

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 24 September 1981

*(Minister for Transport)*

## A BILL

FOR

### **An Act relating to payments under certain fisheries agreements**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

#### **Short title**

5       1. This Act may be cited as the *Fisheries Agreements (Payments) Act* 1981.

#### **Commencement**

      2. This Act shall come into operation on the day on which the *Foreign Fishing Boats Levy Act* 1981 comes into operation.

#### **Effect of section 4**

10       3. Section 4 has effect only so far as that section is a law imposing taxation or dealing with the imposition of taxation within the meaning of section 55 of the Constitution.

#### **Payments under fisheries agreements**

15       4. (1) If there is in force an agreement between Australia and the government of another country that contains a provision under which licences

under sub-section 9 (2) or (3) of the *Fisheries Act* 1952 or under sub-section 13 (2) of the *Continental Shelf (Living Natural Resources) Act* 1968 are agreed to be granted in respect of foreign fishing boats if an amount or amounts specified in the provision is or are paid to Australia (whether or not that amount or those amounts or any part of that amount or of those amounts is or are to be paid before the grant of any of the licences), then, notwithstanding anything contained in those Acts, the Minister or the Secretary to the Department of Primary Industry shall, in determining whether or not to grant any of the licences to which the provision relates, have regard only to the terms of the agreement. 5 10

(2) Where—

- (a) an agreement that contains a provision of a kind referred to in sub-section (1) is in force;
- (b) a licence or licences to which the provision relates has or have been granted under sub-section 9 (2) or (3) of the *Fisheries Act* 1952 or under sub-section 13 (2) of the *Continental Shelf (Living Natural Resources) Act* 1968 in respect of a foreign fishing boat or foreign fishing boats; and 15
- (c) the amount or amounts specified in the provision or any part of that amount or of those amounts is not paid to Australia in accordance with the terms of the provision, 20

the Minister may, by notice in writing given to the holder of a licence of a kind referred to in paragraph (b), suspend the licence.

(3) Where the Minister has suspended a licence under sub-section (2), the Minister shall, by notice in writing given to the holder of the licence, revoke the suspension if the amount or the amounts the failure to pay which resulted in the suspension of the licence is or are paid to Australia. 25

(4) In this section, “foreign fishing boat” has the same meaning as in the *Foreign Fishing Boats Levy Act* 1981.