

South Australia

Primary Industry Funding Schemes (Marine Scalefish Industry Fund) Regulations 2003

under the *Primary Industry Funding Schemes Act 1998*

Contents

1	Short title
2	Commencement
3	Interpretation
4	Establishment of Fund
5	Contributions to Fund
6	Application of Fund
7	False or misleading statements

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Marine Scalefish Industry Fund) Regulations 2003*.

2—Commencement

These regulations will come into operation on 16 January 2003.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in this regulation.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Primary Industry Funding Schemes Act 1998*;

Fund—see regulation 4;

licence period means the period of 12 months commencing on 1 July in any year;

marine scalefish fishery has the same meaning as in the *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991* (see *Gazette 27.6.1991 p2187*), as varied;

marine scalefish fishery licence means a licence under section 34 of the *Fisheries Act 1982* in respect of a marine scalefish fishery;

prescribed period means—

- (a) the period commencing on 16 January 2003 and ending on 30 June 2003; or
- (b) a licence period.

- (2) A person is in default in relation to contributions to the Fund if, within the immediately preceding two prescribed periods—
 - (a) a contribution payable to the Fund by the person has not been paid; or
 - (b) the person has been refunded contributions from the Fund.

4—Establishment of Fund

- (1) The *Marine Scalefish Industry Fund* (the **Fund**) is established.
- (2) The Fund will be administered by the Minister.
- (3) The Fund consists of—
 - (a) contributions paid or collected in accordance with these regulations; and
 - (b) income of the Fund from investment; and
 - (c) any other money received by the Minister for payment into the Fund.

5—Contributions to Fund

- (1) A contribution of \$400 is payable to the Minister for payment into the Fund by the holder of a marine scalefish fishery licence in respect of—
 - (a) the period commencing on 16 January 2003 and ending on 30 June 2003; and
 - (b) each licence period commencing after 16 January 2003 for which the holder makes application for renewal of the licence.
- (2) The contribution in respect of the period referred to in subregulation (1)(a) is payable on 28 February 2003.
- (3) The contribution in respect of a licence period is payable on 31 July following the commencement of that licence period.
- (4) Refund of a contribution paid in respect of a prescribed period may be claimed by notice in writing to the Minister within 12 months following that prescribed period.
- (5) If a person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contribution paid by the person in respect of the prescribed period to which the claim for refund relates.

6—Application of Fund

- (1) The Fund may be applied by the Minister for any of the following purposes:
 - (a) payments to a body that, in the opinion of the Minister, represents holders of marine scalefish fishery licences for one or more of the following purposes:
 - (i) profiling and promotion of the marine scalefish industry;
 - (ii) development of the marine scalefish industry, including strategic planning;
 - (iii) environmental management of the marine scalefish industry;
 - (iv) other purposes of the body;
 - (b) payments for other purposes for the benefit of the marine scalefish industry;
 - (c) payment of the expenses of administering the Fund;

- (d) repayment of contributions to the Fund under regulation 5.
- (2) A person who is in default in relation to contributions to the Fund is not entitled to receive direct benefits or services funded by payments from the Fund.

7—False or misleading statements

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, for the purposes of these regulations.

Maximum penalty: \$5 000.

Made by the Governor

with the advice and consent of the Executive Council
on 16 January 2003

No 5 of 2003

MAFF02/0066CS