Statutory Rules 1988 No. 1

Foreign Fishing Boats Levy Regulations
(Amendment)

1. THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the Foreign Fishing Boats Levy Act 1981.


N. M. STEPHEN
Governor-General

By His Excellency's Command,

Peter Cook
Minister of State for Resources

Prescribed class of foreign fishing boats

1. Regulation 4 of the Foreign Fishing Boats Levy Regulations is amended by omitting from paragraph (b) "a person" and substituting "an officer in the Department".

2. After regulation 4 of the Foreign Fishing Boats Levy Regulations the following regulation is inserted:

Reconsideration and review of decisions under paragraph 4 (b)

"5. (1) In this regulation:
'the 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 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.”.
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