

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2005 No. 153**

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

*Fisheries Management Act 1991*

*Fisheries Management Regulations 1992*

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Subsection 168 (1) of the *Fisheries Management Act 1991* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed in carrying out or giving effect to the Act.

When the *Fisheries Management Regulations 1992* (the Principal Regulations) were first made, there was a single register under the Act, the Register of Statutory Fishing Rights. In 2004 two additional registers, the High Seas Register and the Fishing Permits Register, were created. The two new Registers are not referred to in Schedule 2 to the Principal Regulations, which deals with fees.

The *Fisheries Management Amendment Regulations 2005 (No. 2)* (the Regulations) set the fees for the inspection of the High Seas Register and the Fishing Permits Register at fifty dollars. This reflects the cost to the Australian Fisheries Management Authority of processing these applications. This fee is the same as the fee to inspect the Register of Statutory Fishing Rights. This information will also be available free of charge via the internet from July 2005.

The Australian Fisheries Management Authority is required to maintain a register of vessels authorised to fish on the high seas under section 57A of the Act. This register must contain specific information about Australian-flagged boats that are authorised from time to time to engage in fishing activities on the high seas. Under section 57D of the Act the register must be available for inspection by the public during normal business hours. The payment of a fee to inspect the register is authorised under subsection 57D (1) of the Act which enables a fee to be prescribed in the Principal Regulations. The Regulations introduced a \$50.00 fee for inspection of the High Seas Register.

The Australian Fisheries Management Authority is required to maintain a register of fishing permits granted under section 32 of the Act. This register must contain specific information about those fishing permits. Under section 57J of the Act the register must be available for inspection by the public during normal business hours. The payment of a fee to inspect the register is authorised under subsection 57J (1) of the Act which enables a fee to be prescribed in the Principal Regulations. The Regulations introduced a \$50.00 fee for inspection of the Fishing Permit Register.

The Office of Regulation Review has advised that a Regulatory Impact Statement is not required on the basis that the levy is of a minor or machinery nature and does not substantially alter existing arrangements (ID7115).

The Act does not specify any conditions as needing to be met before the power to make the Regulations may be exercised.

Details of the Regulations, which commenced on the day after they were registered on the Federal Register of Legislative Instruments, are set out below.

**Regulation 1** provides for the Regulations to be cited as the *Fisheries Management Amendment Regulations 2005 (No. 2)*

**Regulation 2** provides that the Regulations commence on the day after they are registered.

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

**Schedule 1** Item 1 replace Schedule 2, table, Part 3, item 12 with items that recognise all three Registers and impose the fee for inspection at fifty Australian dollars.