



Fishing Levy Regulations 2008¹

Select Legislative Instrument 2008 No. 1

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Fisheries Management Act 1991* and the *Fishing Levy Act 1991*.

Dated 25 January 2008

P. M. JEFFERY
Governor-General

By His Excellency's Command

TONY BURKE
Minister for Agriculture, Fisheries and Forestry

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Regulation 1

Part 1 Preliminary**1 Name of Regulations**

These Regulations are the *Fishing Levy Regulations 2008*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Repeal

The *Fishing Levy Regulations 2006* are repealed.

4 Definitions

- (1) In these Regulations:

invoice date, for levy or an instalment of levy, means the date specified as its date of issue on the invoice generated 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*.

- (2) Unless the contrary intention appears, an expression that is used in these Regulations and in the Management Regulations has the same meaning in these Regulations as it has in the Management Regulations.
- (3) Unless the contrary intention appears, an expression that is used in these Regulations in relation to a fishery for which there is a plan of management made under section 17 of the Management Act, and that is also used in that plan, has the same meaning in these Regulations as it has in the plan.

Regulation 5

5 References to fisheries

A reference in these Regulations to a fishery by name, being a 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 Coral Sea Fishery;
- (b) the Eastern Tuna and Billfish Fishery;
- (c) the North West Slope Fishery;
- (d) the Small Pelagic Fishery;
- (e) the Western Deep Water Trawl Fishery;
- (f) the Western Tuna and Billfish Fishery;
- (g) the South Tasman Rise Fishery.

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

- (a) the Bass Strait Central Zone Scallop Fishery — see the *Bass Strait Central Zone Scallop Fishery Management Plan 2002* (notified in *Gazette* No. S 422 of 7 November 2002);
- (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 Macquarie Island Toothfish Fishery — see the *Macquarie Island Toothfish Fishery Management Plan 2006* (notified in *Gazette* No. GN 21 of 31 May 2006);
- (d) the Northern Prawn Fishery — see the *Northern Prawn Fishery Management Plan 1995* (notified in *Gazette* No. S 49 of 10 February 1995);
- (e) the Southern and Eastern Scalefish and Shark Fishery — see the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003* (notified in *Gazette* No. GN 39 of 1 October 2003);
- (f) the Southern Bluefin Tuna Fishery — see the *Southern Bluefin Tuna Fishery Management Plan 1995* (notified in *Gazette* No. S 34 of 3 February 1995);
- (g) the Southern Squid Jig Fishery — see the *Southern Squid Jig Fishery Management Plan 2005* (notified in *Gazette* No. S 72 of 28 April 2005).

Regulation 6

**Part 2 Bass Strait Central Zone
Scallop Fishery****6 Definition — *leviable BSCZSF COM SFR***

In this Part:

leviable BSCZSF COM SFR means a quota statutory fishing right granted under the *Bass Strait Central Zone Scallop Fishery Management Plan 2002* for commercial scallops that is in force on or after 1 January 2008.

7 Amount of levy

For section 6 of the Levy Act, the amount of levy payable for a leviable BSCZSF COM SFR is \$0.3367.

8 When levy must be paid

For section 110 of the Management Act, levy payable for the leviable BSCZSF COM SFRs held by a person is due and payable on the later of:

- (a) 29 January 2008; and
- (b) 28 days after the invoice date for the levy.

Part 3 Coral Sea Fishery

9 Definition — *leviable CSF fishing permit*

In this Part:

leviable CSF fishing permit means a fishing permit for the Coral Sea Fishery that is in force on or after the commencement of these Regulations and on or before 30 June 2008.

10 Amount of levy

For section 6 of the Levy Act, the amount of levy payable for a leviable CSF fishing permit is the sum of:

- (a) \$1 456.63; and
- (b) an amount for each sector of the Fishery to which the permit relates, as follows:
 - (i) for the aquarium sector — \$168.27;
 - (ii) for the lobster and trochus collection sector — \$2 208.10;
 - (iii) for the demersal line sector — \$7 041.36;
 - (iv) for the demersal trawl sector — \$9 139.34;
 - (v) for the sea cucumber hand collection sector — \$5 355.42.

11 When levy must be paid

For section 110 of the Management Act, levy payable for a leviable CSF fishing permit is due and payable on the later of:

- (a) 31 March 2008; and
- (b) 28 days after the invoice date for the levy.

Regulation 12

Part 4 Eastern Tuna and Billfish Fishery

12 Definition — *leviable ETBF fishing permit*

In this Part:

leviable ETBF fishing permit means a fishing permit for the Eastern Tuna and Billfish Fishery that is in force on or after the commencement of these Regulations and on or before 30 June 2008.

13 Amount of levy

For section 6 of the Levy Act, the amount of levy payable for a leviable ETBF fishing permit is:

- (a) if the permit authorises fishing in only 1 sector of the Fishery — the amount specified for the sector in table 13; or
- (b) if the permit authorises fishing in 2 or more sectors — the greater or greatest of the amounts specified in the table for the sectors in which fishing is authorised.

Note For the sectors of the Fishery, see regulation 4C of, and Division 2 of Part 3 of Schedule 1A to, the Management Regulations.

Table 13 Amounts of levy for the sectors

Item	Sector	Amount (\$)
1	ML Sector	1 947.54
2	PL Sector	1 853.30
3	PLL (Sub-area 1) Sector	11 667.51
4	PLL (Sub-area 2) Sector	10 514.51
5	PLL (Sub-area 4) Sector	6 098.54
6	PLL (Sub-area 6) Sector	5 852.04
7	PLL (Sub-area 7) Sector	5 852.04
8	PLL (Sub-area 8) Sector	5 852.04

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Item	Sector	Amount (\$)
9	PLL (Sub-area 9) Sector	3 408.54
10	PLL (Sub-area 10) Sector	1 571.94
11	Area Z	1 571.94

14 When levy must be paid

- (1) This regulation is made for sections 110 and 111 of the Management Act.
- (2) Levy payable for a leviable ETBF fishing permit that is in force on 29 January 2008 may be paid in 2 equal instalments.
- (3) If levy is paid by making 1 payment of the full amount due, that payment is due and payable on the later of:
 - (a) 29 January 2008; and
 - (b) 28 days after the invoice date for the levy.
- (4) If levy is paid in 2 instalments:
 - (a) the first instalment is due and payable on the later of:
 - (i) 29 January 2008; and
 - (ii) 28 days after the invoice date for the levy; and
 - (b) the second instalment is due and payable on the later of:
 - (i) 10 April 2008; and
 - (ii) 28 days after the invoice date for the instalment.
- (5) Levy payable for a leviable ETBF fishing permit that is in force on 10 April 2008 but not on 29 January 2008 is due and payable 28 days after the invoice date for the levy.

Regulation 15

Part 5 Heard Island and McDonald Islands Fishery

15 Definition — *leviable HIMI SFR*

In this Part:

leviable HIMI SFR means a statutory fishing right granted under the *Heard Island and McDonald Islands Fishery Management Plan 2002* that is in force on the commencement of these Regulations.

16 Amount of levy

For section 6 of the Levy Act, the amount of levy payable for a leviable HIMI SFR is \$9.65.

17 When levy must be paid

- (1) This regulation is made for sections 110 and 111 of the Management Act.
- (2) Levy payable for a leviable HIMI SFR held by a person may be paid in 2 equal instalments.
- (3) If levy is paid by making 1 payment of the full amount due, that payment is due and payable on the later of:
 - (a) 15 March 2008; and
 - (b) 28 days after the invoice date for the levy.
- (4) If levy is paid as 2 instalments:
 - (a) the first instalment is due and payable on the later of:
 - (i) 15 March 2008; and
 - (ii) 28 days after the invoice date for the levy; and
 - (b) the second instalment is due and payable on the later of:
 - (i) 15 June 2008; and
 - (ii) 28 days after the invoice date for the instalment.

Part 6 Informally managed fisheries

18 Definitions

In this Part:

informally managed fishery is a fishery that is managed by AFMA under the Management Regulations, but for which there is no management plan, and to which regulation 4B of those Regulations does not apply.

leviable IMF purse seine for pilchards and sandy sprat species permit means a fishing permit:

- (a) for fishing by purse seine for pilchards and sandy sprat species in an informally managed fishery; and
- (b) that is in force on or after the commencement of these Regulations and on or before 30 June 2008; and
- (c) that does not include a fishing permit that is issued only to authorise the testing of fishing equipment.

leviable IMF purse seine for scalefish and other species permit means a fishing permit:

- (a) for fishing by purse seine for scalefish and other species in an informally managed fishery; and
- (b) that is in force on or after the commencement of these Regulations and on or before 30 June 2008; and
- (c) that does not include a fishing permit that is issued only to authorise the testing of fishing equipment.

19 Amount of levy

- (1) For section 6 of the Levy Act, the amount of levy payable for a leviable IMF purse seine for pilchards and sandy sprat species permit is \$1 060.00.
- (2) For section 6 of the Levy Act, the amount of levy payable for a leviable IMF purse seine for scalefish and other species permit is \$1 060.00.

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20 When levy must be paid

For section 110 of the Management Act, levy payable for a leviable IMF purse seine for pilchards and sandy sprat species permit and for a leviable IMF purse seine for scalefish and other species permit is due and payable on the later of:

- (a) 29 January 2008; and
- (b) 28 days after the invoice date for the levy.

Part 7 Macquarie Island Toothfish Fishery

21 Definition — *leviable MITF SFR*

In this Part:

leviable MITF SFR means a statutory fishing right granted under the *Macquarie Island Toothfish Fishery Management Plan 2006* that is in force on the commencement of these Regulations.

22 Amount of levy

For section 6 of the Levy Act, the amount of levy payable for a leviable MITF SFR is \$11.91.

23 When levy must be paid

- (1) This regulation is made for sections 110 and 111 of the Management Act.
- (2) Levy payable for a leviable MITF SFR held by a person may be paid in 2 equal instalments.
- (3) If levy is paid by making 1 payment of the full amount due, that payment is due and payable on the later of:
 - (a) 15 February 2008; and
 - (b) 28 days after the invoice date for the levy.
- (4) If levy is paid as 2 instalments:
 - (a) the first instalment is due and payable on the later of:
 - (i) 15 February 2008; and
 - (ii) 28 days after the invoice date for the levy; and
 - (b) the second instalment is due and payable on the later of:
 - (i) 15 May 2008; and
 - (ii) 28 days after the invoice date for the instalment.

Regulation 24

Part 8 Northern Prawn Fishery**24 Definition — *leviable NPF gear SFR***

In this Part:

leviable NPF gear SFR means a gear statutory fishing right (within the meaning of the *Northern Prawn Fishery Management Plan 1995*) that is in force on the day these Regulations commence.

25 Amount of levy

For section 6 of the Levy Act, the amount of levy payable for a leviable NPF gear SFR is \$32.89.

26 When levy must be paid

For section 110 of the Management Act, levy payable for a leviable NPF gear SFR held by a person is due and payable on the later of:

- (a) 29 January 2008; and
- (b) 28 days after the invoice date for the levy.

Part 9 North West Slope Fishery

27 Definition — *leviable NWSF fishing permit*

In this Part:

leviable NWSF fishing permit means a fishing permit for the North West Slope Fishery that is in force on or after the commencement of these Regulations and on or before 30 June 2008.

28 Amount of levy

For section 6 of the Levy Act, the amount of levy payable for a leviable NWSF fishing permit is \$9 163.86.

29 When levy must be paid

For section 110 of the Management Act, levy payable for a leviable NWSF fishing permit is due and payable on the later of:

- (a) 29 January 2008; and
- (b) 28 days after the invoice date for the levy.

Regulation 30

Part 10 Small Pelagic Fishery**30 Definition — *leviable SPF fishing permit***

In this Part:

leviable SPF fishing permit means a fishing permit for the Small Pelagic Fishery that is in force on or after the commencement of these Regulations and on or before 30 June 2008.

31 Amount of levy

For section 6 of the Levy Act, the amount of levy payable for a leviable SPF fishing permit is \$3 601.99.

32 When levy must be paid

For section 110 of the Management Act, levy payable for a leviable SPF fishing permit is due and payable on the later of:

- (a) 31 March 2008; and
- (b) 28 days after the invoice date for the levy.

Part 11 Southern and Eastern Scalefish and Shark Fishery

Division 1 Preliminary

33 Definitions

(1) In this Part:

holder of a fishing concession means:

- (a) the person to whom the concession was granted; or
- (b) if that person has transferred the concession to another person:
 - (i) the other person; or
 - (ii) any other person to whom it is subsequently transferred.

Plan means the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*.

quota species has the same meaning as in the Plan.

Note The quota species are set out in Schedule 2 to the Plan.

Quota Unit Register means the register maintained by AFMA that sets out the units of quota species that each fishing permit holder may take.

(2) In this Part:

- (a) a reference to a sector or a zone by name is a reference to the sector or zone of that name described in the Plan; and
- (b) a reference to a statutory fishing right is a reference to a right granted under the Plan; and
- (c) a reference to a fishing permit is a reference to a permit granted under the Plan, unless otherwise stated.

Regulation 34

Division 2 Fishing permits

34 Amount of levy — leviable SESSF ECDT fishing permit

- (1) In this regulation:

leviable SESSF ECDT fishing permit means a fishing permit for the Southern and Eastern Scalefish and Shark Fishery that authorises fishing by trawling methods for the East Coast Deepwater Trawl Sector that is in force on or after 1 January 2008 and on or before 30 April 2008.

- (2) For section 6 of the Levy Act, the amount of levy payable for a leviable SESSF ECDT fishing permit is \$2 493.70.

35 Amount of levy — leviable SESSF SEQ species fishing permit

- (1) In this regulation:

leviable SESSF SEQ species fishing permit means a fishing permit for the Southern and Eastern Scalefish and Shark Fishery (except for the Commonwealth Great Australian Bight Trawl Sector of the Fishery):

- (a) to take fish of 1 or more SESSF SEQ quota species; and
- (b) being a fishing permit that is in force on or after 1 January 2008 and on or before 30 April 2008.

- (2) For section 6 of the Levy Act, the amount of levy payable for a leviable SESSF SEQ species fishing permit is the total of:

- (a) \$0.2514 for each quota unit of school shark; and
- (b) \$0.2847 for each quota unit of gummy shark; and
- (c) \$0.1939 for each quota unit of sawshark; and
- (d) \$0.0925 for each quota unit of elephant fish;

set out for the permit holder in the Quota Unit Register.

36 Amount of levy — leviable SESSF GABT fishing permit

(1) In this regulation:

leviable SESSF GABT fishing permit means a fishing permit for the Commonwealth Great Australian Bight Trawl Sector of the Southern and Eastern Scalefish and Shark Fishery:

- (a) to take fish of 1 or more SESSF GABT quota species; and
- (b) being a fishing permit that is in force on or after 1 January 2008 and on or before 30 April 2008.

(2) For section 6 of the Levy Act, the amount of levy payable for a leviable SESSF GABT fishing permit is the total of:

- (a) \$0.2514 for each quota unit of school shark; and
 - (b) \$0.2847 for each quota unit of gummy shark; and
 - (c) \$0.1939 for each quota unit of sawshark; and
 - (d) \$0.0925 for each quota unit of elephant fish;
- set out for the permit holder in the Quota Unit Register.

37 Amount of levy — leviable SESSF GHT fishing permit

(1) In this regulation:

leviable SESSF GHT fishing permit means a fishing permit for the South Australian Coastal Waters Sector, the Tasmanian Coastal Waters Sector, the Tasmanian Rock Lobster Sector or the Victorian Coastal Waters Sector, being a fishing permit that:

- (a) authorises the taking of fish of 1 or more SESSF GHT quota species; and
- (b) is in force on or after 1 January 2008 and on or before 30 April 2008;

but does not include a fishing permit that is subject to a condition requiring the boat nominated for the permit to be the nominated boat for a boat statutory fishing right granted under the Plan.

Note SESSF GHT fishing permits are granted under the Plan to replace OCS permits — see sections 39, 40, 41 and 43 of the Plan.

Regulation 38

- (2) For section 6 of the Levy Act, the amount of levy payable for a leviable SESSF GHT fishing permit is the sum of:
- (a) \$2 029.68; and
 - (b) the total of:
 - (i) \$0.2514 for each quota unit of school shark; and
 - (ii) \$0.2847 for each quota unit of gummy shark; and
 - (iii) \$0.1939 for each quota unit of sawshark; and
 - (iv) \$0.0925 for each quota unit of elephant fish;set out for the permit holder in the Quota Unit Register.

38 Amount of levy — leviable SESSF VCW fishing permit

- (1) In this regulation:
leviable SESSF VCW fishing permit means a fishing permit for the Victorian Coastal Waters Sector that authorises fishing by trawling methods being a fishing permit that is in force on or after 1 January 2008 and on or before 30 April 2008.
- (2) For section 6 of the Levy Act, the amount of levy payable for a leviable SESSF VCW fishing permit is \$975.64.

39 Amount of levy — leviable SESSF GHT trap fishing permit

- (1) In this regulation:
leviable SESSF GHT trap fishing permit means a fishing permit:
- (a) for fishing in the Commonwealth Scalefish Hook Sector by means of fish traps; and
 - (b) that is in force on or after 1 January 2008 and on or before 30 April 2008; and
 - (c) that is not subject to a condition requiring the boat nominated for the permit to be the nominated boat for a boat statutory fishing right granted under the Plan.

Regulation 40

- (2) For section 6 of the Levy Act, the amount of levy payable for a leviable SESSF GHT trap fishing permit is \$5 533.16.

40 When levy must be paid — SESSF fishing permits

- (1) In this regulation:
leviable SESSF fishing permit means:
- (a) a leviable SESSF ECDT fishing permit within the meaning given by regulation 34; or
 - (b) a leviable SESSF SEQ species fishing permit within the meaning given by regulation 35; or
 - (c) a leviable SESSF GABT fishing permit within the meaning given by regulation 36; or
 - (d) a leviable SESSF GHT fishing permit within the meaning given by regulation 37; or
 - (e) a leviable SESSF VCW fishing permit within the meaning given by regulation 38; or
 - (f) a leviable SESSF GHT trap fishing permit within the meaning given by regulation 39.
- (2) This regulation is made for sections 110 and 111 of the Management Act.
- (3) Levy payable for a leviable SESSF fishing permit may be paid in 2 equal instalments.
- (4) If levy is paid by making 1 payment of the full amount due, that payment is due and payable on the later of:
- (a) 29 January 2008; and
 - (b) 28 days after the invoice date for the levy.
- (5) If levy is paid as 2 instalments:
- (a) the first instalment is due and payable on the later of:
 - (i) 29 January 2008; and
 - (ii) 28 days after the invoice date for the levy; and
 - (b) the second instalment is due and payable on the later of:
 - (i) 30 April 2008; and
 - (ii) 28 days after the invoice date for the instalment.

Regulation 41

Division 3 Statutory fishing rights

41 Amount of levy — leviable SESSF GAB trawl boat SFR

- (1) In this regulation:

leviable SESSF GAB trawl boat SFR means a GAB Trawl boat statutory fishing right that is in force on 1 January 2008.

- (2) For section 6 of the Levy Act, the amount of levy payable for a leviable SESSF GAB trawl boat SFR is \$44 091.84.

42 Amount of levy — leviable SESSF gillnet boat SFR

- (1) In this regulation:

leviable SESSF gillnet boat SFR means a gillnet boat statutory fishing right that is in force on 1 January 2008.

- (2) For section 6 of the Levy Act, the amount of levy payable for a leviable SESSF gillnet boat SFR is \$1 337.53.

43 Amount of levy — leviable SESSF scalefish hook boat SFR

- (1) In this regulation:

leviable SESSF scalefish hook boat SFR means a scalefish hook boat statutory fishing right that is in force on 1 January 2008.

- (2) For section 6 of the Levy Act, the amount of levy payable for a leviable SESSF scalefish hook boat SFR is \$4 576.58.

44 Amount of levy — leviable SESSF shark hook boat SFR

- (1) In this regulation:

leviable SESSF shark hook boat SFR means a shark hook boat statutory fishing right that is in force on 1 January 2008.

- (2) For section 6 of the Levy Act, the amount of levy payable for a leviable SESSF shark hook boat SFR is \$2 174.65.

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45 Amount of levy — leviable SESSF trawl boat SFR

- (1) In this regulation:
leviable SESSF trawl boat SFR means a trawl boat statutory fishing right that is in force on 1 January 2008.
- (2) For section 6 of the Levy Act, the amount of levy payable for a leviable SESSF trawl boat SFR is \$5 754.44.

46 Amount of levy — leviable SESSF quota SFR

- (1) In this regulation:
leviable SESSF quota SFR means a quota statutory fishing right that is in force on 1 January 2008.
- (2) For section 6 of the Levy Act, the amount of levy payable for a leviable SESSF quota SFR to take a particular species, or a particular species in a particular sector or zone, is the amount specified in table 46 for that species, or that species in a sector or zone, as the case requires.

Table 46 Amounts of levy per quota SFR for quota species

Item	Quota species, species and sector, or species and zone	Amount of levy (\$)
1	Bight redfish	0.0117
2	Blue eye trevalla	0.1236
3	Blue grenadier	0.0827
4	Blue warehou	0.0242
5	Deepwater flathead	0.0091
6	Flathead	0.1078
7	Gemfish (eastern sector)	0.0476
8	Gemfish (western sector)	0.0605
9	Jackass morwong	0.0439
10	John dory	0.1339
11	Mirror dory	0.0606
12	Ocean perch	0.0812

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Item	Quota species, species and sector, or species and zone	Amount of levy (\$)
13	Orange roughy (Albany and Esperance)	0.0146
14	Orange roughy (Cascade Plateau zone)	0.0908
15	Orange roughy (eastern zone)	0.0129
16	Orange roughy (southern zone)	0.0012
17	Orange roughy (western zone)	0.0205
18	Pink ling	0.1916
19	Redfish	0.0570
20	Royal red prawn	0.0314
21	School whiting	0.0135
22	Silver trevally	0.0165
23	Spotted warehou	0.1495

47 When levy must be paid — SESSF SFR

(1) In this regulation:

leviable SESSF SFR means:

- (a) a leviable SESSF GAB trawl boat SFR within the meaning given by regulation 41; or
- (b) a leviable SESSF gillnet boat SFR within the meaning given by regulation 42; or
- (c) a leviable SESSF scalefish hook boat SFR within the meaning given by regulation 43; or
- (d) a leviable SESSF shark hook boat SFR within the meaning given by regulation 44; or
- (e) a leviable SESSF trawl boat SFR within the meaning given by regulation 45; or
- (f) a leviable SESSF quota SFR within the meaning given by regulation 46.

(2) This regulation is made for sections 110 and 111 of the Management Act.

(3) Levy payable for a leviable SESSF SFR held by a person may be paid in 2 equal instalments.

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- (4) If levy is paid by making 1 payment of the full amount due, that payment is due and payable on the later of:
- (a) 29 January 2008; and
 - (b) 28 days after the invoice date for the levy.
- (5) If levy is paid as 2 instalments:
- (a) the first instalment is due and payable on the later of:
 - (i) 29 January 2008; and
 - (ii) 28 days after the invoice date for the levy; and
 - (b) the second instalment is due and payable on the later of:
 - (i) 30 April 2008; and
 - (ii) 28 days after the invoice date for the instalment.

Regulation 48

Part 12 Southern Bluefin Tuna Fishery**48 Definition — *leviable SBTF SFR***

In this Part:

leviable SBTF SFR means a statutory fishing right described in section 8 of the *Southern Bluefin Tuna Fishery Management Plan 1995* that is in force on 15 January 2008.

49 Amount of levy

For section 6 of the Levy Act, the amount of levy payable for a leviable SBTF SFR is \$0.1754.

50 When levy must be paid

For section 110 of the Management Act, levy payable for a leviable SBTF SFR held by a person is due and payable on the later of:

- (a) 11 February 2008; and
- (b) 28 days after the invoice date for the levy.

Part 13 Southern Squid Jig Fishery

51 **Definition — *leviable SSJF gear SFR***

In this Part:

leviable SSJF gear SFR means a gear SFR granted under the *Southern Squid Jig Fishery Management Plan 2005* that is in force on 1 January 2008.

52 **Amount of levy**

For section 6 of the Levy Act, the amount of levy payable for a leviable SSJF gear SFR is \$16.39.

53 **When levy must be paid**

For section 110 of the Management Act, levy payable for a leviable SSJF gear SFR held by a person is due and payable on the later of:

- (a) 29 February 2008; and
- (b) 28 days after the invoice date for the levy.

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Part 14 South Tasman Rise Fishery**54 Definition — *leviable STRF fishing permit***

In this Part:

leviable STRF fishing permit means a fishing permit for the South Tasman Rise Fishery that is in force on or after 1 January 2008 and on or before 30 June 2008.

55 Amount of levy

For section 6 of the Levy Act, the amount of levy payable for a leviable STRF fishing permit is \$641.86.

56 When levy must be paid

For section 110 of the Management Act, levy payable for a leviable STRF fishing permit is due and payable on the later of:

- (a) 31 March 2008; and
- (b) 28 days after the invoice date for the levy.

Part 15 Western Deep Water Trawl Fishery

57 **Definition — *leviable WDWTF fishing permit***

In this Part:

leviable WDWTF fishing permit means a fishing permit for the Western Deep Water Trawl Fishery that is in force on or after the commencement of these Regulations and on or before 30 June 2008.

58 **Amount of levy**

For section 6 of the Levy Act, the amount of levy payable for a leviable WDWTF fishing permit is \$4 905.37.

59 **When levy must be paid**

For section 110 of the Management Act, levy payable for a leviable WDWTF fishing permit is due and payable on the later of:

- (a) 29 January 2008; and
- (b) 28 days after the invoice date for the levy.

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**Part 16 Western Tuna and Billfish
Fishery**

Division 1 Preliminary

60 Definitions

In this Part:

applicable year, in relation to a fishing permit, means the following:

- (a) the 2005-2006 financial year;
- (b) the 2006-2007 financial year.

leviable WTBF boat SFR means a boat statutory fishing right:

- (a) granted under the *Western Tuna and Billfish Fishery Management Plan 2005*; and
- (b) that is in force on or before 30 June 2008.

leviable WTBF fishing permit means a fishing permit:

- (a) that is issued under transitional arrangements for the *Western Tuna and Billfish Fishery Management Plan 2005*; and
- (b) that is in force on or after the commencement of these Regulations and on or before 30 June 2008.

SFR is an acronym for statutory fishing right.

WTBF is an acronym for Western Tuna and Billfish Fishery.

Division 2 Fishing permit

61 Amount of levy — leviable WTBF fishing permits

- (1) For section 6 of the Levy Act, if:
 - (a) a person is issued with a leviable WTBF fishing permit;
and

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(b) the person was issued with fishing permits for the WTBF in both of the applicable years;
the amount of levy payable for the permit is as set out in subregulation (2).

(2) The amount of levy payable for the permit is:

- (a) if the permit authorises the use of only 1 fishing method:
- (i) if the method is a pelagic longline fishing method — \$2 335.00; or
 - (ii) if the method is a minor line fishing method — \$1 849.00; or
 - (iii) if the method is a purse seine fishing method — \$1 314.00; or
- (b) if the permit authorises the use of 2 or more fishing methods — the greater or greatest of the amounts specified in paragraph (a) for those methods.

62 When levy must be paid

For section 110 of the Management Act, levy payable for a leviable WTBF fishing permit is due and payable 28 days after the invoice date for the levy.

63 Remission of levy — fishing permits

For paragraph 168 (2) (b) of the Management Act, if:

- (a) a person is issued with a leviable WTBF fishing permit;
and
- (b) an amount of levy is due and payable for the permit; and
- (c) the person is granted a leviable WTBF boat SFR; and
- (d) the person does not pay the amount of levy payable on the permit on or before the day the person is granted the SFR;
- the amount of levy payable for the permit is remitted.

Note Regulation 65 sets out the amount of levy payable by a person who is granted a leviable WTBF boat SFR and who has not paid levy due and payable on a leviable WTBF fishing permit.

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Division 3 Statutory fishing rights

64 Amount of levy — for SFR if leviable WTBF fishing permit paid

For section 6 of the Levy Act, if:

- (a) a person is issued with a leviable WTBF fishing permit; and
- (b) an amount of levy is due and payable for the permit; and
- (c) the person is granted a leviable WTBF boat SFR; and
- (d) the person pays the amount of levy payable on the permit on or before the day the person is granted the SFR;

the amount of levy payable for the SFR is nil.

65 Amount of levy — for SFR if leviable WTBF fishing permit not paid

(1) For section 6 of the Levy Act, if:

- (a) a person is issued with a leviable WTBF fishing permit; and
- (b) an amount of levy is due and payable for the permit; and
- (c) the person is granted a leviable WTBF boat SFR; and
- (d) the person does not pay the amount of levy payable on the permit on or before the day the SFR is granted to the person; and
- (e) the person was issued with fishing permits for the WTBF in both of the applicable years;

the amount of levy payable for the SFR is as set out in subregulations (2) and (3).

(2) If the permits issued to the person authorised the use of only 1 fishing method, the amount of levy payable for the SFR is:

- (a) if the method is a pelagic longline fishing method — \$2 335.00; or
- (b) if the method is a minor line fishing method — \$1 849.00; or
- (c) if the method is a purse seine fishing method — \$1 314.00.

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- (3) If the permits issued to the person authorised the use of 2 or more fishing methods, the amount of levy payable for the SFR is the greater or greatest of the amounts specified in subregulation (2) for those methods.

66 Amount of levy — for SFR if fishing permit issued in both applicable years

- (1) For section 6 of the Levy Act, if:
- (a) a person was issued with a fishing permit for the WTBF in both of the applicable years; and
 - (b) the person was not issued with a leviable WTBF fishing permit; and
 - (c) the person is granted a leviable WTBF boat SFR;
- the amount of levy payable for the SFR is as set out in subregulations (2) and (3).
- (2) If the permits issued to the person authorised the use of only 1 fishing method, the amount of levy payable for the SFR is:
- (a) if the method is a pelagic longline fishing method — \$2 335.00; or
 - (b) if the method is a minor line fishing method — \$1 849.00; or
 - (c) if the method is a purse seine fishing method — \$1 314.00.
- (3) If the permits issued to the person authorised the use of 2 or more fishing methods, the amount of levy payable for the SFR is the greater or greatest of the amounts specified in subregulation (2) for those methods.

67 Amount of levy — for SFR if fishing permits issued for 1 but not both applicable years

- (1) For section 6 of the Levy Act if:
- (a) a person was issued with a fishing permit for the WTBF in 1 but not in both of the applicable years; and
 - (b) the person was not issued with a leviable WTBF fishing permit; and

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- (c) the person is granted a leviable WTBF boat SFR;
the amount of levy payable for the SFR is as set out in subregulations (2) and (3).
- (2) If the permit issued to the person authorised the use of only 1 fishing method, the amount of levy payable for the SFR is:
 - (a) if the method is a pelagic longline fishing method — \$4 326.00; or
 - (b) if the method is a minor line fishing method — \$3 508.00; or
 - (c) if the method is a purse seine fishing method — \$2 408.00.
- (3) If the permit issued to the person authorised the use of 2 or more fishing methods, the amount of levy payable for the SFR is the greater or greatest of the amounts specified in subregulation (2) for those methods.

68 Amount of levy — for SFR if fishing permit issued in 2004-2005 financial year and not in applicable years

- (1) For section 6 of the Levy Act, if:
 - (a) a person was issued with a fishing permit for the WTBF in the 2004-2005 financial year; and
 - (b) the person was not issued with a fishing permit for the WTBF in either of the applicable years; and
 - (c) the person was not issued with a leviable WTBF fishing permit; and
 - (d) the person is granted a leviable WTBF boat SFR;
the amount of levy payable for the SFR is as set out in subregulations (2) and (3).
- (2) If the permit issued to the person authorised the use of only 1 fishing method, the amount of levy payable for the SFR is:
 - (a) if the method is a pelagic longline fishing method — \$8 705.00; or
 - (b) if the method is a minor line fishing method — \$6 583.00; or

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(c) if the method is a purse seine fishing method — \$4 930.00.

- (3) If the permit issued to the person authorised the use of 2 or more fishing methods, the amount of levy payable for the SFR is the greater or greatest of the amounts specified in subregulation (2) for those methods.

69 Amount of levy — if statutory fishing rights surrendered

- (1) For section 6 of the Levy Act, if:
- (a) a person is granted a leviable WTBF boat SFR; and
 - (b) the person surrenders the SFR during the surrender period;
- then, despite any other provision in this Part, the levy payable for the SFR is nil.
- (2) In this regulation:
- surrender period*, in relation to a leviable WTBF boat SFR, means the period beginning on the day the SFR is granted and ending 28 days after the SFR is granted.

70 When must levy be paid

For section 110 of the Management Act, levy payable for a leviable WTBF boat SFR held by a person is due and payable 28 days after the invoice date for the levy.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.