

South Australia

Fisheries Management (Miscellaneous Research Fishery) Regulations 2013

under the *Fisheries Management Act 2007*

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Legislative history

1—Short title

These regulations may be cited as the *Fisheries Management (Miscellaneous Research Fishery) Regulations 2013*.

3—Interpretation

- (1) In these regulations—

Act means the *Fisheries Management Act 2007*;

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Act;

fishery means the Miscellaneous Research Fishery constituted by these regulations.

- (2) In these regulations, a reference to the *taking of aquatic resources* includes a reference to an act preparatory to, or involved in, the taking of the aquatic resources.

4—Constitution of Fishery

- (1) The Miscellaneous Research Fishery is constituted.
- (2) The Miscellaneous Research Fishery consists of the taking of aquatic resources in the waters of the State for the purposes of research undertaken as part of a business.

5—Issue of permits

- (1) The Minister may issue permits in respect of the fishery.

- (2) The Minister may only grant a permit in respect of the fishery if satisfied as to the following:
- (a) if the applicant is a natural person—that the person is at least 15 years of age and is a fit and proper person to hold a permit in respect of the fishery;
 - (b) if the applicant is a company—that each director of the company is a fit and proper person to be a director of a company that holds a permit in respect of the fishery.

6—Power of Minister to limit fishing activities

The Minister may impose conditions on a permit in respect of the fishery limiting the class of fishing activities that may be engaged in under the permit.

7—Registration

An application by the holder of a permit in respect of the fishery—

- (a) to register a boat or device for use under the permit; or
 - (b) to register a person as a master of a boat that may be used under the permit,
- must be accompanied by the documents specified in the application form.

8—Revocation of registration

- (1) The Minister may, on application by the holder of a permit in respect of the fishery, revoke the registration of—
- (a) a boat or device used under the permit; or
 - (b) a person as a master of a boat that may be used under the permit.
- (2) An application for revocation of registration must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.

9—Periodic returns

- (1) The holder of a permit in respect of the fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$500.
- (2) The holder of a licence must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$500.

10—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

- (a) is maintained in a good condition and is legible; and
- (b) is kept so that it is readily accessible; and
- (c) is produced for inspection by a fisheries officer on request.

Maximum penalty: \$2 500.

Expiation fee: \$210.

11—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.
- (3) If the Minister makes a determination, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination made for the purposes of a regulation.

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 and variations

New entries appear in bold.

Year	No	Reference	Commencement
2013	194	<i>Gazette 1.8.2013 p3335</i>	1.12.2013: r 2
2017	232	<i>Gazette 8.8.2017 p3425</i>	15.1.2018: r 2

Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>15.1.2018</i>
r 3		
r 3(1)		
Department	inserted by 232/2017 r 4(1)	15.1.2018
r 3(2)	varied by 232/2017 r 4(2)	15.1.2018
r 8		
r 8(2)	varied by 232/2017 r 5	15.1.2018
rr 9 and 10	substituted by 232/2017 r 6	15.1.2018
r 11	inserted by 232/2017 r 6	15.1.2018