

EXPLANATORY STATEMENT

Select Legislative Instrument No. 170, 2015

Issued by the Authority of the Minister for Agriculture and Water Resources

Fisheries Levy Act 1984

Fisheries Levy (Torres Strait Prawn Fishery) Amendment (Levy Amounts) Regulation 2015

Section 8 of the *Fisheries Levy Act 1984* (the Levy Act) provides that the Governor-General may make regulations for the purposes of sections 5, imposing a levy, and section 6, specifying a levy amount of the Levy Act. The *Fisheries Levy (Torres Strait Prawn Fishery) Regulations 1998* (the Principal Regulations) imposes a levy and specifies the levy amount on the grant or renewal of a licence and the allocation and renewal of units of fishing capacity issued under the *Torres Strait Fisheries Act 1984*.

The purpose of *Fisheries Levy (Torres Strait Prawn Fishery) Amendment (Levy Amounts) Regulation 2015* (the Amendment Regulation) is to decrease the levy for the 2016 fishing season for licences granted or renewed in the Torres Strait Prawn Fishery (TSPF) from \$3573.12 to \$2740.62 per licence (a \$832.50 decrease per licence) and to decrease the levy for each individual allocated fishing unit from \$24.05 to \$18.56 per unit (a \$5.49 decrease per unit).

The levies are issued on an annual basis and recover the costs of managing the TSPF. Licences cannot be issued to a person for the 2016 fishing season until such time as that person has paid their levy. The decrease in the levies for the 2016 fishing season is associated with streamlining licensing services and a surplus from the 2014-15 budget which will be carried forward to the 2015-16 budget.

Consultation

The 2015-16 budget on which the rates for the levy are based were prepared in consultation with the Torres Strait Prawn Management Advisory Committee, which is made up of representatives from industry and government.

The Office of Best Practice Regulation was consulted (OBPR ID: 14421).

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

The Amendment Regulation is compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in [Attachment A](#).

Details of the *Fisheries Levy (Torres Strait Prawn Fishery) Amendment (Levy Amounts) Regulation 2015*

Section 1 – Name of Regulation

This section provides for the Amendment Regulation to be cited as the *Fisheries Levy (Torres Strait Prawn Fishery) Amendment (Levy Amounts) Regulation 2015*.

Section 2 – Commencement

This section provides for the Amendment Regulation to commence on the day after it is registered.

Section 3 - Authority

This section provides that the authority for making the Amendment Regulation is the *Fisheries Levy Act 1984*.

Section 4 - Schedules

This section provides that Schedule 1 amends the *Fisheries Levy (Torres Strait Prawn Fishery) Regulations 1998*.

Schedule 1 – Amendments

Item 1 amends subregulations 4(1) and (2), by omitting “\$3573.12 plus \$24.05” and substituting with “\$2740.62 plus \$18.56”.

Item 2 amends subregulations 4(4) and (5) by omitting “\$24.05” and substituting with “\$18.56”.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Fisheries Levy (Torres Strait Prawn Fishery) Amendment (Levy Amounts) Regulation 2015

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The instrument amends the *Fisheries Levy (Torres Strait Prawn Fishery) Regulations 1998* to allow for a decrease in the levy payable for licences granted or renewed and a decrease in the levy payable for the units of fishing capacity in the Torres Strait Prawn Fishery.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

Barnaby Joyce
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