



New South Wales

Fisheries Management (Aquaculture) Amendment (Fees) Regulation 2000

under the

Fisheries Management Act 1994

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

EDWARD OBEID, M.L.C.,

Minister for Fisheries

Explanatory note

The objects of this Regulation are as follows:

- (a) to require aquaculture permit holders to pay an annual contribution towards the costs of administration of Part 6 of the *Fisheries Management Act 1994* (Aquaculture management),
- (b) to increase some of the fees payable in connection with aquaculture permits and leases, and to decrease others,
- (c) to prescribe the fee payable for the issue of a permit that authorises a person to take or possess fish or marine vegetation for aquaculture purposes.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 37 (6), 145 (2) (c), 156, 163 (8), 167 (7), 172 (2), 173 (2), 174 (2), 191 and 289 (the general regulation-making power).

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Clause 1 Fisheries Management (Aquaculture) Amendment (Fees) Regulation
2000

**Fisheries Management (Aquaculture) Amendment
(Fees) Regulation 2000**

1 Name of Regulation

This Regulation is the *Fisheries Management (Aquaculture) Amendment (Fees) Regulation 2000*.

2 Amendment of Fisheries Management (Aquaculture) Regulation 1995

The *Fisheries Management (Aquaculture) Regulation 1995* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 5 Fee payable when applying for an aquaculture permit

Omit subclause (1). Insert instead:

- (1) Subject to subclause (3), the fee required to accompany an application for an aquaculture permit is as follows:
 - (a) for a class A permit—\$200,
 - (b) for a class B permit—\$200,
 - (c) for a class C permit—\$300,
 - (d) for a class D permit—\$500,
 - (e) for a class E permit—\$400,
 - (f) for a class F permit—\$300,
 - (g) for a class G permit—\$500,
 - (h) for a class H permit—\$500,
 - (i) for a class I permit—\$50.

[2] Part 2, Division 2A

Insert after Division 2 in Part 2:

Division 2A Contributions by permit holders to pay for costs of administration

6A Aquaculture permit holders liable to pay contributions towards cost of administration

- (1) Each holder of an aquaculture permit must pay to the Minister an annual contribution towards the costs of administration of Part 6 of the Act that are directly attributable to industry.

Note. See section 156 (1) (a) of the Act.

- (2) The annual contribution is payable in respect of the financial year commencing 1 July 2000 and each subsequent financial year.

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Schedule 1 Amendments

- (3) The amount of the annual contribution is \$350.
- (4) The annual contribution is payable in instalments. The Minister is required:
 - (a) to determine the amounts of the instalments that are payable, or the manner in which they are to be calculated, and
 - (b) to notify these amounts or the manner of their calculation to the permit holder concerned.
- (5) If there is a failure to make a payment in accordance with such a notice, the Minister may treat the total unpaid balance of the annual contribution as an overdue amount of contribution.
- (6) A person must pay the annual contribution under this clause in respect of a financial year if the person holds an aquaculture permit at any time during that financial year.
- (7) However, if a person is issued with an aquaculture permit after the start of a financial year:
 - (a) the Minister may reduce, on a pro rata basis, the person's contribution for that financial year, and
 - (b) the contribution must be paid within 30 days of the issue of the permit, or by instalments in such manner as may be advised by the Minister in accordance with subclause (4).

6B Costs of administration that are directly attributable to industry

For the purposes of section 156 (1) (a) of the Act, the following costs of administration of Part 6 of the Act are directly attributable to industry:

- (a) the cost of developing, implementing and ensuring compliance with, strategies, policies and regulations under Part 6 of the Act for the orderly management and development of sustainable and viable aquaculture industries,
- (b) the cost of providing administrative services in connection with aquaculture permit and aquaculture lease transactions, in particular, the costs associated with the following:
 - (i) collection of fees and contributions,

- (ii) permit assessment,
- (iii) grant of leases.

6C Exemptions

The Minister may exempt a permit holder or class of permit holders from paying an annual contribution under this Division in respect of a aquaculture permit if the Minister is satisfied that an exemption is warranted because:

- (a) the permit is a class I permit (a permit issued for charitable or non-profit purposes), or
- (b) the permit is a class F permit and the permit holder only conducts extensive fish-out operations, or
- (c) the permit is issued for the purpose of authorising embryonic or experimental aquaculture operations.

6D Minister may waive payment of contribution

- (1) The Minister may waive payment of all or part of an annual contribution payable under this Division if the Minister considers it appropriate to do so.
- (2) Without limiting subclause (1), the Minister may waive payment by a permit holder of the annual contribution for the financial year commencing on 1 July 2000 if the holder surrenders the permit to the Director and agrees to its cancellation by 31 December 2000.

[3] Clause 27 Procedure for applying for an aquaculture lease

Omit subclause (2). Insert instead:

- (2) The processing fee is as follows:
 - (a) for a class 1 lease—\$500,
 - (b) for a class 2 lease—\$500,
 - (c) for a class 3 lease—\$500,
 - (d) for a class 4 lease—\$800.

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Schedule 1 Amendments

[4] Clause 34 Application for renewal of an aquaculture lease

Omit subclause (2) (a). Insert instead:

- (a) in the case of a class 1 lease—\$400,

[5] Clause 40 Fee payable for Minister’s consent to subletting of leased area

Omit “\$50”. Insert instead “\$350”.

[6] Clause 41 Procedure for getting Minister’s consent to transfer of aquaculture lease

Omit “\$50” from subclause (2) (c). Insert instead “\$550”.

[7] Clause 42

Omit the clause. Insert instead:

42 Transmission of aquaculture lease on lessee’s death

An aquaculture lease is transmissible by operation of law on the death of the lessee, subject to there being lodged with the Minister:

- (a) such evidence of the death and the entitlement of the person claiming the lease as the Minister requires, and
- (b) a processing fee of \$350.

[8] Clause 43 Aquaculture lease may be surrendered

Omit “\$75” from subclause (1) (b). Insert instead “\$250”.

[9] Clause 43 (2) (d)

Omit “\$150”. Insert instead “\$350”.

[10] Clause 44 Aquaculture leases may be consolidated

Omit “\$100” from subclause (2) (c). Insert instead “\$400”.

[11] Clause 44A Aquaculture leases may be subdivided

Omit “\$100” from subclause (2) (c). Insert instead “\$400”.

[12] Clause 60A

Insert after clause 60:

60A Fee for permit under section 37

- (1) An application for a permit under section 37 (1) of the Act, being a permit that authorises a person to take and possess fish or marine vegetation for aquaculture purposes, is to be accompanied by a processing fee of \$150.
- (2) The Minister may waive all or part of the fee payable under this clause in such cases as the Minister considers appropriate.