

South Australia

Fisheries Management (River Fishery) Regulations 2006

under the *Fisheries Management Act 2007*

Contents

- 1 Short title
- 3 Interpretation
- 4 Constitution of River Fishery
- 5 Conditions limiting certain fishing activities to specified areas
- 6 Maximum number of licences that may be in force
- 7 Registration
- 8 Revocation of registration
- 13 Use of agents in fishing activities
- 14 Periodic returns

Schedule 1—Aquatic resources prescribed for River Fishery

Schedule 2—Transitional provision

- 1 Eligibility to be granted fishery licence

Legislative history

1—Short title

These regulations may be cited as the *Fisheries Management (River 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These regulations prescribing a scheme of management for a fishery under the repealed *Fisheries Act 1982* were continued in force by Sch 1 cl 5(1) of the *Fisheries Management Act 2007* as if they were regulations for the management of the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*;
fishery means the River Fishery constituted by these regulations.
- (2) In these regulations, a reference to the *taking of aquatic resources* includes a reference to an act preparatory to, or involved in the taking of the aquatic resources.

4—Constitution of 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 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.

13—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 his or her 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 his or her agents in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

14—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 or 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) If the fishery has been closed for a whole calendar month, the holder of a licence need not furnish a return for that month.
- (4) The holder of a licence must—
 - (a) make a copy of each return that he or she completes under this regulation before the return is sent or delivered to the Minister; and
 - (b) retain the copy for a period of 12 months 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 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

Note—

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.

Schedule 2—Transitional provision

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.

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.

Formerly

Fisheries (Scheme of Management—River Fishery) Regulations 2006

Legislation revoked by principal regulations

The *Fisheries Management (River Fishery) Regulations 2006* revoked the following:

Fisheries (Scheme of Management—River Fishery) Regulations 1991

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2006	207	<i>Gazette 24.8.2006 p2969</i>	1.9.2006: r 2
2007	175	<i>Gazette 21.6.2007 p2698</i>	Pt 11 (r 35)—21.6.2007: r 2
2007	285	<i>Gazette 29.11.2007 p4510</i>	1.12.2007: r 2

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 285/2007 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		
r 3(1)		
Act	substituted by 285/2007 r 5(1)	1.12.2007
<i>licence period</i>	<i>deleted by 285/2007 r 5(2)</i>	<i>1.12.2007</i>
<i>revoked regulations</i>	<i>deleted by 285/2007 r 5(2)</i>	<i>1.12.2007</i>
<i>River Murray</i>	<i>deleted by 285/2007 r 5(2)</i>	<i>1.12.2007</i>
<i>SARDI</i>	<i>deleted by 285/2007 r 5(2)</i>	<i>1.12.2007</i>

r 3(2)	varied by 285/2007 r 5(3)	1.12.2007
rr 5—7	substituted by 285/2007 r 6	1.12.2007
<i>r 8 before substitution by 285/2007</i>		
<i>r 8(6)</i>	<i>substituted by 175/2007 r 35(1)</i>	<i>21.6.2007</i>
<i>r 8(8)</i>	<i>varied by 175/2007 r 35(2)</i>	<i>21.6.2007</i>
r 8	substituted by 285/2007 r 6	1.12.2007
rr 9—12	deleted by 285/2007 r 6	1.12.2007
r 13	varied by 285/2007 r 7	1.12.2007
r 14		
r 14(1)	varied by 285/2007 r 8(1)—(3)	1.12.2007
r 14(2)	varied by 285/2007 r 8(4), (5)	1.12.2007
r 14(4)	varied by 285/2007 r 8(6), (7)	1.12.2007
Schs 1 and 2	substituted by 285/2007 r 9	1.12.2007
Sch 3	deleted by 285/2007 r 9	1.12.2007

Historical versions

21.6.2007