

# Commercial Fishing Environmental Impact Statement Arrangements 2001

[2001-229]



New South Wales

## Status information

### Currency of version

Current version for 1 July 2009

# Commercial Fishing Environmental Impact Statement Arrangements 2001

[2001-229]



New South Wales

## Contents

1 Name of arrangements .....	3
2 Definitions .....	3
3 Preparation of environmental impact statements .....	3
4 Information and investigations .....	3
5 Contribution to cost of preparation of statement .....	3
6 "Participant" in fishery—meaning .....	5
7 Waiver of contribution .....	5
8 Refund of contribution .....	5
9 Amendment of arrangements .....	6
<b>Historical notes .....</b>	<b>7</b>

# Commercial Fishing Environmental Impact Statement Arrangements 2001



New South Wales

---

## 1 Name of arrangements

These arrangements are the *Commercial Fishing Environmental Impact Statement Arrangements 2001*.

## 2 Definitions

(1) In these arrangements:

**designated commercial fishing activity** means a commercial fishing activity described in item 1 of Schedule 1A to the *Fisheries Management Act 1994*.

**Director-General** means the Director-General of Department of Primary Industries.

**participant** has the meaning given to that term by clause 6 of these arrangements.

**proponent** has the meaning given by paragraph (a) of the definition of **proponent** in section 115G of the Act.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

(2) Words and expressions used in these arrangements and also in the *Fisheries Management Act 1994* have the meaning given to them by that Act.

## 3 Preparation of environmental impact statements

For the purposes of section 115K (4) of the Act, the Director-General is engaged to be responsible for the preparation of environmental impact statements in respect of designated commercial fishing activities.

## 4 Information and investigations

The proponents of a designated commercial fishing activity are required to provide such information, and to carry out such investigations, in connection with the environmental impact statement as the Director-General may require.

## 5 Contribution to cost of preparation of statement

(1) A proponent of a designated commercial fishing activity is required to pay to the Director-General an annual contribution toward the cost of the preparation of an environmental impact statement in respect of the fishing activity if the proponent is the participant in a designated commercial fishing activity.

- (2) The annual contribution for designated commercial fishing activities (other than the abalone and lobster share management fisheries) is payable on the following dates:
  - (a) 1 July 2001,
  - (b) 1 July 2002,
  - (c) 1 July 2003,
  - (d) 1 July 2004,
  - (e) 1 July 2005,
  - (f) 15 September 2006, and
  - (g) 1 July 2007.
- (3) the annual contribution payable by a proponent who is a participant in of one or more designated commercial fishing activities (other than the lobster or abalone commercial fisheries), is the total of the following:
  - (a) for the first designated commercial fishing activity, the amount payable is \$135,
  - (b) for the second designated commercial fishing activity, the amount payable is \$88, and
  - (c) for any additional designated commercial fishing activities, the amount payable is \$58 for each additional designated commercial fishing activity.
- (4) (Repealed)
- (5) Interest is payable on any overdue contribution at the rate prescribed under section 101 of the *Civil Procedure Act 2005* in respect of unpaid judgments.
- (6) A contribution may, with the approval of the Director-General, be paid by instalments on such terms as the Director-General approves. If an instalment is not paid by the due date, the balance of the instalments becomes due and payable immediately, and interest (calculated as referred to in subclause (5)) is payable on any late payment.
- (7) If an amount required to be paid under this clause is not paid by a proponent within one month after it becomes payable, an endorsement on the commercial fishing licence held by the proponent, or by a person nominated by the proponent, that authorises the designated commercial fishing activity concerned may be suspended, cancelled or revoked pursuant to the powers conferred by the *Fisheries Management Act 1994*.
- (8) The contributions payable in the case of proponents in the abalone share management fishery are:
  - (a) an amount of \$40.54 per share payable by 1 June 2003, and
  - (b) an amount of \$8.74 per share payable by 1 July 2003, and
  - (c) an amount of \$8.74 per share payable by 1 October 2003, and
  - (d) an amount of \$8.74 per share payable by 1 January 2004, and

- (e) a proportion of the management charges paid by shareholders in the abalone share management fishery under section 76 of the *Fisheries Management Act 1994*, and
  - (f) any additional amount specified by the Director-General following consultation with the Abalone Management Advisory Committee, as being necessary to complete the fishery management strategy and environmental impact statement.
- (9) The contributions payable in the case of proponents in the lobster share management fishery are:
- (a) an amount of \$6.66 per share payable on 1 July 2005,
  - (b) an amount of \$6.86 per share payable on 15 September 2006,
  - (c) an amount of \$7.02 per share payable on 1 July 2007,
  - (d) an amount of \$7.31 per share payable on 1 July 2008,
  - (e) an amount of \$7.49 per share payable on 1 July 2009, and
  - (f) an amount of \$7.49 per share payable on 1 July 2010.

## 6 “Participant” in fishery—meaning

For the purpose of these arrangements, a *participant* is:

- (a) a person who holds shares in a share management fishery, or
- (b) in the case of a share management fishery in which shares have not yet been issued on a provisional or permanent basis—the person who owns a fishing business that entitles the person to be given an endorsement on his or her commercial fishing licence, or to nominate a person to be given such an endorsement, that authorises the holder to take fish for sale in the restricted fishery of the same description as the share management fishery.
- (c) in the case of a designated commercial fishing activity other than a share management fishery, the person who owns a fishing business that entitles the person to be given an endorsement on his or her commercial fishing licence, or to nominate a person to be given such an endorsement, that authorises the holder of the fishing licence to take fish for sale.

## 7 Waiver of contribution

The Director-General may waive payment by a proponent of all or any part of a contribution payable under these arrangements:

- (a) if a natural disaster prevents the proponent from exercising any of the proponent’s fishing entitlements in a share management fishery, or
- (b) if arrangements are made with the Director-General for the surrender of the proponent’s fishing entitlements in a share management fishery.

## 8 Refund of contribution

The Director-General may refund, on a pro rata basis, any part of a contribution paid under these arrangements if arrangements are made for the acquisition by the Minister of the proponent’s fishing entitlements in a share management fishery (whether under Division 4B of Part 2 of the *Fisheries*

*Management Act 1994* or otherwise).

## **9 Amendment of arrangements**

These arrangements may be amended from time to time with regard to any matter, including:

- (a) so as to adjust contributions in accordance with movements in the consumer price index, and
- (b) so as to require a contribution in respect of participation in the abalone share management fishery or the lobster share management fishery.

## Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

## Table of amending instruments

*Commercial Fishing Environmental Impact Statement Arrangements 2001* published in Gazette No 59 of 23.3.2001, p 1567 and amended as follows:

*Commercial Fishing Environmental Impact Statement (Amendment) Arrangements 2002* (GG No 106 of 28.6.2002, p 4941)

<b>2003</b>	(asm)	<i>Commercial Fishing Environmental Impact Statement (Abalone Share Management Fishery Amendment) Arrangements 2003</i> . Made by Minister, 28.4.2003. Date of commencement, on making by Minister, cl 2.
	(436a)	<i>Commercial Fishing Environmental Impact Statement (Amendment) Arrangements 2003</i> . GG No 104 of 27.6.2003, p 6361. Date of commencement, 1.7.2003, cl 2.
<b>2004</b>	(395a)	<i>Commercial Fishing Environmental Impact Statement (Continuation and Lobster Share Management Fishery Amendment) Arrangements 2004</i> . GG No 104 of 25.6.2004, p 4683. Date of commencement, 1.7.2004, cl 2.
<b>2006</b>	(585a)	<i>Commercial Fishing Environmental Impact Statement (Amendment) Arrangements 2006</i> . GG No 116 of 15.9.2006, p 8055. Date of commencement, 15.9.2006, cl 2.
<b>2007</b>	(320)	<i>Commercial Fishing Environmental Impact Statement (Amendment) Arrangements 2007</i> . GG No 83 of 29.6.2007, p 4243. Date of commencement, 1.7.2007, cl 2.
<b>2008</b>	No 62	<i>Statute Law (Miscellaneous Provisions) Act 2008</i> . Assented to 1.7.2008. Date of commencement of Sch 2.9, assent, sec 2 (2).
	(284)	<i>Commercial Fishing Environmental Impact Statement (Amendment) Arrangements 2008</i> . GG No 82 of 4.7.2008, p 6616. Date of commencement, 1.7.2008, cl 2.
<b>2009</b>	(304)	<i>Commercial Fishing Environmental Impact Statement (Amendment) Arrangements 2009</i> . GG No 93 of 26.6.2009, p 3602. Date of commencement, 1.7.2009, cl 2.

## Table of amendments

Cl 2	Am 2006 (585a), cl 3.
Cl 5	Am 28.6.2002; 2003 (asm), cl 3; 2003 (436a), cl 3; 2004 (395a), cl 3; 2006 (585a), cl 3; 2007 (320), cl 3; 2008 No 62, Sch 2.9; 2008 (284), cl 3; 2009 (304), cl 3.
Cl 6	Am 2004 (395a), cl 3; 2007 (320), cl 3.

The whole  
Arrangements

Am 2004 (395a), cl 3 (“Director” omitted wherever occurring, “Director-General” inserted instead).