

South Australia

## **Aquaculture (Fees) Variation Regulations 2015**

under the *Aquaculture Act 2001*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Aquaculture Regulations 2005***

- 4 Variation of regulation 3—Interpretation
  - 5 Variation of regulation 27—Environmental monitoring and reporting—general
  - 6 Variation of regulation 34—Classification of licences and variations of licence conditions
  - 7 Substitution of Schedule 1
- Schedule 1—Fees

#### **Part 3—Transitional provisions**

- 8 Revoked provisions to continue for licences pending classification
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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Aquaculture (Fees) Variation Regulations 2015*.

#### **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 2005***

#### **4—Variation of regulation 3—Interpretation**

Regulation 3(1)—after the definition of *aquaculture waste* insert:

*category A licence, category B licence, category C licence or category D licence*—see regulation 34(a);

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## **5—Variation of regulation 27—Environmental monitoring and reporting—general**

- (1) Regulation 27(1)—delete "medium risk (*category B*) or high risk (*category C*)" and substitute:

category C or category D
- (2) Regulation 27(1)(a)—delete "medium risk (*category B*)" and substitute:

category C
- (3) Regulation 27(1)(b)—delete "high risk (*category C*)" and substitute:

category D

## **6—Variation of regulation 34—Classification of licences and variations of licence conditions**

- (1) Regulation 34(a)—delete paragraph (a) and substitute:
  - (a) a licence (other than a corresponding licence) is to be classified by the Minister as a category A, category B, category C or category D licence by reference to the Minister's reasonable assumptions as to the level of effort involved in the administration and enforcement of the Act and these regulations in relation to the aquaculture authorised by the licence (with category A representing the least effort and category D the greatest), having regard to the following:
    - (i) the scale and intensity of farming to be carried on under the licence;
    - (ii) any discharge of water from the licence area and the treatment of that water prior to discharge;
    - (iii) whether or not the species to be farmed are native to the locality of the licence area;
    - (iv) the susceptibility of the species to be farmed to notifiable disease within the meaning of the *Livestock Act 1997*;
    - (v) any other matters considered relevant by the Minister; and
- (2) Regulation 34(c)(i)(D)—delete subsubparagraph (D) and substitute:
  - (D) a change that will require reclassification of the licence as a category A, category B, category C or category D licence; and
- (3) Regulation 34(c)(ii)—before "in the case of" insert:

in addition,

## 7—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

### **Schedule 1—Fees**

#### **Fees relating to aquaculture leases**

- |   |  |         |
|---|--|---------|
| 1 | Application fee for variation of an aquaculture lease or its conditions (section 25A(5) of Act)—   |         |
|   | (a) for a variation consisting of or involving—  |         |
|   | (i) the substitution of the lease area (within or outside of an aquaculture zone) where at least 80% of the lease area will remain the same— |         |
|   | (A) if the corresponding licence relating to the lease authorises the farming of prescribed wild caught tuna                                 | \$2 304 |
|   | (B) in any other case  | \$3 067 |
|   | (ii) the substitution of the lease area within an aquaculture zone (other than a variation of a kind referred to in subparagraph (i))—       |         |
|   | (A) if the farming of prescribed wild caught tuna is a permitted class of aquaculture in the zone  | \$2 668 |
|   | (B) in any other case  | \$3 806 |
|   | (iii) the substitution of the lease area outside of an aquaculture zone (other than a variation of a kind referred to in subparagraph (i))   | \$4 564 |
|   | (b) for a variation of any other kind  | \$806   |
| 2 | Application fee for consent to transfer a production lease (section 39(2) of Act)—   |         |
|   | (a) for the transfer of 1 lease  | \$704   |
|   | (b) for the transfer of each additional lease if the parties involved in the transfer are the same as for the first transfer                 | \$597   |
| 3 | Application fee for division of a production lease area into separate lease areas (regulation 29)  | \$985   |
| 4 | Application fee for amalgamation of 2 or more production lease areas into a single lease area (regulation 30)                                | \$1 209 |

#### **Fees relating to aquaculture licences**

- |   |  |         |
|---|--|---------|
| 5 | Application fee for a corresponding licence (section 22(2d) of Act)—       |         |
|   | (a) in the case of a corresponding licence within an aquaculture zone—     |         |
|   | (i) administrative component   | \$2 321 |
|   | (ii) advertising component   | \$1 453 |
|   | (b) in the case of a corresponding licence outside of an aquaculture zone— |         |

**Aquaculture (Fees) Variation Regulations 2015**  
 Part 2—Variation of *Aquaculture Regulations 2005*

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	(i)	administrative component	\$3 571
	(ii)	advertising component	\$1 453
6		Application fee for a licence other than a corresponding licence (section 49 of Act)—	
	(a)	for a category A licence—	
	(i)	administrative component	\$2 589
	(ii)	advertising component	\$1 453
	(b)	for a category B licence—	
	(i)	administrative component	\$2 589
	(ii)	advertising component	\$1 453
	(c)	for a category C licence—	
	(i)	administrative component	\$4 081
	(ii)	advertising component	\$1 453
	(d)	for a category D licence—	
	(i)	administrative component	\$4 081
	(ii)	advertising component	\$1 453
7		Application fee for renewal of an aquaculture licence other than a corresponding licence (section 50A of Act)—	
	(a)	for the renewal of 1 licence	\$704
	(b)	for the renewal of each additional licence if the parties to the licence are the same as for the first renewal	\$639
		<b>Note—</b>	
		A corresponding licence is, under section 22(2b) of the Act, renewed on the renewal of the relevant lease without the requirement for an application.	
8		Application fee for variation of conditions of an aquaculture licence (section 52(6) of Act)—	
	(a)	in the case of a corresponding licence—	
	(i)	for a simple variation	\$1 426
	(ii)	for a standard variation	\$1 886
	(iii)	for a complex variation	\$3 571
	(b)	in the case of a licence other than a corresponding licence—	
	(i)	for a simple variation	\$625
	(ii)	for a standard variation	\$733
	(iii)	for a complex variation	\$1 875
9		Application fee for consent to transfer an aquaculture licence (section 55(4) of Act)—	
	(a)	in the case of a corresponding licence—	
	(i)	for the transfer of 1 licence	\$704

	(ii) for the transfer of each additional licence if the parties involved in the transfer are the same as for the first transfer	\$597
	(b) in the case of a licence other than a corresponding licence—	
	(i) for the transfer of 1 licence	\$704
	(ii) for the transfer of each additional licence if the parties involved in the transfer are the same as for the first transfer	\$597
10	Application fee for consent to surrender an aquaculture licence other than a corresponding licence (section 56(3)(c) of Act)	\$551
11	Application fee for division of a licence area into separate licence areas (regulation 31)	\$948
12	Application fee for amalgamation of 2 or more licence areas into a single licence area (regulation 32)	\$1 209
13	Annual fee for a corresponding licence (section 53(1) of Act) for the balance of the financial year 2015/2016 (from the commencement of this Schedule) and for each subsequent financial year—	
	(a) for an aquaculture licence to farm prescribed wild caught tuna	\$12 172
	(b) for an aquaculture licence to farm finfish other than prescribed wild caught tuna	\$6 536
	(c) for an aquaculture licence to farm abalone in a subtidal area	\$5 397
	(d) for an aquaculture licence to farm mussels in a subtidal area	\$1 001
	(e) for an aquaculture licence to farm molluscs (other than abalone and mussels) in a subtidal area	\$2 074
	(f) for an aquaculture licence to farm molluscs (including abalone, but not including oysters) in an intertidal area	\$2 038
	(g) for an aquaculture licence to farm oysters in an intertidal area	\$374 plus \$228 for each hectare (rounded to 2 decimal places) in the licence area
	(h) for an aquaculture licence to farm algae	\$1 892
	(i) for an aquaculture licence authorising the storage of sea cages	\$1 892
14	Annual fee for a licence other than a corresponding licence (section 53(1) of Act) for the balance of the financial year 2015/2016 (from the commencement of this Schedule) and for each subsequent financial year—	
	(a) for a category A licence—	\$538
	(b) for a category B licence —	\$824
	(c) for a category C licence—	

(i)	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	\$5 108
(ii)	in any other case	\$2 432
(c)	for a category D licence—	
(i)	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	\$5 108
(ii)	in any other case	\$4 182
<b>Miscellaneous fees</b>		
15	Application fee for a notation on the register that a specified person has an interest in a lease or licence (section 80(2a) of Act)	\$181

## **Part 3—Transitional provisions**

### **8—Revoked provisions to continue for licences pending classification**

If a licence in force immediately before the commencement of these regulations is not, on that commencement, classified by the Minister as a category A, category B, category C or category D licence (in accordance with the principal regulations as varied by these regulations), the principal regulations as in force immediately before the commencement of these regulations will continue to apply in relation to the licence until such time as the licence is so classified.

#### **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 23 July 2015

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