



Fisheries Management Amendment Regulation 2013 (No. 1)

Select Legislative Instrument No. 132, 2013

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Fisheries Management Act 1991*.

Dated 28 June 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

Peter Douglas Sidebottom
Parliamentary Secretary for Agriculture, Fisheries and Forestry

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1 Name of regulation

This regulation is the *Fisheries Management Amendment Regulation 2013 (No. 1)*.

2 Commencement

This regulation commences on the day after it is registered.

3 Authority

This regulation is made under the *Fisheries Management Act 1991*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Fisheries Management Regulations 1992

1 Subregulation 21(2)

Repeal the subregulation.

2 Subregulation 21(3)

Repeal the subregulation.

3 Subregulation 21(4)

Omit “Despite subregulations (1) and (2) and item 16 of Schedule 2”, substitute “Despite subregulation (1) and items 9 and 10 of Schedule 2”.

4 Subregulation 21(5)

Repeal the subregulation.

5 Paragraph 21B(2)(a)

Omit “statutory fishing right”, substitute “fishing permit”.

6 Paragraph 21C(2)(a)

Omit “statutory fishing right”, substitute “fishing permit”.

7 Schedule 2

Repeal the Schedule, substitute:

Schedule 2—Fees

Note: See regulation 21.

Part 1—Definitions

In this Schedule:

Antarctic Convergence means the line deemed to be the Antarctic Convergence in Article I, paragraph 4 of the Convention on the Conservation of Antarctic Marine Living Resources, being the Convention of that name, a copy of the English text of which is set

out in the Schedule to the *Antarctic Marine Living Resources Conservation Act 1981*.

electronic communication has the meaning given by subsection 5(1) of the *Electronic Transactions Act 1999*.

fishing day means a day, or a part of a day, for which a fishing activity is required to be reported under the Act or these Regulations.

Note: If fishing gear is deployed over more than one day, only activity associated with deploying the fishing gear will be treated as a fishing activity.

scheduled species, in relation to a fishing permit, means a species for which quota units are specified in an attachment to the permit.

Part 2—Fees

Fees			
Item	Description	Fee (electronic communication not used)	Fee (electronic communication used)
<i>Permits</i>			
1	Application under section 32 of the Act for the grant of a fishing permit that gives access to the AFZ:		
	(a) for a new fishing permit on the expiry of an existing fishing permit; or	\$160	\$18
	(b) for a new fishing permit that is not on the expiry of an existing fishing permit that authorises the carrying or transshipping of fish	\$160	Not available
2	Application for the grant of a fishing permit outside the AFZ that is not in an area of waters south of the Antarctic Convergence (known as a High Seas Permit):		

Schedule 1 Amendments

Fees			
Item	Description	Fee (electronic communication not used)	Fee (electronic communication used)
	(a) for a new fishing permit on the expiry of an existing fishing permit; or	\$160	\$18
	(b) for a new fishing permit that is not on the expiry of an existing fishing permit	\$160	Not available
3	Application for the variation, revocation or specification, under section 32 of the Act, of a condition or conditions of:		
	(a) an application for a variation of a concession under subsection 32(8) of the Act if the variation is to take account of the transfer of quota units of a scheduled species of fish:		
	(i) to that concession from another concession in the same fishery; or	\$115	\$18
	(ii) from that concession to another concession for the same fishery; or	\$115	\$18
	(b) an application for a variation of a concession under subsection 32(8) of the Act if the variation is not to take account of the transfer of quota units of a scheduled species of fish	\$300	Not available
4	Notice under paragraph 32(1A)(b) of the Act of the nomination of another Australian boat in lieu of the boat specified in:		
	(a) a permit; or	\$115	\$18
	(b) if the one application relates to more than one permit—the permits	\$115	\$18

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Fees			
Item	Description	Fee (electronic communication not used)	Fee (electronic communication used)
5	Notice under subsection 32(1B) of the Act of the nomination of an Australian boat to:		
	(a) a permit; or	\$115	\$18
	(b) if the one application relates to more than one permit—the permits	\$115	\$18
6	Notice under subsection 32(1B) of the Act of the nomination of an Australian boat if the application is made at the same time as a nomination of the boat to a statutory fishing right	No fee	No fee
7	Application under subsection 32A(2) of the Act for the transfer of:		
	(a) a permit; or	\$115	\$18
	(b) if the one application relates to more than one permit—the permits	\$115	\$18
8	Application under subsection 33(1) of the Act for a scientific permit if the application:		
	(a) relates to a proposal that is not in the same terms as a previous proposal for which a scientific permit has been granted; or	\$815	Not available
	(b) relates to a proposal that is in the same terms as a previous proposal for which a scientific permit has been granted; or	\$300	Not available
	(c) is for a variation of a condition under subsection 33(6) of the Act	\$300	Not available

Schedule 1 Amendments

Fees			
Item	Description	Fee (electronic communication not used)	Fee (electronic communication used)
9	Application under subsection 94(1) of the Act for a port permit	\$860	Not available
10	Application under subsection 94(5) of the Act for the variation of a condition of a port permit	\$400	Not available
11	Application for a permit under the <i>Customs Regulations 1926</i> to import or export	\$165	Not available
12	Application under subsection 91(2) of the Act for:		
	(a) a new fish receiver permit on the expiry of an existing fish receiver permit; or	\$245	\$103
	(b) a new fish receiver permit that is not on the expiry of an existing fish receiver permit	\$245	Not available
13	Application under subsection 91(6) of the Act for the variation of a condition of a fish receiver permit	\$160	Not available
14	Inspection of the High Seas Vessel Register under subsection 57D(1) of the Act	\$30	No fee
15	Inspection of the Fishing Permits Register under subsection 57J(1) of the Act	\$30	No fee
<i>Statutory fishing rights</i>			
16	Application under subsection 46(3) of the Act to register the transfer or lease of a statutory fishing right	\$115	\$18
17	Nomination under subregulation 9B(1) of:	\$115	\$18
	(a) a boat for a statutory fishing right;		

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Fees			
Item	Description	Fee (electronic communication not used)	Fee (electronic communication used)
	or (b) a boat to replace a nominated boat for a statutory fishing right; or the removal of the nomination of a boat for a statutory fishing right		
18	Registration under subsection 46 (4A) of the Act of a claim of an interest in a statutory fishing right	\$160	Not available
19	Cancellation under subsection 46 (4B) of the Act of a claim of an interest in a statutory fishing right	\$160	Not available
20	Application for a replacement certificate of a statutory fishing right	\$30	No fee
21	Application for an extract of the Register	\$30	No fee
22	Inspection of the Register under subsection 52(1) of the Act	\$30	No fee
Logbooks			
23	Furnishing of a logbook in the Bass Strait Central Zone Scallop Fishery	\$8.40 for each fishing day	No fee
24	Furnishing of a logbook in the Coral Sea Fishery	\$8.40 for each fishing day	No fee
25	Furnishing of a logbook in the Eastern Skipjack Fishery	\$8.40 for each fishing day	No fee
26	Furnishing of a logbook in the Eastern Tuna and Billfish Fishery	\$8.40 for each fishing day	No fee
27	Furnishing of a logbook in the High Seas Trawl Fishery	\$12 for each fishing day	No fee
28	Furnishing of a logbook in the High Seas Non Trawl Fishery	\$8.40 for each fishing day	No fee
29	Furnishing of a logbook in the North West Slope Trawl Fishery	\$12 for each fishing day	No fee
30	Furnishing of a logbook in the Northern Prawn Fishery	\$2.40 for each fishing day	No fee

Schedule 1 Amendments

Fees			
Item	Description	Fee (electronic communication not used)	Fee (electronic communication used)
31	Furnishing of a logbook in the Small Pelagic Fishery	\$8.40 for each fishing day	No fee
32	Furnishing of a logbook in the Southern and Eastern Scalefish and Shark Fishery (Great Australian Bight Trawl sector)	\$12 for each fishing day	No fee
33	Furnishing of a logbook in the Southern and Eastern Scalefish and Shark Fishery (Gillnet Hook and Trap sector)	\$8.40 for each fishing day	No fee
34	Furnishing of a logbook in the Southern and Eastern Scalefish and Shark Fishery (East Coast Deep-water Trawl sector)	\$12 for each fishing day	No fee
35	Furnishing of a logbook in the Southern and Eastern Scalefish and Shark Fishery (Commonwealth Trawl sector)	\$12 for each fishing day	No fee
36	Furnishing of a logbook in the Southern Bluefin Tuna Fishery	\$8.40 for each fishing day	No fee
37	Furnishing of a logbook in the Southern Squid Jig Fishery	\$8.40 for each fishing day	No fee
38	Furnishing of a logbook in the Western Deep Water Trawl Fishery	\$12 for each fishing day	No fee
39	Furnishing of a logbook in the Western Skipjack Fishery	\$8.40 for each fishing day	No fee
40	Furnishing of a logbook in the Western Tuna and Billfish Fishery	\$8.40 for each fishing day	No fee
Miscellaneous			
41	Application under subsection 4(2) of the Act for a declaration that a foreign boat is to be taken to be an Australian boat	\$1 790	Not available
42	Application to validate a European Community catch document	\$85	Not available

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Item	Description	Fee (electronic communication not used)	Fee (electronic communication used)
43	Application to validate a catch export document	\$85	Not available
44	Application for an Electronic Dissostichus Catch Document	\$165	Not available
45	Application for a quota holding statement	\$30	No fee
46	Application for a quota transaction statement	\$30	No fee
47	Application to enter into an arrangement for the payment of a fee, levy, charge or other amount relating to a fishing concession	\$220	Not available
48	Application for which a fee is not prescribed in another item of this Schedule Note: The fee will be calculated on the basis of the time taken by AFMA to assess and action the application, multiplied by the hourly cost to AFMA of the staff involved	The cost to AFMA of providing the service	The cost to AFMA of providing the service (if electronic communication is available)