

EXTRAORDINARY GAZETTE



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, FRIDAY, 14 JUNE 2002

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REGULATIONS UNDER THE FISHERIES ACT 1982

No. 45 of 2002

At the Executive Council Office at Adelaide, 14 June 2002

PURSUANT to the *Fisheries Act 1982* and with the advice and consent of the Executive Council, I make the following regulations.

MARJORIE JACKSON-NELSON, Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

PAUL HOLLOWAY, Minister for Agriculture, Food and Fisheries

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Variation of Sched. 5—Fees (reg. 27)
4. Transitional provision

Citation

1. The *Fisheries (General) Regulations 2000* (see *Gazette* 31 August 2000 p. 1235), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations come into operation on the day on which they are made.

Variation of Sched. 5—Fees (reg. 27)

3. Schedule 5 of the principal regulations is varied—

- (a) by striking out from paragraph (a)(ii) of clause 2 "\$1 500" and substituting "1 089.00";
- (b) by striking out from paragraph (b) of clause 2 "\$1 189" and substituting "\$1 089.00";
- (c) by striking out from paragraph (c) of clause 2 "\$30 223" and substituting "\$28 570.00";
- (d) by striking out from paragraph (d) of clause 2 "\$2 377" and substituting "\$2 178.00";
- (e) by striking out paragraph (e) of clause 2.

Transitional provision

4. (1) The fees prescribed in respect of the registration of a device by Schedule 5 of the principal regulations, as varied by these regulations, apply where the registration is to take effect on or after 1 July 2002.

(2) Despite regulation 0, the fees prescribed in respect of the registration of a device by Schedule 5 of the principal regulations, as in force immediately before the commencement of these regulations, continue to apply where the registration is to take effect before 1 July 2002.

REGULATIONS UNDER THE FISHERIES ACT 1982

No. 46 of 2002

At the Executive Council Office at Adelaide, 14 June 2002

PURSUANT to the *Fisheries Act 1982* and with the advice and consent of the Executive Council, I make the following regulations.

MARJORIE JACKSON-NELSON, Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

PAUL HOLLOWAY, Minister for Agriculture, Food and Fisheries

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Variation of reg. 4—Interpretation
4. Variation of reg. 5—Registration as a fish processor (s. 54 of the Act)
5. Variation of reg. 17—Delivery of pilchards to registered fish processor
6. Variation of Sched.—Fees

Citation

1. The *Fisheries (Fish Processors) Regulations 1991* (see *Gazette* 27 June 1991 p. 2172), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations come into operation on the day on which they are made.

Variation of reg. 4—Interpretation

3. Regulation 4 of the principal regulations is varied by inserting after the definition of "Department" the following definition:

"**eligible applicant**", in relation to an application for registration or renewal of registration as a fish processor under section 54 of the Act, means the holder of a fishery licence or a person registered under the Act to conduct a fish farming operation who applies for registration as a fish processor for the sole purpose of processing fish taken pursuant to that licence or fish farming operation for sale to a person who—

- (a) is an unregistered fish processor; and
- (b) carries on a business in the course of which fish is sold, or fish is supplied as a meal or part of a meal, directly to the public;.

Variation of reg. 5—Registration as a fish processor (s. 54 of the Act)

4. Regulation 5 of the principal regulations is varied by striking out subregulations (3) and (4) and substituting the following subregulations:

(3) Where—

- (a) an application for registration is made before the commencement of the registration period in respect of which the application is made; and

- (b) the applicant is not an eligible applicant,

the registration fee may be paid in four equal instalments payable on or before that commencement and 1 October, 1 January and 1 April following the date of registration.

- (4) Where—

- (a) an application for renewal of registration is made before the expiry of the registration; and

- (b) the applicant is not an eligible applicant,

the registration fee may be paid in four equal instalments payable on or before the date of renewal and 1 October, 1 January and 1 April following the date of renewal.

Variation of reg. 17—Delivery of pilchards to registered fish processor

5. Regulation 17 of the principal regulations is varied by striking out from subregulation (2)(d) "24 hours" and substituting "7 days".

Variation of Sched.—Fees

6. The Schedule of the principal regulations is varied—

- (a) by striking out paragraph (a) of clause 1(1) and substituting the following paragraph:

- (a) in the case of an application by an eligible applicant\$115;

- (b) by inserting in clause 1(2) "(not being an eligible applicant)" after "applicant".

REGULATIONS UNDER THE FISHERIES ACT 1982

No. 47 of 2002

At the Executive Council Office at Adelaide, 14 June 2002

PURSUANT to the *Fisheries Act 1982* and with the advice and consent of the Executive Council, I make the following regulations.

MARJORIE JACKSON-NELSON, Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

PAUL HOLLOWAY, Minister for Agriculture, Food and Fisheries

SUMMARY OF PROVISIONS**PART 1
PRELIMINARY**

1. Citation
2. Commencement

**PART 2
VARIATION OF SCHEME OF MANAGEMENT (ABALONE FISHERIES)
REGULATIONS 1991**

3. Citation
4. Variation of reg. 4—Interpretation
5. Variation of Sched. 1—Fees
6. Transitional provision

**PART 3
VARIATION OF SCHEME OF MANAGEMENT (BLUE CRAB FISHERY)
REGULATIONS 1998**

7. Citation
8. Variation of reg. 4—Interpretation
9. Variation of reg. 15—Individual blue crab catch quota system
10. Variation of Sched. 2—Fees
11. Transitional provision

**PART 4
VARIATION OF SCHEME OF MANAGEMENT (LAKES AND COORONG FISHERY)
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12. Citation
13. Variation of reg. 4—Interpretation
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15. Transitional provision

PART 5
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- 16. Citation
- 17. Variation of reg. 4—Interpretation
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- 19. Transitional provision

PART 6
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- 20. Citation
- 21. Variation of reg. 4—Interpretation
- 22. Variation of Sched. 4—Fees
- 23. Transitional provision

PART 7
VARIATION OF SCHEME OF MANAGEMENT (PRAWN FISHERIES)
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- 24. Citation
- 25. Variation of reg. 4—Interpretation
- 26. Variation of Sched. 2—Fees
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REGULATIONS 1991

- 28. Citation
- 29. Variation of reg. 4—Interpretation
- 30. Variation of reg. 9—Renewal of licences
- 31. Transitional provision

PART 9
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REGULATIONS 1991

- 32. Citation
- 33. Variation of reg. 4—Interpretation
- 34. Variation of Sched. 2—Fees
- 35. Transitional provision

PART 1
PRELIMINARY

Citation

1. These regulations may be cited as the *Fisheries (Variation of Schemes of Management) Regulations 2002*.

Commencement

2. These regulations come into operation on the day on which they are made.

PART 2
VARIATION OF SCHEME OF MANAGEMENT (ABALONE FISHERIES)
REGULATIONS 1991

Citation

3. The *Scheme of Management (Abalone Fisheries) Regulations 1991* (see *Gazette* 27 June 1991 p. 2123), as varied, are referred to in this Part as "the principal regulations".

Variation of reg. 4—Interpretation

4. Regulation 4 of the principal regulations is varied—

- (a) by striking out the definition of "**director**" in subregulation (1) and substituting the following definition:

"director", in relation to a body corporate, has the same meaning as in the *Corporations Act 2001* of the Commonwealth;;

- (b) by striking out the definition of "**proprietary company**" in subregulation (1) and substituting the following definition:

"proprietary company" has the same meaning as in the *Corporations Act 2001* of the Commonwealth;;

- (c) by striking out from subregulation (2)(d) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth";

- (d) by striking out paragraph (a) of subregulation (3);

- (e) by striking out from subregulation (3)(c) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth".

Variation of Sched. 1—Fees

5. Schedule 1 of the principal regulations is varied—

- (a) by striking out from clause 1(a)(i) "49 037" and substituting "51 810";

- (b) by striking out from clause 1(a)(ii) "49 545" and substituting "57 539";

- (c) by striking out from clause 1(a)(iii) "48 985" and substituting "51 888".

Transitional provision

6. (1) A fee prescribed by Schedule 1 of the principal regulations as varied by this Part applies in relation to a licence period commencing after the commencement of this Part.

(2) Despite regulation 0, a fee prescribed by Schedule 1 of the principal regulations as in force immediately before the commencement of this Part continues to apply in relation to a licence period that commenced before the commencement of this Part.

- (3) In this regulation—

"licence period" has the same meaning as in the principal regulations.

PART 3
VARIATION OF SCHEME OF MANAGEMENT (BLUE CRAB FISHERY)
REGULATIONS 1998

Citation

7. The *Scheme of Management (Blue Crab Fishery) Regulations 1998* (see *Gazette* 11 June 1998 p. 2519), as varied, are referred to in this Part as "the principal regulations".

Variation of reg. 4—Interpretation

8. Regulation 4 of the principal regulations is varied—

(a) by striking out the definition of "**director**" in subregulation (1) and substituting the following definition:

"director", in relation to a body corporate, has the same meaning as in the *Corporations Act 2001* of the Commonwealth;

(b) by striking out from subregulation (2)(d) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth";

(c) by striking out paragraph (a) of subregulation (3);

(d) by striking out from subregulation (3)(c) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth".

Variation of reg. 15—Individual blue crab catch quota system

9. Regulation 15 of the principal regulations is varied by striking out subregulations (4) and (5).

Variation of Sched. 2—Fees

10. Schedule 2 of the principal regulations is varied by striking out paragraph (a) of clause 1 and substituting the following paragraph:

(a) on application for the issue or renewal of a licence in respect of the fishery—

(i) in the case of a licence for the term of the licence period \$2 197

(ii) in the case of a licence for a term of less than the term of the licence period—a proportion of the fee specified in subparagraph (i), being the proportion that the number of months (part of a month being treated as a whole month) in the term of the licence bears to the number of months in the licence period.

On application for the issue of a licence, an additional fee of an amount obtained by multiplying \$12.35 by the number of blue crab units that are to be allocated to the licence is payable.

On application for the renewal of a licence, an additional fee of an amount obtained by multiplying \$12.35 by the number of blue crab units allocated to the licence is payable.

Transitional provision

11. (1) A fee prescribed by Schedule 2 of the principal regulations as varied by this Part applies in relation to a licence period commencing after the commencement of this Part.

(2) Despite regulation 0, a fee prescribed by Schedule 2 of the principal regulations as in force immediately before the commencement of this Part continues to apply in relation to a licence period that commenced before the commencement of this Part.

(3) In this regulation—

"**licence period**" has the same meaning as in the principal regulations.

PART 4
VARIATION OF SCHEME OF MANAGEMENT (LAKES AND COORONG FISHERY)
REGULATIONS 1991

Citation

12. The *Scheme of Management (Lakes and Coorong Fishery) Regulations 1991* (see *Gazette* 27 June 1991 p. 2178), as varied, are referred to in this Part as "the principal regulations".

Variation of reg. 4—Interpretation

13. Regulation 4 of the principal regulations is varied—

(a) by striking out the definition of "**director**" in subregulation (1) and substituting the following definition:

"**director**", in relation to a body corporate, has the same meaning as in the *Corporations Act 2001* of the Commonwealth;

(b) by striking out from subregulation (2)(d) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth";

(c) by striking out paragraph (a) of subregulation (3);

(d) by striking out from subregulation (3)(c) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth".

Variation of reg. 8—Renewal of licences

14. Regulation 8 of the principal regulations is varied—

(a) by striking out from subregulation (5)(a)(i) "\$3 676" and substituting "\$4 264";

(b) by striking out from subregulation (5)(a)(ii) "\$3 766" and substituting "\$4 354".

Transitional provision

15. (1) A fee prescribed by regulation 8 of the principal regulations as varied by this Part applies in relation to a licence period commencing after the commencement of this Part.

(2) Despite regulation 0, a fee prescribed by regulation 8 of the principal regulations as in force immediately before the commencement of this Part continues to apply in relation to a licence period that commenced before the commencement of this Part.

(3) In this regulation—

"**licence period**" has the same meaning as in the principal regulations.

PART 5
VARIATION OF SCHEME OF MANAGEMENT (MARINE SCALEFISH FISHERIES)
REGULATIONS 1991

Citation

16. The *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991* (see *Gazette* 27 June 1991 p. 2187), as varied, are referred to in this Part as "the principal regulations".

Variation of reg. 4—Interpretation

17. Regulation 4 of the principal regulations is varied—

(a) by striking out the definition of "**director**" in subregulation (1) and substituting the following definition:

"director", in relation to a body corporate, has the same meaning as in the *Corporations Act 2001* of the Commonwealth;;

(b) by striking out from subregulation (2)(d) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth";

(c) by striking out paragraph (a) of subregulation (3);

(d) by striking out from subregulation (3)(c) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth".

Variation of Sched. 2—Fees

18. Schedule 2 of the principal regulations is varied by striking out paragraph (a) of clause 1 and substituting the following paragraph:

(a) on application for the renewal of a licence in respect of a marine scalefish fishery 2 404

On application for the renewal of a licence endorsed with a condition fixing a giant crab quota on the licence, an additional fee of an amount obtained by multiplying \$57.36 by the number of giant crab units allocated to the licence is payable.

Transitional provision

19. (1) A fee prescribed by Schedule 2 of the principal regulations as varied by this Part applies in relation to a licence period commencing after the commencement of this Part.

(2) Despite regulation 0, a fee prescribed by Schedule 2 of the principal regulations as in force immediately before the commencement of this Part continues to apply in relation to a licence period that commenced before the commencement of this Part.

(3) In this regulation—

"licence period" has the same meaning as in the principal regulations.

PART 6
VARIATION OF SCHEME OF MANAGEMENT (MISCELLANEOUS FISHERY)
REGULATIONS 2000

Citation

20. The *Scheme of Management (Miscellaneous Fishery) Regulations 2000* (see *Gazette* 31 August 2000 p. 1222), as varied, are referred to in this Part as "the principal regulations".

Variation of reg. 4—Interpretation

21. Regulation 4 of the principal regulations is varied—

- (a) by striking out the definition of "**director**" in subregulation (1) and substituting the following definition:

"director", in relation to a body corporate, has the same meaning as in the *Corporations Act 2001* of the Commonwealth;

- (b) by striking out from subregulation (2)(d) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth";
- (c) by striking out from subregulation (3)(b) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth".

Variation of Sched. 4—Fees

22. Schedule 4 of the principal regulations is varied—

- (a) by striking out from clause 1(a)(i) "\$2 662" and substituting "\$2 782";
- (b) by inserting at the end of paragraph (a) of clause 1 the following paragraphs:

On application for the issue of a licence that is to be endorsed with a condition fixing a giant crab quota on the licence, an additional fee of an amount obtained by multiplying \$26.67 by the number of giant crab units to be allocated to the licence is payable.

On application for the renewal of a licence endorsed with a condition fixing a giant crab quota on the licence, an additional fee of an amount obtained by multiplying \$26.67 by the number of giant crab units allocated to the licence is payable.

Transitional provision

23. (1) A fee prescribed by Schedule 4 of the principal regulations as varied by this Part applies in relation to a licence period commencing after the commencement of this Part.

(2) Despite regulation 0, a fee prescribed by Schedule 4 of the principal regulations as in force immediately before the commencement of this Part continues to apply in relation to a licence period that commenced before the commencement of this Part.

- (3) In this regulation—

"licence period" has the same meaning as in the principal regulations.

PART 7
VARIATION OF SCHEME OF MANAGEMENT (PRAWN FISHERIES)
REGULATIONS 1991

Citation

24. The *Scheme of Management (Prawn Fisheries) Regulations 1991* (see *Gazette* 27 June 1991 p. 2133), as varied, are referred to in this Part as "the principal regulations".

Variation of reg. 4—Interpretation

25. Regulation 4 of the principal regulations is varied—

- (a) by striking out the definition of "**director**" in subregulation (1) and substituting the following definition:

"director", in relation to a body corporate, has the same meaning as in the *Corporations Act 2001* of the Commonwealth;;

- (b) by striking out the definition of "**proprietary company**" in subregulation (1) and substituting the following definition:

"proprietary company" has the same meaning as in the *Corporations Act 2001* of the Commonwealth;;

- (c) by striking out from subregulation (2)(d) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth";

- (d) by striking out from subregulation (3)(c) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth".

Variation of Sched. 2—Fees

26. Schedule 2 of the principal regulations is varied—

- (a) by striking out from clause 1(a)(i) "16 865" and substituting "27 455";
- (b) by striking out from clause 1(a)(ii) "14 557" and substituting "17 193";
- (c) by striking out from clause 1(a)(iii) "14 139" and substituting "15 557".

Transitional provision

27. (1) A fee prescribed by Schedule 2 of the principal regulations as varied by this Part applies in relation to a licence period commencing after the commencement of this Part.

(2) Despite regulation 0, a fee prescribed by Schedule 2 of the principal regulations as in force immediately before the commencement of this Part continues to apply in relation to a licence period that commenced before the commencement of this Part.

- (3) In this regulation—

"licence period" has the same meaning as in the principal regulations.

PART 8
VARIATION OF SCHEME OF MANAGEMENT (RIVER FISHERY)
REGULATIONS 1991

Citation

28. The *Scheme of Management (River Fishery) Regulations 1991* (see *Gazette* 27 June 1991 p. 2197), as varied, are referred to in this Part as "the principal regulations".

Variation of reg. 4—Interpretation

29. Regulation 4 of the principal regulations is varied by striking out from the definitions of "shrimp trap" and "yabbie pot" in subregulation (1) "1984" and substituting, in each case, "2000".

Variation of reg. 9—Renewal of licences

30. Regulation 9 of the principal regulations is varied—

- (a) by striking out from subregulation (5)(a)(i) "\$3 945" and substituting "\$6 953";
- (b) by striking out from subregulation (5)(a)(ii) "\$4 044" and substituting "\$7 043".

Transitional provision

31. (1) A fee prescribed by regulation 9 of the principal regulations as varied by this Part applies in relation to a licence period commencing after the commencement of this Part.

(2) Despite regulation 0, a fee prescribed by regulation 9 of the principal regulations as in force immediately before the commencement of this Part continues to apply in relation to a licence period that commenced before the commencement of this Part.

(3) In this regulation—

"licence period" has the same meaning as in the principal regulations.

PART 9
VARIATION OF SCHEME OF MANAGEMENT (ROCK LOBSTER FISHERIES)
REGULATIONS 1991

Citation

32. The *Scheme of Management (Rock Lobster Fisheries) Regulations 1991* (see *Gazette* 27 June 1991 p. 2143), as varied, are referred to in this Part as "the principal regulations".

Variation of reg. 4—Interpretation

33. Regulation 4 of the principal regulations is varied—

- (a) by striking out the definition of "director" in subregulation (1) and substituting the following definition:

"director", in relation to a body corporate, has the same meaning as in the *Corporations Act 2001* of the Commonwealth;

- (b) by striking out from subregulation (2)(d) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth";
- (c) by striking out paragraph (a) of subregulation (3);

- (d) by striking out from subregulation (3)(c) "*Corporations Law*" and substituting "*Corporations Act 2001* of the Commonwealth".

Variation of Sched. 2—Fees

34. Schedule 2 of the principal regulations is varied—

- (a) by striking out from clause 1(a)(i) "4 894.00" and substituting "6 628.00";
- (b) by striking out from clause 1(a)(ii) "5 359.50" and substituting "7 108.00";
- (c) by striking out from clause 1(a)(iii) "6 230.00" and substituting "8 310.00";
- (d) by inserting at the end of paragraph (a) of clause 1 the following paragraph:

On application for the renewal of a licence endorsed with a condition fixing a giant crab quota on the licence, an additional fee of an amount obtained by multiplying \$26.67 by the number of giant crab units allocated to the licence is payable.;

- (e) by striking out from clause 1(ab)(i) "5 924.00" and substituting "5 616.00";
- (f) by striking out from clause 1(ab)(ii) "6 389.50" and substituting "6 096.00";
- (g) by striking out from clause 1(ab)(iii) "7 260.00" and substituting "7 298.00";
- (h) by inserting at the end of paragraph (ab) of clause 1 the following paragraph:

On application for the renewal of a licence endorsed with a condition fixing a giant crab quota on the licence, an additional fee of an amount obtained by multiplying \$26.67 by the number of giant crab units allocated to the licence is payable.

Transitional provision

35. (1) A fee prescribed by Schedule 2 of the principal regulations as varied by this Part applies in relation to a licence period commencing after the commencement of this Part.

(2) Despite regulation 0, a fee prescribed by Schedule 2 of the principal regulations as in force immediately before the commencement of this Part continues to apply in relation to a licence period that commenced before the commencement of this Part.

(3) In this regulation—

"**licence period**" has the same meaning as in the principal regulations.

MAFF02/0012CS

R. DENNIS, Clerk of the Council