



Fisheries Management Amendment (Fees) Regulation 2004

under the

Fisheries Management Act 1994

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

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Minister for Primary Industries

Explanatory note

The objects of this Regulation are as follows:

- (a) to increase certain fees, charges and contributions payable under the *Fisheries Management Act 1994*, generally in line with movements in the Consumer Price Index,
- (b) to alter the basis on which the community contribution payable for a fishing period in relation to the abalone fishery is determined by providing for its calculation by reference to the total catch of abalone, rather than the total allowable catch, in the fishery during the fishing period.

This Regulation is made under the *Fisheries Management Act 1994*, including section 289 (1) (the general regulation-making power).

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Fisheries Management Amendment (Fees) Regulation 2004

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management Amendment (Fees) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Amendment of Fisheries Management (General) Regulation 2002

The *Fisheries Management (General) Regulation 2002* is amended as set out in Schedule 1.

4 Amendment of Fisheries Management (Abalone Share Management Plan) Regulation 2000

The *Fisheries Management (Abalone Share Management Plan) Regulation 2000* is amended as set out in Schedule 2.

5 Amendment of Fisheries Management (Aquaculture) Regulation 2002

The *Fisheries Management (Aquaculture) Regulation 2002* is amended as set out in Schedule 3.

6 Amendment of Fisheries Management (Lobster Share Management Plan) Regulation 2000

The *Fisheries Management (Lobster Share Management Plan) Regulation 2000* is amended as set out in Schedule 4.

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Schedule 1 Amendments to Fisheries Management (General) Regulation 2002

Schedule 1 Amendments to Fisheries Management (General) Regulation 2002

(Clause 3)

- [1] **Clause 113 Permit to use explosives**
Omit "\$111" from clause 113 (5). Insert instead "\$113".
- [2] **Clause 115 Permit to use electrical devices**
Omit "\$111" from clause 115 (5). Insert instead "\$113".
- [3] **Clause 133 Sorting charge for fish**
Omit "\$10.75". Insert instead "\$12".
- [4] **Clause 133A Fees for permits under section 37 of the Act**
Omit "\$2,124" from clause 133A (1) (a). Insert instead "\$2,166".
- [5] **Clause 133A (1) (b)**
Omit "\$56". Insert instead "\$57".
- [6] **Clause 136 Nomination of commercial fisher by shareholder**
Omit "\$332" from clause 136 (1). Insert instead "\$339".
- [7] **Clause 137 Special endorsements to take fish in share management fishery**
Omit "\$111". Insert instead "\$113".
- [8] **Clause 141 Fee for registration of dealings in shares**
Omit "\$166" from clause 141 (1) (a). Insert instead "\$169".
- [9] **Clause 141 (1) (b)**
Omit "\$332". Insert instead "\$339".
- [10] **Clause 142 Fee for inspection of Share Register and registered documents**
Omit "\$10" from clause 142 (1) (a) (i). Insert instead "\$11".

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- [11] **Clause 144 Fee to accompany application for commercial fishing licence**
Omit “\$443” from clause 144 (a). Insert instead “\$451”.
- [12] **Clause 144 (b)**
Omit “\$111”. Insert instead “\$113”.
- [13] **Clause 147 Renewal of commercial fishing licence**
Omit “\$221” from clause 147 (2) (a). Insert instead “\$226”.
- [14] **Clause 147 (2) (b) and (7)**
Omit “\$111” wherever occurring. Insert instead “\$113”.
- [15] **Clause 150 Annual contribution to cost of research and to other industry costs**
Omit “\$343” from clause 150 (1). Insert instead “\$396”.
- [16] **Clause 151 Fee to accompany application for issue of fishing boat licence**
Omit “\$155” from clause 151 (1) (a) and (b) wherever occurring.
Insert instead “\$158”.
- [17] **Clause 151 (3) (a) and (b)**
Omit “\$44” wherever occurring. Insert instead “\$45”.
- [18] **Clause 154 Renewal of fishing boat licence**
Omit “\$44” wherever occurring in clause 154 (2) (a) and (b) and (10) (a) and (b) wherever occurring.
Insert instead “\$45”.
- [19] **Clause 154 (7)**
Omit “\$111”. Insert instead “\$113”.

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Schedule 1 Amendments to Fisheries Management (General) Regulation 2002

[20] Clause 155 Additional licence fee for boats authorised to prawn trawl in ocean prawn trawl restricted fishery

Omit "\$1.66" wherever occurring in clause 155 (2) and (6).

Insert instead "\$1.69".

[21] Clause 158 Transfer of right to a fishing boat licence

Omit "\$277" from clause 158 (3). Insert instead "\$282".

[22] Clause 159 Boats taken to be licensed under the Act

Omit "\$111" from clause 159 (3). Insert instead "\$113".

[23] Clause 161 Fee to accompany application for registration

Omit "\$111" from clause 161. Insert instead "\$113".

[24] Clause 173 Nominated fishers

Omit "\$332" from clause 173 (2) (c). Insert instead "\$339".

[25] Clause 177 Endorsement fee

Omit "\$443" from clause 177 (1) (a). Insert instead "\$451".

[26] Clause 177 (1) (b)

Omit "\$221". Insert instead "\$226".

[27] Clause 177 (4)

Insert after clause 177 (3):

(4) The fee is payable by the relevant entitlement holder.

[28] Clause 181 Transfer of quota

Omit "\$166" from clause 181 (2) (c). Insert instead "\$169".

[29] Clause 238 Endorsement fees

Omit "\$2,213" from clause 238 (1) (a). Insert instead "\$2,257".

[30] Clause 238 (1) (b)

Omit "\$277". Insert instead "\$282".

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- [31] Clause 238 (1) (c)**
Omit "\$276". Insert instead "\$282".
- [32] Clause 242 Transfer fee**
Omit "\$2,766" from clause 242 (1). Insert instead "\$2,822".
- [33] Clause 258 Application for endorsement**
Omit "\$277" wherever occurring in clause 258 (3) (a), (c) and (d).
Insert instead "\$282".
- [34] Clause 258 (3) (c) and (d)**
Omit "\$33" wherever occurring. Insert instead "\$34".
- [35] Clause 267 Application for endorsement of licence for further period**
Omit "\$277" wherever occurring in clause 267 (3) (a), (c) and (d).
Insert instead "\$282".
- [36] Clause 267 (3) (c) and (d)**
Omit "\$33" wherever occurring. Insert instead "\$34".
- [37] Clause 273 Application for special endorsement**
Omit "\$33" from clause 273 (2). Insert instead "\$34".
- [38] Clause 285 Fee to accompany application for registration as fish receiver**
Omit "\$830" from clause 285 (a). Insert instead "\$847".
- [39] Clause 285 (b)**
Omit "\$2,766". Insert instead "\$2,822".
- [40] Clause 299 Annual licence fee**
Omit "\$415" from clause 299 (1). Insert instead "\$423".
- [41] Clause 299 (1)**
Omit "\$83". Insert instead "\$85".

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Schedule 1 Amendments to Fisheries Management (General) Regulation 2002

[42] Clause 305 Transfer of entitlement to history of operations

Omit "\$277" from clause 305 (3). Insert instead "\$282".

[43] Clause 306 Boat replacement

Omit "\$277" from clause 306 (1) (b). Insert instead "\$282".

[44] Clause 308 Renewal of licence

Omit "\$111" from clause 308 (5). Insert instead "\$113".

[45] Clause 339 Fee for permit to harm marine vegetation (section 205 of the Act)

Omit "\$111" from clause 339. Insert instead "\$113".

Schedule 2 Amendments to Fisheries Management (Abalone Share Management Plan) Regulation 2000

(Clause 4)

[1] Appendix Abalone Share Management Plan

Omit "\$221" from clause 9 (2) (a). Insert instead "\$226".

[2] Appendix, clause 9 (2) (b)

Omit "\$388". Insert instead "\$395".

[3] Appendix, clause 10 (7)

Omit "\$332". Insert instead "\$339".

[4] Appendix, clause 19 (2) (b)

Omit "\$166". Insert instead "\$169".

[5] Appendix, clause 21 (5), note

Omit "\$111". Insert instead "\$113".

[6] Appendix, clause 37 (3)

Omit the subclause. Insert instead:

- (3) The community contribution is calculated as follows:

$$CC = \frac{S}{TS} \times \frac{6}{100} \times TC \times P$$

where:

CC is the community contribution.*S* is the number of shares in the fishery held by the shareholder on the last day of the fishing period.*TS* is the total number of shares in the fishery.*TC* is the total catch (in kilograms) of abalone by shareholders in the fishery during the fishing period, determined by the Minister on the basis of records kept by the Director.*P* is the average beach price for abalone (in kilograms) during the fishing period, determined by the Minister on the basis of records kept by the Director.

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Schedule 3 Amendments to Fisheries Management (Aquaculture) Regulation 2002

Schedule 3 Amendments to Fisheries Management (Aquaculture) Regulation 2002

(Clause 5)

- [1] **Clause 5 Fee payable when applying for an aquaculture permit**
Omit “\$221” from clause 5 (1) (a) and (b). Insert instead “\$226”.
- [2] **Clause 5 (1) (c) and (f)**
Omit “\$332”. Insert instead “\$339”.
- [3] **Clause 5 (1) (d), (g) and (h)**
Omit “\$553”. Insert instead “\$564”.
- [4] **Clause 5 (1) (e)**
Omit “\$443”. Insert instead “\$451”.
- [5] **Clause 5 (2) (b)**
Omit “\$107”. Insert instead “\$113”.
- [6] **Clause 7 Aquaculture permit holders liable to pay contributions towards cost of administration**
Omit “\$388” from clause 7 (2). Insert instead “\$395”.
- [7] **Clause 11 Aquaculture permit holders liable to pay contributions for research**
Omit “\$23” from clause 11 (3). Insert instead “\$28”.
- [8] **Clause 11 (4) (a) (i) and (b)**
Omit “\$111”. Insert instead “\$113”.
- [9] **Clause 31 Procedure for applying for an aquaculture lease**
Omit “\$553” from clause 31 (2) (a), (b) and (c). Insert instead “\$564”.
- [10] **Clause 31 (2) (d)**
Omit “\$885”. Insert instead “\$903”.
- [11] **Clause 38 Application for renewal of an aquaculture lease**
Omit “\$443” from clause 38 (2) (a). Insert instead “\$451”.

- [12] **Clause 38 (2) (b) and (d)**
Omit "\$332". Insert instead "\$339".
- [13] **Clause 38 (2) (c)**
Omit "\$553". Insert instead "\$564".
- [14] **Clause 40 Minimum rent for leased area**
Omit "\$111" from clause 40 (1) (a). Insert instead "\$113".
- [15] **Clause 40 (1) (b)**
Omit "\$41". Insert instead "\$42".
- [16] **Clause 44 Fee payable for Minister's consent to subletting of leased area**
Omit "\$388". Insert instead "\$395".
- [17] **Clause 45 Procedure for getting Minister's consent to transfer of aquaculture lease**
Omit "\$609" from clause 45 (2) (c). Insert instead "\$621".
- [18] **Clause 46 Transmission of aquaculture lease on lessee's death**
Omit "\$388" from clause 46 (1) (b). Insert instead "\$395".
- [19] **Clause 47 Aquaculture lease may be surrendered**
Omit "\$277" from clause 47 (1) (b). Insert instead "\$282".
- [20] **Clause 47 (3) (d)**
Omit "\$388". Insert instead "\$395".
- [21] **Clause 48 Aquaculture leases may be consolidated**
Omit "\$443" from clause 48 (2) (c). Insert instead "\$451".
- [22] **Clause 49 Aquaculture leases may be subdivided**
Omit "\$443" from clause 49 (2) (c). Insert instead "\$451".

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Schedule 3 Amendments to Fisheries Management (Aquaculture) Regulation 2002

[23] Clause 66 Permit required to gather marine vegetation for commercial purposes

Omit "\$111" from clause 66 (10). Insert instead "\$113".

[24] Clause 67 Fee for permit under section 37

Omit "\$166" from clause 67 (1). Insert instead "\$169".

**Schedule 4 Amendments to Fisheries Management
(Lobster Share Management Plan)
Regulation 2000**

(Clause 6)

[1] Appendix Lobster Share Management Plan

Omit "\$221" from clause 9 (2) (a). Insert instead "\$226".

[2] Appendix, clause 9 (2) (b)

Omit "\$388". Insert instead "\$395".

[3] Appendix, clause 10 (7)

Omit "\$332". Insert instead "\$339".

[4] Appendix, clause 19 (2) (b)

Omit "\$166". Insert instead "\$169".

[5] Appendix, clause 46 (5), note

Omit "\$111". Insert instead "\$113".

[6] Appendix, clause 54

Omit clauses 54 (3) and (4). Insert instead:

- (3) No community contribution is payable for the fishing period commencing on 1 July 2003 and ending on 30 June 2004.
- (4) The community contribution for each subsequent fishing period is \$109.