

## EXPLANATORY STATEMENT

STATUTORY RULES 1982

NO.288

Issued by the Authority of the Minister for Primary Industry

Section 7 of the Foreign Fishing Boats Levy Act 1981 (the Act) provides that the Governor-General may make regulations prescribing, inter alia, the amount of levy payable by reference to any matter or matters relating to the boat or its operation, including any agreement to which the Commonwealth is a party, or the methods of fishing authorised by the licence.

The Act provides for the imposition of a levy on the grant of a licence in respect of a foreign fishing boat except where licensed under a Government to Government agreement or where included in a prescribed class of temporarily imported boats. The Fisheries Amendment Act 1981 provides for the collection of any levy imposed under the Act.

Section 5 of the Act provides that the amount of levy imposed 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.

Under an agreement between the Commonwealth, the Kaohsiung Fishing Boat Commercial Guild and the K.K.F.C. Proprietary Limited conditions of access to the Australian fishing zone have been determined for Taiwanese fishing boats for the period 1 November 1982 to 31 July 1983. Included in these conditions is a total access fee for the 30 boats permitted to engage in gillnet fishing operations and the 120 boats permitted to engage in pair trawl fishing operations. The total access fee negotiated under the agreement has been converted to per boat amounts in the regulations because the Act requires the licensee of a boat to pay the prescribed levy.

The Foreign Fishing Boats Levy Regulations prescribe a levy of \$8,647 per boat engaged in gillnet fishing operations and \$6,038 per boat engaged in pair trawl fishing operations.

In accordance with an undertaking in the agreement that replacement boats will not be subject to the full amount of levy, the Regulations also prescribe a levy of \$20 per boat in respect of a replacement boat where the boat is a replacement for another boat which has been licensed to operate in the Australian fishing zone in accordance with the agreement.

3.

between the Commonwealth, the Guild and the K.K.F.C. Proprietary Limited. It is expected that a replacement boat would only be accepted where it replaces another boat which has been withdrawn from fishing because of an Act of God or other unforeseen circumstances.

The Regulations are expressed to commence on 1 November 1982.

S.R. Rules No. 238/82