

South Australia

## **Fisheries (Fees) Variation Regulations 2004**

under the *Fisheries Act 1982*

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**Part 1—Preliminary**

**1—Short title**

These regulations may be cited as the *Fisheries (Fees) Variation Regulations 2004*.

**2—Commencement**

These regulations come into operation on the day on which they are made.

**3—Interpretation**

In these regulations—

- (a) *licence period* means the period of 12 months commencing on 1 July in any year;

- (b) a reference to the *principal regulations* is a reference to the regulations specified in the heading to the Part in which the reference occurs.

#### 4—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### Part 2—Variation of *Fisheries (Fish Processors) Regulations 1991*

#### 5—Variation of regulation 5—Registration as a fish processor (section 54 of Act)

Regulation 5(2)(a)(i)—delete "the Schedule" and substitute:

Schedule 1

#### 6—Substitution of Schedule

Schedule—delete the Schedule and substitute:

#### Schedule 1—Fees

- |   |   |       |
|---|---|-------|
| 1 | For registration or renewal of registration as a fish processor (regulation 5)—   |       |
|   | (a) in the case of an application by an eligible applicant  | \$127 |
|   | (b) in any other case   | \$698 |
| 2 | Fee (per species) (in addition to the fee payable under clause 1(b)) where the applicant (not being an eligible applicant) proposes to process any of the following species of fish pursuant to the registration:   | \$952 |
|   | abalone ( <i>Haliotis</i> spp.) of all species  |       |
|   | western king prawn ( <i>Penaeus latisulcatus</i> )  |       |
|   | southern rock lobster ( <i>Jasus edwardsii</i> ).   |       |
|   | Where registration is to be granted or renewed for a term of less than the registration period, the fee 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 the number of months in the registration period. |       |
| 3 | For processing an application to have premises, places, boats or vehicles specified in the certificate of registration (regulation 6)   | \$23  |

### Part 3—Variation of *Fisheries (General) Regulations 2000*

#### 7—Variation of regulation 27—Fees

Regulation 27—after its present contents (to be designated as subregulation (1)) insert:

- (2) If application is made for the issue of a permit or the granting of an exemption by the Minister, the Minister may waive the prescribed fee if satisfied that it is appropriate to do so in a particular case.

- (3) If application is made for the issue of a permit or duplicate authority by the Director, the Director may waive the prescribed fee if satisfied that it is appropriate to do so in a particular case.

## **8—Substitution of Schedule 5**

Schedule 5—delete Schedule 5 and substitute:

### **Schedule 5—Fees**

(Regulation 27)

- |   |   |          |
|---|---|----------|
| 1 | For registration of a mesh net to be used by any person other than for trade or business (regulation 8)—  |          |
|   | (a) where the applicant produces evidence to the satisfaction of the Director 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 of Human Services (per annum)                | \$15     |
|   | (b) in any other case (per annum)   | \$30     |
|   | No fee is payable where the Director registers a mesh net for a period of less than one 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. |          |
| 2 | For registration of a rock lobster pot to be used by any person other than for trade or business (regulation 8)—  |          |
|   | (a) for registration of a single rock lobster pot   | \$50     |
|   | (b) for registration of two rock lobster pots   | \$140    |
| 3 | For registration of a device to be used pursuant to a fishery licence (regulation 9)—   |          |
|   | (a) for registration of one or more swinger nets to be used pursuant to a licence in respect of the Lakes and Coorong Fishery   | no fee   |
|   | (b) for registration of one or more fish nets (other than swinger nets) to be used pursuant to a licence in respect of the Lakes and Coorong Fishery  | \$1 335  |
|   | (c) for registration of one or more fish nets to be used pursuant to a licence in respect of a rock lobster fishery   | \$1 335  |
|   | (d) for registration of one or more pilchard nets to be used pursuant to a licence in respect of the Marine Scalefish Fishery   | \$67 807 |
|   | (e) for registration of one or more fish nets (other than pilchard nets) to be used pursuant to a licence in respect of a marine scalefish fishery or the Miscellaneous Fishery   | \$2 793  |
|   | (f) for registration of a fish net used solely to take fish for bait provided that the bait is not for sale   | no fee   |
|   | (g) for registration of one or more sand crab pots to be used pursuant to a licence in respect of the Marine Scalefish Fishery  | no fee   |

4	On application to vary the endorsement on a fishery licence of—	
	(a) a boat used pursuant to the licence	\$80
	(b) the person registered as the master of a boat used pursuant to the licence	\$80
5	On application to endorse an additional boat on a fishery licence	\$80
6	On application to register an interest in a fishery licence (section 65(3) of the Act)	\$130
7	On application for a permit under the Act	\$80
8	On application for an exemption (section 59 of the Act)	\$100
9	On application for the issue of a duplicate authority under the Act	\$20
10	On application for the issue of a replacement tag for a rock lobster pot registered under regulation 8	\$20

## **Part 4—Variation of *Fisheries (Scheme of Management—Abalone Fisheries) Regulations 1991***

### **9—Insertion of regulation 16**

After regulation 15 insert:

#### **16—Fees**

The fees set out in Schedule 1 are prescribed for the purposes of the Act and these regulations.

### **10—Substitution of Schedule 1**

Schedule 1—delete Schedule 1 and substitute:

#### **Schedule 1—Fees**

1	On application for the renewal of a licence in respect of—	
	(a) the Central Zone Abalone Fishery	\$67 702
	(b) the Southern Zone Abalone Fishery	\$66 621
	(c) the Western Zone Abalone Fishery	\$66 482
2	On application for the transfer of a licence in respect of an abalone fishery	\$300
3	On application under regulation 13, 13A or 13B by the holder of a licence in respect of an abalone fishery to vary a condition of the licence so as to decrease the unit entitlement of the licence in respect of a species of abalone and increase the unit entitlement of one or more other licences—	
	(a) for the licence the unit entitlement of which is to be decreased	\$100
	(b) for each licence the unit entitlement of which is to be increased	\$20

## **11—Transitional provision**

- (1) A fee prescribed by Schedule 1 of the principal regulations as substituted by this Part applies in relation to the licence period commencing after the commencement of these regulations.
- (2) Despite regulation 10, a fee prescribed by Schedule 1 of the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to the licence period commencing before the commencement of these regulations.

## **Part 5—Variation of *Fisheries (Scheme of Management—Blue Crab Fishery) Regulations 1998***

### **12—Insertion of regulation 19**

After regulation 18 insert:

#### **19—Fees**

The fees set out in Schedule 2 are prescribed for the purposes of the Act and these regulations.

### **13—Substitution of Schedule 2**

Schedule 2—delete Schedule 2 and substitute:

#### **Schedule 2—Fees**

1	On application for the issue of a licence in respect of the fishery	\$2 142.00
2	On application for the issue of a licence (in addition to the fee payable under clause 1)—for each blue crab unit to be allocated to the licence	\$18.68
3	On application for the renewal of a licence in respect of the fishery	\$2 142.00
4	On application for the renewal of a licence (in addition to the fee payable under clause 3)—for each blue crab unit allocated to the licence	\$18.68
5	On application for the transfer of a licence in respect of the fishery	\$300.00
6	On application under regulation 15 by the holder of a licence in respect of the fishery to vary a condition of the licence so as to decrease the unit entitlement of the licence in respect of blue crab and increase the unit entitlement of one or more other licences in respect of the fishery (or so as to result in conditions fixing blue crab being imposed on one or more licences in respect of a marine scalefish fishery)—	
	(a) for the licence the unit entitlement of which is to be decreased	\$100.00
	(b) for each licence the unit entitlement of which is to be increased or on which blue crab quotas are to be imposed (as the case may be)	\$20.00

**14—Transitional provision**

- (1) A fee prescribed by Schedule 2 of the principal regulations as substituted by this Part applies in relation to the licence period commencing after the commencement of these regulations.
- (2) Despite regulation 13, a fee prescribed by Schedule 2 of the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to the licence period commencing before the commencement of these regulations.

**Part 6—Variation of *Fisheries (Scheme of Management—Lakes and Coorong Fishery) Regulations 1991*****15—Variation of regulation 8—Renewal of licences**

- (1) Regulation 8(5)(a)(i)—delete "\$5 514" and substitute:  
\$5 241
- (2) Regulation 8(5)(a)(ii)—delete "\$5 604" and substitute:  
\$5 331

**16—Transitional provision**

- (1) A fee prescribed by regulation 8 of the principal regulations as varied by this Part applies in relation to the licence period commencing after the commencement of these regulations.
- (2) Despite regulation 15, a fee prescribed by regulation 8 of the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to the licence period commencing before the commencement of these regulations.

**Part 7—Variation of *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 1991*****17—Insertion of regulation 18**

After regulation 17 insert:

**18—Fees**

The fees set out in Schedule 2 are prescribed for the purposes of the Act and these regulations.

## **18—Substitution of Schedule 2**

Schedule 2—delete Schedule 2 and substitute:

### **Schedule 2—Fees**

1	On application for the renewal of a licence in respect of a marine scalefish fishery	\$2 976.00
2	On application for the renewal of a licence endorsed with a condition fixing a blue crab quota on the licence (in addition to the fee payable under clause 1)—for each blue crab unit allocated to the licence	\$63.42
3	On application for the transfer of a licence in respect of the Marine Scalefish Fishery	\$300.00
4	On application under regulation 14B by the holder of a licence in respect of a marine scalefish fishery to vary the conditions of the licence so as to decrease the unit entitlement of the licence in respect of blue crab and increase the unit entitlement under one or more licences in respect of a marine scalefish fishery or the Blue Crab Fishery or so as to result in conditions fixing blue crab quotas being imposed on one or more licences in respect of a marine scalefish fishery—	
	(a) for the licence the unit entitlement of which is to be decreased	\$100.00
	(b) for each licence the unit entitlement of which is to be increased or on which a blue crab quota is to be imposed (as the case may be)	\$20.00
5	On application under regulation 14C by the holder of a licence in respect of the Marine Scalefish Fishery to vary a condition of the licence so as to decrease the unit entitlement of the licence in respect of pilchards and increase the unit entitlement under one or more other licences—	
	(a) for the licence the unit entitlement of which is to be decreased	\$100.00
	(b) for each licence the unit entitlement of which is to be increased or on which a blue crab quota is to be imposed (as the case may be)	\$20.00

## **19—Transitional provision**

- (1) A fee prescribed by Schedule 2 of the principal regulations as substituted by this Part applies in relation to the licence period commencing after the commencement of these regulations.
- (2) Despite regulation 18, a fee prescribed by Schedule 2 of the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to the licence period commencing before the commencement of these regulations.



## **Part 8—Variation of *Fisheries (Scheme of Management—Miscellaneous Fishery) Regulations 2000***

### **20—Insertion of regulation 18**

After regulation 17 insert:

#### **18—Fees**

The fees set out in Schedule 4 are prescribed for the purposes of the Act and these regulations.

### **21—Substitution of Schedule 4**

Schedule 4—delete Schedule 4 and substitute:

#### **Schedule 4—Fees**

- |     |   |            |
|-----|---|------------|
| 1   | On application for the issue of a licence in respect of the fishery—  |            |
| (a) | in the case of a licence to be issued for the term of the licence period  | \$2 976.00 |
| (b) | in the case of a licence to be issued for a term of less than the licence period—a proportion of the fee specified in paragraph (a), being the proportion that the number of months (part of a month being treated as a whole month) in the term of the licence bears to the number of months in the licence period.  |            |
| 2   | On application for the renewal of a licence in respect of the fishery   | \$2 976.00 |
| 3   | On application for the renewal of a licence endorsed with a condition fixing a giant crab quota on the licence (in addition to the fee payable under clause 2)—for each giant crab unit allocated to the licence  | \$26.31    |
| 4   | On application for the renewal of a licence endorsed with a condition fixing a giant crab quota on the licence (in addition to the fees payable under clauses 2 and 3)  | \$600.00   |
| 5   | On application under regulation 11 by the holder of a licence in respect of the fishery to vary a condition of the licence so as to decrease the unit entitlement of the licence in respect of giant crab and increase the unit entitlement of one or more other licences in respect of the fishery or one or more licences in respect of a rock lobster fishery— |            |
| (a) | for the licence the unit entitlement of which is to be decreased  | \$100.00   |
| (b) | for each licence the unit entitlement of which is to be increased   | \$20.00    |

### **22—Transitional provision**

- (1) A fee prescribed by Schedule 4 of the principal regulations as substituted by this Part applies in relation to the licence period commencing after the commencement of these regulations.

- (2) Despite regulation 21, a fee prescribed by Schedule 4 of the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to the licence period commencing before the commencement of these regulations.

## **Part 9—Variation of *Fisheries (Scheme of Management—Prawn Fisheries) Regulations 1991***

### **23—Insertion of regulation 15**

After regulation 14 insert:

#### **15—Fees**

The fees set out in Schedule 2 are prescribed for the purposes of the Act and these regulations.

### **24—Substitution of Schedule 2**

Schedule 2—delete Schedule 2 and substitute:

#### **Schedule 2—Fees**

1	On application for the renewal of a licence in respect of—	
	(a) the Gulf St. Vincent Prawn Fishery	\$25 936
	(b) the Spencer Gulf Prawn Fishery	\$18 826
	(c) the West Coast Prawn Fishery	\$17 843
2	On application for the transfer of a licence in respect of a prawn fishery	\$300

### **25—Transitional provision**

- (1) A fee prescribed by Schedule 2 of the principal regulations as substituted by this Part applies in relation to the licence period commencing after the commencement of these regulations.
- (2) Despite regulation 24, a fee prescribed by Schedule 2 of the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to the licence period commencing before the commencement of these regulations.

## **Part 10—Variation of *Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations 1991***

### **26—Insertion of regulation 19**

After regulation 18 insert:

#### **19—Fees**

The fees set out in Schedule 2 are prescribed for the purposes of the Act and these regulations.

## 27—Substitution of Schedule 2

Schedule 2—delete Schedule 2 and substitute:

### Schedule 2—Fees

- |   |  |             |
|---|--|-------------|
| 1 | On application for the renewal of a licence in respect of the Northern Zone Rock Lobster Fishery—  |             |
|   | (a) in the case of a licence that will, on its renewal, be subject to a condition limiting the holder of the licence to the taking of rock lobster, octopus and giant crab   | \$10 562.00 |
|   | (b) in the case of a licence that will, on its renewal, be subject to a condition limiting the holder of the licence to the taking of—   |             |
|   | (i) rock lobster, octopus and giant crab; and  |             |
|   | (ii) fish of a species (other than octopus or giant crab) prescribed by Schedule 1 for the purpose of bait only  | \$11 062.00 |
|   | (c) in any other case  | \$11 923.00 |
| 2 | On application for the renewal of a licence in respect of the Northern Zone Rock Lobster Fishery (in addition to the fee payable under clause 1)—for each rock lobster pot endorsed on the licence                       | \$88.00     |
| 3 | On application for the renewal of a licence endorsed with a condition fixing a giant crab quota on the licence (in addition to the fees payable under clauses 1 and 2)—for each giant crab unit allocated to the licence | \$26.31     |
| 4 | On application for the renewal of a licence endorsed with a condition limiting the number of giant crab that may be taken on each boat trip (in addition to the fees payable under clauses 1, 2 and 3)                   | \$29.20     |
| 5 | On application for the renewal of a licence in respect of the Southern Zone Rock Lobster Fishery—  |             |
|   | (a) in the case of a licence that will, on its renewal, be subject to a condition limiting the holder of the licence to the taking of rock lobster, octopus and giant crab   | \$7 511.00  |
|   | (b) in the case of a licence that will, on its renewal, be subject to a condition limiting the holder of the licence to the taking of—   |             |
|   | (i) rock lobster, octopus and giant crab; and  |             |
|   | (ii) fish of a species (other than octopus or giant crab) prescribed by Schedule 1 for the purpose of bait only  | \$8 011.00  |
|   | (c) in any other case  | \$8 872.00  |
| 6 | On application for the renewal of a licence in respect of the Southern Zone Rock Lobster Fishery (in addition to the fee payable under clause 4)—for each rock lobster pot endorsed on the licence                       | \$96.00     |

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7	On application for the renewal of a licence in respect of the Southern Zone Rock Lobster Fishery endorsed with a condition fixing a giant crab quota on the licence (in addition to the fees payable under clauses 5 and 6)—for each giant crab unit allocated to the licence	\$26.31
8	On application for the renewal of a licence endorsed with a condition limiting the number of giant crab that may be taken on each boat trip (in addition to the fees payable under clauses 5, 6 and 7)	\$29.20
9	On application for transfer of a licence in respect of either rock lobster fishery	\$300.00
10	On application under regulation 14(1)(d) by the holder of a licence in respect of a rock lobster fishery to vary a condition of the licence so as to decrease the rock lobster pot entitlement under the licence and increase the rock lobster pot entitlement under one or more other licences in respect of that fishery—	
	(a) for the licence the unit entitlement of which is to be decreased	\$100.00
	(b) for each licence the unit entitlement of which is to be increased	\$20.00
11	On application under regulation 14AA(2)(g) by the holder of a licence in respect of the Northern Zone Rock Lobster Fishery to vary the conditions of the licence so as to decrease the unit entitlement of the licence in respect of rock lobster and increase the unit entitlement of one or more other licences in respect of the Fishery—	
	(a) for the licence the unit entitlement of which is to be decreased	\$100.00
	(b) for each licence the unit entitlement of which is to be increased	\$20.00
12	On application under regulation 14B by the holder of a licence in respect of a rock lobster fishery to vary the conditions of the licence so as to decrease the unit entitlement of the licence in respect of giant crab and increase the unit entitlement of one or more licences in respect of that fishery or the Miscellaneous Fishery—	
	(a) for the licence the unit entitlement of which is to be decreased	\$100.00
	(b) for each licence the unit entitlement of which is to be increased	\$20.00

The fees prescribed in relation to an application under regulation 14(1)(d) are not payable if the application relates to a licence in respect of the Northern Zone Rock Lobster Fishery and, at the same time, an application under regulation 14AA(2)(g) is made in respect of the same licence and the fees prescribed in relation to that application are paid.

## **28—Transitional provision**

- (1) A fee prescribed by Schedule 2 of the principal regulations as substituted by this Part applies in relation to the licence period commencing after the commencement of these regulations.
- (2) Despite regulation 27, a fee prescribed by Schedule 2 of the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to the licence period commencing before the commencement of these regulations.

**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 these regulations.

## **Made by the Governor**

with the advice and consent of the Executive Council  
on 24 June 2004

No 137 of 2004

MAFF04/0015CS