

South Australia

**SCHEME OF MANAGEMENT (BLUE CRAB FISHERY) REGULATIONS  
1998**

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## REGULATIONS UNDER THE FISHERIES ACT 1982

### *Scheme of Management (Blue Crab Fishery) Regulations 1998*

being

No. 131 of 1998: *Gaz.* 11 June 1998, p. 2519<sup>1</sup>

as varied by

No. 142 of 1999: *Gaz.* 1 July 1999, p. 53<sup>2</sup>

No. 133 of 2000: *Gaz.* 22 June 2000, p. 3353<sup>3</sup>

No. 135 of 2001: *Gaz.* 28 June 2001, p. 2434<sup>4</sup>

**No. 217 of 2001: *Gaz.* 13 September 2001, p. 4167<sup>5</sup>**

<sup>1</sup> Came into operation 11 June 1998: reg. 2.

<sup>2</sup> Came into operation 1 July 1999: reg. 2.

<sup>3</sup> Came into operation 22 June 2000: reg. 2.

<sup>4</sup> Came into operation 28 June 2001: reg. 2.

<sup>5</sup> **Came into operation (except reg. 7) 17 September 2001: reg. 2(1); reg. 7 came into operation 13 September 2001: reg. 2(2).**

*NOTE:*

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix 1.*

**Citation**

1. These regulations may be cited as the *Scheme of Management (Blue Crab Fishery) Regulations 1998*.

**Commencement**

2. These regulations will come into operation on 11 June 1998.

**Revocation**

3. The *Scheme of Management (Gulf Waters Experimental Crab Fishery) Regulations 1988*, as varied, are revoked.

**Interpretation**

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

"**Act**" means the *Fisheries Act 1982*;

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

"**blue crab fishing zone**" means—

(a) the Gulf St. Vincent Blue Crab Fishing Zone; or

(b) the Spencer Gulf Blue Crab Fishing Zone;

"**blue crab pot entitlement**" means the maximum number of crab pots that the holder of a licence in respect of the fishery may lawfully use at any one time for the purpose of taking blue crab pursuant to the licence;

"**blue crab quota**", in relation to a licence in respect of the Blue Crab Fishery or a marine scalefish fishery and a blue crab fishing zone, means the maximum number of kilograms of blue crab that may be lawfully taken by the holder of the licence in that zone during a licence period, being the product of—

(a) the unit entitlement of that licence in respect of that zone; and

(b) the unit value for that zone and that licence period,

subject to any variation of the blue crab quota of the licence applying during that licence period;

"**crab pot**" has the same meaning as in the *Fisheries (General) Regulations 2000*;

"**Department**" means the Department of Primary Industries and Resources;

"**director**", in relation to a body corporate, has the meaning assigned to that term by section 60 of the *Corporations Law*;

"**fishery**" means the Blue Crab Fishery constituted by these regulations;

"**Gulf St. Vincent Blue Crab Fishing Zone**" means all waters of Gulf St. Vincent north of latitude 35°03.2'S;

**"licence period"** means—

- (a) the period commencing on 17 September 2001 and ending on 30 June 2002;  
or
- (b) the period of 12 months commencing on 1 July 2002 or on 1 July in any subsequent year;

**"marine scalefish fishery"** has the same meaning as in the *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991*;

**"SARDI"** means the South Australian Research and Development Institute;

**"Spencer Gulf Blue Crab Fishing Zone"** means all waters of Spencer Gulf north of latitude 34°26.75'S;

**"unit entitlement"**, in relation to a licence in respect of the Blue Crab Fishery or a marine scalefish 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 Director to be the value of a blue crab unit for a blue crab fishing zone and a licence period.

(2) For the purposes of these regulations, a person is an associate of another if—

- (a) they are partners; or
- (b) they are parties to a contract, arrangement or understanding, the purpose or effect of which is that one will act at the direction of, or in accordance with the wishes or instructions of, another when, for the purposes of trade or business, he or she engages or refrains from engaging in a fishing activity of a class that constitutes a fishery; or
- (c) one is a body corporate and the other is a director or secretary of, or the holder of a share in, that body corporate; or
- (d) they are bodies corporate that are related to each other for the purposes of the *Corporations Law*; or
- (e) they are both trustees or beneficiaries of the same trust, or one is a trustee and the other is a beneficiary of the same trust; or
- (f) a chain of relationships can be traced between them under one or more of the above paragraphs.

(3) For the purposes of these regulations—

- (a) **"share"** in relation to a body corporate has the meaning assigned to that term by section 9 of the *Corporations Law*;

4.

- (b) a person is the holder of a share in a body corporate if—
  - (i) he or she is beneficially entitled to that share; or
  - (ii) he or she has a relevant interest in that share;
- (c) a person has a relevant interest in a share in a body corporate if the person has a relevant interest in a share for the purposes of the *Corporations Law*.

(4) In these regulations, a reference to the taking of fish includes a reference to an act preparatory to, or involved in, the taking of the fish.

*Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.*

### **Constitution of the fishery**

5. (1) The Blue Crab Fishery is constituted.
- (2) The fishery consists of the taking, in the waters of the blue crab fishing zones—
    - (a) of fish specified in Part A of Schedule 1; and
    - (b) of fish specified in Part B of Schedule 1 for the purpose of bait.

(3) The Director may impose a condition on a licence in respect of the fishery that limits the holder of the licence to the taking of fish in the waters of the Gulf St. Vincent Blue Crab Fishing Zone or the Spencer Gulf Blue Crab Fishing Zone.

### **Issue of licences**

6. (1) Subject to this regulation, the Director may, on application, issue a licence in respect of the fishery.

(2) An application for the issue of a licence in respect of the fishery may be made only by a person if he or she holds a licence in respect of a marine scalefish fishery endorsed with a condition imposing a blue crab quota on the licence and the unit entitlement of the licence for the time being is—

- (a) in respect of the Gulf St. Vincent Blue Crab Fishing Zone—700 or more blue crab units;
- (b) in respect of the Spencer Gulf Blue Crab Fishing Zone—750 or more blue crab units.

(3) An application for the issue of a licence in respect of the fishery must be made in writing in a form approved by the Director and signed by the applicant.

(4) The Director may not issue a licence unless—

- (a) the applicant has paid—
  - (i) the licence fee specified in Schedule 2; or

5.

- (ii) the first instalment of the licence fee, in accordance with subregulation (5); and
- (b) —
- (i) the licence in respect of a marine scalefish fishery held by the applicant is surrendered to the Director; and
  - (ii) if any boat registered by endorsement on that licence is the subject of, is registered by endorsement on, or is otherwise referred to in, a licence, permit, authority or other entitlement to take fish granted under the Commonwealth Act or the laws of another State or Territory—that other licence, permit, authority or entitlement is also surrendered.

(5) Where an application for the issue of a licence is made within three months after the commencement of a licence period commencing on 1 July in any year, the licence fee may be paid by four instalments of 25 per cent payable on or before the date of the grant of the licence and 1 October, 1 January and 1 April following the date of the grant of the licence.

(6) If an instalment of a licence fee is not paid in full within 21 days after the due date for payment, an additional amount equal to 10 per cent of the amount of the instalment is payable.

(7) Where—

- (a) an instalment of a licence fee is not paid in full on or before the due date; or
- (b) an additional amount is required to be paid for late payment of an instalment of a licence fee,

the amount unpaid may be recovered from the holder of the licence as a debt due to the Crown.

(8) The Director must return any licence fee that accompanied the application if the application is not successful.

### **Expiry of licences**

7. A licence in respect of the fishery expires on 30 June following the date of issue or its last renewal.

### **Renewal of licences**

8. (1) A licence in respect of the fishery may be renewed by the Director on application made before the expiry of the licence or before the end of the licence period following the expiry of the licence.

(2) An application to renew a licence in respect of the fishery must—

- (a) be made by the holder of the licence or, if the licence has expired, by the person who last held the licence; and
- (b) be made in writing in a form approved by the Director and signed by the applicant.

(3) Where an application to renew a licence is made before the expiry of the licence, the renewal of the licence takes effect from the expiry of the licence.

6.

(4) Where an application to renew a licence is made after the expiry of the licence, the renewal of the licence takes effect from the date on which the application is granted.

(5) The Director may not renew a licence unless the applicant has paid—

(a) —

(i) the renewal fee specified in Schedule 2 less \$90; or

(ii) the first instalment of the renewal fee specified in Schedule 2, in accordance with subregulation (6);

(b) the amount of any previous renewal fee remaining payable in respect of the licence, together with any additional amount payable for late payment of an instalment of the renewal fee.

(6) Where an application to renew a licence is made before or within three months after the expiry of the licence, the renewal fee may be paid by four instalments of 25 per cent payable on or before the date of renewal of the licence and 1 October, 1 January and 1 April following the date of renewal.

(7) If an instalment of a renewal fee is not paid in full within 21 days after the due date for payment, an additional amount equal to 10 per cent of the amount of the instalment is payable.

(8) Where—

(a) an instalment of a renewal fee for a licence is not paid in full on or before the due date; or

(b) an additional amount is required to be paid for late payment of an instalment of a renewal fee,

the amount unpaid may be recovered from the holder of the licence or the person who last held the licence as a debt due to the Crown.

### **Refund on surrender of licence**

9. Where a licence in respect of the fishery is surrendered, the Director must, on application by the former licensee, refund an amount that bears to the renewal fee last paid in respect of the licence the same proportion as the number of complete months from the date of surrender to the day on which the following licence period commences bears to the number of months in the licence period during which the licence was surrendered.

### **Transfer of licence**

10. (1) A licence in respect of the fishery may be transferred with the consent of the Director.

(2) An application for consent to the transfer of a licence must be a joint application made by the holder of the licence and the transferee.

7.

(3) The application—

- (a) must be made in writing in a form approved by the Director; and
- (b) must contain the information specified in Schedule 3; and
- (c) must contain a nomination by the holder of the licence of the person to whom the licence is to be transferred; and
- (d) must be verified by statutory declaration.

(4) The application must be lodged with the Director together with—

- (a) the licence to be transferred; and
- (b) a form of return as required by these regulations completed by the holder of the licence up to the date of application; and
- (c) the application fee specified in Schedule 2.

(5) Before consenting to the transfer of a licence, the Director must be satisfied as to the following matters:

- (a) that the licence to be transferred has not been suspended;
- (b) that no proceedings alleging an offence under the Act are pending or likely to be commenced in the State against the holder of the licence;
- (c) that the transfer is to one person only;
- (d) that the transferee is—
  - (i) a natural person of at least 15 years of age; or
  - (ii) a proprietary company;
- (e) that no conviction for an offence involving a breach of any legislation relating to fishing has, within the period of three years preceding the date of the application, been recorded in the State or elsewhere in Australia against the transferee, or, where the transferee is a company, against a director of the company;
- (f) that no proceedings alleging an offence involving a breach of any legislation relating to fishing are pending or likely to be commenced in the State or elsewhere in Australia against the transferee, or, where the transferee is a company, against a director of the company;
- (g) that the transferee does not already hold a licence in respect of the Blue Crab Fishery or any other fishery;
- (h) that the transferee is not an associate of a person who holds such a licence;

8.

- (i) if any boat registered by endorsement of the licence is the subject of, is registered by endorsement of, or is otherwise referred to in, a licence, permit, authority or other entitlement to take fish granted under the Commonwealth Act or the laws of another State or Territory—
  - (i) that the entitlement is either to be transferred together with the fishery licence to the transferee or to be surrendered on or before the transfer of the fishery licence; or
  - (ii) that—
    - (A) the transfer of the fishery licence separately from the entitlement is not likely to result in fishing activities that endanger or overexploit fishery resources; and
    - (B) the person or body that granted the entitlement concurs with the separate transfer of the licence.

#### **Registration of boats**

**11.** (1) An application to register a boat to be used in the fishery must be made in writing in a form approved by the Director and be accompanied by the applicant's licence in respect of the fishery.

(2) Before granting registration of a boat the Director must be satisfied that the applicant is the holder of a licence in respect of the fishery.

#### **Registration of master**

**12.** An application for registration of a person as the master of a boat must be made in writing in a form approved by the Director and be accompanied by the applicant's licence in respect of the fishery.

#### **Revocation of registration**

**13.** (1) The Director may, on application by the holder of a licence in respect of the fishery, revoke any registration effected by endorsement of the licence.

(2) An application for revocation of any registration must be made in writing in a form approved by the Director and be accompanied by the licence on which the registration is endorsed.

#### **Blue crab pot entitlement and carriage of crab pots on boats**

**14.** (1) In this regulation—

"**conversion value**" means the number determined by the Director to be the conversion value for a blue crab fishing zone and a licence period.

(2) The Director may impose or vary conditions on licences in respect of the fishery fixing or varying blue crab pot entitlements as follows:

- (a) on the issue of a licence in respect of the fishery, the licence must be endorsed with a blue crab pot entitlement calculated in accordance with the formula set out in subregulation (3);

9.

- (b) on renewal of a licence in respect of the fishery referred to in Schedule 4 for a term expiring on 30 June 2002, the licence must be endorsed with a blue crab pot entitlement calculated in accordance with the formula set out in subregulation (3);
- (c) on the commencement of each licence period, the Director must determine the conversion value for a blue crab fishing zone and the licence period;
- (d) on the variation of the unit entitlement of a licence in respect of the fishery, the conditions of the licence must be varied so that the blue crab pot entitlement of the licence, as calculated in accordance with the formula set out in subregulation (3), reflects the variation in the unit entitlement of the licence;
- (e) blue crab pot entitlements must not be varied except as provided by this subregulation.

(3) For the purposes of subregulation (2), the formula for calculating the blue crab pot entitlement of a licence is as follows:

$$A = \frac{B}{C}$$

where—

- A is the blue crab pot entitlement expressed as a whole number (a number having a fraction of half or more being rounded up to the next whole number);
- B is the unit entitlement of the licence;
- C is the conversion value for the blue crab fishing zone to which the unit entitlement of the licence relates.

(4) The Director may impose conditions on licences in respect of the fishery limiting the number of crab pots that may be carried on boats and otherwise regulating the carrying of crab pots used for fishing activities pursuant to the licences.

#### **Individual blue crab catch quota system**

**15.** (1) The Director may impose or vary conditions on licences in respect of the Blue Crab Fishery or a marine scalefish fishery fixing or varying blue crab quotas as follows:

- (a) on the issue of a licence in respect of the Blue Crab Fishery (a "new licence"), the licence must be allocated a number of blue crab units in respect of a blue crab fishing zone equal to the number of blue crab units in respect of that zone that was, immediately prior to the surrender of the licence in respect of a marine scalefish fishery held by the applicant for the new licence, endorsed on the licence in respect of a marine scalefish fishery;
- (b) on renewal of a licence in respect of the Blue Crab Fishery referred to in the left column of the table in Schedule 4 for a term expiring on 30 June 2002, the licence must be allocated the number of blue crab units specified opposite in the middle column in respect of the blue crab fishing zone specified opposite in the right column;

- (c) during the licence period ending on 30 June 2002, the conditions of each licence in respect of the Blue Crab Fishery referred to in Schedule 4 must be varied so as to reduce the blue crab quota of the licence for that licence period by one kilogram for each kilogram of blue crab taken pursuant to the licence during the period commencing on 1 July 2001 and ending on 16 September 2001 (as recorded on completed CDR books delivered to the Director under regulation 16);
- (d) on the commencement of each licence period, the Director must 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 licence period;
- (e) on application made to the Director by the holders of any two licences in respect of the Blue Crab Fishery endorsed with conditions fixing blue crab quotas on the licences in relation to the same blue crab fishing zone, the conditions of the licences may be varied so as to increase the unit entitlement of one of the licences in respect of that zone and decrease the unit entitlement of the other licence in respect of that zone by a corresponding number of units;
- (f) on application made to the Director by the holder of a licence in respect of the Blue Crab Fishery endorsed with a condition fixing a blue crab quota on the licence in relation to a particular blue crab fishing zone (the "first licence") and the holder of a licence in respect of a marine scalefish fishery licence endorsed with a condition fixing a blue crab quota on the licence 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 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;
- (g) on application made to the Director by the holder of a licence in respect of the Blue Crab Fishery endorsed with a condition fixing a blue crab quota on the licence in relation to a particular blue crab fishing zone (the "first licence") and the holder of a licence in respect of a marine scalefish fishery not endorsed with a condition fixing a blue crab quota on the licence (the "second licence")—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement of 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 on that licence in relation to that zone may be imposed;

- (h) the Director may, if the total blue crab catch taken pursuant to a licence in respect of the fishery during a licence period exceeded the blue crab quota of the licence for that licence period, vary the conditions of the licence so as to decrease the quota—
  - (i) if the catch exceeded the quota by not more than 20 kilograms of blue crab—by one kilogram for each kilogram in excess of the quota; or
  - (ii) if the catch exceeded the quota by more than 20 kilograms but not more than 50 kilograms of blue crab—by two kilograms for each kilogram in excess of the quota;
- (i) any variation of a blue crab quota made under paragraph (h) must be expressed to apply only for the licence period during which the variation is made;
- (j) unit entitlements and blue crab quotas must not be varied except as provided by this regulation or the *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991*.

(2) If—

- (a) a court convicts the holder of a licence in respect of the Blue Crab Fishery of an offence of contravening a condition of the licence imposing a blue crab quota on the licence; and
- (b) the conduct constituting the offence involved the taking of more than 50 kilograms of blue crab in excess of the quota,

the court must make an order requiring the Director to vary the conditions of the licence so as to reduce the blue crab quota of the licence for three licence periods following the conviction by one kilogram for each kilogram in excess of the quota for the licence period during which the offence was committed.

(3) An application under subregulation (1)(e), (f) or (g) must be made in a manner and form approved by the Director.

(4) If, as a result of a variation of the conditions of a licence in respect of the Blue Crab Fishery under subregulation (1)(e), (f) or (g), the unit entitlement of the licence in respect of a particular blue crab fishing zone falls below the lower limit prescribed by subregulation (5) in relation to that zone, the holder of the licence must not, while the unit entitlement of the licence in respect of that zone remains below that lower limit, take blue crab pursuant to the licence in that zone.

Penalty: Division 6 fine.

(5) For the purposes of subregulation (4), the lower limit is—

- (a) in relation to the Gulf St. Vincent Blue Crab Fishing Zone—700 blue crab units;
- (b) in relation to the Spencer Gulf Blue Crab Fishing Zone—750 blue crab units.

### **Catch and disposal records**

**16.** (1) In this regulation—

"**CDR book**" means a book issued by the Department containing blank forms BSCF1;

"**form BSCF1**" 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 the fishery or registered master of a boat from which blue crab is taken pursuant to such a licence must comply with the following provisions:

- (a) immediately on landing blue crab taken pursuant to the licence he or she must weigh the crabs on accurate scales and complete Part A of form BSCF1 using a blue or black ballpoint pen; and
- (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; and
- (c) he or she must complete forms BSCF1 in consecutive ascending order and complete all forms in a CDR book before commencing to use a new CDR book; and
- (d) he or she must ensure that the yellow copies of forms BSCF1 and the CDR book are kept on board the registered boat until the CDR book is completed; and
- (e) he or she must deliver a completed CDR book to the Director of Fisheries 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.

Penalty: Division 6 fine.

### **Furnishing of returns**

**17.** (1) The holder of a licence in respect of the fishery must—

- (a) fill out 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 Chief Executive Officer of SARDI, with the approval of 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 office of the Chief Executive Officer of SARDI within 15 days of the end of the month to which it relates.

Penalty: Division 6 fine.

13.

(2) Where the holder of a licence in respect of the fishery takes no fish 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 fish were taken.

**Copies of returns must be made**

**18.** The holder of a licence in respect of the fishery must—

- (a) make a copy of each return that he or she fills out pursuant to these regulations before the return is sent or delivered to the Chief Executive Officer of SARDI; and
- (b) retain the copy for the period of one year from the last day of the month to which the return relates.

Penalty: Division 6 fine.

**SCHEDULE 1**

*Fish prescribed for the Blue Crab Fishery*

**PART A—REG. 5(2)(a)**

Crustaceans

- Crab, blue (*Portunus pelagicus*)
- Crab, spider (Family Majidae)
- Crab, rock (*Nectocarcinus integrifons*)
- Crab, velvet (*Nectocarcinus tuberculatus*)

**PART B—REG. 5(2)(b)**

Scalefish

- Anchovy (*Engraulis australis*)
- Barracouta (*Thyrstites atun*)
- Blue throated wrass (*Notolabrus tetricus*)
- Bream (*Acanthopagrus butcheri*)
- Cod (marine species) (Family Moridae)
- Flathead (Family Platycephalidae)
- Flounder (Family Fleuronectidae) (Family Bothidae)
- Horse Mackerel (*Trachurus declivis*)
- Leather jacket (Family Aluteridae)
- Mackerel (*Scomber australasicus*)
- Morwong (Family Cheilodactylidae)
- Mullet (Family Mugilidae)
- Mulloway (*Argyrosomus hololepidotus*)
- Pilchard (*Sardinops neopilchardus*)
- Red mullet (*Upeneichthys porosus*)
- Salmon (*Arripis truttaceus*)
- Snook (*Sphyraena novaehollandiae*)
- Sole (*Aserragodes haackeanus*)
- Sweep (*Scorpius aequipinnis*)
- Tommy ruff (*Arripis georgianus*)
- Trevally (*Usacaranx georgianus*)
- Striped trumpeter (*Pelates sexlineatus*)
- Yellowtail kingfish (*Seriola grandis*)

Molluscs

- Octopus (Octopus spp.)
- Squid, arrow (*Nototodarus gouldi*)

Shark

- All species other than White pointer shark (*Carcharodon carharias*)
- Skate
- Rays

**SCHEDULE 2**

*Fees*

\$

1. The following fees are payable under the Act and these regulations:

- (a) on application for the issue or renewal of a licence in respect of the fishery . . . . . 2 530.00

On application for the issue of a licence, an additional fee of an amount obtained by multiplying \$17.17 by the number of blue crab units that are to be allocated under regulation 15 on issue of the licence is payable.

On application for the renewal of a licence, an additional fee of an amount obtained by multiplying \$17.17 by the number of blue crab units allocated to the licence under regulation 15 is payable.

- (b) on application for the transfer of a licence in respect of the fishery . . . . . 300.00

- (c) on application under regulation 15 by the holder of a licence in respect of the fishery to vary the conditions of the licence so as to decrease the unit entitlement of the licence in respect of blue crab and increase the unit entitlement of one or more licences in respect of the fishery or a marine scalefish fishery or so as to result in conditions fixing blue crab quotas being imposed on one or more licences in respect of a marine scalefish fishery—\$100 plus a fee of an amount obtained by multiplying \$20 by the number of licences the unit entitlements of which are to be increased or on which blue crab quotas are to be imposed (as the case may require).

**SCHEDULE 3**  
*Information required in application for consent to  
licence transfer*

The following information is to be contained in an application for consent to transfer a licence:

1. Full name of the holder of the licence.
2. The licence number.
3. Full name, business address and telephone number of the transferee and, where the transferee is a natural person, the transferee's date of birth and residential address.
4. The price to be paid for the transfer of—
  - (a) the licence; and
  - (b) any boat, equipment, registration or other matter or thing being transferred as part of the transaction.
5. Details of any boat to be used by the transferee to take fish including—
  - (a) its length (where surveyed—surveyed length); and
  - (b) the number of its current survey certificate; and
  - (c) the year of its construction; and
  - (d) the material of which its hull is made; and
  - (e) its main colour; and
  - (f) its name; and
  - (g) its registration number.
6. Details of the number of persons who are to assist the transferee to take fish from the boat or otherwise.
7. Details of the person who is to be the registered master of the boat.
8. Details of any device to be used to take fish.
9. Statements by the transferee as to—
  - (a) whether or not the transferee holds a licence in respect of any fishery; and
  - (b) whether or not the transferee is the associate of a person who holds a licence in respect of any fishery; and
  - (c) whether or not the transferee, or where the transferee is a company, a director of the company, is a party to a contract, arrangement or understanding, the purpose or effect of which is that the transferee or director will act at the direction of, or in accordance with, the wishes or instruction of another in relation to the transferee's activities pursuant to the licence; and

17.

- (d) whether or not the transferee, or where the transferee is a company, a director of the company, has, during the three years immediately preceding the date of the application, been convicted by a court of a State or Territory of the Commonwealth of an offence involving a breach of legislation relating to fishing; and
- (e) whether or not the transferee, or where the transferee is a company, a director of the company, has, at the date of the application, any proceedings alleging an offence involving a breach of any legislation relating to fishing pending or likely to be commenced against the transferee or director.

**10.** Details in respect of any of the statements made by the transferee in respect of the matters referred to in clause 9.

**SCHEDULE 4**  
*Transitional provisions*

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**Blue crab units to be allocated to licences  
on renewal for term ending on 30 June 2002**

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Licence number	Number of blue crab units to be allocated	Blue crab fishing zone to which units relate
KO1	1761	Spencer Gulf Blue Crab Fishing Zone
KO2	1501	Spencer Gulf Blue Crab Fishing Zone
KO3	1403	Gulf St. Vincent Blue Crab Fishing Zone
KO4	1403	Gulf St. Vincent Blue Crab Fishing Zone
KO5	1241	Spencer Gulf Blue Crab Fishing Zone
KO6	1501	Spencer Gulf Blue Crab Fishing Zone

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**Payment of renewal fee by instalments**

1. Despite regulation 8(6), where an application to renew a licence in respect of the fishery referred to in the table for a term ending on 30 June 2002 is made before or within three months after the expiry of the licence, the renewal fee specified in Schedule 2 may be paid in one instalment of 50 per cent payable on or before the date of renewal and two instalments of 25 per cent payable on 1 January and 1 April 2002.

## APPENDIX 1

### LEGISLATIVE HISTORY

#### Transitional Provisions

*(Transitional Provision from Regulation No. 142 of 1999, reg. 5)*

5. (1) A licence renewal fee prescribed by Schedule 2 of the principal regulations as varied by these regulations applies in relation to a licence period commencing after the commencement of these regulations.

(2) Despite regulation 4, a licence renewal 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 a licence period that commenced before the commencement of these regulations.

(3) In this regulation—

"**licence period**" has the same meaning as in the principal regulations.

*(Transitional provision from Regulation No. 133 of 2000, reg. 7)*

7. (1) A fee prescribed by Schedule 2 of the principal regulations as varied by these regulations applies in relation to a licence period commencing after the commencement of these regulations.

(2) Despite regulation 6, 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 a licence period that commenced before the commencement of these regulations.

(3) In this regulation—

"**licence period**" has the same meaning as in the principal regulations.

*(Transitional provision from Regulation No. 135 of 2001, reg. 7)*

7. (1) A fee prescribed by Schedule 2 of the principal regulations as varied by these regulations applies in relation to a licence period commencing after the commencement of these regulations.

(2) Despite regulation 6, 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 a licence period that commenced before the commencement of these regulations.

(3) In this regulation—

"**licence period**" has the same meaning as in the principal regulations.

## Legislative History

*(entries in bold type indicate amendments incorporated since the last consolidation)*

<b>Regulation 4(1):</b>	definition of "blue crab net entitlement" revoked by 217, 2001, reg. 3(a) definition of "blue crab quota" inserted by 217, 2001, reg. 3(b) definition of "crab net" varied by 135, 2001, reg. 3; revoked by 217, 2001, reg. 3(b) definition of "crab pot" varied by 135, 2001, reg. 3 definition of "licence period" substituted by 217, 2001, reg. 3(c) definition of "marine scalefish fishery" inserted by 217, 2001, reg. 3(c) definition of "SARDI" inserted by 133, 2000, reg. 3 definitions of "unit entitlement" and "unit value" inserted by 217, 2001, reg. 3(d)
<b>Regulation 6(2):</b>	substituted by 217, 2001, reg. 4(a)
<b>Regulation 6(4):</b>	varied by 217, 2001, reg. 4(b)
<b>Regulation 6(5):</b>	varied by 217, 2001, reg. 4(c)
Regulation 6(6):	substituted by 135, 2001, reg. 4
Regulation 8(5):	varied by 142, 1999, reg. 3
Regulation 8(7):	substituted by 135, 2001, reg. 5
<b>Regulations 14 and 15:</b>	substituted by 217, 2001, reg. 5
Regulation 17(1):	varied by 133, 2000, reg. 4
Regulation 18:	varied by 133, 2000, reg. 5
<b>Schedule 2:</b>	varied by 142, 1999, reg. 4; 133, 2000, reg. 6; 135, 2001, reg. 6; 217, 2001, reg. 6
<b>Schedule 4:</b>	inserted by 217, 2001, reg. 7

**APPENDIX 2****DIVISIONAL PENALTIES AND EXPIATION FEES**

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

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