

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 22 August 1985

(Minister for Primary Industry)

A BILL

FOR

An Act to amend the *Foreign Fishing Boats Levy Act 1981*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

5 1. (1) This Act may be cited as the *Foreign Fishing Boats Levy Amendment Act 1985*.

 (2) The *Foreign Fishing Boats Levy Act 1981*¹ is in this Act referred to as the Principal Act.

Commencement

10 2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation

 3. Section 3 of the Principal Act is amended by inserting before the definition of "fish" the following definition:

15 " 'Australian fishing zone' has the same meaning as in the *Fisheries Act 1952*;".

Imposition of levy

4 Section 4 of the Principal Act is amended by adding at the end the following sub-sections:

“(4) Where—

- (a) a licence is granted in respect of a foreign fishing boat other than a boat lawfully imported into Australia for a limited period; and 5
- (b) the Minister is satisfied that—
 - (i) the boat is operated by, on behalf of, or in accordance with the instructions of, a resident of Australia; and
 - (ii) the operations of the boat in the Australian fishing zone will confer benefits on Australia, 10

the Minister may, by notice in writing published in the *Gazette*, declare the boat to be a boat to which this sub-section applies and, if such a declaration is made, levy is not payable in respect of the boat.

“(5) Where the Minister makes a declaration under sub-section (4), the Minister shall cause a copy of the notice containing the declaration to be laid before each House of the Parliament within 15 sitting days of that House after the notice was published.”. 15

Amount of levy

5 Section 5 of the Principal Act is amended— 20

- (a) by omitting “The amount” and substituting “Subject to sub-section (2), the amount”; and
 - (b) by adding at the end the following sub-section:
 - “(2) Where—
 - (a) the Minister has entered into an agreement with a person other than the government of another country or with persons none of whom is the government of another country; and 25
 - (b) the agreement contains a provision under which licences are agreed to be granted in respect of foreign fishing boats if an amount specified in the provision is paid to Australia, 30
- the amount of the levy imposed by section 4 on the grant of all those licences is the amount specified in the provision.”.

By whom levy payable

6. Section 6 of the Principal Act is amended— 35

- (a) by omitting “The amount” and substituting “Subject to sub-section (2), the amount”; and
- (b) by adding at the end the following sub-section:
 - “(2) The amount of the levy imposed by section 4 on the grant of licences in respect of foreign fishing boats, being licences granted in accordance with an agreement of a kind referred to in sub-section 5 (2), is payable by the person, or jointly and severally by the persons, as the case may be, with whom the Minister entered into the agreement.”. 40

Regulations

7. Section 7 of the Principal Act is amended by omitting from sub-section (2) "section 5" and substituting "sub-section 5 (1)".

NOTE

1. No. 179, 1981.

