

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

FISHERIES AGREEMENTS (PAYMENTS) AMENDMENT BILL 1985

EXPLANATORY MEMORANDUM

(Circulated by authority of the
Minister for Primary Industry,
the Hon. John Kerin, MP)

OUTLINE

The Fisheries Agreements (Payments) Amendment Bill 1985 amends the Fisheries Agreements (Payments) Act 1981 by requiring the Minister or the Secretary to have regard only to the terms of any agreement between Australia and one or more parties other than the Government of another country, whereby Australia agrees to license foreign boats for fishing in the 200-nautical-mile Australian fishing zone in consideration of payment to Australia of an amount specified in the agreement, when deciding whether or not to grant licences pursuant to that agreement.

The Bill further requires the Minister or the Secretary not to grant any such licence unless the specified amount has been paid.

The new provisions have effect only insofar as they constitute a law imposing, or dealing with the imposition of, taxation within the meaning of s.55 of the Constitution.

The Bill has no direct financial impact on either revenue or expenditure.

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NOTES ON CLAUSES

Clause 1: Short title

1. Self-explanatory.

Clause 2: Commencement

2. The Act will come into force on Royal Assent.

Clause 3: Effect of sections 4 and 5

3. Section 5 of the Act as proposed to be inserted by clause 4 of the Bill has effect only to the extent that it is a law imposing, or dealing with the imposition of, taxation within the meaning of s.55 of the Constitution.

Clause 4: Payments under fisheries agreements entered into otherwise than with the Government of another country

4. The Minister, or the Secretary, is to have regard only to the terms of an agreement between Australia and one or more parties other than the Government of a foreign country, whereby Australia agrees to licence foreign boats for fishing in the Australian fishing zone if a specified amount is paid to Australia, when deciding whether or not to grant any of those licences.

5. The Minister, or the Secretary, is not to grant any such licences unless the amount specified in the agreement has been paid to Australia in the manner specified in the agreement.