

SUPPLEMENTARY GAZETTE



**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

PUBLISHED BY AUTHORITY

ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, FRIDAY, 11 JANUARY 2002

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Allan Cullen and Neville Cullen, c/o Nora Criena Charters, P.O. Box 124, Robe, S.A. 5276 (hereinafter referred to as the 'principal exemption holder'), and the class of persons specified in Schedule 1 (hereinafter referred to as the 'other exemption holders'), are exempt from the provisions of Clauses 66, 70, 73, 77A, 77C and 77D of Schedule 1 of the Fisheries (General) Regulations 2000, insofar as the exemption holders may exceed the bag or boat limits as specified in Schedule 2 (hereinafter referred to as the 'exempted activity'), subject to the conditions specified in Schedule 3.

SCHEDULE 1

Any person or persons who charter the boat *Nevallan Pride* (hereinafter referred to as the 'permitted boat') from the principal exemption holder in South Australia, for the purpose of recreational fishing for scalefish, abalone and rock lobster.

SCHEDULE 2

1. The exemption holders may engage in the taking of no more than one rock lobster (*Jasus edwardsii*) per other exemption holder in any one day where the number of other exemption holders exceeds eight, excluding the principal exemption holder and assistants.

2. The exemption holders may engage in the taking of no more than one abalone (*Haliotis spp.*) per other exemption holder in any one day where the number of other exemption holders exceeds ten, excluding the principal exemption holder and assistants.

3. The exemption holders may engage in the taking of no more than one half of the daily bag limit (rounded up to nearest whole number if necessary) (for those species of scalefish subject to such a limit as specified in the Fisheries (General) Regulations 2000) per other exemption holder in any one day, where the number of other exemption holders exceeds six, excluding the principal exemption holder and assistants.

SCHEDULE 3

1. This exemption is valid from the date of gazettal of this notice until 31 December 2002, unless varied or revoked earlier.

2. The principal exemption holder shall not use any other boat other than the permitted boat for the purpose of engaging in the exempted activity.

3. The principal exemption holder shall not accept any fish taken by the other exemption holders as all or part of the consideration for the charter agreement.

4. While engaged in the exempted activity the principal exemption holder shall have in his possession a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if such an officer requests that it be so produced.

5. The principal exemption holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act except where specifically exempted by this notice.

6. The principal exemption holder shall not cause, suffer or permit any other exemption holder to contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act except where specifically exempted by this notice.

Dated 2 January 2002.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Craig Valente (hereinafter referred to as the 'exemption holder'), 84 Lincoln Highway, Port Lincoln, S.A. 5606, holder of Marine Scalefish Fishery Licence No. M048, is exempt from the provisions of Regulation 9 of the Fisheries (General) Regulation 2000, but only insofar as the exemption holder shall not be guilty of an offence when using the device described in Schedule 1 for the purpose of trade or business (hereinafter

referred to as the 'exempted activity'), subject to the conditions specified in Schedule 2, from the date of gazettal of this notice until 31 March 2002, unless varied or revoked earlier.

SCHEDULE 1

One lift net, with a rectangular base not exceeding 2.5 m x 3.5 m and with a maximum drop of 2.5 m.

SCHEDULE 2

1. The exemption holder may only conduct the exempted activity on a registered aquaculture marine tuna farm site.

2. The exemption holder must have written consent from the holder of a marine tuna farm licence prior to conducting the exempted activity on that registered aquaculture site.

3. The exempted activity may only be conducted from a boat endorsed on Marine Scalefish Fishery Licence No. M048.

4. Within 14 days of the expiry of this notice, the exemption holder must provide a written report to the Director of Fisheries detailing the total catch taken pursuant to this exemption.

5. The exemption holder must include all fish taken under this notice on his monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

6. While engaged in the exempted activity, the exemption holder shall carry or have about or near his person, a copy of this notice and must be produced to a PIRSA Fisheries Compliance Officer upon request.

7. The exemption holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulation made under that Act, except where specifically exempted by this notice.

Dated 2 January 2002.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 43

TAKE notice that pursuant to section 43 of the Fisheries Act 1982, it is hereby unlawful for the period specified in Schedule 3 for:

- (a) any licensed person who is the holder of, or an associate of a holder of a permit in the Commonwealth Southern Shark Fishery with quota attached to it to take school or gummy shark from the waters specified in Schedule 1;
- (b) any licensed person who was the holder of a permit in the Commonwealth Southern Shark Fishery with quota attached to it to take more than five school or gummy shark carcasses from the waters specified in Schedule 1;
- (c) any other licensed person to take in a single fishing trip or to have on board the registered boat at any one time:
 - (i) more than five school or gummy shark from the waters specified in Schedule 2A; or
 - (ii) more than 10 school or gummy shark from the waters specified in Schedule 2B; and
- (d) any person specified in paragraph (b) to remove school or gummy shark from the registered boat at any time other than at landing for the purpose of immediate delivery of the school or gummy shark to a registered fish processor.

SCHEDULE 1

All waters within the limits of the State and all waters adjacent to the State that are within the Australian Fishing Zone.

SCHEDULE 2A

All waters adjacent to the State that are within the Australian Fishing Zone, excluding all waters within the limits of the State other than Bay of Shoals, Eastern Cove, Guichen Bay, Rivoli Bay, Encounter Bay and Lacedpede Bay.

SCHEDULE 2B

All waters within the limits of the State, except those specified in Schedule 2A.

SCHEDULE 3

From 10 January 2002 to 30 June 2002 inclusive, unless this notice is revoked earlier.

For the purposes of this notice:

'Associate' has the same meaning as set out in regulations 4 (2) and 4 (3) of the Scheme of Management (Marine Scalefish Fisheries) Regulations 1991, or the Scheme of Management (Rock Lobster Fisheries) Regulations 1991, and also includes the spouse or putative spouse of a person.

'Australian Fishing Zone' has the same meaning as in the Commonwealth Fisheries Management Act 1991.

'Licensed person' means a licence holder in either the South Australian Northern Zone Rock Lobster Fishery, the Southern Zone Rock Lobster Fishery, Marine Scalefish Fishery or the Lakes and Coorong Fishery.

'Southern Shark Fishery' means the fishery for school and gummy shark under Commonwealth management pursuant to an OCS entered into between the State and the Commonwealth and taking effect from 1 January 2001.

'trip' means a voyage by a boat:

- (a) commencing at a place on the coastline of South Australia; and
- (b) proceeding to and from, or through, the area of waters adjacent to South Australia, out to the boundary of the Australian Fishing Zone (AFZ); and
- (c) ending at a place on the coastline of South Australia where fish taken using the boat are unloaded.

'Waters within the limits of the State' means the waters set out in Table 1 below.

Table 1—Waters within the limits of the State (Internal waters)

Internal waters area	Definition of Internal waters within the closing lines
Spencer Gulf	Cape Catastrophe to Cape Spencer
Gulf St Vincent	Cape Jervis to Troubridge Point
Smoky Bay	Point Brown to St Peter Island
Denial Bay	St Peter Island to Point Peter
Streaky Bay	Point Brown to Cape Bauer
Sceale Bay	Rocky Point south of Point Westall to Cape Blanche
Anxious Bay	Cape Radstock to Waldegrave Island to Cape Finnis
Avoid Bay	Point Avoid to Point Whidbey
Coffin Bay	Point Sir Isaac to Frenchman Bluff
Sleaford Bay	Cape Wiles to West Point
Bay of Shoals	Cape Rouge to Beatrice Point
Eastern Cove	Kangaroo Head to Point Morrison
Guichen Bay	Cape Thomas to Cape Dombey
Rivoli Bay	Cape Martin to Cape Buffon
Encounter Bay	Rosetta Head to latitude 35°35'48", longitude 138°57'00"
Lacedpede Bay	Cape Jaffa to latitude 36°35'48", longitude 139°50'00"

Dated 10 January 2002.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 43

TAKE note that the notice made under section 43 of the Fisheries Act 1982, and published in the *South Australian Government Gazette*, page 5706, dated 31 December 2001 being the second notice on that page, referring to the taking of school and gummy shark, is hereby revoked.

Dated 10 January 2002.

W. ZACHARIN, Director of Fisheries

R026-01