

EXPLANATORY STATEMENT

STATUTORY RULES 1987 NO. 296

Issued by the authority of the Minister for Resources

FOREIGN FISHING BOATS LEVY ACT 1981

FOREIGN FISHING BOATS LEVY REGULATIONS (AMENDMENT)

Subsection 7(1) of the Foreign Fishing Boats Levy Act 1981 ('the Act') empowers the Governor-General to make regulations for carrying out or giving effect to the Act.

Subsection 4(2) of the Act provides for the exemption from levy of prescribed classes of foreign fishing boat.

Regulation 4 of the Foreign Fishing Boat Levy Regulations prescribe as a class of boats which is exempt from levy, boats which are deemed to be Australian boats by reason of instrument to that effect being in force under subsection 4(2) of the Fisheries Act 1952.

The amendments replace this provision with the effect of narrowing this exemption so that it applies only where the 'deemed' boat is owned by a resident Australian citizen, or by an Australian registered company, the majority of whose shareholders are resident Australian citizens.

The amendments also remove provisions which prescribe the levy imposed on licences issued under a fisheries agreement between the Minister and companies representing Taiwanese fishing interests. These provisions have been unnecessary following the entry into force of the Foreign Fishing Boats Levy Amendment Act 1985, which provides that the amount of levy payable for licences issued under agreements of this kind is the amount specified in the agreement itself.

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