

South Australia

# **Fisheries Management (Marine Scalefish Fishery) Regulations 2017**

under the *Fisheries Management Act 2007*

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## **Contents**

1	Short title
3	Interpretation
4	Constitution of fishery
5	Issue of licences
6	Transfer of licences
7	Transfer of licences between family members
8	Transfer of licences under amalgamation scheme
9	Registration
10	Revocation of registration
11	Restriction on fishing activities in which registered masters other than licence holder may be engaged
13	Carriage of crab nets on boats
14	Individual King George whiting catch quota system
15	Individual pipi catch quota system
16	Individual blue crab catch quota system
17	Individual snapper catch quota system
17A	Individual southern calamari catch quota system
17B	Individual southern garfish catch quota system
18	Restrictions on taking certain species
19	Restriction on use of cockle rakes
20	Pipi to be landed within State
21	Restriction on use of sand crab pots
24	Information to be provided—taking King George whiting
25	Information to be provided—taking pipi
25A	Information to be provided—taking snapper
25B	Information to be provided—taking southern calamari
25C	Information to be provided—taking southern garfish
27	Use of agents in fishing activities—licences under which boats are registered
28	Use of agents in fishing activities—licences under which no registered boats are used
29	Catch and disposal requirements—King George whiting
30	Catch and disposal requirements—pipi
31	Catch and disposal requirements—blue crab
32	Catch and disposal requirements—snapper
32A	Catch and disposal requirements—southern calamari
32B	Catch and disposal requirements—southern garfish
33	King George whiting, pipi, snapper, southern calamari and southern garfish to be delivered or consigned to registered fish processor
35	Periodic returns
36	Provision relating to keeping of records
37	Minister's determinations

Schedule 1—Aquatic resources prescribed for Marine Scalefish Fishery

Part 1—Aquatic resources prescribed for the purposes of regulation 4(2)(a)

Part 2—Aquatic resources prescribed for the purposes of regulation 4(2)(b)

Legislative history

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**1—Short title**

These regulations may be cited as the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*.

**3—Interpretation**

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

*Act* means the *Fisheries Management Act 2007*;

*blue crab* means Blue Swimmer Crab (*Portunus armatus*);

*Blue Crab Fishery* has the same meaning as in the *Fisheries Management (Blue Crab Fishery) Regulations 2013*;

*blue crab fishing zone* has the same meaning as in the *Fisheries Management (Blue Crab Fishery) Regulations 2013*;

*cockle* means any mollusc of—

- (a) the order Veneroida (other than Pipi (*Donax* spp) or Vongole (*Katelysia* spp)); or
- (b) the genus *Anadara*;

*cockle rake* has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

*crab net* has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

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

*domestic partner* means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

*fishery* means the Marine Scalefish Fishery constituted by these regulations;

**Gulf St. Vincent and Kangaroo Island Fishing Zone** means the waters of Gulf St. Vincent and surrounding waters contained within and bounded by a line commencing at Mean High Water Springs closest to 34°59'59.95" South, 136°58'07.73" East (Gleesons Landing, Yorke Peninsula), then beginning southerly following the line of Mean High Water Springs to the location closest to 35°38'26.13" South, 138°07'28.73" East (southern Fleurieu Peninsula), then southerly to Mean High Water Springs closest to 35°48'07.14" South, 138°07'28.73" East (Cape St. Albans, Kangaroo Island), then beginning south-westerly following the line of Mean High Water Springs to the location closest to 35°59'59.95" South, 136°41'04.52" East (south-western Kangaroo Island), then westerly to 35°59'59.95" South, 136°00'00.03" East, then northerly to 35°29'59.95" South, 136°00'00.03" East, then easterly to 35°29'59.95" South, 136°40'12.03" East, then northerly to 34°59'59.95" South, 136°40'12.03" East, then easterly to the point of commencement;

**Gulf St. Vincent Blue Crab Fishing Zone** has the same meaning as in the *Fisheries Management (Blue Crab Fishery) Regulations 2013*;

**King George whiting** means *Syllaginodes punctatus*;

**King George whiting fishing zone** means—

- (a) the Gulf St. Vincent and Kangaroo Island Fishing Zone; or
- (b) the Spencer Gulf Fishing Zone;

**Lakes and Coorong** has the same meaning as in the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*;

**Lakes and Coorong Fishery** means the fishery of that name constituted by the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*;

**Murray Mouth** means the Coorong and coastal waters within 500 metres of 35°33'30.73" South, 138°52'47.37" East;

**Northern Zone Rock Lobster Fishery** means the fishery of that name constituted by the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;

**ocean jacket trap** means a fish trap (within the meaning of the *Fisheries Management (General) Regulations 2017*) which may, under those regulations, be lawfully used to take Ocean Jacket (*Nelusetta ayraudi*);

**pipi** means Pipi (*Donax* spp);

**pipi quota entitlement**—see regulation 15;

**rock lobster fishery** has the same meaning as in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;

**sand crab pot** has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

**snapper** means *Chrysophrys auratus*;

**snapper fishing zone** means—

- (a) the Gulf St. Vincent and Kangaroo Island Fishing Zone; or
- (b) the South East Fishing Zone; or
- (c) the Spencer Gulf Fishing Zone; or

(d) the West Coast Fishing Zone;

**South East Fishing Zone** means the waters adjacent to the south east coast of South Australia contained within and bounded by a line commencing at Mean High Water Springs closest to 35°38'26.13" South, 138°07'28.73" East (southern Fleurieu Peninsula), then beginning south-easterly following the line of Mean High Water Springs to the location closest to 38°03'39.05" South, 141°00'00.02" East (South Australian-Victorian border), but excluding the Murray Mouth, then southerly to 38°59'59.95" South, 141°00'00.02" East, then westerly to 38°59'59.95" South, 140°00'00.02" East, then northerly to 37°59'59.95" South, 140°00'00.02" East, then westerly to 37°59'59.95" South, 136°00'00.03" East, then northerly to 35°59'59.95" South, 136°00'00.03" East, then easterly to 35°59'59.95" South, 136°41'04.52" East (south-western Kangaroo Island), then beginning south-easterly following the line of Mean High Water Springs to the location closest to 35°48'07.14" South, 138°07'28.73" East (Cape St. Albans, Kangaroo Island), then northerly to the point of commencement;

**southern calamari** means *Sepioteuthis australis*;

**southern calamari fishing zone** means—

- (a) the Gulf St. Vincent and Kangaroo Island Fishing Zone; or
- (b) the Spencer Gulf Fishing Zone;

**southern garfish** means *Hyporhamphus melanochir*;

**southern garfish fishing zone** means—

- (a) the Gulf St. Vincent and Kangaroo Island Fishing Zone; or
- (b) the Spencer Gulf Fishing Zone;

**Southern Zone Rock Lobster Fishery** means the fishery of that name constituted by the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;

**Spencer Gulf Blue Crab Fishing Zone** has the same meaning as in the *Fisheries Management (Blue Crab Fishery) Regulations 2013*;

**Spencer Gulf Fishing Zone** means the waters of Spencer Gulf and surrounding water contained within and bounded by a line commencing at Mean High Water Springs closest to 33°59'59.90" South, 135°15'32.12" East (western Eyre Peninsula), then beginning southerly following the line of Mean High Water Springs to the location closest to 34°59'59.95" South, 136°58'07.73" East (Gleasons Landing, Yorke Peninsula), then westerly to 34°59'59.95" South, 136°40'12.03" East, then southerly to 35°29'59.95" South, 136°40'12.03" East, then westerly to 35°29'59.95" South, 136°00'00.03" East, then southerly to 36°59'59.95" South, 136°00'00.03" East, then westerly to 36°59'59.95" South, 135°00'00.03" East, then northerly to 35°59'59.95" South, 135°00'00.03" East, then westerly to 35°59'59.95" South, 134°00'00.03" East, then northerly to 33°59'59.95" South, 134°00'00.03" East, then easterly to the point of commencement;

**spouse**—a person is the spouse of another if they are legally married;

**vongole** means any mollusc of the genus *Katelysia*;

**West Coast Fishing Zone** means the waters adjacent to the west coast of South Australia contained within and bounded by a line commencing at Mean High Water Springs closest to 31°41'16.13" South, 129°00'00.03" East (Western Australian-South Australian border), then beginning southerly following the line of Mean High Water Springs to the location closest to 33°59'59.90" South, 135°15'32.12" East (western Eyre Peninsula), then westerly to 33°59'59.95" South, 134°00'00.03" East, then southerly to 34°59'59.95" South, 134°00'00.03" East, then westerly to 34°59'59.95" South, 132°00'00.03" East, then northerly to 33°59'59.95" South, 132°00'00.03" East, then westerly to 33°59'59.95" South, 131°00'00.03" East, then northerly to 32°59'59.95" South, 131°00'00.03" East, then westerly to 32°59'59.95" South, 129°00'00.03" East, then northerly to the point of commencement.

- (2) In these regulations—
  - (a) all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 2020 (**GDA2020**) as defined in the determination under section 8A of the *National Measurement Act 1960* of the Commonwealth for the recognised-value standard of measurement position, and all coordinates are expressed in terms of GDA2020;
  - (b) common and scientific fish names are given according to AS5300—2019 *Australian Fish Names Standard* published by the Fisheries Research & Development Corporation, as in force from time to time;
  - (c) a reference to the **taking of aquatic resources** includes a reference to an act preparatory to, or involved in, the taking of the aquatic resources.

#### **4—Constitution of fishery**

- (1) The Marine Scalefish Fishery is constituted.
- (2) The Marine Scalefish Fishery consists of—
  - (a) the taking of aquatic resources specified in Schedule 1 Part 1 in coastal waters; and
  - (b) the taking of aquatic resources specified in Schedule 1 Part 2 in coastal waters for the purpose of bait.

#### **5—Issue of licences**

- (1) Subject to this regulation, the Minister may issue licences in respect of the fishery.
- (2) An application for a licence in respect of the fishery may only be made—
  - (a) by a person who is, immediately before the commencement of this regulation, the holder of a licence in respect of the Marine Scalefish Fishery; or
  - (b) by a person—
    - (i) to whom a licence in respect of the fishery was transferred under these regulations; and
    - (ii) who makes the application on or before the expiration of that licence held by the person (or subsequent licence held by the person in substitution for that licence).

## 6—Transfer of licences

- (1) In this regulation—
- authorised amalgamation scheme transfer* means a transfer of a licence that is authorised under regulation 8;
- authorised family transfer* means a transfer of a licence that is authorised under regulation 7.
- (2) Subject to these regulations, licences in respect of the fishery are transferable.
- (4) An application for consent to the transfer of a licence must be accompanied by—
- (a) the licence to be transferred; and
  - (b) a form of return as required by regulation 35 completed by the holder of the licence up to the date of application.
- (5) The Minister may only consent to the transfer of a licence if satisfied as to the following:
- (a) that the transfer—
    - (i) is an authorised family transfer; or
    - (ii) is an authorised amalgamation scheme transfer; or
    - (iii) occurs in the course of the administration of a deceased estate under section 57(6) of the Act; or
    - (iv) occurs as a result of the holder of the licence suffering from total and permanent incapacity; or
    - (v) occurs as a result of a disqualification under Part 8 Division 4 of the Act;
  - (c) that any fees or other amounts payable in relation to the licence under the Act have been paid in full;
  - (d) that the licence to be transferred has not been suspended;
  - (e) that the transfer is to 1 person only;
  - (f) that no proceedings alleging an offence against the Act are pending or likely to be commenced in the State against the holder of the licence;
  - (g) that the transferee is a natural person of at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery.

## 7—Transfer of licences between family members

Subject to regulation 6, a licence in respect of the fishery may be transferred if the transferee is—

- (a) the spouse or domestic partner of the licensee; or
- (b) a parent or grandparent of the licensee; or
- (c) a brother or sister, or half-brother or half-sister, of the licensee; or
- (d) a child or grandchild of the licensee; or
- (e) a child or grandchild of the spouse or domestic partner of the licensee.

## 8—Transfer of licences under amalgamation scheme

(1) In this regulation—

**aggregate fishing points value**, in relation to 2 or more licences, means the sum of the fishing points values endorsed on the licences under this regulation;

**aggregate gear entitlement**, in relation to 2 or more licences, means the aggregate of the gear entitlements under the licences;

**licence** means a licence in respect of the fishery;

**line licence** means a licence other than a net licence;

**net** means a fish net as defined in the *Fisheries Management (General) Regulations 2017* but does not include a bait net as defined in those regulations;

**net licence** means a licence under which there is a gear entitlement that authorises the use of 1 or more nets (whether or not the entitlement authorises the use of other devices).

(2) For the purposes of this regulation, the fishing points value in respect of each net licence or line licence is the fishing points value endorsed on each licence immediately before the commencement of this regulation.

(3) The fishing points value endorsed on a licence may be varied only—

- (a) to reflect a change of the licence from a net licence to a line licence; or
- (b) as otherwise required under this regulation; or
- (c) in order to correct an error.

(4) Subject to regulation 6, a licence may then be transferred as authorised under the following provisions:

- (a) a net licence in respect of the fishery may be transferred to the holder of another net licence in respect of the fishery;
- (b) a line licence in respect of the fishery may be transferred to the holder of another line licence in respect of the fishery;
- (d) if a transfer of a kind referred to in a preceding paragraph has effect, the transferee must surrender to the Minister 1 of the 2 licences then held by the transferee;
- (e) if 1 or more of the licences held by the transferee has recorded on it demerit points incurred under Part 8 Division 4 of the Act in respect of offences committed within the preceding period of 5 years, the licence or licences surrendered must be—
  - (i) the licence or licences without any such demerit points, or (as the case may require) the licence or licences with the greater number of such demerit points, recorded on the licence or licences; or
  - (ii) if the same number of such demerit points is recorded on each licence—the licence or licences with demerit points recorded on it in respect of the most recently committed offence;

- (f) if 1 or more licences are to be surrendered but any fees or other amounts payable under the Act in respect of those licences have not been paid in full, the fees or amounts still owing must be paid on or before the surrender of those licences;
- (g) on the surrender of a licence and payment of any amount required to be paid under paragraph (f) in respect of the licence, the Minister must—
  - (i) replace the gear endorsement of the remaining licence held by the transferee with a gear endorsement that makes provision for the aggregate gear entitlement in relation to that licence and the surrendered licence or licences; and
  - (ii) vary the fishing points value endorsed on the remaining licence under this regulation so that it equals the aggregate fishing points value in relation to that licence and the surrendered licence or licences;
- (h) when, as a result of the process referred to in paragraphs (a) to (g), the fishing points value endorsed on a licence under this regulation equals or exceeds 24, the licence may be transferred without complying with those paragraphs;
- (i) the gear entitlement under the remaining licence held by the transferee is replaced with a gear entitlement that makes provision for the aggregate gear entitlement under that licence and the surrendered licence or licences.

## 9—Registration

- (1) An application by the holder of a licence in respect of the fishery—
  - (a) to register a boat or device for use under the licence; or
  - (b) to register a person as a master of a boat that may be used under the licence,must be accompanied by the documents specified in the application form.
- (2) A person other than the holder of a licence in respect of the fishery (the *licensee*) cannot be registered as the master of a boat used under the licence unless—
  - (a) the licensee is already registered as the master of a boat used under another licence in respect of the fishery held by the licensee; or
  - (b) the licence is subject to a condition fixing a pipi quota entitlement; or
  - (d) the gear entitlement under the licence authorises the use of 1 or more of any of the following devices:
    - (i) an ocean jacket trap;
    - (ii) a sand crab pot.
- (3) If the gear entitlement under a licence in respect of the fishery authorises the use of an ocean jacket trap, a person cannot be registered as the master of a boat used under the licence if the holder of the licence and 2 other persons are already registered as masters of that boat.

## 10—Revocation of registration

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

## 11—Restriction on fishing activities in which registered masters other than licence holder may be engaged

If a person holds only 1 licence in respect of the fishery, a registered master other than the holder of the licence must not engage in fishing activities under the licence other than—

- (a) in the case of a licence subject to a condition fixing a pipi quota entitlement—the taking of pipi under the licence; or
- (b) in the case of a licence that authorises the use of ocean jacket traps or sand crab pots—fishing activities involving the use of those devices,

unless the person is acting in place of the holder of the licence with the consent of the Minister under section 53 of the Act.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## 13—Carriage of crab nets on boats

The Minister may impose conditions on licences in respect of the fishery limiting the number of crab nets that may be carried on boats and otherwise regulating the carrying of crab nets used for fishing activities engaged in under the licences.

## 14—Individual King George whiting catch quota system

- (1) In this regulation—

*following quota period*, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which King George whiting may be taken by the holder of the licence following the first quota period;

*initial allocation*, in relation to the allocation of King George whiting units to a licence in respect of the fishery and a particular King George whiting fishing zone, means the allocation of King George whiting units to the licence made in respect of that zone on or before the commencement of the quota period 2021-2022;

**King George whiting quota entitlement** or **quota entitlement**, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a King George whiting fishing zone, means the maximum number of kilograms of King George whiting that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

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

**quota period 2021-2022** means the quota period commencing on 1 July 2021;

**unit entitlement**, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a King George whiting fishing zone, means the number of King George whiting units for the time being allocated to the licence in respect of that zone;

**unit value** means the number of kilograms of King George whiting determined by the Minister to be the value of a King George whiting unit for a King George whiting fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
  - (a) determine the total allowable commercial catch for that quota period for the Marine Scalefish Fishery, the Northern Zone Rock Lobster Fishery and the Southern Zone Rock Lobster Fishery and each King George whiting fishing zone; and
  - (b) determine the number of kilograms of King George whiting that is to be the value of a King George whiting unit for each King George whiting fishing zone and that quota period; and
  - (c) determine the methodology or formula by which King George whiting units are to be allocated to licences in respect of the fishery on which a condition fixing a King George whiting quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional King George whiting units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of King George whiting that is to be the value of a King George whiting unit for each King George whiting fishing zone and that quota period.
- (4a) The Minister may, after the commencement of a quota period, vary a determination under subregulation (4) to increase the value of a King George whiting unit in relation to a particular King George whiting fishing zone.

- (5) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery or a rock lobster fishery fixing King George whiting quota entitlements as follows:
- (a) a condition may be imposed on a licence in respect of the Marine Scalefish Fishery fixing a King George whiting quota entitlement;
  - (ab) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone to increase the unit entitlement under the licence in respect of that zone if the Minister determines that—
    - (i) exceptional circumstances (as referred to in subregulation (2)(c)) apply (or applied) to the holder of the licence in respect of the initial allocation of King George whiting units under the licence; and
    - (ii) the additional units should be allocated to take account of (or further take account of) those circumstances;
  - (ac) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone to increase the unit entitlement under the licence in respect of that zone for a specified quota period (or periods) to take account of—
    - (i) any additional units allocated to the licence by the Minister on the basis that exceptional circumstances apply (or applied) to the holder of the licence in respect of the initial allocation of King George whiting units under the licence; and
    - (ii) the fact that those additional units did not form part of the unit entitlement under the licence for the quota period 2021-2022 and, if relevant, a subsequent quota period (or part of a subsequent quota period);
  - (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of the same King George whiting fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that King George whiting fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
  - (c) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a King George whiting quota entitlement in respect of that zone (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and

- (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a King George whiting quota entitlement in respect of that zone may be imposed on that licence;
- (d) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone (the *first licence*) and the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement in respect of the same King George whiting fishing zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to increase the unit entitlement under the licence in respect of that zone; and
  - (ii) the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a King George whiting quota entitlement in respect of that zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
  - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a King George whiting quota entitlement in respect of that zone may be imposed on that licence;
- (f) if the total catch of King George whiting taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the King George whiting quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the King George whiting quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) by 1 kilogram of King George whiting for each kilogram by which the catch fell short of the King George whiting quota entitlement for the first quota period up to—
  - (i) —
    - (A) 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
  - (ii) if the Minister is satisfied that exceptional circumstances apply—

- (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch,  
as is determined by the Minister on or before the commencement of the subsequent quota period;
  - (g) if the total catch of King George whiting taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone during a quota period (the *first quota period*) (being a quota period that commences on or after 1 July 2022) exceeded the King George whiting quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) as follows:
    - (i) if the catch exceeded the quota entitlement by—
      - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
      - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,  
by 1 kilogram of King George whiting for each kilogram taken in excess of the quota entitlement; or
    - (ii) if the catch exceeded the quota entitlement by—
      - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
      - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,  
by 2 kilograms of King George whiting for each kilogram taken in excess of the quota entitlement.
- (5a) For the purposes of—
- (a) subregulation (5)(f)(i) and (ii); and
  - (b) subregulation (5)(g)(i) and (ii),
- any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (5)(f)(i) or (ii) must be disregarded.
- (5b) A variation of a quota entitlement under subregulation (5)(f) or (g) must be expressed to apply only for the quota period during which the variation is made.
- (5c) An application under subregulation (5)(b) or (c) may not be made in respect of King George whiting units allocated to the licence under subregulation (5)(f).

- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements 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 prescribed fee.

## 15—Individual pipi catch quota system

- (1) In this regulation—

***following quota period***, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which pipi may be taken by the holder of the licence following the first quota period;

***pipi quota entitlement*** or ***quota entitlement***, in relation to a licence in respect of the Marine Scalefish Fishery or the Lakes and Coorong Fishery subject to a condition fixing a pipi quota entitlement, means the maximum number of kilograms of pipi that may be lawfully taken by the holder of the licence during a quota period, being the product of—

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

subject to any variation applying during that quota period;

***quota period***—a quota period for the Marine Scalefish Fishery for the taking of pipi is a period of 12 months commencing on 1 July;

***quota period 2019-2020*** means the quota period that ended on 30 June 2020;

***quota period 2020-2021*** means the quota period ending on 30 June 2021;

***quota period 2021-2022*** means the quota period ending on 30 June 2022;

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

***unit value*** means the number of kilograms of pipi determined by the Minister to be the value of a pipi unit for a quota period.

- (2) The Minister must determine the number of kilograms of pipi that is to be the value of a pipi unit for each quota period.
- (3) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery fixing pipi quota entitlements as follows:
  - (a) on joint application made to the Minister by the holders of any 2 licences in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;

- (b) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement (the *first licence*) and the holder of a licence in respect of the Lakes and Coorong Fishery subject to such a condition (the *second licence*)—
- (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence by a corresponding number of units; or
  - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence by a corresponding number of units;
- (ba) if the total catch of pipi taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement during the quota period 2019-2020 is less than the pipi quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to increase the pipi quota entitlement for the quota periods 2020-2021 and 2021-2022 by up to 1 kilogram of pipi for each kilogram by which the catch fell short of the pipi quota entitlement for the quota period 2019-2020;
- (c) if the total catch of pipi taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the pipi quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to increase the pipi quota entitlement for the following quota period (the *subsequent quota period*) by 1 kilogram of pipi for each kilogram by which the catch fell short of the pipi quota entitlement for the first quota period up to—
- (i) —
    - (A) 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
  - (ii) if the Minister is satisfied that exceptional circumstances apply—
    - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period;

- (d) if the total catch of pipi taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement during a quota period (the *first quota period*) (being a quota period that commences on or after 1 July 2022) exceeded the pipi quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement for the following quota period (the *subsequent quota period*) as follows:
- (i) if the catch exceeded the quota entitlement by—
    - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 1 kilogram of pipi for each kilogram taken in excess of the quota entitlement; or
  - (ii) if the catch exceeded the quota entitlement by—
    - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 2 kilograms of pipi for each kilogram taken in excess of the quota entitlement.
- (3a) In determining whether to vary the conditions of a licence under subregulation (3)(ba) so as to increase the pipi quota entitlement under the licence for the quota period 2021-2022, the Minister must take into account—
- (a) the total catch of pipi taken by the holder of the licence during the quota period 2020-2021; and
  - (b) any increase in the pipi quota entitlement under the licence for the quota period 2020-2021.
- (3b) For the purposes of—
- (a) subregulation (3)(c)(i) and (ii); and
  - (b) subregulation (3)(d)(i) and (ii),
- the following must be disregarded:
- (c) any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence made under subregulation (3)(ba); or
  - (d) any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (3)(c)(i) or (ii).

- (3c) A variation of a quota entitlement under subregulation (3)(c) or (d) must be expressed to apply only for the quota period during which the variation is made.
- (3d) An application under subregulation (3)(a) or (b)(i) may not be made in respect of pipi units allocated to the licence under subregulation (3)(c).
- (4) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (5) An application to vary unit entitlements must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the prescribed fee.

## 16—Individual blue crab catch quota system

- (1) In this regulation—

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

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and that quota period,

subject to any variation applying during that quota period;

***following quota period***, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which blue crab may be taken by the holder of the licence following the first quota period;

***quota period***—a quota period for the Marine Scalefish Fishery or the Blue Crab Fishery is a period of 12 months commencing on 1 July;

***unit entitlement***, in relation to a licence in respect of the Marine Scalefish Fishery or the Blue Crab Fishery and a blue crab fishing zone, means the number of blue crab units for the time being allocated to the licence in respect of that zone;

***unit value*** means the number of kilograms of blue crab determined by the Minister to be the value of a blue crab unit for a blue crab fishing zone and a quota period.

- (2) The Minister must, on or before the commencement of each quota period, determine the number of kilograms of blue crab that is to be the value of a blue crab unit for a blue crab fishing zone and the quota period.

- (3) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery or the Blue Crab Fishery fixing blue crab quota entitlements as follows:
- (a) on joint application made to the Minister by the holders of any 2 licences in respect of the Marine Scalefish Fishery subject to conditions fixing blue crab quota entitlements in relation to the same blue crab fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
  - (b) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a blue crab quota entitlement in relation to a particular blue crab fishing zone (the *first licence*) and the holder of another licence in respect of the Marine Scalefish Fishery, being a licence not subject to a condition fixing a blue crab quota entitlement (whether at all or in relation to that zone) (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
    - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a blue crab quota entitlement in respect of that zone may be imposed on that licence;
  - (c) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a blue crab quota entitlement in relation to a particular blue crab fishing zone (the *first licence*) and the holder of a licence in respect of the Blue Crab Fishery subject to a condition fixing a blue crab quota entitlement in respect of the same zone (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units; or
    - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence in respect of that zone and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;
  - (d) on joint application made to the Minister by the holder of a licence in respect of the Blue Crab Fishery subject to a condition fixing a blue crab quota entitlement in respect of a particular blue crab fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a blue crab quota entitlement (whether at all or in relation to the same zone) (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and

- (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a blue crab quota entitlement in respect of that zone may be imposed on that licence;
- (e) if the total catch of blue crab taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a blue crab quota entitlement in respect of a particular blue crab fishing zone during a quota period (the **first quota period**) (being a quota period that commenced on or after 1 July 2021) is less than the blue crab quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the blue crab quota entitlement in respect of that fishing zone for the following quota period (the **subsequent quota period**) by 1 kilogram of blue crab for each kilogram by which the catch fell short of the blue crab quota entitlement for the first quota period up to—
  - (i) —
    - (A) 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
  - (ii) if the Minister is satisfied that exceptional circumstances apply—
    - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period;
- (f) if the total catch of blue crab taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a blue crab quota entitlement in respect of a particular blue crab fishing zone during a quota period (the **first quota period**) (being a quota period that commences on or after 1 July 2022) exceeded the blue crab quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the **subsequent quota period**) as follows:
  - (i) if the catch exceeded the quota entitlement by—
    - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 1 kilogram of blue crab for each kilogram taken in excess of the quota entitlement; or
  - (ii) if the catch exceeded the quota entitlement by—

- (A) an amount greater than 10% of the quota entitlement for the first quota period; or
  - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,
    - by 2 kilograms of blue crab for each kilogram taken in excess of the quota entitlement.
- (3a) For the purposes of—
- (a) subregulation (3)(e)(i) and (ii); and
  - (b) subregulation (3)(f)(i) and (ii),
- any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (3)(e)(i) or (ii) must be disregarded.
- (3b) A variation of a quota entitlement under subregulation (3)(e) or (f) must be expressed to apply only for the quota period during which the variation is made.
- (3c) An application under subregulation (3)(a), (b) or (c)(i) may not be made in respect of blue crab units allocated to the licence under subregulation (3)(e).
- (4) An application to vary unit entitlements 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 prescribed fee.
- (5) The holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a blue crab quota entitlement must not, while the unit entitlement under the licence is less than—
- (a) in the case of a licence referred to in Schedule 4 of the *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 1991* as in force on 31 August 2006—19 blue crab units; or
  - (b) in any other case—80 blue crab units,
- take blue crab under the licence except in the waters of the State west of longitude 135°E.
- Maximum penalty: \$5 000.

## 17—Individual snapper catch quota system

- (1) In this regulation—

***following quota period***, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which snapper may be taken by the holder of the licence following the first quota period;

***initial allocation***, in relation to the allocation of snapper units to a licence in respect of the fishery and a particular snapper fishing zone, means the allocation of snapper units to the licence made in respect of that zone on or before the commencement of the quota period 2021-2022;

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

**quota period 2021-2022** means the quota period commencing on 1 July 2021;

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

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

**unit entitlement**, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a snapper fishing zone, means the number of snapper units for the time being allocated to the licence in respect of that zone;

**unit value** means the number of kilograms of snapper determined by the Minister to be the value of a snapper unit for a snapper fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
  - (a) determine the total allowable commercial catch for that quota period for the Marine Scalefish Fishery, the Northern Zone Rock Lobster Fishery and the Southern Zone Rock Lobster Fishery and each snapper fishing zone; and
  - (b) determine the number of kilograms of snapper that is to be the value of a snapper unit for each snapper fishing zone and that quota period; and
  - (c) determine the methodology or formula by which snapper units are to be allocated to licences in respect of the fishery on which a condition fixing a snapper quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional snapper units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of snapper that is to be the value of a snapper unit for each snapper fishing zone and that quota period.
- (4a) The Minister may, after the commencement of a quota period, vary a determination under subregulation (4) to increase the value of a snapper unit in relation to a particular snapper fishing zone.
- (5) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery or a rock lobster fishery fixing snapper quota entitlements as follows:
  - (a) a condition may be imposed on a licence in respect of the Marine Scalefish Fishery fixing a snapper quota entitlement;

- (ab) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone to increase the unit entitlement under the licence in respect of that zone if the Minister determines that—
  - (i) exceptional circumstances (as referred to in subregulation (2)(c)) apply (or applied) to the holder of the licence in respect of the initial allocation of snapper units under the licence; and
  - (ii) the additional units should be allocated to take account of (or further take account of) those circumstances;
- (ac) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone to increase the unit entitlement under the licence in respect of that zone for a specified quota period (or periods) to take account of—
  - (i) any additional units allocated to the licence by the Minister on the basis that exceptional circumstances apply (or applied) to the holder of the licence in respect of the initial allocation of snapper units under the licence; and
  - (ii) the fact that those additional units did not form part of the unit entitlement under the licence for the quota period 2021-2022 and, if relevant, a subsequent quota period (or part of a subsequent quota period);
- (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of the same snapper fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that snapper fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
- (c) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a snapper quota entitlement in respect of that zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
  - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a snapper quota entitlement in respect of that zone may be imposed on that licence;
- (d) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone (the *first licence*) and the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement in respect of the same snapper fishing zone (the *second licence*)—

- (i) the conditions of the first licence may be varied so as to increase the unit entitlement under the licence in respect of that zone; and
  - (ii) the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a snapper quota entitlement in respect of that zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
  - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a snapper quota entitlement in respect of that zone may be imposed on that licence;
- (f) if the total catch of snapper taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the snapper quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the snapper quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) by 1 kilogram of snapper for each kilogram by which the catch fell short of the snapper quota entitlement for the first quota period up to—
  - (i) —
    - (A) 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
  - (ii) if the Minister is satisfied that exceptional circumstances apply—
    - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch,  
as is determined by the Minister on or before the commencement of the subsequent quota period;

- (g) if the total catch of snapper taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone during a quota period (the *first quota period*) (being a quota period that commences on or after 1 July 2022) exceeded the snapper quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) as follows:
- (i) if the catch exceeded the quota entitlement by—
    - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 1 kilogram of snapper for each kilogram taken in excess of the quota entitlement; or
  - (ii) if the catch exceeded the quota entitlement by—
    - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 2 kilograms of snapper for each kilogram taken in excess of the quota entitlement.
- (5a) For the purposes of—
- (a) subregulation (5)(f)(i) and (ii); and
  - (b) subregulation (5)(g)(i) and (ii),
- any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (5)(f)(i) or (ii) must be disregarded.
- (5b) A variation of a quota entitlement under subregulation (5)(f) or (g) must be expressed to apply only for the quota period during which the variation is made.
- (5c) An application under subregulation (5)(b) or (c) may not be made in respect of snapper units allocated to the licence under subregulation (5)(f).
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements 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 prescribed fee.

### 17A—Individual southern calamari catch quota system

- (1) In this regulation—

***following quota period***, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which southern calamari may be taken by the holder of the licence following the first quota period;

***initial allocation***, in relation to the allocation of southern calamari units to a licence in respect of the fishery and a particular southern calamari fishing zone, means the allocation of southern calamari units to the licence made in respect of that zone on or before the commencement of the quota period 2021-2022;

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

***quota period 2021-2022*** means the quota period commencing on 1 July 2021;

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

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

***unit entitlement***, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a southern calamari fishing zone, means the number of southern calamari units for the time being allocated to the licence in respect of that zone;

***unit value*** means the number of kilograms of southern calamari determined by the Minister to be the value of a southern calamari unit for a southern calamari fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
- (a) determine the total allowable commercial catch for that quota period for the Marine Scalefish Fishery, the Northern Zone Rock Lobster Fishery and the Southern Zone Rock Lobster Fishery and each southern calamari fishing zone; and
  - (b) determine the number of kilograms of southern calamari that is to be the value of a southern calamari unit for each southern calamari fishing zone and that quota period; and
  - (c) determine the methodology or formula by which southern calamari units are to be allocated to licences in respect of the fishery on which a condition fixing a southern calamari quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional southern calamari units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).

- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of southern calamari that is to be the value of a southern calamari unit for each southern calamari fishing zone and that quota period.
- (4a) The Minister may, after the commencement of a quota period, vary a determination under subregulation (4) to increase the value of a southern calamari unit in relation to a particular southern calamari fishing zone.
- (5) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery or a rock lobster fishery fixing southern calamari quota entitlements as follows:
  - (a) a condition may be imposed on a licence in respect of the Marine Scalefish Fishery fixing a southern calamari quota entitlement;
  - (ab) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone to increase the unit entitlement under the licence in respect of that zone if the Minister determines that—
    - (i) exceptional circumstances (as referred to in subregulation (2)(c)) apply (or applied) to the holder of the licence in respect of the initial allocation of southern calamari units under the licence; and
    - (ii) the additional units should be allocated to take account of (or further take account of) those circumstances;
  - (ac) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone to increase the unit entitlement under the licence in respect of that zone for a specified quota period (or periods) to take account of—
    - (i) any additional units allocated to the licence by the Minister on the basis that exceptional circumstances apply (or applied) to the holder of the licence in respect of the initial allocation of southern calamari units under the licence; and
    - (ii) the fact that those additional units did not form part of the unit entitlement under the licence for the quota period 2021-2022 and, if relevant, a subsequent quota period (or part of a subsequent quota period);
  - (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of the same southern calamari fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that southern calamari fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;

- (c) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a southern calamari quota entitlement in respect of that zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
  - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a southern calamari quota entitlement in respect of that zone may be imposed on that licence;
- (d) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone (the *first licence*) and the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement in respect of the same southern calamari fishing zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to increase the unit entitlement under the licence in respect of that zone; and
  - (ii) the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a southern calamari quota entitlement in respect of that zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
  - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a southern calamari quota entitlement in respect of that zone may be imposed on that licence;
- (f) if the total catch of southern calamari taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the southern calamari quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the southern calamari quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) by 1 kilogram of southern calamari for each kilogram by which the catch fell short of the southern calamari quota entitlement for the first quota period up to—
  - (i) —

- (A) 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
  - (ii) if the Minister is satisfied that exceptional circumstances apply—
    - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period;
  - (g) if the total catch of southern calamari taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone during a quota period (the *first quota period*) (being a quota period that commences on or after 1 July 2022) exceeded the southern calamari quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) as follows:
    - (i) if the catch exceeded the quota entitlement by—
      - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
      - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,  
by 1 kilogram of southern calamari for each kilogram taken in excess of the quota entitlement; or
    - (ii) if the catch exceeded the quota entitlement by—
      - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
      - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,  
by 2 kilograms of southern calamari for each kilogram taken in excess of the quota entitlement.
- (5a) For the purposes of—
- (a) subregulation (5)(f)(i) and (ii); and
  - (b) subregulation (5)(g)(i) and (ii),

any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (5)(f)(i) or (ii) must be disregarded.

- (5b) A variation of a quota entitlement under subregulation (5)(f) or (g) must be expressed to apply only for the quota period during which the variation is made.
- (5c) An application under subregulation (5)(b) or (c) may not be made in respect of southern calamari units allocated to the licence under subregulation (5)(f).
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements 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 prescribed fee.

### **17B—Individual southern garfish catch quota system**

- (1) In this regulation—

*following quota period*, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which southern garfish may be taken by the holder of the licence following the first quota period;

*initial allocation*, in relation to the allocation of southern garfish units to a licence in respect of the fishery and a particular southern garfish fishing zone, means the allocation of southern garfish units to the licence made in respect of that zone on or before the commencement of the quota period 2021-2022;

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

*quota period 2021-2022* means the quota period commencing on 1 July 2021;

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

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

*unit entitlement*, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a southern garfish fishing zone, means the number of southern garfish units for the time being allocated to the licence in respect of that zone;

*unit value* means the number of kilograms of southern garfish determined by the Minister to be the value of a southern garfish unit for a southern garfish fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
- (a) determine the total allowable commercial catch for that quota period for the Marine Scalefish Fishery, the Northern Zone Rock Lobster Fishery and the Southern Zone Rock Lobster Fishery and each southern garfish fishing zone; and
  - (b) determine the number of kilograms of southern garfish that is to be the value of a southern garfish unit for each southern garfish fishing zone and that quota period; and
  - (c) determine the methodology or formula by which southern garfish units are to be allocated to licences in respect of the fishery on which a condition fixing a southern garfish quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional southern garfish units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of southern garfish that is to be the value of a southern garfish unit for each southern garfish fishing zone and that quota period.
- (4a) The Minister may, after the commencement of a quota period, vary a determination under subregulation (4) to increase the value of a southern garfish unit in relation to a particular southern garfish fishing zone.
- (5) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery or a rock lobster fishery fixing southern garfish quota entitlements as follows:
- (a) a condition may be imposed on a licence in respect of the Marine Scalefish Fishery fixing a southern garfish quota entitlement;
  - (ab) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone to increase the unit entitlement under the licence in respect of that zone if the Minister determines that—
    - (i) exceptional circumstances (as referred to in subregulation (2)(c)) apply (or applied) to the holder of the licence in respect of the initial allocation of southern garfish units under the licence; and
    - (ii) the additional units should be allocated to take account of (or further take account of) those circumstances;
  - (ac) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone to increase the unit entitlement under the licence in respect of that zone for a specified quota period (or periods) to take account of—

- (i) any additional units allocated to the licence by the Minister on the basis that exceptional circumstances apply (or applied) to the holder of the licence in respect of the initial allocation of southern garfish units under the licence; and
  - (ii) the fact that those additional units did not form part of the unit entitlement under the licence for the quota period 2021-2022 and, if relevant, a subsequent quota period (or part of a subsequent quota period);
- (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of the same southern garfish fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that southern garfish fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
- (c) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a southern garfish quota entitlement in respect of that zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
  - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a southern garfish quota entitlement in respect of that zone may be imposed on that licence;
- (d) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone (the *first licence*) and the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement in respect of the same southern garfish fishing zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to increase the unit entitlement under the licence in respect of that zone; and
  - (ii) the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a southern garfish quota entitlement in respect of that zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and

- (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a southern garfish quota entitlement in respect of that zone may be imposed on that licence;
- (f) if the total catch of southern garfish taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the southern garfish quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the southern garfish quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) by 1 kilogram of southern garfish for each kilogram by which the catch fell short of the southern garfish quota entitlement for the first quota period up to—
  - (i) —
    - (A) 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
  - (ii) if the Minister is satisfied that exceptional circumstances apply—
    - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period;
- (g) if the total catch of southern garfish taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone during a quota period (the *first quota period*) (being a quota period that commences on or after 1 July 2022) exceeded the southern garfish quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) as follows:
  - (i) if the catch exceeded the quota entitlement by—
    - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 1 kilogram of southern garfish for each kilogram taken in excess of the quota entitlement; or

- (ii) if the catch exceeded the quota entitlement by—
  - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
  - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 2 kilograms of southern garfish for each kilogram taken in excess of the quota entitlement.
- (5a) For the purposes of—
  - (a) subregulation (5)(f)(i) and (ii); and
  - (b) subregulation (5)(g)(i) and (ii),any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (5)(f)(i) or (ii) must be disregarded.
- (5b) A variation of a quota entitlement under subregulation (5)(f) or (g) must be expressed to apply only for the quota period during which the variation is made.
- (5c) An application under subregulation (5)(b) or (c) may not be made in respect of southern garfish units allocated to the licence under subregulation (5)(f).
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements 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 prescribed fee.

## 18—Restrictions on taking certain species

- (1) The holder of a licence in respect of the fishery must not take vongole under the licence unless—
  - (a) the vongole are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
  - (b) the number of vongole taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of vongole that may be taken in any 1 day for that purpose.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The holder of a licence in respect of the fishery must not take pipi for a commercial purpose unless the licence is subject to a condition fixing a pipi quota entitlement.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of the fishery (other than a licence subject to a condition fixing a pipi quota entitlement) must not take pipi under the licence except for the purpose of bait to be used to take aquatic resources under the licence.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (4) The holder of a licence in respect of the fishery must not, on any 1 day, take a number of cockles under the licence exceeding the number fixed by condition of the licence as the maximum number of cockles that may be taken in any 1 day.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (5) The holder of a licence in respect of the fishery must not take blue crab in a blue crab fishing zone for a commercial purpose unless the licence is subject to a condition fixing a blue crab quota entitlement in relation to that zone.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (6) The holder of a licence in respect of the fishery must not take sardines under the licence unless—
- (a) the sardines are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
  - (b) the number of sardines taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of sardines that may be taken in any 1 day for that purpose.
- Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (7) The holder of a licence in respect of the fishery must not take King George whiting in a King George whiting fishing zone for a commercial purpose unless the licence is subject to a condition fixing a King George whiting quota entitlement in relation to that zone.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (8) The holder of a licence in respect of the fishery must not take snapper in a snapper fishing zone for a commercial purpose unless the licence is subject to a condition fixing a snapper quota entitlement in relation to that zone.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (9) The holder of a licence in respect of the fishery must not take southern calamari in a southern calamari fishing zone for a commercial purpose unless the licence is subject to a condition fixing a southern calamari quota entitlement in relation to that zone.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

- (10) The holder of a licence in respect of the fishery must not take southern garfish in a southern garfish fishing zone for a commercial purpose unless the licence is subject to a condition fixing a southern garfish quota entitlement in relation to that zone.

Maximum penalty: \$5 000.

Expiation fee: \$315.

#### **19—Restriction on use of cockle rakes**

The holder of a licence in respect of the fishery must not use, or cause, suffer or permit the use of, more than 6 cockle rakes at any 1 time for the purpose of taking pipi under the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

#### **20—Pipi to be landed within State**

The holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement must ensure that all pipi taken under the licence are landed within the State.

Maximum penalty: \$5 000.

Expiation fee: \$315.

#### **21—Restriction on use of sand crab pots**

The holder of a licence in respect of the fishery must not take aquatic resources (other than sand crabs) in the waters of the Fishery using a sand crab pot.

Maximum penalty: \$5 000.

Expiation fee: \$315.

#### **24—Information to be provided—taking King George whiting**

- (1) If fishing activities involving the taking of King George whiting under a licence in respect of the fishery subject to a condition fixing a King George whiting quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

#### **25—Information to be provided—taking pipi**

- (1) If fishing activities involving the taking of pipi under a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement are, or are to be, engaged in, the Department must be notified in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

### **25A—Information to be provided—taking snapper**

- (1) If fishing activities involving the taking of snapper under a licence in respect of the fishery subject to a condition fixing a snapper quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

### **25B—Information to be provided—taking southern calamari**

- (1) If fishing activities involving the taking of southern calamari under a licence in respect of the fishery subject to a condition fixing a southern calamari quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

### **25C—Information to be provided—taking southern garfish**

- (1) If fishing activities involving the taking of southern garfish under a licence in respect of the fishery subject to a condition fixing a southern garfish quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

### **27—Use of agents in fishing activities—licences under which boats are registered**

- (1) This regulation applies only in relation to licences under which 1 or more registered boats are used to take aquatic resources.

- (2) The holder of a licence in respect of the fishery, or the registered master of a registered boat used under such a licence, must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—
- (a) the holder of the licence or the registered master is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and
  - (b) the holder of the licence or the registered master (as the case may be) and the other person remain, while so engaged, within 700 metres of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of the fishery, or the registered master of a registered boat used under such a licence, must not cause or permit more than 2 persons to be engaged at the same time on the shore as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery (other than the taking of pipi under a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement in the Lakes and Coorong).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement, or the registered master of a registered boat used under such a licence, must not cause or permit more than 8 persons to be engaged at the same time on the shore as agents of the holder of the licence in the taking of pipi under the licence in the Lakes and Coorong.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The Minister may impose conditions on a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement limiting the fishing activities that may be engaged in by agents of the holder of the licence in connection with the taking of pipi under the licence in the Lakes and Coorong.

## **28—Use of agents in fishing activities—licences under which no registered boats are used**

- (1) This regulation applies only in relation to licences under which there are no registered boats.
- (2) The holder of a licence in respect of the fishery that is subject to a condition fixing a pipi quota entitlement must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in the taking of pipi in the Lakes and Coorong unless—
- (a) the holder of the licence or a nominated agent is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and

- (b) the holder of the licence or nominated agent (as the case may be) and the other person remain, while so engaged, within 700 metres of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of the fishery must not cause or permit more than 2 persons to be engaged at the same time on the shore as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery other than the taking of pipi under the licence in the Lakes and Coorong.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement must not cause or permit more than 8 persons (not including a nominated agent) to be engaged at the same time on the shore as agents of the holder of the licence in the taking of pipi under the licence in the Lakes and Coorong.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The Minister may impose conditions on a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement limiting the fishing activities that may be engaged in by agents of the holder of the licence in connection with the taking of pipi in the Lakes and Coorong.

- (6) The Minister may, on application by the holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement, approve a person as a nominated agent for the purposes of this regulation.

- (7) An approval under subregulation (6) may be made subject to such conditions as the Minister thinks fit.

- (8) A person must not contravene, or fail to comply with, a condition of an approval under subregulation (6).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (9) In this regulation—

*nominated agent* means a person approved by the Minister as a nominated agent under subregulation (6).

## 29—Catch and disposal requirements—King George whiting

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a King George whiting quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of King George whiting taken under the licence:

- (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of King George whiting taken under the licence as determined by the Minister;

- (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
  - (c) the holder of the licence or the registered master must ensure that King George whiting taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

### **30—Catch and disposal requirements—pipi**

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of pipi taken under the licence:
  - (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of pipi taken under the licence as determined by the Minister;
  - (b) the holder of the licence or registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
  - (c) the holder of the licence or registered master must ensure that pipi taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.  
Maximum penalty: \$5 000.  
Expiation fee: \$500.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$500.

- (3) The holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **31—Catch and disposal requirements—blue crab**

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a blue crab quota entitlement or the registered master of a boat from which blue crab is taken under such a licence must comply with the following provisions:

- (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of blue crab taken under the licence as determined by the Minister;
- (b) the holder of the licence or registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
- (c) the holder of the licence or registered master must ensure that blue crab taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (3) The holder of a licence in respect of the fishery subject to a condition fixing a blue crab quota entitlement must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **32—Catch and disposal requirements—snapper**

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a snapper quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of snapper taken under the licence:

- (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of snapper taken under the licence as determined by the Minister;
- (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;

- (c) the holder of the licence or the registered master must ensure that snapper taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

### **32A—Catch and disposal requirements—southern calamari**

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a southern calamari quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of southern calamari taken under the licence:
  - (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of southern calamari taken under the licence as determined by the Minister;
  - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
  - (c) the holder of the licence or the registered master must ensure that southern calamari taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

### **32B—Catch and disposal requirements—southern garfish**

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a southern garfish quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of southern garfish taken under the licence:
  - (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of southern garfish taken under the licence as determined by the Minister;
  - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
  - (c) the holder of the licence or the registered master must ensure that southern garfish taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **33—King George whiting, pipi, snapper, southern calamari and southern garfish to be delivered or consigned to registered fish processor**

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a King George whiting quota entitlement must ensure that all King George whiting taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement must ensure that all pipi taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of the fishery subject to a condition fixing a snapper quota entitlement must ensure that all snapper taken under the licence are delivered or consigned to a registered fish processor.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (4) The holder of a licence in respect of the fishery subject to a condition fixing a southern calamari quota entitlement must ensure that all southern calamari taken under the licence are delivered or consigned to a registered fish processor.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (5) The holder of a licence in respect of the fishery subject to a condition fixing a southern garfish quota entitlement must ensure that all southern garfish taken under the licence are delivered or consigned to a registered fish processor.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

### **35—Periodic returns**

- (1) The holder of a licence 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.

### **36—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.

### **37—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 they are 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.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 14, 15, 16, 17, 17A or 17B.

## **Schedule 1—Aquatic resources prescribed for Marine Scalefish Fishery**

### **Part 1—Aquatic resources prescribed for the purposes of regulation 4(2)(a)**

#### **Anguilliformes**

Conger Eel (Family Congridae)

#### **Annelids**

Beachworm (Class Polychaeta)

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

#### **Crustaceans**

Blue Crab (*Portunus armatus*)

Rock Crab (*Nectocarcinus integrifons*)

Sand Crab (*Ovalipes* spp)

Spider Crab (Family Majidae)

Velvet Crab (*Nectocarcinus tuberculosus*)

#### **Molluscs**

Southern Calamari (*Sepioteuthis australis*)

Cockle

Cuttlefish (*Sepia* spp)

Mussel (*Mytilus* spp)

Octopus (*Octopus* spp)

Oyster (Family Ostreidae)

Pipi (*Donax* spp)

Scallop (Family Pectinidae)

Gould's Squid (*Notodarus gouldi*)

**Scalefish**

Barracouta (*Thyrstites atun*)

Black Bream (*Acanthopagrus butcheri*)

Cod of all marine species (Family Moridae)

Dory (Family Zeidae)

Flathead (Family Platycephalidae)

Flounder (Family Bothidae or Pleuronectidae)

Southern Garfish (*Hyporhamphus melanochir*)

Bluespotted Goatfish (*Upeneichthys vlamingii*)

Australian Herring (*Arripis georgianus*)

Yellowtail Kingfish (*Seriola lalandi*)

Knifejaw (*Oplegnathus woodwardi*)

Leatherjacket (Family Monacanthidae)

Pink Ling (*Genypterus blacodes*)

Blue Mackerel (*Scomber australasicus*)

Common Jack Mackerel (*Trachurus declivis*)

Morwong (Family Cheilodactylidae)

Mullet of all species (Family Mugilidae)

Mulloway (*Argyrosomus japonicus*)

Redfish (*Centroberyx affinis*)

Bight Redfish (*Centroberyx gerrardi*)

West Australian Salmon (*Arripis truttaceus*)

Sergeant Baker (*Latropiscis purpurissatus*)

Snapper (*Chrysophrys auratus*)

Snook (*Sphyraena novaehollandiae*)

Southern Sole (*Aseraggodes haackeanus*)

Sea Sweep (*Scorpius aequipinnis*)

Silver Drummer (*Kyphosus sydneyanus*)

Swallowtail (*Centroberyx lineatus*)

Blue-eye Trevalla (*Hyperoglyphe antarctica*)

Trevally (*Carangidae* spp)

Western Striped Grunter (*Pelates octolineatus*)

Whiting (Family Sillaginidae)

Blue Weed-Whiting (*Haletta semifasciata*)

Wrasse (Family Labridae) (other than Western Blue Groper (*Achoerodus gouldii*))

**Sharks**

Rays of all species (Class Elasmobranchii)

Shark of all species (Class Elasmobranchii) other than White Shark (*Carcharodon carcharias*)

Skate of all species (Class Elasmobranchii)

**Part 2—Aquatic resources prescribed for the purposes of regulation 4(2)(b)**

**Molluscs**

Razorfish (*Pinna bicolor*)

Vongole

**Scalefish**

Australian Anchovy (*Engraulis australis*)

Maray (*Etrumeus teres*)

Australian Sardine (*Sardinops sagax*)

Blue Sprat (*Spratelloides robustus*)

Sandy Sprat (*Hyperlophus vittatus*)

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Formerly

*Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*

### Legislation revoked by principal regulations

The *Fisheries Management (Marine Scalefish Fishery) Regulations 2017* revoked the following:

*Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2017	228	<i>Gazette 8.8.2017 p3386</i>	15.1.2018: r 2
2020	260	<i>Gazette 27.8.2020 p4405</i>	27.8.2020: r 2
2020	321	<i>Gazette 17.12.2020 p5784</i>	17.12.2020: r 2
2021	87	<i>Gazette 24.6.2021 p2285</i>	1.7.2021: r 2
2021	104	<i>Gazette 1.7.2021 p2608</i>	1.7.2021 immediately after 87/2021: r 2
2022	51	<i>Gazette 30.6.2022 p1994</i>	1.7.2022: r 2
2024	<b>120</b>	<b><i>Gazette 12.12.2024 p4652</i></b>	<b>1.1.2025: r 2</b>

### Provisions varied

New entries appear in bold.

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

Provision	How varied	Commencement
r 1	varied by 87/2021 r 4	1.7.2021
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	27.8.2020
r 3		
r 3(1)		

## Fisheries Management (Marine Scalefish Fishery) Regulations 2017—1.1.2025

### Legislative history

<i>Coffin Bay vongole fishing zone</i>	<i>deleted by 87/2021 r 5(1)</i>	<i>1.7.2021</i>
fishery	inserted by 87/2021 r 5(2)	1.7.2021
Gulf St. Vincent and Kangaroo Island Fishing Zone	inserted by 87/2021 r 5(2)	1.7.2021
King George whiting	inserted by 87/2021 r 5(3)	1.7.2021
King George whiting fishing zone	inserted by 87/2021 r 5(3)	1.7.2021
<i>marine scalefish fishery</i>	<i>deleted by 87/2021 r 5(4)</i>	<i>1.7.2021</i>
<i>MSSF licence</i>	<i>deleted by 87/2021 r 5(4)</i>	<i>1.7.2021</i>
Murray Mouth	inserted by 87/2021 r 5(4)	1.7.2021
<i>Port River vongole fishing zone</i>	<i>deleted by 87/2021 r 5(5)</i>	<i>1.7.2021</i>
rock lobster fishery	inserted by 87/2021 r 5(5)	1.7.2021
<i>sardine</i>	<i>deleted by 87/2021 r 5(6)</i>	<i>1.7.2021</i>
<i>sardine net</i>	<i>deleted by 87/2021 r 5(6)</i>	<i>1.7.2021</i>
<i>sardine quota entitlement</i>	<i>deleted by 87/2021 r 5(6)</i>	<i>1.7.2021</i>
snapper	inserted by 87/2021 r 5(6)	1.7.2021
snapper fishing zone	inserted by 87/2021 r 5(6)	1.7.2021
South East fishing zone	inserted by 87/2021 r 5(6)	1.7.2021
southern calamari	inserted by 87/2021 r 5(6)	1.7.2021
southern calamari fishing zone	inserted by 87/2021 r 5(6)	1.7.2021
southern garfish	inserted by 87/2021 r 5(6)	1.7.2021
southern garfish fishing zone	inserted by 87/2021 r 5(6)	1.7.2021
Southern Zone Rock Lobster Fishery	inserted by 87/2021 r 5(6)	1.7.2021
Spencer Gulf Fishing Zone	inserted by 87/2021 r 5(7)	1.7.2021
<i>vongole fishing zone</i>	<i>deleted by 87/2021 r 5(8)</i>	<i>1.7.2021</i>
<i>vongole quota entitlement</i>	<i>deleted by 87/2021 r 5(8)</i>	<i>1.7.2021</i>
<i>West Coast vongole fishing zone</i>	<i>deleted by 87/2021 r 5(8)</i>	<i>1.7.2021</i>

West Coast Fishing Zone	inserted by 87/2021 r 5(8)	1.7.2021
r 3		
r 3(2)	varied by 87/2021 r 5(9)	1.7.2021
rr 4 and 5	substituted by 87/2021 r 6	1.7.2021
r 6		
r 6(2)	varied by 87/2021 r 7(1)	1.7.2021
r 6(3)	<i>deleted by 87/2021 r 7(2)</i>	1.7.2021
r 6(5)	(b) deleted by 87/2021 r 7(3)	1.7.2021
	varied by 87/2021 r 7(4)	1.7.2021
r 7	varied by 87/2021 r 8	1.7.2021
r 8		
r 8(1)		
licence	varied by 87/2021 r 9(1)	1.7.2021
r 8(4)	(c) deleted by 87/2021 r 9(2)	1.7.2021
	varied by 87/2021 r 9(2), (3)	1.7.2021
r 9		
r 9(1)	varied by 87/2021 r 10(1)	1.7.2021
r 9(2)	varied by 87/2021 r 10(1)	1.7.2021
	(c) deleted by 87/2021 r 10(2)	1.7.2021
	(d)(iii) deleted by 87/2021 r 10(3)	1.7.2021
r 9(3)	varied by 87/2021 r 10(1)	1.7.2021
r 10		
r 10(1)	varied by 87/2021 r 11	1.7.2021
r 11	varied by 87/2021 r 12(1), (3)	1.7.2021
	(b) deleted by 87/2021 r 12(2)	1.7.2021
	substituted by 51/2022 r 3	1.7.2022
r 12	<i>deleted by 87/2021 r 13</i>	1.7.2021
r 13	varied by 87/2021 r 14	1.7.2021
<i>r 14 before substitution by 87/2021</i>		
r 14(1)		
quota period 2019-2020	inserted by 260/2020 r 4(1)	27.8.2020
quota period 2020-2021	inserted by 260/2020 r 4(1)	27.8.2020
quota period 2021-2022	inserted by 260/2020 r 4(1)	27.8.2020
r 14(3)	varied by 260/2020 r 4(2)	27.8.2020
r 14(3a)	inserted by 260/2020 r 4(3)	27.8.2020
r 14	substituted by 87/2021 r 15	1.7.2021
r 14(1)		
following quota period	inserted by 51/2022 r 4(1)	1.7.2022

**Fisheries Management (Marine Scalefish Fishery) Regulations 2017—1.1.2025**

Legislative history

initial allocation	inserted by 51/2022 r 4(1)	1.7.2022
r 14(4a)	inserted by 51/2022 r 4(2)	1.7.2022
r 14(5)	amended by 51/2022 r 4(3), (4)	1.7.2022
r 14(5a)—(5c)	inserted by 51/2022 r 4(5)	1.7.2022
r 15		
r 15(1)		
following quota period	inserted by 51/2022 r 5(1)	1.7.2022
quota period 2019-2020	inserted by 260/2020 r 5(1)	27.8.2020
quota period 2020-2021	inserted by 260/2020 r 5(1)	27.8.2020
quota period 2021-2022	inserted by 260/2020 r 5(1)	27.8.2020
r 15(3)	varied by 260/2020 r 5(2)	27.8.2020
	amended by 51/2022 r 5(2)	1.7.2022
r 15(3a)	inserted by 260/2020 r 5(3)	27.8.2020
r 15(3b)—(3d)	inserted by 51/2022 r 5(3)	1.7.2022
r 16		
r 16(1)		
blue crab quota entitlement or quota entitlement	varied by 87/2021 r 16	1.7.2021
following quota period	inserted by 51/2022 r 6(1)	1.7.2022
quota period	varied by 87/2021 r 16	1.7.2021
<i>quota period 2019-2020</i>	<i>inserted by 260/2020 r 6(1)</i>	<i>27.8.2020</i>
	<i>deleted by 51/2022 r 6(2)</i>	<i>1.7.2022</i>
<i>quota period 2020-2021</i>	<i>inserted by 260/2020 r 6(1)</i>	<i>27.8.2020</i>
	<i>deleted by 51/2022 r 6(2)</i>	<i>1.7.2022</i>
unit entitlement	varied by 87/2021 r 16	1.7.2021
r 16(3)	varied by 260/2020 r 6(2)	27.8.2020
	varied by 87/2021 r 16	1.7.2021
	(da), (g) deleted by 51/2022 r 6(3)	1.7.2022
	amended by 51/2022 r 6(3)	1.7.2022
r 16(3a)—(3c)	inserted by 51/2022 r 6(4)	1.7.2022
r 16(5)	varied by 87/2021 r 16	1.7.2021
<i>r 17 before substitution by 87/2021</i>		
r 17(2)		
<i>quota period 2020</i>	<i>inserted by 321/2020 r 4(1)</i>	<i>17.12.2020</i>
<i>quota period 2021</i>	<i>inserted by 321/2020 r 4(1)</i>	<i>17.12.2020</i>
r 17(4)	(a) deleted by 321/2020 r 4(2)	17.12.2020

	<i>varied by 321/2020 r 4(3), (4)</i>	<i>17.12.2020</i>
r 17	substituted by 87/2021 r 17	1.7.2021
r 17(1)		
following quota period	inserted by 51/2022 r 7(1)	1.7.2022
initial allocation	inserted by 51/2022 r 7(1)	1.7.2022
r 17(4a)	inserted by 51/2022 r 7(2)	1.7.2022
r 17(5)	amended by 51/2022 r 7(3), (4)	1.7.2022
r 17(5a)—(5c)	inserted by 51/2022 r 7(5)	1.7.2022
r 17A	inserted by 87/2021 r 17	1.7.2021
r 17A(1)		
following quota period	inserted by 51/2022 r 8(1)	1.7.2022
initial allocation	inserted by 51/2022 r 8(1)	1.7.2022
r 17A(4a)	inserted by 51/2022 r 8(2)	1.7.2022
r 17A(5)	amended by 51/2022 r 8(3), (4)	1.7.2022
r 17A(5a)—(5c)	inserted by 51/2022 r 8(5)	1.7.2022
r 17B	inserted by 87/2021 r 17	1.7.2021
r 17B(1)		
following quota period	inserted by 51/2022 r 9(1)	1.7.2022
initial allocation	inserted by 51/2022 r 9(1)	1.7.2022
r 17B(4a)	inserted by 51/2022 r 9(2)	1.7.2022
r 17B(5)	amended by 51/2022 r 9(3), (4)	1.7.2022
r 17B(5a)—(5c)	inserted by 51/2022 r 9(5)	1.7.2022
r 18		
r 18(1)	substituted by 87/2021 r 18(2)	1.7.2021
r 18(2)—(5)	varied by 87/2021 r 18(1)	1.7.2021
r 18(6)	substituted by 87/2021 r 18(3)	1.7.2021
r 18(7)—(10)	inserted by 87/2021 r 18(3)	1.7.2021
r 19	varied by 87/2021 r 19	1.7.2021
r 20	varied by 87/2021 r 20	1.7.2021
r 21	varied by 87/2021 r 21	1.7.2021
<i>r 22 before deletion by 120/2024</i>		
<i>r 22(1)</i>	<i>varied by 87/2021 r 22</i>	<i>1.7.2021</i>
<b>r 22</b>	<b><i>deleted by 120/2024 r 3</i></b>	<b><i>1.1.2025</i></b>
r 23	<i>deleted by 87/2021 r 23</i>	<i>1.7.2021</i>
r 24		
r 24(1)	substituted by 87/2021 r 24	1.7.2021
r 25		
r 25(1)	varied by 87/2021 r 25	1.7.2021
rr 25A—25C	inserted by 87/2021 r 26	1.7.2021
r 26	<i>deleted by 87/2021 r 27</i>	<i>1.7.2021</i>

## Fisheries Management (Marine Scalefish Fishery) Regulations 2017—1.1.2025

### Legislative history

r 27		
r 27(2)	varied by 87/2021 r 28(1)	1.7.2021
r 27(3)—(5)	varied by 87/2021 r 28(2)	1.7.2021
r 27(6)	<i>deleted by 87/2021 r 28(3)</i>	<i>1.7.2021</i>
r 28		
r 28(2)	varied by 87/2021 r 29(1)—(3)	1.7.2021
r 28(3), (4)	varied by 87/2021 r 29(1)	1.7.2021
r 28(5)	varied by 87/2021 r 29(1), (4)	1.7.2021
r 28(6)	varied by 87/2021 r 29(1)	1.7.2021
r 28(9)		
<i>relevant fishing activity</i>	<i>deleted by 87/2021 r 29(5)</i>	<i>1.7.2021</i>
<i>relevant quota entitlement</i>	<i>deleted by 87/2021 r 29(5)</i>	<i>1.7.2021</i>
r 29	substituted by 87/2021 r 30	1.7.2021
r 30		
r 30(1), (3)	varied by 87/2021 r 31	1.7.2021
r 31		
r 31(1), (3)	varied by 87/2021 r 32	1.7.2021
r 32	substituted by 87/2021 r 33	1.7.2021
rr 32A and 32B	inserted by 87/2021 r 33	1.7.2021
r 33	substituted by 87/2021 r 34	1.7.2021
r 34	<i>deleted by 87/2021 r 35</i>	<i>1.7.2021</i>
r 35		
r 35(1)	varied by 87/2021 r 36	1.7.2021
r 37		
r 37(6)	varied by 87/2021 r 37	1.7.2021
Sch 1		
Pt 1		
heading	inserted by 87/2021 r 38(1)	1.7.2021
table	varied by 87/2021 r 38(2)—(8) varied by 104/2021 r 4(1)—(7)	1.7.2021 1.7.2021
Pt 2	inserted by 87/2021 r 38(9)	1.7.2021
<i>Sch 2 before deletion by 87/2021</i>		
<i>cl 1</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>27.8.2020</i>
<i>Sch 2</i>	<i>deleted by 87/2021 r 39</i>	<i>1.7.2021</i>

## Transitional etc provisions associated with regulations or variations

### *Fisheries Management (Marine Scalefish Fishery) (Quota) Amendment Regulations 2022, Sch 1—Transitional provisions etc*

#### 1—Interpretation

In this Schedule—

*principal regulations* means the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

*relevant day* means 1 July 2022.

#### 2—Transitional provisions etc

- (1) If the total catch of King George whiting taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement during the quota period that commenced on 1 July 2021 exceeded the quota entitlement under the licence for that quota period, then despite the deletion of regulation 14(5)(f) of the principal regulations by regulation 4(4) of these regulations, regulation 14(5)(f), as in force immediately before the relevant day, continues to apply to the licence such that the Minister may vary the conditions of the licence, in accordance with that regulation, in relation to the quota period commencing on 1 July 2022.
- (2) If the total catch of pipi taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement during the quota period that commenced on 1 July 2021 exceeded the quota entitlement under the licence for that quota period, then despite the deletion of regulation 15(3)(c) of the principal regulations by regulation 5(2) of these regulations, regulation 15(3)(c), as in force immediately before the relevant day, continues to apply to the licence such that the Minister may vary the conditions of the licence, in accordance with that regulation, in relation to the quota period commencing on 1 July 2022.
- (3) If the total catch of blue crab taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a blue crab quota entitlement during the quota period that commenced on 1 July 2021 exceeded the quota entitlement under the licence for that quota period, then despite the deletion of regulation 16(3)(e) of the principal regulations by regulation 6(3) of these regulations, regulation 16(3)(e), as in force immediately before the relevant day, continues to apply to the licence such that the Minister may vary the conditions of the licence, in accordance with that regulation, in relation to the quota period commencing on 1 July 2022.
- (4) If the total catch of snapper taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement during the quota period that commenced on 1 July 2021 exceeded the quota entitlement under the licence for that quota period, then despite the deletion of regulation 17(5)(f) of the principal regulations by regulation 7(4) of these regulations, regulation 17(5)(f), as in force immediately before the relevant day, continues to apply to the licence such that the Minister may vary the conditions of the licence, in accordance with that regulation, in relation to the quota period commencing on 1 July 2022.

- (5) If the total catch of southern calamari taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement during the quota period that commenced on 1 July 2021 exceeded the quota entitlement under the licence for that quota period, then despite the deletion of regulation 17A(5)(f) of the principal regulations by regulation 8(4) of these regulations, regulation 17A(5)(f), as in force immediately before the relevant day, continues to apply to the licence such that the Minister may vary the conditions of the licence, in accordance with that regulation, in relation to the quota period commencing on 1 July 2022.
- (6) If the total catch of southern garfish taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement during the quota period that commenced on 1 July 2021 exceeded the quota entitlement under the licence for that quota period, then despite the deletion of regulation 17B(5)(f) of the principal regulations by regulation 9(4) of these regulations, regulation 17B(5)(f), as in force immediately before the relevant day, continues to apply to the licence such that the Minister may vary the conditions of the licence, in accordance with that regulation, in relation to the quota period commencing on 1 July 2022.

## **Historical versions**

27.8.2020

17.12.2020

1.7.2021

1.7.2022