



New South Wales

Fisheries Management (Supporting Plan) Amendment (Management Charges) Regulation 2007

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 MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The object of this Regulation is to amend the *Fisheries Management (Supporting Plan) Regulation 2006* to make further provision for the management charge payable by shareholders in the following share management fisheries:

- (a) the estuary general fishery,
- (b) the estuary prawn trawl fishery,
- (c) the ocean hauling fishery,
- (d) the ocean trawl fishery,
- (e) the ocean trap and line fishery.

The Regulation provides for the calculation of the charge on a per fishing business basis (that is, so that a separate charge applies to each fishing business the components of which include shares in a relevant share management fishery and a single management charge applies in relation to each such fishing business). It also sets a maximum amount that may be charged in respect of each fishing business.

The Regulation also amends the *Fisheries Management (General) Regulation 2002*:

- (a) so that an additional licence fee will no longer be charged in respect of boats that are used in the ocean trawl fishery (it is intended that the fee will be replaced by the management charge for the relevant fishery), and
- (b) to clarify that a fee charged for the early renewal of a commercial fishing licence or fishing boat licence is to be calculated on the basis of the relevant licence fee at the date that the licence holder is invoiced for the fee (and not the date when the licence is renewed).

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Explanatory note

This Regulation is made under the *Fisheries Management Act 1994*, including sections 57, 60, 76, 108 and 289 (the general regulation-making power).

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under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management (Supporting Plan) Amendment (Management Charges) Regulation 2007*.

2 Commencement

This Regulation commences on 1 July 2007.

3 Amendment of Fisheries Management (Supporting Plan) Regulation 2006

The *Fisheries Management (Supporting Plan) Regulation 2006* is amended as set out in Schedule 1.

4 Amendment of Fisheries Management (General) Regulation 2002

The *Fisheries Management (General) Regulation 2002* is amended as set out in Schedule 2.

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Schedule 1 Amendment of Fisheries Management (Supporting Plan) Regulation 2006

Schedule 1 Amendment of Fisheries Management (Supporting Plan) Regulation 2006

(Clause 3)

Appendix, clause 10A

Insert after clause 10:

10A Management charge—special provisions

- (1) The management charge payable under section 76 of the Act by holders of shares in a relevant share management fishery is to be calculated by applying the following principles:
 - (a) a separate management charge is payable in respect of each fishing business the components of which include shares in one or more relevant share management fisheries (accordingly, if the shares of a shareholder are components of separate fishing businesses, separate management charges are payable in respect of those shareholdings), and
 - (b) a single management charge is payable in respect of each fishing business, even if the fishing business is comprised of, or includes, shares in more than one relevant share management fishery.
- (2) For the purposes of section 76 (3) of the Act, if a fishing business is comprised of, or includes, shares in one relevant share management fishery only, the management charge in respect of that fishing business is not to exceed \$335.
- (3) For the purposes of section 76 (3) of the Act, if a fishing business is comprised of, or includes, shares in more than one relevant share management fishery, the management charge in respect of that fishing business is not to exceed:
 - (a) \$335 for the first relevant share management fishery in which those shares are held, and
 - (b) \$95 for each other relevant share management fishery in which those shares are held.
- (4) This clause does not affect any requirement that a shareholder pay a separate or additional management charge in respect of shares in a share management fishery that is not a relevant share management fishery, even if those shares are a component of a fishing business that includes shares in a relevant share management fishery.

(5) In this clause:

relevant share management fishery means any of the following share management fisheries, as described in Schedule 1 to the Act:

- (a) the estuary general fishery,
- (b) the estuary prawn trawl fishery,
- (c) the ocean hauling fishery,
- (d) the ocean trawl fishery,
- (e) the ocean trap and line fishery.

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Schedule 2 Amendment of Fisheries Management (General) Regulation 2002

Schedule 2 Amendment of Fisheries Management (General) Regulation 2002

(Clause 4)

[1] Clause 147A Early renewal of licences—transitional arrangements to facilitate uniform licence expiry date of 30 June

Omit clause 147A (10). Insert instead:

- (10) For the purposes of this clause, *renewal fee* for a licence means the fee payable under clause 147 (2A) for an application for renewal of the class of licence issued to the person following the early renewal (being the fee applicable under clause 147 (2A) at the date that the holder of the licence is invoiced for the fee payable under this clause).

[2] Clause 151 Fee for application for issue of fishing boat licence

Omit the definition of *licence fee* from clause 151 (6). Insert instead:

licence fee means the fee referred to in subclause (2).

[3] Clause 154 Renewal of fishing boat licence

Omit “and clause 155 (if applicable)” from clause 154 (6).

[4] Clause 154A Transitional arrangements to facilitate uniform licence expiry date of 30 June

Omit clause 154A (9). Insert instead:

- (9) In this clause:
renewal fee for a licence means the fee payable under clause 154 (2A) for an application for renewal of the fishing boat licence (being the fee applicable under clause 154 (2A) at the date that the holder of the licence is invoiced for the fee payable under this clause).

[5] Clause 155 Additional licence fee for certain boats—ocean trawl fishery

Omit the clause.

[6] Clause 157 Voluntary suspension of licence

Omit “(including any additional fee that would have been charged under clause 155)” from clause 157 (4).

BY AUTHORITY