



Foreign Fishing Boats Levy Act 1981

No. 179 of 1981

**An Act to impose a levy on the grant of certain licences in
respect of foreign fishing boats**

[Assented to 8 December 1981]

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

Short title

1. This Act may be cited as the *Foreign Fishing Boats Levy Act 1981*.

Commencement

2. This Act shall come into operation on a day to be fixed by Proclamation.

Interpretation

3. In this Act, unless the contrary intention appears—
“fish” has the same meaning as in the *Fisheries Act 1952*;
“foreign fishing boat”, in relation to the grant of a licence, means—
 - (a) in a case of the grant of a licence under sub-section 9 (2) or (3) of the *Fisheries Act 1952*—a boat that is a foreign boat for the purposes of that Act or a boat in respect of which an instrument is in force under sub-section 4 (2) of that Act; and

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- (b) in a case of the grant of a licence under sub-section 13 (2) of the *Continental Shelf (Living Natural Resources) Act 1968*—a boat that is a foreign ship for the purposes of that Act;

“licence” means a licence under sub-section 9 (2) or (3) of the *Fisheries Act 1952* or a licence under sub-section 13 (2) of the *Continental Shelf (Living Natural Resources) Act 1968*;

“sedentary organism” has the same meaning as in the *Continental Shelf (Living Natural Resources) Act 1968*.

Imposition of levy

4. (1) Subject to this section, a levy is imposed on the grant to a person of a licence in respect of a foreign fishing boat.

(2) Levy is not imposed on the grant of a licence in respect of a foreign fishing boat included in a prescribed class of foreign fishing boats, being a foreign fishing boat that has been imported into Australia for a limited period.

(3) Where there is in force an agreement between Australia and the government of another country that contains a provision under which licences are agreed to be granted in respect of foreign fishing boats (whether or not the provision also provides for the payment of an amount or amounts to Australia), levy is not imposed on the grant of any of the licences to which the provision relates.

Amount of levy

5. The amount of the levy imposed by section 4 on the grant of a licence in respect of a foreign fishing boat is such amount as is prescribed by the regulations or as is calculated in accordance with the regulations.

By whom levy payable

6. The amount of the levy imposed by section 4 on the grant of a licence in respect of a foreign fishing boat is payable by the person to whom the licence is granted.

Regulations

7. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations made for the purposes of section 5 may prescribe different amounts of, or different methods of calculating the amounts of, levy imposed by this Act on the grant of licences in respect of different boats or different classes or kinds of boats, and may prescribe the amount of, or a method of calculating the amount of, levy imposed by this Act on the grant of a licence in respect of a boat by reference to a matter or matters specified in the regulations, being a matter or matters relating to the boat or to the operations of the boat,

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or, without limiting the generality of the foregoing, by reference to any one or more of the following matters:

- (a) the fact that the boat is included in a class or kind of boats in respect of which an agreement relating to the operations or proposed operations of boats of that class or kind is in force, being an agreement to which the Commonwealth is a party;
- (b) the size or tonnage of the boat, measured as prescribed, or the power of the main engine of the boat;
- (c) the quantity or kind of equipment permitted by the licence to be carried on the boat for the purpose of taking, processing or carrying fish or sedentary organisms;
- (d) the quantity of the fish or sedentary organisms, measured as prescribed, that the licence authorizes to be taken or processed with the use of the boat or carried by the boat;
- (e) the kind of fish or sedentary organisms that the licence authorizes to be taken or processed with the use of the boat or carried by the boat;
- (f) the conditions to which the licence is subject;
- (g) the method or methods by which the licence authorizes fish or sedentary organisms to be taken, processed or carried;
- (h) the degree of control that persons who are residents of Australia or of an external Territory have over the operations of the boat.