

AQUATIC RESOURCES LEGISLATION AMENDMENT BILL 2015

EXPLANATORY MEMORANDUM

Overview of the Bill

This Bill complements the *Aquatic Resources Management Act 2015*.

The purpose of the Bill is to amend the *Aquatic Resources Management Act 2015* and the *Fishing Industry Promotion Training and Management Levy Act 1994*.

It amends:

1. the *Aquatic Resources Management Act 2015* to provide that, to the extent that a fee prescribed in the regulations under that Act includes an amount that is a tax, the regulations may impose the tax. This is similar in effect to section 258(3) of the *Fish Resources Management Act 1994*; and
2. the *Fishing Industry Promotion Training and Management Levy Act 1994* to authorise the imposition of a levy for the purposes of that Act. The amendment will have the effect of extending the capacity to impose a levy for fishing industry promotion, training and management purposes on a person who holds a resource share allocated under the *Aquatic Resources Management Act 2015*.

Part 1 — Preliminary

Clause 1

Short title

Provides that the short title of this Act is the *Aquatic Resources Legislation Amendment Act 2015*.

Clause 2

Commencement

- (a) Provides that this part of the Act comes into operation on the day this Act receives Royal Assent.
- (b) Provides that Part 2 (which amends the *Aquatic Resources Management Act 2015*) comes into operation when clause 263 of the *Aquatic Resources Management Act 2015* comes into operation.
- (c) Provides that Part 3 (which amends the *Fishing Industry Promotion Training and Management Levy Act 1994*) comes into operation on the day that clause 267 of the *Aquatic Resources Management Act 2015* comes into operation (i.e. on the repeal of the *Fish Resources Management Act 1994*).

Part 2 — *Aquatic Resources Management Act 2015* amended

Clause 3 Act Amended
Provides that this Part amends the *Aquatic Resources Management Act 2015*.

Clause 4 Section 261 Amended
Section 263(5) provides that a regulation prescribing a fee made under section 263(2)(j) of the *Aquatic Resources Management Act 2015* may include one or more of the following:

- (a) an amount in respect to the extent or value of any authority conferred by an authorisation;
- (b) an amount in connection with any purpose referred to in section 232(4) or section 233(4) that is relevant to an authorisation;
- (c) if the fee is for the issue of an aquatic farming licence — an amount in respect of the area to which the licence relates;
- (d) an amount in respect of the costs of administering the Act.

Clause 4 inserts a new subclause 6 to make it clear that to the extent that the regulations prescribe a fee under subsection (2)(j) that includes an amount that is a tax under subsection 5, then the regulations may impose the tax.

This clause is similar in effect to that of section 257(3) of the FRMA.

Part 3 — *Fishing Industry Promotion Training and Management Levy Act 1994* amended

Clause 5 Act Amended
Provides that this Part amends the *Fishing Industry Promotion Training and Management Levy Act 1994*.

Clause 6 Section 5 replaced
Deletes section 5 of the *Fishing Industry Promotion Training and Management Levy Act 1994* and inserts a new section that provides that if a levy is prescribed in respect of a licence or resource share then that levy is imposed in respect of the levy or resource share.