

15 February 2017

RE: Amendments to the Torres Strait Prawn Fishery Management Plan 2009 are now in force

Dear TSPF licence holder

I am writing to you regarding recent amendments to the *Torres Strait Prawn Fishery (TSPF) Management Plan 2009* (the Plan). I wrote to all licence holders inviting comment on the proposed amendments in May 2016 and no relevant comments were received. The amendments have now been agreed to by the PZJA and came into effect on 16 February 2017.

Most of the amendments correct minor drafting errors or remove redundant provisions. The most significant amendment introduces a provision to cancel units of fishing capacity in the fishery that are surrendered or for which a levy is not paid. This is an important step for the fishery as it will allow the total allowable effort (TAE) effort to be distributed across the fewer remaining units of fishing capacity and thereby increase their unit value (fishing nights). The remaining licence holders who are paying levies will benefit. Before this amendment was made, any surrendered units of fishing capacity remained in the fishery unable to be used by anyone.

The amended plan can be found on the PZJA website (www.pzja.gov.au) and a copy with amendments in tracked changes is enclosed in this letter at Attachment A.

In relation to the payment of levy, AFMA has implemented a policy in relation to the cancellation of units of fishing capacity in the event of failure to pay fees and levies. AFMA has also developed a procedure, titled "*procedure for renewal of licences and collection of levies in the Torres Strait Prawn Fishery*" (Attachment B), explaining the licence renewal and levy collection process for TSPF licence holders. The procedure explains the timeline regarding licence renewals, including the licence expiry date, how to pay levies in order to have your licence and other endorsements renewed, and the consequences (licence expiry and cancellation of units) if the fees and levy are not paid by the final renewal date. The dates have not changed regarding licence renewals, however this procedure makes it clear for all licence holders.

If you have any questions regarding the amendments or the levy payment procedure, please contact me on 02 6225 5451 or by email at lisa.cocking@afma.gov.au.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'L' followed by a series of loops and a long horizontal stroke.

Lisa Cocking
Senior Management Officer, AFMA



Australian Government

Australian Fisheries Management Authority



Torres Strait Fisheries Standard Operating Procedure Number 5 (TS SOP 5)

Policy and procedure for the renewal of licences
and recovery of levies for the Torres Strait Prawn
Fishery

February 2017



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Signature	
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Document Stakeholders

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1. Purpose

This document outlines the Protected Zone Joint Authority's (PZJA) policy and procedures for the renewal of licences and the payment of levies for the Torres Strait Prawn Fishery (TSPF).

2. AFMA's Legislative Framework

AFMA manages the TSPF on behalf of the PZJA. Management covers a range of activities that are required under the PZJA's legislated functions. A whole of Government policy requires that agencies should set charges to recover all the costs of products and/or services where it is:

- efficient and effective to do so;
- where the beneficiaries are a narrow and identifiable group; and
- where charging is consistent with Australian Government policy objectives.

The PZJA has recognised that the TSPF falls within this policy. An example of the levy recovery process for the TSPF is illustrated in Figure 1 and described under Section 4.

3. Management responsibilities and determination of levy

AFMA issues fishing licences as a means of managing access to the various fisheries for which it is responsible. The holding of a fishing licence for a commercial fishery imparts rights and responsibilities, including the payment of levies to cover certain costs of managing the fishery. It is the licence holder's responsibility to ensure that the licence is renewed and the levy is paid by the final date on which payment can be accepted (the final renewal date).

4. License renewal and levy recovery process

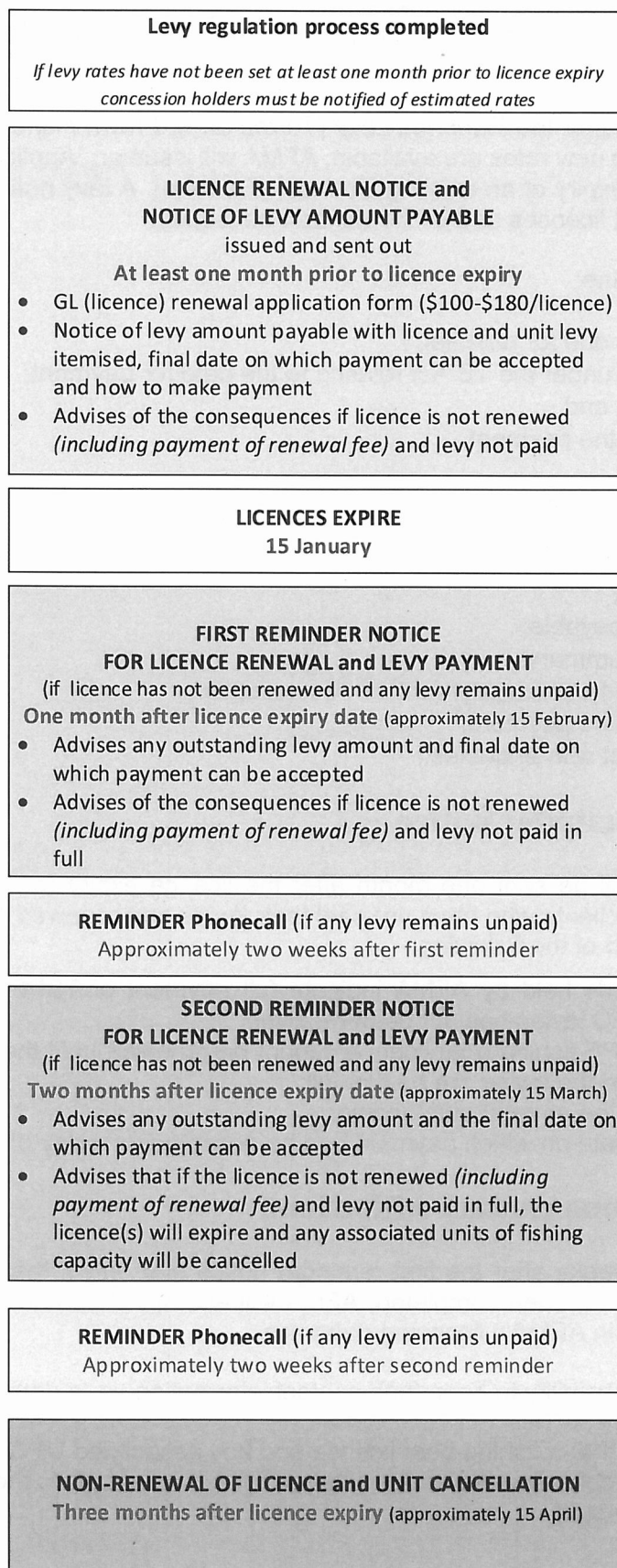
Clients must renew their licence(s) by paying their fishing boat licence and units of fishing capacity (UFC) levies within three months of the licence expiry date (the renewal period). The licence expiry date can vary between years and is stated in the licence conditions. The final date that licences can be renewed will be displayed on the levy notice as the last date on which payment can be accepted. After this date, there is no avenue to renew TSPF licences and the PZJA will cancel any UFCs associated with licences that are not renewed.

Renewal of TSPF licences is primarily governed by Section 24 of the *Torres Strait Fisheries Act 1984* (TSF Act) and Part 3 of the *Torres Strait Prawn Fishery Management Plan 2009*. TSPF licences can only be renewed if:

- a) an application for renewal is received in the appropriate form (as specified in the renewal notice) by the holder of a licence granted under section 19 of the TSF Act.
- b) the application is submitted to AFMA, and the licence renewed, no earlier than two months before and no later than three months after the prior licence expiration date (as specified on the licence);
- c) all licensing fees payable under the TSF Act are paid in full;
- d) all levies payable under the *Fishery Levy Act 1984* are paid in full.

When criteria a) to d) are complete the renewed licence will come into effect following expiry of the previous licence. The period of the new licence must be calculated from the expiry of the previous licence. A renewed licence, however, does not allow fishing before the date it is actually renewed. A new licence will not be in force until actually being renewed.

Figure 1. Example of the licence renewal and levy recovery process (see section 4.1 for details)



4.1 Licence renewal application form and levy notice

If the levy rates have not been set at least one month prior to the licence expiry date, AFMA will notify clients of the estimated levy rates for the next fishing season so preparation can be made for payment.

As soon as possible after the *Fisheries Levy (Torres Strait Prawn Fishery) Regulations 1998* are amended and the new rates are available, AFMA will issue an "Application for the renewal of a Licence on the expiry of an existing Licence" (GL form). A levy notice for any applicable levies on fishing boat licences and UFCs will also be issued.

The GL form will outline:

- the licence(s) due for renewal;
- requirements under the TS Act relating to the date for payment;
- renewal fees; and
- how to make the payment.

The levy notice will include:

- AFMA's logo;
- AFMA's ABN;
- levy amount payable;
- an account summary;
- the final date on which payment can be accepted;
- how to make the payment;
- who to contact with enquiries.

4.2 First reminder notice

A reminder notice will be sent one month after the licence expiry (as stated in the licence conditions) to TSPF clients who have not paid their levies and renewed their licences. These clients will be advised of the following:

- a) that records held by AFMA indicate full payment of TSPF fishing boat licence and/or UFC levies has not been received;
- b) that a TSPF fishing boat licence cannot be renewed until the licence renewal fee is paid and the levies are paid in full;
- c) details of the amount outstanding;
- d) the final date on which payment can be accepted (last day of *the renewal period*);

4.3 Telephone contact with client

Approximately two weeks after the first reminder notice and only if the licence renewal and levy payments have not been completed, AFMA will attempt to contact the client using their contact details listed in AFMA's licensing database.

It is the client's responsibility to keep their contact information up to date.

This call is to advise that a fishing boat licence and any associated UFCs *cannot* be renewed unless the renewal application fee and levy is paid in full on or before the final date on which payment can be accepted.

4.4 Second reminder notice

A second reminder notice will be sent two months after the licence expiry (one month before the final renewal date) to TSPF clients who have outstanding levies.

This notice will remind the client that if full payment is not received by the final renewal date on the licence(s) cannot be renewed and all associated UFCs will be cancelled. This notice will also advise that the PZJA policy is to not issue any new licences in the fishery or reissue UFCs cancelled due to non-payment of levy.

4.5 Telephone contact with client

Approximately two weeks after the second reminder notice and only if the licence renewal and levy payment have not been completed, AFMA will attempt to contact the client using their contact details listed in AFMA's licensing database.

This call is to advise that a fishing boat licence which is not renewed by the final renewal date *cannot* be renewed and any associated UFCs will be cancelled. Full payment of levy must be made on or before the final renewal date to facilitate renewal.

4.6 Final notice (non-renewal of licence and cancellation of UFCs)

Clients who have not renewed their licences and paid their levies in full by the final renewal date will be notified that their fishing boat licence(s) has expired and *cannot* be renewed. In addition, any associated UFCs will be cancelled by the PZJA.

Where a fishing licence expires and the associated effort units are cancelled, a letter will be sent to the client stating:

- that their fishing licence has expired and cannot be renewed (as per Section 24 of the TSF Act);
- the PZJA policy is to not issue any new licences in the TSPF or reactivate associated UFCs; and
- the background that resulted in the expiry of their licence and cancellation of their UFCs.

4.7 Right to appeal

The TSF Act does not provide any appeal rights where a licence is not renewed within the renewal period. Once the final date on which payment can be accepted for licence renewal, fees and levy has passed, the licence *cannot* be renewed and all associated UFCs will be cancelled. The PZJA policy is not to grant new licences or licences that have previously expired or reactivated associated UFCs in the TSPF.

5. Surrender of Fishing Concessions

A licence holder can surrender a fishing licence and UFCs at any time should they no longer wish to operate in the fishery. Once surrendered, these endorsements cannot be re-instated nor can a new entitlement be issued. The only mechanism to re-enter the fishery would be through purchasing or leasing existing licences and UFCs.

6. Methods of payment

AFMA provides a number of payment methods, all of which are detailed on the relevant notices. Clients may pay their debt in any one of the following ways:

- BPAY by internet or phone
- direct deposit at any branch of the National Australia Bank
- cheque or money order
- credit card by fax, phone or post (only Visa or Mastercard accepted)

Payments must be received by AFMA on or before the final renewal date. Credit Card payments and direct deposits are deemed to have been received when the payment is credited to the AFMA bank account. A debt paid by cheque is deemed paid once the cheque is honoured.

It is the responsibility of the client to ensure the requirements for payment are achieved.

7. Collection of overdue payments after the specified period

Levies for the TSPF are paid in advance of the upcoming season. As a consequence there is no avenue to recover levies from clients who have allowed their licence to expire due to non-payment of levies within the renewal period.

As the TSPF is a cost recovered fishery, any deficit resulting from non-payment of levies are considered to be outstanding management costs and will be recovered through the following years' levy calculations.

8. Definitions

AFMA – Australian Fisheries Management Authority and the PZJA licence delegate.

Final renewal date – is the last day on which payment of levies and fees can be accepted to enable licence renewal. This date will be described on the levy notice as the date after which payment cannot be accepted and is three months after the licence expiry date. The licence expiry date could change from year to year and is specified in the licence conditions.

UFCs – Units of Fishing Capacity are the transferrable effort units held by licence holders in the fishery. Each unit is converted annually into a 'use' entitlement based on the total allowable fishing effort allocated each season.

GL form – an application form for the renewal of a Licence on the expiry of an existing Licence. This form is provided to licence holders by AFMA.

Licence expiry – licence expiry can change from year to year. However the licence expiry date is stated on your licence conditions each year

PZJA – Protected Zone Joint Authority

Renewal period – the renewal period for licences is two months before, and three months after the date of the licence expiry (15 January at the time of publication of this policy). The licence expiry date may change periodically, so please ensure you are aware of the correct date as detailed in your annual licence conditions.

TSPF – Torres Strait Prawn Fishery