

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 17 April 1985

(*Minister for Primary Industry*)

A BILL

FOR

An Act to amend the *Fisheries Licences Levy Act 1984*

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

Short title

1. This Act may be cited as the *Fisheries Levy Amendment Act 1985*.

5 **Commencement**

2. This Act shall come into operation on the day fixed under section 2 of the *Fishing Legislation Amendment Act 1985*.

Principal Act

10 3. The *Fisheries Licences Levy Act 1984*¹ is in this Act referred to as the Principal Act.

Long title

4. The title to the Principal Act is amended by adding at the end “and certain units of fishing capacity”.

Short title

15 5. Section 1 of the Principal Act is amended by omitting “*Licences*”.

6. Section 3 of the Principal Act is repealed and the following section is substituted:

Interpretation

- “3. (1) In this Act, unless the contrary intention appears—
- ‘fisheries licence’ means a licence under the *Fisheries Act 1952* or the *Torres Strait Fisheries Act 1984*; 5
- ‘fishery’ means a class of activities by way of fishing, being a class of such activities that is identified in a plan of management as a fishery to which the plan of management applies;
- ‘plan of management’ means a plan of management determined under sub-section 7B (1) of the *Fisheries Act 1952*. 10

“(2) A reference in this Act to units of fishing capacity is a reference to the units into which, under a plan of management for a fishery, the fishing capacity permitted for the fishery is divided.”.

Imposition of levy 15

7. Section 5 of the Principal Act is amended—

- (a) by inserting after paragraph (b) the following paragraphs:
- “(ba) the renewal under sub-section 9 (6B) of the *Fisheries Act 1952* of a licence granted under sub-section 9 (2) or (3) of that Act, being a licence included in a class of licences prescribed for the purposes of this paragraph; 20
- (bb) the variation under sub-section 9 (7A) of the *Fisheries Act 1952* of a licence granted under sub-section 9 (2) or (3) of that Act, being a licence included in a class of licences prescribed for the purposes of this paragraph; 25
- (bc) the allocation of units of fishing capacity, being units of fishing capacity prescribed for the purposes of this paragraph;
- (bd) the renewal of the allocation of units of fishing capacity, being units of fishing capacity prescribed for the purposes of this paragraph;” 30
- (b) by omitting from paragraph (f) “and”; and
- (c) by inserting after paragraph (f) the following paragraph:
- “(fa) the variation under sub-section 25A (1) of the *Torres Strait Fisheries Act 1984* of a licence granted under sub-section 19 (2) or (3) of that Act, being a licence included in a class of licences prescribed for the purposes of this paragraph; and” 35

Amount of levy

8. Section 6 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “, the variation of a fisheries licence, the allocation of a unit of fishing capacity, the renewal of the allocation of a unit of fishing capacity” after “the endorsement of a fisheries licence”; 40

(b) by omitting from paragraph (2) (b) “and”; and

(c) by inserting after paragraph (2) (b) the following paragraph:

“(ba) units of fishing capacity included in different classes of units of fishing capacity; and”.

5 **Payment of levy**

9. Section 7 of the Principal Act is amended by adding at the end the following sub-sections:

10 “(4) The amount of the levy imposed by this Act on the variation of a fisheries licence is payable by the holder of the licence at the time of the variation of the licence.

“(5) The amount of the levy imposed by this Act on the allocation of a unit of fishing capacity is payable by the person to whom the unit of fishing capacity is allocated at the time of the allocation of the unit of fishing capacity.

15 “(6) The amount of the levy imposed by this Act on the renewal of the allocation of a unit of fishing capacity is payable by the holder of the unit of fishing capacity at the time of the renewal of the allocation of the unit of fishing capacity.”.

Regulations

20 10. Section 8 of the Principal Act is amended by adding at the end the following sub-section:

25 “(2) Notwithstanding section 49A of the *Acts Interpretation Act 1901*, the regulations may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in a plan of management, being a plan of management as in force at a particular time or as in force from time to time.”.

NOTE

1. No. 151, 1984.

