

South Australia

Fisheries (Scheme of Management—River Fishery) Regulations 2006

under the *Fisheries Act 1982*

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Legislative history

1—Short title

These regulations may be cited as the *Fisheries (Scheme of Management—River Fishery) Regulations 2006*.

2—Commencement

These regulations will come into operation on 1 September 2006.

3—Interpretation

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

Act means the *Fisheries Act 1982*;

fishery means the River Fishery constituted by these regulations;

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

revoked regulations means the regulations revoked by Schedule 3;

River Murray means all waters of the River Murray, including its anabranches, tributaries and lagoons, situated upstream of the punt that services the main road joining the township of Wellington to the township of Wellington East;

SARDI means the South Australian Research and Development Institute.

- (2) 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.

4—Constitution of River Fishery

- (1) The River Fishery is constituted.
- (2) The River Fishery consists of the taking of fish specified in Schedule 1 in the River Murray.

5—Conditions limiting certain fishing activities to specified areas

The Director may impose a condition of a licence in respect of the fishery limiting to specified areas of the River Murray the fishing activities that may be engaged in pursuant to the licence.

6—No further licences to be granted

The licences in respect of the fishery in force under the revoked regulations immediately before the commencement of these regulations continue in force as licences in respect of the fishery subject to the provisions of the Act and these regulations, and no other licences may be granted in respect of the fishery.

7—Expiry of licence

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

8—Renewal of licence

- (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 must be made by the holder of the licence or, if the licence has expired, by the person who last held the licence.
- (3) An application to renew a licence must—
- (a) be made in a form approved by the Director; and
 - (b) contain the information specified in the form; and
 - (c) be signed by the applicant.
- (4) If 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.
- (5) If 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.

- (6) The Director must 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 (7); and
 - (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.
- (7) If an application to renew a licence is made before or within 3 months after the expiry of the licence, the renewal fee may be paid by 4 equal instalments payable on or before the date of renewal of the licence and 1 October, 1 January and 1 April following the date of renewal.
- (8) 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.
- (9) If—
- (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.

9—Refund on surrender of licence

If 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.

10—Registration of boats

- (1) An application to register a boat to be used pursuant to a licence in respect of the fishery must—
- (a) be made in a form approved by the Director; and
 - (b) contain the information specified in the form; and
 - (c) be signed by the applicant; and
 - (d) be accompanied by the applicant's licence in respect of the fishery.
- (2) Before granting an application to register a boat, the Director must be satisfied that the applicant holds a licence in respect of the fishery.

11—Registration of masters

An application to register a person as the master of a boat used pursuant to a licence in respect of the fishery must—

- (a) be made in a form approved by the Director; and
- (b) contain the information specified in the form; and
- (c) be signed by the applicant; and
- (d) be accompanied by the applicant's licence in respect of the fishery.

12—Revocation of registration

- (1) The Director may, on application by the holder of a licence in respect of the fishery, revoke a registration effected by endorsement of the licence.
- (2) An application for revocation of a registration must—
 - (a) be made in a form approved by the Director; and
 - (b) be signed by the applicant; and
 - (c) be accompanied by the applicant's licence in respect of the fishery.

13—Use of agents in fishing activities

The holder of a licence in respect of the fishery must not cause or permit—

- (a) a person to be engaged on the shore as his or her agent in a fishing activity of a class that constitutes the fishery unless—
 - (i) the holder of the licence is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and
 - (ii) the holder of the licence and the other person remain, while so engaged, within 500 metres of each other; or
- (b) more than 2 other persons to be engaged at the same time on the shore as his or her agents in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$4 000.

Expiation fee: \$315.

14—Returns

- (1) The holder of a licence in respect of the fishery must—
 - (a) complete a return, in a form determined by the Minister, in respect of each calendar month during the currency of the licence; and
 - (b) include in the return such information as the Executive Director 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 Executive Director of SARDI within 15 days of the end of the month to which it relates.

Maximum penalty: \$4 000.

Expiation fee: \$315.

- (2) If the holder of a licence takes no fish pursuant to 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 fish were taken.
- (3) If the 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 Executive Director of SARDI; 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: \$4 000.

Schedule 1—Fish prescribed for River Fishery

Scalefish

Bony bream (*Nematalosa erebi*)

Carp (All species) (Family Cyprinidae)

Perch, redbfin (*Perca fluviatilis*)

Trout, brown (*Salmo trutta*)

Trout, rainbow (*Oncorhynchus mykiss*)

All other non-native fish

Crustaceans

Yabbie (*Cherax destructor*)

Schedule 2—Fees

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| 1 | On application for the renewal of a licence in respect of the fishery | \$200 |
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Schedule 3—Revocation of *Fisheries (Scheme of Management—River Fishery) Regulations 1991*

The *Fisheries (Scheme of Management—River Fishery) Regulations 1991* are revoked.

Legislative history

Notes

- 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.

Principal regulations

Year	No	Reference	Commencement
2006	207	<i>Gazette</i> 24.8.2006 p2969	1.9.2006: r 2