

EXPLANATORY STATEMENT

Select Legislative Instrument No. 203, 2015

Issued by the Authority of the Parliamentary Secretary to the Minister for Agriculture
and Water Resources

Fisheries Management Act 1991

Fisheries Management Regulations 1992

Fisheries Management Amendment (Fees) Regulation 2015

The *Fisheries Management Act 1991* (the Act) provides the legislative framework governing the management of Commonwealth fisheries.

Section 168 of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by the Act or necessary or convenient to be prescribed giving effect to the Act. The *Fisheries Management Regulations 1992* (the Regulations) prescribe, amongst other things, fees for the furnishing of a logbook.

The purpose of *Fisheries Management Amendment (Fees) Regulation 2015* (the Amendment Regulation) is to increase the prescribed fees for the furnishing of a logbook when electronic communication is not used.

Fees are charged per fishing day for the processing of paper logbooks. Fees are not charged for the processing of electronic logbooks as there is little cost associated with processing these records.

Increasing the use of fee for service arrangements increases the incentive to use more cost efficient electronic services. This reduces the overall costs to the fishing industry.

Consultation

The peak fishing body, the Commonwealth Fisheries Association, supports the increase in fees for the processing of paper based logbooks as it furthers the principal of ‘user pays’, and provides the incentive to use electronic logbooks.

The Office of Best Practice Regulation was consulted on the proposed amendment and advised that a full Regulatory Impact Statement was not required (OBPR ID: 19538).

The Amendment Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Amendment Regulation is compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in Attachment A.

Details of the *Fisheries Management Amendment (Fees) Regulation 2015*

Section 1 – Name of Regulation

This section provides for the Amendment Regulation to be cited as the *Fisheries Management Amendment (Fees) Regulation 2015*.

Section 2 – Commencement

This section provides for the Amendment Regulation to commence on the day after it is registered.

Section 3 - Authority

This section provides that the authority for making the Amendment Regulation is the *Fisheries Management Act 1991*.

Section 4 - Schedules

This section provides that Schedule 1 amends the *Fisheries Management Regulations 1992*.

Schedule 1 – Amendments

Item 1 amends Part 2 of Schedule 2 (table items 23 to 40) by repealing the prescribed fees and substituting the new fees.

Item 2 inserts Part 13A to provide for application and transitional provisions. Regulation 79 is inserted to provide that the increased fees apply in respect of an activity on or after 1 January 2016 that is covered by a logbook furnished on or after that day. Regulation 80 is inserted to provide for the part to be repealed on 30 June 2016, once redundant.

Statement of Compatibility with Human Rights

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

Fisheries Management Amendment (Fees) Regulation 2015

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 instrument amends the *Fisheries Management Regulations 1992* to allow for an increase in fees prescribed for the furnishing of logbooks when electronic communication is not used.

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.

Senator the Hon. Anne Ruston
Parliamentary Secretary to the Minister for Agriculture and Water Resources