



Fishing Levy Regulations 2009¹

Select Legislative Instrument 2009 No. 347

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

Dated 14 December 2009

QUENTIN BRYCE
Governor-General

By Her 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 2009*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Repeal

The *Fishing Levy Regulations 2008 (No. 2)* are repealed.

4 Interpretation

(1) In these Regulations:

AFMA means the Australian Fisheries Management Authority.

invoice date, for levy or an instalment of levy, means the date specified as the 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*.

SFR means a statutory fishing right.

Note Several words and expressions used in these Regulations have the meaning given by the Management Act. For example:

- fishing permit
- statutory fishing right.

(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.

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- (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 determined 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.

5 References to fisheries

A reference in these Regulations to the name of a fishery that is described by that name in regulation 4B of the Management Regulations or in a plan of management determined 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 North West Slope Fishery;
- (c) the Western Deepwater Trawl Fishery.

Note 2 The following fisheries are described in plans of management determined 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 Eastern Tuna and Billfish Fishery — see the *Eastern Tuna and Billfish Fishery Management Plan 2005* (registered in the Federal Register of Legislative Instruments on 21 October 2005, number F2005L03186);
- (c) 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);
- (d) the Macquarie Island Toothfish Fishery — see the *Macquarie Island Toothfish Fishery Management Plan 2006* (notified in *Gazette* No. GN 21 of 31 May 2006);
- (e) the Northern Prawn Fishery — see the *Northern Prawn Fishery Management Plan 1995* (notified in *Gazette* No. S 49 of 10 February 1995);
- (f) 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);
- (g) the Southern Bluefin Tuna Fishery — see the *Southern Bluefin Tuna Fishery Management Plan 1995* (notified in *Gazette* No. S 34 of 3 February 1995);

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- (h) the Southern Squid Jig Fishery — see the *Southern Squid Jig Fishery Management Plan 2005* (notified in *Gazette* No. S 72 of 28 April 2005);
- (i) the Western Tuna and Billfish Fishery — see the *Western Tuna and Billfish Fishery Management Plan 2005* (registered in the Federal Register of Legislative Instruments on 21 October 2005, number F2005L03187).

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 that is:

- (a) granted under the Management Act for the Bass Strait Central Zone Scallop Fishery; and
- (b) in force on 1 January 2010.

7 **Amount of levy**

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable BSCZSF COM SFR is \$0.65.

8 **When levy must be paid**

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

- (a) 29 January 2010; and
- (b) 28 days after the invoice date for the levy.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

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Part 3 Coral Sea Fishery**9 Definition — *leviable CSF fishing permit***

In this Part:

leviable CSF fishing permit means a fishing permit that is:

- (a) granted under the Management Act for the Coral Sea Fishery; and
- (b) in force on or after the commencement of these Regulations and on or before 30 June 2010.

10 Amount of levy

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

- (a) \$3 716.83; and
- (b) an amount for each sector of the Fishery to which the permit relates, as follows:
 - (i) for the aquarium sector — \$560.78;
 - (ii) for the lobster and trochus collection sector — \$788.73;
 - (iii) for the demersal line and trap sector — \$7 997.49;
 - (iv) for the demersal trawl and trap sector — \$10 299.90;
 - (v) for the sea cucumber hand collection sector — \$6 938.34.

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 2010; and
- (b) 28 days after the invoice date for the levy.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

Part 4 Eastern Tuna and Billfish Fishery

12 Definitions

In this Part:

leviable ETBF boat permit means a boat permit that is:

- (a) granted under the Management Act for the Eastern Tuna and Billfish Fishery; and
- (b) in force on 1 January 2010.

leviable ETBF longline SFR means a longline SFR that is:

- (a) granted under the Management Act for the Eastern Tuna and Billfish Fishery; and
- (b) that is in force on 1 January 2010.

leviable ETBF minor line SFR means a minor line SFR that is:

- (a) granted under the Management Act for the Eastern Tuna and Billfish Fishery; and
- (b) that is in force on 1 January 2010.

13 Amount of levy

- (1) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable ETBF boat permit is \$2 325.41.
- (2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable ETBF longline SFR is \$1.45.
- (3) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable ETBF minor line SFR is \$2 325.41.

14 When levy must be paid

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

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- (2) Levy payable for a leviable ETBF boat permit, a leviable ETBF longline SFR or a leviable minor line SFR that is in force on 1 January 2010 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 2010; 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 2010; 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 2010; and
 - (ii) 28 days after the invoice date for the instalment.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

Part 5 Heard Island and McDonald Islands Fishery

15 Definition — *leviable HIMI SFR*

In this Part:

leviable HIMI SFR means a statutory fishing right that is:

- (a) granted under the Management Act for the Heard Island and McDonald Islands Fishery; and
- (b) in force on the commencement of these Regulations.

16 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable HIMI SFR is \$12.35.

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 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) 16 March 2010; 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) 16 March 2010; 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 2010; and

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- (ii) 28 days after the invoice date for the instalment.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

Part 6 Informally managed fisheries

18 Definitions

In this Part:

informally managed fishery means a commercial fishing activity that is managed under the Management Act 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.

leviable IMF fishing permit means a fishing permit that is:

- (a) granted under the Management Act for an informally managed fishery; and
- (b) in force on 3 March 2010.

19 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable IMF fishing permit is \$6 967.00.

20 When levy must be paid

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

- (a) 31 March 2010; and
- (b) 28 days after the invoice date for the levy.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

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Part 7 Macquarie Island Toothfish Fishery

21 Definition — *leviable MITF SFR*

In this Part:

leviable MITF SFR means a statutory fishing right that is:

- (a) granted under the Management Act for the Macquarie Island Toothfish Fishery; and
- (b) in force on the commencement of these Regulations.

22 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable MITF SFR is \$12.68.

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 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) 1 February 2010; 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) 1 February 2010; 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) 1 April 2010; and

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- (ii) 28 days after the invoice date for the instalment.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

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Part 8 Northern Prawn Fishery

24 Definition — *leviable NPF gear SFR*

In this Part:

leviable NPF gear SFR means a gear statutory fishing right that is:

- (a) granted under the Management Act for the Northern Prawn Fishery; and
- (b) in force on the commencement of these Regulations.

25 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable NPF gear SFR is \$47.47.

26 When levy must be paid

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

- (a) 29 January 2010; and
- (b) 28 days after the invoice date for the levy.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

Part 9 North West Slope Fishery

27 Definition — *leviable NWSF fishing permit*

In this Part:

leviable NWSF fishing permit means a fishing permit that is:

- (a) granted under the Management Act for the North West Slope Fishery; and
- (b) in force on or after the commencement of these Regulations and on or before 30 June 2010.

28 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable NWSF fishing permit is \$17 557.00.

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 2010; and
- (b) 28 days after the invoice date for the levy.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

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

In this Part:

leviable SPF fishing permit means a fishing permit that is:

- (a) granted under the Management Act for the Small Pelagic Fishery; and
- (b) in force on or after the commencement of these Regulations and on or before 3 March 2010.

31 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SPF fishing permit is \$6 967.00.

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 2010; and
- (b) 28 days after the invoice date for the levy.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

Part 11 Southern and Eastern Scalefish and Shark Fishery

Division 1 Preliminary

33 Interpretation

- (1) In this Part:

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

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

SESSF means the Southern and Eastern Scalefish and Shark Fishery.

- (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 Management Act in accordance with the Plan; and
- (c) a reference to a fishing permit is a reference to a permit granted under the Management Act in accordance with the Plan, unless otherwise stated.

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 that:

- (a) is granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery; and

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- (b) authorises fishing by trawling methods for the East Coast Deepwater Trawl Sector; and
 - (c) is in force on or after 1 January 2010 and on or before 20 April 2010.
- (2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF ECDT is \$3 498.22.

35 Amount of levy — leviable SESSF SEQ species fishing permit

- (1) In this regulation:
- leviable SESSF SEQ quota species* means any of the following:
- (a) elephant fish;
 - (b) gummy shark;
 - (c) saw shark;
 - (d) school shark.
- leviable SESSF SEQ species fishing permit* means a fishing permit that:
- (a) is granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery (except for the Commonwealth Great Australian Bight Trawl Sector of the Fishery); and
 - (b) authorises the taking of 1 or more SESSF SEQ quota species; and
 - (c) is in force on or after 1 January 2010 and on or before 20 April 2010.
- (2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF SEQ species fishing permit is the total of:
- (a) \$0.0993 for each quota unit of elephant fish; and
 - (b) \$0.2895 for each quota unit of gummy shark; and
 - (c) \$0.1573 for each quota unit of saw shark; and
 - (d) \$0.1342 for each quota unit of school shark;
- 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 that:

- (a) is granted under the Management Act for the Commonwealth Great Australian Bight Trawl Sector of the Southern and Eastern Scalefish and Shark Fishery; and
- (b) authorises the taking of 1 or more SESSF SEQ quota species; and
- (c) is in force on or after 1 January 2010 and on or before 20 April 2010.

leviable SESSF GABT quota species means any of the following:

- (a) elephant fish;
- (b) gummy shark;
- (c) saw shark;
- (d) school shark.

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

- (a) \$0.0993 for each quota unit of elephant fish; and
- (b) \$0.2895 for each quota unit of gummy shark; and
- (c) \$0.1573 for each quota unit of saw shark; and
- (d) \$0.1342 for each quota unit of school shark;

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 that:

- (a) is granted under the Management Act for a specified sector of the Southern and Eastern Scalefish and Shark Fishery; and

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- (b) authorises the taking of 1 or more leviable SESSF GHT quota species; and
- (c) is in force on or after 1 January 2010 and on or before 30 April 2010;

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.

leviable SESSF GHT quota species means any of the following:

- (a) elephant fish;
- (b) gummy shark;
- (c) saw shark;
- (d) school shark.

specified sector means any of the following:

- (a) the South Australian Coastal Waters Sector;
- (b) the Tasmanian Coastal Waters Sector;
- (c) the Tasmanian Rock Lobster Sector;
- (d) the Victorian Coastal Waters Sector.

- (2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF GHT fishing permit is the sum of:
 - (a) \$2 222.65; and
 - (b) the total of:
 - (i) \$0.0993 for each quota unit of elephant fish; and
 - (ii) \$0.2895 for each quota unit of gummy shark; and
 - (iii) \$0.1573 for each quota unit of saw shark; and
 - (iv) \$0.1342 for each quota unit of school shark;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 that:
- (a) is granted under the Management Act for the Victorian Coastal Waters Sector of the Southern and Eastern Scalefish and Shark Fishery; and
 - (b) authorises fishing by trawling methods; and
 - (c) is in force on or after 1 January 2010 and on or before 30 April 2010.
- (2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF VCW fishing permit is \$1 504.40.

39 Amount of levy — leviable SESSF GHT trap fishing permit

- (1) In this regulation:
leviable SESSF GHT trap fishing permit means a fishing permit that:
- (a) is granted under the Management Act; and
 - (b) authorises fishing with fish traps in the Commonwealth Scalefish Hook Sector of the Southern and Eastern Scalefish and Shark Fishery; and
 - (c) is in force on or after 1 January 2010 and on or before 30 April 2010;
- 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.
- (2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF GHT trap fishing permit is \$5 220.26.

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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 subregulation 34 (1); or
 - (b) a leviable SESSF SEQ species fishing permit within the meaning given by subregulation 35 (1); or
 - (c) a leviable SESSF GABT fishing permit within the meaning given by subregulation 36 (1); or
 - (d) a leviable SESSF GHT fishing permit within the meaning given by subregulation 37 (1); or
 - (e) a leviable SESSF VCW fishing permit within the meaning given by subregulation 38 (1); or
 - (f) a leviable SESSF GHT trap fishing permit within the meaning given by subregulation 39 (1).
- (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 2010; and
 - (b) 28 days after the invoice date for the levy.
- (5) If levy is paid in 2 instalments:
 - (a) the first instalment is due and payable on the later of:
 - (i) 29 January 2010; 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) 16 April 2010; and
 - (ii) 28 days after the invoice date for the instalment.

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- (6) Levy payable for a leviable SESSF fishing permit that is in force on 16 April 2010 but not on 29 January 2010 is due and payable 28 days after the invoice date for the levy.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

41 Remission of levy — fishing permits

- (1) In this regulation:

leviable SESSF fishing permit means:

- (a) a leviable SESSF SEQ species fishing permit within the meaning given by subregulation 35 (1); or
- (b) a leviable SESSF GABT fishing permit within the meaning given by subregulation 36 (1); or
- (c) a leviable SESSF GHT fishing permit within the meaning given by subregulation 37 (1).

leviable SESSF quota SFR means a quota statutory fishing right:

- (a) that is in force on or after 1 January 2010; and
- (b) that authorises the taking of any of the following quota species:
 - (i) elephant fish;
 - (ii) gummy shark;
 - (iii) saw shark;
 - (iv) school shark.

- (2) For paragraph 168 (2) (b) of the Management Act, the amount of levy payable for a leviable SESSF fishing permit is remitted if:
- (a) a person is granted a leviable SESSF fishing permit; and
 - (b) an amount of levy is due and payable for the permit; and
 - (c) the person is granted a leviable SESSF quota SFR; and
 - (d) the person does not pay the amount of levy payable for the permit on or before the day the person is granted the SFR.

Note See regulation 44 for the amount of levy payable by a person who is granted a leviable SESSF quota SFR and who has not paid levy due and payable on a leviable SESSF fishing permit.

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Division 3 Statutory fishing rights

42 Definition

In this Division:

leviable SESSF fishing permit has the same meaning as in regulation 41.

43 Amount of levy for SFR — leviable SESSF fishing permit levy paid

(1) In this regulation:

leviable SESSF quota SFR means a quota statutory fishing right granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery that authorises the taking of any of the following quota species:

- (a) elephant fish;
- (b) gummy shark;
- (c) saw shark;
- (d) school shark.

(2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF quota SFR that is in force on or after 1 January 2010 is nil if:

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

44 Amount of levy for SFR — leviable SESSF fishing permit levy not paid

(1) In this regulation:

leviable SESSF quota SFR means a quota statutory fishing right that:

- (a) is granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery; and

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- (b) authorises the taking of any of the following quota species:
 - (i) elephant fish;
 - (ii) gummy shark;
 - (iii) saw shark;
 - (iv) school shark; and
 - (c) is in force on 1 January 2010.
- (2) For section 6 of the Levy Act, if:
- (a) a person is granted a leviable SESSF fishing permit; and
 - (b) an amount of levy is due and payable for the permit; and
 - (c) the person is granted a leviable SESSF quota SFR; and
 - (d) the person does not pay the amount of levy payable for the permit on or before the day the person is granted the SFR;
- the amount of levy payable for the SFR is the amount prescribed in subregulation (3).
- (3) For subregulation (2), the prescribed amount of levy is:
- (a) \$0.0993 for a quota unit of elephant fish; and
 - (b) \$0.2895 for a quota unit of gummy shark; and
 - (c) \$0.1573 for a quota unit of saw shark; and
 - (d) \$0.1342 for a quota unit of school shark.

45 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:
- (a) granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery; and
 - (b) in force on 1 January 2010.
- (2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF GAB trawl boat SFR is \$31 743.45.

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46 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:

- (a) granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery; and
- (b) in force on 1 January 2010.

- (2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF gillnet boat SFR is \$2 222.65.

47 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:

- (a) granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery; and
- (b) in force on 1 January 2010.

- (2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF scalefish hook boat SFR is \$5 220.26.

48 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:

- (a) granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery; and
- (b) in force on 1 January 2010.

- (2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF shark hook boat SFR is \$2 222.65.

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49 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:
- (a) granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery; and
 - (b) in force on 1 January 2010.
- (2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF trawl boat SFR is \$5 999.68.

50 Amount of levy — leviable SESSF quota SFR

- (1) In this regulation:
leviable SESSF quota SFR means a quota statutory fishing right that:
- (a) is granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery; and
 - (b) authorises the holder to take a particular species, or a particular species in a particular sector or zone, as specified in Table 50; and
 - (c) is in force on 1 January 2010.
- (2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF quota SFR that authorises the taking of a particular species, or a particular species in a particular sector or zone is the amount specified in Table 50 for that species, or that species in a sector or zone, as the case requires.

Table 50 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	0.0081
2	Blue eye trevalla	0.1308
3	Blue grenadier	0.1193

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Item	Quota species, species and sector, or species and zone	Amount of levy (\$)
4	Blue warehou	0.0272
5	Deepwater flathead	0.0041
6	Flathead	0.1845
7	Gemfish (eastern sector)	0.0785
8	Gemfish (western sector)	0.0554
9	Jackass morwong	0.0498
10	John dory	0.1758
11	Mirror dory	0.0829
12	Ocean perch	0.0802
13	Orange roughy (Albany and Esperance)	0.0045
14	Orange roughy (Cascade Plateau zone)	0.0172
15	Orange roughy (eastern zone)	0.0054
16	Orange roughy (southern zone)	0.0002
17	Orange roughy (western zone)	0.0029
18	Pink ling	0.2400
19	Redfish	0.0566
20	Royal red prawn	0.0307
21	School whiting	0.0221
22	Silver trevally	0.0399
23	Spotted warehou	0.1732

51 When levy must be paid — leviable SESSF SFR

(1) In this regulation:

leviable SESSF SFR means:

- (a) a leviable SESSF quota SFR within the meaning given by subregulation 44 (1); or
- (b) a leviable SESSF GAB trawl boat SFR within the meaning given by subregulation 45 (1); or

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- (c) a leviable SESSF gillnet boat SFR within the meaning given by subregulation 46 (1); or
 - (d) a leviable SESSF scalefish hook boat SFR within the meaning given by subregulation 47 (1); or
 - (e) a leviable SESSF shark hook boat SFR within the meaning given by subregulation 48 (1); or
 - (f) a leviable SESSF trawl boat SFR within the meaning given by subregulation 49 (1); or
 - (g) a leviable SESSF quota SFR within the meaning given by subregulation 50 (1).
- (2) This regulation is made for sections 110 and 111 of the Management Act.
- (3) Levy payable for a leviable SESSF SFR 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 2010; and
 - (b) 28 days after the invoice date for the levy.
- (5) If levy is paid in 2 instalments:
- (a) the first instalment is due and payable on the later of:
 - (i) 29 January 2010; 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) 16 April 2010; and
 - (ii) 28 days after the invoice date for the instalment.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

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Part 12 Southern Bluefin Tuna Fishery**52 Definition — *leviable SBTF SFR***

In this Part:

leviable SBTF SFR means a statutory fishing right that is:

- (a) granted under the Management Act for the Southern Bluefin Tuna Fishery; and
- (b) in force on 15 January 2010.

53 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SBTF SFR is \$0.2540.

54 When levy must be paid

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

- (a) 11 February 2010; and
- (b) 28 days after the invoice date for the levy.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

Part 13 Southern Squid Jig Fishery

55 **Definition — *leviable SSJF gear SFR***

In this Part:

leviable SSJF gear SFR means a gear statutory fishing right that is:

- (a) granted under the Management Act for the Southern Squid Jig Fishery; and
- (b) in force on 1 January 2010.

56 **Amount of levy**

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SSJF gear SFR is \$28.45.

57 **When levy must be paid**

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

- (a) 27 February 2010; and
- (b) 28 days after the invoice date for the levy.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

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Part 14 Western Deepwater Trawl Fishery

58 Definition — *leviable WDWTF fishing permit*

In this Part:

leviable WDWTF fishing permit means a fishing permit that is:

- (a) granted under the Management Act for the Western Deepwater Trawl Fishery; and
- (b) in force on or after the commencement of these Regulations and on or before 30 June 2010.

59 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable WDWTF fishing permit is \$8 423.42.

60 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 2010; and
- (b) 28 days after the invoice date for the levy.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

Part 15 Western Tuna and Billfish Fishery

Division 1 Preliminary

61 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;
- (c) the 2007–2008 financial year;
- (d) the 2008–2009 financial year.

leviable WTBF boat SFR means a boat statutory fishing right that is:

- (a) granted under the Management Act for the Western Tuna and Billfish Fishery; and
- (b) in force on or before 30 June 2010.

leviable WTBF fishing permit means a fishing permit that is:

- (a) granted under the Management Act for the Western Tuna and Billfish Fishery; and
- (b) in force on or after the commencement of these Regulations and on or before 30 June 2010.

WTBF means the Western Tuna and Billfish Fishery.

Division 2 Fishing permits

62 Amount of levy — leviable WTBF fishing permits

- (1) For section 6 of the Levy Act, if:
 - (a) a person is granted a leviable WTBF fishing permit; and
 - (b) the person was granted a fishing permit for the WTBF for all 4 applicable years;

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the amount of levy payable for the leviable WTBF fishing permit is the amount prescribed in subregulations (2) and (3).

- (2) If a permit granted to the person in any applicable year authorises the use of only 1 fishing method, the prescribed amount of levy is:
 - (a) for a pelagic longline fishing method — \$3 071.00; or
 - (b) for a minor line fishing method — \$2 432.00; or
 - (c) for a purse seine fishing method — \$1 728.00.
- (3) If a permit granted to the person in any applicable year authorises the use of 2 or more fishing methods, the prescribed amount of levy is the greater or greatest of the amounts prescribed in paragraph (2) (a), (b) or (c).

63 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.

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

64 Remission of levy — fishing permits

For paragraph 168 (2) (b) of the Management Act, the amount of levy payable for a leviable WTBF fishing permit is remitted if:

- (a) a person is granted 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 for the permit on or before the day the person is granted the SFR.

Note See Regulation 66 for 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.

Division 3 Statutory fishing rights

65 Amount of levy for SFR — leviable WTBF fishing permit levy paid

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable WTBF boat SFR is nil if:

- (a) a person is granted 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 for the permit on or before the day the person is granted the SFR.

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

- (1) For section 6 of the Levy Act, if:
 - (a) a person is granted 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 for the permit on or before the day the person is granted the SFR; and
 - (e) the person was granted fishing permits for the WTBF in all 3 applicable years;the amount of levy payable for the SFR is the amount prescribed in subregulations (2) and (3).
- (2) If the permits granted to the person authorised the use of only 1 fishing method, the prescribed amount of levy payable for the SFR is:
 - (a) for a pelagic longline fishing method — \$3 071.00; or
 - (b) for a minor line fishing method — \$2 432.00; or
 - (c) for a purse seine fishing method — \$1 728.00.
- (3) If the permits granted to the person authorised the use of 2 or more fishing methods, the prescribed amount of levy payable for the SFR is the greater or greatest of the amounts prescribed in subregulation (2) for those methods.

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67 Amount of levy for SFR — fishing permits granted in 1 applicable year

- (1) For section 6 of the Levy Act, if:
 - (a) a person was granted a fishing permit for the WTBF in 1 applicable year; and
 - (b) the person was not granted 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 the amount prescribed in subregulations (2) and (3).
- (2) If the permit granted to the person authorised the use of only 1 fishing method, the prescribed amount of levy payable for the SFR is:
 - (a) for a pelagic longline fishing method — \$10 076.00; or
 - (b) for a minor line fishing method — \$8 061.00; or
 - (c) for a purse seine fishing method — \$5 823.00.
- (3) If the permit granted to the person authorised the use of 2 or more fishing methods, the prescribed amount of levy payable for the SFR is the greater or greatest of the amounts prescribed in subregulation (2) for those methods.

68 Amount of levy for SFR — fishing permits granted in 2 applicable years

- (1) For section 6 of the Levy Act, if:
 - (a) a person was granted a fishing permit for the WTBF in 2 applicable years; and
 - (b) the person was not granted 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 the amount prescribed in subregulations (2) and (3).
- (2) If the permits granted to the person authorised the use of only 1 fishing method, the prescribed amount of levy payable for the SFR is:
 - (a) for a pelagic longline fishing method — \$8 076.00; or

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- (b) for a minor line fishing method — \$4 061.00; or
 - (c) for a purse seine fishing method — \$4 550.00.
- (3) If the permits granted to the person authorised the use of 2 or more fishing methods, the prescribed amount of levy payable for the SFR is the greater or greatest of the amounts prescribed in subregulation (2) for those methods.

69 Amount of levy for SFR — fishing permit granted in 3 applicable years

- (1) For section 6 of the Levy Act, if:
- (a) a person was granted a fishing permit for the WTBF in all 3 applicable years; and
 - (b) the person was not granted 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 the amount prescribed in subregulations (2) and (3).
- (2) If the permits granted to the person authorised the use of only 1 fishing method, the prescribed amount of levy payable for the SFR is:
- (a) for a pelagic longline fishing method — \$5 210.00; or
 - (b) for a minor line fishing method — \$4 126.00; or
 - (c) for a purse seine fishing method — \$2 932.00.
- (3) If the permits granted to the person authorised the use of 2 or more fishing methods, the prescribed amount of levy payable for the SFR is the greater or greatest of the amounts prescribed in subregulation (2) for those methods.

70 Amount of levy for SFR — fishing permit granted in all 4 applicable years

- (1) For section 6 of the Levy Act, if:
- (a) a person was granted a fishing permit for the WTBF in all 4 applicable years; and
 - (b) the person was not granted 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 the amount prescribed in subregulations (2) and (3).
- (2) If the permits granted to the person authorised the use of only 1 fishing method, the prescribed amount of levy payable for the SFR is:
 - (a) for a pelagic longline fishing method — \$3 071.00; or
 - (b) for a minor line fishing method — \$2 432.00; or
 - (c) for a purse seine fishing method — \$1 728.00.
- (3) If the permits granted to the person authorised the use of 2 or more fishing methods, the prescribed amount of levy payable for the SFR is the greater or greatest of the amounts prescribed in subregulation (2) for those methods.

71 Amount of levy for SFR — fishing permit granted in 2004–2005 financial year and not in an applicable year

- (1) For section 6 of the Levy Act, if:
 - (a) a person was granted a fishing permit for the WTBF in the 2004–2005 financial year; and
 - (b) the person was not granted a fishing permit for the WTBF in any applicable year; and
 - (c) the person was not granted 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 the amount prescribed in subregulations (2) and (3).
- (2) If the permit granted to the person authorised the use of only 1 fishing method, the prescribed amount of levy payable for the SFR is:
 - (a) for a pelagic longline fishing method — \$14 455.00; or
 - (b) for a minor line fishing method — \$11 137.00; or
 - (c) for a purse seine fishing method — \$8 166.00.

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

72 Amount of levy for SFR — 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 prescribed amount of 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.

73 When levy must be paid

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

Note Section 7 of the Levy Act provides that levy in respect of a fishing permit or statutory fishing right is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing permit or statutory fishing right.

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>.