

Fishing Levy (East Coast Tuna Fishery) Regulations 1995 No. 126

EXPLANATORY STATEMENT

STATUTORY RULES 1995 No. 126

Issued by the authority of the Minister for Resources

Fishing Levy Act 1991

Fisheries Management Act 1991

Fishing Levy (East Coast Tuna Fishery) Regulations

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 5 of the Levy Act imposes levy in respect of a fishing concession. 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 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 as a consequence of regulations made under the Management Act.

"Fishing concession" is defined under the Levy Act and the Management Act to mean, among other things, a fishing permit.

The Fishing Levy (East Coast Tuna Fishery) Regulations (the Regulations) specify the amount of levy imposed in respect of all fishing permits granted for the East Coast Tuna Fishery (the fishery) during the period from 1 July 1994 to 30 June 1995 inclusive and when the levy is due and payable.

Levy for the majority of the fishery was previously collected under the Fisheries Levy (East Coast Tuna Longline Fishery) Regulations, the Fisheries Levy (East Coast Tuna Purse Seine Fishery) Regulations and the Fisheries Levy Regulations, all made under the *Fishery Levy Act 1984*, in relation to licences issued under *Fisheries Act 1952*, which expired on 2 February 1995. Levy for the remainder of the Fishery was collected under the Fishing Levy Regulations, made under the Levy Act. This scheme would be simplified under the proposed Regulations in that all levy for the fishery would be collected under the one Statutory Rule.

The fishery comprises commercial fishing activities for all species of tuna and billfish using particular methods of fishing off the east coast of Australia. The fishery is divided into sectors for the purposes of access. The Australian Fisheries Management Authority grants fishing permits under the Management Act to give access to the fishery. At present, each permit has a duration of 12 months.

There are 4 methods used to fish in the fishery - pelagic longlining, purse seining, poling and methods known as minor line methods, which include all other major methods using line fishing. There are 9 subareas in the fishery. The combination of a method and a sub-area gives a sector in the fishery. A fishing permit will allow fishing in one or more sectors.

The amounts of levy payable on a fishing permit for the fishery are dependent on the sector or sectors for which the fishing permit is granted. The following table sets out the amounts of levy payable under the Regulations for each sector included on a fishing permit.

Sector Method	Sector Sub-area	Levy	Research Component
Purse Seining	Area 3	\$2546	\$328
	Area 4	\$1546	\$328
	Area 6	\$1946	\$328
	Area 7	\$1346	\$328
	Areas 8A and 8B	Nil	Nil
Pelagic Longlining	Area 1	\$2000	\$95
	Area 2	\$1765	\$95
	Area 4	\$935	\$95
	Area 5	Nil	Nil
	Area 6	\$428	Nil
	Area 7	\$900	\$95
	Areas 8A and 8B	\$900	\$95
	Area 9	Nil	Nil
	Poling	up to the entire fishery	\$428
Minor Line Methods	up to the entire fishery	\$428	Nil

The levy is designed to collect management and research costs for the fishery directly attributable to the permit holders operating in the fishery. If a fishing permit is granted for more than one sector, then only the highest amount of levy is payable.

Levy for the pelagic longline and purse seine sectors, previously covered under the Fisheries Levy (East Coast Tuna Longline Fishery) Regulations and the Fisheries Levy (East Coast Tuna Purse Seine Fishery) Regulations is unchanged from the amounts specified in those Regulations. This stability in levy results from economies in the management of the fishery arising from the incorporation of the poling and minor line methods sectors into the management structure of the fishery as well as reduced travel costs, despite a greater management effort in the pelagic longline and purse seine sectors. Levy for the poling and minor line methods sector is \$428,

significantly lower than the \$700 amount specified in the Fishing Levy Regulations and the Fisheries Levy Regulations, due to economies of incorporating management of these sectors with management of the remainder of the fishery. No levy is currently charged for the poling sector, as all fishing permits that include the poling sector also include other sectors.

The levy amounts include contributions to research components of the levy, payable to the Fisheries Research and Development Corporation (FRDC). These amounts are set out in the table. The research component is calculated as the fishery's contribution to the FRDC in accordance with current government policy. This contribution is based on the gross value of production in the fishery. The research component for each sector has been calculated to take account of the different gross values of production for each method of fishing in the fishery and the different number of operators in each sector.

Exemptions to the levy are provided to take account of the transition in collection arrangements from the numerous Regulations mentioned above to the Regulations. Fishing permits were granted to many operators who were licensed during the 1993/1994 financial year to fish in sectors under the *Fisheries Act 1952* and who subsequently applied for and were granted fishing permits allowing the fishing in the same sectors. Other operators paid levy for fishing in the poling and minor line sectors under the Fishing Levy Regulations or the Fisheries Levy Regulations during the 1993/1994 financial year. Without exemptions, all of these operators would be required to pay levy again on their fishing permits under the Regulations. Exemptions are provided for all of these operators so as to avoid such a double payment of the levy.

Details of the Regulations, which commenced on gazettal, are set out below:

Regulation 1 provides for the Regulations to be cited as the Fishing Levy (East Coast Tuna Fishery) Regulations.

Regulation 2 provides definitions of the terms used in the Regulations.

Regulation 3 specifies the rate of levy for fishing permits granted in the period from 1 July 1994 to 30 June 1995 inclusive, and provides for the payment of only the greatest amount of levy where more than one sector is specified on a fishing permit. The note to the regulation explains the payment of research contributions to the FRDC.

Regulation 4 sets the dates for when the levy is due and payable and provides an exemption for persons who already paid levy under another Regulation relevant to the fishery during the period 1 July 1994 to 30 June 1995. These persons are described in Sub Regulation (2).

Schedule 1 specifies the levy for each sector of the fishery and the research component of each of those levies.

Schedule 2 describes the areas relevant to each sector of the fishery.