

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2011 No. 241**

Issued by the authority of the Parliamentary Secretary for Agriculture, Fisheries and Forestry

*Fishing Levy Act 1991*

*Fisheries Management Act 1991*

*Fishing Levy Regulations 2011*

Section 8 of the *Fishing Levy Act 1991* (the Levy Act) empowers the Governor-General to make regulations for the purposes of section 6 of the Levy Act. Section 6 of the Levy Act provides that the amount of levy imposed on the fishing concession is the amount prescribed by the regulations. Section 5 of the Levy Act imposes a levy in respect of a fishing concession.

Section 168 of the *Fisheries Management Act 1991* (the Management Act) empowers the Governor-General to make regulations for the purposes of the Management Act. Section 110 of the Management Act provides that the levy imposed by the Levy Act is due and payable at a time or times ascertained in accordance with the regulations.

"Fishing concession" is defined, under the Levy Act and the Management Act, to mean a fishing permit or a statutory fishing right (SFR). A SFR is defined under the Management Act to mean, among other things, a right to take a particular quantity of fish, or a right to a particular proportion of the fishing capacity that is permitted by or under a plan of management for a fishery.

The *Fishing Levy Regulations 2011* (the Regulations) repeals the *Fishing Levy Regulations 2010* and replaces them with updated provisions. The Regulations set the amounts of levy payable, and the timeframes for when those amounts of levy are due and payable, on fishing concessions for the 2011-12 financial year. Each year the levy regulations are amended in accordance with the financial year budget cycle.

In accordance with government policy and existing legislation, the Australian Fisheries Management Authority (AFMA) recovers from the holders of fishing concessions the costs of management attributable to the concession holders' activities, such as the costs of developing and implementing management arrangements, data collection and costs of running the management advisory committees (MACs). Other costs, such as the costs of prosecutions, are funded by the Australian Government.

AFMA recovers the budgeted management costs and a research component from industry on behalf of the Fisheries Research Development Corporation (FRDC), which is attached to the levies under the Levy Act and the Management Act.

The levies are calculated on a fishery by fishery basis each year following the reconciliation of the previous year's levies received and total recoverable costs such that any budget surplus or deficit is carried forward in the levy base.

All of the formally and informally managed fisheries for which regulations have been made are listed at [Attachment A](#).

The AFMA cost recovered budget for the 2011-12 financial year is \$13.97 million. This is an increase of 3.2 per cent on the 2010-2011 budget, which was \$13.54 million.

The amount to be collected from AFMA through these levy regulations is \$13.64 million. This is an increase of \$1.45 million or 11.9 per cent on the amount levied in the 2010–2011 financial year of \$12.19 million. In addition, the levy regulations include a collection on behalf of the FRDC. The FRDC amount to be collected is \$0.70 million.

The amount of levy to be collected from industry has increased because AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA has previously underspent its budget each year, resulting in refunds to industry that routinely offset the costs of management. Additional research and management costs were incurred for total allowable catch and effort setting and for managing protected species interactions. AFMA remains focussed on providing efficient and cost effective fisheries management to counter rising costs and is working closely with the Commonwealth Fisheries Association to identify opportunities for future efficiencies.

Although the overall amount to be collected from the Commonwealth fishing industry has increased, the amount to be recovered from each fishery will vary due to the changes in budget priorities and the impact of levy acquittals from the 2010-2011 financial year. [Attachment B](#) outlines the reasons for the change in levies payable from the 2010-2011 to the 2011-2012 financial year.

Neither the Levy Act nor the Management Act specifies any conditions that need to be satisfied before the power to make the Regulations can be exercised.

Details of the Regulations, including rates of levy and when the levy is due and payable, are set out in [Attachment C](#).

### **Regulatory Impact Statement**

The Office of Best Practice Regulation (OBPR) has advised that a Regulation Impact Statement was not required for the making of these regulations, consistent with the agreement in place to cover all regulatory changes deemed to be of a minor or machinery nature.

### **Consultation with fishery stakeholders**

The budgets on which the rates of levy for each fishery are based were prepared with advice from Management Advisory Committees established under section 54 of the *Fisheries Administration Act 1991* to facilitate industry input into the performance of the Agency's powers and functions.

The cost recovered budget for each fishery has been prepared in consultation with either the relevant fishery management advisory committee or the relevant consultative body for the fishery. Each stage of the budget preparation process has proceeded in consultation with the peak industry body, the Commonwealth Fisheries Association.

AFMA is required to recover the costs of fishery management from the fishing industry. Cost recovery is in accordance with the 2010 Cost Recovery Impact Statement (CRIS), which was approved by the Minister for Agriculture, Fisheries and Forestry on 30 September 2010. Cost recovery occurs through annual levy regulations.

AFMA met with the Commonwealth Fisheries Association on 16 November 2011 to advise them of the overall budget and levy for Commonwealth fisheries in the 2011-2012 financial year including the variation from 2010-2011.

## ATTACHMENT A

The following fisheries are described in regulation 4B of the *Fisheries Management Regulations 1992* (the Management Regulations):

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

The following fisheries are described in plans of management which have been determined in accordance with section 17 of the Management Act:

- (a) the Bass Strait Central Zone Scallop Fishery — see the *Bass Strait Central Zone Scallop Fishery Management Plan 2002* (notified in *Gazette* No. S422 of 7 November 2002);
- (b) the Eastern Tuna and Billfish Fishery — see the *Eastern Tuna and Billfish Fishery Management Plan 2010* (Registered on the Federal Register of Legislative Instruments of 21 January 2011);
- (c) the Heard Island and McDonald Islands Fishery — see the *Heard Island and McDonald Islands Fishery Management Plan 2002* (notified in *Gazette* No. GN 21 of 29 May 2002);
- (d) the Macquarie Island Toothfish Fishery — see the *Macquarie Island Toothfish Fishery Management Plan 2006* (notified in *Gazette* No. 21 of 31 May 2006);
- (e) the Northern Prawn Fishery — see the *Northern Prawn Fishery Management Plan 1995* (notified in *Gazette* No. S49 of 10 February 1995);
- (f) the Small Pelagic Fishery — see the *Small Pelagic Fishery Management Plan 2009* (notified in *Gazette* No. GN2 of 20 January 2010);
- (g) the Southern and Eastern Scalefish and Shark Fishery — see the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003* (notified in *Gazette* No. GN39 of 1 October 2003);
- (h) the Southern Bluefin Tuna Fishery — see the *Southern Bluefin Tuna Fishery Management Plan 1995* (notified in *Gazette* No. S34 of 3 February 1995);
- (i) the Southern Squid Jig Fishery — see the *Southern Squid Jig Fishery Management Plan 2005* (notified in *Gazette* No. S72 of 28 April 2005); and
- (j) the Western Tuna and Billfish Fishery — see the *Western Tuna and Billfish Fishery Management Plan 2010* (Registered on the Federal Register of Legislative Instruments of 21 January 2011)

An additional category is the ‘Informally Managed Fisheries’, which is managed by the AFMA under the Management Regulations, but for which there is no management plan, and to which regulation 4B of the Management Regulations does not apply.

## ATTACHMENT B

### REASONS FOR CHANGES IN LEVIES IN THE 2011-2012 FINANCIAL YEAR

The levy amount for each fishery may vary substantially to earlier years due to two main factors: changes in management and research priorities for each fishery; and adjustment for prior year over/under collections.

The AFMA cost recovered budget for 2011-12 financial year is \$13.97 million, which is a slight increase to the cost recovered budget for 2010-2011 financial year (\$13.54 million). AFMA's overall cost recovered budget for 2011-2012 represents a 3.2% increase on the previous year.

The amount to be recovered from the Commonwealth fishing industry, excluding amounts collected on behalf of the Fisheries Research and Development Corporation (FRDC), is \$13.64 million. The amount of levy to be collected from industry has increased from the previous year by 11.9%, or \$1.45 million because AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA has previously underspent its budget each year, resulting in refunds to industry that routinely offset the costs of management. Additional research and management costs were incurred for total allowable catch and effort setting and for managing protected species interactions.

AFMA remains focussed on providing efficient and cost effective fisheries management to counter rising costs and are working closely with the Commonwealth Fisheries Association to identify opportunities for future efficiencies.

The overall amount to be recovered is set out in the table below:

	2010-2011 \$'000s	2011-2012 \$'000s	Difference \$'000s	%
AFMA Cost Recovered budget	13 544	13 974	430	3.2%
(less) fee for service <sup>1</sup>	(539)	(479)	60	(11%)
Plus/(less) prior year acquittals <sup>2</sup>	(657)	324	981	(214%)
Total AFMA levy charges	12 348	13 819	1 471	11.9%
(less) Torres Strait Prawn <sup>3</sup>	(159)	(176)	(17)	10.7%
<b>AFMA levy charges in regulation <sup>4</sup></b>	<b>12 189</b>	<b>13 643</b>	<b>1 454</b>	<b>11.9%</b>

#### Notes:

1. Fee for service includes charges recovered for observer and licensing costs.
2. Adjustment to reflect prior year over/under collections in each fishery.
3. Does not include Queensland management costs. Torres Strait Prawn Levies are recovered under the *Fisheries Levy (Torres Strait Prawn Fishery) Regulations 1998*.
4. Excludes research component attributable to Fisheries Research and Development Corporation.

In summary, the changes by fishery were:

- Bass Strait Central Zone Scallop Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. There has been a 60.3 per cent (\$176 357) increase in the levy amount payable for 2011-2012 (\$468 980), compared to the levy amount payable for 2010-2011 (\$292 623). The increase is primarily the result of unbudgeted costs associated with scientific assessment work to ensure that the fishing season was able to commence. AFMA is working with industry to find more efficient ways to conduct research and manage the fishery generally.

- Coral Sea Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The Coral Sea had a \$13 100 decrease to its budget. However there was a 14.5 per cent (\$35 598) increase in levies due to extra work in 2010-2011 in completing a risk assessment to assist the fishery gain export approval under the Environment Protection and Biodiversity Conservation Act 1999.

- Eastern Skipjack Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The Skipjack fisheries had a \$4000 decrease to its budget. The total levy of 2011-2012 is \$67 911. Due to a previous over collection of levy in this fishery this is the first time the fishery has been levied since 2005-2006.

- Eastern Tuna and Billfish Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. There has been a 1.6 per cent (\$28 475) increase in the levy amount payable for 2011-2012 (\$1 820 032) compared to the levy amount payable for 2010-2011 (\$1 791 557). The increase reflects additional research and data collection required to assist in setting sustainable total allowable catches.

- Heard Island and McDonald Islands Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The Heard and McDonald Island fishery had a \$185 200 decrease to its budget for 2011-2012. As a result of changes to how observer costs are collected and timing of research payments there has been a 27 per cent (\$264 676) decrease compared to the levy amount payable for 2010-2011.

- Macquarie Island Toothfish Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The Macquarie Island Toothfish Fishery had a \$100 000 decrease to its budget. AFMA has developed new management strategies to decrease the costs of managing the fishery resulting in a 49.5 per cent (\$117 609) decrease from the 2010–2011 collected levies.

- Northern Prawn Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The Northern Prawn fishery had a \$174 600 decrease to its budget. However there has been a 14.7 per cent (\$272 790) increase in the levy amounts payable for 2011–2012 (\$2 125 550) compared with the levy amount payable for the 2010–2011 (\$1 852 760). The increase is due to additional expenditure during 2010–2011 that was necessary to improve the use of data collected in the fishery. The additional expenditure was supported by the fishery management advisory committee.

- North West Slope Trawl Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The North West Slope fishery had a \$26 600 decrease to its budget. There has been a 15.8 per cent (\$19 578) decrease in the levy amount payable for 2011–2012 (\$104 220) compared to the levy amount payable for 2010–2011 (\$123 798). This reduction is due to low levels of fishing activity and therefore reduced management costs in the 2010–2011 financial year.

- Small Pelagic Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The Small Pelagic Fishery had a \$112 200 decrease to its budget. There has been a 50.4 per cent (\$243 830) decrease in the levy amount payable for 2011–2012 (\$239 872) compared to the levy amount payable for 2010–2011 (\$483 702). This primarily reflects under-expenditure in 2010–2011.

- Southern and Eastern Scalefish and Shark Fishery (East Coast Deepwater Trawl sector)

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The East Coast Deep Water sector had a \$6300 decrease to its budget. However there has been a 14.3 per cent (\$4978) increase in the levy amount payable for 2011–2012 (\$39 829), compared to the levy amount payable from 2010–2011 (\$34 851) due to extra work in 2010–2011 related to the management of fishing impact on at risk species.

- Southern and Eastern Scalefish and Shark Fishery (Great Australian Bight sector)

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. There has been a 23.1 per cent (\$72 212) increase in the levy amount payable for 2011-2012 (\$385 028), compared to the levy amount payable for 2010-2011 (\$312 816). The increase is due to costs associated with the fishery independent survey. AFMA and fishers both agree that the work undertaken through these surveys have assisted in setting robust total allowable catches for the fishery.

- Southern and Eastern Scalefish and Shark Fishery (Gillnet Hook and Trap sector)

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. There has been a 53.2 per cent (\$922 846) increase in the levy amount payable for 2011-2012 (\$2 657 133), compared to the levy amount payable for 2010-2011 (\$1 734 267). The increase is primarily associated with fishery management costs, observer coverage and research costs and unbudgeted expenditure in 2010-2011. Observer costs were higher than expected due to management changes to protect Australian Sea Lions and dolphins.

- Southern and Eastern Scalefish and Shark Fishery (Victorian Inshore Coastal Waters Trawl sector)

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The Victorian Inshore Trawl Sector had a \$5000 decrease to its budget due to reduced data management costs. This has contributed to a 19.9 per cent (\$7457) decrease in the levy payable for 2011-2012.

- Southern and Eastern Scalefish and Shark Fishery (South East Trawl sector)

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. There was an 18.7 per cent (\$472 694) increase in levies in the South East Trawl from the 2010–2011 levies primarily due to research and monitoring costs associated with quantifying interactions with protected species.

- Southern Bluefin Tuna Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. There has been a 16.1 per cent (\$148 538) increase in the levy amount payable for 2011-2012 (\$1 072 482) compared to the levy amount payable for 2010-2011 (\$923 944). This is due to an increase in the research budget and implementation of the Commission for the Conservation of Southern Bluefin Tuna requirements.



- Southern Squid Jig Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The Southern Squid Jig fishery had a \$40 900 decrease to its budget. There has been a 4.1 per cent (\$5613) decrease in the levy amount payable for 2011–2012 (\$129 963) compared to the levy amount payable for 2010–2011 (\$135 576). This reflects the reduced level of management required for the fishery due to low levels of fishing activity.

- Western Deepwater Trawl Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The Western Deepwater Trawl fishery had a \$39 500 decrease to its budget. There has been a 37.6 per cent (\$48 544) decrease in the levy payable for 2011–2012 (\$80 705) compared with the levy amount payable for the 2010–2011 (\$129 249). This is due to a reduction in fishing activity and therefore a reduction in management costs in the 2010–2011 financial year.

- Western Tuna and Billfish Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The Western Tuna and Billfish fishery had a \$35 800 decrease to its budget. There has been an 11.8 per cent (\$40 367) decrease in the levy amount payable for 2011–2012 (\$301 599) compared to the levy amount payable for 2010–2011 (\$341 966). This reduction is due to low levels of fishing activity and reduced management costs in 2010–2011.

- Western Skipjack Fishery

Overall, AFMA has had a significant reduction from previous year underspends due to increasing costs. AFMA is working with the fishing industry associations to reduce costs. The Skipjack fisheries had a \$4000 decrease to its budget. The total levy of 2011–2012 is \$67 911. Due to a previous over collection of levy in this fishery this is the first time the fishery has been levied since 2005–2006.

**ATTACHMENT C****DETAILS OF THE *FISHING LEVY REGULATIONS 2011*.****Part 1 Preliminary****Regulation 1.1 – Name of Regulations**

This regulation provides for the Regulations to be cited as the *Fishing Levy Regulations 2011* (the Regulations).

**Regulation 1.2 – Commencement**

This regulation provides that the Regulations commence on the day after they are registered in the Federal Register of Legislative Instruments.

**Regulation 1.3 – Repeal**

This regulation repeals the *Fishing Levy Regulations 2010*.

**Regulation 1.4 – Interpretation**

This regulation defines terms used in the Regulations.

**Regulation 1.5 – References to fisheries**

This regulation provides that, where the Regulations use the name of a fishery corresponding to one described in the Management Regulations or in a plan of management, the reference is to the fishery described by those Regulations or that plan. This ensures that levy provisions in the Regulations apply to areas consistent with those covered by other management arrangements.

Attachment A to this document includes all of the formally and informally managed fisheries for which regulations have been made. These include fisheries that are currently subject to the Management Regulations and fisheries currently managed under a plan of management determined under section 17 of the Management Act.

## Part 2 Bass Strait Central Zone Scallop Fishery

### Regulation 2.1 – Definitions —*leviable BSCZSF COMMERCIAL SFR*

This regulation defines a term used in the Part.

### Regulation 2.2 – Amount of levy

This regulation sets the levy payable for a Bass Strait Central Zone Scallop Fishery (BSCZSF) commercial scallop quota SFR in force on or after 1 January 2012 as \$1.05. The levy includes a research component of \$0.02 per SFR.

Table 1: Comparison of the BSCZSF levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	370 627	451 246	80 619	21.7%
Prior year (over)/under recoveries	(78 004)	17 734		
Amount payable	292 623	468 980	176 357	60.3%

There has been a 60.3 per cent (\$176 357) increase in the levy amount payable for 2011-2012 (\$468 980), compared to the levy amount payable for 2010-2011 (\$292 623). The increase is primarily the result of unbudgeted costs associated with Scallop biomass survey and assessment work to ensure that the fishing season was able to commence. The increase was also a consequence of additional salary costs during the 2010-2011 financial year that were necessary to implement and manage the Scallop biomass surveys. The costs were carried over into 2011-2012 as an overspend.

To calculate the levy payable for each commercial scallop quota SFR the research component (\$7757) is added to the total management levy to be collected (\$468 980) and then divided by the number of commercial scallop quota SFRs in the fishery (455 000).

### Regulation 2.3 – When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any, is payable by 20 April 2012. The third instalment, if any, is payable by 14 June 2012.

## Part 3 Coral Sea Fishery

### Regulation 3.1 – Definitions — *leviable CSF fishing permit*

This regulation defines a term used in the Part.

### Regulation 3.2 – Amount of levy

This regulation sets the levy payable for a Coral Sea Fishery (CSF) fishing permit in force on or before 30 June 2012.

The levy is made up of two components: a base amount (Tier 1) levy plus an additional amount (Tier 2) for each sector of the fishery to which the permit provides access. The Tier 1 levy covers general management costs incurred equally across each sector including salaries, travel, logbook processing, data management, licensing and compliance costs. Tier 2 levies reflect observer costs associated with each sector of the fishery.

The Tier 1 levy is \$14 918.72 for each permit and includes a Fisheries Research and Development Corporation (FRDC) component of \$79.53.

The Tier 2 amounts per permit are:

- for the aquarium fish sector - \$1442.27;
- for the lobster and/or trochus sectors - \$1442.27;
- for the line and trap sector - \$3461.44;
- for the trawl and trap sector - \$3461.44; and
- for the sea cucumber sector - \$1442.27.

Table 2: Comparison of the CSF levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	284 977	271 866	-13 111	4.6%
Prior year (over)/under recoveries	(39 880)	8 829		
Amount payable	245 097	280 695	35 598	14.5%

There has been a 14.5 per cent (\$35 598) increase in the levy amount payable for 2011-2012 (\$280 695), compared to the levy amount payable for 2010-2011 (\$245 097). The increase is primarily attributable to spending more than budgeted during 2010-2011, on risk assessments for the fishery's approval as a Wildlife Trade Operation under the *Environment Protection and Biodiversity Conservation Act 1999*.

### Regulation 3.3 – When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any is payable by 20 April 2012. The third instalment, if any is payable by 14 June 2012.

## Part 4 Eastern Skipjack Fishery

### Regulation 4.1 Definitions — *leviable ESF fishing permit*

This regulation defines the terms used in the Part.

### Regulation 4.2 – Amount of levy

This regulation sets out the levy payable for an Eastern Skipjack Fishery fishing permit in force on or after the commencement of the Regulations and on or before 30 June 2012.

The levy amount is \$2122.22 per permit, there is no research component.

Table 3: Comparison of the Skipjack Fisheries levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	69 156	65 120	4036	5.8%
Prior year (over)/under recoveries	67 479	2 791		
Amount payable	1677	67 911	66 234	N/A

The 2011-2012 budget for the Skipjack Fisheries is \$65 120. This represents a 5.8 per cent decrease from the 2010-2011 budget of \$69 156. There has been little fishing activity in either the Eastern or Western Skipjack Fishery in recent years and management costs are mainly associated with Licensing functions and implementing obligations from the Western and Central Pacific Fisheries Commission and the Indian Ocean Tuna Commission. After taking into account the acquittal from 2010-2011, the amount to be collected for 2011-2012 is \$67 911 (there is no research component).

The Eastern Skipjack Fishery is managed under a single budget for both the Eastern and Western Skipjack Fisheries. The method used to calculate the levies combines both Eastern and Western Skipjack Fishery permits and then dividing the total levybase by the total number of permits. There are currently 18 permits in the Eastern fishery and 12 permits in the Western fishery. Therefore, to determine the levies the levybase of \$67 911 was divided by 32 permits to determine the individual levies.

The Skipjack Tuna Fishery has not been issued levies since 2005. In 2006-2007, AFMA collected levy costs for the purpose of developing a Management Plan for the Eastern and Western Skipjack Fishery. Around this time the industry were considering applying for Marine Stewardship Council (MSC) certification for the fishery, which would have required a Management Plan to be in place. Due to the low effort in the fishery and increasing operating costs, this option was not pursued. As the money collected was not spent, there was a significant underspend which carried over and covered the total 2007-2008, 2008-2009, 2009-2010 and the majority of the 2010-2011 budget. Therefore no levies were charged to operators during these years.

### Regulation 4.3 – When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the

invoice date for the instalment, whichever is later. The second instalment, if any is payable by 20 April 2012. The third instalment, if any, is payable by 14 June 2012.

## **Part 5 Eastern Tuna and Billfish Fishery**

### Regulation 5.1 – Definitions — *leviable ETBF SFR*

This regulation defines terms used in the Part.

### Regulations 5.2 – Amount of levy

This regulation sets the levy payable for the Eastern Tuna and Billfish Fishery (ETBF):

Item	Management Levy	FRDC Levy	Total Levy
Longline Boat SFRs	\$3 033.85	\$0.00	\$3 033.85
Minor Line Boat SFRs	\$1 311.84	\$0.00	\$1 311.84
Albacore Tuna Quota SFR	\$0.0979	\$0.0053	\$0.1032
Bigeye Tuna Quota SFR	\$0.2166	\$0.0118	\$0.2284
Broadbill Swordfish Quota SFR	\$0.2790	\$0.0152	\$0.2942
Striped Marlin Quota SFR	\$0.0783	\$0.0043	\$0.0826
Yellowfin Tuna Quota SFR	\$0.5697	\$0.0309	\$0.6006

Table 4: Comparison of the ETBF levy base between 2010-2011 and 2011-2012

	2010-11 \$	2011-12 \$	Difference	
			\$	%
Cost recovered budget	1 763 658	1 813 109	49 451	2.8%
Prior year (over)/under recoveries	27 899	6 923		
Amount payable	1 791 557	1 820 032	28 475	1.6%

There has been a 1.6 per cent (\$28 475) increase in the levy amount payable for 2011-2012 (\$1 820 032) compared to the levy amount payable for 2010-2011 (\$1 791 557). AFMA completed the grant of Statutory Fishing Rights for the Eastern Tuna and Billfish Fishery which assisted in reducing some costs associated with the fishery. However, due to increased research needs to support the harvest strategy the overall levy has increased by 1.6 per cent. Further data collection is also required to assist in implementing the harvest strategy for the setting of total allowable catches.

Following the introduction of the new management plan and the grant of Statutory Fishing Rights (SFRs), the following SFRs are now levied in the fishery:

- Longline Boat SFRs;
- Minor Line Boat SFRs;
- Albacore Tuna Quota SFR;
- Bigeye Tuna Quota SFR;
- Broadbill Swordfish Quota SFR;
- Striped Marlin Quota SFR; and
- Yellowfin Tuna Quota SFR

This is the first time that levies have been collected under the *Eastern Tuna and Billfish Fishery Management Plan 2010*. AFMA held a workshop with industry members to agree the formula for collecting levies and this was endorsed by the Tropical Tuna Management Advisory Committee.

There is a two tiered system for the payment of levies in the fishery. Tier 1 represents the fixed costs of managing the fishery. These costs are divided between Longline Boat SFRs and Minor Line Boat SFRs, with two thirds of the Tier 1 levy recovered equally amongst Longline Boat SFR holders and the remaining one third recovered equally from Minor Line Boat SFR holders. Tier 2 represents the costs which are variable depending on the level of fishing effort, such as compliance data collection, logbooks and observers. These costs are divided between each Quota SFR based on the relative market value of each quota species.

Operators who wish to fish in the Coral Sea Zone of the fishery are required to hold both a Longline Boat SFR and a Coral Sea Zone Boat SFR, and hence there is no separate charge for a Coral Sea Zone Boat SFR.

#### Regulation 5.3 – When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any is payable by 20 April 2012. The third instalment, if any is payable by 14 June 2012.

### **Part 6 Heard Island and McDonald Islands Fishery**

#### Regulation 6.1 – Definitions — *leviable HIMI SFR*

This regulation defines a term used in the Part.

#### Regulation 6.2 – Amount of levy

This regulation sets the levy payable for a Heard Island and McDonald Islands (HIMI) Fishery quota SFR in force on the commencement of the Regulations as \$13.58. The levy includes a research component of \$1.65 per SFR.

Table 5: Comparison of the HIMI Fishery levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	1 058 160	855 489	-202 671	19.2%
Prior year (over)/under recoveries	(77 869)	(139 874)		
Amount payable	980 291	715 615	-264 676	26.9%

There has been a 26.9 per cent (\$264 676) decrease in the levy amount payable for 2011-2012 (\$715 615) compared to the levy amount payable for 2010-2011 (\$980 291). The majority of the decrease is due to the timing of research payments associated with the annual industry survey and an increase in the component of observer costs that are collected as a fee for service.

There was also an under-expenditure of \$139 874 in 2010-2011 that has been carried forward to 2011-2012. The main savings to the levy base were made with observer costs being offset by the collection of a greater than anticipated fee for service for observer services.

To calculate the levy payable for each SFR, the research component (\$99 000) is added to the total management levy to be collected (\$715 615) and then divided by the number of commercial SFRs in the fishery (60 000).

#### Regulation 6.3 – When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any is payable by 20 April 2012. The third instalment, if any is payable by 14 June 2012.

### **Part 7 Informally Managed Fisheries**

#### Regulation 7.1 – Definitions – *leviable IMF fishing permit*

This regulation defines a term used in this Parts.

#### Regulation 7.2 – Amount of levy

This regulation sets the levy payable for an IMF permit in force on 3 March 2012 as \$3255.09. The levy includes a research component of \$13.58 per permit.

#### Regulation 7.3 – When levy must be paid

This regulation provides that a levy is payable on 28 February 2012 or 28 days after the invoice date for the levy, which ever is the later.

See part 10 Small Pelagic Fishery (SPF) for an explanation of the budget and levy changes. All IMF permit levies are collected under the SPF.



## Part 8 Macquarie Island Toothfish Fishery

### Regulation 8.1 – Definition — *leviable MITF SFR*

This regulation defines a term used in the Part.

### Regulation 8.2 – Amount of levy

This regulation sets the levy payable for a Macquarie Island Toothfish Fishery quota SFR in force on the commencement of the Regulations as \$6.81. The levy includes a research component of \$0.81 per SFR.

Table 6: Comparison of the MITF levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	280 941	194 466	-86 475	30.9%
Prior year (over)/under recoveries	(43 411)	(74 545)		
Amount payable	237 530	119 921	-117 609	49.5%

There has been a 49.5 per cent (\$117 609) decrease in the levy amount payable for 2011-2012 (\$119 921) compared to the levy amount payable for 2010-2011 (\$237 530). The majority of the decrease is associated with timing of research payments for the annual stock assessment, a reduction in the costs of data management and salary costs. The salary costs decreased from 2010-2011 when they were higher than usual due to amendments to the Management Plan and associated legislative instruments.

There was an under-expenditure of \$74 545 in 2010-2011 which has been carried forward to 2011-2012. The main savings to the levy base were made as a result of lower than anticipated costs for observer services, data management costs and administrative costs associated with amendment to the management plan.

To calculate the levy payable for each SFR, the research component (\$16 200) is added to the total management levy to be collected (\$119 921) and then divided by the number of commercial SFRs in the fishery (20 000).

### Regulation 8.3 – When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any, is payable by 20 April 2012. The third instalment, if any, is payable by 14 June 2012

## Part 9 Northern Prawn Fishery

### Regulation 9.1 – Definition — *leviable NPF gear SFR*

This regulation defines a term used in the Part.

### Regulation 9.2 – Amount of levy

This regulation sets the levy payable for a Northern Prawn Fishery (NPF) gear SFR as \$66.23. The levy includes a research component of \$6.32 per gear SFR.

Table 7: Comparison of the NPF levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	1 969 318	1 794 721	174 597	8.9%
Prior year (over)/under recoveries	(116 558)	330 829		
Amount payable	1 852 760	2 125 550	272 790	14.7%

There has been a 14.7 per cent (\$272 790) increase in the levy amounts payable for 2011-2012 (\$2 125 550) compared with the levy amount payable for the 2010-2011 (\$1 852 760). While the cost recovered budget for 2011-2012 has decreased, the amount to be recovered has increased to account for over expenditure during 2010-2011 due to increased data management costs, additional research projects and the re-phasing of research milestones. The additional costs primarily related to the integrated monitoring program, stock assessments, CSIRO data analysis of crewmember observer program data and a project to convert the datum used to define the area of the fishery.

To calculate the levy payable for each NPF gear SFR the research component (\$224 227) is added to the total management levy to be collected (\$2 125 550) and then divided by the number of commercial fishery gear SFRs in the fishery (35 479).

### Regulation 9.3 – When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any is payable by 20 April 2012. The third instalment, if any is payable by 14 June 2012.

## **Part 10 North West Slope Trawl Fishery**

### Regulation 10.1 – Definition — *leviable NWSF fishing permit*

This regulation defines a term used in the Part.

### Regulation 10.2 – Amount of levy

This regulation sets the levy payable for a North West Slope Trawl Fishery (NWSTF) permit as \$15 165. The levy includes a research component of \$276 per permit.

Table 8: Comparison of the NWSF levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	127 256	100 633	26 623	20.9%
Prior year (over)/under recoveries	(3 458)	3 588		
Amount payable	123 798	104 221	-19 577	15.8%

There has been a 15.8 per cent (\$19 577) decrease in the levy amount payable for 2011-2012 (\$104 221), compared to the levy amount payable for 2010-2011 (\$123 798). This is primarily due to a reduction in management costs in the 2011-2012 financial year, reflecting a saving associated with staffing allocations.

To calculate the levy payable for each NWSF permit, the research component (\$1934) is added to the total management levy to be collected (\$104 221) and then divided by the number of commercial NWSF permits in the fishery (Seven).

#### Regulation 10.3 – When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any is payable by 20 April 2012. The third instalment, if any is payable by 14 June 2012.

### **Part 11 Small Pelagic Fishery**

#### Regulation 11.1 – Definition — *leviable SPF fishing permit*

This regulation defines a term used in this Part.

#### Regulation 11.2 – Amount of levy

This regulation sets the levy payable for a SPF fishing permit in force on or after the date these Regulations come into effect and on or before 3 March 2012 as \$3255.09. The levy includes a research component of \$13.58 per permit.

In July 2006, AFMA decided to manage activities authorised by IMF permits under the SPF. As a result management of the SPF has been expanded to take into account IMF permits. Work has been undertaken since then to develop and implement the SPF Management Plan, review the allocation provisions for the fishery and to develop a harvest strategy that incorporates IMF activities.

Table 9: Comparison of the SPF levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	522 251	410 074	-112 177	21.5%
Prior year (over)/under recoveries	(38 549)	(170 202)		
Amount payable	483 702	239 872	-243 830	50.4%

There has been a 50.4 per cent (\$243 830) decrease in the levy amount payable for 2011-2012 (\$239 872) compared to the levy amount payable for 2010-2011 (\$483 702). This primarily reflects under-expenditure in 2010-2011 that has been carried forward and a reduced staffing allocation.

The levy to be collected in the Small Pelagic Fishery includes an amount for the Informally Managed Fishery (IMF) fishing concessions.

In 2012 Statutory Fishing Rights (SFRs) will be granted to eligible SPF and IMF permit holders. SPF and IMF permit holders who have paid their levies by the SFR grant date will be deemed to have paid their levies for their allocated SFRs. In 2012 Statutory Fishing Rights (SFRs) will be granted to eligible SPF and IMF permit holders. SPF and IMF permit holders, who have paid their levies by the SFR grant date, will not be required to pay any further levy for the corresponding SFRs when they are granted. Those SFR holders who have not paid a levy on a SPF or IMF permit (or not previously held a permit in the same name) must pay a levy amount on their whole parcel of SPF SFRs, equivalent to the cost of a levy on a permit.

#### Regulation 11.3 and 11.5 – When levy must be paid

This regulation provides that the levy is payable on 28 February 2012 or 28 days after the invoice date for the levy, whichever is later.

### **Part 12 Southern and Eastern Scalefish and Shark Fishery**

#### Regulation 12.1 – Definitions – *leviable SESS fishing permits and SFRs*

This regulation defines a term used in the Part.

The Southern and Eastern Scalefish and Shark Fishery (SESSF) incorporates the management of the previously individually managed East Coast Deepwater Trawl Fishery (ECDT); the Great Australian Bight Trawl Fishery (GABT); the Gillnet Hook and Trap Fishery (GHT); the South East Trawl Fishery (SET); and the Victorian Coastal Waters Fishery (VCW) under a single management framework (the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003* (SESSF management plan)).

Under the SESSF management plan the different sectors are managed under a system of SFRs and permits.

At industry's request the total budget for the SESSF fishery continues to be set in terms of the previous individually managed fisheries. As a result the SESSF budget is a combined total of the ECDT, GABT, GHT, SET, and VCW budgets. It should be noted however, that while the *Fishing Levy Regulations 2010* detail levy information by sector permits, boat SFRs and quota SFRs, this section considers levy payable in respect of individual fishery budgets.

Levy amounts for quota species are calculated based on the gross value of production (GVP) for each species in a method supported by the Management Advisory Committee. Each quota species attracts a proportion of the levy base according to the GVP for that species, with the proportion being that species' GVP contribution to the total GVP for all quota species (see Table 13).

Regulations 12.3 and 12.5 provide that all SESSF levies are due and payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any is payable by 20 April 2012. The third instalment, if any is payable by 14 June 2012.

## East Coast Deepwater Trawl Sector (ECDT)

### Regulation 12.1

This regulation defines a term used in the Part.

### Regulation 12.2– Amount of levy

This Regulation sets the levy payable for a SESSF ECDT fishing permit in force at any time between 1 January 2012 and 30 April 2012 as \$3988.45 levy includes a research component of \$5.53 per permit.

Table 10: Comparison of the ECDT levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	35 818	29 494	-6 324	17.7%
Prior year (over)/under recoveries	(967)	10 335		
Amount payable	34 851	39 829	4 978	14.3%

There has been a 14.3 per cent (\$4978) increase in the levy amount payable for 2011-2012 (\$39 829), compared to the levy amount payable from 2010-2011 (\$34 851). The increase is a consequence of work related to the management of fishing impact on gulper sharks as well as the management of links between fishing in the East Coast Deepwater Trawl and fishing outside the Australian Fishing Zone under high seas permits.

To calculate the levy payable for each ECDT permit the research component (\$55.25) is added to the total management levy to be collected (\$39 829.23) and then divided by the number of ECDT permits in the fishery (10).

## • Great Australian Bight Trawl Sector (GABT)

### Regulation 12.1

This regulation defines a term used in the part

### Regulation 12.4 – Amount of levy

This regulation sets the levy payable for a GABT boat SFR in force on or after 1 January 2012 as \$36 921.24. In addition, a fishing concession holder will pay an amount per quota species as shown in Table 13 to recover the total amount payable for the GABT.

Table 11: Comparison of the GABT levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	462 288	509 413	47 125	10.2%
Prior year (over)/under recoveries	(149 472)	124 385		
Amount payable	312 816	385 028	72 212	23.1%

There has been a 23.1 per cent (\$72 212) increase in the levy amount payable for 2011-2012 (\$385 028) compared to the levy amount payable for 2010-2011 (\$312 816). The increase is primarily attributable to increases in overheads and continuing work on a fishery independent survey.

- **Gillnet Hook and Trap Sector (GHT)**

Regulation 12.1 define terms used in the Part

Levies relating to the GHT sector of the SESSF are set out as follows:

- SESSF Gillnet boat SFR (regulation 12.4);
- SESSF Scalefish hook boat SFR (regulation 12.4); and
- SESSF Shark hook boat SFR (regulation 12.4).

where the relevant SFR is in force at any time between 1 January 2012 and 30 April 2012; and

- SESSF GHT coastal waters fishing permit (regulation 12.2); and
- SESSF GHT trap fishing permit (regulation 12.2)

The regulations set the amount payable for a Gillnet boat SFR as \$5830.73; Scalefish hook boat SFR as \$14 183.52; Shark hook boat SFR as \$5830.73; GHT trap fishing permit as \$13 694.43 and GHT fishing permit as \$6108.38. The total levy base for the fishery is \$2 714 126.64 and includes a research component of \$57 013.64. Table 13 shows levy amounts for quota species.

Table 12: Comparison of the GHT levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	1 690 788	2 368 662	677 874	40.1%
Prior year (over)/under recoveries	43 479	288 452		
Amount payable	1 734 267	2 657 114	922 847	53.2%

There has been a 53.2 per cent (\$922 846) increase in the levy amount payable for 2011-2012 (\$2 657 133) compared to the levy amount payable for 2010-2011 (\$1 734 267). The increase is primarily associated with fishery management costs, observer coverage and research costs and unbudgeted expenditure in 2010-2011 which has to be recovered in 2011-2012. Observer costs were higher than expected due to management changes to protect Australian Sea Lions and dolphins. Fisheries management and research administration was also over budget and primarily due to additional research undertaken to assess the effect of line fishing of gulper sharks and the provision of fish ageing and length frequency services for Gummy and School sharks.

Table 13: Levy on quota SFR species

<b>Species</b>	<b>Total Levy amount including FRDC levy (per quota SFR) Total 2010-11</b>	<b>FRDC levy amount (per quota SFR) Total 2010-11</b>
Blue Eye Trevalla	\$0.1337	\$0.0115
Blue Grenadier	\$0.1521	\$0.0069
Blue Warehou	\$0.0150	\$0.0003
Flathead	\$0.2558	\$0.0116
Gemfish - east	\$0.0790	\$0.0035
Gemfish - west	\$0.0623	\$0.0028
Jackass Morwong	\$0.0530	\$0.0024
John Dory	\$0.1590	\$0.0072
Pink Ling	\$0.2843	\$0.0171
Mirror Dory	\$0.1203	\$0.0054
Ocean Perch	\$0.1563	\$0.0069
Orange Roughy - east	\$0.0048	\$0.0002
Orange Roughy - south	\$0.0005	\$0.0000
Orange Roughy Cascade	\$0.0361	\$0.0016
Orange Roughy - west	\$0.0041	\$0.0002
Redfish	\$0.0523	\$0.0024
Royal Red Prawn	\$0.0327	\$0.0015
School Whiting	\$0.0314	\$0.0014
Silver Trevally	\$0.0806	\$0.0032
Spotted Warehou	\$0.1680	\$0.0074
Gummy Shark	\$0.4173	\$0.0180
School Shark	\$0.2228	\$0.0092
Elephant fish	\$0.1515	\$0.0054
Sawshark	\$0.2408	\$0.0048
Bight Redfish	\$0.0049	\$0.0049
Deepwater Flathead	\$0.0050	\$0.0050
Orange Roughy – Albany and Esperance	\$0.0052	\$0.0052

- **Victorian Coastal Waters Sector (VCW)**

#### Regulation 12.1

This regulation defines a term used in the part.

### Regulation 12.2 – Amount of levy

This regulation sets the levy payable for a SESSF VCW fishing permit in force at any time between 1 January 2012 and 30 April 2012 as \$1347.35. The levy includes a research component of \$41.91 per permit.

Table 14: Comparison of the VCW levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	38 229	33 232	-4 997	13.1%
Prior year (over)/under recoveries	(747)	3 207	2 460	
Amount payable	37 482	30 025	-7 457	19.9%

There has been a 19.9 per cent (\$7457) decrease in the levy amount payable for 2011-2012 (\$30 025) compared to the levy amount payable for 2010-2011 (\$37 482). The decrease is primarily due to a decrease in data management costs. There was also an under expenditure in 2010-11 on data management which has been carried forward to 2011-12.

To calculate the levy payable for each VCW permit, the research component (\$964) is added to the total management levy to be collected (\$30 025), and then divided by the number of commercial VCW permits in the sector (23).

- **South East Trawl Sector (SET)**

### Regulation 12.2

This regulation defines a term used in the Part.

### Regulation 12.4– Amount of levy

This regulation sets the levy payable for a SESSF trawl boat SFR in force on 1 January 2012 as \$10 626.53. In addition, a fishing concession holder will pay an amount per quota species as shown in Table 13 to recover the total amount payable for the SET.

The amount to be recovered by AFMA is \$3 003 434 and the FRDC research component to be collected is \$112 455.50. The total amount payable by the fishery is \$3 115 889.50.

Table 15: Comparison of the SET levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	2 472 744	2 788 987	316 243	12.8%
Prior year (over)/under recoveries	57 996	214 447	156 451	
Amount payable	2 530 740	3 003 434	472 694	18.7%



There has been an 18.7 per cent (\$472 694) increase in the levy amount payable for 2011-2012 (\$3 003 434) compared to the levy amount payable for 2010-2011 (\$2 530 740). The increase is primarily due to fishery management costs related to additional work on gulper sharks, snapper and various conservation dependant species. As a result of additional monitoring and research requirements extra observer costs were incurred and are being recovered in 2011-2012.

### **Part 13 Southern Bluefin Tuna Fishery**

#### Regulation 13.1 – Definition — *leviable SBTF SFR*

This regulation defines a term used in the Part.

#### Regulation 13.2 – Amount of levy

This regulation sets the levy payable for a Southern Bluefin Tuna Fishery (SBT) SFR in force on or after 15 January 2012 as \$0.22. The levy includes a research component of \$0.01.

Table 16: Comparison of the SBT levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	935 407	1 034 437	99 030	10.6%
Prior year (over)/under recoveries	(11 463)	38 045		
Amount payable	923 944	1 072 482	148 538	16.1%

There has been a 16.1 per cent (\$148 538) increase in the levy amount payable for 2011-2012 (\$1 072 482) compared to the levy amount payable for 2010-2011 (\$923 944). This is primarily due to an increase in the research budget to fund a close kin genetics project that will provide an estimate of spawning biomass. There was also an overspend of the 2010-2011 budget due to increased costs involved in the implementation of the Commission for the Conservation of Southern Bluefin Tuna Catch Documentation Scheme.

To calculate the levy payable for each SBT SFR the research component (\$77 204) is added to the total management levy to be collected (\$1 072 482). The total (\$1 149 686) this is then divided by the number of commercial SBT SFRs in the fishery (5 324 422).

#### Regulation 13.3 – When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any is payable by 20 April 2012. The third instalment, if any is payable by 14 June 2012.

### **Part 14 Southern Squid Jig Fishery**

#### Regulation 14.1 – Definition — *leviable SSJF gear SFR*

This regulation defines a term used in the Part.

### Regulation 14.2 – Amount of levy

This regulation sets the levy for each gear SFR in the Southern Squid Jig Fishery (SSJF) in force on 1 January 2012 as \$23.58. The levy includes a research component of \$0.37 per SFR.

Table 17: Comparison of the SSJF levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	151 926	110 983	-40 943	26.9%
Prior year (over)/under recoveries	(16 350)	18 980	35 330	
Amount payable	135 576	129 963	-5 613	4.1%

There has been a 4.1 per cent (\$5613) decrease in the levy amount payable for 2011– 2012 (\$129 963) compared to the levy amount payable for 2010–2011 (\$135 576). This reflects slightly lower than expected salary and data management costs for the fishery.

To calculate the levy payable for each gear SFR the research component (\$2 072.28) is added to the total management levy to be collected (\$129 962.63) and then divided by the number of commercial gear SFRs in the fishery (5600).

### Regulation 14.3 – When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any is payable by 20 April 2012. The third instalment, if any is payable by 14 June 2012.

## **Part 15 Western Deepwater Trawl Fishery**

### Regulation 15.1 – Definition — *leviable WDWTF fishing permit*

This regulation defines a term used in the Part.

### Regulation 15.2 – Amount of levy

This regulation sets the levy payable for a Western Deepwater Trawl fishery fishing permit in force on or after the commencement of the Regulations and on or before 30 June 2011 as \$7434 per permit. The levy includes a research component of \$97 per permit.

Table 18: Comparison of the WDWTF levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	144 291	104 784	-39 507	27.4%
Prior year (over)/under recoveries	(15 042)	(24 079)		
Amount payable	129 249	80 705	-48 544	37.6%

There has been a 37.6 per cent (\$48 544) decrease in the levy payable for 2011–2012 (\$80 705) compared with the levy amount payable for the 2010–2011 (\$129 249). This is primarily due to a reduction in management, data and observer costs in the 2010–2011 financial year reflecting a saving associated with the staff resources required to manage the fishery.

To calculate the levy payable for each fishery permit the research component (\$1065) is added to the total management levy to be collected (\$80 705) and then divided by the number of permits in the fishery (11).

### Regulation 15.3 – When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any is payable by 20 April 2012. The third instalment, if any is payable by 14 June 2012.

## **Part 16 Western Skipjack Fishery**

### Regulation 16.1 - Definition — *leviable WSF fishing permit*

This regulation defines a term used in the Part.

### Regulation 15.2 – Amount of levy

This regulation sets out the levy payable for a Western Skipjack Fishery fishing permit in force on or after the commencement of the Regulations and on or before 30 June 2012.

The levy amount is \$2122.22 per permit, there is no research component.

Table 19: Comparison of the Skipjack Fisheries levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	69 156	65 120	4 036	5.8%
Prior year (over)/under recoveries	67 479	2 791		
Amount payable	1 677	67 911	66 234	N/A

The 2011-2012 budget for the Skipjack Fisheries is \$65 120. This represents a 5.8 per cent decrease from the 2010-2011 budget of \$69 156. There has been little fishing activity in either the Eastern or Western Skipjack Fishery in recent years and management costs are mainly associated with Licensing functions and implementing obligations from the Western and Central Pacific Fisheries Commission and the Indian Ocean Tuna Commission on permits. After taking into account the acquittal from 2010-2011, the amount to be collected for 2011-2012 is \$67 911 (there is no research component).

The Western Skipjack Fishery is managed under a single budget for both the Eastern and Western Skipjack Fisheries. The method used to calculate the levies combines both Eastern and Western Skipjack Fishery permits and then dividing the total levybase by the total number of permits. There are currently 18 permits in the Eastern fishery and 12 permits in the Western fishery. Therefore, to determine the levies the levybase of \$67 911 was divided by 32 permits to determine the individual levies.

The Skipjack Tuna Fishery has not been issued levies since 2005. In 2006-2007, AFMA collected levy costs for the purpose of developing a Management Plan for the Eastern and Western Skipjack Fishery. Around this time the industry were considering applying for Marine Stewardship Council (MSC) certification for the fishery, which would have required a Management Plan to be in place. Due to the low effort in the fishery and increasing operating costs, this option was not pursued. As the money collected was not spent, there was a significant underspend which carried over and covered the total 2007-2008, 2008-2009, 2009-2010 and the majority of the 2010-2011 budget. Therefore no levies were charged to operators during these years.

#### Regulation 16.3 - When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment of the levy is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any, is payable by 20 April 2012 or 28 days after the invoice date for the instalment, whichever is later. The third instalment, if any is payable by 14 June 2012.

### **Part 17 Western Tuna and Billfish Fishery**

#### Regulation 17.1 - Definition — *leviable WTBF SFR*

This regulation defines a term used in the Part.

#### Regulations 17.2 - Amount of levy

This regulation sets the rate of levy payable for WTBF Boat SFR and quota SFRs in force on 1 January 2012 as:

Item	Management Levy	FRDC Levy	Total Levy
Longline Boat SFRs	\$1 206.57	\$63.55	\$1 270.12
Bigeye Tuna Quota SFR	\$0.0613	\$0	\$0.0613
Broadbill Swordfish Quota SFR	\$0.0613	\$0	\$0.0613
Striped Marlin Quota SFR	\$0.0613	\$0	\$0.0613
Yellowfin Tuna Quota SFR	\$0.0613	\$0	\$0.0613

Table 20: Comparison of the WTBF levy base between 2010-2011 and 2011-2012

	2010-11	2011-12	Difference	
	\$	\$	\$	%
Cost recovered budget	341 966	306 180	-35 786	10.5%
Prior year (over)/under recoveries		(4 581)		
Amount payable	341 966	301 599	-40 367	11.8%

There has been an 11.8 per cent (\$40 367) decrease in the levy amount payable for 2011-2012 (\$301 599), compared to the levy amount payable for 2010-2011 (\$341 966). This decrease reflects a reduction in the over all cost recovered budget through efficiency savings implemented by AFMA, unexpended funds from the 2010–2011 cost recovered budget and low levels of fishing activity resulting in decreased costs associated with data management and collection requirements.

There is a two tiered system for the payment of levies in the fishery. Tier 1 represents the fixed costs of managing the fishery and the research component. These costs are divided equally between each boat SFR. Tier 2 represents the costs which are variable depending on the level of fishing effort, such as compliance data collection, logbooks and observers. The different options of dividing the Tier 2 costs among the quota SFRs has been discussed with industry members, however no agreement could be reached. Therefore, without industry consensus, it was considered the fairest option to divide the costs equally between each quota SFR.

#### Regulation 17.3 – When levy must be paid

This regulation provides that a levy is payable either in full or in three instalments. Either the full amount or the first instalment is payable by 28 February 2012 or 28 days after the invoice date for the instalment, whichever is later. The second instalment, if any is payable by 20 April 2012. The third instalment, if any is payable by 14 June 2012.