



# **Prawn Export Promotion Levies and Charges Regulations**

**Statutory Rules 1995 No. 245 as amended**

made under the

*Prawn Export Promotion Act 1995, the Prawn Export Charge Act 1995 and the Prawn Boat Levy Act 1995*

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## Contents

	Page
1 Citation [see Note 1]	3
2 Interpretation	3
3 Amount of levy	3
4 Measurement of length of a ship	3
5 Rate of charge	4
6 When is levy due for payment?	4
7 When is charge due for payment?	5
8 Records relating to commercial prawn boats	6
9 Returns relating to commercial prawn boats	7
10 Records relating to export of sea-caught prawns, etc	8

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	Page
11 Returns relating to export of sea-caught prawns, etc	8
12 Records — 2 year retention period	10
13 Orders	10

**1 Citation** [see Note 1]

These regulations may be cited as the Prawn Export Promotion Levies and Charges Regulations.

**2 Interpretation**

In these regulations, unless the contrary intention appears:

*Australian Maritime Safety Authority* means the Australian Maritime Safety Authority established by the *Australian Maritime Safety Authority Act 1990*.

*Charge Act* means the *Prawn Export Charge Act 1995*.

*Export Promotion Act* means the *Prawn Export Promotion Act 1995*.

*Levy Act* means the *Prawn Boat Levy Act 1995*.

**3 Amount of levy**

- (1) For the purposes of section 6 of the Levy Act, the amount of levy payable in relation to a ship for a levy period is:
  - (a) if the ship is less than 10 metres in length — \$50.00; or
  - (b) if the ship is not less than 10 metres but less than 15 metres in length — \$100.00; or
  - (c) if the ship is not less than 15 metres but less than 18 metres in length — \$200.00; or
  - (d) if the ship is not less than 18 metres but less than 20 metres in length — \$400.00; or
  - (e) if the ship is not less than 20 metres in length — \$600.00.
- (2) However, from 1 July 1998, the amount of levy payable in relation to a ship in respect of a levy period is \$0.00.

**4 Measurement of length of a ship**

- (1) For the purposes of regulation 3, the length of a ship that is not registered under the *Shipping Registration Act 1981* is calculated by measuring the distance between:
  - (a) a vertical line passing through a point being the foremost part of the stem; and

## **Regulation 5**

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- (b) a vertical line passing through a point being the aftermost part of the stern.
- (2) If the length of a ship is disputed, the length may be determined for the purposes of these Regulations by a surveyor employed by the Australian Maritime Safety Authority:
  - (a) in accordance with subregulation (1); and
  - (b) with the costs of the measurement being borne by the owner of the ship.

## **5 Rate of charge**

For the purposes of section 5 of the Charge Act, the rate of charge payable in relation to sea-caught prawns, parts of sea-caught prawns and sea-caught prawn products exported is 0 cents per kilogram of the net weight.

## **6 When is levy due for payment?**

- (1) Subject to subregulations (2), (3), (4) and (5), levy imposed on a ship for a levy period is due for payment on or before 31 December in the levy period.
- (2) Subject to subregulations (3), (4) and (5), if:
  - (a) a ship becomes a commercial prawn boat, for the purposes of the Levy Act, during the levy period; and
  - (b) the day that is 31 December in the levy period is not at least 28 days after the first day in the levy period on which the ship is a commercial prawn boat;levy imposed on the ship is due for payment on or before the day that is 28 days after the first day in the levy period on which the ship is a commercial prawn boat.

- (3) Subject to subregulation (6), for the levy period beginning on 1 July 1997, the amount of levy specified in subregulation (4) that is imposed on a ship is due for payment on or before 28 January 1998.
- (4) For subregulation (3), the amount of levy is:
  - (a) for a ship that is less than 10 metres long — \$25; and
  - (b) for a ship that is at least 10 metres but less than 15 metres long — \$50; and
  - (c) for a ship that is at least 15 metres but less than 18 metres long — \$100; and
  - (d) for a ship that is at least 18 metres but less than 20 metres long — \$200; and
  - (e) for a ship that is at least 20 metres long — \$300.
- (5) For the levy period beginning on 1 July 1997, the remainder of the levy imposed on a ship is due for payment on or before 30 June 1998.
- (6) If a ship becomes a commercial prawn boat for the purposes of the Levy Act on or after 1 January 1998, and the ship has not previously been a commercial prawn boat during the levy period beginning on 1 July 1997, levy imposed on the ship for that levy period is due for payment on or before 30 June 1998.

*Note* There is a penalty for unpaid levy — see section 17 of the Export Promotion Act.

## **7 When is charge due for payment?**

- (1) Subject to subregulation (2), charge payable by a person is due for payment:
  - (a) for chargeable exports exported during the period that begins on 1 July in a year and ends on 31 December — on or before 28 January in the following year; or
  - (b) for chargeable exports exported during the period that begins on 1 January in a year and ends on 30 June — on or before 28 July in that year.
- (2) If the total net weight of chargeable exports exported by a person during a period referred to in paragraph (1) (a) does not exceed 5,000 kilograms:

## Regulation 8

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- (a) that paragraph does not apply in relation to the chargeable exports exported during that period; and
  - (b) for the purposes of subregulation (1), those chargeable exports are taken to be exported during the immediately following period referred to in paragraph (1) (b).
- (3) In this regulation, *chargeable exports* means sea-caught prawns, parts of sea-caught prawns and sea-caught prawn products.

*Note 1* Under section 15 of the Export Promotion Act, the liability to charge does not arise until the total net weight of prawn exports in a financial year exceeds 5,000 kilograms.

*Note 2* There is a penalty for unpaid charge — see section 17 of the Export Promotion Act.

## 8 Records relating to commercial prawn boats

An owner of a commercial prawn boat must make and keep records and accounts showing the following information:

- (a) the full name and business address or residential address of the owner, not being the address of a post office box or post office bag;
- (b) if the owner has a post office box, or post office bag, address — that address;
- (c) if the owner is a company — the owner's Australian Company Number under the *Corporations Law*;
- (d) the name of the ship;
- (e) the length of the ship;
- (f) if the ship is registered under the *Shipping Registration Act 1981* — a copy of the registration certificate;
- (g) if the ship has a survey certificate issued by a survey authority — a copy of that certificate;
- (h) for each levy period in which levy is imposed on the ship — the amount of levy imposed;
- (j) the names of all fisheries in which the ship is authorised under a law of the Commonwealth or of a State or Territory to operate as a commercial prawn boat;
- (k) the dates, during each levy period, when the ship was authorised under a law of the Commonwealth or of a State

or Territory to operate as a commercial prawn boat and registered to process prawns for the export market.

Penalty: 10 penalty units.

## 9 Returns relating to commercial prawn boats

- (1) Subject to subregulation (2), an owner of a commercial prawn boat must lodge a return for a levy period, at the office of the appropriate person, on or before 31 December in the levy period.
- (2) If subregulation 6 (2) applies to a ship in relation to a levy period, the owner must lodge a return for the levy period on or before the last day for payment of the levy in accordance with that subregulation.
- (3) The return must:
  - (a) set out all the particulars listed in paragraphs 8 (a), (b), (c), (d), (e), (h), (j) and (k) that relate to the period of the return; and
  - (b) state:
    - (i) whether the ship is registered under the *Shipping Registration Act 1981*; and
    - (ii) if the ship is so registered — the ship's official number as shown on the registration certificate; and
  - (c) state:
    - (i) whether the ship has a survey certificate issued by a survey authority; and
    - (ii) if the ship has a certificate of that kind — the name of the survey authority; and
  - (d) include a declaration:
    - (i) signed by the owner; or
    - (ii) if the owner is a company — signed by an individual authorised by the company;that the particulars set out in the return are correct in every material particular.
- (4) If a change occurs in any circumstances in consequence of which the information given becomes inaccurate, the boat

## Regulation 10

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owner must advise the appropriate person within 28 days of the change.

- (5) In this regulation, ***appropriate person***, in relation to an owner of a commercial prawn boat, means:
- (a) if, under subsection 12 (3) of the Export Promotion Act, the person who is liable to pay levy imposed on the ship must pay the levy to a collecting organisation — that organisation; or
  - (b) in any other case — the Secretary.

*Note* There may be a penalty if a person fails to lodge a return — see section 22 of the Export Promotion Act.

## 10 Records relating to export of sea-caught prawns, etc

An exporter of sea-caught prawns, parts of sea-caught prawns or sea-caught prawn products must make and keep records showing the following information:

- (a) the full name and business address or residential address of the exporter, not being the address of a post office box or post office bag;
- (b) if the person has a post office box or a post office bag — that address;
- (c) if the exporter is a company — the exporter's Australian Company Number under the *Corporations Law*;
- (d) the date of export of sea-caught prawns, parts of sea-caught prawns and sea-caught prawn products exported;
- (e) the net weight, in kilograms, of sea-caught prawns, parts of sea-caught prawns and sea-caught prawn products exported;
- (f) the amount of charge payable for each month in which charge is imposed.

Penalty: 10 penalty units.

## 11 Returns relating to export of sea-caught prawns, etc

- (1) Subject to subregulation (2), a person who is liable to pay charge on sea-caught prawns, parts of sea-caught prawns or

sea-caught prawn products exported during a financial year must lodge, at the office of the appropriate person, a return:

- (a) for the period that begins on 1 July in a year and ends on 31 December — on or before 28 January in the following year; or
  - (b) for the period that begins on 1 January in a year and ends on 30 June — on or before 28 July in that year.
- (1A) However, if subregulation (1) does not apply to a person who exports sea-caught prawns, parts of sea-caught prawns or sea-caught prawn products during the period that begins on 1 July 1997 and ends on 31 December 1997, the person must lodge a return for that period at the office of the appropriate person on or before 28 January 1998.
- (2) If subregulation 7 (2) applies to the person in relation to a period referred to in paragraph (1) (a):
- (a) that paragraph does not apply to the person in relation to that period; and
  - (b) paragraph (1) (b) applies to the person as if, in that paragraph:
    - (i) the reference to the period that begins on 1 January in a year and ends on 30 June were a reference to the financial year; and
    - (ii) the reference to 28 July were a reference to 28 July immediately following the financial year.
- (3) The return must:
- (a) set out all the particulars listed in regulation 10 for the period to which it relates; and
  - (b) include a declaration:
    - (i) signed by the exporter or by a person authorised by the exporter; or
    - (ii) if the exporter is a company — signed by an individual authorised by the company;that the particulars set out in the return are correct in every material particular.
- (4) If a change occurs in any circumstances in consequence of which information given becomes inaccurate, the exporter

## Regulation 12

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must advise the appropriate person within 28 days of the change.

- (5) In this regulation, *appropriate person*, in relation to a person who is liable to pay charge, means:
- (a) if, under subsection 12 (3) of the Export Promotion Act, the person must pay charge to a collecting organisation — that organisation; or
  - (b) in any other case — the Secretary.

*Note* There may be a penalty if a person fails to lodge a return — see section 22 of the Export Promotion Act.

## 12 Records — 2 year retention period

A person who is required to keep records under regulation 8 or 10 must retain the records for 2 years after the last day for lodging the return that sets out the particulars of the records.

Penalty: 10 penalty units.

## 13 Orders

For the purposes of section 29 of the Export Promotion Act, the Minister may make orders, not inconsistent with that Act or these Regulations.

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## Notes to the Prawn Export Promotion Levies and Charges Regulations

### Note 1

The Prawn Export Promotion Levies and Charges Regulations (in force under the *Prawn Export Promotion Act 1995*, the *Prawn Export Charge Act 1995* and the *Prawn Boat Levy Act 1995*) as shown in this reprint comprise Statutory Rules 1995 No. 245 amended as indicated in the Tables below.

### Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1995 No. 245	16 Aug 1995	16 Aug 1995	
1996 No. 238 (a)	30 Oct 1996	30 Oct 1996	—
1997 No. 409	24 Dec 1997	1 Jan 1998	—

(a) Statutory Rules 1996 No. 238 was made under the *Prawn Boat Levy Act 1995*.

## Table of Amendments

ad. = added or inserted      am. = amended      rep. = repealed      rs. = repealed and substituted

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<b>Provision affected</b>	<b>How affected</b>
R. 3 .....	am. 1996 No. 238; 1997 No. 409
R. 5 .....	am. 1997 No. 409
R. 6 .....	am. 1997 No. 409
R. 11 .....	am. 1997 No. 409

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