

## **EXPLANATORY STATEMENT**

Issued by Authority of the Minister for Agriculture, Fisheries and Forestry  
*Fishing Levy Act 1991*

*Fishing Levy Amendment (2024-2025 Levy Amounts) Regulations 2024*

### **Legislative Authority**

The *Fishing Levy Act 1991* (the Levy Act) imposes a levy in respect of fishing concessions.

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 8 of the Levy Act provides that the Governor-General may make regulations for the purposes of section 6 of the Levy Act.

Section 110 of the *Fisheries Management Act 1991* (the Management Act) provides that the levy imposed by the Levy Act is due and payable at a time or times prescribed in accordance with the related regulations.

‘Fishing concession’ is defined in the Levy Act with reference to the definition of ‘fishing concession’ in the Management Act and relevantly includes a ‘statutory fishing right’ (SFR) and a ‘fishing permit’.

Under the Management Act:

- a SFR is a right set out in subsection 21(1), which relevantly includes a right to take a particular quantity of fish, or a right to a particular proportion of the fishing capacity that is permitted by or under a plan of management for a fishery; and
- a fishing permit is a permit granted to a person under section 32, authorising that person (or a person acting on that person’s behalf) to use an Australian boat for fishing in a specified area of the Australian Fishing Zone, or in a specified fishery.

### **Purpose**

The purpose of the *Fishing Levy Amendment (2024-2025 Levy Amounts) Regulations 2024* (the Regulations) is to amend the *Fishing Levy Regulations 2018* (the principal Regulations) to make an annual adjustment to implement cost recovery by:

- setting the amounts of levy payable in respect of fishing concessions for the purpose of section 6 of the Levy Act; and
- setting the levy amounts for the 15 Commonwealth fisheries that have leviable concessions and that are either described in regulation 18 of the *Fisheries Management Regulations 2019* or in fisheries management plans determined in accordance with section 17 of the Management Act.

A related instrument, the *Fisheries Management (Fishing Levy Collection) Amendment (2024-2025 Instalment Dates) Regulations 2024*, provides for when levy amounts imposed are due and payable and also provides for the payment of those levies by way of instalments.

## **Background**

The Australian Government's Charging Framework and Cost Recovery Policy set out the basis on which the non-government sector may be charged some or all the efficient costs of a specific government activity. Accordingly, each financial year, the Australian Fisheries Management Authority (AFMA) prepares a cost recovery budget to recover the annual costs of managing Commonwealth fisheries from fishing concession holders through the imposition of levies. AFMA's Cost Recovery Implementation Statement (CRIS) outlines what cost recoverable activities AFMA provides and how those activities are implemented in managing Commonwealth fisheries. The 2024-2025 cost recovered budget was calculated to be \$17,089,741 (excluding fisheries managed under the *Torres Strait Fisheries Act 1984* (the Torres Act)). This is an increase of 5.7 per cent on the previous year.

Levies are calculated based on the cost recovered budget for the current financial year, plus or minus any under/over collection in the previous financial year and take into account any revenue collected through fee-for-service charges. Following the acquittal of an over collection in the AFMA budget from the 2023-24 financial year and an adjustment for revenue collected through fee-for-service charges, the total AFMA management component of the levy amount to be recovered from Commonwealth fishing concession holders for the 2024-25 financial year is \$14,556,494 (an increase of 6.1 per cent on the previous year). Levy amounts for the Torres Strait Prawn Fishery (which is managed under the Torres Act) are prescribed in separate regulations.

As part of its annual levy processes, AFMA also collects a 'research component' of levy for the Fisheries Research and Development Corporation (FRDC). This research component levy amount is also subject to an acquittal from the previous financial year and potential adjustment. Such an adjustment may arise as calculations of the research amount are based on the previous financial year's determined gross value of production (GVP) prior to the determined GVP figure for the current year becoming available. For 2024-25 the FRDC research component levy amount to be collected is approximately \$988,585.

Under the Regulations, the total amount of levy (management levy plus research levy) to be paid by fishing concession holders in 2024-25 is \$15,545,080.

## **Consultation**

On 25 June 2024, AFMA provided the draft 2024-25 cost recovered budget for comment to key stakeholders including the Commonwealth Fisheries Association (CFA) (the peak industry body) and other fisheries representative bodies and individual concession holders in those fisheries without an industry association. Throughout the consultation period any comments received were addressed prior to the cost recovered budget being finalised.

As changes to the levy rates each year impact the commercial fishing industry and holders of Commonwealth fishing concessions, rather than the broader Australian public, AFMA focuses its consultation on industry representative bodies and concession holders for each fishery.

While there is no public consultation on individual fishery levy rates, AFMA's CRIS is published each year on the AFMA website. AFMA also provided a copy of its 2024-25 CRIS to the CFA on 23 July 2024.

Under the current carve-out arrangements approved by the Office of Impact Analysis (OIA Reference OIA23-06107), AFMA is not required to complete an Impact Analysis in relation to this instrument. Under this agreement, the annual setting of cost recovered levies is considered as ‘machinery’ in nature.

## Impact and Effect

The impact of the Regulations is that it requires fishing concession holders to pay levy amounts to the government. The amount of levy payable depends on the quantity and types of fishing concessions held which, in turn, reflect the level of activity AFMA needs to undertake to manage the relevant fishery and/or fish stock. The effect of the Regulations is to assist in enabling concession holders to utilise their fishing concessions in the relevant Commonwealth fishery. This occurs because AFMA’s cost recovered activities include the administration of the fishing concessions system, the setting of sustainable catch limits using the best available science, developing and implementing the fishing rules and monitoring fishing activity.

Although the overall amount to be collected from the Commonwealth fishing industry has increased from the preceding year, the amount to be recovered from each fishery varies due to factors including:

- changes in management and research priorities for each fishery;
- adjustments for prior year over/under collections; and
- any changes during the financial year that alter the amount of resources required to administer the fishery.

There are three fisheries and one sector of the Southern and Eastern Scalefish and Shark Fishery (SESSF) where there has been a decrease in levy for the 2024-25 financial year compared with the previous financial year. These are:

- Heard Island and McDonald Islands Fishery 25.6 per cent (\$380,009)
- SESSF
  - Commonwealth South East Trawl 6.1 per cent (\$115,705)
- Southern Squid Jig Fishery 69.3 per cent (\$173,992)
- Western Tuna and Billfish Fishery 2.3 per cent (\$5,007)

There are 11 fisheries and two sectors of the SESSF where there has been an increase in levy for the 2024-25 financial year compared with the previous financial year. These are:

- Bass Strait Central Zone Scallop Fishery 23.7 per cent (\$93,071)
- Coral Sea Fishery 310.6 per cent (\$125,414)
- Eastern Tuna and Billfish Fishery 11.1 per cent (\$167,898)
- Eastern Skipjack Fishery *and* Western Skipjack Fishery 27.0 per cent (\$8,627)
- Macquarie Island Toothfish Fishery 87.5 per cent (\$256,165)
- Northern Prawn Fishery 3.9 per cent (\$89,343)
- North West Slope Trawl Fishery 13.0 per cent (\$13,856)
- Small Pelagic Fishery 11.1 per cent (\$105,020)
- SESSF
  - Gillnet, Hook and Trap 21.0 per cent (\$466,240)
  - Great Australian Bight 37.6 per cent (\$160,379)
- Southern Bluefin Tuna Fishery 1.1 per cent (\$16,853)
- Western Deepwater Trawl Fishery 5.6 per cent (\$4,911)

*Note: the Eastern Skipjack Fishery and Western Skipjack Fishery are administered under a single budget.*

The details of the Regulations are set out in Attachment A.

The Regulations are 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 B.

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

**Details of the *Fishing Levy Amendment (2024-2025 Levy Amounts) Regulations 2024***

**Section 1 – Name of Regulations**

This section provides that the name of the Regulations is the *Fishing Levy Amendment (2024-2025 Levy Amounts) Regulations 2024* (the Regulations).

**Section 2 – Commencement**

This section provides for the Regulations to commence the day after the instrument is registered.

**Section 3 – Authority**

This section provides that the Regulations are made under the *Fishing Levy Act 1991*.

**Section 4 – Schedules**

This section provides that each instrument that is specified in a Schedule to this instrument 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 – Amendments**

*Fishing Levy Regulations 2018*

**Item [1] - Section 5 (definition of *new levy day*)**

This item omits *Fishing Levy Amendment (2023-2024 Levy Amounts) Regulations 2023* and substitutes *Fishing Levy Amendment (2024-2025 Levy Amounts) Regulations 2024* in section 5 of the the principal Regulations.

This item has the effect that the new levy day is the day when the *Fishing Levy Amendment (2024-2025 Levy Amounts) Regulations 2024* commence.

**Item [2] - Subsection 8(2)**

This item omits \$0.9191 and substitutes \$1.0985 in subsection 8(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable Bass Strait Central Zone Scallop Fishery (BSCZSF) SFR is \$1.0985.

Comparison of the BSCZSF levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	474,119	427,226	-46,893	-9.9
Prior year (over)/under recoveries	(80,485)	59,533		

Fee-for-service	(624)	(678)		
Amount payable (excludes FRDC)	393,010	<b>486,081</b>	93,071	23.7

There has been a 23.7 per cent (\$93,071) increase in the levy amount payable for 2024-25 (\$486,081) compared to the levy amount payable for 2023-24 (\$393,010).

The 9.9 percent (\$46,893) decrease in the 2024-25 budget compared to 2023-24, is due largely to less staff time and Management Advisory Committee (MAC) and Resource Assessment Group (RAG) meetings. This was offset by a similar level (\$59,533) of budget overspends in 2023-24 due to an increase in costs associated with progressing several priorities in the fishery including RAG and MAC meetings, consultation and engagement and the additional staff time associated with these activities. Research and other management costs such as those for reviewing the harvest strategy and undertaking species and environmental risk assessment and management were higher in 2023-24.

To calculate the levy payable for each commercial scallop SFR the total management levy to be collected (\$486,081) is added to the FRDC levy (\$2,205) and then divided by the number of commercial scallop quota SFRs in the fishery (444,500).

#### **Items [3] – [4] - Paragraph 9(2)(a) and Subsection 9(2) (table)**

Item 3 omits \$923.97 and substitutes \$11,1742.42 in paragraph 9(2)(a) of the principal Regulations.

Item 4 repeals and substitutes the table in subsection 9(2) of the principal Regulations.

The levy in the Coral Sea Fishery (CSF) is made up of two components: a base amount (Tier 1) levy plus an additional amount (Tier 2) for each sector of the fishery to which the permit provides access. The Tier 1 levy covers general management costs incurred equally across each sector including salaries, travel, logbook processing, data management, licensing and compliance costs. Tier 2 levies reflect observer costs associated with each sector of the fishery.

The effect of the amendment made by item 3 is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable CSF fishing permit is \$11,142.42.

The effect of the amendment made by item 4 is that starting on the new levy day and ending on the next following 30 June the amount of Tier 2 levy is as per the table below:

<b>Amount of levy for a sector of the Coral Sea Fishery</b>		
<b>Item</b>	<b>Sector</b>	<b>Amount (\$)</b>
1	Aquarium	1,072.97
2	Line	4,291.87
3	Line—autobait	4,291.87
4	Lobster and trochus	1,072.97
5	Sea cucumber	1,072.97

Comparison of the CSF levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	120,243	181,670	61,427	51.1
Prior year (over)/under recoveries	(79,752)	(15,756)		
Fee for service	(110)	(120)		
Amount payable (excludes FRDC)	40,381	<b>165,795</b>	125,414	310.6

There has been a 310.6 per cent (\$125,414) increase in the levy payable for 2024-25 (\$165,795) compared to the 2023-24 levy (\$40,381).

The increase in the levy payable is due to a combination of a 51.1 percent increase (\$61,427) in the 2024-25 cost recovered budget (\$181,670) compared with the 2023-24 budget and a reduction in the underspend being carried over than in the previous year. The 2023-24 underspend was primarily due to less observer deployments than budgeted.

The increase in the 2024-25 cost recovered budget compared with 2023-24 is primarily due to increased management costs driven by additional work to comply with export approval conditions and higher salary costs under AFMA's new enterprise agreement.

The levy payable for each permit is split between two tiers. Tier 1 (\$11,133.83) is the levy amount paid by all 12 permit holders, representing general fisheries costs, noting this excludes the FRDC component. Tier 2 represents the observer budget which is split based on expected use with 80 per cent allocated to Line and 20 per cent to Hand Collection methods.

#### **Item [5] - Subsection 10(2)**

This item omits \$1,029.90 and substitutes \$1,308.19 in subsection 10(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable Eastern Skipjack Fishery (ESF) permit is \$1,308.19.

Comparison of the Skipjack Fisheries levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	47,641	47,262	-379	-0.8
Prior year (over)/under recoveries	(15,704)	(6,697)		
Fee-for-service	(10)	(10)		

Amount payable (excludes FRDC)	31,927	<b>40,554</b>	8,627	27.0
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There has been a 27.0 per cent (\$8,627) increase in the levy payable for 2024-25 (\$40,554) compared to the levy payable for 2023-24 (\$31,927). The cost recovered budget for 2024-25 (\$47,262) has decreased 0.8 per cent on the budgeted amount for 2023-24 (\$47,641). There has been an increase in data management costs which has been offset by a decrease in licensing administrations and policy support costs.

The ESF is managed under a single budget for the Western Skipjack Fishery (WSF) and ESF combined. The method used to calculate the levies combines the number of permits from both fisheries and then divides the total levy base by the total number of permits. There are currently 17 permits in the ESF and 14 permits in the WSF. Therefore, to determine the individual levies the levy base of \$40,554 has been divided by the 31 permits across both fisheries.

#### Item [6] - Subsection 11(2) (table)

This item repeals and substitutes the table in subsection 11(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable Eastern Tuna and Billfish Fishery (ETBF) SFR is as per the table below:

<b>Amount of levy—Eastern Tuna and Billfish Fishery</b>		
<b>Item</b>	<b>SFR</b>	<b>Amount (\$)</b>
1	Leviable ETBF Albacore Tuna SFR	0.1133
2	Leviable ETBF Bigeye Tuna SFR	0.1240
3	Leviable ETBF Broadbill Swordfish SFR	0.2283
4	Leviable ETBF longline boat SFR	4,628.31
5	Leviable ETBF minor line boat SFR	2,372.06
6	Leviable ETBF Striped Marlin SFR	0.0305
7	Leviable ETBF Yellowfin Tuna SFR	0.6362

Comparison of the ETBF levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	1,548,106	1,759,072	210,966	13.6
Prior year (over)/under recoveries	(32,832)	(75,674)		
Fee for service	(2,616)	(2,842)		
Amount payable (excludes FRDC)	1,512,658	<b>1,680,556</b>	167,898	11.1



There has been an 11.1 per cent (\$167,898) increase in the levy amount payable for 2024-25 (\$1,680,556) compared to the levy amount payable for 2023-24 (\$1,512,658).

There has been an increase in the cost recovered budget due to an increase in staff, electronic monitoring, vessel monitoring, data management and research costs. This was slightly offset by a decrease in MAC and RAG and policy support costs. These changes combined with an underspend in 2023-24 result in the total levy payable for 2024-25.

There is a two-tiered system for the payment of levies in the ETBF. Tier 1 represents the fixed costs of managing the fishery. These costs are divided between Longline Boat SFRs and Minor Line Boat SFRs, with two thirds of the Tier 1 levy recovered equally amongst Longline Boat SFR holders and the remaining one third recovered equally from Minor Line Boat SFR holders. Tier 2 represents the costs which are variable depending on the level of fishing effort, such as compliance data collection, logbooks and observers. These costs are divided between each Quota SFR based on the relative market value of each quota species.

Operators who wish to fish in the Coral Sea Zone of the fishery are required to hold both a Longline Boat SFR and a Coral Sea Zone Boat SFR, hence there is no separate charge for a Coral Sea Zone Boat SFR.

**Item [7] - Subsection 12(2)**

This item omits \$27.364 and substitutes \$21.54 in subsection 12(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable Heard Island and McDonald Islands Fishery (HIMI) SFR is \$21.54.

Comparison of the HIMIF levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	1,727,641	1,733,744	6,103	0.4
Prior year (over)/under recoveries	180,594	(205,399)		
Fee-for-service	(421,998)	(422,117)		
<b>Amount payable (excludes FRDC)</b>	<b>1,486,237</b>	<b>1,106,228</b>	<b>-380,009</b>	<b>-25.6</b>

There has been a 25.6 per cent (\$380,009) decrease in the levy amount payable for 2024-25 (\$1,106,228) compared to the levy amount payable for 2023-24 (\$1,486,237). The total levy cost has decreased due to a \$205,399 under-spend in 2023-24 primarily due to lower than budgeted observer deployments.

The cost recovered levy budget has increased slightly from the previous year due to a budgeted increase in MAC and RAG, licensing administration and revenue collection, research, vessel monitoring and data management costs. The increase has been slightly offset

by a decrease in policy support and licensing administration and revenue collection (systems) costs.

To calculate the levy payable for each SFR, the total management levy (\$1,106,228) to be collected is added to the FRDC levy component (\$186,080) and then divided by the number of commercial SFRs in the fishery (60,000).

**Item [8] - Subsection 13(2)**

This item omits \$15.61 and substitutes \$28.36 in subsection 13(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable Macquarie Island Toothfish Fishery (MITF) SFR is \$28.36.

Comparison of the MITF levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	387,146	527,303	140,157	36.2
Prior year (over)/under recoveries	(19,227)	96,831		
Fee-for-service	(75,176)	(75,226)		
<b>Amount payable (excludes FRDC)</b>	<b>292,743</b>	<b>548,908</b>	<b>256,165</b>	<b>87.5</b>

There has been an 87.5 per cent (\$256,165) increase in the levy payable for 2024-25 (\$548,908) compared to the levy payable in 2023-24 (\$292,743).

The increase in the cost recovered budget from the previous year is largely driven by an increase in observer costs (\$93,340). The remaining increase is spread across a range of activities including staffing, data management, licensing administration and revenue collection and research costs. The total levy payable in 2024-25 also accounts for an overspend in 2023-24 (\$96,831) driven by increased staffing, observer and research costs. The increase in the cost recovered budget in 2024-25 is partially offset by the decrease in licensing administration and revenue collection (systems) and policy costs.

To calculate the levy payable for each SFR, the total management levy (\$548,908) to be collected is added to the FRDC levy component (\$18,300) and then divided by the number of commercial SFRs in the fishery (20,000).

**Item [9] - Subsection 14(2)**

This item omits \$70.99 and substitutes \$73.91 in subsection 14(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable Northern Prawn Fishery (NPF) gear SFR is \$73.91.

Comparison of the NPF levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	2,183,065	2,406,706	223,641	10.2
Prior year (over)/under recoveries	134,062	(188)		
Fee-for-service	(50,562)	(50,610)		
<b>Amount payable (excludes FRDC)</b>	<b>2,266,565</b>	<b>2,355,908</b>	<b>89,343</b>	<b>3.9</b>

There has been a 3.9 per cent (\$89,343) increase in the levy amount payable for 2024-25 (\$2,355,908) compared with the levy amount for 2023-24 (\$2,266,565). The cost recoverable component of the 2024-25 NPF budget (\$2,406,706) has increased by \$223,641 from the 2023-24 budget (\$2,183,065).

This increase was primarily due to an increase in research and observer costs (\$193,410 and \$73,081 respectively) which were partially offset by a reduction in the commercial fishery management costs (\$52,817). The increase in costs for observers was primarily due to salary increases and other provisions under the new AFMA enterprise agreement and research increases are due to the biennial spawning survey being undertaken in 2024-25 combined with changes in the funding arrangements under the new research contracts.

To calculate the levy payable for each NPF gear SFR, the total management component (\$2,355,908) is added to the total research component (\$266,290) and divided by the number of gear SFRs in the fishery (35,479).

#### **Item [10] - Subsection 15(2)**

This item omits \$15,848.43 and substitutes \$17,717.86 in subsection 15(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable North West Slope Trawl Fishery (NWSTF) fishing permit is \$17,717.86.

Comparison of the NWSTF levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	96,461	126,515	30,054	31.2
Prior year (over)/under recoveries	10,098	(6,099)		
Fee-for-service	(19)	(21)		
<b>Amount payable (excludes FRDC)</b>	<b>106,539</b>	<b>120,395</b>	<b>13,856</b>	<b>13.0</b>

There has been a 13.0 per cent (\$13,856) increase in the levy amount payable for 2024-25 (\$120,395) compared to the levy amount payable for 2023-24 (\$106,539).

The increase in the levy payable in 2024-25 (\$13,856) compared with the 2023-24 levy payable is due to an increase in the 2024-25 cost recovered budget (\$30,054), however, this was partially offset by an underspend carried over from 2023-24 (\$6,099).

The increase in the 2024-25 cost recovered budget compared with 2023-24 is primarily due to higher salary costs which have increased to account for the predicted additional work in the Western Fisheries to review the broader management arrangements and salary increases under AFMA's new enterprise agreement.

To calculate the levy payable for each NWSF fishing permit, the total management levy to be collected (\$120,395) is added to the total FRDC levy component (\$3,630) and divided by the number of permits in the fishery (7).

#### Item [11] - Subsection 16(2) (table)

This item repeals and substitutes the table in subsection 16(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable Small Pelagic Fishery (SPF) SFR is as per the table below:

<b>Amount of levy—Small Pelagic Fishery</b>		
<b>Item</b>	<b>SFR</b>	<b>Amount (\$)</b>
1	Leviable SPF Australian Sardine quota SFR	0.006846
2	Leviable SPF Eastern sub-area Blue Mackerel quota SFR	0.072254
3	Leviable SPF Eastern sub-area Jack Mackerel quota SFR	0.028533
4	Leviable SPF Eastern sub-area Redbait quota SFR	0.006792
5	Leviable SPF Western sub-area Blue Mackerel quota SFR	0.016560
6	Leviable SPF Western sub-area Jack Mackerel quota SFR	0.006792
7	Leviable SPF Western sub-area Redbait quota SFR	0.006792

Comparison of the SPF levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	1,101,830	1,226,187	124,357	11.3
Prior year (over)/under recoveries	(151,821)	(171,102)		
Fee-for-service	(658)	(714)		
<b>Amount payable (excludes FRDC)</b>	<b>949,351</b>	<b>1,054,371</b>	<b>105,020</b>	<b>11.1</b>

There has been an 11.1 per cent (\$105,020) increase in the levy amount payable for 2024-25 (\$1,054,371) compared to the levy amount payable for 2023-24 (\$949,351). The 2023-24 underspend (\$171,102) was mostly due to less staff time spent on management and travel associated with consultation and engagement, species and environmental management, and bycatch and risk management. There was also a decrease in costs related to data collection and management.

There was an 11.3 percent (\$124,357) increase in the 2024-25 budget compared to 2023-24, due largely to research projects to enable progress against several priorities in the fishery.

The levy model was revised in 2018-19 with the levy payable for each SPF quota SFR comprised of a management levy, which included the cost of Daily Egg Production Method (DEPM) surveys allocated to the relevant stock quota SFRs, and the research component (FRDC levy). Future levy calculation will continue to allocate the costs of species-specific research to the relevant species quota SFRs.

The 2024-25 management levy for each SPF quota SFR includes the management component (\$1,054,371) minus the cost of the Stage 2 blue mackerel spawning fraction project (\$151,350) and the Eastern jack mackerel and Eastern blue mackerel/Australian Sardine DEPM surveys (\$242,850 and \$323,000, respectively), divided by the total number of SFRs in the fishery (60,824,198).

The cost of the Stage 2 blue mackerel spawning fraction project (\$151,350) is divided by the total number of Eastern and Western blue mackerel quota SFRs in the fishery (15,494,594) and added to the management levy for Eastern and Western blue mackerel quota SFR.

The cost of the Eastern jack mackerel DEPM survey (\$242,850) is divided by the total number of Eastern jack mackerel quota SFRs in the fishery (11,170,217) and added to the management levy for Eastern jack mackerel quota SFR.

The DEPM survey for Eastern blue mackerel and Australian Sardine is undertaken concurrently. Consequently, the cost of the survey (\$323,000) is allocated proportionally between these two stocks. The proportion is based on the catch (tonnes) of each stock landed as a proportion of the combined tonnage for these two stocks for the most recent complete fishing season (2023-24). Based on 2023-24 catches, 99.5 percent of the cost for this DEPM survey (\$321,385) is allocated to Eastern blue mackerel quota SFRs and 0.5 per cent (\$1,615) to Australian Sardine quota SFRs. Each allocation is then divided by the total number of each stock's quota SFRs in the fishery (Eastern blue mackerel - 5,770,594; Australian Sardine 3,000,001) and added to the management levy for the relevant quota SFR.

The FRDC levy component payable for each quota SFR is calculated by dividing the total levy amount (\$75,953) by the total number of SFRs in the fishery (60,824,198).

The total levy payable per quota SFR for each stock is calculated by adding the management levy per SFR for the relevant stock plus the FRDC levy component per SFR.

NOTE: Items [12] – [17] refer to the Southern and Eastern Scalefish and Shark Fishery (SESSF)

Section 17 and section 18 of the principal Regulations prescribe the levy payable for SFRs and fishing permits in the SESSF. The SESSF incorporates the management of the Great Australian Bight Trawl Fishery (GABT); the Gillnet Hook and Trap Fishery (GHT); and the Commonwealth South East Trawl Fishery (CSET); under a single management framework (the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*) (SESSF management plan).

Under the SESSF management plan, the different sectors are managed under a system of SFRs and fishing permits. The total amount to be recovered through levies is split between fishing concessions granted under the management plan. This includes boat SFRs, fishing permits, and individual species quota SFRs. A levy allocation model developed in consultation with industry is used each year to determine how to split the total recoverable amount between the different concession types. Generally, the cost of species stock assessments and associated research are allocated to quota SFRs, and management costs are split based on whether the levied activity is relevant to boat SFRs, fishing permits or quota SFRs.

At industry’s request the total budget for the SESSF continues to be set in terms of the individually managed sectors. As a result, the SESSF budget is a combined total of the three sectors’ budgets.

Several quota species are caught in both the GHT and CSET sectors of the SESSF.

- **Great Australian Bight Trawl Sector (GABT)**

The total levy base for the fishery is \$608,571 including a total research component of \$21,113. A fishing concession holder will pay an amount per boat SFR or quota species to recover the total amount payable for the GABT.

Comparison of the GABT levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	555,945	618,008	62,063	11.2
Prior year (over)/under recoveries	(128,332)	(29,970)		
Fee-for-service	(533)	(579)		
Amount payable (excludes FRDC)	427,080	<b>587,459</b>	160,379	37.6

There has been a 37.6 per cent increase in the levy payable for 2024-25 (\$587,459) compared to the levy payable for 2023-24 (\$427,080). The cost recovered budget for 2024-25 increased 11.2 per cent (\$62,063) from 2023-24 due to an increase primarily in co-management activities and salary costs. There was an overcollection of \$128,332 in 2022-23 which offset the levy collected in 2023-24 in combination with a lower budget in 2023-24 that has resulted in the overall net increase in the levy amount payable in 2024-25.

- **Gillnet Hook and Trap Sector (GHT)**

The total levy base for the fishery is \$2,761,797 including a research component of \$74,293. A fishing concession holder will pay an amount per boat SFR, per permit or per quota species to recover the total amount payable for the GHT.

Comparison of the GHT levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	2,538,686	2,607,937	69,251	2.7
Prior year (over)/under recoveries	(301,692)	96,181		
Fee-for-service	(15,729)	(16,613)		
Amount payable (excludes FRDC)	2,221,265	<b>2,687,505</b>	466,240	21.0

There has been an increase of 21.0 per cent (\$466,240) in the levy amount payable in 2024-25 (\$2,687,505) compared to the levy amount payable for 2023-24 (\$2,221,265). The cost recovered budget increased by 2.7 per cent (\$69,251) from 2023-24 due to increases across several activities including co-management activities, salary costs and increases in Electronic Monitoring program costs. While budget increased by a relatively small amount, the significant increase in the levy payable relates to a large overcollection in 2022-23 (\$301,692) that off-set the levy payable in 2023-24.

- **Commonwealth South East Trawl Sector (CSET)**

The total levy base for the fishery is \$1,929,459 including a research component of \$148,900. A fishing concession holder will pay an amount per boat SFR, per permit or per quota species to recover the total amount payable for the CSET.

Comparison of the CSET levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	3,326,146	3,318,982	-7,164	-2.0
Prior year (over)/under recoveries	(271,070)	(370,764)		

Fee-for-service	(152,811)	(153,660)		
Structural adjustment package	(1,006,000)	(1,014,000)		
Amount payable (excludes FRDC)	1,896,264	<b>1,780,558</b>	-115,706	-6.1

There is a 6.1 per cent (\$115,706) decrease in the levy amount payable for 2024-25 (\$1,780,558) compared to the levy amount payable for 2023-24 (\$1,896,264). While the cost recovered budget for 2024-25 (\$3,318,982) is comparable to that for 2023-24 (\$3,326,146), a large overcollection in 2023-24 (\$370,764), offset the levy payable in 2024-25. The overcollection is primarily due to less salary costs, less observer days and an underspend of the research budget. An additional \$153,660 has been deducted from the cost recovered budget due to expected revenue to be collected from fee-for-service activities in 2024-25.

An additional \$1,014,000 in levy relief funds have been deducted from the cost recovered budget as part of a structural adjustment package to reduce the financial impact on operators who remain in the fishery after the buyout of CSET boat SFRs. This is the last year that levy relief will be provided.

#### **Item [12] - Subsection 17(2) (table)**

This item repeals and substitutes the table in subsection 17(2) of the principal Regulations.

Starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable SESSF boat SFR is as per the table below:

<b>Amount of levy—Southern and Eastern Scalefish and Shark Fishery—SFRs (other than quota SFRs)</b>		
<b>Item</b>	<b>SFR</b>	<b>Amount (\$)</b>
1	Leviable SESSF GAB trawl boat SFR	58,745.86
2	Leviable SESSF gillnet boat SFR	7,278.03
3	Leviable SESSF scalefish hook boat SFR	3,165.64
4	Leviable SESSF shark hook boat SFR	5,201.32
5	Leviable SESSF trawl boat SFR	8,812.44

#### **Item [13] - Subsection 17(3) (table)**

This item repeals and substitutes the table in subsection 17(3) of the principal Regulations.

Starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable SESSF quota SFR is as per the table below:

<b>Amount of levy—Southern and Eastern Scalefish and Shark Fishery—quota SFRs</b>		
<b>Item</b>	<b>Quota species</b>	<b>Amount (\$)</b>
1	Alfonsino	0.00150



**Amount of levy—Southern and Eastern Scalefish and Shark Fishery—quota SFRs**

<b>Item</b>	<b>Quota species</b>	<b>Amount (\$)</b>
2	Bight redfish	0.00487
3	Blue eye trevalla	0.22688
4	Blue grenadier	0.23281
5	Blue warehou	0.00005
6	Deepwater flathead	0.00534
7	Elephantfish	0.14159
8	Flathead	0.00029
9	Gummy shark	0.48429
10	Jackass morwong	0.00069
11	John dory	0.00097
12	Mirror dory	0.00000
13	Ocean perch	0.04927
14	Oreodory	0.00956
15	Pink ling	0.31864
16	Redfish	0.00007
17	Ribaldo	0.03330
18	Royal red prawn	0.00000
19	Saw shark	0.11718
20	School shark	0.38886
21	School whiting	0.00000
22	Silver trevally	0.00011
23	Silver warehou	0.00013

**Item [14] - Subsection 17(4) (table)**

This item repeals and substitutes the table in subsection 17(4) of the principal Regulations.

Starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable SESSF quota SFR for species in particular sectors or zones is as per the table below:

<b>Amount of levy—Southern and Eastern Scalefish and Shark Fishery—quota SFRs for species in particular sectors or zones</b>			
<b>Item</b>	<b>Quota species</b>	<b>Sector or zone</b>	<b>Amount (\$)</b>
1	Deepwater shark	Eastern	0.01284
2	Deepwater shark	Western	0.02222
3	Gemfish	Eastern	0.05971
4	Gemfish	Western	0.00534
5	Orange roughy	Albany and Esperance	0.00112
6	Orange roughy	Cascade Plateau	0.00806

**Amount of levy—Southern and Eastern Scalefish and Shark Fishery—quota SFRs for species in particular sectors or zones**

<b>Item</b>	<b>Quota species</b>	<b>Sector or zone</b>	<b>Amount (\$)</b>
7	Orange roughy	Eastern	0.04745
8	Orange roughy	Southern	0.00341
9	Orange roughy	Western	0.00169
10	Smooth oreodory	Cascade Plateau	0.00001
11	Smooth oreodory	A sector or zone other than the Cascade Plateau	0.00484

**Item [15] - Subsection 18(2) (table)**

This item repeals and substitutes the table in subsection 18(2) of the principal Regulations.

Starting on the new levy day and ending on the next following 30 June the amount of levy in respect to a leviable SESSF fishing permit (other than leviable SESSF quota fishing permits) is as per the table below:

**Amount of levy—Southern and Eastern Scalefish and Shark Fishery—fishing permits (other than leviable SESSF quota fishing permits)**

<b>Item</b>	<b>Fishing permit</b>	<b>Amount (\$)</b>
1	Leviable SESSF autolongline fishing permit	4,932.60
2	Leviable SESSF ECDT fishing permit	543.50
3	Leviable SESSF GHT fishing permit	2,950.14
4	Leviable SESSF GHT trap fishing permit	27,140.96
5	Leviable SESSF VCW fishing permit	698.78

**Item [16] - Subsection 18(3) (table)**

This item repeals and substitutes the table in subsection 18(3) of the principal Regulations.

Starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable SESSF quota fishing permit is as per the table below:

**Amount of levy—Southern and Eastern Scalefish and Shark Fishery—leviable SESSF quota fishing permits**

<b>Item</b>	<b>Quota species</b>	<b>Amount (\$)</b>
1	Deepwater shark in the Eastern zone	0.03852
2	Deepwater shark in the Western zone	0.06666
3	Oreodory	0.02868
4	Ribaldo	0.09991
5	Smooth oreodory in the Cascade Plateau zone	0.00002
6	Smooth oreodory in a sector or zone other than the Cascade Plateau zone	0.01453

### Item [17] - Paragraphs 18(4)(a) and (b)

This item omits 2024 and substitutes 2025 in paragraphs 18(4)(a) and (b) of the principal Regulations.

This item updates the paragraphs with dates applicable to the 2024-25 financial year, which has the effect that if a leviable SESSF quota fishing permit ceases to be in force on 30 April 2025 and an equivalent leviable SESSF quota SFR comes into force as of 1 May 2025, then the levy payable in respect of the quota fishing permit is equal to two thirds of the total annual levy.

### Item [18] - Subsection 19(2)

This item omits \$0.3052 and substitutes \$0.3075 in subsection 19(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable Southern Bluefin Tuna Fishery (SBTF) SFR is \$0.3075.

Comparison of the SBTF levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	1,548,530	1,589,548	41,018	2.6
Prior year (over)/under recoveries	(5,844)	(29,886)		
Less Fee-for-service	(1,430)	(1,554)		
Amount payable (excludes FRDC)	1,541,255	<b>1,558,108</b>	16,853	1.1

There has been a 1.1 per cent (\$16,853) increase in the levy amount payable for 2024-25 (\$1,558,108) compared to the levy amount payable for 2023-24 (\$1,541,255). There was a slight increase in the cost recovered levy budget due to an increase in observer, monitoring and data collection and licensing administration costs. This increase was offset by a decrease in other monitoring costs and policy support. These changes combined with an underspend of \$29,886 from 2023-24 has resulted in a slight increase in the levy payable.

To calculate the levy payable for each SBTF quota SFR, the total management levy to be collected (\$1,558,108) is added to the total FRDC research component (\$79,278) and divided by the total number of commercial SBTF quota SFRs in the fishery (5,324,422).

### Item [19] - Subsection 20(2)

This item omits \$52.823 and substitutes \$17.284 in subsection 20(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable Southern Squid Jig Fishery (SSJF) gear SFR is \$17.284.

Comparison of the SSJF levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	150,856	127,411	-23,445	-15.5
Prior year (over)/under recoveries	100,898	(49,601)		
Fee-for-service	(562)	(610)		
Amount payable (excludes FRDC)	251,192	<b>77,200</b>	-173,992	-69.3

There has been a 69.3 percent (\$173,992) decrease in the levy amount payable for 2024-25 (\$77,200) compared to the levy amount payable for 2023-24 (\$251,192). The levy base for 2024-25 comprises the cost recovered budget (\$127,411) which is offset by an underspend in 2023-24 (\$49,601).

The 15.5 per cent decrease in the cost recovered budget for 2024-25 is primarily due to a decrease in allocated staff time as several management priorities in the fishery have been met and ongoing management and research costs in the fishery are expected to remain low.

To calculate the levy payable for each SSJF gear SFR, the total management levy to be collected (\$77,200) is added to the FRDC levy component (\$5,763) and then divided by the total number of commercial SSJF gear SFRs in the fishery (4,800).

#### Item [20] - Subsection 21(2)

This item omits \$7,932.36 and substitutes \$8,378.82 in subsection 21(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviabale Western Deepwater Trawl Fishery (WDWTF) fishing permit is \$8,378.82.

Comparison of the WDWTF levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	95,027	124,046	29,019	30.5
Prior year (over)/under recoveries	(7,738)	(31,842)		
Fee-for-service	(34)	(37)		
Amount payable (excludes FRDC)	87,256	<b>92,167</b>	4,911	5.6

There has been a 5.6 per cent (\$4,911) increase in the levy amount payable for 2024-25 (\$92,167) compared to the levy amount payable for 2023-24 (\$87,256).

The minor increase in the 2024-25 levy payable (\$4,911) compared with the 2023-24 levy payable was due to an increase in the 2024-25 cost recovered budget (\$29,019), which was partially offset by a higher underspend carried over from 2023-24 (\$31,842) compared with the previous year.

The increase in the 2024-25 cost recovered budget compared with 2023-24 is primarily due to higher salary costs which have increased to account for the predicted additional work in the Western Fisheries to review the broader management arrangements and salary increases under AFMA’s new enterprise agreement.

To calculate the levy payable for each WDWTF fishing permit, the total management levy to be collected (\$92,167) is added to the total FRDC research levy (\$0 for 2024-25) and divided by the total number of fishing permits in the fishery (11).

**Item [21] - Subsection 22(2)**

This item omits \$1,029.90 and substitutes \$1,308.19 in subsection 22(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable Western Skipjack Fishery (WSF) fishing permit is \$1,308.19.

Comparison of the Skipjack Fisheries levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	47,641	47,262	-379	-0.8
Prior year (over)/under recoveries	(15,704)	(6,697)		
Fee-for-service	(10)	(10)		
<b>Amount payable (excludes FRDC)</b>	<b>31,927</b>	<b>40,554</b>	<b>8,627</b>	<b>27.0</b>

There has been a 27.0 per cent (\$8,627) increase in the levy payable for 2024-25 (\$40,554) compared to the levy payable for 2023-24 (\$31,927). The cost recovered budget for 2024-25 (\$47,262) has decreased 0.8 per cent on the budgeted amount for 2023-24 (\$47,641). There has been an increase in data management costs which has been offset by a decrease in licensing administrations and policy support costs.

The WSF is managed under a single budget for the Eastern Skipjack Fishery (ESF) and WSF combined. The method used to calculate the levies combines the number of permits from both fisheries and then divides the total levy base by the total number of permits. There are currently 17 permits in the ESF and 14 permits in the WSF. Therefore, to determine the individual levies the levy base of \$40,554 has been divided by the 31 permits across both fisheries.

**Item [22] - Subsection 23(2) (table)**

This item repeals and substitutes the table in subsection 23(2) of the principal Regulations.

The effect of this amendment is that starting on the new levy day and ending on the next following 30 June the amount of levy in respect of a leviable Western Tuna and Billfish Fishery (WTBF) SFR is as per the table below:

<b>Amount of levy—Western Tuna and Billfish Fishery</b>		
<b>Item</b>	<b>SFR</b>	<b>Amount (\$)</b>
1	Leviable WTBF Bigeye Tuna quota SFR	0.0430
2	Leviable WTBF boat SFR	975.55
3	Leviable WTBF Broadbill Swordfish quota SFR	0.0430
4	Leviable WTBF Striped Marlin quota SFR	0.0430
5	Leviable WTBF Yellowfin Tuna quota SFR	0.0430

Comparison of the WTBF levy base between 2023-24 and 2024-25.

	2023-24	2024-25	Difference	
	\$	\$	\$	%
Cost recovered budget	264,102	268,125	4,023	1.5
Prior year (over)/under recoveries	(44,052)	(53,052)		
Fee-for-service	(341)	(370)		
<b>Amount payable (excludes FRDC)</b>	<b>219,709</b>	<b>214,702</b>	<b>-5,007</b>	<b>-2.3</b>

There has been a 2.3 per cent (\$5,007) decrease in the levy amount payable for 2024-25 (\$214,702) compared to the levy amount payable for 2023-24 (\$219,709). The cost recovered levy budget increased slightly due to an increase in data management and research costs. This increase was mostly offset by a decrease in MAC and RAG and policy support costs. These changes along with an underspend of \$53,052 has reduced the total levy payable.

There is a two-tiered system for the payment of levies in the WTBF. Tier 1 represents the fixed costs of managing the fishery and the research component. These costs are divided equally between each boat SFR. Tier 2 represents the costs which are variable depending on the level of fishing effort, such as compliance data collection, logbooks and observers.

## **Statement of Compatibility with Human Rights**

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

### ***Fishing Levy Amendment (2024-2025 Levy Amounts) Regulations 2024***

This Disallowable 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 Disallowable Legislative Instrument**

This Disallowable Legislative Instrument sets the amounts of levy that are payable for Commonwealth fishing concessions for the 2024-25 financial year.

#### **Human rights implications**

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

#### **Conclusion**

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

**The Hon. Julie Collins MP**  
**Minister for Agriculture, Fisheries and Forestry**