



National Residue Survey (Aquatic Animal Export) Levy Act 1992

No. 244 of 1992

An Act to impose levy on the export of aquatic animal and related products

[Assented to 24 December 1992]

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *National Residue Survey (Aquatic Animal Export) Levy Act 1992*.

5 Commencement

2. This Act commences on 1 July 1993.

Act binds Crown

3. This Act binds the Crown in right of each of the States, of the Australian Capital Territory, of the Northern Territory and of Norfolk Island.

10 Interpretation

4.(1) In this Act:
“aquatic animal” means:

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- (a) live, fresh or processed fish; and
- (b) crustaceans and molluscs; and
- (c) aquatic reptiles; and
- (d) all other forms of amphibious or aquatic animal life;

but does not include:

- (e) aquatic mammals; or
- (f) oyster spat or live fish ova; or
- (g) aquarium fish; or
- (h) shells from which the fish have been removed;

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“aquatic animal product” means a product of which the major component is aquatic animals.

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(2) Unless the contrary intention appears, a word or expression has the same meaning in this Act as it has in the *Primary Industries Levies and Charges Collection Act 1991*.

Imposition

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5.(1) Subject to subsection (2), National Residue Survey Levy is imposed on the export of aquatic animals and aquatic animal products.

(2) Levy is not imposed if the aquatic animal or aquatic animal product is prescribed for the purposes of this subsection.

Rate of levy

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6.(1) The rate of levy imposed on the export of aquatic animals of a particular class or aquatic animal products produced from aquatic animals of a particular class is:

- (a) the rate specified in Column [2] of the following Table opposite that class; or
- (b) if regulations are made prescribing a rate in relation to that class, being a rate that does not exceed the rate specified in Column [3] of the following Table opposite that class—that prescribed rate.

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Column [1] Class of aquatic animal	Column [2] Operative rate of National Residue Survey Levy	Column [3] Maximum rate of National Residue Survey Levy
fin fish	1 cent per kilo	5 cents per kilo
abalone	2.6 cents per kilo	5 cents per kilo
other crustaceans and molluscs	0.5 cents per kilo	5 cents per kilo
any other aquatic animal	1 cent per kilo	5 cents per kilo

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- (2) The regulations may prescribe different rates in relation to:
- (a) different groups of aquatic animals within the same class of aquatic animals; and
 - (b) aquatic animal products produced from different groups of aquatic animals within the same class of aquatic animals.

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Who pays the levy

7. The levy is payable by the producer.

Regulations

8. The Governor-General may make regulations prescribing matters:
- (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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*[Minister's second reading speech made in—
House of Representatives on 3 November 1992
Senate on 10 November 1992]*