



Foreign Fishing Licences Levy Act 1991

No. 150, 1991

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

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[Assented to 21 October 1991]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Foreign Fishing Licences Levy Act 1991*.

2 Commencement

- (1) Sections 1 and 2 commence on the day on which this Act receives the Royal Assent.

- (2) Subject to subsection (3), the remaining provisions of this Act commence on a day to be fixed by Proclamation.
- (3) If a provision mentioned in subsection (2) does not commence under that subsection within the period of 6 months commencing on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

3 Interpretation

In this Act, unless the contrary intention appears:

AFMA, *AFZ* and *fish* have the same respective meanings as in the *Fisheries Management Act 1991*.

licence means a foreign fishing licence granted under Part 3 of the *Fisheries Management Act 1991*.

4 Imposition of levy

- (1) Subject to this section, a levy is imposed on the grant to a person of a licence.
- (2) Where there is in force an agreement between the Commonwealth and the government of another country that contains a provision under which licences are agreed to be granted (whether or not the provision also provides for the payment of an amount or amounts to the Commonwealth), levy is not imposed on the grant of any of the licences to which the provision relates.

5 Amount of levy

- (1) Subject to subsection (2), the amount of the levy imposed by section 4 on the grant of a licence is such amount as is prescribed by the regulations or as is calculated in accordance with the regulations.
- (2) Where:
 - (a) AFMA 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

- (b) the agreement contains a provision under which licences are agreed to be granted if an amount specified in the provision is paid to the Commonwealth;
the amount of the levy imposed by section 4 on the grant of all those licences is the amount specified in the provision.

6 By whom is levy payable?

- (1) Subject to subsection (2), the amount of the levy imposed by section 4 on the grant of a licence is payable by the person to whom the licence is granted.
- (2) The amount of the levy imposed by section 4 on a licence granted in accordance with an agreement of a kind mentioned in subsection 5(2), is payable by the person, or jointly and severally by the persons, as the case may be, with whom AFMA entered into the agreement.

7 Regulations

- (1) The Governor-General may make regulations, not inconsistent with this Act:
 - (a) prescribing all matters required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Regulations made for the purposes of subsection 5(1) may prescribe the amount of, or method of calculating the amount of, levy imposed by this Act on the grant of a licence by reference to a matter specified in the regulations, being a matter relating to the boat or to the operations of the boat the use of which is authorised by the licence 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 of boats in respect of which an agreement relating to the operations or proposed operations of boats of that class is in force, being an agreement to which AFMA is a party;
 - (b) the size or tonnage of the boat, measured as prescribed, or the power of the boat's main engine;

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- (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;
- (d) the quantity of the fish, measured as prescribed, that the licence authorises to be taken or processed with the use of the boat or carried by the boat;
- (e) the kind of fish that the licence authorises 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 by which the licence authorises fish 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.