

South Australia

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

under the *Fisheries Act 1982*

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### 1—Short title

These regulations may be cited as the *Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations 1991*.

### 3—Revocation

The following regulations are revoked:

- (a) the *Scheme of Management (Northern Zone Rock Lobster Fishery) Regulations 1984* (see *Gazette 14.6.1984 p1625*), as varied; and
- (b) the *Scheme of Management (Southern Zone Rock Lobster Fishery) Regulations 1984* (see *Gazette 14.6.1984 p1636*), as varied.

### 4—Interpretation

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

*Act* means the *Fisheries Act 1982*;

*bait net* has the same meaning as in the *Fisheries (General) Regulations 2000*;

*coastal waters* means the waters of the ocean and all bays, gulfs, straits, passages, inlets and estuaries of the State that are subject to the tidal influence of the sea, but does not include the waters of the Coorong between the barrages and the Murray Mouth;

*closed season*, in relation to a rock lobster fishery, means a period, as specified in the *Fisheries (General) Regulations 2000* during which the taking of rock lobster in the Zone for that fishery is unlawful by virtue of section 41 of the Act and those regulations;

*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;

**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*;

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

**mesh net** has the same meaning as in the *Fisheries (General) Regulations 2000*;

**non-commercial purpose** means a purpose other than trade or business;

**Northern Zone** means the coastal waters westerly of a line commencing at the point where the meridian of longitude 139°E intersects the shore of South Australia, then due south to position latitude 36°20.0'S and longitude 139°E, then due west to position latitude 36°20.0'S and longitude 138°40.0'E, then due south to position latitude 36°40.0'S and longitude 138°40.0'E, then due west to position latitude 36°40.0'S and longitude 138°20.0'E, then due south to position latitude 37°S and longitude 138°20.0'E, then due west to position latitude 37°S and longitude 138°E, then continuing due south along the meridian of longitude 138°E;

**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;

**the revoked regulations** means the regulations revoked by regulation 3;

**rock lobster** means southern rock lobster (*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 one time for the purpose of taking rock lobster pursuant to the licence;

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

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

**Southern Zone** means the coastal waters easterly of a line commencing at the point where the meridian of longitude 139°E intersects the shore of South Australia, then due south to position latitude 36°20.0'S and longitude 139°E, then due west to position latitude 36°20.0'S and longitude 138°40.0'E, then due south to position latitude 36°40.0'S and longitude 138°40.0'E, then due west to position latitude 36°40.0'S and longitude 138°20.0'E, then due south to position latitude 37°S and longitude 138°20.0'E, then due west to position latitude 37°S and longitude 138°E, then continuing due south along the meridian of longitude 138°E;

**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 fish 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.
- (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.

## **5—Constitution of fisheries**

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

## **6—No further licences are to be granted**

- (1) The licences in respect of the Northern Zone Rock Lobster Fishery in force under the revoked regulations immediately before the commencement of these regulations continue in force as licences in respect of the Northern Zone Rock Lobster Fishery subject to the provisions of the Act and these regulations, and no other licence may be granted in respect of the fishery.
- (2) The licences in respect of the Southern Zone Rock Lobster Fishery in force under the revoked regulations immediately before the commencement of these regulations continue in force as licences in respect of the Southern Zone Rock Lobster Fishery subject to the provisions of the Act and these regulations, and no other licence may be granted in respect of the fishery.

## **7—Expiry of licences**

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

## **8—Renewal of licences**

- (1) A licence in respect of a rock lobster 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 a rock lobster 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.
- (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); 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 such 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.

### **8A—Refund on surrender of licence**

Where a licence in respect of a rock lobster 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.

### **9—Transfer of licence**

- (1) A licence in respect of a rock lobster fishery may be transferred with the consent of the Director.
- (3) 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.
- (4) 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 the applicants by statutory declaration.
- (5) 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) where the transferee is a company—a current company extract relating to the transferee issued not more than one month immediately preceding the date of application; and
  - (d) the application fee specified in Schedule 2.
- (6) 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; and

- (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; and
- (c) that the transfer is to one person only; and
- (d) that the transferee is—
  - (i) a natural person of at least 15 years of age; or
  - (ii) a 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;
- (h) 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 (other than a prescribed Victorian licence)—
  - (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.

## **10—Registration of boats**

- (1) An application to register a boat to be used pursuant to a licence in respect of a rock lobster 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 the boat the Director must be satisfied that—
  - (a) the applicant is the holder of a licence in respect of the fishery; and
  - (b) the boat in respect of which the application is made is not already registered by endorsement of any licence in respect of a rock lobster fishery; and
  - (c) no more than 1 other boat is registered by endorsement of the applicant's licence in respect of the fishery.

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

- (1) Where 2 boats are registered by endorsement of 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 fish pursuant to the licence unless the use made of one of the boats is limited to the setting and retrieval of bait nets and mesh nets.

Penalty: Division 6 fine.

- (2) Any 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—Obligation of registered master to notify Director of use of bait nets**

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

- (a) his or her name; and
- (b) the number of the licence pursuant to 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.

Penalty: Division 11 fine.

Expiation fee: Division 11 fee.

## **12—Registration as master**

An application for registration of a person as the master of a boat used pursuant to a licence in respect of a rock lobster 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.

## **13—Revocation of registration**

- (1) The Director may, on application by the holder of a licence in respect of a rock lobster fishery, revoke a registration effected by endorsement of the licence.
- (2) An application for revocation of a 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.

## **14—Rock lobster pot entitlement**

- (1) The Director 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 Director is satisfied that it is appropriate to do so for the proper management of a rock lobster fishery;
- (d) subject to paragraph (e), the rock lobster pot entitlements fixed by the conditions of any two licences in respect of the same fishery may, on application made by the holders of those licences in a manner and form approved by the Director and payment of the fee specified in Schedule 2, be varied so as to increase the entitlement under one 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);
- (ea) 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 Director; and
    - (B) 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 (other than a prescribed Victorian licence)—that other licence, permit, authority or entitlement is also surrendered;
- (f) notwithstanding any other provisions of this regulation, where 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;

- (g) notwithstanding 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.
- (1a) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not, for the purpose of trade or business, engage in a fishing activity of a class that constitutes the Fishery while the rock lobster pot entitlement endorsed on the licence is less than 20.  
Penalty: Division 6 fine.  
Expiation fee: Division 6 fee.
- (1b) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery must not, for the purpose of trade or business, engage in a fishing activity of a class that constitutes the Fishery while the rock lobster pot entitlement endorsed on the licence is less than 40.  
Penalty: Division 6 fine.  
Expiation fee: Division 6 fee.
- (2) The Director 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 pursuant to the licences.
- (3) Where 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 Director to vary the conditions of the licence so as to reduce the rock lobster pot entitlement under the licence by one rock lobster pot for each rock lobster pot used in excess of the entitlement.

#### **14AA—Individual rock lobster catch quota system—Northern Zone**

- (1) In this regulation—

*fishery* means the Northern Zone Rock Lobster Fishery;

*prescribed period* means—

- (a) the period commencing on 1 November 2003 and ending on 30 June 2004; or  
(b) the period of 12 months commencing on 1 July 2004 or on 1 July in any subsequent year;

*relevant period* means a period determined by the Director to be a relevant period for the purposes of this regulation;

*rock lobster quota*, 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 prescribed period, being the product of—

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

subject to any variation of the rock lobster quota of the licence applying during that prescribed 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 Director to be the value of a rock lobster unit for the fishery and a prescribed period.

- (2) The Director may impose or vary conditions on licences in respect of the fishery fixing rock lobster quotas as follows:
- (a) on or before 1 November 2003 each licence in respect of the fishery must be allocated a number of rock lobster units for the prescribed period commencing on that date to be determined by the Director as follows:
- (i) if the person who held the licence on 15 September 2003 is the person who held the licence for the whole of the relevant period, the licence will be allocated a number of rock lobster units that is the sum of—
- (A) a number determined by the Director having regard to—
- the number of rock lobster pots endorsed on the licence on 15 September 2003; and
  - the quantity of rock lobster taken pursuant to the licence during the relevant period (as recorded on returns lodged under regulation 15) relative to the number of rock lobster pots endorsed on the licence during the relevant period; and
- (B) if the number of rock lobster pots endorsed on the licence on 15 September 2003 was greater than the number of rock lobster pots endorsed on the licence on the last day of the relevant period—the number obtained by multiplying 16 by the number of rock lobster pots in the difference between the number of rock lobster pots endorsed on the licence on the last day of the relevant period and the number of rock lobster pots endorsed on the licence on 15 September 2003;
- (ii) if the person who held the licence on 15 September 2003 held the licence during part only of the relevant period, the licence will be allocated a number of rock lobster units that is the sum of—
- (A) a number determined by the Director having regard to—
- the number of rock lobster pots endorsed on the licence on 15 September 2003; and
  - the quantity of rock lobster taken pursuant to the licence during that part of the relevant period during which the person held the licence (as recorded on returns lodged under regulation 15) relative to the number of rock lobster pots endorsed on the licence during that part of the relevant period; and

- a value determined by the Director for the quantity of rock lobster taken pursuant to the licence during that part of the relevant period during which the person did not hold the licence; and
  - a value determined by the Director for the number of rock lobster pots endorsed on the licence during that part of the relevant period during which the person did not hold the licence; and
- (B) if the number of rock lobster pots endorsed on the licence on 15 September 2003 was greater than the number of rock lobster pots endorsed on the licence on the last day of the relevant period—the number obtained by multiplying 16 by the number of rock lobster pots in the difference between the number of rock lobster pots endorsed on the licence on the last day of the relevant period and the number of rock lobster pots endorsed on the licence on 15 September 2003;
- (iii) if the person who held the licence on 15 September 2003 did not hold the licence during any part of the relevant period, the licence will be allocated a number of rock lobster units that is the number obtained by multiplying 16 by the number of rock lobster pots endorsed on the licence on 15 September 2003;
- (b) on or before 1 July 2004 each licence in respect of the fishery must be allocated a number of rock lobster units for the prescribed period commencing on that date to be determined by the Director as follows:
- (i) if the person who held the licence on 1 June 2004 is the person who held the licence for the whole of the relevant period, the licence will be allocated a number of rock lobster units that is the sum of—
- (A) a number determined by the Director having regard to—
- the number of rock lobster pots endorsed on the licence on 1 June 2004; and
  - the quantity of rock lobster taken pursuant to the licence during the relevant period (as recorded on returns lodged under regulation 15) relative to the number of rock lobster pots endorsed on the licence during the relevant period; and
- (B) if the number of rock lobster pots endorsed on the licence on 1 June 2004 was greater than the number of rock lobster pots endorsed on the licence on the last day of the relevant period—the number obtained by multiplying 16 by the number of rock lobster pots in the difference between the number of rock lobster pots endorsed on the licence on the last day of the relevant period and the number of rock lobster pots endorsed on the licence on 1 June 2004;
- (ii) if the person who held the licence on 1 June 2004 held the licence during part only of the relevant period, the licence will be allocated a number of rock lobster units that is the sum of—

- (A) a number determined by the Director having regard to—
- the number of rock lobster pots endorsed on the licence on 1 June 2004; and
  - the quantity of rock lobster taken pursuant to the licence during that part of the relevant period during which the person held the licence (as recorded on returns lodged under regulation 15) relative to the number of rock lobster pots endorsed on the licence during that part of the relevant period; and
  - a value determined by the Director for the quantity of rock lobster taken pursuant to the licence during that part of the relevant period during which the person did not hold the licence; and
  - a value determined by the Director for the number of rock lobster pots endorsed on the licence during that part of the relevant period during which the person did not hold the licence; and
- (B) if the number of rock lobster pots endorsed on the licence on 1 June 2004 was greater than the number of rock lobster pots endorsed on the licence on the last day of the relevant period—the number obtained by multiplying 16 by the number of rock lobster pots in the difference between the number of rock lobster pots endorsed on the licence on the last day of the relevant period and the number of rock lobster pots endorsed on the licence on 1 June 2004;
- (iii) if the person who held the licence on 1 June 2004 did not hold the licence during any part of the relevant period, the licence will be allocated a number of rock lobster units that is the number obtained by multiplying 16 by the number of rock lobster pots endorsed on the licence on 1 June 2004;
- (c) on or before 1 July 2005 each licence in respect of the fishery must be allocated a number of rock lobster units for the prescribed period commencing on that date to be determined by the Director as follows:
- (i) if the person who held the licence on 1 June 2005 is the person who held the licence for the whole of the relevant period, the licence will be allocated a number of rock lobster units that is the sum of—
- (A) a number determined by the Director having regard to—
- the number of rock lobster pots endorsed on the licence on 1 June 2005; and
  - the quantity of rock lobster taken pursuant to the licence during the relevant period (as recorded on returns lodged under regulation 15) relative to the number of rock lobster pots endorsed on the licence during the relevant period; and

- (B) if the number of rock lobster pots endorsed on the licence on 1 June 2005 was greater than the number of rock lobster pots endorsed on the licence on the last day of the relevant period—the number obtained by multiplying 16 by the number of rock lobster pots in the difference between the number of rock lobster pots endorsed on the licence on the last day of the relevant period and the number of rock lobster pots endorsed on the licence on 1 June 2005;
- (ii) if the person who held the licence on 1 June 2005 held the licence during part only of the relevant period, the licence will be allocated a number of rock lobster units that is the sum of—
- (A) a number determined by the Director having regard to—
- the number of rock lobster pots endorsed on the licence on 1 June 2005; and
  - the quantity of rock lobster taken pursuant to the licence during that part of the relevant period during which the person held the licence (as recorded on returns lodged under regulation 15) relative to the number of rock lobster pots endorsed on the licence during that part of the relevant period; and
  - a value determined by the Director for the quantity of rock lobster taken pursuant to the licence during that part of the relevant period during which the person did not hold the licence; and
  - a value determined by the Director for the number of rock lobster pots endorsed on the licence during that part of the relevant period during which the person did not hold the licence; and
- (B) if the number of rock lobster pots endorsed on the licence on 1 June 2005 was greater than the number of rock lobster pots endorsed on the licence on the last day of the relevant period—the number obtained by multiplying 16 by the number of rock lobster pots in the difference between the number of rock lobster pots endorsed on the licence on the last day of the relevant period and the number of rock lobster pots endorsed on the licence on 1 June 2005;
- (iii) if the person who held the licence on 1 June 2005 did not hold the licence during any part of the relevant period, the licence will be allocated a number of rock lobster units that is the number obtained by multiplying 16 by the number of rock lobster pots endorsed on the licence on 1 June 2005;
- (d) on or before 1 July 2006 each licence in respect of the fishery must be allocated a number of rock lobster units for the prescribed period commencing on that date to be determined by the Director having regard to the rock lobster pot entitlement endorsed on the licence on 1 June 2006;

- (e) on 1 July 2007 and on 1 July of each subsequent year, each licence in respect of the fishery must be allocated a number of rock lobster units for the prescribed period commencing on that date equal to the number endorsed on the licence on the last day of the preceding prescribed period;
- (f) the Director must, on or before the commencement of each prescribed period, determine the number of kilograms of rock lobster that is to be the value of a rock lobster unit for the fishery and the prescribed period;
- (g) the conditions of any two licences in respect of the fishery may, on application made to the Director by the holders of those licences in a manner and form approved by the Director, be varied so as to increase the unit entitlement of one of the licences and decrease the unit entitlement of the other licence by a corresponding number of units;
- (h) if—
  - (i) a variation of rock lobster pot entitlements is made as referred to in regulation 14(1)(d) in relation to licences in respect of the fishery; and
  - (ii) the variation is not expressed to apply only for a specified period,the Director must vary the number of rock lobster units endorsed on the licences so that for every additional rock lobster pot endorsed on one of the licences, the unit entitlement of that licence is increased by 16 rock lobster units and the unit entitlement under the other licence is decreased by 16 rock lobster units for every rock lobster pot in the decrease in the rock lobster pot entitlement under that licence;
- (i) the Director may, if the total rock lobster catch taken pursuant to a licence during a prescribed period exceeded the rock lobster quota of the licence for that prescribed period, vary the conditions of the licence so as to decrease the quota—
  - (i) where the catch exceeded the quota by not more than 20 kilograms of rock lobster—by one kilogram for each kilogram in excess of the quota; or
  - (ii) where the catch exceeded the quota by more than 20 kilograms but not more than 50 kilograms of rock lobster—by two kilograms for each kilogram in excess of the quota;
- (j) any variation of a unit entitlement made under paragraph (g) must, if made during the prescribed period commencing on 1 November 2003, 1 July 2004 or 1 July 2005, be expressed to apply only for the prescribed period during which the variation is made;
- (k) any variation of a rock lobster quota made under paragraph (i) must be expressed to apply only for the prescribed period during which the variation is made;
- (l) unit entitlements and rock lobster quotas must not be varied except as provided by this regulation.

- (3) The holder of a licence in respect of the fishery must not, for the purpose of trade or business, engage in a fishing activity of a class that constitutes the fishery while the number of rock lobster units endorsed on the licence is less than 320.

Penalty: Division 6 fine.

Expiation fee: Division 6 fee.

- (4) If—
- (a) a court convicts the holder of a licence in respect of the fishery of an offence of contravening a condition of the licence imposing a rock lobster quota on the licence; and
  - (b) the conduct constituting the offence involved the taking of more than 50 kilograms of rock lobster 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 rock lobster quota of the licence for three prescribed periods following the conviction by one kilogram for each kilogram in excess of the quota for the prescribed period during which the offence was committed.

#### 14A—Individual rock lobster catch quota system—Southern Zone

- (1) In this regulation—

*the fishery* means the Southern Zone Rock Lobster Fishery;

*prescribed period* means the period of 12 months commencing on 1 October in any year;

*rock lobster quota*, 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 prescribed period, being the product of—

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

subject to any variation of the rock lobster quota of the licence applying during that prescribed 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 Director to be the value of a rock lobster unit for the fishery and a prescribed period.

- (2) The Director may vary conditions on licences in respect of the fishery fixing rock lobster quotas as follows:
- (a) the Director must, on or before the commencement of each prescribed period, determine the number of kilograms of rock lobster that is to be the value of a rock lobster unit for the fishery and the prescribed period;
  - (b) the conditions of any 2 licences in respect of the fishery may, on application made to the Director by the holders of those licences in a manner and form approved by the Director, be varied so as to increase the unit entitlement of 1 of the licences and decrease the unit entitlement of the other licence by a corresponding number of units;

- (c) the Director may, if the total rock lobster catch taken pursuant to a licence during a prescribed period exceeded the rock lobster quota of the licence for that prescribed period, vary the conditions of the licence so as to decrease the quota—
    - (i) where the catch exceeded the quota by not more than 20 kilograms of rock lobster—by 1 kilogram for each kilogram in excess of the quota; or
    - (ii) where the catch exceeded the quota by more than 20 kilograms but not more than 50 kilograms of rock lobster—by 2 kilograms for each kilogram in excess of the quota;
  - (d) any variation of—
    - (i) a unit entitlement made pursuant to paragraph (b); or
    - (ii) a rock lobster quota made pursuant to paragraph (c),must be expressed to apply only for the prescribed period during which the variation is made;
  - (e) unit entitlements and rock lobster quotas must not be varied except as provided by this regulation.
- (3) Where—
- (a) a court convicts the holder of a licence in respect of the fishery of an offence of contravening a condition of the licence imposing a rock lobster quota on the licence; and
  - (b) the conduct constituting the offence involved the taking of more than 50 kilograms of rock lobster 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 rock lobster quota of the licence for 3 prescribed periods following the conviction by 1 kilogram for each kilogram in excess of the quota for the prescribed period during which the offence was committed.

#### **14B—Individual giant crab catch quota system**

- (1) In this regulation—
- giant crab*** means giant crab (*Pseudocarcinus gigas*);
- giant crab quota***—
- (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 licence period, being the product of—
    - (i) the unit entitlement of that licence; and
    - (ii) the unit value for the fishery and that licence period,subject to any variation of the giant crab quota of the licence applying during that licence period;
  - (b) in relation to a licence in respect of the Miscellaneous Fishery—has the same meaning as in regulation 11 of the *Scheme of Management (Miscellaneous Fishery) Regulations 2000*;

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

**prescribed period**—

- (a) in relation to the Northern Zone Rock Lobster Fishery—means the period of 12 months commencing on 1 November in any year;
- (b) in relation to the Southern Zone Rock Lobster Fishery—means the period of 12 months commencing on 1 October in any year;

**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 11 of the *Scheme of Management (Miscellaneous Fishery) Regulations 2000*;

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

- (3) The Director may impose or vary conditions on licences in respect of a rock lobster fishery imposing or varying giant crab quotas (and may vary conditions on licences in respect of the Miscellaneous Fishery varying giant crab quotas) as follows:
  - (a) the Director must, on or before the commencement of each prescribed period, 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 the prescribed period;
  - (f) on application made to the Director by the holders of any two licences in respect of the same rock lobster fishery endorsed with conditions fixing giant crab quotas on the licences, the conditions of the licences may be varied so as to increase the unit entitlement of one of the licences and decrease the unit entitlement of the other licence by a corresponding number of units;
  - (g) on application made to the Director by the holder of a licence in respect of the Northern Zone Rock Lobster Fishery endorsed with a condition fixing a giant crab quota on the licence (the **first licence**) and the holder of a licence in respect of the Miscellaneous Fishery endorsed with a condition fixing a giant crab quota on the licence in relation to the Northern Zone (the **second licence**)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement of that licence and the conditions of the second licence may be varied so as to increase the unit entitlement of 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 of that licence and the conditions of the second licence may be varied so as to decrease the unit entitlement of that licence in respect of the Northern Zone by a corresponding number of units;

- (h) on application made to the Director by the holder of a licence in respect of the Southern Zone Rock Lobster Fishery endorsed with a condition fixing a giant crab quota on the licence (the *first licence*) and the holder of a licence in respect of the Miscellaneous Fishery endorsed with a condition fixing a giant crab quota on the licence in relation to the Southern Zone (the *second licence*)—
- (i) the conditions of the first licence may be varied so as to decrease the unit entitlement of that licence and the conditions of the second licence may be varied so as to increase the unit entitlement of 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 of that licence and the conditions of the second licence may be varied so as to decrease the unit entitlement of that licence in respect of the Southern Zone by a corresponding number of units;
- (i) the Director may, if the total giant crab catch taken pursuant to a licence in respect of a rock lobster fishery during a prescribed period exceeded the giant crab quota of the licence for that prescribed 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 giant 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—by two kilograms for each kilogram in excess of the quota;
- (j) any variation of a giant crab quota made under paragraph (i) must be expressed to apply only for the prescribed period during which the variation is made;
- (k) unit entitlements and giant crab quotas must not be varied except as provided by this regulation or the *Scheme of Management (Miscellaneous Fishery) Regulations 2000*.
- (4) If—
- (a) 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 imposing a giant crab quota on the licence; and
  - (b) the conduct constituting the offence involved the taking of more than 50 kilograms of giant 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 giant crab quota of the licence for 3 prescribed periods following the conviction by 1 kilogram for each kilogram in excess of the quota for the prescribed period during which the offence was committed.
- (5) An application under subregulation (3)(f), (g) or (h) must be made in a manner and form approved by the Director.

#### **14C—Rock lobster taken in Northern Zone to be landed whole within the State**

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

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

Penalty: Division 6 fine.

Expiation fee: Division 9 fee.

#### **14D—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 pursuant to the licence are consigned or delivered to a registered fish processor.

Penalty: Division 6 fine.

Expiation fee: Division 9 fee.

- (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 licence period does not exceed 30.

#### **14E—Catch and disposal records—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 pursuant to such a licence must ensure that—
  - (a) at least 1 hour before the rock lobster is removed from the boat, the Director 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 Director is notified under paragraph (a), a decision is made to consign or deliver the rock lobster to a different registered fish processor, the Director 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 pursuant to 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 using a blue or black ballpoint pen;

- (b) before the rock lobster is removed from the boat, he or she must complete Part B of the NZRL-CDR form using a blue or black ballpoint pen;
  - (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 Director; 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 Director; 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 Director 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 Director 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 Director 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.  
Penalty: Division 6 fine.  
Expiation fee: Division 9 fee.
- (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 pursuant to the licence for a period of 5 years.  
Penalty: Division 6 fine.  
Expiation fee: Division 9 fee.

#### **14F—Catch and disposal records (rock lobster)—Southern Zone**

- (1) Subject to subregulation (2), if rock lobster is taken pursuant to 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 Director is notified by telephone of—
    - (i) the name of the person making the telephone call; and
    - (ii) the number of the licence pursuant to 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 pursuant to the licence after the boat is landed; and
  - (b) the Director 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 Director 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 Director 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 pursuant to a South Australian licence must comply with the following provisions:
  - (a) if rock lobster taken pursuant to a Victorian licence is on board a registered boat used pursuant to 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 pursuant to 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 pursuant to 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 pursuant to 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 pursuant to 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 Director 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 Director 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.

Penalty: Division 6 fine.

Expiation fee: Division 9 fee.

- (5) In this regulation—

*fishing season* means a period commencing on 1 October in any year and ending on 30 April in the following year.

#### **14G—Catch and disposal records (giant crab)—Southern Zone**

- (1) Subject to subregulation (2), if giant crab is taken pursuant to a licence in respect of the Southern Zone Rock Lobster Fishery endorsed with a condition fixing a giant crab quota on the licence, 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 Director is notified by telephone of—
    - (i) the name of the person making the telephone call; and
    - (ii) the number of the licence pursuant to 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 pursuant to the licence after the boat is landed; and
  - (b) the Director 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 Director 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 Director 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 endorsed with a condition fixing a giant crab quota on the licence or the registered master of a registered boat used to take giant crab pursuant to such a licence must comply with the following provisions:
  - (a) before giant crab taken pursuant to 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 pursuant to 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 Director 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.  
Penalty: Division 6 fine.  
Expiation fee: Division 9 fee.

## **15—Furnishing of returns**

- (1) The holder of a licence in respect of a rock lobster 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.  
Expiation fee: Division 9 fee.
- (2) Where the holder of a licence in respect of a rock lobster fishery 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) Where 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 in respect of rock lobster.

## 16—Copies of returns must be made

The holder of a licence in respect of a rock lobster fishery must—

- (a) make a copy of each return that he or she fills out pursuant to these regulations before the return is sent 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.

## 17—Victorian licences

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

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

Penalty: Division 6 fine.

Expiation fee: Division 9 fee.

## 18—Sale of rock lobster during closed season

- (1) A holder of a licence in respect of a rock lobster fishery must not sell live rock lobster during a closed season for that fishery.

Penalty: Division 6 fine.

Expiation fee: Division 9 fee.

- (2) It is a defence to a charge of an offence against subregulation (1) if it is proved that the defendant did not take the rock lobster to which the charge relates in the zone for the rock lobster fishery in respect of which he or she holds a licence.

## 19—Fees

The fees set out in Schedule 2 are prescribed for the purposes of the Act and these regulations.

## Schedule 1—Fish prescribed for rock lobster fisheries

The following fish are specified for the rock lobster fisheries:

### Scalefish

Anchovy (*Engraulis australis*)

Barracouta (*Thyrsites atun*)

Bluethroated wrasse (*Notolabrus tetricus*)

Bream (*Acanthopagrus butcheri*)

Cod (marine species) (Family Moridae)

Dory (Family Zeidae)

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Schedule 1—Fish prescribed for rock lobster fisheries

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Flathead (Family Platycephalidae)  
Flounder (Family Pleuronectidae) (Family Bothidae)  
Garfish (*Hyporhamphus melanochir*)  
Horse mackerel (*Trachurus declivis*)  
Leather jacket (Family Aluteridae)  
Ling (*Genypterus blacodes*)  
Mackerel (*Scomber australasicus*)  
Morwong (Family Cheilodactylidae)  
Mullet (Family Mugilidae)  
Mulloway (*Argyrosomus hololepidotus*)  
Nannygai, Red snapper, Swallowtail (Family Berycidae)  
Pilchard (*Sardinops neopilchardus*)  
Red mullet (*Upeneichthys porosus*)  
Salmon (*Arripis truttaceus*)  
Snapper (*Chrysophrys auratus*)  
Snook (*Sphyraena novaehollandiae*)  
Sole (*Aserragodes haackeanus*)  
Sweep (*Scorpius aequipinnis*)  
Tommy ruff (*Arripis georgianus*)  
Trevalla (*Hyperoglyphe antarctica*)  
Trevally (*Usacaranx georgianus*)  
Whiting (Family Sillaginidae)

Crustaceans

Crab, giant (*Pseudocarcinus gigas*)  
Crab, velvet (*Nectocarcinus tuberculosus*)

Molluscs

Cockle (Suborder Teledonta)  
Cuttlefish (*Sepia* spp.)  
Mussels (*Mytilus* spp.)  
Octopus (*Octopus* spp.)  
Oyster (Family Ostridae)  
Scallop (Family Pectinidae)

Squid

calamary (*Sepioteuthis australis*)  
arrow (*Nototodarus gouldi*)

Annelids

Beachworm	}	(Class Polychaeta)
Bloodworm		
Tubeworm		

Shark

All species other than white pointer shark ( <i>Carcharodon carcharias</i> )	}	(Class Elasmobranchii)
Skate		
Rays		

## Schedule 2—Fees

1	On application for the renewal of a licence in respect of the Northern Zone Rock Lobster Fishery—	
	(a) in the case of a licence that will, on its renewal, be subject to a condition limiting the holder of the licence to the taking of rock lobster, octopus and giant crab	\$12 001.00
	(b) in the case of a licence that will, on its renewal, be subject to a condition limiting the holder of the licence to the taking of—	
	(i) rock lobster, octopus and giant crab; and	
	(ii) fish of a species (other than octopus or giant crab) prescribed by Schedule 1 for the purpose of bait only	\$ 12 501.00
	(c) in any other case	\$13 835.00
2	On application for the renewal of a licence in respect of the Northern Zone Rock Lobster Fishery (in addition to the fee payable under clause 1)—for each rock lobster pot endorsed on the licence	\$88.00
3	On application for the renewal of a licence endorsed with a condition fixing a giant crab quota on the licence (in addition to the fees payable under clauses 1 and 2)—for each giant crab unit allocated to the licence	\$29.30
4	On application for the renewal of a licence endorsed with a condition limiting the number of giant crab that may be taken on each boat trip (in addition to the fees payable under clauses 1, 2 and 3)	\$32.60
5	On application for the renewal of a licence in respect of the Southern Zone Rock Lobster Fishery—	
	(a) in the case of a licence that will, on its renewal, be subject to a condition limiting the holder of the licence to the taking of rock lobster, octopus and giant crab	\$10 118.00
	(b) in the case of a licence that will, on its renewal, be subject to a condition limiting the holder of the licence to the taking of—	
	(i) rock lobster, octopus and giant crab; and	
	(ii) fish of a species (other than octopus or giant crab) prescribed by Schedule 1 for the purpose of bait only	\$10 618.00
	(c) in any other case	\$11 952.00

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6	On application for the renewal of a licence in respect of the Southern Zone Rock Lobster Fishery (in addition to the fee payable under clause 5)—for each rock lobster pot endorsed on the licence	\$96.00
7	On application for the renewal of a licence in respect of the Southern Zone Rock Lobster Fishery endorsed with a condition fixing a giant crab quota on the licence (in addition to the fees payable under clauses 5 and 6)—for each giant crab unit allocated to the licence	\$29.30
8	On application for the renewal of a licence endorsed with a condition limiting the number of giant crab that may be taken on each boat trip (in addition to the fees payable under clauses 5, 6 and 7)	\$32.60
9	On application for transfer of a licence in respect of either rock lobster fishery	\$311.00
10	On application under regulation 14 by the holder of a licence in respect of a rock lobster fishery to vary the conditions of the licence so as to alter the rock lobster pot entitlement under the licence	\$104.00
11	On application under regulation 14AA by the holder of a licence in respect of the Northern Zone Rock Lobster Fishery to vary the conditions of the licence so as to alter the unit entitlement of the licence in respect of rock lobster	\$104.00
12	On application under regulation 14A by the holder of a licence in respect of the Southern Zone Rock Lobster Fishery to vary the conditions of the licence so as to alter the unit entitlement of the licence in respect of rock lobster	\$104.00
13	On application under regulation 14B by the holder of a licence in respect of a rock lobster fishery to vary the conditions of the licence so as to alter the unit entitlement of the licence in respect of giant crab	\$104.00

The fee prescribed in relation to an application under regulation 14 is not payable if, at the same time, an application under regulation 14AA or regulation 14A is made in respect of the same licence and the fee prescribed in relation to that application is paid.

### **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, date of birth, address (residential and postal) and telephone number of the transferee.
- 4 The price to be paid for the transfer of—
  - (a) the licence; and
  - (b) any boat, equipment, registration or any 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);
  - (b) the number of its current survey certificate;
  - (c) the year of its construction;

- (d) the material of which its hull is made;
  - (e) its main colour;
  - (f) its name;
  - (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, 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
  - (b) 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 legislation relating to fishing pending or likely to be commenced against the transferee or director in a court of a State or Territory of the Commonwealth.
- 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—Licences to which giant crab units may be allocated**

Northern Zone Rock Lobster Fishery licence number

N009

N014

N039

N040

N056

N097

Southern Zone Rock Lobster Fishery licence number

S036

S049

S052

S053

S074

S077

**Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations 1991—1.7.2006 to 31.8.2006—revoked**

Schedule 4—Licences to which giant crab units may be allocated

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S078

S097

S115

S117

S119

S122

S127

S134

S152

S164

S165

S167

S175

S176

S189

S193

S217

S241

## 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.

### Formerly

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

### Revocation of regulations

The *Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations 1991* were revoked by Sch 3 of the *Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations 2006* on 1.9.2006.

### Principal regulations and variations

Year	No	Reference	Commencement
1991	107	<i>Gazette 27.6.1991 p2143</i>	27.6.1991: r 2
1992	112	<i>Gazette 25.6.1992 p1942</i>	25.6.1992: r 2
1993	128	<i>Gazette 24.6.1993 p2077</i>	24.6.1993: r 2
1994	94	<i>Gazette 23.6.1994 p1806</i>	23.6.1994: r 2
1994	154	<i>Gazette 1.9.1994 p686</i>	1.9.1994: r 2
1994	166	<i>Gazette 29.9.1994 p883</i>	1.10.1994: r 2
1994	175	<i>Gazette 20.10.1994 p1248</i>	20.10.1994: r 2
1995	143	<i>Gazette 29.6.1995 p3151</i>	29.6.1995: r 2
1996	156	<i>Gazette 20.6.1996 p3013</i>	20.6.1996: r 2
1996	162	<i>Gazette 27.6.1996 p3164</i>	27.6.1996: r 2
1996	223	<i>Gazette 26.9.1996 p1245</i>	26.9.1996: r 2
1997	127	<i>Gazette 13.5.1997 p1955</i>	13.5.1997: r 2
1998	136	<i>Gazette 11.6.1998 p2547</i>	11.6.1998: r 2
1998	159	<i>Gazette 30.7.1998 p297</i>	1.9.1998: r 2
1999	139	<i>Gazette 1.7.1999 p47</i>	1.7.1999: r 2
2000	139	<i>Gazette 22.6.2000 p3365</i>	22.6.2000: r 2
2001	139	<i>Gazette 28.6.2001 p2443</i>	28.6.2001: r 2
2001	252	<i>Gazette 6.12.2001 p5297</i>	31.12.2001: r 2
2001	259	<i>Gazette 13.12.2001 p5412</i>	15.1.2002: r 2
2002	47	<i>Gazette 14.6.2002 p2153</i>	Pt 9 (rr 32—35)—14.6.2002: r 2

**Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations 1991—1.7.2006 to 31.8.2006—revoked**

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2002	204	<i>Gazette 31.10.2002 p4009</i>	31.10.2002: r 2
2003	141	<i>Gazette 5.6.2003 p2407</i>	Pt 11 (rr 28—30)—5.6.2003: r 2
2003	221	<i>Gazette 30.10.2003 p3953</i>	30.10.2003: r 2
2003	243	<i>Gazette 11.12.2003 p4449</i>	11.12.2003: r 2
2004	9	<i>Gazette 19.2.2004 p535</i>	Pt 10 (rr 49—53)—19.2.2004: r 2
2004	137	<i>Gazette 24.6.2004 p2301</i>	Pt 10 (rr 26—28)—24.6.2004 : r 2
2004	228	<i>Gazette 28.10.2004 p4136</i>	1.11.2004: r 2
2005	138	<i>Gazette 16.6.2005 p1834</i>	Pt 10 (rr 19 & 20)—16.6.2005: r 2
2005	221	<i>Gazette 20.10.2005 p3757</i>	20.10.2005: r 2
2006	136	<i>Gazette 15.6.2006 p1859</i>	Pt 11 (rr 21 & 22)—15.6.2006: r 2
2006	138	<i>Gazette 15.6.2006 p1870</i>	Pt 11 (r 13)—1.7.2006: r 2

**Provisions varied**

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
r 1	substituted by 141/2003 r 28	5.6.2003
r 2	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>19.2.2004</i>
r 4		
r 4(1)		
<i>the Act</i>	<i>deleted by 221/2003 r 4(1)</i>	<i>30.10.2003</i>
Act	inserted by 221/2003 r 4(1)	30.10.2003
bait net	inserted by 221/2005 r 4(1)	20.10.2005
CDR book	<i>inserted by 221/2003 r 4(1)</i>	<i>30.10.2003</i>
	<i>deleted by 221/2005 r 4(1)</i>	<i>20.10.2005</i>
closed season	varied by 139/2001 r 3	28.6.2001
Corporations Act	inserted by 9/2004 r 49(1)	19.2.2004
current company extract	inserted by 9/2004 49(1)	19.2.2004
Department	inserted by 221/2005 r 4(2)	20.10.2005
<i>director</i>	<i>substituted by 47/2002 r 33(a)</i>	<i>14.6.2002</i>
	<i>deleted by 9/2004 r 49(1)</i>	<i>19.2.2004</i>
GC-CDR book	inserted by 221/2005 r 4(2)	20.10.2005
GC-CDR form	inserted by 221/2005 r 4(2)	20.10.2005
licence period	inserted by 143/1995 r 3	29.6.1995
	substituted by 136/1998 r 3	11.6.1998
mesh net	inserted by 221/2005 r 4(3)	20.10.2005
non-commercial purpose	inserted by 221/2003 r 4(2)	30.10.2003
NZRL-CDR book	inserted by 221/2005 r 4(4)	20.10.2005
NZRL-CDR form	inserted by 221/2003 r 4(3)	30.10.2003
	substituted by 221/2005 r 4(4)	20.10.2005
<i>renewal fee</i>	<i>deleted by 252/2001 r 3</i>	<i>31.12.2001</i>

**revoked—1.7.2006 to 31.8.2006—Fisheries (Scheme of Management—Rock Lobster Fisheries)  
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rock lobster	varied by 154/1994 r 3	1.9.1994
SARDI	inserted by 128/1993 r 3	24.6.1993
South Australian licence	inserted by 221/2005 r 4(5)	20.10.2005
SZRL1-CDR book	inserted by 221/2005 r 4(6)	20.10.2005
SZRL1-CDR form	inserted by 221/2005 r 4(6)	20.10.2005
r 4(2)	varied by 47/2002 r 33(b) substituted by 9/2004 r 49(2)	14.6.2002 19.2.2004
r 4(3)	<i>varied by 47/2002 r 33(d)</i>	<i>14.6.2002</i>
r 4(3)	<i>(a) deleted by 47/2002 r 33(c)</i> <i>deleted by 9/2004 r 49(2)</i>	<i>14.6.2002</i> <i>19.2.2004</i>
r 5		
r 5(2)	substituted by 162/1996 r 3 varied by 223/1996 r 3(a)	27.6.1996 26.9.1996
r 5(3)	substituted by 162/1996 r 3 varied by 223/1996 r 3(b)	27.6.1996 26.9.1996
r 6		
r 6(2)	varied by 252/2001 r 4	31.12.2001
r 7	varied by 112/1992 r 3 substituted by 143/1995 r 4 substituted by 252/2001 r 5	25.6.1992 29.6.1995 31.12.2001
r 8		
r 8(1)	varied by 143/1995 r 5(a)	29.6.1995
r 8(4a)	<i>inserted by 159/1998 r 3</i> <i>deleted by 221/2005 r 5</i>	<i>1.9.1998</i> <i>20.10.2005</i>
r 8(5)	varied by 128/1993 r 4 varied by 139/1999 r 3	24.6.1993 1.7.1999
r 8(6)	substituted by 143/1995 r 5(b) substituted by 136/1998 r 4	29.6.1995 11.6.1998
r 8(7)	substituted by 139/2001 r 4	28.6.2001
r 8A	inserted by 112/1992 r 4 substituted by 128/1993 r 5 substituted by 143/1995 r 6	25.6.1992 24.6.1993 29.6.1995
r 9		
r 9(2)	<i>deleted by 252/2001 r 6</i>	<i>31.12.2001</i>
r 9(2a)	<i>inserted by 166/1994 r 3</i> <i>deleted by 252/2001 r 6</i>	<i>1.10.1994</i> <i>31.12.2001</i>
r 9(5)	(c) deleted by 112/1992 r 5 varied by 9/2004 r 50(1)	25.6.1992 19.2.2004
r 9(6)	varied by 9/2004 r 50(2) (g) deleted by 9/2004 r 50(2)	19.2.2004 19.2.2004
r 10		
r 10(1)	varied by 9/2004 r 51	19.2.2004

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r 10(2)	varied by 159/1998 r 4 substituted by 221/2005 r 6	1.9.1998 20.10.2005
r 11		
r 11(1)	varied by 221/2005 r 7	20.10.2005
r 11A	inserted by 221/2005 r 8	20.10.2005
r 12	substituted by 9/2004 r 52	19.2.2004
r 14		
r 14(1)	varied by 112/1992 r 6 varied by 166/1994 r 4(a) varied by 159/1998 r 5 varied by 139/1999 r 4 varied by 204/2002 r 3(a), (b) (h) deleted by 204/2002 r 3(c) varied by 221/2005 r 9(1)—(4)	25.6.1992 1.10.1994 1.9.1998 1.7.1999 31.10.2002 31.10.2002 20.10.2005
r 14(1a)	inserted by 221/2003 r 5 varied by 221/2005 r 9(5)	30.10.2003 20.10.2005
r 14(1b)	inserted by 221/2005 r 9(6)	20.10.2005
r 14(3)	inserted by 166/1994 r 4(b)	1.10.1994
r 14AA	inserted by 221/2003 r 6	30.10.2003
r 14AA(2)	varied by 243/2003 r 4	11.12.2003
r 14AA(3)	varied by 221/2005 r 10	20.10.2005
r 14A	inserted by 166/1994 r 5	1.10.1994
r 14A(1)		
rock lobster quota	varied by 143/1995 r 7(a)	29.6.1995
<i>licence year</i>	<i>deleted by 143/1995 r 7(b)</i>	<i>29.6.1995</i>
prescribed period	inserted by 221/2005 r 11(1)	20.10.2005
rock lobster quota	varied by 221/2005 r 11(2), (3)	20.10.2005
unit value	varied by 143/1995 r 7(c) varied by 221/2005 r 11(4)	29.6.1995 20.10.2005
r 14A(2)	varied by 143/1995 r 7(d)—(h) substituted by 221/2005 r 11(5)	29.6.1995 20.10.2005
r 14A(3)	varied by 143/1995 r 7(i), (j) varied by 221/2005 r 11(6), (7)	29.6.1995 20.10.2005
r 14B	inserted by 139/2000 r 3 substituted by 259/2001 r 3	22.6.2000 15.1.2002
r 14B(1)		
prescribed period	inserted by 221/2005 r 12(1)	20.10.2005
<i>r 14B(2)</i>	<i>deleted by 221/2005 r 12(2)</i>	<i>20.10.2005</i>
r 14B(3)	varied by 221/2005 r 12(3)—(5) (b)—(e) deleted by 221/2005 r 12(3)	20.10.2005 20.10.2005
r 14B(4)	varied by 221/2005 r 12(6), (7)	20.10.2005
<i>r 14B(6)</i>	<i>deleted by 221/2005 r 12(8)</i>	<i>20.10.2005</i>
r 14C	inserted by 221/2003 r 7	30.10.2003

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Regulations 1991  
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r 14D	inserted by 221/2003 r 7	30.10.2003
r 14D(1)	substituted by 221/2005 r 13	20.10.2005
r 14D(2)	substituted by 228/2004 r 4	1.11.2004
r 14E	inserted by 221/2003 r 7	30.10.2003
r 14E(1)	varied by 228/2004 r 5(1)	1.11.2004
r 14E(2)	varied by 228/2004 r 5(2)	1.11.2004
	varied by 221/2005 r 14(1), (2)	20.10.2005
r 14E(4)	varied by 228/2004 r 5(3)	1.11.2004
rr 14F and 14G	inserted by 221/2005 r 15	20.10.2005
r 15		
r 15(1)	varied by 112/1992 r 7	25.6.1992
	varied by 128/1993 r 6	24.6.1993
	varied by 221/2003 r 8	30.10.2003
r 16	varied by 128/1993 r 7	24.6.1993
r 17	varied by 221/2003 r 9	30.10.2003
r 18		
r 18(1)	varied by 221/2003 r 10	30.10.2003
r 19	inserted by 137/2004 r 26	24.6.2004
Sch 1	varied by 154/1994 r 4	1.9.1994
	varied by 162/1996 r 4	27.6.1996
<i>Sch 2 before substitution by 137/2004</i>		
<i>cl 1</i>	<i>cl 1(1) substituted by 112/1992 r 8</i>	<i>25.6.1992</i>
	<i>cl 1(1) substituted by 128/1993 r 8</i>	<i>24.6.1993</i>
	<i>cl 1(1) substituted by 94/1994 r 3</i>	<i>23.6.1994</i>
	<i>cl 1(1) varied by 175/1994 r 3</i>	<i>20.10.1994</i>
	<i>cl 1(1) varied by 143/1995 r 8</i>	<i>29.6.1995</i>
	<i>cl 1(1) varied by 156/1996 r 3</i>	<i>20.6.1996</i>
	<i>cl 1(1) varied by 127/1997 r 3</i>	<i>13.5.1997</i>
	<i>cl 1(1) varied by 136/1998 r 5</i>	<i>11.6.1998</i>
	<i>cl 1(1) varied by 139/1999 r 5</i>	<i>1.7.1999</i>
	<i>cl 1(1) varied by 139/2000 r 4</i>	<i>22.6.2000</i>
	<i>cl 1(1) varied by 139/2001 r 5</i>	<i>28.6.2001</i>
	<i>cl 1(1) varied by 259/2001 r 4</i>	<i>15.1.2002</i>
	<i>cl 1(1) varied by 47/2002 r 34</i>	<i>14.6.2002</i>
	<i>cl 1(1) varied by 141/2003 r 29</i>	<i>5.6.2003</i>
	<i>cl 1(1) varied and redesignated as cl 1(1) by 221/2003 r 11(1), (2)</i>	<i>30.10.2003</i>
<i>cl 1(2)</i>	<i>inserted by 221/2003 r 11(2)</i>	<i>30.10.2003</i>
Sch 2	substituted by 137/2004 r 27	24.6.2004
	substituted by 138/2005 r 19	16.6.2005
	substituted by 136/2006 r 21	15.6.2006
	varied by 138/2006 r 13(1), (2)	1.7.2006

Sch 3

cl 9 substituted by 9/2004 r 53 19.2.2004

Sch 4

deleted by 112/1992 r 9 25.6.1992

inserted by 259/2001 r 5 15.1.2002

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

### ***No 112 of 1992***

#### **10—Transitional provision**

- (1) A licence renewal fee prescribed by Schedule 2 of the principal regulations as varied by these regulations applies in relation to a licence year commencing after the commencement of these regulations.
- (2) Notwithstanding regulation 8, 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 year that commenced before the commencement of these regulations.
- (3) An additional fee of one-twelfth of the licence renewal fee prescribed by Schedule 2 of the principal regulations as in force immediately before the commencement of these regulations is payable on 1 September 1992 by each holder of a licence in respect of a rock lobster fishery in force on that date.
- (4) Where a fee payable under subregulation (3) is not paid by the due date, the fee may be recovered from the holder of the licence or the person who last held the licence as a debt due to the Crown.
- (5) In this regulation—  
*licence year* means the period from the date of expiry of licences in one year to the date of expiry of licences in the next year.

### ***No 128 of 1993***

#### **9—Transitional provision**

- (1) A licence renewal fee prescribed by Schedule 2 of the principal regulations as varied by these regulations applies in relation to a licence year commencing after the commencement of these regulations.
- (2) Notwithstanding regulation 8, 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 year that commenced before the commencement of these regulations.
- (3) In this regulation—  
*licence year* means the period of 12 months from 1 November in any year.

### *No 94 of 1994*

#### **4—Transitional provision**

- (1) A licence renewal fee prescribed by Schedule 2 of the principal regulations as varied by these regulations applies in relation to a licence year commencing after the commencement of these regulations.
- (2) Notwithstanding regulation 3, 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 year that commenced before the commencement of these regulations.
- (3) In this regulation—  
*licence year* means the period of 12 months from 1 November in any year.

### *No 143 of 1995*

#### **9—Transitional provision**

- (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) Notwithstanding regulation 8, 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 commencing before the commencement of these regulations.
- (3) In this regulation—  
*licence period* has the same meaning as in the principal regulations as varied by these regulations.

### *No 136 of 1998*

#### **6—Transitional provision**

- (1) A licence renewal fee prescribed by Schedule 2 of the principal regulations as varied by these regulations applies in relation to a licence year commencing after the commencement of these regulations.
- (2) Despite regulation 5, 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 year that commenced before the commencement of these regulations.
- (3) In this regulation—  
*licence period* has the same meaning as in the principal regulations.

### *No 139 of 1999*

#### **6—Transitional provision**

- (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.

### ***No 139 of 2000***

#### **5—Transitional provision**

- (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 4, 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.

### ***No 139 of 2001***

#### **6—Transitional provision**

- (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 5, 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.

### ***Fisheries (Variation of Schemes of Management) Regulations 2002 (No 47 of 2002)***

#### **35—Transitional provision**

- (1) A fee prescribed by Schedule 2 of the principal regulations as varied by this Part applies in relation to a licence period commencing after the commencement of this Part.
- (2) Despite regulation 34, a fee prescribed by Schedule 2 of the principal regulations as in force immediately before the commencement of this Part continues to apply in relation to a licence period that commenced before the commencement of this Part.
- (3) In this regulation—  
*licence period* has the same meaning as in the principal regulations.

### ***Fisheries (Fees) Variation Regulations 2003 (No 141 of 2003)***

#### **30—Transitional provision**

- (1) A fee prescribed by Schedule 2 of the principal regulations as varied by this Part applies in relation to the licence period commencing after the commencement of these regulations.
- (2) Despite regulation 29, 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 commencing before the commencement of these regulations.

### ***Fisheries (Fees) Variation Regulations 2004 (No 137 of 2004)***

#### **28—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 after the commencement of these regulations.
- (2) Despite regulation 27, 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 commencing before the commencement of these regulations.

### ***Fisheries (Fees) Variation Regulations 2005 (No 138 of 2005)***

#### **20—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 2005.
- (2) Despite regulation 19, 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 2004.

### ***Fisheries (Fees) Variation Regulations 2006 (No 136 of 2006)***

#### **22—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 2006.
- (2) Despite regulation 21, 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 2005.

### **Historical versions**

19.2.2004

24.6.2004

1.11.2004

16.6.2005

20.10.2005

15.6.2006

## Appendix—Divisional penalties and expiation fees

At the date of publication of this version 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

*Note: This appendix is provided for convenience of reference only.*