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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

FISHERIES LEVY AMENDMENT

BILL 2007

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Fisheries, Forestry and Conservation,
Senator the Hon Eric Abetz)

FISHERIES LEVY AMENDMENT BILL 2007

GENERAL OUTLINE

This Bill amends the *Fisheries Levy Act 1984* (the Levy Act) to ensure that levies can be collected in the Torres Strait fisheries in accordance with new management arrangements provided for in the *Torres Strait Fisheries Act 1984* (TSFA) as concurrently introduced by the Fisheries Legislation Amendment Bill 2007 (FLAB).

Consistent with Australian Government and Torres Strait Protected Zone Joint Authority (PZJA) policy to ensure the Torres Strait fisheries are managed sustainably into the future, the Torres Strait Spanish Mackerel, Reef Line, Prawn and Tropical Rock Lobster fisheries are moving towards the implementation of management plans which are underpinned by either output controls (individual quota) or unitised effort (such as the system used in the prawn fishery). This Bill provides broader powers to implement cost recovery in these fisheries consistent with Australian Government and PZJA policy. Amendments will ensure that the arrangements contained in management plans are recognised by the *Fisheries Levy Act 1984* for the purpose of calculating the levy amount to be charged to a fisher.

Further, the FLAB establishes a new licence regime in the TSFA (licenses “without a boat”), introduced at Schedule 3 Item 285. This Bill also contains consequential amendments to ensure, where a levy is applied, a consistency of treatment for all commercial fishing licenses occurs, with or without a boat.

FINANCIAL IMPACT STATEMENT

This Bill will provide a legislative basis from which to pursue cost recovery under new management arrangements in the TSFA. A move towards cost recovery is consistent with Australian Government and PZJA policy.

NOTES ON CLAUSES

Clause 1, Short Title

Clause 1 is a formal provision specifying the short title of the Act. The Act will be called the *Fisheries Levy Amendment Act 2007*.

Item 2, Commencement

Clause 2 provides for the Act to commence on the day on which the Bill receives the Royal Assent except for

- (a) Schedule 1, items 1 and 2 to commence at the same time as Part 1 of Schedule 3 to the *Fisheries Legislation Amendment Act 2007* commences; and
- (b) Schedule 1, items 3 to 8 to commence at the same time as Part 2 Schedule 3 of the *Fisheries Legislation Act 2007* commences.

Clause 3, Schedules

Clause 3 states that the *Fisheries Levy Act 1984* is amended or repealed as set out in the Schedule.

Schedule 1—Fisheries Levy Act 1984

Item 1, Subsection 3(1) (at the end of the definition of *plan of management*)

This item inserts a reference to section 15A of the TSFA. This will enable regulations made under section 8(2) of the Levy Act to account for arrangements made in a plan of management (such as calculating the levy payable against the units of fishing capacity held by a licensee). From 2008, the main commercial fisheries (Prawn, Tropical Rock Lobster, Spanish Mackerel and Reef Line) will be governed by management plans under the TSFA. This amendment is required so that levies can be applied consistent with new management arrangements.

Item 2, Subsection 3(2)

This item inserts the text “or a part of the fishing capacity” and is consequential to amendments introduced in the FLAB (and introduced at Schedule 3 Item 71 of that Bill).

Item 3, Section 5

This is a technical amendment consistent with current drafting practice so that the words “and” or “or” are not required at the end of each sub-paragraph.

Item 4, Paragraph 5(d)

This item inserts reference to the new paragraph 19(4A) of the TSFA (introduced by Item 285 of the FLAB). This amendment will provide for a consistent approach in raising levies required by the introduction of a new form of licence “without a boat”.

Item 5, After paragraph 5(e)

This item inserts a new paragraph that enables levies to be collected against entries on the new forms of licence introduced by the FLAB at Item 285. This amendment will provide for a consistent approach in raising levies against entries on all licences.

Item 6, Paragraph 5(f)

This item is a consequential amendment consistent with the reasons outlined at Item 4.

Item 7, Paragraph 5(fa)

This is a technical amendment and consequential to Item 3.

Item 8, Paragraph 5(g)

This item inserts a reference to the new TSFA subsection 4A, consistent with the reasons outlined at Item 4.