FOREIGN FISHING BOATS LEVY AMENDMENT BILL 1985

Date introduced: 22 August 1985
House: House of Representatives
Presented by: Hon. John Kerin, M.P., Minister for Primary Industry

Short Digest of Bill

Purpose

(1) To provide proper statutory authority for collecting the full amount of fees specified in any agreement between the Commonwealth and a foreign interest - other than a foreign government - for access to the Australian fishing zone.

(2) To simplify the administrative processes necessary for exempting from a levy imposed on foreign boats accessing the Australian fishing zone, foreign vessels which confer benefits to Australia.

Background

The Foreign Fishing Boat Levy Act 1981 imposes a prescribed amount of levy on the grant by the Commonwealth of licences authorising foreign boats to fish in the 200 nautical mile Australian Fishing Zone (AFZ), proclaimed by Australia on 1 November 1979.

Under the Act, a levy does not apply to those foreign boats which:

- are licensed under an agreement with a foreign government (presently, such agreements exist only with Japan and with the Republic of Korea);
are temporarily imported for use by, and under the control of, Australians; or

- operate under a formal agreement requiring foreign operators to provide other benefits to Australia.

Outline

1. Payment of the levy

The levy on the granting of licences to foreign boats fishing in the AFZ is calculated by dividing a previously determined total agreed access fee (payable on agreement) by the agreed number of boats to be licensed.

A problem arises when fewer than the agreed number of boats apply for a licence. Under the present legislation, this portion of the total access fee which is not fully accounted for by the granted licences, remains unauthorised, and hence open to legal challenge.

The Bill closes the above loophole (clauses 5 and 6) by providing clear legal authority to collect the full amount of the total access fee specified in any agreement irrespective of the number of licences issued.

2. Non-application of the levy

The conclusion of formal agreements (required under the Fisheries Act 1952) exempting certain foreign boats from paying a levy for fishing licences in the AFZ (see background) is complex and time consuming.

The proposed amendment (clause 4) to section 4 of the Principal Act will simplify the administrative processes necessary for exempting from the levy those foreign vessels operated in the AFZ which provide benefits to Australia, or are operated by, on behalf of, or in accordance with the instructions of, a resident of Australia.
For further information, if required, contact the Economics and Commerce Group.

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