

South Australia

Fisheries (Fees No 2) Variation Regulations 2007

under the *Fisheries Act 1982*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries (Fees No 2) Variation Regulations 2007*.

2—Commencement

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

3—Interpretation

In these regulations—

- (a) *licence period* or *registration 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 2006*

5—Variation of regulation 4—Registration as fish processor

- (1) Regulation 4(2)—delete subregulation (2) and substitute:
 - (2) The Director must not grant an application for registration or renewal of registration as a fish processor unless the applicant has paid—
 - (a) the registration fee specified in Schedule 1; or
 - (b) the first instalment of the registration fee specified in Schedule 1, in accordance with subregulation (3) or (4).
- (2) Regulation 4(5)—delete subregulation (5) and substitute:
 - (5) If an instalment of a registration fee is not paid in full within 21 days after the due date for payment, an additional amount equal to 10 per cent of the unpaid balance of the instalment is payable.
 - (6) If—
 - (a) an instalment of a registration fee is not paid in full on or before the due date; or
 - (b) an additional amount is required to be paid for late payment of an instalment of a registration fee,

the amount unpaid may be recovered from the holder or former holder of the registration as a debt due to the Crown.

6—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Fees

- 1 For registration or renewal of registration as a fish processor (regulation 4)—
 - (a) in the case of an application by an eligible applicant \$141.00
 - (b) in any other case \$813.00
- 2 Fee (per species) (in addition to the fee payable under clause 1(b)) \$1 052.00
where the applicant (not being an eligible applicant) proposes to process any of the following species of fish pursuant to the registration:
 - abalone (*Haliotis* spp.) of all species
 - southern rock lobster (*Jasus edwardsii*)
 - western king prawn (*Penaeus latisulcatus*).

If 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 On application to have additional premises, places, boats or vehicles specified in the certificate of registration (regulation 6) \$23.90

7—Transitional provision

- (1) A fee prescribed by Schedule 1 of the principal regulations as substituted by this Part applies in relation to the registration period commencing on 1 July 2007.
- (2) Despite regulation 6, 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 registration period that commenced on 1 July 2006.

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

8—Variation of regulation 9—Registration of devices for commercial use

- (1) Regulation 9(2a)—delete subregulation (2a) and substitute:
 - (2a) A person who makes application to register a device under this regulation must pay the registration fee (if any) specified in Schedule 5.
- (2) Regulation 9(2c)—delete "amount of the instalment" and substitute:

unpaid balance of the instalment

9—Variation of Schedule 5—Fees

- (1) Schedule 5, items 3(b) and (c)—delete "\$1 834.00" wherever occurring and substitute in each case:

\$1 935.00

- (2) Schedule 5, item 3(d)—delete "\$53 741.00" and substitute:

\$45 447.00

- (3) Schedule 5, item 3(e)—delete "\$3 669.00" and substitute:

\$3 870.00

10—Transitional provision

- (1) A fee prescribed by Schedule 5 of the principal regulations as varied by this Part applies in relation to the registration period commencing on 1 July 2007.
- (2) Despite regulation 9, a fee prescribed by Schedule 5 of the principal regulations as in force immediately before the commencement of these regulations continues to apply in relation to the registration period that commenced on 1 July 2006.

Part 4—Variation of *Fisheries (Scheme of Management—Abalone Fisheries) Regulations 2006*

11—Variation of regulation 8—Renewal of licence

- (1) Regulation 8(6)—delete subregulation (6) and substitute:
- (6) A person who makes application to renew a licence must pay the renewal fee specified in Schedule 1.
- (2) Regulation 8(8)—delete "amount of the instalment" and substitute:
- unpaid balance of the instalment

12—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Fees

1	On application for the renewal of a licence in respect of—	
	(a) the Central Zone Abalone Fishery	\$72 867.00
	(b) the Southern Zone Abalone Fishery	\$72 061.00
	(c) the Western Zone Abalone Fishery	\$72 193.00
2	On application for consent to the transfer of a licence in respect of an abalone fishery	\$311.00
3	On application to vary licence conditions so as to alter unit entitlements in respect of abalone	\$104.00

13—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 on 1 July 2007.
- (2) Despite regulation 12, 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 that commenced on 1 July 2006.

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

14—Variation of regulation 6—Issue of licences

Regulation 6(6)—delete "amount of the instalment" and substitute:

unpaid balance of the instalment

15—Variation of regulation 8—Renewal of licences

(1) Regulation 8(5)—delete subregulation (5) and substitute:

(5) A person who makes application to renew a licence must pay the renewal fee specified in Schedule 2.

(2) Regulation 8(7)—delete "amount of the instalment" and substitute:

unpaid balance of the instalment

16—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 2—Fees

1	On application for the issue of a licence in respect of the fishery	\$2 174.00
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	\$20.30
3	On application for the renewal of a licence in respect of the fishery	\$2 174.00
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	\$20.30
5	On application for the transfer of a licence in respect of the fishery	\$311.00
6	On application under regulation 15 by the holder of a licence in respect of the fishery to vary the conditions of the licence so as to alter the unit entitlement of the licence in respect of blue crab	\$104.00

17—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 on 1 July 2007.

(2) Despite regulation 16, 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 that commenced on 1 July 2006.

Part 6—Variation of Fisheries (Scheme of Management—Charter Boat Fishery) Regulations 2005

18—Variation of regulation 5—Issue of licences

Regulation 5(6)—delete "amount of the instalment" and substitute:

unpaid balance of the instalment

19—Variation of regulation 7—Renewal of licences

(1) Regulation 7(6)—delete subregulation (6) and substitute:

(6) A person who makes application to renew a licence must pay the renewal fee specified in Schedule 1.

(2) Regulation 7(8)—delete "amount of the instalment" and substitute:

unpaid balance of the instalment

20—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Fees

1	On application for the issue or renewal of a licence in respect of the fishery	\$1 549.00
2	On application for the registration of a boat to be used pursuant to a licence in respect of the 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	\$387.00
	(b) if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 12 passengers	\$775.00
	(c) if the certificate of survey in force in respect of the boat specifies that the boat may carry more than unberthed 12 passengers	\$1 549.00
3	On application for the transfer of a licence in respect of the fishery	\$311.00

21—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 on 1 July 2007.
- (2) Despite regulation 20, 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 that commenced on 1 July 2006.

Part 7—Variation of *Fisheries (Scheme of Management—Lakes and Coorong Fishery) Regulations 2006*

22—Variation of regulation 7—Renewal of licence

- (1) Regulation 7(6)—delete subregulation (6) and substitute:
 - (6) A person who makes application to renew a licence must pay the renewal fee specified in Schedule 2.
- (2) Regulation 7(8)—delete "amount of the instalment" and substitute:

unpaid balance of the instalment

23—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 2—Fees

1	On application for the renewal of a licence in respect of the fishery	\$6 621.00
2	On application for consent to the transfer of a licence in respect of the fishery	\$311.00

24—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 on 1 July 2007.
- (2) Despite regulation 23, 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 that commenced on 1 July 2006.

Part 8—Variation of *Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 2006*

25—Variation of regulation 7—Renewal of licence

- (1) Regulation 7(6)—delete subregulation (6) and substitute:
 - v(6) A person who makes application to renew a licence must pay the renewal fee specified in Schedule 2.
- (2) Regulation 7(8)—delete "amount of the instalment" and substitute:

unpaid balance of the instalment

26—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 2—Fees

1	On application for the renewal of a licence in respect of a marine scalefish fishery	\$3 870.00
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	\$21.50
3	On application for consent to the transfer of a licence in respect of a marine scalefish fishery	\$311.00
4	On application to vary licence conditions so as to alter unit entitlements in respect of blue crab or pilchards	\$104.00

27—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 on 1 July 2007.
- (2) Despite regulation 26, 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 that commenced on 1 July 2006.

Part 9—Variation of *Fisheries (Scheme of Management—Miscellaneous Fishery) Regulations 2000*

28—Variation of regulation 6—Issue of licences

- (1) Regulation 6(6)—delete "less \$90"
- (2) Regulation 6(8)—delete "amount of the instalment" and substitute:
unpaid balance of the instalment

29—Variation of regulation 8—Renewal of licences

- (1) Regulation 8(5)—delete subregulation (5) and substitute:
 - (5) A person who makes application to renew a licence must pay the renewal fee specified in Schedule 4.
- (2) Regulation 8(7)—delete "amount of the instalment" and substitute:
unpaid balance of the instalment

30—Substitution of Schedule 4

Schedule 4—delete the Schedule and substitute:

Schedule 4—Fees

1	On application for the issue of a licence in respect of the fishery— <ol style="list-style-type: none">(a) in the case of a licence to be issued for the term of the licence period	\$2 750.00
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- (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 | \$2 750.00 |
| 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 | \$25.20 |
| 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 the conditions of the licence so as to alter the unit entitlement of the licence in respect of giant crab | \$104.00 |

31—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 on 1 July 2007.
- (2) Despite regulation 30, 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 that commenced on 1 July 2006.

Part 10—Variation of *Fisheries (Scheme of Management—Prawn Fisheries) Regulations 2006*

32—Variation of regulation 7—Renewal of licence

- (1) Regulation 7(6)—delete subregulation (6) and substitute:
 - (6) A person who makes application to renew a licence must pay the renewal fee specified in Schedule 2.
- (2) Regulation 7(8)—delete "amount of the instalment" and substitute:

unpaid balance of the instalment

33—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 2—Fees

- | | | |
|---|---|-------------|
| 1 | On application for the renewal of a licence in respect of— | |
| | (a) the Gulf St. Vincent Prawn Fishery | \$30 204.00 |
| | (b) the Spencer Gulf Prawn Fishery | \$25 959.00 |
| | (c) the West Coast Prawn Fishery | \$3 209.00 |
| 2 | On application for consent to the transfer of a licence in respect of a prawn fishery | \$311.00 |

34—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 on 1 July 2007.
- (2) Despite regulation 33, 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 that commenced on 1 July 2006.

Part 11—Variation of *Fisheries (Scheme of Management—River Fishery) Regulations 2006*

35—Variation of regulation 8—Renewal of licence

- (1) Regulation 8(6)—delete subregulation (6) and substitute:
 - (6) A person who makes application to renew a licence must pay the renewal fee specified in Schedule 2.
- (2) Regulation 8(8)—delete "amount of the instalment" and substitute:

unpaid balance of the instalment

Part 12—Variation of *Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations 2006*

36—Variation of regulation 7—Renewal of licence

- (1) Regulation 7(6)—delete subregulation (6) and substitute:
 - (6) A person who makes application to renew a licence must pay the renewal fee specified in Schedule 2.
- (2) Regulation 7(8)—delete "amount of the instalment" and substitute:

unpaid balance of the instalment

37—Substitution of Schedule 2

Schedule 2—delete the Schedule 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 \$3 195.00
 - (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— \$ 3 695.00
 - (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

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	(c) in any other case	\$5 130.00
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 unit endorsed on the licence	\$15.30
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	\$25.20
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)	\$28.00
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	\$4 817.00
	(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—	\$5 317.00
	(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	
	(c) in any other case	\$6 752.00
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 5)—for each rock lobster pot endorsed on the licence	\$147.25
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	\$25.20
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)	\$28.00
9	On application for consent to the transfer of a licence in respect of a rock lobster fishery	\$311.00
10	On application under regulation 15 to vary licence conditions so as to alter a rock lobster pot entitlement	\$104.00
11	On application under regulation 16 or 17 to vary licence conditions so as to alter unit entitlements in respect of rock lobster	\$104.00
12	On application under regulation 18 to vary licence conditions so as to alter unit entitlements in respect of giant crab	\$104.00

The fee prescribed in relation to an application under regulation 15 is not payable if, at the same time, an application under regulation 16, 17 or 18 is made in respect of the same licence and the fee prescribed in relation to that application is paid.

38—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 on 1 July 2007.
- (2) Despite regulation 37, 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 that commenced on 1 July 2006.

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 21 June 2007

No 175 of 2007

MAFF07/012CS