

# TASMANIA

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## **FISHERIES (GENERAL AND FEES) AMENDMENT REGULATIONS (No. 3) 2017**

### **STATUTORY RULES 2017, No. 61**

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## **FISHERIES (GENERAL AND FEES) AMENDMENT REGULATIONS (No. 3) 2017**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Living Marine Resources Management Act 1995*.

Dated 18 September 2017.

C. WARNER  
Governor

By Her Excellency's Command,

JEREMY ROCKLIFF  
Minister for Primary Industries and Water

### **1. Short title**

These regulations may be cited as the *Fisheries (General and Fees) Amendment Regulations (No. 3) 2017*.

### **2. Commencement**

- (1) These regulations, other than regulation 12, take effect on 1 October 2017.

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- (2) Regulation 12 is taken to have taken effect on 1 September 2017.

**3. Principal Regulations**

In these regulations, the *Fisheries (General and Fees) Regulations 2016\** are referred to as the Principal Regulations.

**4. Regulation 3 amended (Interpretation)**

Regulation 3 of the Principal Regulations is amended as follows:

- (a) by inserting the following definition after the definition of *fish receipt docket*:

***fish trap*** has the same meaning as in the *Fisheries (Scalefish) Rules 2015*;

- (b) by inserting the following definition after the definition of *fishing licence (abalone dive)*:

***fishing licence (King Island kelp)*** means a fishing licence of a kind referred to in rule 6(a)(ii) of the *Fisheries (Marine Plant) Rules 2017*;

- (c) by inserting the following definition after the definition of *giant crab*:

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\*S.R. 2016, No. 30

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***giant crab trap*** means a trap within the meaning of the *Fisheries (Giant Crab) Rules 2013*;

**5. Part 3A inserted**

After regulation 12 of the Principal Regulations, the following Part is inserted:

**PART 3A – MARINE PLANT ROYALTIES**

**12A. Interpretation**

In this Part –

***royalty period***, in relation to a fishing licence (King Island kelp), means –

- (a) the period of 5 months commencing on 1 October 2017; and
- (b) each period of 6 months thereafter.

**12B. Royalties for King Island kelp**

The royalty specified in regulation 12C is prescribed as the royalty payable by the holder of a fishing licence (King Island kelp).

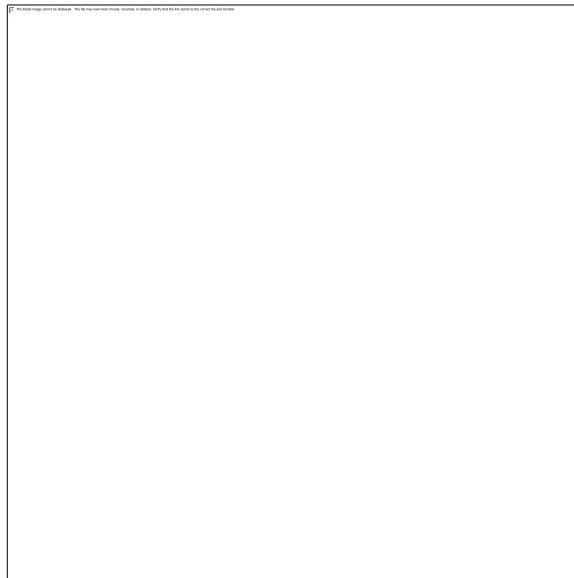
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**12C. Calculation of royalty**

- (1) Until 1 September 2018, the royalty payable by the holder of a fishing licence (King Island kelp) is \$30 for each dry tonne of kelp taken under the authority of that licence.
- (2) For the licensing year commencing on 1 September 2018, and for each subsequent licensing year, the royalty payable by the holder of a fishing licence (King Island kelp) is, for each dry tonne of kelp taken under the authority of that licence, an amount calculated in accordance with the following formula:



where –

*A* is the amount of royalty, rounded down to the nearest dollar;

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***B*** is \$30;

***C*** is the value of the CPI figure for Hobart for the June quarter immediately preceding the licensing year in which the value of the royalty is to apply;

***D*** is the value of the CPI figure for Hobart for the June quarter 2017.

(3) For the purposes of subregulation (2) –

***CPI figure for Hobart*** means the Consumer Price Index: All Groups Index Number for Hobart published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth.

**12D. Royalty return**

(1) The holder of a fishing licence (King Island kelp) must, within 2 weeks after the end of each royalty period, submit to the Secretary a return for that royalty period.

Penalty: Grade 2 penalty.

(2) A return under subregulation (1) is to –

(a) be in a form approved by the Secretary; and

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- (b) contain any details, calculations or information that the Secretary determines are appropriate.
- (3) The Secretary is to –
  - (a) in accordance with regulation 12C, calculate the royalty payable under this Part; and
  - (b) issue the holder of a fishing licence (King Island kelp) with an invoice for the royalty payable.

**12E. Royalty payable**

The royalty is payable by the holder of a fishing licence (King Island kelp) –

- (a) in respect of each royalty period; and
- (b) within 30 days after an invoice for the royalty is issued in writing by the Secretary.

**6. Regulations 18, 19 and 20 substituted**

Regulations 18, 19 and 20 of the Principal Regulations are rescinded and the following regulations are substituted:



**18. Commercially protected fish**

Abalone is prescribed as a class of commercially protected fish for the purposes of Division 7 of Part 4 of the Act.

**19. Prescribed matters for fish processing offence**

For the purpose of section 67(1)(b) of the Act –

- (a) the prescribed fish is all fish other than abalone, giant crab, rock lobster and scallop; and
- (b) the prescribed quantity of fish is –
  - (i) 100 kilograms for marine plant; and
  - (ii) 10 tonnes for all other prescribed fish; and
- (c) the prescribed period is one licensing year.

**20. Prescribed apparatus illegally used**

For the purpose of section 268(1A)(c) of the Act, the following apparatus is prescribed:

- (a) fish traps;
- (b) giant crab traps.

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**7. Regulation 23 amended (Noxious fish)**

Regulation 23 of the Principal Regulations is amended as follows:

- (a) by omitting subregulation (1);
- (b) by omitting from subregulation (2)(e) “, other than in the restricted zone”.

**8. Schedule 1 amended (Licence fees)**

Schedule 1 to the Principal Regulations is amended as follows:

- (a) by inserting “or in a personal relationship within the meaning of section 6 of that Act” after “section 7 of the *Relationships Act 2003*” in column 2 of paragraph (c)(iv) of item 2 in Part 1;
- (b) by omitting “of other form of supervision of activity under licence” from column 2 of paragraph (c) of item 3 in Part 1 and substituting “under section 87 of the Act for person to act as supervisor”;
- (c) by inserting in Part 1 after paragraph (d) the following item:
  - (e) Variation (de-authorise abalone quota)      50 fee units
- (d) by omitting “200” from column 3 of paragraph (c) of item 5 in Part 1 and substituting “50”;

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(e) by omitting items 16 and 17 from Part 1  
and substituting the following items:

16. *Fishing licence (marine plant)*

(a)	Grant	400 fee units
(b)	Renewal	200 fee units
(c)	Variation	50 fee units

17. *Fishing licence (introduced marine plant)*

(a)	Grant	400 fee units
(b)	Renewal	200 fee units
(c)	Variation	50 fee units

17A. *Fishing licence (Undaria)*

(a)	Grant	4 650 fee units
(b)	Renewal	4 650 fee units
(c)	Variation	50 fee units

17B. *Fishing licence (King Island kelp)*

(a)	Grant	4 650 fee units
(b)	Renewal	4 650 fee units
(c)	Variation	50 fee units

(f) by inserting after item 5 in Part 2 the  
following item:

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6. Endorsement to process kelp from Granville Harbour area 1 000 fee units

**9. Schedule 2 amended (Miscellaneous fees)**

Schedule 2 to the Principal Regulations is amended by omitting item 1 and substituting the following item:

1. Application under section 87 of Act for approval for person to act as supervisor 50 fee units

**10. Schedule 4 amended (Decisions and determinations)**

Schedule 4 to the Principal Regulations is amended as follows:

- (a) by omitting “or lending of licence” from column 2 of item 8 in Part 1 and substituting “, lending or supervising of licence”;
- (b) by omitting “or lending licence” from column 2 of item 8 in Part 2 and substituting “, lending or supervising of licence”.

**11. Schedule 5 amended (Prescribed fish for definition of Aboriginal activity)**

Schedule 5 to the Principal Regulations is amended by omitting item 25 and substituting the following items:

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25. Algae and seaweed of the following divisions:
- (a) Chlorophyta (green algae);
  - (b) Heterokontophyta of the class Phaeophyceae (brown algae);
  - (c) Rhodophyta (red algae)
26. Seagrass of the division Magnoliophyta

**12. Rescission**

*The Fisheries (General and Fees) Amendment Regulations (No.2) 2017 are rescinded.*

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 September 2017.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations –

- (a) amend the *Fisheries (General and Fees) Regulations 2016* by –
  - (i) updating provisions consequent on the making of the *Fisheries (Marine Plant) Rules 2017*; and
  - (ii) prescribing royalties payable by the holder of a fishing licence (King Island kelp); and
  - (iii) reducing the fee payable for a variation of fishing licence (commercial dive); and
  - (iv) making other minor miscellaneous amendments; and
- (b) rescind the *Fisheries (General and Fees) Amendment Regulations (No. 2) 2017*.