

South Australia

# **Fisheries Management (Lakes and Coorong Fishery) Regulations 2006**

under the *Fisheries Management Act 2007*

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## **Contents**

1	Short title
3	Interpretation
4	Constitution of fishery
5	Maximum number of licences that may be in force
6	Transfer of licence
7	Registration
8	Revocation of registration
9	Mesh net and yabby pot entitlements
10	Individual pipi catch quota system
14	Use of agents in fishing activities
15	Certain boats need not be registered
15A	Restriction on taking of pipi
15B	Restriction on use of cockle rakes
15C	Information to be provided to Minister before pipi are taken
15D	Pipi to be landed within State
15E	Disposal of pipi
15F	Catch and disposal records—pipi
16	Periodic returns

Schedule 1—Aquatic resources prescribed for Lakes and Coorong Fishery

Schedule 1A—Individual pipi catch quota system

Part 1—Preliminary

1	Interpretation
2	Determination of unit value

Part 2—Allocation of pipi units to eligible licences

3	Allocation of pipi units to eligible licences (pool 1)—quota period commencing 13 December 2007
4	Allocation of pipi units to eligible licences (pool 2)—quota period commencing 13 December 2007
5	Allocation of pipi units to eligible licences—quota period commencing 1 November 2008
6	Allocation of pipi units to eligible licences—subsequent quota periods

Part 3—Variation of pipi quota entitlements

7	Variation of pipi quota entitlements
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Schedule 2—Transitional provisions

1	Eligibility to be granted fishery licence
2	Mesh net and yabby pot entitlements

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## Legislative history

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### 1—Short title

These regulations may be cited as the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006*.

#### Note—

These regulations prescribing a scheme of management for a fishery under the repealed *Fisheries Act 1982* were continued in force by Sch 1 cl 5(1) of the *Fisheries Management Act 2007* as if they were regulations for the management of the fishery made under the *Fisheries Management Act 2007*.

### 3—Interpretation

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

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

*cm* means centimetre;

*eligible licence* means—

- (a) any of the following licences in respect of the fishery:
  - (i) a licence numbered L03, L08 or L10;
  - (ii) any licence numbered in the range L12 to L20;
  - (iii) a licence numbered L26 or L27;
  - (iv) any licence numbered in the range L29 to L31;
  - (v) any licence numbered in the range L33 to L39;
  - (vi) a licence numbered L41, L43, L44, L45 or L47; or
- (b) a licence in respect of the Marine Scalefish Fishery numbered M236, M301 or M489;

*fishery* means the Lakes and Coorong Fishery constituted by these regulations;

*Lakes and Coorong* means the waters of the Coorong, Lake Alexandrina, Lake Albert, and the coastal waters adjacent to South Australia between the location on Mean High Water Springs closest to 35°31'23.50" South, 138°46'23.83" East (Beach Road, Goolwa) and the location on Mean High Water Springs closest to 36°49'34.59" South, 139°50'55.95" East (Kingston SE Jetty);

*m* means metre;

*Marine Scalefish Fishery* means the fishery of that name constituted by the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*;

*Mean High Water Springs* means the line representing the average of all high water observations at the time of spring tide over a period of 19 years;

*mesh net* has the same meaning as in the *Fisheries Management (General) Regulations 2007* and includes a drum net as defined in those regulations;

**mesh net entitlement** means the maximum number of mesh nets that the holder of a licence in respect of the fishery may lawfully use at any 1 time for the purpose of taking aquatic resources under the licence;

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

**pipi quota entitlement**—see clause 1 of Schedule 1A;

**yabby pot** has the same meaning as in the *Fisheries Management (General) Regulations 2007*, and includes a drop net and hoop net as defined in those regulations;

**yabby pot entitlement** means the maximum number of yabby pots that the holder of a licence in respect of the fishery may lawfully use at any 1 time to take aquatic resources under the licence.

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

**Notes—**

- 1 Common and scientific fish names are given according to *AS: SSA-001 Australian Fish Names Standard* published by Seafood Services Australia in July 2007, as amended from time to time.
- 2 Unless the contrary intention appears, all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995 and all co-ordinates are expressed in terms of GDA94.

#### **4—Constitution of fishery**

- (1) The Lakes and Coorong Fishery is constituted.
- (2) The Lakes and Coorong Fishery consists of—
  - (a) the taking of aquatic resources specified in Schedule 1 in the Lakes and Coorong; and
  - (b) the taking of Razorfish (*Pinna bicolor*) in the Lakes and Coorong for the purpose of bait.

#### **5—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.

#### **6—Transfer of licence**

- (1) Licences in respect of the fishery are transferable.
- (2) 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 16 completed by the holder of the licence up to the date of application.

- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
- (a) that any fees or other amounts payable in relation to the licence under the Act or the repealed Act have been paid in full;
  - (b) that the licence to be transferred has not been suspended;
  - (c) that no proceedings alleging an offence against the Act or the repealed Act are pending or likely to be commenced in the State against the holder of the licence;
  - (d) 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;
  - (e) if a boat registered for use under the licence is the subject of, or registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement to take aquatic resources granted under a law of the Commonwealth or a corresponding law—
    - (i) that the entitlement is either to be transferred together with the licence to the transferee or to be surrendered on or before the transfer of the licence; or
    - (ii) that—
      - (A) the transfer of the licence separately from the entitlement is not likely to result in fishing activities that over-exploit or endanger the aquatic resources of the State; and
      - (B) the person or body that granted the entitlement concurs with the separate transfer of the licence.

## **7—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 cannot be registered as a master of a boat used under the licence unless the holder of the licence is already registered as the master of a registered boat used under a fishery licence.

## **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 of registration must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicant and be completed in accordance with the instructions contained in the form; and

- (c) be accompanied by the documents specified in the application form.

### **9—Mesh net and yabby pot entitlements**

- (1) The Minister may impose or vary conditions on licences in respect of the fishery fixing mesh net entitlements as follows:
  - (a) a mesh net entitlement may be fixed by condition of a licence but must not exceed 100;
  - (b) if a person becomes the holder of a licence as a result of the transfer of the licence, the mesh net entitlement under that licence will be fixed at 25 subject to any subsequent variation under paragraph (c);
  - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, the mesh net entitlement under 1 of the licences may be increased by 25, provided that—
    - (i) the other licence is first surrendered to the Minister; and
    - (ii) if the entitlement as so increased would exceed 100, the entitlement is fixed at 100 only.
- (2) The Minister may impose or vary conditions on licences in respect of the fishery fixing yabby pot entitlements as follows:
  - (a) a yabby pot entitlement may be fixed by condition of a licence but must not exceed 100;
  - (b) if a person becomes the holder of a licence as a result of the transfer of the licence, the yabby pot entitlement under that licence will be fixed at 50 subject to any subsequent variation under paragraph (c);
  - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, a yabby pot entitlement under 1 of the licences may be increased by a number equal to the yabby pot entitlement under the other licence, provided that—
    - (i) the other licence is first surrendered to the Minister; and
    - (ii) if the entitlement as so increased would exceed 100, the entitlement is fixed at 100 only.
- (3) An application to vary a mesh net or yabby pot entitlement must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and be completed in accordance with the instructions contained in the form.

### **10—Individual pipi catch quota system**

The Minister may impose conditions on eligible licences in respect of the fishery fixing pipi quota entitlements in accordance with Schedule 1A.

## 14—Use of agents in fishing activities

- (1) 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.

- (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 a boat 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 a registered boat 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 500 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 an eligible licence).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3a) The holder of an eligible 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 4 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.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3b) The Minister may impose conditions on an eligible licence in respect of the fishery 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.

- (4) 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 a boat as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **15—Certain boats need not be registered**

- (1) A boat used by a person as the agent of the holder of a licence in respect of the fishery in a fishing activity of a class that constitutes the fishery need not be registered if the boat is marked with the same distinguishing mark and in the same way as a registered boat.
- (2) An unregistered boat that is marked as referred to in subregulation (1) need not be in the charge of a registered master.

### **15A—Restriction on taking of pipi**

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.

### **15B—Restriction on use of cockle rakes**

- (1) The holder of an eligible licence in respect of the fishery must not use, or cause, suffer or permit the use of, more than 3 cockle rakes at any 1 time for the purpose of taking pipi under the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) In this regulation—

*cockle rake* has the same meaning as in the *Fisheries Management (General) Regulations 2007*.

### **15C—Information to be provided to Minister before pipi are taken**

- (1) At least 1 hour before the commencement of fishing activities involving the taking of pipi under an eligible licence in respect of the fishery, the Minister must be informed by telephone of—
- (a) the name of the person making the telephone call; and
  - (b) the date on which, and the time at which, the fishing activities are to be engaged in; and
  - (c) the location at which the fishing activities are to be engaged in; and
  - (d) the number of the licence under which the fishing activities are to be engaged in; and
  - (e) the name of the holder of the licence; and
  - (f) if a registered boat is to be used for the purpose of engaging in the fishing activities—the name of the registered master of the boat.

- (2) If subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

#### **15D—Pipi to be landed within State**

The holder of an eligible licence in respect of the fishery must ensure that all pipi taken under the licence are landed within the State.

Maximum penalty: \$5 000.

Expiation fee: \$315.

#### **15E—Disposal of pipi**

The holder of an eligible licence in respect of the fishery 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.

#### **15F—Catch and disposal records—pipi**

- (1) In this regulation—

***approved bag*** means a hessian bag not more than 45.5 cm wide;

***G-CDR book*** means the document issued by the Department containing blank G-CDR forms;

***G-CDR form*** means the form produced by the Department entitled *Pipi Catch and Disposal Record*.

- (2) The holder of an eligible licence in respect of the fishery 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) before the pipi are removed to a place that is 100 m or more above Mean High Water Springs of coastal waters, he or she must ensure that—
    - (i) the pipi are placed in an approved bag and sealed with a tag issued by the Minister by inserting the tag through an eyelet, the centre of which is not less than 41 cm from the base of the bag; and
    - (ii) a G-CDR form in respect of the pipi is completed; and
    - (iii) the original G-CDR form is placed in a blue envelope issued by the Minister and secured to the bag containing the pipi or, if there is more than 1 bag containing the pipi, to 1 of those bags;
  - (b) if a tag is damaged in the process of sealing a bag—he or she must ensure that the damaged tag is threaded onto a replacement tag used to seal the bag and that the number of the replacement tag is recorded on the G-CDR form;
  - (c) if a tag is lost—he or she must ensure that the Minister is immediately notified of the loss;
  - (d) he or she must ensure—

- (i) that the G-CDR form is posted to the Minister within 48 hours of its completion; or
  - (ii) if, within 48 hours of completion of the G-CDR form, the form is transmitted by fax transmission to a fax number nominated by the Minister for the purposes of this subparagraph—that the G-CDR form is posted to the Minister within 4 days of its completion;
- (e) he or she must ensure that G-CDR forms are completed in consecutive order and that all forms in a G-CDR book are completed before a new G-CDR book is used;
  - (f) he or she must ensure that the sealed bags containing the pipi are not opened before the pipi are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of an eligible licence in respect of the fishery must ensure that if a G-CDR form completed in respect of pipi taken under the licence is cancelled, all copies of the form are marked with the word "cancelled" and the original copy of the form is delivered to the Minister within 24 hours of the cancellation.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of an eligible licence in respect of the fishery must keep completed G-CDR books for a period of 5 years.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The holder of an eligible licence in respect of the fishery must keep copies of completed G-CDR forms for a period of 3 years.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## 16—Periodic returns

- (1) The holder of a licence in respect of the fishery must—
  - (a) complete a return, in a form determined by the Minister, in respect of each calendar month during the currency of the licence; and
  - (b) include in the return such information as the Minister requires; and
  - (c) date and sign the return and certify that the information contained in the return is complete and accurate, and post and deliver the return to the Minister within 15 days of the end of the month to which it relates.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) If the holder of a licence takes no aquatic resources under the licence during a particular calendar month, he or she is required by subregulation (1) to furnish a return in respect of that period indicating that no aquatic resources were taken.

- (3) The holder of a licence must—
- (a) make a copy of each return he or she completes under this regulation before the return is sent or delivered to the Minister; and
  - (b) retain a copy for the period of 1 year from the last day of the month to which the return relates.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## Schedule 1—Aquatic resources prescribed for Lakes and Coorong Fishery

### Annelids

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

### Crustaceans

Crab of all species (Family Portunidae)

Freshwater Prawn (*Macrobrachium australiensis*)

Yabby (*Cherax* spp)

### Molluscs

Southern Calamari (*Sepioteuthis australis*)

Cockle (*Anadara* & *Katelysia* spp)

Mussels (*Mytilus* spp)

Freshwater Mussels (Family Hyriidae)

Pipi (*Donax* spp)

Gould's Squid (*Nototodarus gouldii*)

### Scalefish

Australian Anchovy (*Engraulis australis*)

Barracouta (*Thyrsites atun*)

Black Bream (*Acanthopagrus butcheri*)

Bony Bream (*Nematalosa erebi*)

Carp of all species (Family Cyprinidae)

Cod of all marine species (Family Moridae)

Congolli (*Pseudaphritis urvilli*)

Dory of all species (Family Zeidae)

Flathead (*Platycephalus* spp)

Flounder of all species (Family Bothidae or Pleuronectidae)

Garfish (*Hyporhamphus melanochir*)

Australian Herring (*Arripis georgianus*)

Mullet of all species (Family Mugilidae)

Mulloway (*Argyrosomus hololepidotus*)  
Murray Cod (*Maccullochella peelii*)  
Golden Perch (*Macquaria ambigua*)  
Redfin (*Perca fluviatilis*)  
Bight Redfish (*Centroberyx gerrardi*)  
Redfish (*Centroberyx affinis*)  
Western Australian Salmon (*Arripis truttaceus*)  
Australian Sardine (*Sardinops sagax*)  
Snapper (*Pagrus auratus*)  
Snook (*Sphyræna novaehollandiae*)  
Southern Sole (*Aserragodes haackeanus*)  
Swallowtail (*Centroberyx lineatus*)  
Sea Sweep (*Scorpiæ aequipinnis*)  
Blue-eye Trevalla (*Hyperoglyphe antarctica*)  
Trevally (*Caranginae* spp)  
Brown Trout (*Salmo trutta*)  
Rainbow Trout (*Oncorhynchus mykiss*)  
Whiting of all species (Family Sillaginidae)  
Bluethroat Wrasse (*Notolabrus tetricus*)

**Shark**

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

## Schedule 1A—Individual pipi catch quota system

### Part 1—Preliminary

#### 1—Interpretation

In this Schedule—

**catch history** of a person who held an eligible licence on 31 July 2007 means the sum of—

- (a) the total number of kilograms of pipi lawfully taken under that licence while that person held the licence in the period that commenced on 1 November 2003 and ended on 31 May 2006 (as recorded on completed returns lodged under the relevant regulations); and
- (b) the total number of kilograms of pipi lawfully taken under that licence while that person held the licence in the period that commenced on 1 November 2006 and ended on 21 December 2006 (as recorded on completed returns lodged under the relevant regulations) multiplied by 2;

**eligible licence (pool 1)** means an eligible licence in respect of the fishery numbered L14, L16, L36, L37 or L38;

**eligible licence (pool 2)** means an eligible licence in respect of the fishery—

- (a) numbered L08 or L10; or
- (b) numbered in the range L14 to L16; or
- (c) numbered L20 or L27; or
- (d) numbered in the range L29 to L31; or
- (e) numbered in the range L36 to L38; or
- (f) numbered L41, L44, L45 or L47;

**pipi quota entitlement or quota entitlement**, in relation to an eligible licence in respect of the fishery, means the maximum number of kilograms of pipi that may be 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 the fishery and that quota period,

subject to any variation applying during that quota period;

**quota period**—a quota period for the fishery is—

- (a) the period commencing on 13 December 2007 and ending on 31 October 2008; or
- (b) the period of 12 months commencing on 1 November 2008 or 1 November in any subsequent year;

**relevant regulations** means—

- (a) in relation to an eligible licence in respect of the fishery—the *Fisheries (Scheme of Management—Lakes and Coorong Fishery) Regulations 1991* or these regulations (as the case requires);
- (b) in relation to an eligible licence in respect of the Marine Scalefish Fishery—the *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 1991* or the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* (as the case requires);

**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 the fishery and a quota period.

## 2—Determination of unit value

The Minister must determine the number of kilograms of pipi that is to be the value of a pipi unit for the fishery and each quota period.

## Part 2—Allocation of pipi units to eligible licences

### 3—Allocation of pipi units to eligible licences (pool 1)—quota period commencing 13 December 2007

For the quota period commencing on 13 December 2007, an eligible licence (pool 1) specified in column 1 of the table below may be allocated the number of pipi units specified alongside in column 2.

Column 1	Column 2
Eligible licence	Number of pipi units
L14	36
L16	1
L36	2
L37	3
L38	10

### 4—Allocation of pipi units to eligible licences (pool 2)—quota period commencing 13 December 2007

- (1) For the quota period commencing on 13 December 2007, an eligible licence (pool 2) may be allocated a number of pipi units calculated in accordance with this clause.
- (2) First, the following formula is to be applied:

$$A = \left( \left( \frac{B}{C} \times 800 \right) + \frac{320}{32} \right) \times \left( \frac{947}{1000} \right)$$

where—

*A* is the number of pipi units to be allocated to the licence

*B* is the catch history of the person who held that licence on 31 July 2007

*C* is the sum of the catch histories of all persons who held eligible licences in respect of the fishery and the Marine Scalefish Fishery on 31 July 2007.

- (3) Second, the number of kilograms of pipi taken under the licence during the period that commenced on 1 November 2007 and ended on 12 December 2007 (as recorded on returns lodged in accordance with licence conditions) must be divided by the unit value determined by the Minister for the quota period commencing on 13 December 2007.
- (4) Third, the result of that division must be subtracted from the number of pipi units to be allocated to the licence, as calculated under subclause (2).
- (5) Fourth, any pipi units allocated to the licence under clause 3 are to be added to the result of the division under subclause (4) to arrive at the total number of pipi units that may be allocated to the licence for the quota period commencing on 13 December 2007.

## 5—Allocation of pipi units to eligible licences—quota period commencing 1 November 2008

- (1) For the quota period commencing on 1 November 2008, an eligible licence in respect of the fishery may be allocated a number of pipi units calculated in accordance with this clause.

- (2) First, the following formula is to be applied:

$$A = \left( \left( \frac{B}{C} \times 680 \right) + \frac{320}{32} \right) \times \left( \frac{947}{1000} \right)$$

where—

*A* is the number of pipi units to be allocated to the licence

*B* is the catch history of the person who held that licence on 31 July 2007

*C* is the sum of the catch histories of all persons who held eligible licences in respect of the fishery and the Marine Scalefish Fishery on 31 July 2007.

- (3) Second, if the conditions of the licence are varied under clause 7 during quota period 1 so as to increase the unit entitlement under the licence and the variation is not expressed to be only for the balance of that quota period, a number of pipi units calculated in accordance with the formula set out below must be added to the number of pipi units to be allocated to the licence under subclause (2) (and this calculation and addition must be made for each such variation of the conditions during quota period 1).

$$D = \left( \frac{E}{F} \right) \times G$$

where—

*D* is the number of pipi units to be added

*E* is the number of pipi units by which the unit entitlement under the licence is increased during quota period 1 as a result of a variation of licence conditions that is not expressed to be only for the balance of quota period 1

*F* is the number of pipi units allocated to the licence under clause 4 for quota period 1

*G* is the number of pipi units to be allocated to the licence under subclause (2).

- (4) Third, if the conditions of the licence are varied under clause 7 during quota period 1 so as to decrease the unit entitlement under the licence and the variation is not expressed to be only for the balance of that quota period, a number of pipi units calculated in accordance with the formula set out below must be deducted from the number of pipi units to be allocated to the licence under subclause (2) (and this calculation and deduction must be made for each such variation of the conditions during quota period 1).

$$D = \left( \frac{E}{F} \right) \times G$$

where—

*D* is the number of pipi units to be deducted

*E* is the number of pipi units by which the unit entitlement under the licence is decreased during quota period 1 as a result of a variation of licence conditions that is not expressed to be only for the balance of quota period 1

*F* is the number of pipi units allocated to the licence under clause 4 for quota period 1

*G* is the number of pipi units to be allocated to the licence under subclause (2).

- (5) Fourth, in the case of a licence specified in column 1 of the table below, the number of pipi units specified alongside in column 2 is to be added to the number of pipi units to be allocated to the licence, as calculated under the preceding provisions of this clause, to arrive at the total number of pipi units that may be allocated to that licence for the quota period commencing on 1 November 2008.

<b>Column 1</b>	<b>Column 2</b>
<b>Eligible licence</b>	<b>Number of pipi units</b>
L14	36
L16	1
L36	2
L37	3
L38	10

- (6) In this clause—

*quota period 1* means the quota period that commenced on 13 December 2007.

### **6—Allocation of pipi units to eligible licences—subsequent quota periods**

For the quota period commencing on 1 November 2009 or 1 November in a subsequent year, an eligible licence in respect of the fishery may be allocated a number of pipi units equal to the number of pipi units allocated to the licence immediately before the commencement of that quota period.

## **Part 3—Variation of pipi quota entitlements**

### **7—Variation of pipi quota entitlements**

- (1) The Minister may vary conditions of eligible licences as follows:
- (a) on joint application made to the Minister by the holders of any 2 licences in respect of the 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 fishery subject to a condition fixing a pipi quota entitlement (the *first licence*) and the holder of a licence in respect of the Marine Scalefish 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;
- (c) if the total catch of pipi taken by the holder of a licence in respect of the fishery during a quota period 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 pipi quota entitlement—
  - (i) if the catch exceeded the quota entitlement by not more than 500 kilograms—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
  - (ii) if the catch exceeded the quota entitlement by more than 500 kilograms but not more than 2 000 kilograms—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
- (d) if—
  - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing a pipi quota entitlement; and
  - (ii) the conduct constituting the offence involved the taking of more than 2 000 kilograms of pipi in excess of the quota entitlement,the conditions of the licence may be varied so as to decrease the pipi quota entitlement under the licence for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed.
- (2) 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.
- (3) An application to vary unit entitlements must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the appropriate fee fixed in the *Fisheries Management (Fees) Regulations 2007*.

## **Schedule 2—Transitional provisions**

### **1—Eligibility to be granted fishery licence**

Only a person who is, immediately before 30 June 2008, 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.

## 2—Mesh net and yabby pot entitlements

- (1) A mesh net entitlement fixed under regulation 9(1)(a) by condition of a licence in respect of the fishery must, until the licence is transferred, be the number of mesh nets registered for use under the licence immediately before the commencement of that regulation (subject to any subsequent variation under regulation 9(1)(c)).
- (2) A yabby pot entitlement fixed under regulation 9(2)(a) by condition of a licence in respect of the fishery must, until the licence is transferred, be the number of yabby pots registered for use under the licence immediately before the commencement of that regulation (subject to any subsequent variation under regulation 9(2)(c)).

## 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 (Scheme of Management—Lakes and Coorong Fishery) Regulations 2006*

### Legislation revoked by principal regulations

The *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006* revoked the following:

*Fisheries (Scheme of Management—Lakes and Coorong Fishery) Regulations 1991*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2006	202	<i>Gazette 24.8.2006 p2903</i>	1.9.2006: r 2
2007	124	<i>Gazette 7.6.2007 p2477</i>	Pt 7 (r 9)—1.7.2007: r 2
2007	175	<i>Gazette 21.6.2007 p2698</i>	Pt 7 (rr 22—24)—21.6.2007: r 2
2007	281	<i>Gazette 29.11.2007 p4472</i>	1.12.2007: r 2
2007	309	<i>Gazette 13.12.2007 p4856</i>	13.12.2007: r 2
<b>2008</b>	<b>181</b>	<b><i>Gazette 26.6.2008 p2650</i></b>	<b>26.6.2008: 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 281/2007 r 4	1.12.2007
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>21.6.2007</i>
r 3	varied by 281/2007 r 5(7)	1.12.2007
r 3(1)		
Act	substituted by 281/2007 r 5(1)	1.12.2007
cm	inserted by 309/2007 r 4(1)	13.12.2007
eligible licence	inserted by 309/2007 r 4(1)	13.12.2007

<i>coastal waters</i>	<i>deleted by 281/2007 r 5(1)</i>	1.12.2007
Lakes and Coorong	substituted by 281/2007 r 5(2)	1.12.2007
m	inserted by 309/2007 r 4(2)	13.12.2007
Marine Scalefish Fishery	inserted by 309/2007 r 4(2)	13.12.2007
Mean High Water Springs	inserted by 281/2007 r 5(2)	1.12.2007
mesh net	varied by 281/2007 r 5(3)	1.12.2007
pipi	inserted by 309/2007 r 4(3)	13.12.2007
pipi quota entitlement	inserted by 309/2007 r 4(3)	13.12.2007
mesh net entitlement	varied by 281/2007 r 5(4)	1.12.2007
<i>revoked regulations</i>	<i>deleted by 281/2007 r 5(5)</i>	1.12.2007
<i>SARDI</i>	<i>deleted by 281/2007 r 5(5)</i>	1.12.2007
yabby pot	substituted by 281/2007 r 5(5)	1.12.2007
yabby pot entitlement	substituted by 281/2007 r 5(5)	1.12.2007
r 3(2)	varied by 281/2007 r 5(6)	1.12.2007
r 4		
r 4(2)	varied by 281/2007 r 6(1), (2)	1.12.2007
rr 5 and 6	substituted by 281/2007 r 7	1.12.2007
<i>r 7 before substitution by 281/2007</i>		
r 7(6)	<i>substituted by 175/2007 r 22(1)</i>	21.6.2007
r 7(8)	<i>varied by 175/2007 r 22(2)</i>	21.6.2007
rr 7—9	substituted by 281/2007 r 7	1.12.2007
r 10	deleted by 281/2007 r 7	1.12.2007
	inserted by 309/2007 r 5	13.12.2007
rr 11—13	<i>deleted by 281/2007 r 7</i>	1.12.2007
r 14		
r 14(1) and (2)	varied by 281/2007 r 8(1), (2)	1.12.2007
r 14(3)	varied by 281/2007 r 8(1), (2)	1.12.2007
	varied by 309/2007 r 6(1)	13.12.2007
r 14(3a) and (3b)	inserted by 309/2007 r 6(2)	13.12.2007
r 14(4)	varied by 281/2007 r 8(1), (2)	1.12.2007
r 15		
r 15(1)	varied by 281/2007 r 9	1.12.2007
rr 15A—15F	inserted by 309/2007 r 7	13.12.2007
r 16		
r 16(1)	varied by 281/2007 r 10(1)—(3)	1.12.2007
r 16(2)	varied by 281/2007 r 10(4), (5)	1.12.2007

r 16(3)	varied by 281/2007 r 10(6), (7)	1.12.2007
Sch 1	substituted by 281/2007 r 11	1.12.2007
Sch 1A	inserted by 309/2007 r 8	13.12.2007
Pt 2		
cl 5	<b>substituted by 181/2008 r 4</b>	<b>26.6.2008</b>
<i>Sch 2 before substitution by 281/2007</i>	<i>substituted by 175/2007 r 23</i>	<i>21.6.2007</i>
	<i>varied by 124/2007 r 9</i>	<i>1.7.2007</i>
Sch 2	substituted by 281/2007 r 11	1.12.2007
Sch 3	deleted by 281/2007 r 11	1.12.2007

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

### ***Fisheries (Fees No 2) Variation Regulations 2007 (No 175 of 2007)***

#### **24—Transitional provision**

- (1) A fee prescribed by Schedule 2 of the principal regulations as substituted by this Part applies in relation to the licence period commencing on 1 July 2007.
- (2) Despite regulation 23, a fee prescribed by Schedule 2 of the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to the licence period that commenced on 1 July 2006.

#### **Historical versions**

21.6.2007 (electronic only)  
1.7.2007  
1.12.2007  
13.12.2007