

Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2003 (No. 1) 2003 No. 1

EXPLANATORY STATEMENT

STATUTORY RULES 2003 No. 1

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

Fisheries Levy Act 1984

Torres Strait Fisheries Act 1984

Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2003 (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 increase 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 1984, which is annexed to the TSF Act. Section 24 provides that the Minister may renew a licence granted under section 19.

Levy is imposed in the 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 Fisheries Levy (Torres Strait Prawn Fishery) Regulations 1998 (the Principal Regulations) to set the levy that is imposed on Fishery fishing licences under subsection 19(2) of the TSF Act at \$2,611.96 for each licence, plus \$15.49 for each fishing day authorised by the respective licences. This is an increase from \$2,224.26 and \$11.37, respectively.

The levy is calculated to cover the budgeted costs for managing the fishery during 2002-03, which includes a carry-forward deficit from 2001-02 of \$26,537. The budget covers the anticipated recurrent costs of managing the fishery including logbook collection; data entry; surveillance; licensing; and increased staff time required by extensive consultation over the proposed reduction in effort including a review of the stock assessment and a strategic assessment of the fishery, as required under Part 10 of the Environment Protection and Biodiversity Conservation Act 1999.

The levy base has been considered by the industry representatives on the Torres Strait Prawn Fishery Working Group and 20 members of the Torres Strait Prawn Entitlement Holders Association at their annual general meeting in Cairns (on 20 December 2002). Industry deficit.

The Office of Regulation Review has advised that a Regulatory Impact Statement is not required for levy regulations such as these.

Licences will be granted or renewed on 25 February 2003. Fishing operators will apply for grant or renewal in the knowledge that this levy is payable.

The proposed Regulations would commence on gazettal.

The Minute recommends that the Regulations be made in the form proposed.

Authority: Section 8 of the *Fisheries Levy Act 1984*