



Queensland

# **Fisheries Amendment Regulation (No. 1) 2012**

## **Explanatory Notes for SL 2012 No. 163**

made under the

*Fisheries Act 1994*

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## **General outline**

### **Short title**

*Fisheries Amendment Regulation (No. 1) 2012.*

### **Authorising law**

Section 223 of the *Fisheries Act 1994*

### **Policy objectives and the reasons for them**

The objective of the subordinate legislation is to amend the *Fisheries Regulation 2008* (the Regulation) by increasing the regulatory fees and charges under Schedule 9 of the Regulation by 3.5 percent and to make one minor amendment.

### **Achievement of policy objectives**

The amendment regulation will achieve its objectives by incorporating an increase in the fees and charges under Schedule 9 of the Regulation. Regulatory fees are reviewed annually under Government policy.

The fees to be amended under Schedule 9 of the Regulation include commercial and recreational fishing fees. Previously, commercial fees have been increased in line with the revenue based model to increase fees and charges under an approved revenue based ‘price path’. Increases in line with the movement in the consumer price index have not been possible because the existing commercial fishing fees (based on a proportion of resource rent) are not a tax and indexation is not automatically applied.

The revenue based ‘price path’ structure was based on the concept of extracting a percentage of the ‘resource rent’ that accrued to individual fishers operating in particular fisheries. Due to the fluctuating financial circumstances of the commercial fishing industry, the fee structure was implemented under a ‘price path’ to avoid having significant increases in any 12 month period. The final increase under the ‘price path’ took effect from 1 July 2010. For the 2010–2011 financial year, the commercial fees were increased by 3 percent as it was deemed an appropriate and affordable increase for the fishing industry.

Under the stocked impoundment permit scheme, recreational fishers are required to purchase a permit if they want to go line fishing in any of the 32 dams which are part of the scheme. Monies raised from the sale of permits are used to purchase native fish fingerlings for stocking into the dams.

Following a review, the commercial and recreational fishing fees in Schedule 9 of the regulation are to be increased by 3.5 percent.

The amendment regulation also makes a minor amendment by adding an entry in to Schedule 9 to include a SM fishery symbol. This entry is required for consistency, however, it does not involve any fee.

### **Consistency with policy objectives of authorising law**

The subordinate legislation is consistent with the main policy objectives of the *Fisheries Act 1994*.

### **Inconsistency with policy objectives of other legislation**

The subordinate legislation is not inconsistent with the policy objectives of other legislation.

### **Benefits and costs of implementation**

The State Government will not incur any additional costs in the implementation of this subordinate legislation.

### **Consistency with fundamental legislative principles**

The subordinate legislation is consistent with fundamental legislative principles.

### **Consultation**

Queensland Treasury and Trade supported the proposed 3.5 percent increase in fishing fees.

The Regulatory Review Branch of Queensland Treasury and Trade has been consulted regarding the need for a Regulatory Assessment Statement (RAS). The Regulatory Review Branch advised that a RAS was not required for this subordinate legislation as the increase to fees is in line with Government policy.

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#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Agriculture, Fisheries and Forestry.