

Fisheries Levy (Torres Strait Prawn Fishery) Regulation 2016

made under the

Fisheries Levy Act 1984

**Compilation No. 1**

**Compilation date:** 4 November 2017

**Includes amendments up to:** F2017L01424

**Registered:** 10 November 2017

**About this compilation**

**This compilation**

This is a compilation of the *Fisheries Levy (Torres Strait Prawn Fishery) Regulation 2016* that shows the text of the law as amended and in force on 4 November 2017 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

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

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

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

1 Name 1

3 Authority 1

5 Definitions 1

6 Prescribed units of fishing capacity 1

7 Prescribed licences 1

8 Amount of levy 2

Endnotes 3

Endnote 1—About the endnotes 3

Endnote 2—Abbreviation key 4

Endnote 3—Legislation history 5

Endnote 4—Amendment history 6

1 Name

This is the *Fisheries Levy (Torres Strait Prawn Fishery) Regulation 2016*.

3 Authority

This instrument is made under the *Fisheries Levy Act 1984*.

5 Definitions

(1) In this instrument:

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

***PNG unit*** has the same meaning as in the *Torres Strait Prawn Fishery Management Plan 2009*.

***reporting area*** has the same meaning as in the Torres Strait Fisheries Management Notice No. 43.

Note: The Torres Strait Fisheries Management Notice No. 43 is a legislative instrument made under the TSF Act.

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

(2) A reference in this instrument to units of fishing capacity does not include a reference to PNG units.

6 Prescribed units of fishing capacity

For the purposes of paragraphs 5(bc) and (bd) of the Levy Act, units of fishing capacity for the Torres Strait Prawn Fishery under the plan of management in force for that fishery are prescribed.

Note 1: See subsection 3(2) of the Levy Act for the meaning of unit of fishing capacity.

Note 2: The plan of management for the Torres Strait Prawn Fishery is determined under section 15A of the TSF Act.

7 Prescribed licences

For the purposes of paragraphs 5(d) and (f) of the Levy Act, a licence that:

(a) is granted under subsection 19(2) of the TSF Act; and

(b) authorises the taking, carrying, or processing and carrying of prawn in the Torres Strait Prawn Fishery; and

(c) allows the boat in respect of which the licence was granted to be used for commercial fishing for prawn in the Fishery; and

(d) is subject to a condition under subsection 22(1) or (2) of the TSF Act that limits the number of fishing days in a year that the boat may be in the reporting area;

is prescribed.

8 Amount of levy

(1) This section applies for the purposes of subsection 6(1) of the Levy Act.

Licences—grant

(2) The amount of levy imposed on the grant of a licence prescribed by section 7 to a person is $2,412.86 plus $17.78for each unit of fishing capacity prescribed by section 6 allocated to the person in respect of the licence.

Licences—renewal

(3) The amount of levy imposed on the renewal of a licence prescribed by section 7 to a person is $2,412.86 plus $17.78 for each unit of fishing capacity prescribed by section 6 to be held by the person in respect of the renewed licence.

Units of fishing capacity—allocation

(4) The amount of levy imposed on the allocation of a unit of fishing capacity prescribed by section 6 (other than a unit of fishing capacity referred to in subsection (2) or (3) of this section) is $17.78 for each unit of fishing capacity allocated.

Units of fishing capacity—renewal of allocation

(5) The amount of levy imposed on the renewal of the allocation of a unit of fishing capacity prescribed by section 6 (other than a unit of fishing capacity referred to in subsection (2) or (3) of this section) is $17.78 for each unit of fishing capacity the allocation of which is renewed.

Note: See section 7 of the Levy Act for the person who is liable to pay the levy.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key 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 (or will amend) the compiled law. The information includes commencement details for amending laws and details of any 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 (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Fisheries Levy (Torres Strait Prawn Fishery) Regulation 2016 | 25 Nov 2016 (F2016L01802) | 26 Nov 2016 (s 2(1) item 1) |  |
| Fisheries Levy (Torres Strait Prawn Fishery) Amendment (Levy Amount) Regulations 2017 | 3 Nov 2017 (F2017L01424) | 4 Nov 2017 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| s 2 | rep LA s 48D |
| s 4 | rep LA s 48C |
| s 5 | am F2017L01424 |
| s 8 | am F2017L01424 |
| Schedule 1 | rep LA s 48C |