

EXPLANATORY STATEMENT

Select Legislative Instrument 2013 No. 132

Issued by the Authority of the Parliamentary Secretary for Agriculture, Fisheries and Forestry

Fisheries Management Act 1991

Fisheries Management Amendment Regulation 2013 (No. 1)

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.

The primary purpose of the *Fisheries Management Amendment Regulation 2013 (No. 1)* (the Regulation) is to repeal the application fees prescribed in the *Fisheries Management Regulations 1992* and replace them with updated provisions. The Regulation sets the amount payable for lodging an application to deal in a fishing concession as well as the amount payable for logbook processing. The Regulation also corrects two minor typographical errors in the *Fisheries Management Regulations 1992* where a Fishing Permit was incorrectly referenced as a Statutory Fishing Right.

In accordance with government policy and existing legislation, the Australian Fisheries Management Authority (AFMA) recovers the costs of management activities attributable to the concession activities from the holders of fishing concessions. These activities include the provision of licensing and logbook services.

AFMA is committed to minimising management costs and increasing cost-effectiveness across the organisation, including for licensing and logbook services. Central to these initiatives is the investment in the development of electronic facilities for the delivery of these services. For the majority of licensing and logbook services AFMA provides both electronic and paper based systems. There are significant cost savings to AFMA and industry when electronic systems are used over paper based systems.

Under the current fee structure the financial incentive for individual operators to use the more cost effective option is not directly apparent with the cost of delivering these services provided for in the annual levy rather than directly to an operator. The Regulation provides that a proportion of these costs will be charged on a user pays basis. Separate fees are prescribed for electronic and paper based submission reflecting the differing cost in providing each service. It is anticipated that this will lead to a greater uptake of electronic services reducing overall cost to industry.

Consultation with fishery stakeholders

AFMA is required to recover the costs of fishery management from the fishing industry. Cost recovery is in accordance with the 2010 Cost Recovery Impact Statement (CRIS 2010), which was approved by the Minister for Agriculture, Fisheries and Forestry on 30 September 2010. Cost recovery occurs through annual levy regulations. The CRIS 2010 is available at www.afma.gov.au.

AFMA wrote to the peak industry body, the Commonwealth Fisheries Association (CFA), during the development of Fee for Service arrangements seeking comment on the effect of their implementation. The CFA were supportive of the arrangements providing their administration did not lead to an increase in costs to the fishing industry. AFMA intends to combine the administration of these arrangements into existing functions to ensure costs do not increase.

Regulation Impact Statement

The Office of Best Practice Regulation OBPR advised that a Regulation Impact Statement was not required for the Regulation (ID: 14484).

Statement of compatibility prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

AFMA assesses under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* that the Regulation is compatible with human rights. AFMA's Statement of Compatibility is set out in Attachment A.

Details of the *Fisheries Management Amendment Regulation 2013 (No. 1)*

Details of the Regulation are set out below:

Part 1 – Name of Regulation

This part provides for the Regulation to be cited as the *Fisheries Management Amendment Regulation 2013 (No. 1)*.

Part 2 – Commencement

This part provides that the Regulation commences on the day after it is registered.

Part 3 – Authority

This part provides that the Regulation is made under the *Fisheries Management Act 1991*

Part 4 – Schedule(s)

This part provides that the *Fisheries Management Regulations 1992* is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 item 1 – repeals Subregulation 21(2) which relates to the fee set by the CEO for matters carried out by electronic communication.

Schedule 1 item 2 – repeals Subregulation 21(3) which relates to the fee payable for an application to vary a condition of a permit.

Schedule 1 item 3 – omits the words “Despite subregulations (1) and (2) and item 16 of Schedule 2” from Subregulation 21(4) and substitutes the words “Despite subregulation (1) and item 9 of Schedule 2”.

Schedule 1 item 4 – repeals Subregulation 21(5) which contains definitions made redundant by item 2.

Schedule 1 item 5 – omits the words “statutory fishing rights” from Paragraph 21B(2)(a) and substitutes the words “fishing permits”.

Schedule 1 item 6 – omits the words “statutory fishing rights” from Paragraph 21C(2)(a) and substitutes the words “fishing permits”.

Schedule 1 item 7 – repeals Schedule 2 and substitutes a new Schedule. The schedule sets the fees that will apply to dealings with permits, statutory fishing rights, logbooks and other miscellaneous services.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Fisheries Management Amendment Regulation 2013 (No. 1)

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The Legislative Instrument sets the fees that will apply to dealings with permits, statutory fishing rights, logbooks and other miscellaneous services.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**The Hon. Peter Douglas Sidebottom MP
Parliamentary Secretary for Agriculture, Fisheries and Forestry**