

# **Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2002 (No. 1) 2002 No. 1**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 2002 No. 1**

Issued by the authority of the Minister for Forestry and Conservation

*Fisheries Levy Act 1984*

*Torres Strait Fisheries Act 1984*

Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2002 (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) (subsections 5(d) and 5(f)). 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 the regulations. Section 7 of the Levy Act provides that the levy is payable at the time of the grant or renewal of the licence (subsections 7(1) and 7(2)).

The purpose of the Regulations is to decrease the levy for licences granted or renewed in respect of the Torres Strait Prawn Fishery (the 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 Australia 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 the Minister may renew a licence granted under section 19.

At its meeting on 26 October 1996 the Torres Strait Protected Zone Joint Authority, consisting of the responsible Commonwealth and State Ministers, agreed that levy would be imposed on Torres Strait Prawn Fishery fishing licences. Cost recovery was to be phased in over three years commencing with 40% of the recoverable costs for the 1997/98 financial year, then 70% of the recoverable costs in 1998/99 and finally 100% of the recoverable costs in 1999/2000. Levy is imposed in the Torres Strait Prawn Fishery in respect of a licence granted for the fishery and also in respect of the number of fishing days authorised by that permit.

The Regulations amend the Torres Strait (Torres Strait Prawn Fishery) Regulations (the Principal Regulations) to set the levy that is imposed on Torres Strait Prawn Fishery fishing licences under subsection 19(2) of the TSF Act at \$2,224.26 for each licence, plus \$11.37 for each fishing day authorised by that permit. This is a decrease from \$2,337.10 and \$12.92 respectively.

The levy is calculated to cover the budgeted costs for managing the fishery during 2001/2002, which includes a carry-forward deficit from 2000/2001 of \$13,500. The budget covers the anticipated costs of managing the fishery including logbook collection and data entry, surveillance, licensing and other administration.

The levy base has been endorsed by the industry representatives on the Torres Strait Prawn Fishery Working Group. These representatives are from the Torres Strait Prawn Entitlement

Holders Association (TSPEHA) and the Queensland Seafood Industry Association (QSIA), the peak industry bodies in the fishery.

Licences will be granted or renewed in late February 2002. Fishing operators will apply for grant or renewal in the knowledge that this levy is payable.

The Regulations commenced on gazettal.

**Regulation 1** provides for the Regulations to be cited as *Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2002 (No. 1)*.

**Regulation 2** provides that the Regulations commence on gazettal.

**Regulation 3** provides that Schedule 1 amends the Principal Regulations.

**Schedule 1 Item 1** amends regulation 4 of the Principal Regulations to reduce the amount of levy imposed.