

Fishing Levy Amendment Regulations 1999 (No. 2) 1999 No. 96

EXPLANATORY STATEMENT

STATUTORY RULES 1999 No. 96

Issued by the authority of the Minister for Agriculture, Fisheries and Forestry

Fishing Levy Act 1991

Fisheries Management Act 1991

Fishing Levy Amendment Regulations 1999 (No. 2)

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 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 in accordance with the regulations made under the Management Act. The Fishing Levy Amendment Regulations 1999 (the Regulations), like the principal Regulations, are to be made under both the *Levy Act* and the Management Act.

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

The Regulations amend the provisions of the Fishing Levy Regulations (the Principal Regulations) that relate to the South Tasman Rise Fishery (STRF). The Regulations amend the dates when levy is due, to make them consistent with changed management arrangements that affect levy in this financial year and next financial year.

The STRF is fished primarily for orange roughy which is the only species in relation to which levy is collected. Management arrangements for the STRF include a Total Allowable Catch (TAC) for orange roughy. Once the amount of orange roughy taken by operators with permits for the fishery equals the TAC limit, then the fishery closes for the season. Previously, the season consisted of two periods with separate TAC's for each (effectively two seasons). However, the STRF now has a single season which runs from 1 March to the end of February the following year, with a single TAC. Levy is to be charged twice during this single season so as to allow operators to spread their costs over two financial years. This is also consistent with AFMA's budgeting arrangements. The Regulations amend the dates when levy is due to facilitate these changes.

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 Amendment Regulations 1999*.

Regulation 2 provides that the Regulations commence on gazettal.

Regulation 3 provides that Schedule 1 amends the principal Regulations.

Schedule 1 Item 1 provides for a definition of 'first fishing period' to be inserted in Regulation 17.1 of the principal Regulations.

Schedule 1 Item 2 redefines 'leviable quantity' in Regulation 17.1 of the principal Regulations to account for the new management and levy arrangements.

Schedule 1 Item 3 provides for a definition of 'season' and 'second fishing period' to be inserted in Regulation 17.1 of the principal Regulations.

Schedule 1 Item 4 substitutes new dates for when levy is due in relation to each of the fishing periods.