 0600 hours on the following 1 October.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) It is a defence to a charge of an offence against subregulation (3) if the defendant proves that he or she did not take the rock lobster to which the charge relates in the Southern Zone.

## **Schedule 1—Aquatic resources prescribed for rock lobster fisheries**

### **Annelids**

Beachworm (Class Polychaeta)

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

### **Crustaceans**

Giant Crab (*Pseudocarcinus gigas*)

Velvet Crab (*Nectocarcinus tuberculatus*)

### **Molluscs**

Southern Calamari (*Sepioteuthis australis*)

Cockle (*Anadara* & *Katylsia* spp)

Cuttlefish (*Sepia* spp)

Mussel (*Mytilus* spp)

Octopus (*Octopus* spp)

Oyster (Family Ostreidae)

Scallop (Family Pectinidae)

Gould's Squid (*Notodarus gouldii*)

**Scalefish**

Australian Anchovy (*Engraulis australis*)

Barracouta (*Thyrsites atun*)

Black Bream (*Acanthopagrus butcheri*)

Cod (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*)

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 (*Scorpius 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 Northern Zone Rock Lobster 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 Southern Zone Rock Lobster 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—Rock Lobster Fisheries) Regulations 2006*

### Legislation revoked by principal regulations

The *Fisheries Management (Rock Lobster Fisheries) Regulations 2006* revoked the following:

*Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations 1991*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2006	208	<i>Gazette 24.8.2006 p2974</i>	1.9.2006: r 2
2006	233	<i>Gazette 19.10.2006 p3749</i>	19.10.2006: r 2
2007	23	<i>Gazette 22.3.2007 p885</i>	22.3.2007: r 2
2007	124	<i>Gazette 7.6.2007 p2477</i>	Pt 11 (r 13)—1.7.2007: r 2
2007	175	<i>Gazette 21.6.2007 p2698</i>	Pt 12 (rr 36—38)—21.6.2007: r 2
2007	286	<i>Gazette 29.11.2007 p4514</i>	1.12.2007: r 2
2008	183	<i>Gazette 26.6.2008 p2656</i>	26.6.2008: r 2
2008	273	<i>Gazette 16.10.2008 p4858</i>	16.10.2008: r 2
<b>2011</b>	<b>27</b>	<b><i>Gazette 7.4.2011 p985</i></b>	<b>7.4.2011: r 2</b>
2015	226	<i>Gazette 29.10.2015 p4764</i>	1.11.2015: 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 286/2007 r 4	1.12.2007
r 2	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>19.10.2006</i>
r 3	varied by 286/2007 r 5(14)	1.12.2007

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	varied by 273/2008 r 4(4)	16.10.2008
r 3(1)		
Act	substituted by 286/2007 r 5(1)	1.12.2007
bait net	varied by 286/2007 r 5(2)	1.12.2007
cockle	inserted by 273/2008 r 4(1)	16.10.2008
cockle fishing zone	inserted by 273/2008 r 4(1)	16.10.2008
cockle quota entitlement	inserted by 273/2008 r 4(1)	16.10.2008
<i>coastal waters</i>	<i>deleted by 286/2007 r 5(3)</i>	<i>1.12.2007</i>
<i>closed season</i>	<i>deleted by 286/2007 r 5(3)</i>	<i>1.12.2007</i>
eligible rock lobster fishery licence	inserted by 273/2008 r 4(2)	16.10.2008
<i>licence period</i>	<i>deleted by 286/2007 r 5(4)</i>	<i>1.12.2007</i>
marine scalefish fishery	inserted by 273/2008 r 4(3)	16.10.2008
Mean High Water Springs	inserted by 286/2007 r 5(4)	1.12.2007
mesh net	varied by 286/2007 r 5(5)	1.12.2007
<i>non-commercial purpose</i>	<i>deleted by 286/2007 r 5(6)</i>	<i>1.12.2007</i>
Northern Zone	substituted by 286/2007 r 5(6)	1.12.2007
	varied by 183/2008 r 4(1)	26.6.2008
<i>the revoked regulations</i>	<i>deleted by 286/2007 r 5(7)</i>	<i>1.12.2007</i>
rock lobster	varied by 286/2007 r 5(8)	1.12.2007
rock lobster pot entitlement	varied by 286/2007 r 5(9)	1.12.2007
<i>SARDI</i>	<i>deleted by 286/2007 r 5(10)</i>	<i>1.12.2007</i>
Southern Zone	substituted by 286/2007 r 5(11)	1.12.2007
	varied by 183/2008 r 4(2)	26.6.2008
Victorian licence	varied by 286/2007 r 5(12)	1.12.2007
r 3(3)	varied by 286/2007 r 5(13)	1.12.2007
	substituted by 273/2008 r 4(4)	16.10.2008
r 4		
r 4(2)	varied by 286/2007 r 6(1), (2)	1.12.2007
r 4(3)	varied by 286/2007 r 6(3), (4)	1.12.2007
rr 5 and 6	substituted by 286/2007 r 7	1.12.2007
<i>r 7 before substitution by 286/2007</i>		
r 7(6)	<i>substituted by 175/2007 r 36(1)</i>	<i>21.6.2007</i>
r 7(8)	<i>varied by 175/2007 r 36(2)</i>	<i>21.6.2007</i>
rr 7 and 8	substituted by 286/2007 r 7	1.12.2007
rr 9 and 10	<i>deleted by 286/2007 r 7</i>	<i>1.12.2007</i>
r 11		
r 11(1)	varied by 286/2007 r 8(1)—(3)	1.12.2007

r 11A	inserted by 23/2007 r 4	22.3.2007
r 11A(1)	varied by 286/2007 r 9(1), (2)	1.12.2007
r 11A(2)	varied by 286/2007 r 9(1)—(3)	1.12.2007
r 11A(3) and (4)	varied by 286/2007 r 9(1), (2)	1.12.2007
r 11A(5)	varied by 286/2007 r 9(4)	1.12.2007
r 12	varied by 286/2007 r 10(1), (2)	1.12.2007
r 13	substituted by 286/2007 r 11	1.12.2007
	<b>substituted by 27/2011 r 4</b>	<b>7.4.2011</b>
r 14	deleted by 286/2007 r 11	1.12.2007
	inserted by 273/2008 r 5	16.10.2008
r 15		
r 15(1)	varied by 286/2007 r 12(1), (2)	1.12.2007
r 15(2)	substituted by 286/2007 r 12(3)	1.12.2007
r 15(3)	varied by 286/2007 r 12(4)—(6)	1.12.2007
r 15(4)	varied by 286/2007 r 12(7)—(9)	1.12.2007
r 15(5)	varied by 286/2007 r 12(10), (11)	1.12.2007
r 15(6)	varied by 286/2007 r 12(12)	1.12.2007
r 16		
r 16(1)		
<i>prescribed period</i>	<i>deleted by 286/2007 r 13(1)</i>	<i>1.12.2007</i>
quota period	inserted by 286/2007 r 13(1)	1.12.2007
<i>relevant period</i>	<i>deleted by 286/2007 r 13(1)</i>	<i>1.12.2007</i>
<i>rock lobster quota</i>	<i>deleted by 286/2007 r 13(1)</i>	<i>1.12.2007</i>
rock lobster quota	inserted by 286/2007 r 13(1)	1.12.2007
entitlement or quota		
entitlement		
unit value	varied by 286/2007 r 13(2)	1.12.2007
r 16(2)	(d) deleted by 233/2006 r 4	19.10.2006
	substituted by 286/2007 r 13(3)	1.12.2007
r 16(3)—(5)	substituted by 286/2007 r 13(3)	1.12.2007
r 17		
r 17(1)		
<i>prescribed period</i>	<i>deleted by 286/2007 r 14(1)</i>	<i>1.12.2007</i>
quota period	inserted by 286/2007 r 14(1)	1.12.2007
<i>rock lobster quota</i>	<i>deleted by 286/2007 r 14(1)</i>	<i>1.12.2007</i>
rock lobster quota	inserted by 286/2007 r 14(1)	1.12.2007
entitlement or quota		
entitlement		
unit value	varied by 286/2007 r 14(2), (3)	1.12.2007
r 17(2)—(4)	substituted by 286/2007 r 14(4)	1.12.2007
r 18		
r 18(1)		
<i>giant crab quota</i>	<i>deleted by 286/2007 r 15(1)</i>	<i>1.12.2007</i>

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giant crab quota entitlement or quota entitlement	inserted by 286/2007 r 15(1)	1.12.2007
Miscellaneous Fishery	varied by 286/2007 r 15(2)	1.12.2007
<i>prescribed period</i>	<i>deleted by 286/2007 r 15(3)</i>	<i>1.12.2007</i>
quota period	inserted by 286/2007 r 15(3)	1.12.2007
unit entitlement	varied by 286/2007 r 15(4)	1.12.2007
unit value	varied by 286/2007 r 15(5), (6)	1.12.2007
r 18(2)—(4)	substituted by 286/2007 r 15(7)	1.12.2007
r 19	varied by 286/2007 r 16(1), (2)	1.12.2007
r 20		
r 20(1)	varied by 286/2007 r 17(1), (2)	1.12.2007
r 20(2)	varied by 286/2007 r 17(3)	1.12.2007
r 21		
r 21(1) and (2)	varied by 286/2007 r 18(1), (2)	1.12.2007
r 21(3)	varied by 286/2007 r 18(3)	1.12.2007
r 21(4)	varied by 286/2007 r 18(1), (2), (4)	1.12.2007
r 22		
r 22(1)	varied by 286/2007 r 19(1), (2)	1.12.2007
r 22(2)	varied by 286/2007 r 19(2)	1.12.2007
r 22(3)	varied by 286/2007 r 19(1), (2)	1.12.2007
r 22(4)	varied by 286/2007 r 19(3)	1.12.2007
r 22(5)		
fishing season	varied by 286/2007 r 19(4)	1.12.2007
r 23		
r 23(1)	varied by 286/2007 r 20(1)—(3)	1.12.2007
r 23(2)	varied by 286/2007 r 20(2)	1.12.2007
r 23(3)	varied by 286/2007 r 20(1), (2), (4)	1.12.2007
r 23(4)	varied by 286/2007 r 20(5)	1.12.2007
rr 23A and 23B	inserted by 273/2008 r 6	16.10.2008
r 24		
r 24(1)	varied by 286/2007 r 21(1)—(3)	1.12.2007
r 24(2)	varied by 286/2007 r 21(4), (5)	1.12.2007
r 24(4)	varied by 286/2007 r 21(6), (7)	1.12.2007
r 25	varied by 286/2007 r 22(1), (2)	1.12.2007
r 26	substituted by 286/2007 r 23	1.12.2007
Sch 1	substituted by 286/2007 r 24	1.12.2007
<i>Sch 2 before substitution by 286/2007</i>	<i>substituted by 175/2007 r 37</i>	<i>21.6.2007</i>
item 9	varied by 124/2007 r 13(1)	1.7.2007
items 10—12	varied by 124/2007 r 13(2)	1.7.2007
Sch 2	substituted by 286/2007 r 24	1.12.2007
Sch 3	deleted by 286/2007 r 24	1.12.2007

## **Transitional etc provisions associated with regulations or variations**

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

#### **38—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 37, 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**

19.10.2006

22.3.2007

21.6.2007 (electronic only)

1.7.2007

1.12.2007

26.6.2008

16.10.2008