



Protection of the Sea (Shipping Levy) Act 1981

Act No. 34 of 1981 as amended

This compilation was prepared on 5 October 2005
taking into account amendments up to Act No. 120 of 2005

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to impose a levy in respect of certain ships in Australian ports with oil on board

1 Short title [see Note 1]

This Act may be cited as the *Protection of the Sea (Shipping Levy) Act 1981*.

2 Commencement [see Note 1]

- (1) This Act shall come into operation on a date to be fixed by Proclamation.
- (2) The date fixed under subsection (1) shall not be a date other than the first day of a quarter.

3 Repeal

The *Pollution of the Sea by Oil (Shipping Levy) Act 1972* is repealed.

4 Incorporation of Collection Act

The *Protection of the Sea (Shipping Levy Collection) Act 1981* is incorporated in, and shall be read as one with, this Act.

5 Imposition of levy

Where, at any time during a quarter when a ship to which this Act applies was in an Australian port, there was on board the ship a quantity of oil in bulk weighing not less than 10 tonnes, levy is imposed in respect of the ship for the quarter.

6 Rate of levy

The rate of levy for a quarter is such rate per ton of the tonnage of a ship as is prescribed and is, in accordance with the regulations, applicable to the quarter.

7 Minimum amount of levy

Where, but for this section, the amount of the levy payable in respect of a ship for a quarter would be less than such amount, being an amount not exceeding \$25, as is prescribed for the purposes of this section and is, in accordance with the regulations, applicable to the quarter, the amount of the levy payable in respect of the ship for the quarter is the amount so prescribed.

8 Application of Act

- (1) This Act applies to a ship (including a ship that is laid up) the tonnage length of which is not less than 24 metres, but does not apply to a ship:
 - (a) that belongs to, or is for the time being demised or sub-demised to or in the exclusive possession of, an arm of the Defence Force of Australia or the armed forces of a country other than Australia;
 - (b) that belongs to, or is for the time being demised or sub-demised to or in the exclusive possession of, the Commonwealth or a State or Territory, or an authority of the Commonwealth or of a State or Territory, and is not engaged in trade; or
 - (c) the beneficial interest in which is vested in the Commonwealth or a State or Territory, or an authority of the Commonwealth or of a State or Territory, and that is not engaged in trade.
- (2) The tonnage length of a ship shall be determined, for the purposes of subsection (1), in the same manner as it is determined for the purposes of the *Shipping Registration Act 1981*.

9 Regulations

The Governor-General may make regulations for the purposes of sections 6 and 7.

Table of Acts**Notes to the *Protection of the Sea (Shipping Levy) Act 1981*****Note 1**

The *Protection of the Sea (Shipping Levy) Act 1981* as shown in this compilation comprises Act No. 34, 1981 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Protection of the Sea (Shipping Levy) Act 1981</i>	34, 1981	14 Apr 1981	1 Oct 1982 (see <i>Gazette</i> 1982, No. S197)	—
<i>Protection of the Sea (Shipping Levy) Amendment Act 1984</i>	17, 1984	26 Apr 1984	1 Oct 1985 (see s. 2 and <i>Gazette</i> 1985, No. S394)	—
<i>Protection of the Sea (Shipping Levy) Amendment Act 1993</i>	15, 1994	19 Jan 1994	19 Jan 1994	—
<i>Protection of the Sea (Shipping Levy) Amendment Act 2005</i>	120, 2005	4 Oct 2005	5 Oct 2005	—

Table of Amendments

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ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 6	am. No. 15, 1994; No. 120, 2005
S. 8	am. No. 17, 1984