

# **Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2001 (No. 1) 2001 No. 21**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 2001 No. 21**

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

*Fisheries Levy Act 1984*

*Torres Strait Fisheries Act 1984*

Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2001 (No. 1)

Section 8 of the *Fisheries Levy Act 1984* (Levy Act) provides that the Governor-General may make regulations for the purposes of sections 5 and 6 of the Levy Act.

Section 5 of the Levy Act imposes levy on, amongst other things, the grant or renewal of a licence under the *Torres Strait Fisheries Act 1984* (TSF Act). Section 6 of the Levy Act provides that the amount of levy imposed on the grant or renewal of a licence is such amount as is specified in, or calculated in accordance with, the regulations. Section 7 of the Levy Act provides that levy is payable at the time of the grant or renewal of the licence.

The Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations (the Regulations) set a levy for licences granted or renewed in respect of the Torres Strait Prawn Fishery (the fishery).

Subsection 19(2) of the TSF Act provides that the Minister may, at his discretion, grant to a person a licence authorising the use of a specified boat for taking fish in the course of commercial fishing and for carrying, or processing and carrying, fish taken with the use of the licensed boat in areas of Australian jurisdiction. "Area of Australia jurisdiction" is defined in section 3 of the TSF Act and includes areas of waters within the Torres Strait Protected Zone, as defined in the Torres Strait Treaty, which is annexed to the TSF Act. Section 24 provides that the Minister may renew a licence granted under section 19.

At its meeting on 26 October 1996 the Protected Zone Joint Authority, consisting of the relevant Commonwealth and State Ministers, agreed that levy would be imposed on Torres Strait Prawn Fishery fishing licences. Cost recovery was to be phased in over three years commencing with 40% in the 1997/98 financial year, then 70% in 1998/99 and finally 100% in 1999/2000.

Levy is imposed in the Torres Strait Prawn Fishery in respect of a licence granted for the fishery and also in respect of the number of fishing days authorised by that permit. The Regulations amend the Torres Strait (Torres Strait Prawn Fishery) Regulations (the Principal Regulations) to set the levy that is imposed on Torres Strait Prawn Fishery fishing licences under subsection 19(2) of the TSF Act at \$2337.10 for each licence, plus \$12.92 for each fishing day authorised by that permit. This will be an increase from \$1125.80 and \$4.66 respectively. This is a significant increase that is a reflection of three factors:

- levy was collected in this fishery for the 1999/2000 fishing season at the same rate as 1998/99 season as the Principal Regulations were not amended to increase the set levy amount at that time. Therefore, the levy for next year's permits has been calculated to include carryover of costs from the 1999/2000 season; and
- imposition of 100% cost recovery since 1999/2000; and

- a marginal increase in the actual amount of recoverable costs over the period for which levy is being collected.

The levy increase has been endorsed by the Torres Strait Prawn Fishery Working Group. Representatives from the Torres Strait Prawn Entitlement Holders Association (TSPEHA), the peak industry body, are members of the working group and have accepted the proposed levy. Representatives of that organisation and the Queensland Seafood Industry Association have approved the proposed levy.

Licenses will be granted or renewed in February 2001. Applications for grant or renewal will be made with the knowledge that this levy is payable.

The Regulations commenced on gazettal.

*Regulation 1* provides for the Regulations to be cited as *Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2001 (No. 1)*.

*Regulation 2* provides that the Regulations commence on gazettal.

*Regulation 3* provides that Schedule 1 amends the Principal Regulations.

*Schedule 1 Item 1* updates the format of the name of the Principal Regulations.

*Schedule 1 Item 2* amends regulation 4 of the Principal Regulations to change the amount of levy imposed.