



Fisheries Management Legislation Further Amendment (Fees, Charges and Contributions) Regulation 2013

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*.

KATRINA HODGKINSON, MP
Minister for Primary Industries

Explanatory note

The object of this Regulation is to adjust certain fees, charges and contributions payable under the *Fisheries Management Act 1994*.

This Regulation also restructures the way in which the maximum management charge payable by holders of shares in certain share management fisheries is to be calculated (so that the maximum payable is based on the number of classes of shares held).

This Regulation is made under the *Fisheries Management Act 1994*, including sections 34E (2), 34I (4), 37 (6), 40 (2) (m), 70 (5), 76 (3), 84 (4), 91 (3) (d), 97 (1), 104 (8), 108 (8), 110 (7), 115A (3), 118 (2), 127C (8) (b), 145 (2) (c), 156 (1) (a), 165 (5), 167 (7), 172 (2), 173 (2), 174 (2) and 289 (the general regulation-making power).

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Clause 1 Fisheries Management Legislation Further Amendment (Fees, Charges and Contributions) Regulation 2013

**Fisheries Management Legislation Further Amendment
(Fees, Charges and Contributions) Regulation 2013**

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management Legislation Further Amendment (Fees, Charges and Contributions) Regulation 2013*.

2 Commencement

This Regulation commences on 1 September 2013 and is required to be published on the NSW legislation website.

Schedule 1 Amendments relating to fees, charges and contributions

1.1 Fisheries Management (General) Regulation 2010

[1] Clause 132 Annual contribution by participants in southern fish trawl restricted fishery

Omit clause 132 (2). Insert instead:

- (2) The annual contribution for each southern fish trawl fishing business is the amount specified in Schedule 8.

[2] Schedule 8

Omit the Schedule. Insert instead:

Schedule 8 Fees and contributions

Column 1	Column 2	Column 3
Item	Matter for which fee or contribution is payable	Amount
1	Permit or renewal of permit to use explosives (clause 71 (5))	\$323.00
2	Permit or renewal of permit to use electrical devices (clause 73 (5))	\$323.00
3	Fishing fee (clause 81):	
	(a) for a period of 3 days	\$7.00
	(b) for a period of 1 month	\$14.00
	(c) for a period of 12 months	\$35.00
	(d) for a period of 3 years	\$85.00
4	Issue of replacement receipt (clause 84 (2))	\$7.00
5	Fishing fee exemption certificates:	
	(a) one year exemption certificate under clause 87 (1) (a)	\$140.00
	(b) one year exemption certificate under clause 87 (1) (b)	\$2,800.00
	(c) one year exemption certificate under clause 87 (1) (c) (i)	\$140.00

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Column 1	Column 2	Column 3
Item	Matter for which fee or contribution is payable	Amount
	(d) one year exemption certificate under clause 87 (1) (c) (ii)	\$140.00 plus \$35.00 for the fifth and each additional passenger to be exempted
	(e) one year exemption certificate under clause 87 (1) (c) (iii)	\$350.00
6	Application for amendment of exemption certificate (clause 88 (3) (a))	\$12.30
7	Marine park permit (clause 98)	\$73.00
8	Application for approval by Director-General of transfer of endorsement or share (clause 114 (5))	\$288.00
9	Special endorsement to take fish in share management fishery (clause 119)	\$144.00
10	Lodgment of appeal to Share Appeal Panel (clause 122 (1) (c))	\$275.00
11	Application for registration of transaction under clause 123 (1) (a)	\$288.00
12	Application for registration of transaction under clause 123 (1) (b)	\$504.00
13	Inspection of entry in the Share Register conducted with assistance of officer of the Department (clause 124 (a) (i))	\$16.00
14	Inspection of registered document retained by Director-General (clause 124 (b))	\$73.00
15	Application for issue of Class 1 commercial fishing licence (clause 127 (2))	\$576.00
16	Application for renewal of Class 1 commercial fishing licence (clause 130 (3))	\$288.00
17	Contribution by participant in southern fish trawl restricted fishery (clause 132 (2))	\$1,064.00
18	Contribution by participant in sea urchin and turban shell restricted fishery (clause 133 (2))	\$1,064.00
19	Application for issue of fishing boat licence under clause 135 (2) (a)	\$201.00

Column 1	Column 2	Column 3
Item	Matter for which fee or contribution is payable	Amount
20	Application for issue of fishing boat licence under clause 135 (2) (b)	\$201.00 plus \$30.00 for each metre or part of metre by which the boat exceeds 3 metres
21	Application for renewal of fishing boat licence under clause 139 (3) (a)	\$56.00
22	Application for renewal of fishing boat licence under clause 139 (3) (b)	\$56.00 plus \$30.00 for each metre or part of metre by which the boat exceeds 3 metres
23	Application for approval of transfer of right to fishing boat licence (clause 143 (3))	\$361.00
24	Application for registration of crew members (clause 147)	\$144.00
25	Application for approval of transfer of quota (clause 164 (2) (c))	\$216.00
26	Class A endorsement in inland restricted fishery (clause 186 (1))	\$1,064.00
27	Class B endorsement in inland restricted fishery (clause 186 (1))	\$361.00
28	Class D endorsement in inland restricted fishery (clause 186 (1))	\$361.00
29	Approval of transfer of endorsement (clause 190 (1))	\$288.00
30	Application for registration as Class A Registered Fish Receiver (clause 209 (2))	\$1,080.00

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Column 1	Column 2	Column 3
Item	Matter for which fee or contribution is payable	Amount
31	Application for registration as Class B Registered Fish Receiver (clause 209 (2))	\$3,520.00 for one or two premises at which the fish receiver receives fish and \$1,759.00 for each additional premises
32	Issue or renewal of charter fishing boat licence (clause 226 (1))	\$540.00
33	Authorised activity specified on charter fishing boat licence (clause 226 (1))	\$109.00
34	Application for approval of transfer of right to transferable licence (clause 229 (2))	\$361.00
35	Application for approval of boat replacement (clause 231 (1) (b))	\$361.00
36	Additional licence fee for application for renewal of charter fishing boat licence (clause 233 (5))	\$144.00
37	Application for a permit under Part 7 of the Act (clause 258 (2) (a))	\$161.00
38	Minor assessment (clause 258 (4) (a))	\$161.00
39	Moderate assessment (clause 258 (4) (b))	\$376.00
40	Major assessment (clause 258 (4) (c))	\$1,345.00
41	Complex assessment (clause 258 (4) (d))	\$3,496.00
42	Additional assessment (clause 258 (8))	\$67.00

1.2 Fisheries Management (Supporting Plan) Regulation 2006**[1] Appendix**

Omit clause 10A (3A). Insert instead:

- (2) If the components of a fishing business include shares (of any class) in one or more relevant share management fisheries, the management charge in respect of that fishing business (the

maximum management charge) is not to exceed the total of the following amounts:

- (a) for the first class of shares held by the fishing business—\$1,064,
 - (b) for the second class of shares held by the fishing business—\$1,064,
 - (c) for the third and each subsequent class of shares held by the fishing business—the discounted amount for that class of shares,
 - (d) \$500.
- (3) The *discounted amount* for a class of shares is calculated as follows:
- (a) for the third class of shares held by the fishing business—\$638 (being 60% of \$1,064, rounded to the nearest dollar),
 - (b) for the fourth class of shares held by the fishing business—60% of the discounted amount for the third class of shares held by the fishing business (rounded to the nearest dollar),
 - (c) for the fifth class of shares held by the fishing business—60% of the discounted amount for the fourth class of shares held by the fishing business (rounded to the nearest dollar),
 - (d) for the sixth class of shares held by the fishing business—60% of the discounted amount for the fifth class of shares held by the fishing business (rounded to the nearest dollar),
 - (e) and so on until all classes of shares held by the fishing business have been accounted for.
- (3A) If the components of a fishing business for which a management charge is payable include a southern fish trawl endorsement, the calculation of the maximum management charge is modified as follows:
- (a) the endorsement is to be treated as if it were the first class of shares held by the fishing business,
 - (b) in subclause (2) (a), the amount to be added for that first class of shares is nil.

Note. No management charge is included for the endorsement because an annual contribution of \$1,064 is payable in respect of the endorsement under section 115A of the Act.

- (3B) When rounding amounts under this clause, an amount of 50 cents is to be rounded down.

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- (3C) For the purposes of this clause, a class of shares is held by a fishing business if the shares are a component of that fishing business.

[2] Appendix, clause 10A (5)

Insert in alphabetical order:

class of share means a class of share in a relevant share management fishery, as listed in:

- (a) clause 5 of the Appendix to the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*, or
- (b) clause 5 of the Appendix to the *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006*, or
- (c) clause 5 of the Appendix to the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*, or
- (e) clause 4 of the Appendix to the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*, or
- (d) clause 4 of the Appendix to the *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*.

southern fish trawl endorsement has the same meaning as it has in the *Fisheries Management (General) Regulation 2010*.