

1991

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

STATUTORY FISHING RIGHTS CHARGE BILL 1991

EXPLANATORY MEMORANDUM

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

STATUTORY FISHING RIGHTS CHARGE BILL 1991

GENERAL OUTLINE

This Bill allows effect to be given to certain elements of the Fisheries Management Bill 1991. Part 3 of the Fisheries Management Bill 1991 deals with ways in which statutory fishing rights with respect to individual fisheries may be granted. Included among these allocative methods are auction, tender or ballot. This Bill gives the legislative power necessary for the Commonwealth to collect the amounts offered by those seeking statutory fishing rights allocated through these mechanisms.

FINANCIAL IMPACT STATEMENT

This Bill will result in the raising of some additional revenue. The amount raised from this source is unlikely to be significant. The use of this mechanism will be restricted to new fisheries in which historic fishing rights have not been established. Present indications are that while the likelihood of discovering major new fisheries is not great there may well be instances where small but valuable resources are discovered, and in these circumstances there are advantages in using competitive bidding as an allocative mechanism.

NOTES ON CLAUSES

Clause 1 - Short title

1. Provides for the Bill to be cited as the Statutory Fishing Rights Charge 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 the date fixed by Proclamation or six months after receiving Royal Assent, whichever occurs sooner.

Clause 3 - Interpretation

3. This clause provides definitions for terms used in the Bill.

Clause 4 - Application of Act

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

Clause 5 - Imposition of charge

5. A charge under the Bill is imposed on the grant of a statutory fishing right.

Clause 6 - Exemption from charge

6. This clause provides that no charge is payable on the grant of a statutory fishing right declared by regulations to be exempt from such a charge.

Clause 7 - Amount of charge

7. This clause provides that the amount of the charge under the Bill to be the amount of the successful bid or tender in the case of auction or tender respectively or the amount determined by regulation where other allocative mechanisms are used.

8. No maximum amounts are indicated for the purpose of this clause. Where statutory fishing rights are allocated by auction or tender, the price paid will be based on the person's assessment of the commercial value of that right. Where the amount to be paid is determined by regulation, the fixing of an appropriate upper limit would still be very difficult because of the variety of forms a statutory fishing right could take, the varying time periods for which such rights could be granted and because of the very wide range of potential profitability from different fisheries. (For example access to a known aggregation of orange roughy could have a very high value while some other fishery might appear at best to offer only marginal profitability).

Clause 8- By whom is charge payable ?

9. This clause provides that the charge is payable by the person to whom the statutory fishing right is granted.

Clause 9 - Regulations

10. This clause allows the Governor-General to make regulations not inconsistent with this Bill.



9 780644 211635