

Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 1998 (No. 1) 1998 No. 327

EXPLANATORY STATEMENT

STATUTORY RULES 1998 No. 327

Issued by the authority of the Minister for Agriculture, Fisheries and Forestry

Fisheries Levy Act 1984

Torres Strait Fisheries Act 1984

Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 1998 (No. 1)

Section 8 of the *Fisheries Levy Act 1984* (Levy Act) provides that the Governor-General may make regulations for the purposes of sections 5 and 6 of the Levy Act.

Section 5 of the Levy Act imposes levy on, amongst other things, the grant or renewal of a licence under the *Torres Strait Fisheries Act 1984* (TSF Act). Section 6 of the Levy Act provides that the amount of levy imposed on the grant or renewal of a licence is such amount as is specified in, or calculated in accordance with, the regulations. Section 7 of the Levy Act provides that the levy imposed by the Levy Act is payable at the time of the grant or renewal of the licence.

The Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 1998 (No. 1) (the Amendment) set a levy for licences granted or renewed in respect of the Torres Strait Prawn Fishery (the prawn fishery).

Subsection 19(2) of the TSF Act provides that the Minister may, at his discretion, grant to a person a licence authorising the use of a specified boat for taking fish in the course of commercial fishing and for carrying, or processing and carrying, fish taken with the use of the licensed boat in areas of Australian jurisdiction. "Area of Australian jurisdiction" is defined in section 3 of the TSF Act and includes areas of waters within the Torres Strait Protected Zone, as defined in the Torres Strait Treaty, which is annexed to the TSF Act. Section 24 provides that a Minister may renew a licence granted under section 19.

Section 22 of the TSF Act provides that a licence granted under section 19 of the TSF Act is subject to such conditions as are specified on the licence, and empowers the Minister to vary or revoke a condition or specify further conditions as the case may be. Section 23 of the TSF Act provides, among other things, that a licence granted under section 19 (other than a licence renewed under section 24) remains in force until the day specified for the purpose in the licence, being a day not more than 12 months after the day on which the licence comes into force, or such longer period as may be specified in the regulations.

Section 30 of the Act provides for the establishment of a Torres Strait Protected Zone Joint Authority consisting of the responsible Commonwealth and Queensland Ministers (the PZJA), having such functions as are conferred on it by Part V of the Act in relation to fisheries in respect of which arrangements are made under section 31. An arrangement has been made under section 31 specifying that the prawn fishery is to be managed by the PDA.

Torres Strait Fisheries Management Notice No 43 made under subsection 16(1) of the TSF Act prohibits the taking of prawns unless the requirements of clause 7 of the notice are satisfied.

One of the requirements contained in clause 7 is that a prawn fishery licence must include a condition that limits the number of days in a year that the boat specified in the licence can be in the area of the prawn fishery.

At its meeting on 26 October 1996 the MA agreed that levy ought to be imposed for Torres Strait Prawn Fishery fishing licences. Cost recovery was to be phased in over three years commencing with 40% in the 1997/98 financial year, then 70% in 1998/99 and finally 100% in 1999/2000. Cost recovery was introduced by the Fisheries Levy (Torres Strait Prawn Fishery) Regulations for the 1998/99 financial year with 40% of the recoverable costs being levied.

For the 1998/99 financial year the Amendment sets the levy that would be imposed on Torres Strait Prawn Fishery fishing licences granted under section 19(2) of the TSF Act at \$1125.80 plus \$4.66 for each day the boat specified on the licence is entitled to be in the area of the prawn fishery. This is an increase from \$730.30 and \$2.43 respectively, reflecting the increase, from 40% to 70%, in the recoverable costs levied. Levy is payable on the grant or renewal of a licence.

Details of the Amendment, which commenced on gazettal, are set out below:

Regulation 1 provides that the Amendment may be cited as the Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 1998 (No. 1).

Regulation 2 provides that the Regulations commence on gazettal.

Regulation 3 provides that the amendments are set out in Schedule 1.

Schedule 1:

* **Item 1** amends the name of the Regulations.

* **Item 2** imposes the amount of levy.