

1991

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

FISHERIES AGREEMENTS (PAYMENTS) BILL 1991

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary
Industries and Energy the Honourable John Kerin MP)

FISHERIES AGREEMENTS (PAYMENTS) BILL 1991

GENERAL OUTLINE

The purpose of this Bill is to allow the Government to collect amounts payable under an agreement between the Australian Government and a foreign Government or under an agreement between the Australian Fisheries Management Authority (AFMA) and commercial interests under which foreign fishing boats are allowed access to the Australian fishing zone. This Bill is to replace the Fisheries Agreements (Payments) Act 1981, to reflect changes to the management of fisheries resulting from the replacement of the Fisheries Act 1952 and the Continental Shelf (Living Natural Resources) Act 1968 and their replacement by the Fisheries Management Bill 1991.

FINANCIAL IMPACT STATEMENT

This Bill will not effect existing revenue or expenditure. It replaces the Fisheries Agreements (Payments) Act 1981 and merely reflects changes arising from new fisheries management arrangements.

NOTES ON CLAUSESClause 1 - Short title

1. The Bill is to be cited as the Fisheries Agreements (Payments) Act 1991.

Clause 2 - Commencement

2. This clause provides for clauses 1 and 2 to commence from date of Royal Assent. The remainder of the Bill commences on a date fixed by Proclamation or six months after receiving Royal Assent, whichever occurs sooner.

Clause 3 - Interpretation

3. This clause defines certain terms used in the Bill.

Clause 4 - Effect of section 5 or 6

4. This clause provides that clauses 5 and 6 have effect only in so far as payments under these clauses and taxes within the meaning of section 55 of the Constitution.
5. The Fisheries Management Bill 1991 contains parallel provisions (sub-clause 34(5) and sub-clause 35(4) which cover these payments in the event that they may not be taxes within the meaning of section 55 of the Constitution.

Clause 5 - Payments under fisheries agreements entered into with the government of another country

6. This clause provides for the payment to the Commonwealth of amounts specified in an agreement between the Commonwealth and another country under which access to designated Australian fisheries is given with respect to a specified number of fishing boats from that other country.
7. Foreign fishing licences granted in accordance with such an agreement may be suspended if the agreed amounts are not paid, but such suspension must be revoked if the money due is paid.

Clause 6 - Payments under fisheries agreements entered into otherwise than with the government of another country

8. This clause provides that AFMA must grant foreign fishing licences specified in agreements which it enters into with other than the government of another country. Such licences must not, however, be granted unless the amounts specified in the agreement have been paid to the Commonwealth.



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