

Fishing Levy (Jack Mackerel Purse Seine Fishery) Regulations 1994 No. 236

EXPLANATORY STATEMENT

STATUTORY RULES 1994 No. 236

Issued by the authority of the Minister for Resources

Fishing Levy Act 1991

Fisheries Management Act 1991

Fishing Levy (Jack Mackerel Purse Seine 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 (Jack Mackerel Purse Seine Fishery) Regulations (the Regulations) specify the amount of levy imposed in respect of fishing permits granted for the Jack Mackerel Purse Seine Fishery (the fishery). Fishing permits for the fishery may be granted in respect of part or all of the fishery.

Levy for these fishing permits was previously collected under the general Fishing Levy Regulations.

The Australian Fisheries Management Authority (AFMA) considers that the fishery has now reached a stage in its development that requires it to be managed specifically, rather than as part of general management arrangements. As part of this change, the costs of managing the fishery are to be recovered from the participants in the fishery.

The effect of the Regulations is to collect the amount of levy of \$1,000 on the grant of a fishing permit, instead of the amount of levy prescribed under the general Fishing Levy Regulations.

The majority of the levy (\$940) is calculated on the basis of recovering from holders of fishing permits in the fishery, about 55 per cent of the estimated recoverable costs

of managing the fishery during the 1994/1995 financial year. AFMA subsidises the remainder of costs incurred recognising that to fully recover would be economically prohibitive to operators in what is essentially a low value fishery. The new rate of levy reflects the costs of management that AFMA considers that the permit holders in the fishery can bear and still remain economic.

The remainder of the levy (\$60) is calculated on the basis of recovering the fishing industry's contribution to the Fisheries Research and Development Corporation (FRDC), from the holders of fishing permits in the fishery. This contribution by the fishing industry is normally calculated to be 0.25 per cent of the gross value of production of the fishery. In the absence of an estimated gross value of production of the fishery, this contribution is kept at \$60, which is the same amount per fishing permit that was contributed to the FRDC from the levy previously collected under the general Fishing Levy Regulations.

The Regulations also provide for an exemption so that the holder of a fishing permit for a part of the fishery who also holds a fishing permit for another part of the fishery in respect of the same boat, does not pay the levy twice during the currency of the first permit. The levy is collected on all permits for the fishery that are granted after 1 July 1994. Details of the Regulations, which commenced on gazettal, are set out below:

Regulation 1 provides for the citation of the Regulations.

Regulation 2 sets out definitions of terms used in the Regulations, in particular the description of the fishery.

Regulation 3 prescribes the amount of levy payable on the grant of a fishing permit for a boat to operate in the fishery or a part of the fishery. The regulation also prescribes the exemption referred to above.

Regulation 4 prescribes that levy is due and payable on the grant of the fishing permit.