Select Legislative Instrument 2008 No. 248


Dated 12 December 2008

QUENTIN BRYCE
Governor-General

By Her Excellency’s Command

TONY BURKE
Minister for Agriculture, Fisheries and Forestry
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Part 1 Preliminary

1 Name of Regulations
These Regulations are the *Fishing Levy Regulations 2008 (No. 2)*.

2 Commencement
These Regulations commence on the day after they are registered.

3 Repeal
The *Fishing Levy Regulations 2008* are repealed.

4 Interpretation
(1) In these Regulations:

*AFMA* is an acronym of Australian Fisheries Management Authority.

*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*.

*SFR* is an acronym of 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.
(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 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 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 Eastern Tuna and Billfish Fishery;
(c) the North West Slope Fishery;
(d) the Small Pelagic Fishery;
(e) the South Tasman Rise Fishery;
(f) the Western Deep Water Trawl Fishery;
(g) the Western Tuna and Billfish 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 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).
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 2009.

7 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable BSCZSF COM SFR is $0.2333.

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 2009; 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 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:

(a) on or after the commencement of these Regulations; and
(b) on or before 30 June 2009.

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) $2 282.39; and

(b) an amount for each sector of the Fishery to which the permit relates, as follows:

(i) for the aquarium sector — $1 196.72;

(ii) for the lobster and trochus collection sector — $1 744.82;

(iii) for the demersal line sector — $7 800.05;

(iv) for the demersal trawl sector — $10 206.18;

(v) for the sea cucumber hand collection sector — $7 726.85.

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 2009; 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 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:

(a) on or after the commencement of these Regulations; and
(b) on or before 30 June 2009.

13 Amount of levy

For section 6 of the Levy Act, the prescribed 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 Table 13 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

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<th>Item</th>
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<td>ML Sector</td>
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<td>PL Sector</td>
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<td>3</td>
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<td>PLL (Sub-area 6) Sector</td>
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<td>PLL (Sub-area 10) Sector</td>
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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 2009 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 2009; 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 2009; 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 2009; 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 2009 but not on 29 January 2009 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.
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 prescribed amount of levy payable for a leviable HIMI SFR is $7.38.

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 2009; 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 2009; 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 2009; and
Regulation 17

(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* 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 fishing permit* means a fishing permit for an informally managed fishery granted under section 32 of the Management Act that is in force:
(a) on or after the commencement of these Regulations; and
(b) on or before 30 June 2009.

19  Amount of levy
For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable IMF fishing permit is $5 342.90.

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 2009; 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 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 prescribed amount of levy payable for a leviable MITF SFR is $6.58.

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)  16 February 2009; 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 February 2009; 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 April 2009; 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 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 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 $32.49.

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 2009; 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 for the North West Slope Fishery that is in force:

(a)  on or after the commencement of these Regulations; and

(b)  on or before 30 June 2009.

28  Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable NWSF fishing permit is $13,588.57.

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 2009; 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 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:

(a) on or after the commencement of these Regulations; and

(b) on or before 30 June 2009.

31 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SPF fishing permit is $5 342.90.

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 2009; 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:


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 is an acronym of 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 Plan; and

(c) a reference to a fishing permit is a reference to a permit granted under 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 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:

(a) on or after 1 January 2009; and

(b) on or before 30 April 2009.
(2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF ECDT fishing permit is $2,672.50.

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 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) that is in force:
   (i) on or after 1 January 2009; and
   (ii) on or before 30 April 2009.

(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) $0.0969 for each quota unit of elephant fish; and
(b) $0.2794 for each quota unit of gummy shark; and
(c) $0.1640 for each quota unit of saw shark; and
(d) $0.2671 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 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) that is in force:

(i) on or after 1 January 2009; and

(ii) on or before 30 April 2009.

*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) $0.0969 for each quota unit of elephant fish; and

(b) $0.2794 for each quota unit of gummy shark; and

(c) $0.1640 for each quota unit of saw shark; and

(d) $0.2671 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 for a specified sector of the Southern and Eastern Scalefish and Shark Fishery:

(a) means a fishing permit for a specified sector of the Southern and Eastern Scalefish and Shark Fishery:

(i) to take fish of 1 or more SESSF GHT quota species; and
(ii) that is in force:
   (A) on or after 1 January 2009; and
   (B) on or before 30 April 2009; but
(b) 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.

**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) $74.63; and
(b) the total of:
   (i) $0.0969 for each quota unit of elephant fish; and
   (ii) $0.2794 for each quota unit of gummy shark; and
   (iii) $0.1640 for each quota unit of saw shark; and
   (iv) $0.2671 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 for the Victorian Coastal Waters Sector of the Southern and Eastern Scalefish and Shark Fishery that:

(a) authorises fishing by trawling methods; and
(b) is in force:

(i) on or after 1 January 2009; and
(ii) on or before 30 April 2009.

(2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF VCW fishing permit is $478.00.

39 Amount of levy — leviable SESSF GHT trap fishing permit

(1) In this regulation:

*leviable SESSF GHT trap fishing permit*:

(a) means a fishing permit:

(i) that authorises fishing with fish traps in the Commonwealth Scalefish Hook Sector of the Southern and Eastern Scalefish and Shark Fishery; and

(ii) that is in force:

(A) on or after 1 January 2009; and
(B) on or before 30 April 2009; but

(b) 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 $352.11.
40 When levy must be paid — SESSF fishing permits

(1) In this regulation:

*leviable SESSF fishing permit* means:

(a) a leivable SESSF ECDT fishing permit within the meaning given by subregulation 34 (1); or
(b) a leivable SESSF SEQ species fishing permit within the meaning given by subregulation 35 (1); or
(c) a leivable SESSF GABT fishing permit within the meaning given by subregulation 36 (1); or
(d) a leivable SESSF GHT fishing permit within the meaning given by subregulation 37 (1); or
(e) a leivable SESSF VCW fishing permit within the meaning given by subregulation 38 (1); or
(f) a leivable 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 leivable 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 2009; 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 2009; 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 2009; and
   (ii) 28 days after the invoice date for the instalment.
(6) Levy payable for a leviable SESSF fishing permit that is in force on 16 April 2009 but not on 29 January 2009 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 2009; 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.
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:
(a) that is in force on or after 1 January 2009; 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 section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF quota SFR 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:
(a) that is in force on or after 1 January 2009; 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 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) The prescribed amount of levy payable for the leviable SESSF quota SFR is:
   (a) $0.0969 for a quota unit of elephant fish; and
   (b) $0.2794 for a quota unit of gummy shark; and
   (c) $0.1640 for a quota unit of saw shark; and
   (d) $0.2671 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 in force on 1 January 2009.

(2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF GAB trawl boat SFR is $27,424.97.

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 in force on 1 January 2009.
(2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF gillnet boat SFR is $85.12.

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 in force on 1 January 2009.

(2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF scalefish hook boat SFR is $291.24.

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 in force on 1 January 2009.

(2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF shark hook boat SFR is $138.39.

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 in force on 1 January 2009.

(2) For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SESSF trawl boat SFR is $4,576.50.

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 in force on 1 January 2009; 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.

(2) For section 6 of the Levy Act, the prescribed 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 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

<table>
<thead>
<tr>
<th>Item</th>
<th>Quota species, species and sector, or species and zone</th>
<th>Amount of levy ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bight redfish</td>
<td>0.0131</td>
</tr>
<tr>
<td>2</td>
<td>Blue eye trevalla</td>
<td>0.1445</td>
</tr>
<tr>
<td>3</td>
<td>Blue grenadier</td>
<td>0.0980</td>
</tr>
<tr>
<td>4</td>
<td>Blue warehou</td>
<td>0.0294</td>
</tr>
<tr>
<td>5</td>
<td>Deepwater flathead</td>
<td>0.0078</td>
</tr>
<tr>
<td>6</td>
<td>Flathead</td>
<td>0.1578</td>
</tr>
<tr>
<td>7</td>
<td>Gemfish (eastern sector)</td>
<td>0.0607</td>
</tr>
<tr>
<td>8</td>
<td>Gemfish (western sector)</td>
<td>0.0628</td>
</tr>
<tr>
<td>9</td>
<td>Jackass morwong</td>
<td>0.0515</td>
</tr>
<tr>
<td>10</td>
<td>John dory</td>
<td>0.1394</td>
</tr>
<tr>
<td>11</td>
<td>Mirror dory</td>
<td>0.0757</td>
</tr>
<tr>
<td>12</td>
<td>Ocean perch</td>
<td>0.0777</td>
</tr>
<tr>
<td>13</td>
<td>Orange roughy (Albany and Esperance)</td>
<td>0.0098</td>
</tr>
<tr>
<td>14</td>
<td>Orange roughy (Cascade Plateau zone)</td>
<td>0.0391</td>
</tr>
<tr>
<td>15</td>
<td>Orange roughy (eastern zone)</td>
<td>0.0078</td>
</tr>
<tr>
<td>16</td>
<td>Orange roughy (southern zone)</td>
<td>0.0003</td>
</tr>
<tr>
<td>17</td>
<td>Orange roughy (western zone)</td>
<td>0.0102</td>
</tr>
<tr>
<td>18</td>
<td>Pink ling</td>
<td>0.2410</td>
</tr>
</tbody>
</table>
### Regulation 51

<table>
<thead>
<tr>
<th>Item</th>
<th>Quota species, species and sector, or species and zone</th>
<th>Amount of levy ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Redfish</td>
<td>0.0638</td>
</tr>
<tr>
<td>20</td>
<td>Royal red prawn</td>
<td>0.0348</td>
</tr>
<tr>
<td>21</td>
<td>School whiting</td>
<td>0.0202</td>
</tr>
<tr>
<td>22</td>
<td>Silver trevally</td>
<td>0.0271</td>
</tr>
<tr>
<td>23</td>
<td>Spotted warehou</td>
<td>0.1704</td>
</tr>
</tbody>
</table>

#### 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
     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 2009; 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 2009; 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 2009; 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 12 Southern Bluefin Tuna Fishery

52 Definition — leviable SBTF SFR

In this Part:

leviable SBTF SFR means a statutory fishing right that is:
(a) in force on 15 January 2009; and
(b) described in section 8 of the Southern Bluefin Tuna Fishery Management Plan 1995.

53 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SBTF SFR is $0.2034.

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 2009; 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) in force on 1 January 2009; and
(b) granted under the Southern Squid Jig Fishery Management Plan 2005.

56  Amount of levy
For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable SSJF gear SFR is $17.79.

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 2009; 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 14 South Tasman Rise Fishery

58 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:
(a) on or after 1 January 2009; and
(b) on or before 30 June 2009.

59 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable STRF fishing permit is $3 301.43.

60 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 2009; 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 Deep Water Trawl Fishery

61 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:
(a) on or after the commencement of these Regulations; and
(b) on or before 30 June 2009.

62 Amount of levy

For section 6 of the Levy Act, the prescribed amount of levy payable for a leviable WDWTF fishing permit is $9,547.10.

63 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 2009; 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 16 Western Tuna and Billfish Fishery

Division 1 Preliminary

64 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.

leviable WTBF boat SFR means a boat statutory fishing right that is:
(a) in force on or before 30 June 2009; and
(b) granted under the Western Tuna and Billfish Fishery Management Plan 2005.

leviable WTBF fishing permit means a fishing permit for the Western Tuna and Billfish Fishery that is in force:
(a) on or after the commencement of these Regulations; and
(b) on or before 30 June 2009.

WTBF is an acronym of Western Tuna and Billfish Fishery.

Division 2 Fishing permits

65 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 in all 3 applicable years;
the amount of levy payable for the 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 — $2,875.00; or
(b) for a minor line fishing method — $2,277.00; or
(c) for a purse seine fishing method — $1,618.00.

(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).

66 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.

67 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 69 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

68  **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.

69  **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 — $2 875.00; or
(b) for a minor line fishing method — $2 277.00; or
(c) for a purse seine fishing method — $1 618.00.

(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 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 — $7 201.00; or
   (b) for a minor line fishing method — $5 784.00; or
   (c) for a purse seine fishing method — $4 205.00.

(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.

71 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 — $5 201.00; or
(b) for a minor line fishing method — $4,125.00; 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.

72 Amount of levy for SFR — fishing permit granted in all 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 — $2,875.00; or
   (b) for a minor line fishing method — $2,277.00; or
   (c) for a purse seine fishing method — $1,618.00.

(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.

73 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 — $11 580.00; or
(b) for a minor line fishing method — $8 860.00; or
(c) for a purse seine fishing method — $6 548.00.

(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.

74 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.
Regulation 75

75 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