



## **Prawn Boat Levy Act 1995**

**Act No. 16 of 1995 as amended**

**[Note: This Act is to be repealed by Act No. 75 of 1998, *see* Note 2]**

This compilation was prepared on 9 October 2000  
taking into account amendments up to Act No. 75 of 1998

The text of any of those amendments not in force  
on that date is appended in the Notes section

Prepared by the Office of Legislative Drafting,  
Attorney-General's Department, Canberra



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# An Act to impose a levy on commercial prawn boats

## 1 Short title [see Note 1]

This Act may be cited as the *Prawn Boat Levy Act 1995*.

## 2 Commencement [see Note 1]

- (1) This Act commences on a day to be fixed by Proclamation.
- (2) If this Act does not commence under subsection (1) before 1 July 1995, it commences on that day.

## 3 Interpretation

- (1) In this Act, unless the contrary intention appears:

*commercial prawn boat* means a ship that:

- (a) a particular person is authorised, by or under a law of the Commonwealth (other than the *Export Control Act 1982*) or of a State or Territory, to use for the taking of prawns; and
- (b) is registered under orders:
  - (i) made under regulations in force for the purposes of section 7 of the *Export Control Act 1982*; and
  - (ii) providing for the registration of establishments used for the preparation of food intended for export.

*levy period* has the meaning given by section 5.

*ship* means a vessel or floating craft of any description.

- (2) Unless the contrary intention appears, a word or expression used in this Act that is not defined in this Act but is defined in the *Prawn Export Promotion Act 1995* has the same meaning in this Act as in the *Prawn Export Promotion Act 1995*.
- (3) A reference in this Act to the prescribed industry organisation is a reference to the organisation that is the prescribed industry organisation for the purposes of the *Prawn Export Promotion Act 1995*.

#### **4 Imposition of levy**

- (1) Levy is imposed in respect of each levy period on every ship that is a commercial prawn boat at any time during the levy period.
- (2) Levy imposed on a ship in respect of a levy period is imposed on the first day in the levy period on which the ship is a commercial prawn boat.

#### **5 Levy period**

- (1) If this Act commences before 1 July 1995, the period beginning at the commencement of this Act and ending on 30 June 1995 is a levy period.
- (2) The following are levy periods:
  - (a) the financial year beginning on 1 July 1995;
  - (b) the financial year beginning on 1 July 1996;
  - (c) the period beginning on 1 July 1997 and ending on 31 December 1997.

#### **6 Amount of levy**

- (1) The amount of levy payable in relation to a ship in respect of a levy period is the amount prescribed by the regulations.
- (2) The regulations may prescribe different amounts of levy for ships of different lengths.
- (3) An amount of levy prescribed by the regulations must not exceed the maximum permissible amount.
- (4) The maximum permissible amount of levy is:
  - (a) in the case of a ship less than 10 metres in length—\$75; and
  - (b) in the case of a ship not less than 10 metres, but less than 15 metres, in length—\$150; and
  - (c) in the case of a ship not less than 15 metres, but less than 18 metres, in length—\$300; and
  - (d) in the case of a ship not less than 18 metres in length—\$750.

## **7 Person liable to pay levy**

Levy imposed on a ship is payable by the person who is the owner of the ship when the levy is imposed.

## **8 Ship length**

For the purposes of this Act, the length of a ship is determined as follows:

- (a) if the ship is registered under the *Shipping Registration Act 1981*, the length of the ship is the length shown in the Australian Register of Ships;
- (b) if the ship is not so registered, the length of the ship is the length of the ship as measured in accordance with the regulations.

## **9 Regulations**

- (1) The Governor-General may make regulations prescribing matters required or permitted by this Act to be prescribed.
- (2) The Governor-General must not make regulations for the purposes of section 6 unless the Governor-General has taken into consideration any recommendation relating to the proposed regulations made to the Minister by the prescribed industry organisation.
- (3) The prescribed industry organisation must not make a recommendation to the Minister for the purposes of subsection (2) unless the terms of the recommendation were approved at the last annual general meeting of the organisation held before the making of the recommendation.



**Table of Acts****Notes to the *Prawn Boat Levy Act 1995*****Note 1**

The *Prawn Boat Levy Act 1995* as shown in this compilation comprises Act No. 16, 1995 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions, *see* Table A.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Prawn Boat Levy Act 1995</i>	16, 1995	28 Mar 1995	1 July 1995 ( <i>see</i> s.2(2))	
<i>Fisheries Legislation Amendment Act (No. 1) 1998</i>	75, 1998	30 June 1998	Schedule 2 (Part 1): 1 July 1997 Schedule 2 (Part 2): [ <i>see</i> (a) and Note 2]	S. 4

## Act Notes

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- (a) The *Prawn Boat Levy Act 1995* was amended by Schedule 2 only of the *Fisheries Legislation Amendment Act (No. 1) 1998*, subsections 2(2) and (3) of which provide as follows:
- (2) This section, section 3, Part 1 of Schedule 2 and Part 1 of Schedule 3 are taken to have commenced on 1 July 1997.
  - (3) Section 4, Part 2 of Schedule 2, Part 2 of Schedule 3 and Schedule 4 commence 3 years after the day on which this Act receives the Royal Assent. [see Note 2]

**Table of Amendments**

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

<u>Provision affected</u>	<u>How affected</u>
S. 5 .....	am. No. 75, 1998

## **Note 2**

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### **Note 2**

*Fisheries Legislation Amendment Act (No. 1) 1998* (No. 75, 1998)

The following amendment commences on 1 July 2001:

### **Part 2—Repeal that commences 3 years after the day on which this Act receives the Royal Assent**

#### **2 The whole of the Act**

Repeal the Act.

As at 9 October 2000 the repeal is not in force.

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**Table A**

**Table A**

**Application, saving or transitional provisions**

*Fisheries Legislation Amendment Act (No. 1) 1998*  
(No. 75, 1998)

**4 Saving—levy and charge collection**

Despite the repeal by this Act of the *Prawn Boat Levy Act 1995*, the *Prawn Export Charge Act 1995* and the *Prawn Export Promotion Act 1995*:

- (a) the Act repealed; and
- (b) any regulation made under or for the purposes of the Act repealed; and
- (c) any agreement entered into between the Commonwealth and a State or Territory under the Act repealed;

continue to apply in relation to a levy or charge imposed before the repeal as if the repeal had not happened.