

# **Fishing Levy 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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## Part 1—Preliminary

### 1 Name

This instrument is the Fishing Levy 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		Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	7 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Note: This table relates only to the provisions of this instrument as originally made.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 Fishing Levy Act 1991.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

#### 5 Definitions

Note 1: *Fishing concession* is defined in the *Fishing Levy Act 1991*.

Note 2: A number of expressions used in this instrument are defined in the *Fisheries Management Act 1991*, including the following:

- (a) fishing permit;
- (b) statutory fishing right.
- (1) In this instrument:

*leviable fishing concession* means a fishing concession in respect of which an amount of levy is prescribed by this instrument.

*levy* means levy imposed by the Levy Act.

Levy Act means the Fishing Levy Act 1991.

Management Act means the Fisheries Management Act 1991.

Management Regulations means the Fisheries Management Regulations 1992.

SFR means a statutory fishing right.

- (2) An expression that is used in this instrument and in the Management Regulations has the same meaning in this instrument as it has in the Management Regulations.
- (3) An expression that is used:
  - (a) in this instrument in relation to a fishery for which there is a plan of management determined under section 17 of the Management Act; and
  - (b) in the plan of management;

has the same meaning in this instrument as it has in the plan of management.

### 6 References to fisheries

A reference in this instrument to a fishery that is described in regulation 4B of the Management Regulations or in a plan of management determined under section 17 of the Management Act is a reference to the fishery as described in that regulation or that plan.

Note: The following fisheries are described in regulation 4B of the Management Regulations:

- (a) Coral Sea Fishery;
  - (b) Eastern Skipjack Fishery;
  - (c) North West Slope Trawl Fishery;
  - (d) Western Deepwater Trawl Fishery;
  - (e) Western Skipjack Fishery.

## Part 2—Amount of levy

## 7 Prescribed amounts of levy

For the purposes of section 6 of the Levy Act, this Part prescribes the amounts of levy imposed in respect of leviable fishing concessions.

Note:

For when levy is due and payable, and the payment of levy by instalments, see the *Fisheries Management (Fishing Levy Collection) Regulations 2018*.

## 8 Bass Strait Central Zone Scallop Fishery

(1) In this section:

leviable BSCZSF SFR means a commercial scallop quota SFR that is:

- (a) granted under the Management Act for the Bass Strait Central Zone Scallop Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a leviable BSCZSF SFR is \$0.90755.

## 9 Coral Sea Fishery

(1) In this section:

## leviable CSF fishing permit means a fishing permit that is:

- (a) granted under the Management Act for the Coral Sea Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a leviable CSF fishing permit is the sum of:
  - (a) \$7,159.50; and
  - (b) the amount for each sector of the Coral Sea Fishery to which the permit relates, as set out in the following table.

Amoui	Amount of levy for a sector of the Coral Sea Fishery		
Item	Sector	Amount (\$)	
1	Aquarium	758.17	
2	Line and trap	1,819.60	
3	Line and trap—autobait	1,819.60	
4	Line	1,819.60	
5	Lobster and trochus	758.17	
6	Sea cucumber	758.17	
7	Trawl and trap	1,819.60	

## 10 Eastern Skipjack Fishery

(1) In this section:

## leviable ESF fishing permit means a fishing permit that is:

- (a) granted under the Management Act for the Eastern Skipjack Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a leviable ESF fishing permit is \$1,379.39.

## 11 Eastern Tuna and Billfish Fishery

(1) In this section:

### leviable ETBF Albacore Tuna SFR means a quota SFR that:

- (a) is granted under the Management Act for the Eastern Tuna and Billfish Fishery; and
- (b) authorises the holder to take Albacore Tuna; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## leviable ETBF Bigeye Tuna SFR means a quota SFR that:

- (a) is granted under the Management Act for the Eastern Tuna and Billfish Fishery; and
- (b) authorises the holder to take Bigeye Tuna; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## leviable ETBF Broadbill Swordfish SFR means a quota SFR that:

- (a) is granted under the Management Act for the Eastern Tuna and Billfish Fishery; and
- (b) authorises the holder to take Broadbill Swordfish; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## leviable ETBF longline boat SFR means a longline SFR that is:

- (a) granted under the Management Act for the Eastern Tuna and Billfish Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## leviable ETBF minor line boat SFR means a minor line SFR that is:

- (a) granted under the Management Act for the Eastern Tuna and Billfish Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## leviable ETBF Striped Marlin SFR means a quota SFR that:

(a) is granted under the Management Act for the Eastern Tuna and Billfish Fishery; and

- (b) authorises the holder to take Striped Marlin; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

### leviable ETBF Yellowfin Tuna SFR means a quota SFR that:

- (a) is granted under the Management Act for the Eastern Tuna and Billfish Fishery; and
- (b) authorises the holder to take Yellowfin Tuna; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a fishing concession mentioned in the following table is the amount mentioned in the table for the fishing concession.

Amou	Amount of levy—Eastern Tuna and Billfish Fishery		
Item	SFR	Amount (\$)	
1	Leviable ETBF Albacore Tuna SFR	0.0917	
2	Leviable ETBF Bigeye Tuna SFR	0.1806	
_3	Leviable ETBF Broadbill Swordfish SFR	0.2185	
4	Leviable ETBF longline boat SFR	3,107.40	
5	Leviable ETBF minor line boat SFR	1,693.14	
6	Leviable ETBF Striped Marlin SFR	0.0297	
7	Leviable ETBF Yellowfin Tuna SFR	0.4527	

## 12 Heard Island and McDonald Islands Fishery

(1) In this section:

### leviable HIMI SFR means an SFR that is:

- (a) granted under the Management Act for the Heard Island and McDonald Islands Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a leviable HIMI SFR is \$16.54.

## 13 Macquarie Island Toothfish Fishery

(1) In this section:

## leviable MITF SFR means an SFR that is:

- (a) granted under the Management Act for the Macquarie Island Toothfish Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a leviable MITF SFR is \$22.19.

## 14 Northern Prawn Fishery

(1) In this section:

## leviable NPF gear SFR means a gear SFR that is:

- (a) granted under the Management Act for the Northern Prawn Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a leviable NPF gear SFR is \$62.26.

## 15 North West Slope Trawl Fishery

(1) In this section:

## leviable NWSTF fishing permit means a fishing permit that is:

- (a) granted under the Management Act for the North West Slope Trawl Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a leviable NWSTF fishing permit is \$10,906.57.

## 16 Small Pelagic Fishery

(1) In this section:

### leviable SPF Australian Sardine quota SFR means a quota SFR that:

- (a) is granted under the Management Act for the Small Pelagic Fishery; and
- (b) authorises the holder to take Australian Sardine; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

# *leviable SPF Eastern sub-area Blue Mackerel quota SFR* means a quota SFR that:

- (a) is granted under the Management Act for the Small Pelagic Fishery; and
- (b) authorises the holder to take Eastern sub-area Blue Mackerel; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

# *leviable SPF Eastern sub-area Jack Mackerel quota SFR* means a quota SFR that:

- (a) is granted under the Management Act for the Small Pelagic Fishery; and
- (b) authorises the holder to take Eastern sub-area Jack Mackerel; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## leviable SPF Eastern sub-area Redbait quota SFR means a quota SFR that:

- (a) is granted under the Management Act for the Small Pelagic Fishery; and
- (b) authorises the holder to take Eastern sub-area Redbait; and

(c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

# *leviable SPF Western sub-area Blue Mackerel quota SFR* means a quota SFR that:

- (a) is granted under the Management Act for the Small Pelagic Fishery; and
- (b) authorises the holder to take Western sub-area Blue Mackerel; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## leviable SPF Western sub-area Jack Mackerel quota SFR means a quota SFR that:

- (a) is granted under the Management Act for the Small Pelagic Fishery; and
- (b) authorises the holder to take Western sub-area Jack Mackerel; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

### leviable SPF Western sub-area Redbait quota SFR means a quota SFR that:

- (a) is granted under the Management Act for the Small Pelagic Fishery; and
- (b) authorises the holder to take Western sub-area Redbait; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a fishing concession mentioned in the following table is the amount mentioned in the table for the fishing concession.

Amoun	Amount of levy—Small Pelagic Fishery		
Item	SFR	Amount (\$)	
1	Leviable SPF Australian Sardine quota SFR	0.018166617	
2	Leviable SPF Eastern sub-area Blue Mackerel quota SFR	0.018166617	
3	Leviable SPF Eastern sub-area Jack Mackerel quota SFR	0.018166617	
4	Leviable SPF Eastern sub-area Redbait quota SFR	0.018166617	
5	Leviable SPF Western sub-area Blue Mackerel quota SFR	0.018166617	
6	Leviable SPF Western sub-area Jack Mackerel quota SFR	0.018166617	
7	Leviable SPF Western sub-area Redbait quota SFR	0.033868583	

## 17 Southern and Eastern Scalefish and Shark Fishery—statutory fishing rights

(1) In this section:

**GAB** means the Great Australian Bight.

*leviable SESSF GAB trawl boat SFR* means a GAB trawl boat SFR that is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

*leviable SESSF gillnet boat SFR* means a gillnet boat SFR that is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## leviable SESSF quota SFR means a quota SFR that:

- (a) authorises the holder to take:
  - (i) a leviable SESSF quota species mentioned in an item of the table in subsection (3); or
  - (ii) a leviable SESSF quota species mentioned in an item of the table in subsection (4) in the sector or zone mentioned in that item; and
- (b) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

*leviable SESSF quota species* means a species mentioned in the table in subsection (3) or (4).

*leviable SESSF scalefish hook boat SFR* means a scalefish hook boat SFR that is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

*leviable SESSF shark hook boat SFR* means a shark hook boat SFR that is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

*leviable SESSF trawl boat SFR* means a trawl boat SFR that is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

SFRs (other than quota SFRs)

(2) The amount of levy in respect of a fishing concession mentioned in the following table is the amount mentioned in the table for the fishing concession.

Amount of levy—Southern and Eastern Scalefish and Shark Fishery—SFRs (other than quota
SFRs)

Item	SFR	Amount (\$)
1	Leviable SESSF GAB trawl boat SFR	36,208.20
2	Leviable SESSF gillnet boat SFR	5,890.67
3	Leviable SESSF scalefish hook boat SFR	2,698.67
4	Leviable SESSF shark hook boat SFR	4,836.07
5	Leviable SESSF trawl boat SFR	8,440.96

### Quota SFRs

(3) The amount of levy in respect of a leviable SESSF quota SFR that authorises the taking of a quota species mentioned in the following table is the amount mentioned in the table for that species.

Amount of levy—Southern and Eastern Scalefish and Shark Fishery—quota SFRs		
Item	Quota species	Amount (\$)
1	Alfonsino	0.00278
2	Bight redfish	0.00503
3	Blue eye trevalla	0.33218
4	Blue grenadier	0.08076
5	Blue warehou	0.00221
6	Deepwater flathead	0.00679
7	Elephantfish	0.18486
8	Flathead	0.32735
9	Gummy shark	0.38077
10	Jackass morwong	0.09060
11	John dory	0.06422
12	Mirror dory	0.05417
13	Ocean perch	0.09797
14	Oreodory	0.00869
15	Pink ling	0.63032
16	Redfish	0.03470
17	Ribaldo	0.02131
18	Royal red prawn	0.05810
19	Saw shark	0.12423
20	School shark	0.52044
21	School whiting	0.07959
22	Silver trevally	0.02248
23	Silver warehou	0.16364

(4) The amount of levy in respect of a leviable SESSF quota SFR that authorises the taking of a quota species mentioned in an item of the following table in the sector or zone mentioned in that item is the amount mentioned in that item.

Amount of levy—Southern and Eastern Scalefish and Shark Fishery—quota SFRs for species in
particular sectors or zones

Item	Quota species	Sector or zone	Amount (\$)
1	Deepwater shark	Eastern	0.00616
2	Deepwater shark	Western	0.01527
3	Gemfish	Eastern	0.07909
4	Gemfish	Western	0.07857
5	Orange roughy	Albany and Esperance	0.00068
6	Orange roughy	Cascade Plateau	0.00005
7	Orange roughy	Eastern	0.01711
8	Orange roughy	Southern	0.00242
9	Orange roughy	Western	0.00576

# Amount of levy—Southern and Eastern Scalefish and Shark Fishery—quota SFRs for species in particular sectors or zones

Item	Quota species	Sector or zone	Amount (\$)
10	Smooth oreodory	Cascade Plateau	0.00000
11	Smooth oreodory	A sector or zone other than the Cascade Plateau	0.01463

### 18 Southern and Eastern Scalefish and Shark Fishery—fishing permits

(1) In this section:

**GHT** means the Gillnet, Hook and Trap Fishery.

### leviable SESSF autolongline fishing permit means a fishing permit that:

- (a) is granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery; and
- (b) authorises fishing with automatic baiting equipment in the Commonwealth Scalefish Hook Sector of that fishery; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## *leviable SESSF ECDT fishing permit* means a fishing permit that:

- (a) is granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery; and
- (b) authorises fishing by trawling methods in the East Coast Deepwater Trawl Sector of that fishery; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## *leviable SESSF GHT fishing permit* means a fishing permit that:

- (a) is granted under the Management Act for:
  - (i) the South Australian Coastal Waters Sector of the Southern and Eastern Scalefish and Shark Fishery; or
  - (ii) the Tasmanian Coastal Waters Sector of that fishery; or
  - (iii) the Tasmanian Rock Lobster Sector of that fishery; and
- (b) authorises the taking of fish of one or more leviable SESSF quota species; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## leviable SESSF GHT trap fishing permit means a fishing permit that:

- (a) is granted under the Management Act; and
- (b) authorises fishing with fish traps in the Commonwealth Scalefish Hook Sector of the Southern and Eastern Scalefish and Shark Fishery; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## leviable SESSF quota fishing permit means a fishing permit that:

- (a) is granted under the Management Act for the Southern and Eastern Scalefish and Shark Fishery; and
- (b) authorises the holder to take one or more quota species mentioned in the table in subsection (3); and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

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

### leviable SESSF VCW fishing permit means a fishing permit that:

- (a) is granted under the Management Act for the Victorian Coastal Waters Sector of the Southern and Eastern Scalefish and Shark Fishery; and
- (b) authorises fishing by trawling methods; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

Fishing permits (other than quota fishing permits)

(2) The amount of levy in respect of a fishing concession mentioned in the following table is the amount mentioned in the table for the fishing concession.

Amount of levy—Southern and Eastern Scalefish and Shark Fishery—fishing permits (other
than quota fishing permits)

Item	Fishing permit	Amount (\$)
1	Leviable SESSF autolongline fishing permit	4,930.89
2	Leviable SESSF ECDT fishing permit	493.47
3	Leviable SESSF GHT fishing permit	2,153.36
4	Leviable SESSF GHT trap fishing permit	3,698.17
5	Leviable SESSF VCW fishing permit	352.48

## Quota fishing permits

- (3) Subject to subsection (4), the amount of levy in respect of a leviable SESSF quota fishing permit is worked out by:
  - (a) multiplying the number of quota units authorised to be taken by the permit of a quota species mentioned in an item in the following table by the amount mentioned in that item; and
  - (b) adding together the totals for each applicable item.

Amount of levy—Southern and Eastern Scalefish and Shark Fishery—quota fishing permits				
Item	Quota species	Amount (\$)		
1	Deepwater shark in the Eastern zone	0.01848		
2	Deepwater shark in the Western zone	0.04581		
3	Oreodory	0.02608		
4	Ribaldo	0.06394		
5	Smooth oreodory in the Cascade Plateau zone	0.00001		

Amount of levy—Southern and Eastern Scalefish and Shark Fishery—quota fishing permits				
Item	Quota species	Amount (\$)		
6	Smooth oreodory in a sector or zone other than the Cascade Plateau zone	0.04389		

- (4) If:
  - (a) on 30 April 2019, a leviable SESSF quota fishing permit ceases to be in force; and
  - (b) on 1 May 2019, one or more leviable SESSF quota SFRs are in force that authorise the taking of the quota species that were authorised to be taken by the permit before it ceased to be in force;

then, the amount of levy in respect of the permit is the amount that is equal to two-thirds of the amount of levy that would, apart from this subsection, be payable in respect of the permit.

## 19 Southern Bluefin Tuna Fishery

(1) In this section:

### leviable SBTF SFR means an SFR that is:

- (a) granted under the Management Act for the Southern Bluefin Tuna Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a leviable SBTF SFR is \$0.2917.

### 20 Southern Squid Jig Fishery

(1) In this section:

## leviable SSJF gear SFR means a gear SFR that is:

- (a) granted under the Management Act for the Southern Squid Jig Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a leviable SSJF gear SFR is \$19.3414.

## 21 Western Deepwater Trawl Fishery

(1) In this section:

## leviable WDWTF fishing permit means a fishing permit that is:

- (a) granted under the Management Act for the Western Deepwater Trawl Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a leviable WDWTF fishing permit is \$7,477.09.

## 22 Western Skipjack Fishery

(1) In this section:

## leviable WSF fishing permit means a fishing permit that is:

- (a) granted under the Management Act for the Western Skipjack Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a leviable WSF fishing permit is \$1,379.39.

## 23 Western Tuna and Billfish Fishery

(1) In this section:

## leviable WTBF Bigeye Tuna quota SFR means a quota SFR that:

- (a) is granted under the Management Act for the Western Tuna and Billfish Fishery; and
- (b) authorises the holder to take Bigeye Tuna; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

### leviable WTBF boat SFR means a boat SFR that is:

- (a) granted under the Management Act for the Western Tuna and Billfish Fishery; and
- (b) in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## leviable WTBF Broadbill Swordfish quota SFR means a quota SFR that:

- (a) is granted under the Management Act for the Western Tuna and Billfish Fishery; and
- (b) authorises the holder to take Broadbill Swordfish; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

### leviable WTBF Striped Marlin quota SFR means a quota SFR that:

- (a) is granted under the Management Act for the Western Tuna and Billfish Fishery; and
- (b) authorises the holder to take Striped Marlin; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.

## leviable WTBF Yellowfin Tuna quota SFR means a quota SFR that:

- (a) is granted under the Management Act for the Western Tuna and Billfish Fishery; and
- (b) authorises the holder to take Yellowfin Tuna; and
- (c) is in force at any time during the period starting on the commencement of this instrument and ending on 30 June 2019.
- (2) The amount of levy in respect of a fishing concession mentioned in the following table is the amount mentioned in the table for the fishing concession.

## Part 2 Amount of levy

## Section 23

Amount of levy—Western Tuna and Billfish Fishery				
Item	SFR	Amount (\$)		
1	Leviable WTBF Bigeye Tuna quota SFR	0.0432		
2	Leviable WTBF boat SFR	886.10		
3	Leviable WTBF Broadbill Swordfish quota SFR	0.0432		
4	Leviable WTBF Striped Marlin quota SFR	0.0432		
5	Leviable WTBF Yellowfin Tuna quota SFR	0.0432		

## Schedule 1—Repeals

## Fishing Levy Regulations 2017

1 The whole of the instrument

Repeal the instrument.