



Fisheries Management (General) Amendment (Annual Contributions) 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*.

IAN MICHAEL MACDONALD, M.L.C.,

Minister for Primary Industries

Explanatory note

The object of this Regulation is to amend the *Fisheries Management (General) Regulation 2002* to require certain fishers to pay a contribution towards the cost of fishery monitoring programs under fishery management strategies.

The contribution is payable by commercial fishers who are authorised to take fish for sale, or for use as bait, in certain fisheries. The fisheries are listed in the Regulation. The contribution is \$300 for the first fishery, and \$100 for each additional fishery, up to a maximum of \$600.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 106 and 289 (the general regulation-making power).

2004 No 358

Clause 1 Fisheries Management (General) Amendment (Annual Contributions)
Regulation 2004

Fisheries Management (General) Amendment (Annual Contributions) Regulation 2004

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Annual Contributions) 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.

Schedule 1 Amendment

(Clause 3)

Clause 150A

Insert after clause 150:

150A Annual contribution towards fishery monitoring programs

- (1) An annual contribution calculated as follows is payable by the holder of a commercial fishing licence who is authorised by or under the Act to take fish for sale or, in the case of the tuna bait fishery, for use as bait, in one or more of the following fisheries:
 - (a) the estuary general restricted fishery,
 - (b) the estuary prawn trawl restricted fishery,
 - (c) the ocean hauling restricted fishery,
 - (d) the ocean trap and line restricted fishery,
 - (e) the ocean trawl fishery,
 - (f) the southern ocean fish trawl fishery,
 - (g) the tuna bait fishery.
- (2) The annual contribution is payable towards the costs of carrying out fishery monitoring programs approved by the Minister.
- (3) The annual contribution payable is \$300 for the first fishery referred to in subclause (1) (a)–(g) in which the licence holder is authorised to take fish for sale or for use as bait, plus \$100 for each other fishery referred to in those paragraphs in which the licence holder is authorised to take fish for sale or for use as bait, up to a maximum of \$600.
- (4) The contribution is payable in relation to a fishery referred to in subclause (1) only if the licence holder is the owner, or one of the owners, of a fishing business. This subclause does not apply in relation to the tuna bait fishery.

Note. See Division 4C of Part 2 of the Act in relation to fishing businesses.
- (5) The contribution must be paid in accordance with arrangements for payment approved by the Minister.

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Schedule 1 Amendment

(6) The contribution payable under this clause in relation to a commercial fishing licence is additional to any other contribution, fee or charge that is payable in relation to the licence (including the contribution referred to in clause 150).

(7) In this clause:

ocean trawl fishery means the fishery comprised of:

- (a) the ocean prawn trawl restricted fishery, and
- (b) the ocean fish trawl restricted fishery (not including the southern ocean fish trawl fishery).

southern ocean fish trawl fishery means that part of the ocean fish trawl restricted fishery that is comprised of the use of an otter trawl net (prawns) to take fish from ocean waters that are not more than 3 nautical miles from the natural coast line and are south of a line drawn due east from Barrenjoey Headland.

tuna bait fishery means the fishery comprised of the use of a purse seine net or submersible lift net (bait) to take blue mackerel, yellowtail scad or pilchards from ocean waters within 3 nautical miles of the natural coast line for use as live bait in tuna fishing operations.

BY AUTHORITY