Fisheries Levy Act 1984

Act No. 151 of 1984 as amended

This compilation was prepared on 26 July 2007
taking into account amendments up to Act No. 105 of 2007

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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5
An Act to impose a levy with respect to certain fisheries licences and certain units of fishing capacity

1 Short title [see Note 1]

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

2 Commencement [see Note 1]

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:
Section 5

(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) or (3) 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;

(f) the renewal under subsection 24(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;

(fa) the variation under subsection 25A(1) of the *Torres Strait Fisheries Act 1984* of a licence granted under subsection

2 *Fisheries Levy Act 1984*
19(2) or (3) of that Act, being a licence included in a class of licences prescribed for the purposes of this paragraph; and

(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) or (3) 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,
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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 49A of the Acts Interpretation Act 1901, 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.
Table of Acts

Notes to the *Fisheries Levy Act 1984*

Note 1

The *Fisheries Levy Act 1984* as shown in this compilation comprises Act No. 151, 1984 amended as indicated in the Tables below.

### Table of Acts

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Note 2

Fisheries Levy Amendment Act 2007 (No. 105, 2007)

The following amendments commence on 28 June 2008:

Schedule 1

3 Section 5
   After “imposed on”, insert “the following”.

4 Paragraph 5(d)
   Omit “or (3)”, substitute “, (3) or (4A)”.

5 After paragraph 5(e)
   Insert:
   (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;

6 Paragraph 5(f)
   Omit “or (3)”, substitute “, (3) or (4A)”.

7 Paragraph 5(fa)
   Omit “and”.

8 Paragraph 5(g)
   Omit “or (3)”, substitute “, (3) or (4A)”.

As at 26 July 2007 the amendments are not incorporated in this compilation.