



New South Wales

Fisheries Management (General) Amendment (Endorsement Fees and Other Matters) Regulation 1996

under the
Fisheries Management Act 1994

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

BOB MARTIN

Minister for Mineral Resources and Minister for Fisheries

Explanatory note

The objects of this Regulation are:

- (a) to provide that a shareholder in a share management fishery may nominate only one commercial fisher to take fish on behalf of the shareholder in the fishery at any one time and to prescribe the fee payable in respect of such a nomination, and
- (b) to prescribe the fee payable in respect of an endorsement in the abalone share management fishery (an endorsement authorises the holder to take abalone in the fishery), and
- (c) to prescribe the fee payable in respect of an endorsement in the sea urchin and turban shell restricted fishery, and
- (d) to make an amendment to the *Fisheries Management (General) Regulation 1995* by way of law revision.

This Regulation is made under the *Fisheries Management Act 1994*, including section 68 (Endorsements on licences), section 112 (Commercial fishing licence to be endorsed for restricted fishery), section 116 (Other regulations) and section 289 (the general regulation making power).

Fisheries Management (General) Amendment (Endorsement Fees and Other Matters) Regulation 1996

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Endorsement Fees and Other Matters) Regulation 1996*.

2 Amendment of Fisheries Management (General) Regulation 1995

The *Fisheries Management (General) Regulation 1995* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Part 6, Division 1, heading

Insert before clause 127:

Division 1 General

[2] Clauses 130A and 130B

Insert after clause 130:

130A Endorsement fees—abalone, sea urchin and turban shell

- (1) For the purposes of section 68 (5) of the Act, the prescribed fee in respect of an endorsement that authorises a commercial fisher to take abalone in the abalone share management fishery is \$19,500 in respect of each period, or further period, of 12 months in respect of which an endorsement is given.

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- (2) If the endorsement is given for a period of less than 12 months, the prescribed fee is an appropriate proportion of \$19,500 (that is, the proportion that the period for which the endorsement is given bears to the period of 12 months).
 - (3) The fee payable for an endorsement, or an endorsement for a further period, that authorises the holder of a commercial fishing licence to take sea urchin or turban shell for sale is \$300. There is no quota fee for such an endorsement. This provision applies despite anything to the contrary in Division 1 of Part 8 (Restricted Fisheries).

Note

Abalone is a share management fishery under Schedule 1 to the Act. Abalone was formerly a restricted fishery, together with sea urchin and turban shell (see Division 1 of Part 8). However, by virtue of section 55 of the Act, abalone ceased to be a restricted fishery when limited access to the abalone share management fishery commenced. A commercial fisher cannot take abalone in the abalone fishery unless the fisher is a shareholder in the fishery, or has been nominated to take abalone on behalf of a shareholder, and has an endorsement on his or her commercial fishing licence that authorises the fisher to take abalone in the abalone share management fishery. The taking of sea urchin and turban shell for sale requires a separate endorsement under the restricted fishery provisions of the Act. This clause makes provision for the fees that are payable in respect of those separate endorsements.

130B Nomination of commercial fisher by shareholder

- (1) A nomination under section 69 of the Act (a nomination by a shareholder of a commercial fisher to take fish on behalf of the shareholder in a share management fishery) is to be accompanied by a fee of \$300.
- (2) Until the commencement of the management plan for a fishery, only one commercial fisher may be nominated to take fish on behalf of the shareholder at any one time.

[3] Clause 167, note

Insert at the end of clause 167:

Note

See clause 130A of this Regulation regarding the endorsement fees that are payable following the commencement of limited access to the abalone share management fishery.