

South Australia

Fisheries Management (River Fishery) Regulations 2017

under the *Fisheries Management Act 2007*

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Legislative history

1—Short title

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

2—Commencement

These regulations will come into operation on 15 January 2018.

3—Interpretation

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

Act means the *Fisheries Management Act 2007*;

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

fishery means the River Fishery constituted by these regulations.

(2) In these regulations—

- (a) common and scientific fish names are given according to AS 5300—2015 *Australian Fish Names Standard* published by Standards Australia, as in force from time to time;
- (b) 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 River Fishery

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

5—Conditions limiting certain fishing activities to specified areas

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

6—Maximum number of licences that may be in force

The maximum number of licences that may be in force in respect of the fishery is the number of licences in force in respect of the fishery immediately before the commencement of this regulation.

7—Registration

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.

8—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 must—
 - (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.

9—Use of agents in fishing activities

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

- (a) a person to be engaged on the shore as their agent in a fishing activity of a class that constitutes the fishery unless—

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

Maximum penalty: \$5 000.

Expiation fee: \$315.

10—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.

11—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.

12—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.

Schedule 1—Aquatic resources prescribed for River Fishery

Crustaceans

Yabby (*Cherax* spp)

Scalefish

Bony Bream (*Nematalosa erebi*)

Carp of all species (Family Cyprinidae)

Redfin (*Perca fluviatilis*)

Brown Trout (*Salmo trutta*)

Rainbow Trout (*Oncorhynchus mykiss*)

All other non-native fish

Schedule 2—Revocation of *Fisheries Management (River Fishery) Regulations 2006* and transitional provision

1—Revocation of *Fisheries Management (River Fishery) Regulations 2006*

The *Fisheries Management (River Fishery) Regulations 2006* are revoked.

2—Eligibility to be granted fishery licence

Only a person who is, immediately before the commencement of these regulations, the holder of a licence in respect of the fishery, may make an application under section 54 of the Act for a licence in respect of the fishery.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2017	234	<i>Gazette</i> 8.8.2017 p3438	15.1.2018: r 2