



New South Wales

Fisheries Management (Aquaculture) Amendment Regulation 1999

under the

Fisheries Management Act 1994

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

The Hon Edward Obeid OAM MLC

Minister for Mineral Resources

Minister for Fisheries

Explanatory note

The objects of this Regulation are:

- (a) to make provision in the aquaculture regulations (to replace clause 82 of the *Food (General) Regulation 1997*) with respect to the requirement for producers to treat oysters in a depuration plant approved by the Director of Fisheries (instead of the Director-General of Health), and
- (b) to increase the annual monetary contribution required to be made by the holders of aquaculture permits to meet the costs incurred by the State under the Shellfish Quality Assurance Program from \$200 plus \$8 per hectare of aquaculture farm to \$385 plus \$16 per hectare of aquaculture farm.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 156, 191 and 289.

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1 Name of Regulation

This Regulation is the *Fisheries Management (Aquaculture) Amendment Regulation 1999*.

2 Commencement

- (1) This Regulation (except Schedule 1 [1]) commences on 1 June 1999.
- (2) Schedule 1 [1] commences on 1 July 1999.

3 Amendment of Fisheries Management (Aquaculture) Regulation 1995

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

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 12H Aquaculture permit holders to pay contributions for Shellfish Quality Assurance Programs

Omit “\$200 and \$8” from clause 12H (3). Insert instead “\$385 and \$16”.

[2] Part 2A

Insert after Part 2:

Part 2A Depuration of oysters**12N Depuration of oysters required before sale or disposal**

A person who cultivates oysters in New South Wales must not sell, or otherwise dispose of, the oysters for human consumption unless they have been treated in a depuration plant registered under this Part and in accordance with the conditions of the registration of that plant.

Maximum penalty: 100 penalty units.

12O Registration of depuration plants by Director

- (1) The Director may register depuration plants for the purposes of this Part.
- (2) The registration of a depuration plant is to specify the name of the owner of the plant (the *registered owner*).
- (3) The registered owner may, but need not, be the holder of an aquaculture permit.

12P Conditions of registration of depuration plants

- (1) The registration of any depuration plant under this Part is subject to such conditions as are specified in the registration of the plant or as the Director notifies to the registered owner while the registration is in force.

- (2) Without limiting subclause (1), conditions may include:
- (a) conditions relating to the design, configuration, capacity and operation of the depuration plant, and
 - (b) conditions relating to the notification by the registered owner of particulars of the operator of the depuration plant, and
 - (c) conditions relating to the competency of the operator of the depuration plant, and other persons assisting in the operation of the plant, and
 - (d) conditions relating to the fees payable by the registered owner for the cost of any audit of compliance of the depuration plant with the requirements of registration and operation (being fees not exceeding \$200 for an annual audit and not exceeding \$300 for any further audit to verify the rectification of matters arising from an earlier audit).
- (3) The registered owner of any depuration plant must not contravene any conditions of the registration in connection with the treatment of oysters in the plant, or cause or permit any such conditions to be contravened.

Maximum penalty: 100 penalty units.

12Q Other provisions relating to registration of plant

- (1) The registration of any depuration plant under this Part (unless sooner cancelled) remains in force for:
- (a) such period as is specified in the permit, or
 - (b) if no such period is specified—a period of 12 months.
- (2) The Director may cancel or suspend the registration of any depuration plant under this Part if:
- (a) any condition of the registration is contravened, or
 - (b) the registered owner provided false information for the purposes of obtaining registration of the plant.

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Amendments

Schedule 1

- (3) Any depuration plant that, immediately before the commencement of this Part, was the subject of a permit in force under clause 82 of the *Food (General) Regulation 1997* is taken to have been registered by the Director under this Part for the balance of the period of that permit.