

1991

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

FISHING LEVY BILL 1991

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary
Industries and Energy the Honourable John Kerin MP)

FISHING LEVY BILL 1991

GENERAL OUTLINE

The proposed Bill will replace the Fisheries Levy Act 1984. It will perform the same functions as the 1984 Act but will reflect legislative changes arising from the proposed replacement of the Fisheries Act 1952 and the Continental Shelf (Living Natural Resources) Act 1968 by the Fisheries Management Bill 1991.

FINANCIAL IMPACT STATEMENT

This Bill will have no direct impact on Government revenue or expenditure. It is a machinery change only, giving effect to the new management arrangements to apply to fisheries.

NOTES ON CLAUSES

Clause 1 - Short title

1. The Bill is to be cited as the Fishing Levy Act 1991.

Clause 2 - Commencement

2. This clause provides for clauses 1 and 2 to commence from date of Royal Assent. The remainder of the Bill commences on a date fixed by Proclamation or six months after receiving Royal Assent, whichever comes sooner.

Clause 3 - Interpretation

3. This clause defines certain terms used in the Bill.

Clause 4 - Application of Act

4. The Bill is to apply within and outside Australia and to all external Territories.

Clause 5 - Imposition of levy

5. This clause imposes levy with respect to fishing concessions other than foreign fishing licences.

Clause 6 - Amount of levy

6. This clause provides for the amount of levy payable to be prescribed by regulation.
7. This clause does not attempt to fix any maximum amount of levy. The levy payable by fishermen can vary considerably from fishery to fishery, depending on its components. Its main purpose is to recover from fishermen part of the cost of administering fisheries and it will also be used to collect a levy for fisheries research and development. The levy can, however, have other components. For example, in the northern prawn fishery, it is also used to collect the fishermen's contributions to the restructuring (buy-back) scheme as well as a contribution fishermen have elected to make to specific research projects.

8. This situation is further compounded by the different management schemes employed in each fishery. In some fisheries the fishing 'unit' on which levy is imposed is a fishing boat. In others a 'unit' may determine the quantity of engine power or hull size that may be used. (In the northern prawn fishery where a hull size/engine power unit is used, the average boat is over 400 units). In fisheries where catch quotas are used, the unit can be a proportion of the total catch. As an example of the wide variation of levy rates the current levy per unit (use of one boat of up to 40 metres in length for one year) in the Great Australian Bight trawl fishery is \$6,000 while the levy per unit (the right to take one kilogram of fish) in the gemfish fishery is 13.5 cents.

Clause 7 - By whom is levy payable?

9. This clause makes the holder of the fishing concession responsible for paying the levy.

Clause 8 - Regulations

10. This clause empowers the Governor-General to make regulations.



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