

Marine Farming Planning Regulations 2006

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 Marine Farming Planning Act 1995.

2 October 2006

W. J. E. COX

Governor

By His Excellency's Command,

D. E. LLEWELLYN

Minister for Primary Industries and Water

1. Short title

These regulations may be cited as the Marine Farming Planning Regulations 2006.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

"Act" means the Marine Farming Planning Act 1995.

4. Fees and charges

(1) The application fees specified in Part 1 of Schedule 1 are prescribed as the application fees that are payable for the matters specified in that Part to which they respectively relate.

(2) The charges specified in Part 2 of Schedule 1 are prescribed as the charges that are payable for the matters specified in that Part to which they respectively relate.

(3) The annual lease fees specified in Part 3 of Schedule 1 are prescribed as the annual lease fees that are payable for the matters specified in that Part to which they respectively relate.

5. Exemption

(1) A person may apply to the Minister for an exemption from any fees or charges on or before the date on which the fees or charges are payable.

(2) The Minister, by notice in writing to the person, may –

(a) approve the application; or

(b) refuse to approve the application.

6. Remission

(1) A person may apply to the Minister for the remission of any fees or charges within 14 days after the fees or charges are paid.

(2) The Minister, by notice in writing to the person, may –

(a) approve the application; or

(b) refuse to approve the application.

7. Prescribed offences

(1) The offences under the Act specified in column 1 of Schedule 2 are the offences in respect of which infringement notices may be served under Division 7 of Part 5 of the Act.

(2) The penalties specified in column 2 of Schedule 2 are the penalties to be imposed by infringement notices for offences specified in column 1 of that Schedule.

(3) A daily penalty imposed under the Act in respect of an offence for which an infringement notice may be issued is not to be imposed by an infringement notice for that offence.

SCHEDULE 1 - Fees and charges

Regulation 4

PART 1 - Application fees

No.	Item	Amount (Fee units)
1.	Approval to prepare draft marine farming development plan	735
2.	Exemption from emergency plan	400
3.	Certificate of preference	400
4.	Lease	1 140
5.	Emergency lease	400
6.	Renewal of lease	250
7.	Transfer of lease	450
8.	Sub-lease	150
9.	Expansion of lease area	1 090
10.	Subdivision of lease area	720

PART 2 - Charges

No.	Item	Amount (Fee units)
1.	Processing request to vary lease	740

2.	Processing request to vary lease area	1 090
3.	Processing request to amend marine farming development plan	1 140

PART 3 - Annual lease fees

No.	Item	Amount (Fee units)
1.	Annual fees for lessees of shellfish farms –	
	base fee	90
	plus additional fee per hectare of lease area	45
2.	Annual fees for lessees of finfish farms –	
	base fee	1 500
	plus additional fee per hectare of lease area	170

SCHEDULE 2 - Infringement notice offences

Regulation 7

	COLUMN 1 OFFENCES	COLUMN 2 PENALTY UNITS
1.	Failing to take oath or make affirmation at hearing of Panel – <u>section 12(4)(a)</u>	2
2.	Failing to comply with emergency order – <u>section 43(6)</u>	2
3.	Failing to comply with provisions of emergency plan – <u>section 45(6)</u>	2
4.	Contravening or failing to comply with condition or restriction of lease – <u>section 64(4)</u>	4
5.	Failing to comply with notice to remove equipment, debris and fish stock – <u>section 71(2)</u>	2
6.	Placing equipment or fish stock within lease area without approval – <u>section 71(3)</u>	2
7.	Sub-leasing without approval – <u>section 74(1)</u>	2
8.	Failing to comply with notice requiring delivery of lease – <u>section 76(3)</u>	2
9.	Interfering with surveyor performing survey – <u>section 87(4)</u>	2
10.	Acting contrary to marine farming development plan, emergency order or emergency plan – <u>section 91(1)(a)</u>	4
11.	Unlawfully taking, removing, disturbing or interfering with fish, marine plants, raft, structure or implement – <u>section 92(1)(a)</u>	2
12.	Unlawfully dredging, digging or dragging lease area – <u>section 92(1)(b)</u>	2
13.	Unlawfully causing harm or damage to lease area or to equipment or fish stocks in such area – <u>section 92(1)(c)</u>	2
14.	Unlawfully depositing stone, ballast, rubbish or deleterious matter in lease area – <u>section 92(2)(a)</u>	2

15.	Unlawfully using explosive or toxic gas or toxic, poisonous or narcotic substance in lease area – <u>section 92(2)(b)</u>	2
16.	Unlawfully removing, destroying, damaging or interfering with beacon, buoy or mark used to indicate boundary of lease area – <u>section 93(a)</u>	2
17.	Unlawfully removing, destroying, damaging or interfering with light – <u>section 93(b)</u>	2
18.	Unlawfully removing, destroying, damaging or interfering with beacon, signal or light attached to raft or structure – <u>section 93(c)</u>	2
19.	Having rope, cable or other device securing marine farming equipment outside marine farming zone unless authorised – <u>section 94(1)(a)</u>	4
20.	Having marine farming equipment other than rope, cable or other device securing marine farming equipment, outside lease area unless authorised – <u>section 94(1)(b)</u>	4

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

Notified in the *Gazette* on 11 October 2006.

These regulations are administered in the Department of Primary Industries and Water.

Table Of Amendments

Citation	Serial Number	Date of commencement
Marine Farming Planning Regulations 2006	S.R. 2006, No. 106	11.10.2006