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SPECIAL SUPPLEMENT

Commercial Fishing Environmental Impact Statement Arrangements 2001

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Fisheries, in pursuance of Division 5 of Part 5 of the *Environmental Planning and Assessment Act 1979*, make the following arrangements.

The Hon EDWARD OBEID, M.L.C.,
Minister for Fisheries

Clause 1 Commercial Fishing Environmental Impact Statement Arrangements 2001

Commercial Fishing Environmental Impact Statement Arrangements 2001

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

Director means the Director of NSW Fisheries.

proponent of a designated fishing activity 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 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 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 an annual contribution toward the cost of the preparation of an environmental impact statement in respect of the fishing activity if the proponent is a participant in a share management fishery.
- (2) The annual contribution is payable on the following dates:
 - (a) 1 July 2001,
 - (b) 1 July 2002,
 - (c) 1 July 2003.
- (3) The annual contribution payable is the total of the following:
 - (a) \$80 (which is a contribution toward the costs incurred in arranging for the Fisheries Resource Conservation and Assessment Council to perform its functions in relation to the environmental impact statement), and
 - (b) \$150 for each share management fishery (other than the abalone and lobster share management fisheries) in which the proponent is a participant at the time the contribution becomes payable.
- (4) If the proponent is a participant in more than 2 share management fisheries (other than the abalone and lobster share management fisheries), the amount payable under subclause (3) (b) for the third and each additional share management fishery (other than the abalone and lobster share management fisheries) is \$100.
- (5) Interest is payable on any overdue contribution at the rate for the time being payable on unpaid judgments of the Supreme Court.
- (6) A contribution may, with the approval of the Director, be paid by instalments on such terms as the Director 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.

Clause 5 Commercial Fishing Environmental Impact Statement Arrangements 2001

- (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*.

6 “Participant” in fishery—meaning

For the purpose of these arrangements, a proponent of a fishing activity is a *participant* in a share management fishery if:

- (a) the person holds shares in the 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 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.

7 Waiver of contribution

The Director 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 for the surrender of the proponent's fishing entitlements in a share management fishery.

8 Refund of contribution

The Director 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.

F92/836

FISHERIES MANAGEMENT ACT 1994
Section 11 and Section 8 Notification - Fishing Closure
Lord Howe Island

I, Edward Obeid, revoke the notification published in government gazette number 26/ 1-3-96 and all amendments thereto, which prohibits the taking of fish by specified methods, from specified waters of Lord Howe Island.

I do now, by this notification, prohibit the taking of fish by the methods of fishing as described in Column 1 of Schedules 1 to 4 of this notification, from the waters specified in Column 2 of those schedules, for the period specified in Column 3 of those schedules, with the exception that Schedule 4 prohibits the taking of Double Headers and Butterfly Cod only, as specified in the condition of this schedule.

The Hon Edward Obeid OAM, MLC
Minister for Mineral Resources
Minister for Fisheries

Schedule 1
Lord Howe Island (The Lagoon) Spearfishing and Nets

<i>Column 1</i> Methods	<i>Column 2</i> Waters	<i>Column 3</i> Period
By means of all spears, spear guns and similar devices and nets of every description, except the dip or scoop net and landing net, as prescribed by the <i>Fisheries Management (General) Regulation 1995</i> .	Lord Howe Island. The whole of the waters of the western side of Lord Howe Island between the coral reef and the mainland of the said island and being the waters known as the Lagoon, including the bays, inlets and creeks of the said lagoon.	For a period of five years from the date of this notification.

Schedule 2
Lord Howe Island Fish Traps

<i>Column 1</i> Methods	<i>Column 2</i> Waters	<i>Column 3</i> Period
By means of fish traps, as prescribed by clause 58 of the <i>Fisheries Management (General) Regulation 1995</i> .	Lord Howe Island. The whole of the waters of Lord Howe Island including its bays, inlets and creeks.	For a period of five years from the date of this notification.

Schedule 3
Lord Howe Island All Methods, Certain Waters

<i>Column 1</i> Methods	<i>Column 2</i> Waters	<i>Column 3</i> Period
By means of all methods.	Lord Howe Island. The whole of the waters of Lord Howe Island generally west of a line between a point on the coast directly north of the northern corner of portion 82 and the north eastern extent of Malabar Hill and bounded by the mainland of the said Island.	For a period of five years from the date of this notification.

Schedule 4
Lord Howe Island Spearfishing (Double Headers and Butterfly Cod)

<i>Column 1</i> Methods	<i>Column 2</i> Waters	<i>Column 3</i> Period
By means of all spears, spear guns and similar devices, as prescribed by the <i>Fisheries Management (General) Regulation 1995</i> .	Lord Howe Island. The whole of the waters of Lord Howe Island including its bays, inlets and creeks.	For a period of five years from the date of this notification.
Condition: This schedule applies to the taking of Double Headers and Butterfly Cod only.		

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