

South Australia

Aquaculture Variation Regulations 2005

under the *Aquaculture Act 2001*

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Schedule 1—Revocation of *Aquaculture (Fees) Regulations 2002*

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Aquaculture Variation Regulations 2005*.

2—Commencement

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

3—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 *Aquaculture Regulations 2002*

4—Variation of regulation 3—Interpretation

(1) Regulation 3—before the definition of *Act* insert:

abalone means abalone (*Haliotis* spp.) of all species;

(2) Regulation 3, definition of *Fund*—delete the definition and substitute:

tuna means southern bluefin tuna (*Thunnus maccoyii*);

5—Variation of regulation 11—Fees

Regulation 11—after subregulation (2) insert:

- (3) A fee payable to the Minister under the Act or these regulations may be recovered by the Minister by action in a court of competent jurisdiction as a debt due to the Minister.

6—Substitution of Schedule

Schedule—delete the Schedule and substitute:

Schedule 1—Fees

Part 1—Application fees

1—Application fees

The following application fees are payable under the Act:

(a) Application for consent to transfer development lease (section 36)	\$525.00
(b) Application for aquaculture licence authorising the carrying on of aquaculture in an area held under a lease (section 49)	\$2 000.00
(c) Application for aquaculture licence authorising the carrying on of aquaculture in an area not held under a lease (section 49)	\$150.00
(d) Application to vary conditions of aquaculture licence authorising the carrying on of aquaculture in an area held under a lease (section 52)	\$225.00
(e) Application to vary conditions of aquaculture licence authorising the carrying on of aquaculture in an area not held under a lease (section 52)	\$150.00
(f) Application for renewal of aquaculture licence (section 53)	no fee
(g) Application for consent to transfer aquaculture licence (section 55)	\$525.00

Part 2—Periodic fees

2—Preamble relating to new fee structure applicable from 1 July 2005

From 1 July 2005, the periodic fees payable by aquaculture licence holders are payable each financial year (rather than each calendar year).

3—Proportion of periodic fee payable before grant of licence

A person who applies for an aquaculture licence must, before the licence is granted, pay to the Minister a fee of an amount calculated by multiplying—

- (a) the periodic fee that would have been payable by the person had the person held the licence at the last date for payment of periodic fees; and
- (b) the proportion that the number of whole months between the grant of the licence and the next 30 June bears to 12 months.

4—Transitional arrangements for period between 1 January 2005 and 30 June 2005

- (1) An aquaculture licence holder authorised under the licence to carry on aquaculture in an area held under an aquaculture lease must, before the payment date fixed by the Minister by written notice given to the licence holder, pay to the Minister, in respect of the period between 1 January 2005 and 30 June 2005, a fee of the following amount:
 - (a) for a licence to farm tuna—the amount obtained by multiplying \$37.73 by the number of hectares in the licence area;
 - (b) for a licence to farm finfish other than tuna—the amount obtained by multiplying \$73.14 by the number of hectares in the licence area;
 - (c) for a licence to farm abalone—the amount obtained by multiplying \$69.27 by the number of hectares in the licence area;
 - (d) for a licence to farm molluscs other than abalone—the amount obtained by multiplying \$166.01 by the number of hectares in the licence area;
 - (e) for a licence to farm algae—the amount obtained by multiplying \$33.23 by the number of hectares in the licence area;
 - (f) for a licence authorising the storage of sea cages—the amount obtained by multiplying \$33.23 by the number of hectares in the licence area.

- (2) If 2 or more licences are held in respect of the same area—
 - (a) the licence holder is only liable for 1 fee under subclause (1); and
 - (b) the fee payable is the higher or highest of the fees that would be payable under subclause (1) but for this subclause.
- (3) An aquaculture licence holder authorised under the licence to carry on aquaculture in an area not held under an aquaculture lease must, before the payment date fixed by the Minister by written notice given to the licence holder, pay to the Minister, in respect of the period between 1 January 2005 and 30 June 2005, a fee of the following amount:
 - (a) for an aquaculture licence classified by the Minister (by virtue of the low level of intensity of farming to be carried on under the licence) as a class A licence—\$92.92;
 - (b) for an aquaculture licence classified by the Minister (by virtue of the medium level of intensity of farming to be carried on under the licence) as a class B licence—\$115.36;
 - (c) for an aquaculture licence classified by the Minister (by virtue of the high level of intensity of farming to be carried on under the licence) as a class C licence—
 - (i) in the case of a licence designated by the Minister as being for a mobile farming arrangement—\$1 128.00;
 - (ii) in any other case—\$1 372.00.
- (4) In the case of an aquaculture licence granted on or after 1 January 2005 but before the payment date referred to in this regulation, the periodic fee payable by the licence holder under this regulation is reduced to an amount calculated by multiplying—
 - (a) the periodic fee that would be payable but for this subclause; and
 - (b) the proportion that the number of whole months between the grant of the licence and 30 June 2005 bears to 6 months.
- (5) If it is proposed to grant an aquaculture licence to a person on or after the payment date referred to in this regulation but before 1 July 2005, the person must (instead of paying a fee of an amount fixed by clause 3) pay to the Minister a fee of an amount calculated by multiplying—
 - (a) the periodic fee that would have been payable by the person under subclause (1) or (3) had the person held the licence at that payment date; and
 - (b) the proportion that the number of whole months between the grant of the licence and 30 June 2005 bears to 6 months.

Schedule 1—Revocation of *Aquaculture (Fees) Regulations 2002*

The *Aquaculture (Fees) Regulations 2002* are revoked.

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 19 May 2005

No 35 of 2005

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