



Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2009 (No. 1)¹

Select Legislative Instrument 2009 No. 2

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 *Fisheries Levy Act 1984*.

Dated 5 February 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

MARTIN FERGUSON
Minister for Resources and Energy and Minister for Tourism
for the Minister for Agriculture, Fisheries and Forestry

1 Name of Regulations

These Regulations are the *Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2009 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Fisheries Levy (Torres Strait Prawn Fishery) Regulations 1998*

Schedule 1 amends the *Fisheries Levy (Torres Strait Prawn Fishery) Regulations 1998*.

Schedule 1 Amendments

(regulation 3)

[1] Subregulation 2 (2)

substitute

- (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*.

[2] Regulation 3, heading

substitute

3 Prescribed licences and units of fishing capacity

[3] After subregulation 3 (2)*insert*

- (3) For paragraphs 5 (bc) and (bd) of the Levy Act, units of fishing capacity are prescribed.

[4] Regulation 4*substitute***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) is \$5 833.39 plus:
- (a) if 1 or more units of fishing capacity have been allocated to the person to whom the licence is granted — \$32.35 for each allocated unit; or
 - (b) if nil units have been allocated to the person — \$32.35 for each allocated fishing day.
- (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) is \$5 833.39 plus:
- (a) if 1 or more units of fishing capacity have been allocated to the holder of the licence — \$32.35 for each allocated unit; or
 - (b) if nil units have been allocated to the holder — \$32.35 for each allocated fishing day.
- (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) is:
- (a) if 1 or more additional units of fishing capacity have been allocated to the holder of the licence — \$32.35 for each additional allocated unit; or
 - (b) if nil additional units have been allocated to the holder — \$32.35 for each additional allocated fishing day.

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:
- (a) if 1 or more units have been allocated to the person — \$32.35 for each allocated unit; or
 - (b) if nil units have been allocated to the person — \$32.35 for each allocated fishing day.
- (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:
- (a) if 1 or more units have been allocated to the holder — \$32.35 for each allocated unit; or
 - (b) if nil units have been allocated to the holder — \$32.35 for each allocated fishing day.

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’.

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>.