

South Australia

Fisheries Management (Fees) Regulations 2017

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 2017*.

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 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 supplied as a meal or part of a meal directly to the public.

4—Fees

The fees set out in Schedules 1 to 7 are prescribed for the purposes set out in those Schedules.

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% 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% of the unpaid balance of the instalment; or
- (b) in any other case—an amount equal to 10% 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) a fishery permit; or
 - (c) 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—Commercial fishing—fishery licence application and annual fees

Application or annual fees payable for a fishery licence (section 54(1)(c) and 56(5)(a) of Act)

| | | |
|---|---|-------------|
| 1 | For a licence in respect of the Central Zone Abalone Fishery— | |
| | (a) base fee | \$13 599.00 |
| | (b) additional fee for each abalone unit of the abalone quota entitlement under the licence | \$544.00 |
| 2 | For a licence in respect of the Southern Zone Abalone Fishery— | |
| | (a) base fee | \$15 476.00 |
| | (b) additional fee for each abalone unit of the abalone quota entitlement under the licence | \$278.00 |
| 3 | For a licence in respect of the Western Zone Abalone Fishery— | |
| | (a) base fee | \$12 795.00 |
| | (b) additional fee for each abalone unit of the abalone quota entitlement under the licence | \$487.00 |
| 4 | For a licence in respect of the Blue Crab Fishery— | |
| | (a) base fee | \$3 101.00 |
| | (b) additional fee for each blue crab unit of the blue crab quota entitlement under the licence | \$28.00 |
| 5 | For a licence in respect of the Charter Boat Fishery | \$2 625.00 |
| 6 | For a licence in respect of the Lakes and Coorong Fishery— | |
| | (a) base fee | \$2 761.00 |
| | (b) additional fee— | |
| | (i) for a gill net entitlement under the licence | no fee |

Fisheries Management (Fees) Regulations 2017—1.6.2018 to 30.6.2018
Schedule 1—Commercial fishing—fishery licence application and annual fees

| | | |
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| | (ii) for each gill net to be registered for use under the licence | no fee |
| | (iii) for a pipi quota entitlement under the licence | \$3 390.00 |
| | (iv) for each pipi unit of the pipi quota entitlement under the licence | \$263.00 |
| 7 | For a licence in respect of the Marine Scalefish Fishery or Restricted Marine Scalefish Fishery— | |
| | (a) base fee— | |
| | (i) for a vongole quota entitlement under the licence relating to the Coffin Bay vongole fishing zone | \$7 366.00 |
| | (ii) for a vongole quota entitlement under the licence relating to the Port River vongole fishing zone | no fee |
| | (iii) for a vongole quota entitlement under the licence relating to the West Coast vongole fishing zone | \$7 366.00 |
| | (iv) if there is no vongole quota entitlement under the licence | \$5 483.00 |
| | (b) additional fee for each blue crab unit of the blue crab quota entitlement under the licence | \$30.75 |
| | (c) additional fee for each pipi unit of the pipi quota entitlement under the licence | \$263.00 |
| | (d) additional fee for each vongole unit of the vongole quota entitlement under the licence— | |
| | (i) for a vongole quota entitlement relating to the Coffin Bay vongole fishing zone | \$71.50 |
| | (ii) for a vongole quota entitlement relating to the Port River vongole fishing zone | no fee |
| | (iii) for a vongole quota entitlement relating to the West Coast vongole fishing zone | \$48.25 |
| 8 | For a licence in respect of the Miscellaneous Fishery with a giant crab quota entitlement— | |
| | (a) base fee | \$4 547.00 |
| | (b) additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$22.90 |
| 9 | For a licence in respect of the Miscellaneous Fishery without a giant crab quota entitlement— | |
| | (a) base fee— | |
| | (i) if the licence authorises the taking of aquatic resources in the Lake Eyre Basin | no fee |
| | (ii) in any other case | \$4 547.00 |
| | (b) additional fee if the licence authorises the taking of aquatic resources in the Lake Eyre Basin | no fee |
| | (c) additional fee if a prescribed fishing activity (as defined in the <i>Fisheries Management (Vessel Monitoring Scheme) Regulations 2017</i>) is to be engaged in under the licence | \$900.00 |
| 10 | For a licence in respect of the Gulf St. Vincent Prawn Fishery | \$25 837.00 |
| 11 | For a licence in respect of the Spencer Gulf Prawn Fishery | \$29 348.00 |
| 12 | For a licence in respect of the West Coast Prawn Fishery | \$27 548.00 |

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| 13 | For a licence in respect of the River Fishery | \$200.00 |
| 14 | 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 Rock Lobster, Octopus and Giant Crab and a condition authorising the holder to take, for the purpose of bait only, any aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> that are incidentally caught in rock lobster pots— | |
| | (a) base fee | \$3 841.00 |
| | (b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence | \$11.00 |
| | (c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$22.90 |
| | (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 | \$4.65 |
| 15 | For a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rock Lobster, 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 2017</i> for the purpose of bait only— | |
| | (a) base fee | \$4 341.00 |
| | (b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence | \$11.00 |
| | (c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$22.90 |
| | (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 | \$4.65 |
| 16 | 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 | \$6 322.00 |
| | (b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence— | |
| | (i) relating to the Northern Zone Inner Region | \$11.00 |
| | (ii) relating to the Northern Zone Outer Region | \$11.00 |
| | (c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$22.90 |
| | (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 | \$4.65 |

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|----|--|-------------|
| 17 | 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 Rock Lobster, Octopus and Giant Crab and a condition authorising the holder to take, for the purpose of bait only, any aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> that are incidentally caught in rock lobster pots— | |
| | (a) base fee | \$7 656.00 |
| | (b) additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence | \$167.00 |
| | (c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$22.90 |
| | (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 | \$4.65 |
| 18 | For a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rock Lobster, 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 2017</i> for the purpose of bait only— | |
| | (a) base fee | \$8 156.00 |
| | (b) additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence | \$167.00 |
| | (c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$22.90 |
| | (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 | \$4.65 |
| 19 | 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 | \$10 137.00 |
| | (b) additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence | \$167.00 |
| | (c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$22.90 |
| | (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 | \$4.65 |

Schedule 2—Commercial fishing—fishery permit application and annual fees

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

| | | |
|---|---|------------|
| 1 | For a permit in respect of the Miscellaneous Broodstock and Seedstock Fishery | \$382.00 |
| 2 | For a permit in respect of the Miscellaneous Developmental Fishery | \$4 724.00 |
| 3 | For a permit in respect of the Miscellaneous Research Fishery | \$382.00 |

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

| | | |
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| 4 | For a permit in respect of the Miscellaneous Developmental Fishery | \$2 186.00 |
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Schedule 3—Commercial fishing—boat and device registration fees

Application or annual fees for the registration of a device under a fishery licence (section 54(1)(c) and 56(5)(a) of Act)

| | | |
|---|---|-------------|
| 1 | For registration of 1 or more swinger nets to be used under a licence in respect of the Lakes and Coorong Fishery | no fee |
| 2 | For registration of 1 or more fish nets (other than swinger nets) under a licence in respect of the Lakes and Coorong Fishery under which the holder may take aquatic resources prescribed in Schedule 1 of the <i>Fisheries Management (Marine Scalefish Fisheries) Regulations 2017</i> | \$2 482.00 |
| 3 | For registration of 1 or more fish nets under a licence in respect of the Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery | \$2 482.00 |
| 4 | For registration of 1 or more sardine nets under a licence in respect of the Marine Scalefish Fishery | \$81 880.00 |
| 5 | For registration of 1 or more fish nets (other than sardine nets) under a licence in respect of the Marine Scalefish Fishery, Restricted Marine Scalefish Fishery or Miscellaneous Fishery | \$4 963.00 |
| 6 | For registration of 1 or more sand crab pots under a licence in respect of the Marine Scalefish Fishery | no fee |
| 7 | For registration of a fish net used solely to take fish for bait provided that the bait is not for sale | no fee |

Application or annual fees payable for the registration of a boat under a fishery licence (section 54(1)(c) and 56(5)(a) of Act)

| | | |
|---|--|------------|
| 8 | For registration of a boat 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 | \$656.00 |
| | (b) if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 12 passengers | \$1 312.00 |
| | (c) if the certificate of survey in force in respect of the boat specifies that the boat may carry more than unberthed 12 passengers | \$2 625.00 |

Schedule 4—Commercial fishing—miscellaneous fees

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|---|--|----------|
| 1 | On application for consent to the transfer of a fishery authority | \$431.00 |
| 2 | On application to vary the registration of a boat used under a fishery authority | \$117.00 |
| 3 | On application to vary the registration of a master | \$117.00 |
| 4 | On application to vary a quota entitlement under a fishery authority | \$145.00 |

Fisheries Management (Fees) Regulations 2017—1.6.2018 to 30.6.2018Schedule 4—Commercial fishing—miscellaneous fees

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|---|--|----------|
| 5 | 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 | \$145.00 |
| | 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 the 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. | |
| 6 | On application for registration of an additional boat under a fishery authority | \$117.00 |
| 7 | On application for— | |
| | (a) notation of an interest in a fishery authority on the register of authorities | \$188.00 |
| | (b) removal from the register of authorities of such a notation | \$188.00 |

Schedule 5—Processing fees**Division 1—Fish processor registration application and annual fees****Registration fees payable by an applicant for registration as a fish processor (section 64(1)(d) of Act)**

| | | |
|---|--|------------|
| 1 | On application for registration as a fish processor made by an eligible person | \$188.00 |
| 2 | On application for registration as a fish processor made by a person other than an eligible person— | |
| | (a) base fee | \$1 083.00 |
| | (b) additional fee— | |
| | (i) if the applicant proposes to process abalone (<i>Haliotis</i> spp) under the registration | \$1 403.00 |
| | (ii) if the applicant proposes to process King Prawn (<i>Merlicertus latisulcatus</i>) under the registration | \$1 403.00 |
| | (iii) if the applicant proposes to process Southern Rock Lobster (<i>Jasus edwardsii</i>) under the registration | \$1 403.00 |

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.

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

| | | |
|---|---|------------|
| 3 | Annual fee payable by a fish processor who is an eligible person | \$188.00 |
| 4 | Annual fee payable by a fish processor who is not an eligible person— | |
| | (a) base fee | \$1 083.00 |
| | (b) additional fee— | |
| | (i) if the fish processor processes abalone (<i>Haliotis</i> spp) under the registration | \$1 403.00 |
| | (ii) if the fish processor processes King Prawn (<i>Merlicertus latisulcatus</i>) under the registration | \$1 403.00 |
| | (iii) if the fish processor processes Southern Rock Lobster (<i>Jasus edwardsii</i>) under the registration | \$1 403.00 |

Division 2—Miscellaneous fees

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|---|---|---------|
| 5 | On application by a registered fish processor to have additional premises, places, boats or vehicles specified in the certificate of registration | \$33.00 |
|---|---|---------|

Schedule 6—Recreational fishing fees

Application fees payable by an applicant for registration under the *Fisheries Management (General) Regulations 2017* of a device to be used for recreational fishing

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|---|---|----------|
| 1 | On application for registration of a mesh net to be used by a person for recreational fishing— | |
| | (a) in the case of a mesh net for use in the waters of Lake George | \$153.00 |
| | (b) in the case of a mesh net for use in any other waters— | |
| | (i) if the applicant produces evidence to the satisfaction of the Minister that the applicant is entitled, as the holder of a pensioner entitlement card issued under an Act or law of the Commonwealth, to travel on public transport in this State at reduced fares (for each year in the term of the registration) | \$21.75 |
| | (ii) in any other case (for each year in the term of the registration) | \$43.75 |

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.

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|---|---|----------|
| 2 | 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 | \$72.50 |
| | (b) for registration of 2 rock lobster pots | \$201.00 |
| 3 | On application for the issue of a replacement tag for a rock lobster pot, or a mesh net for use in the waters of Lake George, registered for recreational fishing | \$29.25 |

Schedule 7—Miscellaneous fees

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|---|---|----------|
| 1 | On application for a permit under Part 7 Division 2 of the Act | \$117.00 |
| 2 | On application for an exemption or a variation of an exemption under section 115 of the Act | \$145.00 |
| 3 | On application for the issue of a duplicate authority under section 68 of the Act | \$29.25 |

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.

Legislation revoked by principal regulations

The *Fisheries Management (Fees) Regulations 2017* revoked the following:

Fisheries Management (Fees) Regulations 2007

Principal regulations and variations

New entries appear in bold.

| Year | No | Reference | Commencement |
|-------------|------------|--|----------------------|
| 2017 | 224 | <i>Gazette 8.8.2017 p3255</i> | 15.1.2018: r 2 |
| 2017 | 300 | <i>Gazette 31.10.2017 p4481</i> | 1.6.2018: r 2 |
| 2018 | 96 | <i>Gazette 21.6.2018 p2237</i> | 1.7.2018: 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> | <i>1.6.2018</i> |
| Sch 1 | substituted by 300/2017 r 4 | 1.6.2018 |
| Sch 3 | substituted by 300/2017 r 5 | 1.6.2018 |
| <i>Sch 8</i> | <i>omitted under Legislation Revision and Publication Act 2002</i> | <i>1.6.2018</i> |

Transitional etc provisions associated with regulations or variations

Fisheries Management (Fees No 3) Variation Regulations 2017 (No 300 of 2017), Pt 3

6—Transitional provisions

- (1) The licence and registration application fees prescribed by Schedules 1 and 3 of the *Fisheries Management (Fees) Regulations 2017*, as substituted by these regulations, apply where a licence or registration is to take effect on or after 1 July 2018.
- (2) The licence and registration annual fees prescribed by Schedules 1 and 3 of the *Fisheries Management (Fees) Regulations 2017*, as substituted by these regulations, apply in respect of the period of 12 months commencing on 1 July 2018.

- (3) Despite regulations 4 and 5 of these regulations—
- (a) the licence and registration application fees prescribed by Schedules 1 and 3 of the *Fisheries Management (Fees) Regulations 2017*, 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 2018;
 - (b) the licence and registration annual fees prescribed by Schedules 1 and 3 of the *Fisheries Management (Fees) Regulations 2017*, as in force immediately before the commencement of these regulations, continue to apply in respect of the period of 12 months that commenced on 1 July 2017.