

South Australia

Aquaculture (Fees) Variation Regulations 2007

under the *Aquaculture Act 2001*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Aquaculture (Fees) Variation Regulations 2007*.

2—Commencement

These regulations will come into operation on 1 July 2007.

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 2005*

4—Substitution of regulation 32

Regulation 32—delete the regulation and substitute:

32—Fees

- (1) The fees set out in Schedule 1 are prescribed for the purposes of the Act and these regulations.
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- (2) Subject to subregulation (3), a licensee authorised under an aquaculture licence to carry on aquaculture in a lease area must, before the payment date fixed by the Minister for the financial year by written notice given to the licensee, pay to the Minister, in respect of each financial year, a fee of the amount set out in Schedule 1 Part 2.
- (3) If 2 or more aquaculture licences are held in respect of the same lease area—
 - (a) the licensee is only liable for 1 fee under subregulation (2); and
 - (b) the fee payable is the higher or highest of the fees that would be payable under subregulation (2) but for this subregulation.
- (4) A licensee authorised under an aquaculture licence to carry on aquaculture in an area other than a lease area must, before the payment date fixed by the Minister for the financial year by written notice given to the licensee, pay to the Minister, in respect of each financial year, a fee of the amount set out in Schedule 1 Part 3.
- (5) 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.
- (6) The Minister may enter into an arrangement with a person for payment of a periodic fee by instalments.
- (7) The Minister may waive or refund a fee (or part of a fee) payable under the Act or these regulations if satisfied that it is appropriate to do so in a particular case.
- (8) 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.

5—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Fees

Part 1—Application fees

| | | |
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| 1 | On application for consent to transfer a development lease (section 36) | \$805.00 |
| 2 | On application for an aquaculture licence authorising aquaculture in a lease area (section 49) | \$2 612.00 |

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| 3 | On application for an aquaculture licence authorising aquaculture in an area other than a lease area (section 49)— | |
| | (a) for a 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 | \$741.00 |
| | (b) for a 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 | \$1 185.00 |
| | (c) for a 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 | \$2 250.00 |
| 4 | On application to vary the conditions of an aquaculture licence authorising aquaculture in a lease area (section 52)— | |
| | (a) in the case of a variation that relates only to the farming system authorised to be used under the licence | \$1 341.00 |
| | (b) in the case of a variation that relates only to the species of aquatic organisms authorised to be farmed under the licence | \$1 644.00 |
| | (c) in the case of a variation that relates to both the farming system authorised to be used, and the species authorised to be farmed, under the licence | \$2 185.00 |
| | (d) in any other case | \$368.00 |
| 5 | On application for vary the conditions of an aquaculture licence authorising aquaculture in an area other than a lease area (section 52) | \$244.00 |
| 6 | On application for renewal of an aquaculture licence (section 53) | no fee |
| 7 | On application for consent to transfer an aquaculture licence (section 55)— | |
| | (a) in the case of a corresponding licence | \$931.00 |
| | (b) in any other case | \$244.00 |
| 8 | On application for the division of a lease area into separate lease areas (regulation 28A) | \$805.00 |
| 9 | On application for the division of a licence area into separate licence areas (regulation 28B) | \$805.00 |

Part 2—Periodic fees in respect of licences authorising aquaculture in lease areas

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|---|--|---|
| 1 | For an aquaculture licence to farm tuna | the amount obtained by multiplying \$70.50 by the number of hectares in the licence area |
| 2 | For an aquaculture licence to farm finfish other than tuna | the amount obtained by multiplying \$178.00 by the number of hectares in the licence area |

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| 3 | For an aquaculture licence to farm abalone in a subtidal area | the amount obtained by multiplying \$163.00 by the number of hectares in the licence area |
| 4 | For an aquaculture licence to farm molluscs other than abalone in a subtidal area | the amount obtained by multiplying \$126.00 by the number of hectares in the licence area |
| 5 | For an aquaculture licence to farm molluscs (including abalone) in an intertidal area | the amount obtained by multiplying \$119.00 by the number of hectares in the licence area |
| 6 | For an aquaculture licence to farm algae | the amount obtained by multiplying \$43.25 by the number of hectares in the licence area |
| 7 | For an aquaculture licence authorising the storage of sea cages | the amount obtained by multiplying \$43.25 by the number of hectares in the licence area |

Part 3—Periodic fees in respect of licences authorising aquaculture in non-lease areas

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|---|--|------------|
| 1 | For an aquaculture licence classified by the Minister (by virtue of the low intensity of farming to be carried on under the licence) as a class A licence | \$135.00 |
| 2 | For an aquaculture licence classified by the Minister (by virtue of the medium intensity of farming to be carried on under the licence) as a class B licence— | |
| | (a) in the case of a licence authorising the carrying on of aquaculture on a navigable vessel as it operates within an area of State waters or the use of a farming structure designed to be transported by road or rail | \$ 1449.00 |
| | (b) in any other case | \$178.00 |
| 3 | 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— | |
| | (a) in the case of a licence authorising the carrying on of aquaculture on a navigable vessel as it operates within an area of State waters or the use of a farming structure designed to be transported by road or rail | \$3 336.00 |
| | (b) in any other case | \$1 758.00 |

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 7 June 2007

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