

South Australia

Primary Industry Funding Schemes (Rock Lobster Fishing Industry Fund) Regulations 2008

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	Exclusion from benefits of person in default in relation to contributions
8	False or misleading statements

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Rock Lobster Fishing Industry Fund) Regulations 2008*.

2—Commencement

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

3—Interpretation

In these regulations—

Fund—see regulation 4;

rock lobster fishery means—

- (a) the Northern Zone Rock Lobster Fishery; or
- (b) the Southern Zone Rock Lobster Fishery,

constituted by the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*;

rock lobster fishery licence means a licence in respect of a rock lobster fishery issued under the *Fisheries Management Act 2007*.

4—Establishment of Fund

- (1) The *Rock Lobster Fishing Industry Fund* (the **Fund**) is established.
 - (2) The Fund will be administered by the Minister.
 - (3) The Fund consists of—
 - (a) contributions paid under these regulations; and
 - (b) income of the Fund from investment; and
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- (c) any other money received by the Minister for payment into the Fund.

5—Contributions to Fund

- (1) A contribution of \$1 200 is payable on or before 1 July in each year to the Minister for payment into the Fund by a person who holds a rock lobster fishery licence.
- (2) A person may elect to pay a contribution in equal instalments at intervals fixed by the Minister by notice in writing to the person.
- (3) A refund of a contribution may be claimed by notice in writing to the Minister within 12 months after it became payable.
- (4) A person claiming a refund must supply the Minister with evidence acceptable to the Minister of the amount paid as a contribution by the claimant in respect of which the claim for refund is made.
- (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 (or each instalment) paid by the person in respect of the financial year to which the claim for refund relates, together with interest on that amount calculated at the short term interest rate (as published by the Reserve Bank of Australia for the financial year immediately preceding the date the contribution became payable) on a monthly basis for the number of whole months in the period commencing on the date of payment of the contribution (or each instalment) and ending on the date of the refund.

6—Application of Fund

The Fund may be applied by the Minister for any of the following purposes:

- (a) payments to the South Australian Rock Lobster Advisory Council Incorporated (the *Council*) for—
 - (i) implementation or facilitation of projects for the benefit of the rock lobster fishing industry in accordance with a 5 year strategic plan developed by the Council in consultation with industry and reviewed by the Council in consultation with industry on an annual basis, including—
 - (A) research projects;
 - (B) industry development and management projects;
 - (C) marketing projects;
 - (D) projects designed for gathering and disseminating information about resource management;
 - (ii) the reasonable operating and management expenses of the Council;
- (b) payments for other purposes for the benefit of the rock lobster fishing industry;
- (c) payment of the expenses of administering the Fund;
- (d) repayment of contributions to the Fund under regulation 5.

7—Exclusion from benefits of person in default in relation to contributions

- (1) 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.
- (2) A person is in default in relation to contributions to the Fund if, within the immediately preceding 2 financial years—
 - (a) all or some of the contributions payable to the Fund by the person have not been paid; or
 - (b) the person has been refunded a contribution from the Fund.

8—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.

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 June 2008

No 170 of 2008

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