



# *Government Gazette*

of the State of

New South Wales

**Number 340 - Mining and Primary Industries**

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# Fisheries Management Instrument of Delegation (Minister) 2024

I, **Tara Moriarty, MLC, Minister for Agriculture**, make this Instrument of Delegation under sections 227 and 228 of the *Fisheries Management Act 1994*.

## 1 Delegation of functions

- (1) The functions under the Act specified in Column 1 of the Tables in Schedules 1 and 2 are delegated to the Secretary.
- (2) A limitation on a delegation is specified in Column 3 of the Table in Schedule 2.
- (3) A function delegated to the Secretary by this instrument is also delegated to any person who is for the time being performing the duties and responsibilities of the role of the Secretary.

## 2 Interpretation

- (1) In this Instrument:

**function** includes a power, authority or duty.

**the Act** means the *Fisheries Management Act 1994*.

**the Aquaculture Regulation** means the Fisheries Management (Aquaculture) Regulation 2024.

**the General Regulation** means the Fisheries Management (General) Regulation 2019.

**the Share Management Plan Regulations** means:

- (a) the Fisheries Management (Abalone Share Management Plan) Regulation 2000, and
  - (b) the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, and
  - (c) the Fisheries Management (Lobster Share Management Plan) Regulation 2000, and
  - (d) the Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006, and
  - (e) the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006, and
  - (f) the Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006, and
  - (g) the Fisheries Management (Supporting Plan) Regulation 2006.
- (2) The summary of a function in Column 2 of the Tables in Schedules 1 and 2 is for general explanation and does not limit the delegation of functions under the provisions identified in Column 1 of the Tables in Schedules 1 and 2.

### **3 Authorisation of subdelegation**

Under section 228(2) of the Act, the Secretary is authorised to subdelegate to any authorised person any function delegated to the Secretary by this Instrument.

### **4 Revocation**

The Fisheries Management Instrument of Delegation (Minister) 2023 signed on 30 January 2023 and published in NSW Government Gazette No. 57 of 10 February 2023 is revoked, as is any instrument of delegation revived because of this revocation.

### **5 Commencement**

This Instrument commences on the day on which it is signed and will remain in force until it is revoked.

Dated this 2 day of September 2024

Tara Moriarty, MLC  
Minister for Agriculture

## Schedule 1 – Delegation of Minister’s functions under the Act

Fisheries Management Act 1994	
Column 1 Section	Column 2 Summary of function delegated
8	Closure of waters to fishing.
9	Publish notification of fishing closures.
11	Amend or revoke fishing closures.
17	Consult with relevant advisory council or advisory group.
17B	Consult with relevant advisory council or advisory group.
17C	Impose possession limit.
34G	Approve form of fishing fee receipt.
34I	Issue fishing fee exemption certificates.
37	Approve, by issuing a permit or making an order, the taking and possession of fish or marine vegetation. for various purposes.
37AA	Approve form of permit application, vary conditions of a permit, cancel or suspend a permit.
37A	Issue, cancel, suspend or vary conditions of a permit that authorises sale of fish for charitable purposes.
39	Remove obstruction of recognised fishing grounds and recover costs of removal.
40G	Direct the TAF Committee to call for public submissions.
40H	Notify fishing determination made by TAF Committee.
40K	Direct the TAF Committee on procedure and matters to be taken into account in making a fishing determination, require TAF Committee to reconsider a fishing determination.
40Q	Give directions about allocation of commercial fishing determinations.
40V	Make an order directing that quota, or a part of quota, is forfeited for failure to pay fisheries management charge.
40W	Retain, re-allocate or sell forfeited quota.
40X	Review regulations and other instruments considering commercial fishing determinations.
40Z	Give directions about allocation of non-commercial fishing determinations.
40ZA	Review regulations and other instruments considering non-commercial fishing determinations.
44	Determine by agreement the amount of compensation payable to the shareholder.

Schedule 1 – Delegation of Minister’s functions under the Act

<b>Fisheries Management Act 1994</b>	
<b>Column 1 Section</b>	<b>Column 2 Summary of function delegated</b>
46	Giving public notice after a fishery becomes a share management fishery.
47	Approve form of application, require additional information and obtain information from other sources.
48	Issue shares on a provisional basis to applicants, notify result of application and give a written statement, set aside and issue shares to an eligible person.
51	Determine catch history.
52	Final issue of shares.
52A	Cancel provisional shares and issue final shares, issue and deal with shares subject to appeal.
55A	Put forward a redefinition proposal to shareholders.
55B	Give public notice of redefinition proposal.
55E	Publicise results of a poll of shareholders affected by a redefinition proposal.
55F	Implement a redefinition proposal that has majority shareholder support.
55G	Recommend that a proclamation be made to redefine a fishery.
56	Prepare draft management plan.
57A	Prepare supporting plan.
58	Public and industry consultation on proposed plans.
68	Endorse a commercial fishing licence for taking fish in a share management fishery, subject to conditions, approve manner and form of endorsement application, revoke vary or add conditions of an endorsement, suspend and cancel an endorsement, approve arrangements for separate endorsement documents, revoke an endorsement on request.
70	Endorse a commercial fishing licence for taking fish for sale when the commercial fisher is not entitled to have licence endorsed.
72	Cancel or approve disposal of any shares in excess of the maximum shareholding.
74	Retain, cancel, reissue or sell surrendered shares.
75A	Forfeit shares and recover balance of amount owed for fish taken in contravention of quota
75B	Retain, cancel, reissue or sell forfeited shares.
76	Determine management charges payable and charging of interest on overdue amounts.
104	Approve form of application for commercial fishing licence, issue or refuse to issue licence, cancel or suspend licence, revoke or vary the conditions of or endorsements on a licence.

Schedule 1 – Delegation of Minister’s functions under the Act

<b>Fisheries Management Act 1994</b>	
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated
107B	Issue a fishing boat licence.
108	Approve form of application for a fishing boat licence, issue or refuse to issue licence, suspend or cancel a licence, revoke or vary the conditions of a licence.
112	Authorise taking of fish in a restricted fishery by endorsing a licence.
115A	Determine contribution payable by participants in a restricted fishery.
118	Fish receiver registration.
121	Approve form and manner of records made by a commercial fisher.
122	Approve form and manner of records made by a fishing employer.
122A	Approve form and manner of records made by a fish receiver.
123	Approve form and manner of records made by a seller.
123A	Approve form and manner of records made by a person in possession of fish.
124A	Approve form and manner of report made using the real time reporting system.
127CB	Charter fishing licensing.
127CC	Approve form of application for a charter fishing licence, issue or refuse to issue a charter fishing licence.
127D	Charge interest on overdue amounts of annual contributions to industry costs.
127E	Approve form and manner for records to be made by the responsible person for declared charter fishing activities.
127EA	Approve form and manner for records to be made by charter fishing licence holders of declared charter fishing activities.
145	Application for aquaculture permit.
146	Issue or refuse to issue an aquaculture permit.
148	Vary the area or type of authorised aquaculture.
152	Specify conditions of aquaculture permit.
153	Require a permit holder to provide information.
154	Keep a register of aquaculture permits.
157	Establish and operate trust accounts for annual contributions.
158	Charge interest on overdue contributions.
159	Cancel or suspend a permit.
160	Cancel or suspend a permit after permit holder has had an opportunity to be heard on the matter.

Schedule 1 – Delegation of Minister’s functions under the Act

<b>Fisheries Management Act 1994</b>	
<b>Column 1 Section</b>	<b>Column 2 Summary of function delegated</b>
161	Declare a person a disqualified person for the purposes of Part 6.
162	Require a permit holder to carry out work to maintain the permit area in a tidy condition, vary or revoke the notice, enter land and carry out tidy up work, sell or otherwise dispose of anything removed from the area, recover balance of costs as debt.
163	Grant aquaculture lease.
166	Charge interest on overdue rental.
167	Renew aquaculture lease.
168	Form opinion that the lessee is entitled to preferential rights to a lease.
169	Require survey of leased area by or on behalf of lessee, approve standard of survey.
170	Authorise a lessee to fence leased area, enter leased area and carry out work or remove fence, sell items removed and recover costs.
171	Allow former lessee to remove improvements on an expired lease area, require former lessee to remove improvements on an expired lease area, vary or revoke notice, enter area and carry out work to remove improvements, sell removed improvements and recover costs.
172	Consent to sublet leased area or part of leased area.
173	Consent to transfer lease.
174	Surrender of lease or part of leased area, redetermine rental.
175	Determine access way.
176	Withdraw land from lease.
177	Serve notice to show cause why the lease should not be cancelled, cancel lease.
178	Exclude public water land from leasing.
179	Give direction or authority to deposit anything on leased areas, dredge or dig within the area.
188	Order restoration work on public water land.
189	Fishing closure in respect of aquaculture operations.
193	Refer dispute to the Minister responsible for the public authority.
199	Raise matters with a public authority (other than a local government authority) concerning proposed dredging work or reclamation work, refer dispute to the Minister responsible for the public authority.
200	Issue permit for a local government authority to carry out dredging or reclamation work.

Schedule 1 – Delegation of Minister’s functions under the Act

<b>Fisheries Management Act 1994</b>	
<b>Column 1 Section</b>	<b>Column 2 Summary of function delegated</b>
201	Issue permit for a person to carry out dredging or reclamation work.
203	Order requiring remedial work, recover costs.
205	Issue permit to harm marine vegetation in a protected area.
216	Issue permit to release live fish.
217	Issue permit to bring live exotic fish into NSW.
217A	Issue permit to bring live exotic marine vegetation into NSW.
218	Require fishways to be provided in construction of dams, weirs and reservoirs.
219	Remove fish passage obstructions and recovery of costs.
220	Cancel or suspend permits, vary conditions of a permit.
220Q	Identify critical habitat.
220R(1) and (3)	Give details of a preliminary identification to the Fisheries Scientific Committee (FSC), give a copy to affected persons and give the public the right to make submissions.
220T	Give notice of declaration of critical habitat.
220W	Prepare, publish and serve map of proposed critical habitat or amended critical habitat.
220X	Keep a register of critical habitat declarations.
220ZG	Cause actions specified in a court order to be carried out and recover costs.
221IC	Appoint person to prepare a species impact statement.
221ID	Give public an opportunity to make written submissions.
221X	Give copy of draft joint management agreement to FSC for review and give public opportunity to make submissions.
224	Acquire land for future lease grants.
225	Undertake research for the purposes of the Act.
226	Acquire by gift, devise or bequest, any property for the purposes of the Act.
234	Consult with relevant advisory council about the allocation of recreational fishing fees and policies and priorities for expenditure from the Recreational Fishing (Freshwater) Trust Fund.
235	Consult with relevant advisory council about policies and priorities for expenditure from the Recreational Fishing (Saltwater) Trust Fund.
236	Consult relevant advisory council about policies and priorities for expenditure from the Commercial Fishing Trust Fund.



Schedule 1 – Delegation of Minister’s functions under the Act

<b>Fisheries Management Act 1994</b>	
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated
236A	Consult relevant advisory council about policies and priorities for expenditure from the Charter Fishing Trust Fund.
237	Consult relevant advisory council on conservation about policies and priorities for expenditure from the Fish Conservation Trust Fund.
237A	Consult relevant advisory council about policies and priorities for expenditure from the Aboriginal Fishing Trust Fund.
237B	Approve and give effect to Aboriginal fishing assistance programs.
237C(6) and (8)	Transfer the Rural Assistance Authority (RAA) a loan amount and approve the RAA deducting costs.
238A	Consult an advisory council with respect to expenditure from a trust fund.
239A	Invest money in a trust fund in an authorised manner.
239B	Establish separate account in trust fund for research purposes.
243	Appoint or revoke appointment of or any limitations of the functions of fisheries officer.
270	Return seized boat or vehicle if proceedings not taken within 28 days after seizure.
273	Return or direct the return of seized things.
275	Determine manner of sale or disposal of seized thing.
275D	Impose conditions on a fishing authority to require a compliance audit to be undertaken.
275E	Approve compliance auditor before appointment of compliance auditor.
275I	Take into account and use information in an audit report.
275K	Establish scientific observer program.
275L	Appoint or revoke appointment of a scientific observer and issue identification document.
275M	Issue, revoke or vary an observation authority and notify regulated person.
282I	Make restoration orders and carry out work if order is not complied with, recover costs.
282J	Cause restoration actions specified in a court order to be carried out, recover costs.
288B	Waive, postpone or refund payment of fees, charges, rental payments and contributions.
Schedule 1AA, clause 5	Make arrangements for the preparation of an environmental impact statement and give a copy to the Secretary.

Schedule 1 – Delegation of Minister’s functions under the Act

<b>Fisheries Management Act 1994</b>	
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated
Schedule 1AA, clause 6	Give public notice of an environmental impact statement and make a copy available for public inspection, provide the Secretary with copies of representations received.
Schedule 1AA, clause 9(4)	Make a determination public.
Schedule 2, clause 8	Determine whether a member of a TAF Committee can be present during deliberations or take part in the decision of the Committee.

## Schedule 2 – Delegation of Ministerial functions under the Regulations

### Part 1 General Regulation

Fisheries Management (General) Regulation 2019		
Column 1 Clause	Column 2 Summary of function delegated	Column 3 Limitation
72	Approve a fishing fee exemption certificate form and issue subject to conditions, determine duration of fishing fee exemption certificate.	
73	Amend or cancel fishing fee exemption certificate.	
98A	Approve form of application for permit to gather marine vegetation for commercial purposes, issue or refuse to issue permit, suspend or cancel permit, impose conditions, vary conditions of a permit.	
103	Order shares to be forfeited for failure to pay contributions.	
108	Issue a commercial fishing licence for a nominated term or a shorter term, refund proportionate application fee amount.	
110	Grounds for refusal to issue commercial fishing licence.	
112	Renew commercial fishing licence for a nominated term or a shorter term, refund proportionate application fee amount, refuse to renew licence.	
113	Suspend or cancel a commercial fishing licence.	
115	Refuse an application and cancel a fishing boat licence.	
126	Determine an alternative fishing period.	
131	Endorse or refuse to endorse commercial fishing licence to permit taking sea urchin and turban shell.	
133	Suspend or cancel a sea urchin or turban shell endorsement.	
138	Direct the manner of allocating quota following a replacement TAC determination.	
147	Endorse or refuse to endorse commercial fishing licence to permit taking fish in the southern fish trawl restricted fishery.	
149	Suspend or cancel a southern fish trawl endorsement.	
157	Be satisfied of matters related to eligibility for an inland restricted fishery endorsement.	

Schedule 2 – Delegation of Ministerial functions under the Regulations

<b>Fisheries Management (General) Regulation 2019</b>		
<b>Column 1</b> Clause	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Limitation
161	Endorse or refuse to endorse a licence to permit taking fish in the inland restricted fishery.	
163	Suspend or cancel an inland restricted fishery endorsement.	
171	Cancel a restricted fishery endorsement with consent of the holder.	
177	Take actions if an endorsement is transferred in contravention of Division 1, Part 10.	
183	Take action if a share is transferred in contravention of Division 2, Part 10.	
184(7)	Review a determination under clause 184.	The Secretary may only exercise this function if the Secretary has delegated their functions under clause 184, and the determination to be reviewed has been made by a delegate of the Secretary.
190	Refuse an application for registration as a fish receiver.	
192	Refuse to renew registration as a fish receiver.	
193	Cancel or suspend a registration of a fish receiver.	
203	Require the return of a fishing business card.	
208	Refuse an application for a charter fishing licence.	
209	Approve the form of a licence reissue application.	
210	Give notice of date for payment of annual contributions and instalments.	
212	Amend licence and charter fishing licence card, notify the licence holder and issue new licence card.	
213	Cancel and suspend a charter fishing licence.	
221	Require return of a charter fishing licence card.	
223	Be satisfied a recognised charter fishing business may not be transferred.	
247	Call for expression of interest in membership of certain advisory councils.	

Schedule 2 – Delegation of Ministerial functions under the Regulations

<b>Fisheries Management (General) Regulation 2019</b>		
<b>Column 1</b> Clause	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Limitation
256	Approve payment by instalments of any fee, charge or other sum of money.	
Schedule 7, clause 4	Approve or revoke approval of appointment of advisory council deputies and determine remuneration.	
Schedule 7, clause 6	Remove a member from office.	
Schedule 7, clause 10	Determine procedure for calling and holding meetings, consult with Aboriginal Fishing Advisory Council and determine procedure.	

**Part 2 Share Management Plan Regulations**

<b>Fisheries Management (Supporting Plan) Regulation 2006</b>	
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated
4F	Give directions about manner of allocating quota following a replacement fishing determination.
8	Form the opinion that the endorsement holder has contravened an endorsement condition.
10	For the purposes of section 76, the Act, determine costs of management and approve payment by instalment.
11	Determine payment date for community contribution, charge interest on unpaid contribution.

<b>Fisheries Management (Abalone Share Management Plan) Regulation 2000</b>	
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated
2	Determine alternative fishing period.
3, Table	Be satisfied a trigger for review has occurred.
11	Refuse to endorse a commercial fishing licence.
12	Cancel or suspend an endorsement.
34B	Determine payment date for community contributions, approve payment by instalments.
35	Make payments following sale of forfeited shares.
36	For the purposes of section 76, the Act, determine costs of management and approve payment by instalment.

<b>Fisheries Management (Estuary General Share Management Plan) Regulation 2006</b>	
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated
6D	Cancel or issue quota shares to give effect to decision of the Share Appeal Panel.
6E	Determine alternative fishing period – mud crab, blue swimmer crab and longfin eel.
6EA	Determine alternative fishing period – pipi, beachworm, cockle, ghost nipper.
9	Approve and publish guidelines – trap limits.

Schedule 2 – Delegation of Ministerial functions under the Regulations

<b>Fisheries Management (Estuary General Share Management Plan) Regulation 2006</b>	
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated
35J	Approve and publish guidelines – ballot allowance.

<b>Fisheries Management (Lobster Share Management Plan) Regulation 2000</b>	
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated
2	Determine alternative fishing period.
3, Table	Be satisfied that a trigger for the review has occurred.
11	Refuse to endorse a commercial fishing licence.
12	Cancel or suspend an endorsement.
52	Order forfeiture of all shares if the total number of demerit points exceeds 6, make payments following sale of forfeited shares.
53	For the purposes of section 76, the Act, determine costs of management and approve payment by instalment.
54	Determine payment date for community contribution, approve payment by instalments.

<b>Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006</b>	
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated
6D	Cancel or issue quota shares to give effect to decision of the Share Appeal Panel.
6E	Determine alternative fishing period – eastern sea garfish.
6EA	Determine alternative fishing period – other species.

<b>Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006</b>	
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated
5D	Cancel or issue quota shares to give effect to decision of the Share Appeal Panel.
5E	Determine alternative fishing period.

Schedule 2 – Delegation of Ministerial functions under the Regulations

<b>Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006</b>	
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated
5D	Cancel or issue quota shares to give effect to decision of the Share Appeal Panel.
5E	Determine alternative fishing period – TAC determinations.
5F	Determine alternative fishing period – TAE determinations.



**Part 3 Aquaculture Regulation**

<b>Fisheries Management (Aquaculture) Regulation 2024</b>	
<b>Column 1 Section</b>	<b>Column 2 Summary of function delegated</b>
8	Refuse to issue an aquaculture permit.
14	Give annual contributions notice, treat unpaid balance as overdue amount.
16	Determine date and give annual contributions notice, treat unpaid balance as overdue amount.
17	Establish and operate the aquaculture research trust account.
18	Ensure contributions are paid into the aquaculture research trust account.
21	Commercial farm development plans.
24	Approve change to financial arrangements.
25	Give written notice that the Minister is satisfied the person has satisfied the person's compliance obligations.
26	Give recovery notice, forfeit recoverable amount and give forfeiture notice.
27	Determine entitlement to refund under cash deposit financial arrangements.
30	Give annual default arrangement payment notice, treat unpaid balance as an overdue amount.
31	Treat unpaid balance of the annual default arrangement payment as an overdue amount.
32	Serve a performance notice, certify and withdraw amount from trust account, certify all reasonably practicable steps have been taken to recover recoverable costs from permit holder in writing.
33	Establish and operate the aquaculture lease cash deposit security trust account.
34	Establish and operate the aquaculture lease annual default arrangement payment security trust account.
35	Arrange for lease inspections.
39	Refuse an application for an aquaculture lease.
40	Refuse to consider an application for an aquaculture lease.
41	Give documents to proposed lessee, allow further period, give statement and publish notice.
42	Decide to offer an area for lease by auction, public tender or ballot, publish proposed lease notice, send copy of proposed lease notice, consider written submissions.
43	Decide to offer an area for lease, publish lease offer notice.

Schedule 2 – Delegation of Ministerial functions under the Regulations

<b>Fisheries Management (Aquaculture) Regulation 2024</b>	
<b>Column 1 Section</b>	<b>Column 2 Summary of function delegated</b>
44	Approve or refuse a person as a registered bidder.
45	Withdraw lease from auction, decide lease start date.
46	Accept application of successful tenderer and approve or refuse applicant, allow further period to pay, accept tender of the second tenderer, withdraw offer of lease, decide lease start date.
47	Accept application of successful applicant and approve or refuse applicant, draw another ballot application and approve or refuse next draw applicant, withdraw offer of lease, decide lease start date.
48	Approve form of the application, refuse early renewal application.
49	Give renewal documents to applicant, allow longer period, refuse application, give statement and publish notice.
52	Adjust rent payable under an aquaculture lease.
53	Determine payment date and instalment particulars, treat unpaid balance as an overdue amount.
54	Approve form of subletting application, grant or refuse application.
55	Approve form of consent to transfer lease, grant or refuse application.
57	Approve form of surrender applications, grant or refuse application for surrender, give the lessee documents, allow longer period to submit documents.
58	Approve form of consolidation application, grant or refuse application, decide term and conditions of lease, direct extinguishment of debt, allow further period, publish notice.
59	Approve form of lease subdivision application, grant or refuse application, decide other matters and give documents, allow longer period, direct extinguishment of debt, publish notice.
61	Give certified copies of leases and plans.
62	Endorse lease document, refuse consent to dealing and refuse to endorse lease document.
63	Direct lessee or other person to lodge document, return lodged document.
64	Correct errors.
65	Approve form of notice.
67	Allow longer period, direct marking out of boundaries.
68	Direct marking out of boat channels, allow longer period, direct that markings need not be maintained for the duration of the lease.
69	Allow further period.

Schedule 2 – Delegation of Ministerial functions under the Regulations

<b>Fisheries Management (Aquaculture) Regulation 2024</b>	
<b>Column 1 Section</b>	<b>Column 2 Summary of function delegated</b>
70	Give notice to maintain markings, recover costs as a debt due to the Crown.
71	Modify boundaries of leased areas, change rent, contributions and other amounts payable.
76	Approve forms.

# Fisheries Management Instrument of Delegation (Secretary) (No 2) 2024

I, **James Bolton, A/Secretary of the Department of Primary Industries and Regional Development** make this Instrument of Delegation under sections 227 and 228 of the *Fisheries Management Act 1994*.

## 1 Delegation of functions

- (1) The functions under the Act and the Regulations specified in Column 1 of the Tables in Schedules 2 to 5 are delegated to any person in the delegate level specified in Column 3 of the Tables in Schedules 2 to 5.
- (2) Limitations on a delegation are specified in Column 4 of the Tables in Part 1 and Part 3 of Schedule 5.

## 2 Interpretation

- (1) In this Instrument:

**clerk grade 3/4** means a person employed by the Department as an Administrative and Clerical Officer at Grade 3 or Grade 4 under the Crown Employees (Administrative and Clerical Officers - Salaries) Award.

**clerk grade 5/6** means a person employed by the Department as an Administrative and Clerical Officer at Grade 5 or Grade 6 under the Crown Employees (Administrative and Clerical Officers - Salaries) Award.

**clerk grade 7/8** means a person employed by the Department as an Administrative and Clerical Officer at Grade 7 or Grade 8 under the Crown Employees (Administrative and Clerical Officers - Salaries) Award.

**clerk grade 9/10** means a person employed by the Department as an Administrative and Clerical Officer at Grade 9 or Grade 10 under the Crown Employees (Administrative and Clerical Officers - Salaries) Award.

**clerk grade 11/12** means a person employed by the Department as an Administrative and Clerical Officer at Grade 11 or Grade 12 under the Crown Employees (Administrative and Clerical Officers - Salaries) Award.

**district fisheries officer** means a person employed by the Department as a District Fisheries Officer under the *Crown Employees (Department of Regional NSW) Fisheries Employee Award*.

**function** includes a power, authority or duty, and **exercise** a function includes perform a duty.

**Minister's Instrument of Delegation** means the Instrument of Delegation signed by the Minister on 2 September 2024

**person in the delegate level** means any person who is for the time being assigned to a role, title or office at a delegate level specified in Column 2 of the

table in Schedule 1, or is performing the duties and responsibilities of a role, title or office at that delegate level.

**senior executive band** means a person employed by the Department as a Public Service senior executive in a band determined in the senior executive bands determination made under the *Government Sector Employee Act 2013*.

**supervising fisheries officer** means a person employed by the Department as a Supervising Fisheries Officer under the *Crown Employees (Department of Regional NSW) Fisheries Employee Award*.

**the Act** means the *Fisheries Management Act 1994*.

**the Aquaculture Regulation** means the Fisheries Management (Aquaculture) Regulation 2024.

**the General Regulation** means the Fisheries Management (General) Regulation 2019.

**the Regulations** means the Aquaculture Regulation, the General Regulation and the Share Management Plan Regulations.

**the Share Management Plan Regulations** means:

- (a) the Fisheries Management (Abalone Share Management Plan) Regulation 2000, and
  - (b) the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, and
  - (c) the Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006, and
  - (d) the Fisheries Management (Lobster Share Management Plan) Regulation 2000, and
  - (e) the Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006, and
  - (f) the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006, and
  - (g) the Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006, and
  - (h) the Fisheries Management (Supporting Plan) Regulation 2006.
- (2) The summary of a function in Column 2 of the Tables in Schedules 2 to 5 is for general explanation and does not limit the delegation of functions under the provisions identified in Column 1 of the Tables in Schedules 2 to 5.

### 3 Revocation

The Fisheries Management Instrument of Delegation (Secretary) 2024 signed on 14 July 2024 and published in NSW Government Gazette No. 270 of 15 July 2024 is revoked, as is any instrument of delegation revived because of this revocation.

### 4 Commencement

This Instrument commences on the day it is published in the Gazette and will remain in force until it is revoked.

Dated this 4th day of September 2024

James Bolton  
A/Secretary  
Department of Primary Industries and Regional Development

## Schedule 1 – Delegate levels

Column 1 Delegate level	Column 2 Person in the delegate level
1	Senior executive band 3 Senior executive band 2
2	Senior executive band 1
3	Clerk grade 11/12
4	Clerk grade 9/10 Supervising fisheries officer
5	Clerk grade 7/8 District fisheries officer
6	Clerk grade 5/6
7	Clerk grade 3/4

## Schedule 2 – Delegation of Secretary’s functions under the Act

<b>Fisheries Management Act 1994</b>		
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
34G	Make arrangements for issue of official receipt for the recreational fishing fee.	1 and 2
34H	Enter into arrangements for collection of fishing fees and issue of official receipts.	1 and 2
34Q	Make, amend or revoke fishing business determinations.	1, 2, 4 and 5
34R	Allocate a unique identification number to each fishing business and endorse NSW fishing authority with number.	1, 2, 4 and 5
34S	Keep a register of fishing business determinations.	1, 2, 4 and 5
40I	Make, amend or revoke an interim fishing determination.	1
40L	Make a fishing determination.	1
40M	Making of fishing determination by Secretary.	1
40N	Publish fishing determination notification.	1 and 2
40O	Amend or revoke fishing determinations.	1
40Q	Allocate commercial fishing determination among commercial fishing authority holders.	1, 2, 3 and 4
40R	Notify commercial fishing authority holder of allocation of a commercial fishing determination.	1, 2, 3, 4 and 5
40U(3) and (7)	Approve form notice of manual transfer of quota.	1 and 2
40U(6)	Give notice confirming approval of manual transfer of quota.	1, 2, 3, 4 and 5
40Z	Allocate non-commercial fishing determination.	1, 2, 3 and 4
55D	Arrange poll of affected shareholders on redefinition proposal.	1 and 2
55E	Determine if the proposal has majority support and issue certificate.	1 and 2
63(2)–(3)	Review share management fisheries, constitute representative group to assist.	1 and 2
63(4)	Report to Minister on share management fisheries review.	1
68	Record particulars of endorsement in the Share Register.	1, 2, 4, 5 and 6
69(3)	Approve form and manner of nomination.	1 and 2
69(8)	Record nominations and revocations in Share Register.	1, 2, 4, 5 and 6
89	Establish and keep the Share Register.	1, 2, 4 and 5



Schedule 2 – Delegation of Secretary's functions under the Act

<b>Fisheries Management Act 1994</b>		
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
90	Register shares and renewal of shares in Share Register.	1, 2, 4 and 5
91A	Approve online registration system.	1 and 2
91B(2)	Approve form of application.	1 and 2
91B(3)–(4)	Approve application, register the dealing and endorse documents, retain and return documents.	1, 2, 3, 4 and 5
94	Note surrender of shares in Share Register.	1, 2, 3, 4 and 5
95	Update Share Register if shares cancelled or forfeited and give notice.	1, 2, 3, 4 and 5
97	Make Share Register and documents available for inspection.	1 and 2
98	Issue document for evidentiary purposes, approve form of application	1, 2, 3, 4 and 5
99(1)–(3)	Correct the Share Register, take necessary steps to rectify the Register, cancel or amend registration, make a new recording.	1, 2, 3 and 4
107B	Approve form of notice of boat identification details.	1 and 2
121	Approve form and manner by which a copy of the records is sent to the Secretary by commercial fishers.	1 and 2
122	Approve form and manner by which a copy of the records is sent to the Secretary by fishing employers.	1 and 2
122A	Approve form and manner by which a copy of the records is sent to the Secretary by fish receivers.	1 and 2
127G	Make, amend or revoke charter fishing business determinations, give notice, approve form and manner of application.	1, 2, 4 and 5
127H	Allocate unique identification number to each recognised charter fishing business, endorse licence with number.	1, 2, 4 and 5
127I(1) and (6)	Keep register, correct the register.	1, 2, 4 and 5
127I(7)	Authorise persons to exercise functions and sign a certificate.	1 and 2
127K(3) and (6)–(7)	Approve form of manual transfer, confirm manual transfer of recognised charter fishing business or a component, ensure new charter fishing business determination is made.	1, 2, 4 and 5
127K(9)	Approve online transfer system.	1 and 2
220AA	Make or extend stop work orders.	1, 2, 3, 4 and 5
220ZF	Approve property management plan.	1 and 2

Schedule 2 – Delegation of Secretary's functions under the Act

<b>Fisheries Management Act 1994</b>		
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
220ZI	Prepare a recovery plan for threatened species, populations and ecological communities.	1 and 2
220ZJ	Prepare threat abatement plan.	1 and 2
220ZM	Decide measures to include in recovery and threat abatement plans.	1 and 2
220ZN	Determine contents of recovery or threat abatement plans.	1 and 2
220ZO(1)–(2)	Publish draft plans, conduct public consultation, consider submissions and amend the draft plan.	1 and 2
220ZO(3)	Consult public authorities.	1
220ZQ	Notify, publish and make plans available.	1 and 2
220ZR	Review recovery and threat abatement plans.	1 and 2
220ZU(2)	Advise Minister about proposed departures from recovery or threat abatement plan.	1
220ZU(3)–(4)	Notify public authority of Minister's consideration, consult.	1 and 2
220ZVB	Prepare, adopt, review and amend Priorities Action Statement.	1
220ZVC	Make Priorities Action Statement or amendment available for public consultation.	1 and 2
220ZVD	Consider submissions following public consultation.	1
220ZVE	Include report of achievements in Priorities Action Statement.	1
220ZW	Grant licence to harm a threatened species, population or ecological community or damage to a habitat.	1 and 2
220ZX(1)	Approve form of licence application.	1 and 2
220ZX(5)	Request information.	1, 2 and 3
220ZY	Levy a licence processing fee.	1 and 2
220ZZ	Make determination of significant effect on threatened species, populations or ecological communities, or their habitats.	1, 2 and 3
221	Publish licence application.	1, 2 and 3
221B	Determine licence application.	1 and 2
221D	Impose conditions and restrictions on licence.	1 and 2
221E	Notify public of proposed variation of licence, consider matters.	1 and 2
221F	Notify applicant of licence determination.	1, 2 and 3

Schedule 2 – Delegation of Secretary's functions under the Act

<b>Fisheries Management Act 1994</b>		
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
221G	Cancel licence.	1 and 2
221H(1)	Keep register of licences.	1, 2 and 3
221H(2)	Fix fee for copies of or extracts from the register.	1 and 2
221I	Stipulate date for licence to operate.	1 and 2
221IH(1)	Keep register of orders and interim orders.	1, 2 and 3
221IH(2)	Fix a fee for copies of or extracts from the register of orders.	1 and 2
221L	Determine and notify the requirements for species impact statement.	1 and 2
221O	Make stop work order.	1, 2, 3, 4 and 5
221R	Extend stop work order.	1, 2, 3, 4 and 5
221S	Consult with person proposing detrimental action.	1, 2, 3, 4 and 5
221T	Recommend other protective measures to the Minister.	1, 2, 3, 4 and 5
230	Establish advisory groups.	1
250	Give authority to use reasonable force for the purpose of gaining entry to premises and give notice of the use of force to enter premises.	1 and 2
280	Sign a certificate.	1 and 2
281A	Keep a record of instruments published on the Department's website.	1, 2, 4 and 5
288AA	Approve form and manner of notices and arrangements for use of agents and online facilities.	1 and 2
288C	Recover fees and charges.	1

## Schedule 3 – Delegation of Secretary’s functions under the Regulations

### Part 1 General Regulation

<b>Fisheries Management (General) Regulation 2019</b>		
<b>Column 1</b> Clause	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
24	Authorise a person to act on behalf of the Secretary, approve manner of measuring mesh size and approve the buoyancy of a net float.	1, 2 and 3
26	Approve bycatch reduction device, issue fitting specifications and approve designated trawl whiting grounds.	1 and 2
60	Determine manner of verifying a prescribed measuring device.	1 and 2
61	Issue permit authorising a person to buy commercial nets.	1 and 2
67	Issue replacement receipt.	1, 2, 5, 6 and 7
79	Issue permit to use dynamite or other explosive substance.	1, 2, 3 and 4
80(1)	Approve form of application for permit.	1 and 2
80(3)–(4)	Cancel or suspend permit and attach conditions to permit.	1, 2, 3 and 4
81	Issue permit to use electronic device to take fish.	1, 2, 3 and 4
82(1)	Approve form of application for permit.	1, 2 and 3
82(3)–(4)	Cancel or suspend permit and attach condition to permit.	1, 2, 3 and 4
88	Approve place for shucking abalone.	1 and 2
89	Issue permit to mutilate fish.	1 and 2
131	Approve form of application for an endorsement.	1 and 2
135	Allocate or adjust red sea urchin quota among sea urchin fishing business owners.	1, 2, 3 and 4
143	Approve form for alternative real time reporting.	1 and 2
150A	Determine longer period for receiving information.	1 and 2
150C(3)	Extend the 3-year period, if satisfied exceptional circumstances exist.	1 and 2
150C(4)(b)(iv)	Form the opinion that evidence is reasonably sufficient to demonstrate the entitlement was transferred.	1, 2 and 4
159	Determine eligibility for a Class D endorsement in the fishery.	1 and 2
168(1)	Approve form and manner of nomination.	1, 2 and 4
168(2)	Approve period of nomination that is less than 12 hours.	1 and 2

Schedule 3 – Delegation of Secretary's functions under the Regulations

<b>Fisheries Management (General) Regulation 2019</b>		
<b>Column 1</b> Clause	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
170	Revoke a nomination of a commercial fisher in a restricted fishery.	1, 2, 4, 5 and 6
177	Refuse application to revoke or amend a fishing business determination.	1, 2, 4 and 5
183	Refuse application to revoke or amend a fishing business determination.	1, 2, 4 and 5
184(2)–(3), (6) and (8)	Approve or refuse to approve transfers of components of a fishing business, charge a fee for the application to approve a transfer, give effect to a review determination made by the Minister.	1, 2, 4 and 5
184(4)	Approve form of application for the Secretary's approval.	1 and 2
194	Approve manner of labelling fish containers.	1 and 2
195	Specify alternative period for registered fish receivers to provide information, require other information.	1 and 2
196	Define a standard name for a species.	1 and 2
200	Approve form for recording sale of fish by a commercial fisher directly to a person for consumption and not for resale.	1 and 2
213	Amend a charter fishing business determination after licence is cancelled.	1, 2, 4 and 5
220	Issue charter fishing licence card.	1, 2, 4 and 5
224(1)	Approve form of application for a permit under Part 7 of the Act.	1, 2 and 3
224(2) and (4)–(6)	Determine assessment fee for a permit application, form an opinion on how long an assessment will take to complete, form the opinion a site visit or consultation is necessary for assessment, determine a further assessment is required.	1, 2, 3 and 4
Schedule 7, clause 11	Approve an advisory council to transact business by the circulation of papers, by telephone, closed circuit television or by other means.	1 and 2

**Part 2 Share Management Plan Regulations**

<b>Fisheries Management (Supporting Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
4A(2)(b)	Approve form to appeal to the Share Appeal Panel.	1 and 2
4A(3)	Notify the person making of receipt of the appeal.	1, 2, 3, 4 and 5
4B	Allocate fishing determinations among relevant shareholders and adjust quota to rectify any errors.	1, 2, 3 and 4
5	Approve lesser period for nomination to have effect.	1, 2 and 3
7	Revoke nomination of a commercial fisher.	1, 2, 3, 4 and 5
11H	Approve manner of verifying the measuring device.	1 and 2

<b>Fisheries Management (Abalone Share Management Plan) Regulation 2000</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
3, Table	Estimate overall rate of compliance.	1 and 2
30B	Approve form of alternative method of making a real-time report.	1 and 2
31	Approve other means by which daily log sheet can be forwarded to the Secretary.	1 and 2
32	Approve other means by which a nil fishing activity report can be forwarded to the Secretary.	1 and 2
34B	Calculate community contributions and advise shareholders of the amount they are liable to pay.	1 and 2

<b>Fisheries Management (Estuary General Share Management Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
3, Table	Be satisfied that a trigger for review has occurred.	1 and 2
9	Determine and notify trap limits.	1, 2, 3, 4 and 5
13A	Determine longer relevant period.	1 and 2
14(3)	Extend 3-year period, if satisfied exceptional circumstances exist.	1 and 2

Schedule 3 – Delegation of Secretary's functions under the Regulations

<b>Fisheries Management (Estuary General Share Management Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
14(4)(b)	Form the opinion that evidence is reasonably sufficient to demonstrate the entitlement was transferred.	1, 2 and 4
14B	Approve discard chute guidelines.	1 and 2
31F	Approve bycatch reduction device and publish specifications.	1 and 2
35I	Issue guidelines for priority determinations.	1 and 2
35J	Determine ballot allowance and notify owners.	1, 2, 3, 4 and 5
44	Approve indoor premises.	1 and 2
44A	Approve indoor premises.	1 and 2
45	Approve form of alternative method of making a real-time report.	1 and 2

<b>Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
3, Table	Be satisfied that a trigger for review has occurred.	1 and 2
17A	Approve bycatch reduction device and publish specifications.	1 and 2
18A	Determine longer relevant period.	1 and 2
18C(3)	Extend 3-year period, if satisfied exceptional circumstances exist.	1 and 2
18C(4)(b)	Form opinion that evidence is reasonably sufficient to demonstrate the entitlement was transferred.	1, 2, 4 and 5

<b>Fisheries Management (Lobster Share Management Plan) Regulation 2000</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
3, Table	Estimate overall rate of compliance.	1 and 2
24	Authorise an endorsement holder to use of a tag that was issued to another endorsement holder.	1, 2, 3 and 4
32(1)(b)	Authorise persons to accept surrender of tags on the Secretary's behalf.	1 and 2

Schedule 3 – Delegation of Secretary's functions under the Regulations

<b>Fisheries Management (Lobster Share Management Plan) Regulation 2000</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
33	Issue tags for attachment to rock lobsters.	1, 2, 4 and 5
34(2)	Approve form of application for tags.	1, 2, 3, and 4
34(3)	Approve or refuse to issue tags.	1, 2, 3, 4 and 5
35	Issue tags to a shareholder and determine the number of tags to be issued.	1, 2, 3, 4 and 5
40(2)(b)	Approve size and type of a plastic tag, or a concrete block.	1, 2 and 3
40(2A)	Maintain register of waters and notify shareholders.	1, 2, 3, 4 and 5
49	Approve other means of forwarding daily log sheets and completed reports.	1 and 2
50A	Approve form of alternative method of making a real-time report.	1 and 2
52	Record in the Share Register details of convictions for share forfeiture offences.	1, 2, 3, 4 and 5

<b>Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
3, Table	Be satisfied that a trigger for review has occurred.	1 and 2
18A	Determine longer relevant period.	1 and 2
18C(3)	Extend 3-year period, if satisfied exceptional circumstances exist.	1 and 2
18C(4)(b)	Form the opinion that evidence is reasonably sufficient to demonstrate the entitlement was transferred.	1, 2, 4 and 5
23	Determine and notify crew limits.	1, 2, 3, 4 and 5
25	Approve form of alternative method of making a real-time report.	1 and 2



Schedule 3 – Delegation of Secretary’s functions under the Regulations

<b>Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
3, Table	Be satisfied that a trigger for review has occurred.	1 and 2
7AA	Determine and notify trap limits.	1, 2, 3, 4 and 5
7EA	Determine and notify hook limits.	1, 2, 3, 4 and 5
10A	Determine longer relevant period.	1 and 2
10C(3)	Extend 3-year period, if satisfied exceptional circumstances exist.	1 and 2
10C(4)(b)	Form opinion that evidence is reasonably sufficient to demonstrate the entitlement was transferred.	1, 2 and 4
12B	Approve form of alternative method of making a real-time report.	1 and 2

<b>Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
3, Table	Be satisfied that a trigger for review has occurred.	1 and 2
7A	Approve bycatch reduction device and designate “school prawn grounds”.	1 and 2
7B	Approve bycatch reduction device and designate “trawl whiting grounds”.	1 and 2
9A	Determine longer relevant period.	1 and 2
9C(3)	Extend 3-year period, if satisfied exceptional circumstances exist.	1 and 2
9C(4)(b)	Form opinion that evidence is reasonably sufficient to demonstrate the entitlement was transferred.	1 and 2
10	Approve form in which the required information is to be provided.	1 and 2
10G	Approve form of alternative method of making a real-time report.	1 and 2

**Part 3 Aquaculture Regulation**

<b>Fisheries Management (Aquaculture) Regulation 2024</b>		
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
13	Approve form in which a permit holder must keep records.	1, 2 and 3
30	Be satisfied that all leases meet the requirements.	1, 2, 3 and 4
40	Give directions and allow for longer period.	1, 2, 3 and 4
60	Approve online system.	1 and 2
Schedule 3, clause 1(5)	Notify Parliamentary Counsel of the fee amount and give notice on a website.	1, 2 and 3

## Schedule 4 – Subdelegation by Secretary of Ministerial functions under the Act

<b>Fisheries Management Act 1994</b>		
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
8	Closure of waters to fishing.	1
9	Publish notification of fishing closures.	1
11	Amend or revoke fishing closures.	1
17	Consult with relevant advisory council or advisory group.	1, 2 and 3
17B	Consult with relevant advisory council or advisory group.	1, 2 and 3
17C	Impose possession limit.	1
34G	Approve form of fishing fee receipt.	1 and 2
34I	Issue fishing fee exemption certificates.	1, 2, 3 and 5
37	Approve, by issuing a permit or making an order, the taking and possession of fish or marine vegetation for various purposes.	1 and 2
37AA	Approve form of permit application, vary conditions of a permit, cancel or suspend a permit.	1 and 2
37A	Issue, cancel, suspend or vary conditions of a permit that authorises sale of fish for charitable purposes.	1 and 2
39	Remove obstruction of recognised fishing grounds and recover costs of removal.	1
40G	Direct the TAF Committee to call for public submissions.	1
40H	Notify fishing determination made by TAF Committee.	1, 2 and 3
40K	Direct the TAF Committee on procedure and matters to be taken into account in making a fishing determination, require TAF Committee to reconsider a fishing determination.	1
40Q	Give directions about allocation of commercial fishing determinations.	1
40V	Make and order directing that quota, or a part of quota, is forfeited for failure to pay fisheries management charge.	1 and 2
40W	Retain, re-allocate or sell forfeited quota.	1 and 2
40X	Review regulations and other instruments considering commercial fishing determinations.	1 and 2
40Z	Give directions about allocation of non-commercial fishing determinations.	1
40ZA	Review regulations and other instruments considering non-commercial fishing determinations.	1 and 2

<b>Fisheries Management Act 1994</b>		
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
46	Give public notice after a fishery becomes a share management fishery.	1
47(4)–(5)	Require additional information and obtain information from other sources.	1
47(2)	Approve form of application.	1 and 2
48(1) and (5)	Issue shares on a provision basis to applicants, set aside and issue shares to an eligible person.	1
48(3)	Notify result of application and give written statement.	1 and 2
51	Determine catch history.	1
52	Final issue of shares.	1 and 2
52A	Cancel provisional shares and issue final shares, issue and deal with shares subject to appeal.	1 and 2
55A	Put forward a redefinition proposal to shareholders.	1
55B	Give public notice of a redefinition proposal.	1
55E	Publicise results of a poll of shareholders affected by a redefinition proposal.	1 and 2
55F	Implement a redefinition proposal that has majority shareholder support.	1
55G	Recommend that a proclamation be made to redefine a fishery.	1
56	Prepare draft management plan.	1 and 2
57A	Prepare supporting plan.	1 and 2
58	Public and industry consultation on proposed plans.	1 and 2
68(1), (8A)	Endorse a commercial fishing licence for taking fish in a share management fishery, subject to conditions.	1, 2, 4 and 5
68(5), (6B), (7) and (8C)	Approve manner and form of application, revoke vary or add conditions of an endorsement, suspend and cancel an endorsement, approve arrangements for separate endorsement documents.	1 and 2
70	Endorse a commercial fishing licence for taking fish for sale when the commercial fisher is not entitled to have licence endorsed.	1 and 2
72	Cancel or approve disposal of any shares in excess of the maximum shareholding.	1, 2 and 4
74	Retain, cancel, reissue or sell surrendered shares.	1 and 2

Schedule 4 – Subdelegation by Secretary of Ministerial functions under the Act

<b>Fisheries Management Act 1994</b>		
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
75A	Forfeit shares and recover balance of amount owed for fish taken in contravention of quota	1
75B	Retain, cancel, reissue or sell forfeited shares.	1 and 2
76	Determine management charges payable and charging of interest on overdue amounts.	1 and 2
104(2)	Approve form of application for a commercial fishing licence.	1, 2 and 4
104(3)	Issue or refuse to issue a licence.	1, 2, 4 and 5
104(4) and (6)	Cancel or suspend licence, revoke or vary the conditions of or endorsements on a licence.	1, 2 and 4
107B	Issue a fishing boat licence.	1, 2, 4 and 5
108(2)	Approve form of application for a fishing boat licence.	1, 2 and 4
108(3)–(4) and (6)	Issue or refuse to issue licence, suspend or cancel a licence, revoke or vary the conditions of a licence.	1, 2, 4 and 5
112	Authorise taking of fish in restricted fishery by endorsing a licence.	1, 2, 4 and 5
115A	Determine contribution payable by participants in a restricted fishery.	1 and 2
118	Fish receiver registration.	1, 2, 4 and 5
121	Approve form and manner of records made by a commercial fisher.	1 and 2
122	Approve form and manner of records made by a fishing employer.	1 and 2
122A	Approve form and manner of records made by a fish receiver.	1 and 2
123	Approve form and manner of records made by a seller.	1 and 2
123A	Approve form and manner of records made by a person in possession of fish.	1 and 2
124A	Approve form and manner of report made using the real time reporting system.	1 and 2
127CB	Charter fishing licensing.	1, 2, 3, 4 and 5
127CC(2)	Approve form of application for a charter fishing licence.	1 and 2
127CC(3)	Issue or refuse to issue a charter fishing licence.	1, 2, 4 and 5
127D	Charge interest on overdue amounts of annual contributions to industry costs.	1 and 2

Schedule 4 – Subdelegation by Secretary of Ministerial functions under the Act

<b>Fisheries Management Act 1994</b>		
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
127E	Approve form and manner for records to be made by the responsible person for declared charter fishing activities.	1 and 2
127EA	Approve form and manner for records to be made by charter fishing licence holders of declared charter fishing activities.	1 and 2
145	Application for aquaculture permit.	1, 2, 3, 4 and 5
146	Issue or refuse to issue an aquaculture permit.	1, 2, 3 and 4
148	Vary the area or type of authorised aquaculture authorised.	1, 2, 3 and 4
152	Specify conditions of aquaculture permit.	1, 2, 3 and 4
153	Require a permit holder to provide information.	1, 2, 3, 4 and 5
154	Keep a register of aquaculture permits.	1, 2, 3 and 4
158	Charge interest on overdue contributions.	1 and 2
159	Cancel or suspend a permit.	1, 2, 3 and 4
160	Cancel or suspend a permit after permit holder has had an opportunity to be heard on the matter.	1, 2 and 3
161	Declare a person a disqualified person for the purposes of Part 6.	1, 2 and 3
162(2)–(2A)	Require a permit holder to carry out work to maintain the permit area in a tidy condition, vary or revoke the notice.	1, 2, 3, 4, and 5
162(4)	Enter land and carry out tidy up work.	1, 2, 3 and 4
162(5), (6)	Sell or otherwise dispose of anything removed from the area, recover costs	1, 2 and 3
163	Grant aquaculture lease.	1, 2, 3 and 4
166	Charge interest on overdue rental.	1 and 2
167	Renew aquaculture lease.	1, 2, 3 and 4
168	Form opinion that the lessee is entitled to preferential rights to a lease.	1, 2, 3 and 4
169	Require survey of leased area by or on behalf of lessee, approve standard of survey.	1, 2, 3 and 4
170(1)–(2) and (4)	Authorise a lessee to fence leased area, enter leased area and carry out work or remove fence.	1, 2, 3 and 4
170(5)	Sell items removed and recover costs.	1, 2 and 3
171(2)–(3A) and (4)	Allow former lessee to remove improvements on an expired lease area, require former lessee to remove improvements on	1, 2, 3 and 4

Schedule 4 – Subdelegation by Secretary of Ministerial functions under the Act

<b>Fisheries Management Act 1994</b>		
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
	an expired lease area, vary or revoke notice, enter area and carry out work to remove improvements.	
171(5)	Sell removed improvements and recover costs.	1, 2 and 3
172	Consent to sublet leased area or part of leased area.	1, 2, 3 and 4
173	Consent to transfer lease.	1, 2, 3 and 4
174	Surrender of lease or part of leased area, redetermine rental.	1, 2, 3 and 4
175	Determine access way.	1, 2, 3 and 4
176	Withdraw land from lease.	1, 2 and 3
177	Serve notice to show cause why the lease should not be cancelled, cancel lease.	1, 2, 3 and 4
178	Exclude public water land from leasing.	1, 2 and 3
179	Give direction or authority to deposit anything on leased areas, dredge or dig within the leased area.	1 and 2
188	Order restoration work on public water land.	1, 2, 3, 4 and 5
189	Fishing closure in respect of aquaculture operations.	1
193	Refer dispute to the Minister responsible for the public authority.	1
199	Raise matters with a public authority (other than a local government authority) concerning proposed dredging work or reclamation work, refer dispute to the Minister responsible for the public authority.	1, 2, 3 and 4
200	Issue permit for a local government authority to carry out dredging or reclamation work.	1, 2, 3 and 4
201	Issue permit for a person to carry out dredging or reclamation work.	1, 2, 3 and 4
203	Order requiring remedial work, recover costs.	1 and 2
205	Issue permit to harm marine vegetation in a protected area.	1, 2, 3 and 4
216	Issue permit to release live fish.	1, 2, 3 and 4
217	Issue permit to bring live exotic fish into NSW.	1, 2 and 3
217A	Issue permit to bring live exotic marine vegetation into NSW.	1, 2 and 3
218	Require fishways to be provided in construction of dams, weirs and reservoirs.	1 and 2
219	Remove fish passage obstructions and recovery of costs.	1 and 2

Schedule 4 – Subdelegation by Secretary of Ministerial functions under the Act

<b>Fisheries Management Act 1994</b>		
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
220	Cancel or suspend permits, vary conditions of a permit.	1, 2 and 3
220Q	Identify critical habitat.	1 and 2
220R(1) and (3)	Give details of a preliminary identification to the Fisheries Scientific Committee, give a copy to affected persons and give the public the right to make submissions.	1 and 2
220T	Give notice of declaration of critical habitat.	1 and 2
220W	Prepare, publish and serve map of proposed critical habitat or amended critical habitat.	1 and 2
220X	Keep a register of critical habitat declarations.	1 and 2
220ZG	Cause actions specified in a court order to be carried out and recover costs.	1
221IC	Appoint person to prepare a species impact statement.	1
221ID	Give public an opportunity to make written submissions.	1 and 2
224	Acquire land for future lease grants.	1
225	Undertake research for the purposes of the Act.	1 and 2
234	Consult with relevant advisory council about the allocation of recreational fishing fees and policies and priorities for expenditure from the Recreational Fishing (Freshwater) Trust Fund.	1
235	Consult with relevant advisory council about policies and priorities for expenditure from the Recreational Fishing (Saltwater) Trust Fund.	1
236	Consult with relevant advisory council about policies and priorities for expenditure from the Commercial Fishing Trust Fund.	1
236A	Consult with relevant advisory council about policies and priorities for expenditure from the Charter Fishing Trust Fund.	1
237	Consult with relevant advisory council on conservation about policies and priorities for expenditure from the Fish Conservation Trust Fund.	1
237A	Consult with relevant advisory council about policies and priorities for expenditure from the Aboriginal Fishing Trust Fund.	1
237B	Approve and give effect to Aboriginal fishing assistance programs.	1
237C(6) and (8)	Transfer the Rural Assistance Authority (RAA) a loan amount and approve the RAA deducting costs.	1



Schedule 4 – Subdelegation by Secretary of Ministerial functions under the Act

<b>Fisheries Management Act 1994</b>		
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
238A	Consult an advisory council with respect to expenditure from a trust fund.	1
243	Appoint or revoke appointment of or any limitations of the functions of fisheries officer.	1, 2 and 3
270	Return seized boat or vehicle if proceedings not taken within 28 days after seizure.	1, 2 and 3
273	Return or direct the return of seized things.	1, 2, 3 and 4
275	Determine manner of sale or disposal of seized thing.	1, 2, 3 and 4
275D	Impose conditions on a fishing authority to require a compliance audit to be undertaken.	1 and 2
275E	Approve compliance auditor before appointment of compliance auditor.	1 and 2
275I	Take into account and use information in an audit report.	1 and 2
275K	Establish scientific observer program.	1
275L	Appoint or revoke appointment of a scientific observer and issue identification document.	1 and 2
275M	Issue, revoke or vary an observation authority and notify regulated person.	1 and 2
282I	Make restoration orders, carry out work if order is not complied, recover costs.	1 and 2
282J	Cause restoration actions specified in a court order to be carried out, recover costs.	1 and 2
288B	Waive postpone or refund payment of fees, charges, rental payments and contributions.	1, 2, 3, 4 and 5
Schedule 2, clause 8	Determine whether a member of a TAF Committee can be present during deliberations or can take part in the decision of the Committee.	1

## Schedule 5 – Subdelegation by Secretary of Ministerial functions under the Regulations

### Part 1 General Regulation

<b>Fisheries Management (General) Regulation 2019</b>			
<b>Column 1</b> Clause	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level	<b>Column 4</b> Limitation
72	Approve the form of a fishing fee exemption certificate and issue subject to conditions, determine duration of fishing fee exemption certificate.	1, 2, 3 and 5	
73	Amend or cancel fishing fee exemption certificate.	1, 2 and 3	
98A(5)	Approve form of application for permit to gather marine vegetation for commercial purposes.	1, 2 and 3	
98A(6)–(9)	Issue or refuse to issue permit, suspend or cancel permit, impose conditions, vary conditions of a permit.	1, 2, 3 and 4	
103	Order shares to be forfeited for failure to pay contributions.	1 and 2	
108	Issue or refuse to issue a commercial fishing licence, refund proportionate application fee amount	1, 2, 4 and 5	Only a person at delegate level 1 or 2 may exercise the power to issue a licence for a term that is shorter than the nominated term.
110	Grounds for refusal to issue commercial fishing licence.	1, 2, 4 and 5	
112	Renew commercial fishing licence, refund proportionate amount of licence renewal application fee, refuse to renew licence.	1, 2, 4 and 5	Only a person at delegate level 1 or 2 may exercise the power to renew a licence for a term that is shorter than the nominated term.
113	Suspend or cancel a licence.	1 and 2	
115	Refuse an application and cancel a fishing boat licence.	1, 2 and 4	
126	Determine an alternative fishing period.	1 and 2	

Schedule 5 – Subdelegation by Secretary of Ministerial functions under the Regulations

<b>Fisheries Management (General) Regulation 2019</b>			
<b>Column 1</b> Clause	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level	<b>Column 4</b> Limitation
131	Endorse or refuse to endorse commercial fishing licence to permit taking sea urchin and turban shell.	1, 2, 4 and 5	
133	Suspend or cancel a sea urchin or turban shell endorsement.	1 and 2	
138	Direct the manner of allocating quota following a replacement TAC determination.	1	
147	Endorse or refuse to endorse commercial fishing licence to permit taking fish in the southern fish trawl restricted fishery.	1, 2, 4 and 5	
149	Suspend or cancel southern fish trawl endorsement.	1 and 2	
157	Be satisfied of matters relating to eligibility for an inland restricted fishery endorsement.	1, 2, 4 and 5	
161	Endorse or refuse to endorse a licence to permit taking fish in the inland restricted fishery.	1, 2, 4 and 5	
163	Suspend or cancel an inland restricted fishery endorsement.	1 and 2	
171	Cancel a restricted fishery endorsement with consent of the holder.	1, 2, 4 and 5	
177	Take actions if an endorsement is transferred in contravention of the Division 1, Part 10.	1 and 2	
183	Take actions if a share is transferred in contravention of Division 2, Part 10.	1 and 2	
184(7)	Review a determination under clause 184.	1	A person at delegate level 1 may only exercise this function if the determination made under clause 184(2) was made by a person at delegate level 2, 4 or 5.
190	Refuse an application for registration as a fish receiver.	1, 2, 4 and 5	
192	Refuse to renew registration as a fish receiver.	1, 2, 4 and 5	
193	Cancel or suspend a registration of a fish receiver.	1 and 2	

Schedule 5 – Subdelegation by Secretary of Ministerial functions under the Regulations

<b>Fisheries Management (General) Regulation 2019</b>			
<b>Column 1</b> Clause	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level	<b>Column 4</b> Limitation
203	Require the return of a fishing business card.	1, 2, 4 and 5	
208	Refuse an application for a charter fishing licence.	1, 2, 4 and 5	
209	Approve the form of a licence reissue application.	1, 2, 4 and 5	
210	Give notice of date for payment of annual contributions and instalments.	1, 2, 4 and 5	
212	Amend licence and charter fishing licence card, notify the licence holder and issue new licence card.	1, 2, 4 and 5	
213	Cancel and suspend a charter fishing licence.	1, 2, 4 and 5	
221	Require return of a charter fishing licence card.	1, 2, 4 and 5	
223	Be satisfied a recognised charter fishing business may not be transferred.	1, 2, 4 and 5	
247	Call for expressions of interest in membership of certain advisory councils.	1 and 2	
256	Approve payment by instalments of any fee, charge or other sum of money.	1 and 2	
Schedule 7, clause 4	Approve or revoke approval of appointment of advisory council deputies and determine remuneration.	1 and 2	
Schedule 7, clause 10	Determine procedure for calling and holding meetings, consult with Aboriginal Fishing Advisory Council and determine procedure	1	

**Part 2 Share Management Plan Regulations**

<b>Fisheries Management (Supporting Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
4F	Give directions about manner of allocating quota following a replacement fishing determination.	1
8	Form the opinion that the endorsement holder has contravened an endorsement condition.	1 and 2
10	For the purposes of section 76, the Act, determine costs of management and approve payment by instalment.	1 and 2
11	Determine of payment date for community contribution, charge interest on unpaid contribution.	1 and 2

<b>Fisheries Management (Abalone Share Management Plan) Regulation 2000</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
2	Determine alternative fishing period.	1 and 2
3, Table	Be satisfied a trigger for review has occurred.	1 and 2
11	Refuse to endorse a licence.	1, 2, 4 and 5
12	Cancel or suspend endorsement.	1 and 2
34B	Determine payment date for community contributions, approve payment by instalments.	1 and 2
35	Make payments following sale of forfeited shares.	1, 2, 3, and 4
36	For the purposes of section 76, the Act, determine costs of management and approve payment by instalment.	1 and 2

<b>Fisheries Management (Estuary General Share Management Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
6D	Cancel or issue quota shares to give effect to the decision of the Share Appeal Panel.	1, 2, 3 and 4
6E	Determine alternative fishing period – mud crab, blue swimmer crab and longfin eel.	1 and 2

Schedule 5 – Subdelegation by Secretary of Ministerial functions under the Regulations

<b>Fisheries Management (Estuary General Share Management Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
6EA	Determine alternative fishing period – pipi, beachworm, cockle, ghost nipper.	1 and 2
9	Approve and publish guidelines – trap limits.	1 and 2
35J	Approve and publish guidelines – ballot allowance.	1 and 2

<b>Fisheries Management (Lobster Share Management Plan) Regulation 2000</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
2	Determine alternative fishing period.	1 and 2
3, Table	Be satisfied that a trigger for the review has occurred.	1 and 2
11	Refuse to endorse a commercial fishing licence.	1, 2, 4 and 5
12	Cancel or suspend an endorsement.	1 and 2
52(4)	Order forfeiture of all shares if the total number of demerit points exceeds 6.	1 and 2
52(5)	Make payments following sale of forfeited shares.	1, 2, 3 and 4
53	For the purposes of section 76, the Act, determine costs of management and approve payment by instalment.	1 and 2
54	Determine payment date for community contribution, approve payment by instalments.	1 and 2

<b>Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
6D	Cancel or issue quota shares to give effect to decision of the Share Appeal Panel.	1, 2, 3 and 4
6E	Determine alternative fishing period – eastern sea garfish.	1 and 2
6EA	Determine alternative fishing period – other species.	1 and 2

Schedule 5 – Subdelegation by Secretary of Ministerial functions under the Regulations

<b>Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
5D	Cancel or issue quota shares to give effect to decision of the Share Appeal Panel.	1, 2, 3 and 4
5E	Determine alternative fishing period.	1 and 2

<b>Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006</b>		
<b>Column 1</b> Clause in Appendix	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level
5D	Cancel or issue quota shares to give effect to decision of the Share Appeal Panel.	1, 2, 3 and 4
5E	Determine alternative fishing period – TAC determinations.	1 and 2
5F	Determine alternative fishing period – TAE determinations.	1 and 2

**Part 3 Aquaculture Regulation**

<b>Fisheries Management (Aquaculture) Regulation 2024</b>			
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level	<b>Column 4:</b> Limitation
8	Refuse to issue an aquaculture permit.	1, 2, 3 and 4	
14(1) and (4)	Give annual contributions notice.	1, 2, 3 and 4	
14(5)	Treat unpaid balance as an overdue amount.	1, 2, 3, 4 and 5	
16(1), (4) and (5)	Determine date and give annual contributions notice.	1, 2, 3 and 4	
16(6)	Treat unpaid balance as overdue amount.	1, 2, 3, 4 and 5	
17	Establish and operate aquaculture research trust account.	1 and 2	
18	Ensure contributions are paid into aquaculture research trust account.	1, 2, 3 and 4	
21	Commercial farm development plans.	1, 2, 3 and 4	
24	Approve change to financial arrangements.	1, 2, 3 and 4	
25	Give written notice that the Minister is satisfied the person has satisfied the person's compliance obligations.	1, 2, 3 and 4	
26(2)	Give recovery notice.	1, 2, 3 and 4	
26(3)–(4)	Forfeit recoverable amount and give forfeiture notice.	1 and 2	
27	Determine entitlement to refund under cash deposit financial arrangements.	1, 2, 3 and 4	
30(4)	Give annual default arrangement payment notice.	1, 2, 3 and 4	
30(5)	Treat unpaid balance as an overdue amount.	1, 2, 3, 4 and 5	
31	Treat unpaid balance of the annual default arrangement payment as an overdue amount.	1, 2, 3, 4 and 5	
32(2)	Serve a performance notice.	1, 2, 3 and 4	
32(4)	Certify and withdraw amount from trust account.	1 and 2	
32(4)(b)	Certify all reasonably practicable steps have been taken to recover recoverable costs from permit holder in writing.	1, 2 and 3	



Schedule 5 – Subdelegation by Secretary of Ministerial functions under the Regulations

<b>Fisheries Management (Aquaculture) Regulation 2024</b>			
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level	<b>Column 4:</b> Limitation
33	Establish and operate the aquaculture lease cash deposit security trust account.	1	
34	Establish and operate the aquaculture lease annual default arrangement payment security trust account.	1	
35	Arrange for lease inspections.	1 and 2	
39	Refuse an application for an aquaculture lease.	1, 2, 3 and 4	
41(1)–(2)	Give documents to proposed lessee, allow further period.	1, 2, 3, 4 and 5	
41(3)	Give statement and publish notice.	1, 2, 3 and 4	
42(1) and (5)	Decide to offer an area for lease by auction, public tender or ballot, consider written submissions.	1, 2 and 3	
42 (4)	Send copy of proposed lease notice.	1, 2, 3, 4 and 5	
43(1)	Decide to offer an area for lease.	1, 2 and 3	
44	Approve or refuse a person as a registered bidder.	1, 2, 3 and 4	
45	Withdraw lease from auction, decide lease start date.	1, 2, 3 and 4	
46(4) and (6)–(9)	Accept application of successful tenderer and approve or refuse applicant, accept tender of the second tenderer, withdraw offer of lease, decide lease start date.	1, 2, 3 and 4	
46(5)	Allow further period to pay.	1, 2 and 3	
47	Accept application of successful applicant and approve or refuse applicant, decide lease start date, draw another ballot application and approve or refuse next draw applicant, withdraw offer of lease.	1, 2, 3 and 4	
48	Approve form of the application, refuse early renewal application.	1, 2, 3 and 4	
49(1)	Give renewal documents to applicant.	1, 2, 3, 4 and 5	
49(3)–(4)	Allow longer period, refuse application, give statement and publish notice.	1, 2, 3 and 4	
52	Adjust rent payable under an aquaculture lease.	1, 2, 3, 4 and 5	

Schedule 5 – Subdelegation by Secretary of Ministerial functions under the Regulations

<b>Fisheries Management (Aquaculture) Regulation 2024</b>			
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level	<b>Column 4:</b> Limitation
53(1)–(3)	Determine payment date and instalment particulars.	1, 2, 3 and 4	
53(4)	Treat unpaid balance as an overdue amount.	1, 2, 3, 4 and 5	
54	Approve form of subletting application, grant or refuse application.	1, 2, 3 and 4	
55	Approve form of consent to transfer lease, grant or refuse application.	1, 2, 3 and 4	
57(1)–(5)	Approve form of surrender applications, grant or refuse application for surrender.	1, 2, 3 and 4	
57(6)–(7)	Give the lessee documents, allow longer period to submit documents.	1, 2, 3, 4 and 5	
58(1)–(2), (4) and (6)	Approve form of consolidation application, grant or refuse application, direct extinguishment of debt, publish notice.	1, 2, 3 and 4	A person at delegate level 4 must not exercise the function to grant an application, if there is a debt under the original leases that may be extinguished.
58(3) and (5)	Decide term and conditions of lease, allow further period.	1, 2, 3, 4 and 5	
59(1)–(2), (5) and (6)	Approve form of lease subdivision application, grant or refuse application, direct extinguishment of debt, publish notice.	1, 2, 3 and 4	A person at delegate level 4 must not exercise the function to grant an application, if there is a debt under the original lease that may be extinguished.
59(3)–(4)	Decide other matters and give documents, allow longer period.	1, 2, 3, 4 and 5	
61	Give certified copies of leases and plans.	1, 2, 3, 4 and 5	
62	Endorse lease document, refuse consent to dealing and refuse to endorse lease document.	1, 2, 3, 4 and 5	
63	Direct lessee or other person to lodge document, return lodged document.	1, 2, 3, 4 and 5	
64	Correct errors.	1, 2, 3, 4 and 5	

Schedule 5 – Subdelegation by Secretary of Ministerial functions under the Regulations

<b>Fisheries Management (Aquaculture) Regulation 2024</b>			
<b>Column 1</b> Section	<b>Column 2</b> Summary of function delegated	<b>Column 3</b> Delegate level	<b>Column 4:</b> Limitation
65	Approve form of notice.	1, 2, 3 and 4	
67(1)	Allow longer period.	1, 2, 3, 4 and 5	
67(2)	Direct marking out of boundaries.	1, 2, 3 and 4	
68	Direct marking out of boat channels allow longer period, direct that markings need not be maintained for the duration of the lease.	1, 2, 3 and 4	
69	Allow further period.	1, 2, 3, 4 and 5	
70(1)	Give notice to maintain markings.	1, 2, 3, 4 and 5	
70(4)	Recover costs as a debt due to the Crown.	1 and 2	
71	Modify boundaries of leased areas, change rent, contributions and other amounts payable.	1, 2, 3 and 4	
76	Approve forms.	1, 2, 3 and 4	