

South Australia

Fisheries (Scheme of Management—Miscellaneous Fishery) Regulations 2000

under the *Fisheries Act 1982*

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1—Short title

These regulations may be cited as the *Fisheries (Scheme of Management—Miscellaneous Fishery) Regulations 2000*.

3—Revocation

The *Scheme of Management (Miscellaneous Fishery) Regulations 1984* (see *Gazette 14.6.1984 p1686*), as varied, are revoked.

4—Interpretation

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

Act means the *Fisheries Act 1982*;

Corporations Act means the *Corporations Act 2001* of the Commonwealth;

current company extract means a document prepared by the Australian Securities and Investment Commission from its national database kept under the Corporations Act that contains current details of the following in relation to a company:

- (a) the company's name;
- (b) the address of the company's registered office;
- (c) the date of registration of the company;
- (d) the State or Territory in which the company is taken to be registered under the Corporations Act;
- (e) the company's Australian Company Number;
- (f) whether the company is a proprietary company or a public company;
- (g) the full name of each director of the company;
- (h) the full name of each secretary (if any) of the company;

fishery means the Miscellaneous Fishery constituted by these regulations;

licence period means the period of 12 months commencing on 1 July in any year;

revoked regulations means the regulations revoked by regulation 3;

SARDI means the South Australian Research and Development Institute.

- (2) In these regulations, unless the contrary intention appears, *company*, *director*, *proprietary company* and *public company* have the same respective meanings as in the Corporations Act.
- (4) In these regulations, a reference to the taking of fish includes a reference to an act preparatory to, or involved in, the taking of the fish.

Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

5—Constitution of the fishery

- (1) The Miscellaneous Fishery is constituted.
- (2) The Miscellaneous Fishery consists of the taking of fish specified in Schedule 1 in the waters of the State.

6—Issue of licences

- (1) The licences in respect of the fishery in force under the revoked regulations immediately before the commencement of these regulations continue in force as licences in respect of the fishery subject to the provisions of the Act and these regulations.
- (2) If—
 - (a) the Director considers that it would not be detrimental to the living resources of the waters of the fishery to issue an additional licence in respect of the fishery; or
 - (b) a licence that was in force in respect of the fishery has ceased to be held by any person,the Director may make a call for applications in respect of that licence in accordance with the competitive tender procedure prescribed by Schedule 2.
- (3) If a person who is a successful applicant at a tender conducted in accordance with the procedure prescribed by Schedule 2—
 - (a) fails to make an application for the licence in respect of which he or she was a successful applicant; or
 - (b) having made an application for that licence, the licence is for any reason not granted,the Director must call for applications in respect of that licence in accordance with the competitive tender procedure prescribed by Schedule 2.
- (4) An application for a licence in respect of the fishery must—
 - (a) be made in writing in a form approved by the Director; and
 - (b) contain the information specified in Schedule 3; and
 - (c) be signed by the applicant; and
 - (d) be verified by the applicant by statutory declaration; and
 - (e) where the applicant is a company—be accompanied by a current company extract relating to the applicant issued not more than one month immediately preceding the date of application.
- (5) Before granting a licence in respect of the fishery the Director must be satisfied of the following matters:
 - (a) that the applicant is—
 - (i) a natural person of at least 15 years of age; or
 - (ii) a company;
 - (b) that the applicant was a successful applicant for the licence at a tender conducted in accordance with the procedure prescribed by Schedule 2;
 - (c) that no conviction for an offence involving a breach of any legislation relating to fishing has, within the period of three years preceding the date of the application, been recorded in the State or elsewhere in Australia against the applicant, or, where the applicant is a company, against a director of the company;

- (d) that no proceedings alleging an offence involving a breach of any legislation relating to fishing are pending or likely to be commenced in the State or elsewhere in Australia against the applicant, or, where the applicant is a company, against a director of the company.
- (6) The Director may not grant a licence in respect of the fishery unless the applicant has paid—
 - (a) the licence fee specified in Schedule 4 less \$90; or
 - (b) the first instalment of the licence fee specified in Schedule 4, in accordance with subregulation (7).
- (7) A licence fee payable in respect of a licence for a term of more than three months may be paid by instalments as follows:
 - (a) in the case of a licence issued for the term of a licence period—by four instalments of 25 per cent payable on or before the date of the grant of the licence and 1 October, 1 January and 1 April following the date of the grant of the licence;
 - (b) in any other case—by instalments of such amounts, and payable on such dates, as are fixed by the Director.
- (8) If an instalment of a licence fee is not paid in full within 21 days after the due date for payment, an additional amount equal to 10 per cent of the amount of the instalment is payable.
- (9) If—
 - (a) an instalment of a licence fee is not paid in full on or before the due date; or
 - (b) an additional fee is required to be paid for late payment of an instalment of a licence fee,the amount unpaid may be recovered from the holder of the licence as a debt due to the Crown.
- (10) The Director must return any licence fee that accompanied the application if the application is not successful.

7—Expiry of licences

A licence in respect of the fishery expires on 30 June following the date of its grant or last renewal.

8—Renewal of licences

- (1) A licence in respect of the fishery may be renewed by the Director on application made before the expiry of the licence or before the end of the licence period following the expiry of the licence.
- (2) An application to renew a licence in respect of the fishery must—
 - (a) be made by the holder of the licence or, if the licence has expired, by the person who last held the licence; and
 - (b) be made in writing in a form approved by the Director and signed by the applicant.

- (3) If an application to renew a licence is made before the expiry of the licence, the renewal of the licence takes effect from the expiry of the licence.
- (4) If an application to renew a licence is made after the expiry of the licence, the renewal of the licence takes effect from the date on which the application is granted.
- (5) The Director may not renew a licence unless the applicant has paid—
 - (a) —
 - (i) the renewal fee specified in Schedule 4 less \$90; or
 - (ii) the first instalment of the renewal fee specified in Schedule 4, in accordance with subregulation (6); and
 - (b) the amount of any licence fee or previous renewal fee remaining payable in respect of the licence, together with any additional fee payable for late payment of an instalment of the licence fee or renewal fee.
- (6) If an application to renew a licence is made before or within three months after the expiry of the licence, the renewal fee may be paid by four instalments of 25 per cent on or before the date of renewal of the licence and 1 October, 1 January and 1 April following the date of renewal.
- (7) If an instalment of a renewal fee is not paid in full within 21 days after the due date for payment, an additional amount equal to 10 per cent of the amount of the instalment is payable.
- (8) If—
 - (a) an instalment of a renewal fee for a licence is not paid in full on or before the due date; or
 - (b) an additional fee is required to be paid for late payment of an instalment of a renewal fee,

the amount unpaid may be recovered from the holder of the licence or the person who last held the licence as a debt due to the Crown.

9—Refund on surrender of licence

If a licence in respect of the fishery is surrendered, the Director must, on application by the former licensee, refund an amount that bears to the licence or renewal fee last paid in respect of the licence the same proportion as the number of complete months from the date of surrender to the day on which the following licence period commences bears to the number of months in the licence period during which the licence was surrendered.

10—Power of Director to limit fishing activities

The Director may impose conditions on a licence in respect of the fishery limiting the class of fishing activities that may be engaged in pursuant to the licence.

11—Individual giant crab catch quota system

- (1) In this regulation—

giant crab means giant crab (*Pseudocarcinus gigas*);

giant crab fishing zone means the Northern Zone or Southern Zone;

giant crab quota—

- (a) in relation to a licence in respect of the fishery and a giant crab fishing zone, means the maximum number of kilograms of giant crab that may be lawfully taken by the holder of the licence in that zone during a licence period, being the product of—
 - (i) the unit entitlement of that licence in respect of that zone; and
 - (ii) the unit value for that zone and that licence period,subject to any variation of the giant crab quota of the licence applying during that licence period;
- (b) in relation to a licence in respect of a rock lobster fishery—has the same meaning as in regulation 14B of the *Scheme of Management (Rock Lobster Fisheries) Regulations 1991*;

Northern Zone, rock lobster fishery and ***Southern Zone*** have the same respective meanings as in the *Scheme of Management (Rock Lobster Fisheries) Regulations 1991*;

unit entitlement—

- (a) in relation to a licence in respect of the fishery and a giant crab fishing zone—means the number of giant crab units for the time being allocated to the licence in respect of that zone;
- (b) in relation to a licence in respect of a rock lobster fishery—has the same meaning as in regulation 14B of the *Scheme of Management (Rock Lobster Fisheries) Regulations 1991*;

unit value means the number of kilograms of giant crab determined by the Director to be the value of a giant crab unit for a giant crab fishing zone and a licence period.

- (2) For the purposes of the formula set out in subregulation (3)(a), the following fishing periods are prescribed:
 - (a) in relation to the Northern Zone—
 - (i) the period commencing on 1 January 1997 and ending on 31 May 1997; and
 - (ii) the period commencing on 1 November 1997 and ending on 31 May 1998; and
 - (iii) the period commencing on 1 November 1998 and ending on 31 May 1999; and
 - (iv) the period commencing on 1 November 1999 and ending on 31 May 2000;
 - (b) in relation to the Southern Zone—
 - (i) the period commencing on 1 January 1997 and ending on 30 April 1997; and
 - (ii) the period commencing on 1 October 1997 and ending on 30 April 1998; and

- (iii) the period commencing on 1 October 1998 and ending on 30 April 1999; and
 - (iv) the period commencing on 1 October 1999 and ending on 30 April 2000.
- (3) The Director may impose or vary conditions on licences in respect of the fishery fixing or varying giant crab quotas (and may vary conditions on licences in respect of a rock lobster fishery varying giant crab quotas) as follows:

- (a) on the commencement of this regulation each of the two licences referred to in Schedule 5 must be allocated a number of giant crab units in respect of each giant crab fishing zone determined in accordance with the following formula:

$$A = \left(\frac{B}{B + C} \right) \times 600$$

where—

A is the number of giant crab units to be allocated to the licence in respect of a zone (rounded up to two decimal points)

B is the aggregate number of kilograms of giant crab taken pursuant to the licence in both zones during prescribed fishing periods (as recorded on completed returns lodged under regulation 16 before 31 May 2001)

C is the aggregate number of kilograms of giant crab taken pursuant to the other licence in both zones during prescribed fishing periods (as recorded on completed returns lodged under regulation 16 before 31 May 2001);

- (b) during the licence period ending on 30 June 2002, the conditions of each licence referred to in Schedule 5 must be varied so as to reduce the giant crab quota of the licence for that licence period by one kilogram for each kilogram of giant crab taken pursuant to the licence during the period commencing on 1 July 2001 and ending on 14 January 2002 (as recorded on completed returns lodged under regulation 16);
- (c) the Director must, on the commencement of this regulation, determine the number of kilograms of giant crab that is to be the value of a giant crab unit for a giant crab fishing zone and the licence period ending on 30 June 2002;
- (d) the Director must, on the commencement of each licence period, determine the number of kilograms of giant crab that is to be the value of a giant crab unit for a giant crab fishing zone and the licence period;
- (e) on application made to the Director by the holders of the licences referred to in Schedule 5, the conditions of the licences may be varied so as to increase the unit entitlement of one of the licences and decrease the unit entitlement of the other licence by a corresponding number of units;
- (f) on application made by a holder of a licence in respect of the fishery referred to in Schedule 5 (the *first licence*) and the holder of a licence in respect of the Northern Zone Rock Lobster Fishery endorsed with a condition fixing a giant crab quota on the licence (the *second licence*)—

- (i) the conditions of the first licence may be varied so as to decrease the unit entitlement of that licence in respect of the Northern Zone and the conditions of the second licence may be varied so as to increase the unit entitlement of 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 of that licence in respect of the Northern Zone and the conditions of the second licence may be varied so as to decrease the unit entitlement of that licence by a corresponding number of units;
 - (g) on application made by the holder a licence in respect of the fishery referred to in Schedule 5 (the *first licence*) and the holder of a licence in respect of the Southern Zone Rock Lobster Fishery endorsed with a condition fixing a giant crab quota on the licence (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement of that licence in respect of the Southern Zone and the conditions of the second licence may be varied so as to increase the unit entitlement of 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 of that licence in respect of the Southern Zone and the conditions of the second licence may be varied so as to decrease the unit entitlement of that licence by a corresponding number of units;
 - (h) the Director may, if the total giant crab catch taken pursuant to a licence referred to in Schedule 5 during a licence period exceeded the giant crab quota of the licence for that licence period, vary the conditions of the licence so as to decrease the quota—
 - (i) if the catch exceeded the quota by not more than 20 kilograms of giant crab—by one kilogram for each kilogram in excess of the quota; or
 - (ii) if the catch exceeded the quota by more than 20 kilograms but not more than 50 kilograms—by two kilograms for each kilogram in excess of the quota;
 - (i) any variation of a giant crab quota made under paragraph (h) must be expressed to apply only for the licence period during which the variation is made;
 - (j) unit entitlements and giant crab quotas must not be varied except as provided by this regulation or the *Scheme of Management (Rock Lobster Fisheries) Regulations 1991*.
- (4) If—
- (a) a court convicts the holder of a licence in respect of the fishery of an offence of contravening a condition of the licence imposing a giant crab quota on the licence; and

- (b) the conduct constituting the offence involved the taking of more than 50 kilograms of giant crab in excess of the quota,

the court must make an order requiring the Director to vary the conditions of the licence so as to reduce the giant crab quota of the licence for three licence periods following the conviction by one kilogram for each kilogram in excess of the quota for the licence period during which the offence was committed.

- (5) An application under subregulation (3)(e), (f) or (g) must be made in a manner and form approved by the Director.
- (6) A variation of a unit entitlement under subregulation (3)(e), (f) or (g) cannot take effect before 1 July 2002.

12—Registration of boats

- (1) An application to register a boat to be used pursuant to a licence in respect of the fishery must be made in writing in a form approved by the Director and be accompanied by the applicant's licence in respect of the fishery.
- (2) Before granting an application for registration of a boat the Director must be satisfied that the applicant is the holder of a licence in respect of the fishery.

13—Registration as master

An application for registration of a person as the master of a boat used pursuant to a licence in respect of the fishery must be made in writing in a form approved by the Director and be accompanied by the applicant's licence in respect of the fishery.

14—Revocation of registration

- (1) The Director may, on application by the holder of a licence in respect of the fishery, revoke any registration effected by endorsement of the licence.
- (2) An application for revocation of a registration must be made in writing in a form approved by the Director and be accompanied by the licence on which the registration is endorsed.

15—Use of agents in fishing activities on the shore

- (1) The holder of a licence in respect of the fishery or the registered master of a boat registered by endorsement of 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.

Penalty: Division 6 fine.

Expiation fee: Division 9 fee.

- (2) The holder of a licence in respect of the fishery or the registered master of a boat registered by endorsement of 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.

Penalty: Division 6 fine.

Expiation fee: Division 9 fee.

16—Furnishing of returns

- (1) The holder of a licence in respect of the fishery must—
- (a) fill out 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 Chief Executive Officer of SARDI, with the approval of 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 office of the Chief Executive Officer of SARDI within 15 days of the end of the month to which it relates.

Penalty: Division 6 fine.

Expiation fee: Division 9 fee.

- (2) If the holder of a licence in respect of the fishery takes no fish pursuant to 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 fish 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.

17—Copies of returns must be made

The holder of a licence in respect of the fishery must—

- (a) make a copy of each return that he or she fills out pursuant to these regulations before the return is sent or delivered to the Chief Executive Officer of SARDI; and
- (b) retain the copy for the period of one year from the last day of the month to which the return relates.

Maximum penalty: \$2 500.

18—Fees

The fees set out in Schedule 4 are prescribed for the purposes of the Act and these regulations.

Schedule 1—Fish prescribed for the Miscellaneous Fishery

The following fish are specified for the fishery:

All fish other than—

Abalone of all species (*Haliotis* spp.)

Southern rock lobster (*Jasus novaehollandiae*)

Western king prawn (*Penaeus latisulcatus*).

Schedule 2—Competitive tender procedure for issue of licences

1—Competitive tender procedure

- (1) If the Director proposes to call applications for the issue of a licence in respect of the fishery, the Director must cause an advertisement, in a form determined by the Director, to be published in the Gazette and in a newspaper circulating generally throughout the State—
 - (a) calling for tenders for such number of licences in respect of the fishery as are to be granted; and
 - (b) fixing a time and date on which tenders will close (being a date that is at least one month after the publication of the advertisement); and
 - (c) requiring each tender to be accompanied by an ADI guarantee equal to 10% of the amount tendered; and
 - (d) requiring all tenders to be made in a manner and form approved by the Director.
- (2) All tenders must be enclosed in a sealed envelope and forwarded to the office of the Director.
- (3) The Director must provide at his or her office a locked box into which all tenders must be deposited.
- (4) All tenders deposited in the locked box must remain there until the close of tenders.
- (5) A person must not interfere with or remove a tender from the locked box prior to the close of tenders.
Maximum penalty: \$1 250.
- (6) At the close of tenders the Director must open the locked box in the presence of two persons appointed by the Director for this purpose.
- (7) One of those persons must remove each of the envelopes from the box taking each one singly and at random and, after removing an envelope from the box, that person must open the envelope and hand the contents to the other person.
- (8) On receiving the contents of an envelope the other person must prepare a schedule of tenderers containing—
 - (a) the name of each tenderer; and
 - (b) the amount tendered; and
 - (c) the order in which the envelopes containing the tenders were removed from the box.
- (9) When all the tenders have been removed from the box and the schedule of tenderers has been completed the Director must examine each tender and the schedule of tenderers.
- (10) If one licence in respect of the fishery is to be granted—
 - (a) the amount payable for the licence will be an amount equal to the highest amount tendered; and

- (b) the successful applicant will be the person who tenders an amount equal to the highest amount.
- (11) If one licence in respect of the fishery is to be granted and more than one person tenders an amount equal to the highest amount—
- (a) one of the persons who tendered an amount equal to the highest amount will be the successful applicant; and
 - (c) the successful applicant will be the person whose tender was removed from the box before the tenders of the other persons who tendered an amount equal to the highest amount.
- (12) If more than one licence in respect of the fishery is to be granted and the number of licences to be granted is equal to the number of persons who have tendered an amount equal to or greater than the clearing price, those persons who have tendered an amount equal to or greater than the clearing price will be the successful applicants.
- (13) If the number of licences to be granted in respect of the fishery is less than the number of persons who have tendered an amount equal to or greater than the clearing price, the successful applicants will be selected as follows:
- (a) each of the persons who tendered an amount greater than the clearing price will be a successful applicant; and
 - (b) the name of the other persons who have tendered an amount equal to the clearing price will be put on a list in the order in which their tender was removed from the box and the successful applicant will be the person whose name appears first on the list; and
 - (c) if, after following the procedure specified in paragraph (b), there remains one or more licences to be granted in respect of the fishery, the successful applicant or applicants in respect of that licence or those licences will be the person whose name appears next on the list prepared under paragraph (b) and so on in descending order until a successful applicant has been determined in respect of each licence to be granted.
- (14) If more than one licence is to be granted in respect of the fishery the amount payable for that licence will be the clearing price determined by the Director at the close of tenders.
- (15) If a person makes a tender that is successful but—
- (a) the person fails, within a reasonable time, to make an application for the licence in respect of which his or her tender was accepted; or
 - (b) the person makes such an application but for any reason does not accept the licence that the Director is prepared to grant in the person's favour,
- the person forfeits an amount equal to 10 per cent of the amount tendered on the Director making a demand on the guarantee referred to in subclause (1).
- (16) If a person makes a tender that is not successful, or the tender is successful but the Director is not prepared to grant the licence in the person's favour, the person does not forfeit the amount of 10 per cent of the amount tendered.

(17) In this Schedule—

clearing price means an amount equal to the lowest amount that, having regard to the number of licences to be granted in respect of the fishery, would have to be tendered by an applicant to enable that applicant to be a successful applicant.

Schedule 3—Information required to be included in application for licence

The following information must be contained in an application for a licence:

- 1 Full name, date of birth, address (for service, residential and postal) and telephone number of the applicant.
- 2 Details of any boat to be used by the applicant to take fish including, in respect of each boat:
 - (a) length (where surveyed—surveyed length); and
 - (b) number of current survey certificate; and
 - (c) year of construction; and
 - (d) material of which hull is made; and
 - (e) main colour; and
 - (f) name; and
 - (g) registration number.
- 3 Details of the number of persons who are to assist the applicant to take fish from the boat or otherwise.
- 4 Details of the person who is to be the registered master of the boat.
- 5 Details of any device to be used to take fish.
- 6 Statements by the applicant as to—
 - (a) whether or not the applicant, or where the applicant is a company, a director of the company, has, during the three years immediately preceding the date of the application, been convicted by a court of a State or Territory of the Commonwealth of an offence involving a breach of legislation relating to fishing; and
 - (b) whether or not the applicant, or where the applicant is a company, a director of the company, has, at the date of the application, any proceedings alleging an offence involving a breach of legislation relating to fishing pending or likely to be commenced against the applicant or director in a court of a State or Territory of the Commonwealth.
- 7 Details in respect of any of the statements made by the applicant in respect of the matters referred to in clause 6.

Schedule 4—Fees

- 1 On application for the issue of a licence in respect of the fishery—
 - (a) in the case of a licence to be issued for the term of the licence period \$3 212.00

- (b) in the case of a licence to be issued for a term of less than the licence period—a proportion of the fee specified in paragraph (a), 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.
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|---|--|------------|
| 2 | On application for the renewal of a licence in respect of the fishery | \$3 212.00 |
| 3 | On application for the renewal of a licence endorsed with a condition fixing a giant crab quota on the licence (in addition to the fee payable under clause 2)—for each giant crab unit allocated to the licence | \$25.70 |
| 4 | On application for the renewal of a licence endorsed with a condition fixing a giant crab quota on the licence (in addition to the fees payable under clauses 2 and 3) | \$600.00 |
| 5 | On application under regulation 11 by the holder of a licence in respect of the fishery to vary the conditions of the licence so as to alter the unit entitlement of the licence in respect of giant crab | \$100.00 |

Schedule 5—Licences to which giant crab units must be allocated

Miscellaneous Fishery licence number

Y072

Y073

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.

Formerly

Scheme of Management (Miscellaneous Fisheries) Regulations 2000

Principal regulations and variations

New entries appear in bold.

| Year | No | Reference | Commencement |
|-------------|------------|---------------------------------------|---|
| 2000 | 221 | <i>Gazette 31.8.2000 p1222</i> | 1.9.2000: r 2 |
| 2001 | 136 | <i>Gazette 28.6.2001 p2436</i> | 28.6.2001: r 2 |
| 2001 | 273 | <i>Gazette 20.12.2001 p5677</i> | 15.1.2002: r 2 |
| 2002 | 47 | <i>Gazette 14.6.2002 p2153</i> | Pt 6 (rr 20—23)—14.6.2002: r 2 |
| 2003 | 141 | <i>Gazette 5.6.2003 p2407</i> | Pt 8 (rr 20—22)—5.6.2003: r 2 |
| 2004 | 9 | <i>Gazette 19.2.2004 p535</i> | Pt 7 (rr 32—38)—19.2.2004: r 2 |
| 2004 | 137 | <i>Gazette 24.6.2004 p2301</i> | Pt 8 (rr 20—22)—24.6.2004: r 2 |
| 2005 | 138 | <i>Gazette 16.6.2005 p1834</i> | Pt 8 (rr 15 & 16)—16.6.2005: 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 | substituted by 141/2003 r 20 | 5.6.2003 |
| r 2 | <i>omitted under the Legislation Revision and Publication Act 2002</i> | <i>19.2.2004</i> |
| r 4 | | |
| r 4(1) | | |
| Corporations Act | inserted by 9/2004 r 32(1) | 19.2.2004 |
| current company extract | inserted by 9/2004 r 32(1) | 19.2.2004 |
| <i>director</i> | <i>substituted by 47/2002 r 21(a)</i> | <i>14.6.2002</i> |
| | <i>deleted by 9/2004 r 32(1)</i> | <i>19.2.2004</i> |

| | | |
|--|---|---|
| r 4(2) | varied by 47/2002 r 21(b) substituted by 9/2004 r 32(2) | 14.6.2002 19.2.2004 |
| r 4(3) | <i>varied by 47/2002 r 21(c)</i> <i>deleted by 9/2004 r 32(2)</i> | <i>14.6.2002</i> <i>19.2.2004</i> |
| r 6 | | |
| r 6(4) | varied by 9/2004 r 33(1) | 19.2.2004 |
| r 6(5) | substituted by 9/2004 r 33(2) | 19.2.2004 |
| r 6(8) | substituted by 136/2001 r 3 | 28.6.2001 |
| r 8 | | |
| r 8(7) | substituted by 136/2001 r 4 | 28.6.2001 |
| r 11 | substituted by 273/2001 r 3 | 15.1.2002 |
| r 12 | | |
| r 12(1) | varied by 9/2004 r 34 | 19.2.2004 |
| r 13 | substituted by 9/2004 r 35 | 19.2.2004 |
| r 15 | substituted by 9/2004 r 36 | 19.2.2004 |
| r 16 | | |
| r 16(1) | varied by 9/2004 r 37 | 19.2.2004 |
| r 18 | inserted by 137/2004 r 20 | 24.6.2004 |
| Sch 3 | | |
| cl 6 | substituted by 9/2004 r 38 | 19.2.2004 |
| <i>Sch 4 before substitution by 137/2004</i> | <i>varied by 136/2001 r 5</i> <i>varied by 273/2001 r 4</i> <i>varied by 47/2002 r 22</i> <i>varied by 141/2003 r 21</i> | <i>28.6.2001</i> <i>15.1.2002</i> <i>14.6.2002</i> <i>5.6.2003</i> |
| Sch 4 | substituted by 137/2004 r 21 substituted by 138/2005 r 15 | 24.6.2004 16.6.2005 |
| Sch 5 | inserted by 273/2001 r 5 | 15.1.2002 |

Transitional etc provisions associated with regulations or variations

No 136 of 2001

6—Transitional provision

- (1) The licence and renewal fees prescribed by Schedule 4 of the principal regulations as varied by these regulations apply in relation to a licence period commencing after the commencement of these regulations.
- (2) Despite regulation 5, the licence and renewal fees prescribed by Schedule 4 of the principal regulations as in force immediately before the commencement of these regulations continue to apply in relation to a licence period that commenced before the commencement of these regulations.
- (3) In this regulation—
licence period has the same meaning as in the principal regulations.

Fisheries (Variation of Schemes of Management) Regulations 2002 No 47 of 2002

23—Transitional provision

- (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 22, 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.

Fisheries (Fees) Variation Regulations 2003 No 141 of 2003

22—Transitional provision

- (1) A fee prescribed by Schedule 4 of the principal regulations as varied by this Part applies in relation to the licence period commencing after the commencement of these regulations.
- (2) Despite regulation 21, a fee prescribed by Schedule 4 of the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to the licence period commencing before the commencement of these regulations.

Fisheries (Fees) Variation Regulations 2004 (No 137 of 2004)

22—Transitional provision

- (1) A fee prescribed by Schedule 4 of the principal regulations as substituted by this Part applies in relation to the licence period commencing after the commencement of these regulations.
- (2) Despite regulation 21, a fee prescribed by Schedule 4 of the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to the licence period commencing before the commencement of these regulations.

Fisheries (Fees) Variation Regulations 2005 (No 138 of 2005)

16—Transitional provision

- (1) A fee prescribed by Schedule 4 of the principal regulations as substituted by this Part applies in relation to the licence period commencing on 1 July 2005.
- (2) Despite regulation 15, a fee prescribed by Schedule 4 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 2004.

Historical versions

19.2.2004
24.6.2004

Appendix—Divisional penalties and expiation fees

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

| Division | Maximum imprisonment | Maximum fine | Expiation fee |
|----------|----------------------|--------------|---------------|
| 1 | 15 years | \$60 000 | — |
| 2 | 10 years | \$40 000 | — |
| 3 | 7 years | \$30 000 | — |
| 4 | 4 years | \$15 000 | — |
| 5 | 2 years | \$8 000 | — |
| 6 | 1 year | \$4 000 | \$300 |
| 7 | 6 months | \$2 000 | \$200 |
| 8 | 3 months | \$1 000 | \$150 |
| 9 | — | \$500 | \$100 |
| 10 | — | \$200 | \$75 |
| 11 | — | \$100 | \$50 |
| 12 | — | \$50 | \$25 |

Note: This appendix is provided for convenience of reference only.