



# Foreign Fishing Boats Levy Regulations

**Statutory Rules 1983 No. 117 as amended**

made under the

*Foreign Fishing Boats Levy Act 1981*

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This compilation was prepared on 16 April 2004  
taking into account amendments up to SR 1988 No. 368

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**1 Citation** [see Note 1]

These Regulations may be cited as the Foreign Fishing Boats Levy Regulations.

**2 Repeal of former Foreign Fishing Boats Levy Regulations**

Statutory Rules 1982 No. 288 are repealed.

**3 Interpretation**

In these Regulations:

*the Act* means the *Foreign Fishing Boats Levy Act 1981*.

*the Secretary* has the same meaning as in the *Fisheries Act 1952*.

**4 Prescribed class of foreign fishing boats**

For the purposes of subsection 4 (2) of the *Foreign Fishing Boats Levy Act 1981*, a foreign fishing boat is included in a prescribed class of foreign fishing boats if, in respect of that boat:

- (a) there is an instrument in force under subsection 4 (2) of the *Fisheries Act 1952*; and
- (b) a resident of Australia who is:
  - (i) an Australian citizen; or
  - (ii) a company registered in Australia in which the majority of shares is held by persons who are both residents of Australia and Australian citizens;

provides evidence to the satisfaction of the Secretary, or an officer in the Department authorised in writing by the Secretary in that behalf, that the person or the company is the owner of the boat.

## **5 Reconsideration and review of decisions under paragraph 4 (b)**

- (1) In this regulation:
  - relevant decision* means a decision under paragraph 4 (b) that a person is, or is not, the owner of a boat.
  - reviewable decision* means a decision of the Minister under subregulation (6).
- (2) The person making a relevant decision shall, within 28 days of the date of the decision, cause written notice of the decision to be given to persons whose interests are affected by the decision.
- (3) A notice given under subregulation (2) of a relevant decision shall include a statement to the effect that a person whose interests are affected by the decision may, by notice in writing given to the Minister within 21 days of the day on which the decision first comes to the notice of the person, or within such further period as the Minister allows by notice in writing given to the person either before or after the expiration of those 21 days, request the Minister to reconsider the decision.
- (4) A person whose interests are affected by a relevant decision may, by notice in writing given to the Minister within 21 days of the day on which the decision first comes to the notice of the person, or within such further period as the Minister allows by notice in writing given to the person either before or after the

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expiration of those 21 days, request the Minister to reconsider the decision.

- (5) A request under subregulation (4) shall set out the reasons for making the request.
- (6) Within 45 days of the receipt by the Minister of a request under subregulation (4) to reconsider a relevant decision, the Minister shall reconsider the decision and make a decision:
  - (a) confirming the relevant decision;
  - (b) in substitution for the relevant decision; or
  - (c) revoking the relevant decision.
- (7) Application may be made to the Administrative Appeals Tribunal for the review of a reviewable decision.
- (8) The Minister shall, within 28 days of the date of making a reviewable decision, cause written notice of the decision to be given to persons whose interests are affected by the decision.
- (9) A notice given under subregulation (8) of a reviewable decision shall:
  - (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for the review of the decision; and
  - (b) except where subsection 28 (4) of that Act applies — include a statement to the effect that a person whose interests are affected by the decision may request a statement under section 28 of that Act.
- (10) The validity of a decision is not affected by a failure to comply with subregulation (3) or (9).
- (11) The Minister may, by instrument in writing, delegate to the Secretary or to an officer in the Senior Executive Service in the Department all or any of his or her powers under this regulation.

**6 Levy payable under subsection 5 (1) of the Act**

For the purposes of subsection 5 (1) of the Act, the amount of levy imposed by subsection 4 (1) of the Act on the grant to a person of a licence in respect of a foreign fishing boat is \$15,000.

**Table of Statutory Rules**

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## **Notes to the Foreign Fishing Boats Levy Regulations**

### **Note 1**

The Foreign Fishing Boats Levy Regulations (in force under the *Foreign Fishing Boats Levy Act 1981*) as shown in this compilation comprise Statutory Rules 1983 No. 117 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>
1983 No. 117	29 July 1983	29 July 1983	—
1984 No. 167	27 July 1984	27 July 1984	—
1985 No. 182	31 July 1985	1 Aug 1985	—
1987 No. 296	17 Dec 1987	17 Dec 1987	—
1988 No. 368	21 Dec 1988	21 Dec 1988	—

**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>
R. 3 .....	am. 1984 No. 167; 1985 No. 182; 1987 No. 296
R. 4 .....	rs. 1987 No. 296 am. 1988 No. 368
R. 5 .....	am. 1984 No. 167; 1985 No. 182 rep. 1987 No. 296 ad. 1988 No. 368
R. 6 .....	am. 1987 No. 296