

South Australia

Fisheries Management (Fees) Regulations 2007

under the *Fisheries Management Act 2007*

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Legislative history

1—Short title

These regulations may be cited as the *Fisheries Management (Fees) Regulations 2007*.

3—Interpretation

In these regulations—

Act means the *Fisheries Management Act 2007*;

eligible person—

- (a) in the case of a person applying for registration as a fish processor—means the holder of a fishery authority or an aquaculture licence who applies for registration as a fish processor for the sole purpose of processing aquatic resources taken under the fishery authority or farmed under the aquaculture licence (as the case may be) for sale to a person who—
 - (i) is an unregistered fish processor; and
 - (ii) carries on a business in the course of which aquatic resources are sold, or aquatic resources are supplied as a meal or part of a meal, directly to the public;
- (b) in the case of a registered fish processor—means the holder of a fishery authority or an aquaculture licence who only processes aquatic resources taken under the fishery authority or farmed under the aquaculture licence (as the case may be) for sale to a person who—
 - (i) is an unregistered fish processor; and
 - (ii) carries on a business in the course of which aquatic resources are sold, or aquatic resources are supplied as a meal or part of a meal, directly to the public.

4—Fees

The fees set out in Schedule 1 are prescribed for the purposes set out in that Schedule.

5—Payment by instalments

- (1) For the purposes of sections 54(1)(c) and 64(1)(d) of the Act, the first instalment of an application fee that must accompany the application is an amount equal to 25 per cent of the application fee.
- (2) The unpaid balance of an application fee is payable in equal instalments at intervals fixed by the Minister.
- (3) An annual fee payable under section 56(5)(a) or 66(2)(a) of the Act must be paid either—
 - (a) in full on or before the commencement of the following financial year; or
 - (b) by equal instalments at intervals fixed by the Minister.

6—Penalty for default in payment

For the purposes of sections 56(6) and 66(3) of the Act, the amount payable as a penalty for default in payment of a fee is—

- (a) in the case of a fee being paid in instalments—an amount equal to 10 per cent of the unpaid balance of the instalment; or
- (b) in any other case—an amount equal to 10 per cent of the fee.

7—Refunds

- (1) If a prescribed authority is surrendered, the Minister must, on application by the former holder of the authority, refund an amount that bears to the licence or registration fee or annual fee last paid in respect of the authority the same proportion as the number of complete months from the date of surrender to the following 1 July bears to 12.
- (2) In this regulation—

prescribed authority means—

 - (a) a fishery licence; or
 - (b) registration as a fish processor.

8—Waiver

The Minister may waive a fee payable on application for an exemption, permit or duplicate authority if satisfied that it is appropriate to do so in a particular case.

Schedule 1—Fees

Part 1—Commercial fishing

Division 1—Licence application fees

Application fees payable by an applicant for the issue of a fishery licence (section 54(1)(c) of Act)

1	On application for a licence in respect of the Central Zone Abalone Fishery	\$72 688.00
2	On application for a licence in respect of the Southern Zone Abalone Fishery	\$72 178.00
3	On application for a licence in respect of the Western Zone Abalone Fishery	\$72 018.00
4	On application for the issue of a licence in respect of the Blue Crab Fishery—	
	(a) base fee	\$2 278.00
	(b) additional fee for each blue crab unit of the blue crab quota entitlement under the licence	\$21.40
5	On application for the issue of a licence in respect of the Charter Boat Fishery	\$1 539.00
6	On application for the issue of a licence in respect of the Lakes and Coorong Fishery—	
	(a) base fee	\$3 135.00
	(b) additional fee if there is a pipi quota entitlement under the licence	\$3 892.00

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Schedule 1—Fees

	(c) additional fee for each pipi unit of the pipi quota entitlement under the licence	\$177.60
7	On application for the issue of a licence in respect of the Marine Scalefish Fishery or Restricted Marine Scalefish Fishery—	
	(a) base fee	\$3 565.00
	(b) additional fee for each blue crab unit of the blue crab quota entitlement under the licence	\$24.25
8	On application for a licence in respect of the Miscellaneous Fishery with a giant crab quota entitlement—	
	(a) base fee	\$3 134.00
	(b) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
9	On application for a licence in respect of the Miscellaneous Fishery without a giant crab quota entitlement	\$2 534.00
10	On application for a licence in respect of the Gulf St Vincent Prawn Fishery	\$32 532.00
11	On application for a licence in respect of the Spencer Gulf Prawn Fishery	\$24 700.00
12	On application for a licence in respect of the West Coast Prawn Fishery	\$7 873.00
13	On application for a licence in respect of the River Fishery	\$200.00
14	On application for a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of Southern Rocklobster, Octopus and Giant Crab—	
	(a) base fee	\$2 678.00
	(b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence	\$15.00
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
	(d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$31.65
15	On application for a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rocklobster, Octopus and Giant Crab and limiting the holder to the taking of aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2006</i> for the purpose of bait only—	
	(a) base fee	\$3 178.00
	(b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence	\$15.00
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
	(d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$31.65
16	On application for a licence in respect of the Northern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken—	
	(a) base fee	\$4 460.00

	(b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence	\$15.00
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
	(d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$31.65
17	On application for a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of Southern Rocklobster, Octopus and Giant Crab—	
	(a) base fee	\$4 349.00
	(b) additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence	\$145.60
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
	(d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$31.65
18	On application for a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rocklobster, Octopus and Giant Crab and limiting the holder to the taking of aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2006</i> for the purpose of bait only—	
	(a) base fee	\$4 849.00
	(b) additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence	\$145.60
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
	(d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$31.65
19	On application for a licence in respect of the Southern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken—	
	(a) base fee	\$6 131.00
	(b) additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence	\$145.60
	(c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
	(d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$31.65

Division 2—Registration application fees

Application fees payable by an applicant for the registration of a device to be used under a fishery licence (section 54(1)(c) of Act)

20	On application for registration of 1 or more swinger nets to be used under a licence in respect of the Lakes and Coorong Fishery	no fee
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21	On application for registration of 1 or more fish nets (other than swinger nets) to be used under a licence in respect of the Lakes and Coorong Fishery	\$1 782.00
22	On application for registration of 1 or more fish nets to be used under a licence in respect of the Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery	\$1 782.00
23	On application for registration of 1 or more sardine nets to be used under a licence in respect of the Marine Scalefish Fishery	\$58 109.00
24	On application for registration of 1 or more fish nets (other than sardine nets) to be used under a licence in respect of the Marine Scalefish Fishery, Restricted Marine Scalefish Fishery or Miscellaneous Fishery	\$3 565.00
25	On application for registration of 1 or more sand crab pots to be used under a licence in respect of the Marine Scalefish Fishery	no fee
26	On application for registration of a fish net used solely to take fish for bait provided that the bait is not for sale	no fee

Application fees payable by an applicant for the registration of a boat to be used under a fishery licence (section 54(1)(c) of Act)

27	On application for registration of a boat to be used under a licence in respect of the Charter Boat Fishery—	
	(a) if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 6 passengers	\$385.00
	(b) if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 12 passengers	\$770.00
	(c) if the certificate of survey in force in respect of the boat specifies that the boat may carry more than unberthed 12 passengers	\$1 539.00

Division 3—Licence annual fees

Annual fees payable by the holder of a fishery licence (section 56(5)(a) of Act)

28	Annual fee for a licence in respect of the Central Zone Abalone Fishery	\$72 688.00
29	Annual fee for a licence in respect of the Southern Zone Abalone Fishery	\$72 178.00
30	Annual fee for a licence in respect of the Western Zone Abalone Fishery	\$72 018.00
31	Annual fee for a licence in respect of the Blue Crab Fishery—	
	(a) base fee	\$2 278.00
	(b) additional fee for each blue crab unit of the blue crab quota entitlement under the licence	\$21.40
32	Annual fee for a licence in respect of the Charter Boat Fishery	\$1 539.00
33	Annual fee for a licence in respect of the Lakes and Coorong Fishery—	
	(a) base fee	\$3 135.00
	(b) additional fee if there is a pipi quota entitlement under the licence	\$3 892.00
	(c) additional fee for each pipi unit of the pipi quota entitlement under the licence	\$177.60
34	Annual fee for a licence in respect of the Marine Scalefish Fishery or Restricted Marine Scalefish Fishery—	
	(a) base fee	\$3 565.00

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(b)	additional fee for each blue crab unit of the blue crab quota entitlement under the licence	\$24.25
35	Annual fee for a licence in respect of the Miscellaneous Fishery with a giant crab quota entitlement—	
(a)	base fee	\$3 134.00
(b)	additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
36	Annual fee for a licence in respect of the Miscellaneous Fishery without a giant crab quota entitlement	\$2 534.00
37	Annual fee for a licence in respect of the Gulf St Vincent Prawn Fishery	\$32 532.00
38	Annual fee for a licence in respect of the Spencer Gulf Prawn Fishery	\$24 700.00
39	Annual fee for a licence in respect of the West Coast Prawn Fishery	\$7 873.00
40	Annual fee for a licence in respect of the River Fishery	\$200.00
41	Annual fee for a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of Southern Rocklobster, Octopus and Giant Crab—	
(a)	base fee	\$2 678.00
(b)	additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence	\$15.00
(c)	additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
(d)	additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$31.65
42	Annual fee for a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rocklobster, Octopus and Giant Crab and limiting the holder to the taking of aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2006</i> for the purpose of bait only—	
(a)	base fee	\$3 178.00
(b)	additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence	\$15.00
(c)	additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
(d)	additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$31.65
43	Annual fee for a licence in respect of the Northern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken—	
(a)	base fee	\$4 460.00
(b)	additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence	\$15.00
(c)	additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50

(d)	additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$31.65
44	Annual fee for a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of Southern Rocklobster, Octopus and Giant Crab—	
(a)	base fee	\$4 349.00
(b)	additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence	\$145.60
(c)	additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
(d)	additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$31.65
45	Annual fee for a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rocklobster, Octopus and Giant Crab and limiting the holder to the taking of aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2006</i> for the purpose of bait only—	
(a)	base fee	\$4 849.00
(b)	additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence	\$145.60
(c)	additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
(d)	additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$31.65
46	Annual fee for a licence in respect of the Southern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken—	
(a)	base fee	\$6 131.00
(b)	additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence	\$145.60
(c)	additional fee for each giant crab unit of the giant crab quota entitlement under the licence	\$28.50
(d)	additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip	\$31.65

Division 4—Registration annual fees

Annual fees payable by the holder of registration of a device used under a fishery licence (section 56(5)(a) of Act)

47	Annual fee for registration of 1 or more swinger nets used under a licence in respect of the Lakes and Coorong Fishery	no fee
48	Annual fee for registration of 1 or more fish nets (other than swinger nets) used under a licence in respect of the Lakes and Coorong Fishery	\$1 782.00
49	Annual fee for registration of 1 or more fish nets used under a licence in respect of the Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery	\$1 782.00

50	Annual fee for registration of 1 or more sardine nets used under a licence in respect of the Marine Scalefish Fishery	\$58 109.00
51	Annual fee for registration of 1 or more fish nets (other than sardine nets) used under a licence in respect of a marine scalefish fishery or the Miscellaneous Fishery	\$3 565.00
52	Annual fee for registration of 1 or more sand crab pots to be used under a licence in respect of the Marine Scalefish Fishery	no fee
53	Annual fee for registration of a fish net used solely to take fish for bait provided that the bait is not for sale	no fee

Division 5—Miscellaneous fees

54	On application for consent to the transfer of a fishery authority	\$335.00
55	On application to vary the registration of a boat used under a fishery licence	\$89.50
56	On application to vary the registration of a master	\$89.50
57	On application to vary a quota entitlement under a fishery licence	\$112.00
58	On application to vary a rock lobster pot entitlement under a licence in respect of the Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery	\$112.00
	The fee fixed by this clause is not payable if an application to vary a rock lobster pot entitlement under a licence in respect of Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery is made at the same time as an application to vary a giant crab or rock lobster quota entitlement under the licence	
59	On application for registration of an additional boat under a fishery licence	\$89.50
60	On application for—	
	(a) notation of an interest in a fishery licence on the register of authorities	\$146.00
	(b) removal from the register of authorities of such a notation	\$146.00

Part 2—Processing

Division 1—Registration application fees

Registration fees payable by an applicant for registration as a fish processor (section 64(1)(d) of Act)

61	On application for registration as a fish processor made by an eligible person	\$146.00
62	On application for registration as a fish processor made by a person other than an eligible person—	
	(a) base fee	\$841.00
	(b) additional fee if the applicant proposes to process any of the following classes of aquatic resources under the registration:	\$1 089.00
	Abalone (<i>Haliotis</i> spp)	
	King Prawn (<i>Merlicertus latisulcatus</i>)	
	Southern Rocklobster (<i>Jasus edwardsii</i>)	

If registration is to be granted for a period of less than 12 months, the fee payable is a proportion of the fee set out above, being the proportion that the number of complete months in the term of registration bears to 12.

Division 2—Registration annual fees

Annual fees payable by a registered fish processor (section 66(2)(a) of Act)

63	Annual fee payable by a fish processor who is an eligible person	\$146.00
64	Annual fee payable by a fish processor who is not an eligible person—	
	(a) base fee	\$841.00
	(b) additional fee if the fish processor processes any of the classes of aquatic resources specified in clause 62(b)	\$1 089.00

Division 3—Miscellaneous fees

65	On application by a registered fish processor to have additional premises, places, boats or vehicles specified in the certificate of registration	\$25.75
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Part 3—Recreational fishing

Application fees payable by an applicant for registration under the *Fisheries Management (General) Regulations 2007* of a device to be used for recreational fishing

66	On application for registration of a mesh net to be used by a person for recreational fishing—	
	(a) if the applicant produces evidence to the satisfaction of the Minister that he or she is in receipt of an age or invalid pension or is the holder of a State Concession Card issued by the Department for Families and Communities (for each year in the term of the registration)	\$16.90
	(b) in any other case (for each year in the term of the registration)	\$33.75

No fee is payable where the Minister registers a mesh net for a period of less than 1 year for the purpose of achieving a common expiry date for the registration of that mesh net and the registration of any other mesh net owned by the same person.

67	On application for registration of a rock lobster pot to be used by a person for recreational fishing—	
	(a) for registration of 1 rock lobster pot	\$56.00
	(b) for registration of 2 rock lobster pots	\$156.00

Part 4—Miscellaneous

68	On application for the issue of a replacement tag for a rock lobster pot registered for recreational fishing	\$22.50
69	On application for a permit under Part 7 Division 2 of the Act	\$89.50
70	On application for an exemption under section 115 of the Act	\$112.00
71	On application for the issue of a duplicate authority under section 68 of the Act	\$22.50

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2007	287	<i>Gazette 29.11.2007 p4532</i>	1.12.2007: r 2
2008	160	<i>Gazette 5.6.2008 p2234</i>	5.6.2008: r 2
2009	143	<i>Gazette 4.6.2009 p2623</i>	1.7.2009: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	
Sch 1	substituted by 160/2008 r 4	5.6.2008

Transitional etc provisions associated with regulations or variations

Fisheries Management (Fees) Variation Regulations 2008 (No 160 of 2008), Sch 1

1—Transitional provisions

- (1) The licence and registration application fees prescribed by clauses 1 to 27 and 61 and 62 of Schedule 1 of the *Fisheries Management (Fees) Regulations 2007*, as substituted by these regulations, apply where a licence or registration is to take effect on or after 1 July 2008.
- (2) All other fees prescribed by Schedule 1 of the *Fisheries Management (Fees) Regulations 2007*, as substituted by these regulations, apply from 1 July 2008.
- (3) Despite regulation 4—
 - (a) the licence and registration application fees prescribed by clauses 1 to 27 and 61 and 62 of Schedule 1 of the *Fisheries Management (Fees) Regulations 2007*, as in force immediately before the commencement of these regulations, continue to apply where a licence or registration is to take effect before 1 July 2008; and

- (b) all other fees prescribed by Schedule 1 of the *Fisheries Management (Fees) Regulations 2007*, as in force immediately before the commencement of these regulations, continue to apply until 1 July 2008.