



# **Fisheries Levy (Torres Strait Prawn Fishery) Regulations 1998**

**Statutory Rules No. 7, 1998 as amended**

made under the

*Fisheries Levy Act 1984*

**Compilation start date:** 14 December 2013

**Includes amendments up to:** SLI No. 259, 2013

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### **This compilation**

This is a compilation of the *Fisheries Levy (Torres Strait Prawn Fishery) Regulations 1998* as in force on 14 December 2013. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 23 December 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

### **Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

### **Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### **Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

### **Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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## 1 Name of Regulations

These Regulations are the *Fisheries Levy (Torres Strait Prawn Fishery) Regulations 1998*.

## 2 Interpretation

- (1) In these Regulations:

***allocated fishing day***, for a licence mentioned in regulation 3, means a day that is 1 of the total number of days on which the boat for which the licence was granted may be in the reporting area.

***Levy Act*** means the *Fisheries Levy Act 1984*.

***reporting area*** has the meaning given by Torres Strait Fisheries Management Notice No. 43.

***TSF Act*** means the *Torres Strait Fisheries Act 1984*.

- (2) Unless the contrary intention appears, a word or phrase that is used in these Regulations has the same meaning as in the *Torres Strait Fisheries Regulations 1985*.

## 3 Prescribed licences and units of fishing capacity

- (1) For paragraphs 5(d) and (f) of the Levy Act, licences of the kind to which this regulation applies are prescribed.
- (2) This regulation applies to a licence that:
- (a) is granted under subsection 19(2) of the TSF Act; and
  - (b) includes a condition under subsection 22(2) of the TSF Act that limits the number of days in a year that the boat for which the licence was granted may be in the reporting area.
- (3) For paragraphs 5(bc) and (bd) of the Levy Act, units of fishing capacity are prescribed.

#### 4 Amount of levy

*Licences—grant, renewal or variation*

- (1) For subsection 6(1) of the Levy Act, the amount of levy imposed on the grant of a licence mentioned in subregulations 3(1) and (2) to a person is \$3 766.54 plus \$25.63 for each unit of fishing capacity (if any) allocated to the person.
- (2) For subsection 6(1) of the Levy Act, the amount of levy imposed on the renewal of a licence mentioned in subregulations 3(1) and (2) held by a person is \$3 766.54 plus \$25.63 for each unit of fishing capacity (if any) allocated to the person.
- (3) For subsection 6(1) of the Levy Act, the amount of levy imposed on the variation of a licence mentioned in subregulations 3(1) and (2) held by a person is \$25.63 for each additional unit of fishing capacity allocated to the person.

*Units of fishing capacity—allocation or renewal of allocation*

- (4) For subsection 6(1) of the Levy Act, the amount of levy imposed on the allocation of a unit of fishing capacity mentioned in subregulation 3(3) is \$25.63 for each unit of fishing capacity that is so allocated.
- (5) For subsection 6(1) of the Levy Act, the amount of levy imposed on the renewal of the allocation of a unit of fishing capacity mentioned in subregulation 3(3) is \$25.63 for each unit of fishing capacity that is so renewed.

Note 1: To identify by whom levy is payable, see section 7 of the Levy Act.

Note 2: Subsection 3(2) of the Levy Act interprets references to ‘units of fishing capacity’.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

### Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

### Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

## Endnotes

Endnote 1—About the endnotes

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### **Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

### **Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

### **Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.



**Endnote 2—Abbreviation key**

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

## Endnotes

### Endnote 3—Legislation history

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### Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
1998 No. 7	11 Feb 1998	11 Feb 1998	
1998 No. 327	16 Dec 1998	16 Dec 1998	—
2001 No. 21	23 Feb 2001	23 Feb 2001	—
2002 No. 1	15 Feb 2002	15 Feb 2002	—
2003 No. 1	13 Feb 2003	13 Feb 2003	—
2004 No. 7	20 Feb 2004	20 Feb 2004	—
2005 No. 2	14 Feb 2005 ( <i>see</i> F2005L00171)	15 Feb 2005	—
2006 No. 3	17 Feb 2006 ( <i>see</i> F2006L00519)	18 Feb 2006	—
2007 No. 2	20 Feb 2007 ( <i>see</i> F2007L00374)	21 Feb 2007	—
2008 No. 6	15 Feb 2008 ( <i>see</i> F2008L00307)	16 Feb 2008	—
2009 No. 2	6 Feb 2009 ( <i>see</i> F2009L00237)	7 Feb 2009	—
2009 No. 346	16 Dec 2009 ( <i>see</i> F2009L04546)	17 Dec 2009	—
2010 No. 311	13 Dec 2010 ( <i>see</i> F2010L03190)	14 Dec 2010	—
2011 No. 204	25 Nov 2011 ( <i>see</i> F2011L02436)	26 Nov 2011	—
2012 No. 273	7 Dec 2012 ( <i>see</i> F2012L02355)	8 Dec 2012	—
No 259, 2013	13 Dec 2013 ( <i>see</i> F2013L02099)	14 Dec 2013	—

## Endnote 4—Amendment history

## Endnote 4—Amendment history

Provision affected	How affected
r. 1 .....	rs. 1998 No. 327
r. 2 .....	ad. 2001 No. 21 am. 2009 No. 2
Heading to r. 3 .....	rs. 2009 No. 2
r. 3 .....	am. 2009 No. 2
r. 4 .....	rs. 1998 No. 327 am. 2001 No. 21; 2002 No. 1; 2003 No. 1; 2004 No. 7; 2005 No. 2; 2006 No. 3; 2007 No. 2 rs. 2008 No. 6; 2009 Nos. 2 and 346 am. 2010 No. 311; 2011 No. 204; 2012 No. 273; No 259, 2013

**Endnotes**

Endnote 5—Uncommenced amendments [none]

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**Endnote 5—Uncommenced amendments [none]**

**Endnote 6—Modifications [none]**

**Endnote 7—Misdescribed amendments [none]**

**Endnote 8—Miscellaneous [none]**