

Fishing Levy (Northern Shark Fishery) Regulations (Amendment) 1994 No. 74

EXPLANATORY STATEMENT

STATUTORY RULES 1994 No. 74

Issued by the authority of the Minister for Resources

Fishing Levy Act 1991

Fisheries Management Act 1991

Fishing Levy (Northern Shark Fishery) Regulations (Amendment)

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 (Northern Shark Fishery) Regulations (the principal Regulations) specify the amount of levy imposed in respect of fishing permits granted for the Northern Shark Fishery (the fishery). The previous effect of the principal Regulations was to require the payment of levy in the amount of \$1,371 per zone on a fishing permit.

The Regulations amend the principal Regulations to increase the amount of levy from \$1,371 to \$1,840 per zone, for fishing permits granted during the period from the commencement of the Regulations to 30 June 1994 inclusive.

The new amount of levy is calculated on the basis of recovering from holders of fishing permits in the fishery, about 22 per cent of the estimated recoverable costs of managing the fishery during the 1993/1994 financial year, in accordance with the current AFMA policy of subsidising the costs of managing the fishery. AFMA subsidises these costs as the fishery is in a developmental stage. 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 increase in the amount of levy reflects recovery of a greater portion of the costs of managing the fishery in 1993/1994 compared to 1992/93.

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

Regulation 1 provides that the Regulations amend the principal Regulations.

Regulation 2 amends regulation 3 of the principal Regulations to implement the new rate of levy of \$1,840 per zone during the period from the commencement of the Regulations to 30 June 1994 inclusive.

Regulation 3 amends regulation 4 of the principal Regulations to make the new rate of levy due and payable on grant of the permit.