



Fisheries Management (Fishing Levy Collection) Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 02 November 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Richard Colbeck
Assistant Minister for Agriculture and Water Resources
Parliamentary Secretary to the Minister for Agriculture and Water Resources

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1 Name

This instrument is the *Fisheries Management (Fishing Levy Collection) Regulations 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	6 November 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Fisheries Management Act 1991*.

4 Definitions

Note: **Dealing** is defined in the *Fisheries Management Act 1991*.

In this instrument:

leviable fishing concession has the same meaning as in the Levy Regulations.

leviable SESSF quota fishing permit has the same meaning as in section 18 of the Levy Regulations.

leviable SESSF quota SFR has the same meaning as in section 17 of the Levy Regulations.

levy means levy imposed by the Levy Act.

Levy Act means the *Fishing Levy Act 1991*.

Levy Regulations means the *Fishing Levy Regulations 2018*.

Management Act means the *Fisheries Management Act 1991*.

5 Collection and payment of levy

- (1) For the purposes of sections 110 and 111 of the Management Act, this section provides for:
 - (a) when levy is due and payable; and
 - (b) the payment of levy by instalments.

Leviable fishing concessions—general

- (2) Subject to subsections (7) to (9), an amount of levy in respect of a leviable fishing concession must be paid in 3 approximately equal instalments.
- (3) The instalments are due and payable as follows:
 - (a) the first instalment is due and payable on 5 February 2019;
 - (b) the second instalment is due and payable on 2 April 2019;
 - (c) the third instalment is due and payable on 29 May 2019.
- (4) Despite paragraph (3)(a), if a dealing occurs on or after 8 January 2019 and before 5 February 2019 that would, but for subsection 46(2) of the Management Act, have the effect of transferring the leviable fishing concession, the first instalment is due and payable on the earlier of:
 - (a) 5 February 2019; and
 - (b) the day before the day an application is made to register the dealing under section 46 of the Management Act.
- (5) Despite paragraph (3)(b), if a dealing occurs on or after 5 March 2019 and before 2 April 2019 that would, but for subsection 46(2) of the Management Act, have the effect of transferring the leviable fishing concession, the second instalment is due and payable on the earlier of:
 - (a) 2 April 2019; and
 - (b) the day before the day an application is made to register the dealing under section 46 of the Management Act.
- (6) Despite paragraph (3)(c), if a dealing occurs on or after 1 May 2019 and before 29 May 2019 that would, but for subsection 46(2) of the Management Act, have the effect of transferring the leviable fishing concession, the third instalment is due and payable on the earlier of:
 - (a) 29 May 2019; and
 - (b) the day before the day an application is made to register the dealing under section 46 of the Management Act.

Leviable SESSF quota fishing permits to which subsection 18(4) of the Levy Regulations applies

- (7) If subsection 18(4) of the Levy Regulations applies to a leviable SESSF quota fishing permit, the amount of levy in respect of the permit must be paid in 2 approximately equal instalments.
- (8) The instalments are due and payable as follows:
 - (a) the first instalment is due and payable on 5 February 2019;
 - (b) the second instalment is due and payable on 2 April 2019.

Certain leviable SESSF quota SFRs

- (9) An amount of levy in respect of a leviable SESSF quota SFR that authorises the taking of a quota species mentioned in item 14 or 17 of the table in subsection 17(3) of the Levy Regulations, or item 1, 2, 10 or 11 of the table in subsection 17(4) of that instrument, is due and payable on:
- (a) 29 May 2019; or
 - (b) if a dealing occurs on or after 1 May 2019 and before 29 May 2019 that would, but for subsection 46(2) of the Management Act, have the effect of transferring the SFR—the earlier of:
 - (i) 29 May 2019; and
 - (ii) the day before the day an application is made to register the dealing under section 46 of the Management Act.

Note: Section 7 of the Levy Act provides that levy in respect of a fishing concession is payable by the person who, at the time at which the levy is due and payable, is the holder of the fishing concession.