



Fisheries Levy Act 1984

No. 151, 1984

Compilation No. 7

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Includes amendments up to:	Act No. 126, 2015
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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Fisheries Levy Act 1984* that shows the text of the law as amended and in force on 5 March 2016 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to impose a levy with respect to certain fisheries licences and certain units of fishing capacity

1 Short title

This Act may be cited as the *Fisheries Levy Act 1984*.

2 Commencement

This Act shall come into operation on a day to be fixed by Proclamation.

3 Interpretation

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

fisheries licence means a licence under the *Fisheries Act 1952* or the *Torres Strait Fisheries Act 1984*.

fishery means a class of activities by way of fishing, being a class of such activities that is identified in a plan of management as a fishery to which the plan of management applies.

plan of management means a plan of management determined under subsection 7B(1) of the *Fisheries Act 1952* or section 15A of the *Torres Strait Fisheries Act 1984*.

- (2) A reference in this Act to units of fishing capacity is a reference to the units into which, under a plan of management for a fishery, the fishing capacity or a part of the fishing capacity permitted for the fishery is divided.

4 Application of Act

This Act extends to every external Territory and applies both within and outside Australia.

5 Imposition of levy

Levy is imposed on the following:

- (a) the grant of a licence under subsection 9(2) or (3) of the *Fisheries Act 1952*, being a licence included in a class of licences prescribed for the purposes of this paragraph;
- (b) the endorsement under subsection 9(4) of the *Fisheries Act 1952* of a licence granted under subsection 9(2) or (3) of that Act, being an endorsement included in a class of endorsements prescribed for the purposes of this paragraph;
- (ba) the renewal under subsection 9(6B) of the *Fisheries Act 1952* of a licence granted under subsection 9(2) or (3) of that Act, being a licence included in a class of licences prescribed for the purposes of this paragraph;
- (bb) the variation under subsection 9(7A) of the *Fisheries Act 1952* of a licence granted under subsection 9(2) or (3) of that Act, being a licence included in a class of licences prescribed for the purposes of this paragraph;
- (bc) the allocation of units of fishing capacity, being units of fishing capacity prescribed for the purposes of this paragraph;
- (bd) the renewal of the allocation of units of fishing capacity, being units of fishing capacity prescribed for the purposes of this paragraph;
- (c) the endorsement under subsection 12P(4) of the *Fisheries Act 1952* of a licence granted under subsection 9(2) or (3) of that Act, being an endorsement included in a class of endorsements prescribed for the purposes of this paragraph;
- (d) the grant of a licence under subsection 19(2), (3) or (4A) of the *Torres Strait Fisheries Act 1984*, being a licence included in a class of licences prescribed for the purposes of this paragraph;
- (e) the making under subsection 21(1) of the *Torres Strait Fisheries Act 1984* of an entry in a licence granted under subsection 19(2) or (3) of that Act, being an entry included in a class of entries prescribed for the purposes of this paragraph;

- (ea) the making under subsection 21(1A) of the *Torres Strait Fisheries Act 1984* of an entry in a licence granted under subsection 19(4A) of that Act, being an entry included in a class of entries prescribed for the purposes of this paragraph;
- (f) the renewal under subsection 24(1) of the *Torres Strait Fisheries Act 1984* of a licence granted under subsection 19(2), (3) or (4A) of that Act, being a licence included in a class of licences prescribed for the purposes of this paragraph;
- (fa) the variation under subsection 25A(1) of the *Torres Strait Fisheries Act 1984* of a licence granted under subsection 19(2) or (3) of that Act, being a licence included in a class of licences prescribed for the purposes of this paragraph;
- (g) the making under subsection 36(4) of the *Torres Strait Fisheries Act 1984* of an entry in a licence granted under subsection 19(2), (3) or (4A) of that Act, being an entry included in a class of entries prescribed for the purposes of this paragraph.

6 Amount of levy

- (1) The amount of the levy imposed by this Act on the grant of a fisheries licence, the renewal of a fisheries licence, the endorsement of a fisheries licence, the variation of a fisheries licence, the allocation of a unit of fishing capacity, the renewal of the allocation of a unit of fishing capacity or the making of an entry in a fisheries licence is such amount as is specified in, or calculated in accordance with, the regulations.
- (2) Regulations made for the purposes of subsection (1) may specify different amounts of, or prescribe different methods of calculating amounts of, levy in respect of:
 - (a) fisheries licences included in different classes of fisheries licences;
 - (b) endorsements of fisheries licences included in different classes of endorsements of fisheries licences;

- (ba) units of fishing capacity included in different classes of units of fishing capacity; and
- (c) entries in fisheries licences included in different classes of entries in fisheries licences.

7 Payment of levy

- (1) The amount of the levy imposed by this Act on the grant of a fisheries licence is payable by the person to whom the fisheries licence is granted at the time of the grant of the licence.
- (2) The amount of the levy imposed by this Act on the renewal of a fisheries licence is payable by the holder of the licence at the time of the renewal of the licence.
- (3) The amount of the levy imposed by this Act on the endorsement of a fisheries licence, or the making of an entry in a fisheries licence, is payable by the holder of the licence at the time of the endorsement or the making of the entry, as the case may be.
- (4) The amount of the levy imposed by this Act on the variation of a fisheries licence is payable by the holder of the licence at the time of the variation of the licence.
- (5) The amount of the levy imposed by this Act on the allocation of a unit of fishing capacity is payable by the person to whom the unit of fishing capacity is allocated at the time of the allocation of the unit of fishing capacity.
- (6) The amount of the levy imposed by this Act on the renewal of the allocation of a unit of fishing capacity is payable by the holder of the unit of fishing capacity at the time of the renewal of the allocation of the unit of fishing capacity.

8 Regulations

- (1) The Governor-General may make regulations for the purposes of sections 5 and 6.

- (2) Notwithstanding section 14 of the *Legislation Act 2003*, the regulations may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in a plan of management, being a plan of management as in force at a particular time or as in force from time to time.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Fisheries Licences Levy Act 1984	151, 1984	25 Oct 1984	31 Aug 1985 (s 2 and gaz 1985, No S347)	
Fisheries Levy Amendment Act 1985	30, 1985	22 May 1985	31 Aug 1985 (s 2 and gaz 1985, No S347)	—
Fisheries Levy Amendment Act 2007	105, 2007	28 June 2007	Sch 1 (items 1, 2): 26 July 2007 (s 2(1) item 2) Sch 1 (items 3–8): 28 June 2008 (s 2(1) item 3)	—
Statute Law Revision Act 2013	103, 2013	29 June 2013	Sch 3 (item 11): 29 June 2013 (s 2(1) item 16)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 229): 5 Mar 2016 (s 2(1) item 2)	—

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Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	am No 30, 1985
s 1	am No 30, 1985
s 3	rs No 30, 1985 am No 105, 2007
s 5	am No 30, 1985; No 105, 2007
s 6	am No 30, 1985
s 7	am No 30, 1985
s 8	am No 30, 1985; No 103, 2013; No 126, 2015
