



# **Fishing Levy Regulations 2003**

**Statutory Rules 2003 No. 287 as amended**

made under the

*Fisheries Management Act 1991 and Fishing Levy Act  
1991*

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

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**Contents**

<b>Part 1</b>	<b>Preliminary</b>	
1.1	Name of Regulations [see Note 1]	6
1.2	Commencement [see Note 1]	6
1.3	<i>Fishing Levy Regulations 2002</i> — repeal	6
1.4	Definitions	6
1.5	References to fisheries	7
<b>Part 2</b>	<b>Bass Strait Scallop Fishery</b>	
2.1	Definition	9
2.2	Amount of levy	9
2.3	When levy must be paid	9
<b>Part 3</b>	<b>Coral Sea Fishery</b>	
3.1	Definitions	10
3.2	Amount of levy	10
3.3	When levy must be paid	10
<b>Part 4</b>	<b>East Coast Deepwater Zone Fishery</b>	
4.1	Definition	11
4.2	Amount of levy	11
4.3	When levy must be paid	11
<b>Part 4A</b>	<b>Eastern Skipjack Fishery</b>	
4A.1	Definition	12
4A.2	Amount of levy	12
4A.3	When levy must be paid	12
<b>Part 5</b>	<b>Eastern Tuna and Billfish Fishery</b>	
5.1	Definitions	13
5.2	Amount of levy	13
5.3	When levy must be paid	13

---

		Page
<b>Part 6</b>	<b>Gillnet, Hook and Trap Fishery</b>	
6.1	Definitions	15
6.2	Amount of levy	15
6.3	When levy must be paid	16
<b>Part 7</b>	<b>Great Australian Bight Trawl Fishery</b>	
7.1	Definitions	17
7.2	Amount of levy	17
7.3	When levy must be paid	18
<b>Part 8</b>	<b>Heard Island and McDonald Islands Fishery</b>	
8.1	Definition	19
8.2	Amount of levy	19
8.3	When levy must be paid	19
<b>Part 9</b>	<b>Macquarie Island Fishery</b>	
9.1	Definition	20
9.2	Amount of levy	20
9.3	When levy must be paid	20
<b>Part 10</b>	<b>Norfolk Island Offshore Demersal Finfish Fishery</b>	
10.1	Definition	21
10.2	Amount of levy	21
10.3	When levy must be paid	21
<b>Part 11</b>	<b>Northern Prawn Fishery</b>	
11.1	Definition	22
11.2	Amount of levy	22
11.3	When levy must be paid	22
<b>Part 12</b>	<b>North West Slope Fishery</b>	
12.1	Definition	23
12.2	Amount of levy	23
12.3	When levy must be paid	23

---

		Page
<b>Part 13</b>	<b>Small Pelagic Fishery</b>	
13.1	Definition	24
13.2	Amount of levy	24
13.3	When levy must be paid	24
<b>Part 14</b>	<b>South East Trawl Fishery</b>	
14.1	Definitions	25
14.2	Amount of levy	25
14.3	When levy must be paid	26
<b>Part 15</b>	<b>Southern Bluefin Tuna Fishery</b>	
15.1	Definition	28
15.2	Amount of levy	28
15.3	When levy must be paid	28
<b>Part 16</b>	<b>Southern Squid Fishery</b>	
16.1	Definition	29
16.2	Amount of levy	29
16.3	When levy must be paid	29
<b>Part 17</b>	<b>Southern Tuna and Billfish Fishery and the Western Tuna and Billfish Fishery</b>	
17.1	Definitions	30
17.2	Amount of levy	30
17.3	When levy must be paid	31
<b>Part 18</b>	<b>South Tasman Rise Fishery</b>	
18.1	Definition	32
18.2	Amount of levy	32
18.3	When levy must be paid	32
<b>Part 19</b>	<b>Victorian Inshore Trawl Fishery</b>	
19.1	Definition	33
19.2	Amount of levy	33
19.3	When levy must be paid	35

---

	Page
<b>Part 20</b>	<b>Western Deep Water Trawl Fishery</b>
20.1	Definition 36
20.2	Amount of levy 36
20.3	When levy must be paid 36
<b>Part 20A</b>	<b>Western Skipjack Fishery</b>
20A.1	Definition 37
20A.2	Amount of levy 37
20A.3	When levy must be paid 37
<b>Part 21</b>	<b>Informally managed fisheries</b>
21.1	Definition 38
21.2	Amount of levy 38
21.3	When levy must be paid 38
<b>Schedule 1</b>	<b>Eastern Tuna and Billfish Fishery — amounts of levy</b> 39
<b>Schedule 2</b>	<b>Gillnet, Hook and Trap Fishery — amounts of levy</b> 40
Part 1	Definition 40
1.1	Definition for Schedule 2 40
Part 2	Quota species 40
Part 3	Amounts of levy — quota species 41
<b>Schedule 3</b>	<b>South East Trawl Fishery — amounts of levy</b> 43
Part 1	Definition 43
1.1	Definition for Schedule 3 43
Part 2	Non-sector species 43
Part 3	Amounts of levy — non-sector species 44
Part 4	Amounts of levy — gemfish and orange roughy 46
4.1	Gemfish 46
4.2	Orange roughy 46
<b>Notes</b>	48

**Regulation 1.1**

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**Part 1 Preliminary****1.1 Name of Regulations** [see Note 1]

These Regulations are the *Fishing Levy Regulations 2003*.

**1.2 Commencement** [see Note 1]

These Regulations commence on gazettal.

**1.3 *Fishing Levy Regulations 2002* — repeal**

The following Statutory Rules are repealed:

- 2002 No. 305
- 2003 No. 134.

**1.4 Definitions**

(1) In these Regulations:

*AFMA* means the Australian Fisheries Management Authority.

*holder*, of a fishing concession, means the person to whom the concession was granted or, if the person has transferred the concession to someone else, the other person.

*informally managed fishery* means a commercial fishing activity that is managed under the Management Act by AFMA but that is not:

- (a) a fishing activity to which a management plan applies; or
- (b) a fishing activity referred to in regulation 4B of the Management Regulations.

*invoice date*, for levy, or an instalment of levy, payable for a fishing concession, means the date of issue mentioned on the invoice issued by AFMA for the levy or instalment.

*Levy Act* means the *Fishing Levy Act 1991*.

*Management Act* means the *Fisheries Management Act 1991*.

*Management Regulations* means the *Fisheries Management Regulations 1992*.

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**Regulation 1.5**

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- (2) Unless the contrary intention appears, a word or expression that is used in these Regulations and in the Management Regulations has the same meaning in these Regulations as it has in those Regulations.

**1.5 References to fisheries**

A reference in these Regulations to a named fishery that is described by that name in regulation 4B of the Management Regulations, or in a plan of management made under section 17 of the Management Act, is a reference to the fishery as described in those Regulations or that plan.

*Note 1* The following fisheries are described in regulation 4B of the Management Regulations:

- (a) the Bass Strait Scallop Fishery;
- (b) the Coral Sea Fishery;
- (c) the East Coast Deepwater Zone Fishery;
- (ca) the Eastern Skipjack Fishery;
- (d) the Eastern Tuna and Billfish Fishery;
- (e) the Gillnet, Hook and Trap Fishery;
- (f) the Macquarie Island Fishery;
- (g) the Norfolk Island Offshore Demersal Finfish Fishery;
- (h) the North West Slope Fishery;
- (i) the Small Pelagic Fishery;
- (j) the South East Trawl Fishery;
- (k) the Southern Squid Fishery;
- (l) the Southern Tuna and Billfish Fishery;
- (m) the South Tasman Rise Fishery;
- (n) the Victorian Inshore Trawl Fishery;
- (o) the Western Deep Water Trawl Fishery;
- (oa) the Western Skipjack Fishery;
- (p) the Western Tuna and Billfish Fishery.

*Note 2* The following fisheries are described in plans of management under section 17 of the Management Act:

- (aa) the Bass Strait Central Zone Scallop Fishery — see the *Bass Strait Central Zone Scallop Fishery Management Plan 2002* (notified in *Gazette* No. S422 of 7 November 2002);
- (a) the Great Australian Bight Trawl Fishery — see the *Great Australian Bight Trawl Fishery Management Plan* (notified in *Gazette* No. S205 of 2 July 1993);

**Regulation 1.5**

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- (b) the Heard Island and McDonald Islands Fishery — see the *Heard Island and McDonald Islands Fishery Management Plan 2002* (notified in *Gazette* No. GN 21 of 29 May 2002);
- (c) the Northern Prawn Fishery — see the *Northern Prawn Fishery Management Plan 1995* (notified in *Gazette* No. S49 of 10 February 1995);
- (d) the Southern Bluefin Tuna Fishery — see the *Southern Bluefin Tuna Fishery Management Plan 1995* (notified in *Gazette* No. S34 of 3 February 1995).

## **Part 2 Bass Strait Scallop Fishery**

### **2.1 Definition**

In this Part:

*BSSF fishing permit* means a fishing permit for the Bass Strait Scallop Fishery.

### **2.2 Amount of levy**

For section 6 of the Levy Act, for a BSSF fishing permit in force on or after 1 February 2004 and on or before 30 April 2004, the amount of levy is as follows:

- (a) if levy was paid in respect of the permit for the period 1 May 2003 to 31 January 2004 — \$1 834, including a research component of \$60;
- (b) if levy was paid in respect of the permit for the period 1 May 2002 to 31 March 2003 but not for the period mentioned in paragraph (a) — \$3 441, including a research component of \$120;
- (c) in any other case — \$5 048, including a research component of \$180.

### **2.3 When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 2.2 must be paid on or before the later of:

- (a) 1 March 2004; and
- (b) 28 days after the invoice date for the levy.

**Regulation 3.1**

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**Part 3 Coral Sea Fishery****3.1 Definitions**

In this Part:

*CSF fishing permit* means a fishing permit for the Coral Sea Fishery.

**3.2 Amount of levy**

For section 6 of the Levy Act, for a CSF fishing permit that is in force on or after the commencement of these Regulations and on or before 30 June 2004, the amount of levy is the sum of:

- (a) \$1 718, which includes a research component of \$104; and
- (b) an amount as follows:
  - (i) for a permit to take fish for aquarium collection, \$432;
  - (ii) for a permit to take lobster or trochus, \$1 049;
  - (iii) for a permit that allows fishing by the line method, \$5 192;
  - (iv) for a permit that allows fishing by the trawl method, \$9 137;
  - (v) for a permit to take sea cucumber, \$8 172.

*Note* A CSF fishing permit contains conditions in relation to the method of fishing allowed when undertaking fishing for particular species in the Fishery.

**3.3 When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 3.2 must be paid on or before the later of:

- (a) 28 March 2004; and
- (b) 28 days after the invoice date for the levy.

## **Part 4                      East Coast Deepwater Zone Fishery**

### **4.1            Definition**

In this Part:

*ECDZF fishing permit* means a fishing permit for the East Coast Deepwater Zone Fishery.

### **4.2            Amount of levy**

For section 6 of the Levy Act, for an ECDZF fishing permit that is in force on or after 1 January 2004 and on or before 31 December 2004, the amount of levy is \$2 266.94, including a research component of \$57.94.

### **4.3            When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 4.2 must be paid on or before the later of:

- (a) 29 January 2004; and
- (b) 28 days after the invoice date for the levy.

**Regulation 4A.1**

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**Part 4A Eastern Skipjack Fishery****4A.1 Definition**

In this Part:

*ESF fishing permit* means a fishing permit for the Eastern Skipjack Fishery.

**4A.2 Amount of levy**

For section 6 of the Levy Act, for an ESF fishing permit that is in force on or after 1 July 2003 and on or before 30 June 2004, the amount of levy is \$3 185.85, including a research component of \$191.

**4A.3 When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 4A.2 must be paid on or before the later of the following:

- (a) 31 May 2004;
- (b) 28 days after the invoice date for the levy.

## Part 5 Eastern Tuna and Billfish Fishery

### 5.1 Definitions

In this Part:

*ETBF fishing permit* means a fishing permit for the Eastern Tuna and Billfish Fishery.

*sector of the Fishery* means a sector described in subregulation 4C (1) of the Management Regulations.

### 5.2 Amount of levy

For section 6 of the Levy Act, for an ETBF fishing permit that is in force on or after the commencement of these Regulations and on or before 30 June 2004, the amount of levy is:

- (a) if the permit authorises fishing in a single sector of the Fishery — the amount stated in Schedule 1 for the sector;  
or
- (b) if the permit authorises fishing in 2 or more sectors of the Fishery — the greater or greatest of the amounts of levy stated in Schedule 1 for the sectors.

### 5.3 When levy must be paid

- (1) For section 110 of the Management Act, for an ETBF fishing permit in force on 21 January 2004, the levy mentioned in regulation 5.2 must be paid as 1 amount, or in 2 equal instalments, as follows:
  - (a) the whole amount, or the first instalment, must be paid on or before the later of:
    - (i) 29 January 2004; and
    - (ii) 28 days after the invoice date for the instalment;

**Regulation 5.3**

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- (b) the second instalment (if any) must be paid on or before the later of:
  - (i) 10 April 2004; and
  - (ii) 28 days after the invoice date for the instalment.
- (2) For section 110 of the Management Act, for an ETBF fishing permit in force on 10 April 2004, but not in force on 29 January 2004, the levy mentioned in regulation 5.2 must be paid on or before the later of:
  - (a) 10 April 2004; and
  - (b) 28 days after the invoice date for the levy.

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**Regulation 6.2**

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## **Part 6 Gillnet, Hook and Trap Fishery**

### **6.1 Definitions**

In this Part:

***GHTF fishing permit*** means a fishing permit for the Gillnet, Hook and Trap Fishery.

***permit package*** means 2 or more GHTF fishing permits:

- (a) issued to the same person in relation to the same boat; and
- (b) having the same numeric identifier.

***quota species*** means a species of fish mentioned in Part 2 of Schedule 2.

### **6.2 Amount of levy**

- (1) For section 6 of the Levy Act, for a GHTF fishing permit *Class A*, that allows the holder to fish for any species, and that is in force on or after 1 January 2004 and on or before 31 December 2004, the amount of levy is:
  - (a) \$1 513.59, including a research component of \$185.40; and
  - (b) if the permit authorises fishing for a quota species — an amount determined by multiplying together:
    - (i) the number of quota units for the species mentioned in the permit; and
    - (ii) the amount mentioned in column 3 of Part 3 of Schedule 2 for that species.
- (2) However, for a permit package, only one of the GHTF fishing permits *Class A* included in the permit package is liable to the part of the levy imposed under paragraph (1) (a).
- (3) For section 6 of the Levy Act, for a GHTF fishing permit *Class B* that is in force on or after 1 January 2004 and on or before 31 December 2004, the amount of the levy is the amount obtained by multiplying together:
  - (a) the number of quota units for the species mentioned in the permit; and

**Regulation 6.3**

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- (b) the amount mentioned in column 3 of Part 3 of Schedule 2 for that species.

*Note 1* A GHTF fishing permit *Class B* contains conditions that allow fishing only for quota species.

*Note 2* A GHTF fishing permit may contain a condition limiting the taking of gemfish to an eastern or western sector defined geographically.

**6.3 When levy must be paid**

- (1) For section 110 of the Management Act, for a GHTF fishing permit in force on or before 12 April 2004, the levy mentioned in regulation 6.2 must be paid as 1 amount, or in 2 equal instalments, as follows:
- (a) the total amount, or the first instalment, must be paid on or before the later of:
    - (i) 29 January 2004; and
    - (ii) 28 days after the invoice date for the instalment;
  - (b) the second instalment (if any) must be paid on or before the later of:
    - (i) 15 May 2004; and
    - (ii) 28 days after the invoice date for the instalment.
- (2) For section 110 of the Management Act, the levy mentioned in regulation 6.2 for an GHTF fishing permit in force on or after 13 April 2004, but not in force on 12 April 2004, must be paid on or before the later of:
- (a) 15 May 2004; and
  - (b) 28 days after the invoice date for the levy.

## Part 7                      Great Australian Bight Trawl Fishery

### 7.1            Definitions

In this Part:

**elephant fish** means fish of a species in any of the following families:

- (a) *Callorhynchidae*;
- (b) *Chimaeridae* (ghost sharks);
- (c) *Rhinochimaeridae* (spook fish).

**GABTF fishing permit** means a fishing permit for the Great Australian Bight Trawl Fishery that authorises the holder to take gummy shark (*Mustelus antarcticus*), school shark (*Galeorhinus galeus*), sawshark (*Pristiophorus cirratus* and *Pristiophorus nudipinnis*) or elephant fish.

**GABTF fishing right** means a statutory fishing right for the Great Australian Bight Trawl Fishery.

### 7.2            Amount of levy

- (1) For section 6 of the Levy Act, for a GABTF fishing permit in force on or after 1 January 2004 and on or before 31 December 2004, the amount of levy is the total of:
  - (a) 18.45 cents for each quota unit of school shark mentioned in the permit; and
  - (b) 20.99 cents for each quota unit of gummy shark mentioned in the permit; and
  - (c) 18.52 cents for each quota unit of sawshark mentioned in the permit; and
  - (d) 4.45 cents for each quota unit of elephant fish mentioned in the permit.

**Regulation 7.3**

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- (2) For section 6 of the Levy Act, for a GABTF fishing right in force on 1 January 2004 the amount of levy is \$26 217.35.

*Note* The research component to be collected from this fishery will be:

- (a) for each fishing permit — 1.17 cents for each quota unit of school shark, 1.12 cents for each quota unit of sawshark 1.33 cents for each quota unit of gummy shark and 0.28 of a cent for each quota unit of elephant fish family fish; and
- (b) for each fishing right — \$1 660.59.

**7.3 When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 7.2 must be paid on or before the later of:

- (a) 8 March 2004; and
- (b) 28 days after the invoice date for the levy.

## Part 8                      Heard Island and McDonald Islands Fishery

### 8.1            Definition

In this Part:

*HIMI statutory fishing right* means a statutory fishing right under the *Heard Island and McDonald Islands Fishery Management Plan 2002*, as in force from time to time.

### 8.2            Amount of levy

For section 6 of the Levy Act, for a HIMI statutory fishing right in force on the commencement of these Regulations, the amount of levy is:

- (a) \$6.96 for each statutory fishing right to take Patagonian toothfish (*Dissostichus eleginoides*), which includes a research component of 90 cents; and
- (b) \$6.96 for each statutory fishing right to take mackerel icefish (*Champsocephalus gunnari*), which includes a research component of 90 cents.

### 8.3            When levy must be paid

For section 110 of the Management Act, the levy mentioned in regulation 8.2 must be paid on or before the later of:

- (a) 11 January 2004; and
- (b) 28 days after the invoice date for the levy.

**Regulation 9.1**

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**Part 9 Macquarie Island Fishery****9.1 Definition**

In this Part:

*MIF fishing permit* means a fishing permit for the Macquarie Island Fishery.

**9.2 Amount of levy**

For section 6 of the Levy Act, for an MIF fishing permit in force on or after the commencement of these Regulations and on or before 30 June 2004, the amount of levy is \$112 475, including a research component of \$383.

**9.3 When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 9.2 must be paid on or before the later of:

- (a) 28 days after the commencement of these Regulations; and
- (b) 28 days after the invoice date for the levy.

## **Part 10**                      **Norfolk Island Offshore Demersal Finfish Fishery**

### **10.1**      **Definition**

In this Part:

*NIODFF fishing permit* means a fishing permit for the Norfolk Island Offshore Demersal Finfish Fishery.

### **10.2**      **Amount of levy**

For section 6 of the Levy Act, for an NIODFF fishing permit in force on or after 1 January 2004 and on or before 31 December 2004, the amount of levy is \$9 798, including a research component of \$60.

### **10.3**      **When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 10.2 must be paid on or before the later of:

- (a) 28 March 2004; and
- (b) 28 days after the invoice date for the levy.

**Regulation 11.1**

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**Part 11 Northern Prawn Fishery****11.1 Definition**

In this Part:

*NPF fishing right* means a gear statutory fishing right within the meaning of the *Northern Prawn Fishery Management Plan 1995*, as in force from time to time.

**11.2 Amount of levy**

- (1) For section 6 of the Levy Act, for an NPF fishing right in force on the day mentioned in subregulation (2), the amount of levy is \$36.20, including a research component of \$7.77.
- (2) For subregulation (1), the day is:
  - (a) if these Regulations commence on or before 12 December 2003 — 12 December 2003; or
  - (b) otherwise — the day these Regulations commence.

**11.3 When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 11.2 must be paid on or before the later of:

- (a) 30 January 2004; and
- (b) 28 days after the invoice date for the levy.

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**Regulation 12.3**

## **Part 12                      North West Slope Fishery**

### **12.1        Definition**

In this Part:

*NWSF fishing permit* means a fishing permit for the North West Slope Fishery.

### **12.2        Amount of levy**

For section 6 of the Levy Act, for an NWSF fishing permit that is in force on or after the commencement of this Part and on or before 30 June 2004, the amount of levy is \$11 813.57, including a research component of \$371.43.

### **12.3        When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 12.2 must be paid on or before the later of:

- (a) 29 January 2004; or
- (b) 28 days after the invoice date for the levy.

**Regulation 13.1**

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**Part 13                      Small Pelagic Fishery****13.1        Definition**

In this Part:

*SPF fishing permit* means a fishing permit for the Small Pelagic Fishery.

**13.2        Amount of levy**

- (1) For section 6 of the Levy Act, for an SPF fishing permit in force on or after the commencement of this Part and on or before 30 June 2004, the amount of levy is \$3 852.

*Note* The proportion of the total levy that is the research component for the purposes of the *Primary Industries and Energy Research and Development Act 1989* will be specified in the *Fisheries Research and Development Corporation Regulations 1991*. It is intended that the part of the total research component to be collected from this fishery will be \$60 for each fishing permit.

- (2) Subregulation (1) does not apply to an SPF fishing permit (the *first permit*) that permits its holder to fish in Zone A of the Small Pelagic Fishery area if, when the permit was granted:
- (a) the holder also held an SPF fishing permit (the *second permit*) that permitted the holder to fish in Zone B, C or D of that area; and
  - (b) the first and second permits apply to the same boat.

**13.3        When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 13.2 must be paid on or before the later of:

- (a) 29 April 2004; and
- (b) 28 days after the invoice date for the levy.

## Part 14 South East Trawl Fishery

### 14.1 Definitions

In this Part:

*gemfish* means fish of the species *Rexea solandri*.

*non-sector species* means a species of fish mentioned in Part 2 of Schedule 3.

*orange roughy* means fish of the species *Hoplostethus atlanticus*.

*SETF fishing permit* means a fishing permit for the South East Trawl Fishery.

### 14.2 Amount of levy

For section 6 of the Levy Act, for an SETF fishing permit in force on or after 1 January 2004 and on or before 31 December 2004, the amount of levy is the total of:

- (a) for each non-sector species to which the permit relates — an amount determined by multiplying together:
  - (i) the number of quota units for the species mentioned in the permit; and
  - (ii) the amount mentioned in column 3 of Part 3 of Schedule 3 for that species; and
- (b) the total of:
  - (i) if the permit authorises taking gemfish:
    - (A) in the case of a permit that authorises taking gemfish in only 1 sector — the amount obtained by multiplying together:
      - (I) the number of quota units for gemfish mentioned in the permit; and
      - (II) the amount mentioned in column 3 of Part 4 of Schedule 3 for gemfish in that sector; or

**Regulation 14.3**

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- (B) in the case of a permit that authorises taking gemfish in both sectors — the sum of the amounts obtained by performing the calculation in sub-subparagraph (b) (i) (A) for each sector; and
- (ii) if the permit authorises taking orange roughly:
  - (A) in the case of a permit that authorises taking orange roughly in only 1 sector — the amount obtained by multiplying together:
    - (I) the number of quota units for orange roughly mentioned in the permit; and
    - (II) the amount mentioned in column 3 of Part 4 of Schedule 3 for orange roughly in that sector; or
  - (B) in the case of a permit that authorises taking orange roughly in more than 1 sector — the sum of the amounts obtained by performing the calculation in sub-subparagraph (b) (ii) (A) for each sector.

**14.3 When levy must be paid**

- (1) For section 110 of the Management Act, for a SETF fishing permit in force on or before 12 April 2004, the levy mentioned in regulation 14.2 must be paid as 1 amount, or in 2 instalments, as follows:
  - (a) the total amount, or an instalment of one-third of the total amount of the levy, must be paid on or before the later of:
    - (i) 29 January 2004; and
    - (ii) 28 days after the invoice date for the instalment;
  - (b) the remainder (if any) must be paid on or before the later of:
    - (i) 15 May 2004; and
    - (ii) 28 days after the invoice date for the instalment.
- (2) For section 110 of the Management Act, for a SETF fishing permit in force on or after 13 April 2004, but not in force on 12 April 2004, the levy mentioned in regulation 14.2 must be paid on or before the later of:
  - (a) 15 May 2004; and

**Regulation 14.3**

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- (b) 28 days after the invoice date for the levy.

**Regulation 15.1**

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**Part 15 Southern Bluefin Tuna Fishery****15.1 Definition**

In this Part:

*SBTF fishing right* means a statutory fishing right described in clause 8 of the *Southern Bluefin Tuna Fishery Management Plan 1995*, as in force from time to time.

**15.2 Amount of levy**

For section 6 of the Levy Act, for an SBTF fishing right in force on 15 January 2004, the amount of levy is 27.86 cents, including a research component of 3.325 cents.

**15.3 When levy must be paid**

For section 110 of the Management Act, for an SBTF fishing right in force on the day mentioned in regulation 15.2, the levy mentioned in that regulation must be paid on or before the later of:

- (a) 12 February 2004; and
- (b) 28 days after the invoice date for the instalment.

**Regulation 16.3**

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**Part 16 Southern Squid Fishery****16.1 Definition**

In this Part:

*SSF fishing permit* means a fishing permit for the Southern Squid Fishery.

**16.2 Amount of levy**

For section 6 of the Levy Act, for an SSF fishing permit that is in force on or after the commencement of these Regulations and on or before 31 August 2004, the amount of levy is \$2 455, including a research component of \$60.

**16.3 When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 16.2 must be paid on or before the later of:

- (a) 21 February 2004; and
- (b) 28 days after the invoice date for the levy.

**Regulation 17.1**

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**Part 17**                      **Southern Tuna and Billfish  
Fishery and the Western Tuna  
and Billfish Fishery****17.1**      **Definitions**

In this Part:

*SWTBF fishing permit* means a fishing permit for the Southern Tuna and Billfish Fishery and the Western Tuna and Billfish Fishery.

**17.2**      **Amount of levy**

For section 6 of the Levy Act, for an SWTBF fishing permit that is in force on or after the commencement of these Regulations and on or before 30 June 2004, the levy is:

- (a) if the permit authorises the use of a purse-seine fishing method — \$9 031, including a research component of \$568; or
- (b) if the permit authorises the use of a pelagic longline fishing method — \$8 989, including a research component of \$568; or
- (c) if the permit authorises the use of any other line fishing method — \$6 355, including a research component of \$568; or
- (d) if the permit authorises the use of more than 1 fishing method in a fishery — the greater or greatest of the amounts applicable to the permit under paragraphs (a), (b) and (c).

**Regulation 17.3**

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**17.3 When levy must be paid**

- (1) Subject to subregulation (2), for section 110 of the Management Act, the levy mentioned in regulation 16.2 must be paid as 1 amount, or in 2 equal instalments, as follows:
  - (a) the whole amount, or the first instalment, must be paid on or before the later of:
    - (i) 17 January 2004; and
    - (ii) 28 days after the invoice date for the instalment;
  - (b) the second instalment (if any) must be paid on or before the later of:
    - (i) 5 May 2004; and
    - (ii) 28 days after the invoice date for the instalment.
- (2) For section 110 of the Management Act, in relation to a fishing permit to which this Part relates, in force on or after 13 April 2004 but not in force on 12 April 2004, the levy mentioned in regulation 17.2 must be paid on or before the later of:
  - (a) 5 May 2004; and
  - (b) 28 days after the invoice date for the levy.

**Regulation 18.1**

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**Part 18                      South Tasman Rise Fishery****18.1        Definition**

In this Part:

*STRF fishing permit* means a fishing permit for the South Tasman Rise Fishery.

**18.2        Amount of levy**

For section 6 of the Levy Act, for an STRF fishing permit that is in force on or after 1 March 2004 and on or before 28 February 2005, the levy is \$2 236.50, including a research component of \$220.21.

**18.3        When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 18.2 must be paid on or before the later of:

- (a) 31 March 2004; and
- (b) 28 days after the invoice date for the levy.

## Part 19 Victorian Inshore Trawl Fishery

### 19.1 Definition

In this Part:

**gemfish** means fish of the species *Rexea solandri*.

**non-sector species** means a species of fish mentioned in Part 2 of Schedule 3.

**orange roughy** means fish of the species *Hoplostethus atlanticus*.

**quota species** means a species of fish mentioned in Part 2 of Schedule 2.

**VITF fishing permit** means a fishing permit for the Victorian Inshore Trawl Fishery.

### 19.2 Amount of levy

- (1) For section 6 of the Levy Act, for a VITF fishing permit *Class A*, that allows the holder to fish for any species, and that is in force on or after 1 January 2004 and on or before 31 December 2004, the amount of levy is the total of \$377.49, including a research component of \$23.03; and
  - (a) for each non-sector species to which the permit relates — an amount determined by multiplying together:
    - (i) the number of quota units for the species mentioned in the permit; and
    - (ii) the amount mentioned in column 3 of Part 3 of Schedule 3 for that species; and

**Regulation 19.2**

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- (b) the total of:
  - (i) if the permit authorises taking gemfish:
    - (A) in the case of a permit that authorises taking gemfish in only 1 sector — the amount obtained by multiplying together:
      - (I) the number of quota units for gemfish mentioned in the permit; and
      - (II) the amount mentioned in column 3 of Part 4 of Schedule 3 for gemfish in that sector; or
    - (B) in the case of a permit that authorises taking gemfish in both sectors — the sum of the amounts obtained by performing the calculation in sub-subparagraph (b) (i) (A) for each sector; and
  - (ii) if the permit authorises taking orange roughly:
    - (A) in the case of a permit that authorises taking orange roughly in only 1 sector — the amount obtained by multiplying together:
      - (I) the number of quota units for orange roughly mentioned in the permit; and
      - (II) the amount mentioned in column 3 of Part 4 of Schedule 3 for orange roughly in that sector; or
    - (B) in the case of a permit that authorises taking orange roughly in more than 1 sector — the sum of the amounts obtained by performing the calculation in sub-subparagraph (b) (ii) (A) for each sector.

**Regulation 19.3**

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- (2) For section 6 of the Levy Act, for a VITF fishing permit *Class B* that is in force on or after 1 January 2004 and on or before 31 December 2004, the amount of levy is the total of:
- (a) if the permit authorises taking gemfish:
    - (i) in the case of a permit that authorises taking gemfish in only 1 sector — the amount obtained by multiplying together:
      - (A) the number of quota units for gemfish mentioned in the permit; and
      - (B) the amount mentioned in column 3 of Part 4 of Schedule 3 for gemfish in that sector; or
    - (ii) in the case of a permit that authorises taking gemfish in both sectors — the sum of the amounts obtained by performing the calculation in subparagraph (a) (i) for each sector; and
  - (b) if the permit authorises taking orange roughy:
    - (i) in the case of a permit that authorises taking orange roughy in only 1 sector — the amount obtained by multiplying together:
      - (A) the number of quota units for orange roughy mentioned in the permit; and
      - (B) the amount mentioned in column 3 of Part 4 of Schedule 3 for orange roughy in that sector; or
    - (ii) in the case of a permit that authorises taking orange roughy in more than 1 sector — the sum of the amounts obtained by performing the calculation in subparagraph (b) (i) for each sector.

*Note* A VITF fishing permit *Class B* contains conditions that allow fishing only for quota species.

**19.3 When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 19.2 must be paid on or before the later of:

- (a) 29 January 2004; and
- (b) 28 days after the invoice date for the levy.

**Regulation 20.1**

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**Part 20                      Western Deep Water Trawl  
Fishery****20.1      Definition**

In this Part:

*WDTF fishing permit* means a fishing permit for the Western Deep Water Trawl Fishery.

**20.2      Amount of levy**

For section 6 of the Levy Act, for a WDTF fishing permit that is in force on or after the commencement of this Part and on or before 30 June 2004, the amount of levy is \$7 171.27, including a research component of \$388.63.

**20.3      When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 20.2 must be paid on or before the later of:

- (a) 29 January 2004; or
- (b) 28 days after the invoice date for the levy.

**Regulation 20A.3**

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**Part 20A Western Skipjack Fishery****20A.1 Definition**

In this Part:

*WSF fishing permit* means a fishing permit for the Western Skipjack Fishery.

**20A.2 Amount of levy**

For section 6 of the Levy Act, for an ESF fishing permit that is in force on or after 1 July 2003 and on or before 30 June 2004, the amount of levy is \$3 185.85, including a research component of \$191.

**20A.3 When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 20A.2 must be paid on or before the later of the following:

- (a) 31 May 2004;
- (b) 28 days after the invoice date for the levy.

**Regulation 21.1**

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**Part 21 Informally managed fisheries****21.1 Definition**

In this Part:

*IMF permit* means a fishing permit for an informally managed fishery.

**21.2 Amount of levy**

- (1) For section 6 of the Levy Act, for an IMF permit that is in force on or after 1 January 2004 and on or before 31 December 2004, the amount of levy is \$1 000.
- (2) An IMF permit issued only to authorise testing of fishing equipment is not liable to levy under subregulation (1).

**21.3 When levy must be paid**

For section 110 of the Management Act, the levy mentioned in regulation 21.2 must be paid on or before the later of:

- (a) 28 January 2004; and
- (b) 28 days after the invoice date for the levy.

## Schedule 1 Eastern Tuna and Billfish Fishery — amounts of levy

(regulation 5.2)

Item	Sector	Amount (\$)
1	ML Sector	2 367
2	PL Sector	2 215
3	PLL (Sub-area 1) Sector	14 278
4	PLL (Sub-area 2) Sector	12 780
5	PLL (Sub-area 4) Sector	7 046
6	PLL (Sub-area 6) Sector	6 726
7	PLL (Sub-area 7) Sector	6 726
8	PLL (Sub-area 8) Sector	6 726
9	PLL (Sub-area 9) Sector	4 426
10	PLL (Sub-area 10) Sector	1 169
11	By-catch	1 169

*Note* The proportion of the total levy that is the research component for the purposes of the *Primary Industries and Energy Research and Development Act 1989* will be specified in the *Fisheries Research and Development Corporation Regulations 1991*. It is intended that the part of the total research component to be collected from this fishery will be as follows:

Item	Sector	Amount (\$)
1	for the ML Sector	580
2	for the PL Sector	428
3	for the PLL (Sub-area 1) Sector	607
4	for the PLL (Sub-area 2) Sector	607
5	for the PLL (Sub-area 4) Sector	607
6	for the PLL (Sub-area 6) Sector	607
7	for the PLL (Sub-area 7) Sector	607
8	for the PLL (Sub-area 8) Sector	607
9	for the PLL (Sub-area 9) Sector	0
10	for the PLL (Sub-area 10) Sector	607
11	for By-catch	607

## Schedule 2 Gillnet, Hook and Trap Fishery — amounts of levy

(regulation 6.2)

### Part 1 Definition

#### 1.1 Definition for Schedule 2

In this Schedule:

***elephant fish*** means fish of a species in any of the following families:

- (a) *Callorhynchidae*;
- (b) *Chimaeridae* (ghost sharks);
- (c) *Rhinochimaeridae* (spook fish).

### Part 2 Quota species

Item	Common name	Scientific name
1	Blue eye trevalla	<i>Hyperoglyphe antarctica</i> ; <i>Schedophilus labyrinthica</i>
2	Blue grenadier	<i>Macruronus novazelandiae</i>
3	Blue warehou	<i>Seriolella brama</i>
4	Elephant fish	
5	Flathead	<i>Neoplatycephalus aurimaculatus</i> ; <i>Neoplatycephalus richardsoni</i> ; <i>Platycephalus bassensis</i> ; <i>Platycephalus caeruleopunctatus</i> ; <i>Platycephalus speculator</i>
6	Gemfish Eastern Sector	<i>Rexea solandri</i>
7	Gemfish Western Sector	<i>Rexea solandri</i>
8	Gummy shark	<i>Mustelus antarcticus</i>

Item	Common name	Scientific name
9	Jackass morwong	<i>Nemadactylus macropterus</i>
10	John dory	<i>Zeus faber</i>
11	Mirror dory	<i>Zenopsis nebulosus</i>
12	Ocean perch	<i>Helicolenus species</i>
13	Pink ling	<i>Genypterus blacodes</i>
14	Redfish	<i>Centroberyx affinis</i>
15	Sawshark	<i>Pristiophorus cirratus</i> ; <i>Pristiophorus nudipinnis</i>
16	School shark	<i>Galeorhinus galeus</i>
17	School whiting	<i>Sillago flindersi</i>
18	Silver trevally	<i>Pseudocaranx dentex</i>
19	Spotted warehou	<i>Seriolella punctata</i>

### Part 3 Amounts of levy — quota species

Item	Species	Amount for each quota unit mentioned in a fishing permit (cents)
1	Blue eye trevalla	53.5
2	Blue grenadier	9.0
3	Blue warehou	0.5
4	Elephant fish	4.5
5	Flathead	7.5
6	Gemfish (eastern sector)	14.0
7	Gemfish (western sector)	26.5
8	Gummy shark	30.5
9	Jackass morwong	12.5
10	John dory	10.5
11	Mirror dory	20.0
12	Ocean perch	20.0

<b>Item</b>	<b>Species</b>	<b>Amount for each quota unit mentioned in a fishing permit (cents)</b>
13	Pink ling	78.0
14	Redfish	11.0
15	Sawshark	10.0
16	School shark	18.0
17	School whiting	0
18	Silver trevally	1.0
19	Spotted warehou	3.0

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## Schedule 3 South East Trawl Fishery — amounts of levy

(regulations 14.1 and 14.2)

### Part 1 Definition

#### 1.1 Definition for Schedule 3

In this Schedule:

*elephant fish* has the same meaning as in Schedule 2.

### Part 2 Non-sector species

Item	Common name	Scientific name
1	Blue eye trevalla	<i>Hyperoglyphe antarctica</i> ; <i>Schedophilus labyrinthica</i>
2	Blue grenadier	<i>Macruronus novazelandiae</i>
3	Blue warehou	<i>Seriolella brama</i>
4	Elephant fish	
5	Flathead	<i>Neoplatycephalus aurimaculatus</i> ; <i>Neoplatycephalus richardsoni</i> ; <i>Platycephalus bassensis</i> ; <i>Platycephalus caeruleopunctatus</i> ; <i>Platycephalus speculator</i>
6	Gummy shark	<i>Mustelus antarcticus</i>
7	Jackass morwong	<i>Nemadactylus macropterus</i>
8	John dory	<i>Zeus faber</i>
9	Mirror dory	<i>Zenopsis nebulosus</i>
10	Ocean perch	<i>Helicolenus</i> species
11	Pink ling	<i>Genypterus blacodes</i>

Item	Common name	Scientific name
12	Redfish	<i>Centroberyx affinis</i>
13	Royal red prawn	<i>Haliporoides sibogae</i>
14	Sawshark	<i>Pristiophorus cirratus</i> ; <i>Pristiophorus nudipinnis</i>
15	School shark	<i>Galeorhinus galeus</i>
16	School whiting	<i>Sillago flindersi</i>
17	Silver trevally	<i>Pseudocaranx dentex</i>
18	Spotted warehou	<i>Seriolella punctata</i>

### Part 3 Amounts of levy — non-sector species

Item	Species	Amount for each quota unit mentioned in a fishing permit (cents)
1	Blue eye trevalla	15.74
2	Blue grenadier	11.19
3	Blue warehou	2.51
4	Elephant fish	3.81
5	Flathead	11.97
6	Gummy shark	29.13
7	Jackass morwong	4.27
8	John dory	16.27
9	Mirror dory	5.08
10	Ocean perch	10.38
11	Pink ling	27.66
12	Redfish	8.33
13	Royal red prawn	8.08
14	Sawshark	12.39
15	School shark	44.38
16	School whiting	2.29

<b>Item</b>	<b>Species</b>	<b>Amount for each quota unit mentioned in a fishing permit (cents)</b>
17	Silver trevally	2.74
18	Spotted warehou	20.53

*Note* The proportion of the total levy that is the research component for the purposes of the *Primary Industries and Energy Research and Development Act 1989* will be specified in the *Fisheries Research and Development Corporation Regulations 1991*. It is intended that the part of the total research component to be collected from this fishery will be as follows:

<b>Item</b>	<b>Species</b>	<b>Research component for each quota unit mentioned in a fishing permit (cents)</b>
1	Blue eye trevalla	1.16
2	Blue grenadier	0.82
3	Blue warehou	0.18
4	Elephant fish	0.28
5	Flathead	0.88
6	Gummy shark	2.14
7	Jackass morwong	0.31
8	John dory	1.20
9	Mirror dory	0.37
10	Ocean perch	0.76
11	Pink ling	2.03
12	Redfish	0.61
13	Royal red prawn	0.59
14	Sawshark	0.91
15	School shark	3.26
16	School whiting	0.17
17	Silver trevally	0.20
18	Spotted warehou	1.51

## Part 4 Amounts of levy — gemfish and orange roughy

### 4.1 Gemfish

Item	Sector	Amount for each quota unit mentioned in a fishing permit (cents)
1	Eastern	4.41
2	Western	12.27

*Note* The proportion of the total levy that is the research component for the purposes of the *Primary Industries and Energy Research and Development Act 1989* will be specified in the *Fisheries Research and Development Corporation Regulations 1991*. It is intended that the part of the total research component to be collected from this fishery will be as follows:

Item	Sector	Amount for each quota unit mentioned in a fishing permit (cents)
1	Eastern	0.41
2	Western	0.90

### 4.2 Orange roughy

Item	Sector	Amount for each quota unit mentioned in a fishing permit (cents)
1	Eastern	3.32
2	Southern	0.47
3	Western	2.35
4	Cascade	20.13

*Note* The proportion of the total levy that is the research component for the purposes of the *Primary Industries and Energy Research and Development Act 1989* will be specified in the *Fisheries Research and Development Corporation Regulations 1991*. It is intended that the part of the total research component to be collected from this fishery will be as follows:

Item	Sector	Amount for each quota unit mentioned in a fishing permit (cents)
1	Eastern	0.24

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<b>Item</b>	<b>Sector</b>	<b>Amount for each quota unit mentioned in a fishing permit (cents)</b>
2	Southern	0.03
3	Western	0.17
4	Cascade	1.14

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**Table of Statutory Rules**

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**Notes to the *Fishing Levy Regulations 2003***

**Note 1**

The *Fishing Levy Regulations 2003* (in force under the *Fisheries Management Act 1991* and *Fishing Levy Act 1991*) as shown in this compilation comprise Statutory Rules 2003 No. 287 amended as indicated in the Tables below.

**Table of Statutory Rules**

<b>Year and number</b>	<b>Date of notification in <i>Gazette</i></b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
2003 No. 287	27 Nov 2003	27 Nov 2003	
2004 No. 71	30 Apr 2004	30 Apr 2004	—

**Table of Amendments****Table of Amendments**

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

<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
Note 1 to r. 1.5.....	am. 2004 No. 71
Note 2 to r. 1.5.....	am. 2004 No. 71
<b>Part 4A</b>	
Part 4A.....	ad. 2004 No. 71
R. 4A.1.....	ad. 2004 No. 71
R. 4A.2.....	ad. 2004 No. 71
R. 4A.3.....	ad. 2004 No. 71
<b>Part 20A</b>	
Part 20A.....	ad. 2004 No. 71
R. 20A.1.....	ad. 2004 No. 71
R. 20A.2.....	ad. 2004 No. 71
R. 20A.3.....	ad. 2004 No. 71