



# **Protection of the Sea (Imposition of Contributions to Oil Pollution Compensation Fund—Customs) Act 1993**

**Act No. 42 of 1993 as amended**

This compilation was prepared on 16 October 2008 taking into account amendments up to Act No. 94 of 2008

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

Prepared by the Office of Legislative Drafting and Publishing, Attorney-General's Department, Canberra







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# **An Act to impose contributions payable under the *Protection of the Sea (Oil Pollution Compensation Fund) Act 1993*, so far as those contributions are duties of customs**

## **1 Short title** [see Note 1]

This Act may be cited as the *Protection of the Sea (Imposition of Contributions to Oil Pollution Compensation Fund—Customs) Act 1993*.

## **2 Commencement** [see Note 1]

This Act commences, or is taken to have commenced, as the case requires, on the commencement of Chapter 1 of the *Protection of the Sea (Oil Pollution Compensation Fund) Act 1993*.

## **3 Application of the *Protection of the Sea (Oil Pollution Compensation Fund) Act 1993***

Sections 4 and 5 of the *Protection of the Sea (Oil Pollution Compensation Fund) Act 1993* apply in relation to this Act in a corresponding way to the way in which they apply in relation to that Act.

## **4 Imposition of contributions**

- (1) Contributions payable under the *Protection of the Sea (Oil Pollution Compensation Fund) Act 1993* are imposed.
- (2) This section imposes contributions only so far as those contributions are duties of customs within the meaning of section 55 of the Constitution.

## **5 Act does not impose tax on property of a State**

- (1) This Act does not impose a tax on property of any kind belonging to a State.
- (2) In this section, *property of any kind belonging to a State* has the same meaning as in section 114 of the Constitution.



**Table of Acts**

**Notes to the *Protection of the Sea (Imposition of Contributions to Oil Pollution Compensation Fund—Customs) Act 1993***

**Note 1**

The *Protection of the Sea (Imposition of Contributions to Oil Pollution Compensation Fund—Customs) Act 1993* as shown in this compilation comprises Act No. 42, 1993 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 (Imposition of Contributions to Oil Pollution Compensation Fund—Customs) Act 1993</i>	42, 1993	15 Oct 1993	8 Jan 1995 (see s. 2 and <i>Gazette</i> 1994, No. S462)	
<i>Protection of the Sea Legislation Amendment Act 2008</i>	94, 2008	3 Oct 2008	Schedule 1 (items 1–5): [see (a) and Note 2]	—

## Act Notes

(a) Subsection 2(1) (item 2) of the *Protection of the Sea Legislation Amendment Act 2008* provides as follows:

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
2. Schedule 1	<p>A single day to be fixed by Proclamation.</p> <p>A Proclamation must not specify a day that occurs before the day on which the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 enters into force for Australia.</p> <p>However, if the provision(s) do not commence within the period of 6 months beginning on the day on which the Protocol enters into force for Australia, they commence on the first day after the end of that period.</p> <p>If the provision(s) commence in this way, the Minister must announce by notice in the <i>Gazette</i> the day on which the Protocol enters into force for Australia.</p> <p>The notice is not a legislative instrument.</p>	[see Note 2]

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**Note 2**

*Protection of the Sea Legislation Amendment Act 2008* (No. 94, 2008)

The following amendments commence 6 months after the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 enters into force for Australia unless proclaimed before this 6 month period:

**Schedule 1**

**1 Title**

Omit “*Fund*”, substitute “*Funds*”.

**2 Section 1**

Omit “*Fund*”, substitute “*Funds*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

**3 Section 2**

Omit “*Fund*”, substitute “*Funds*”.

**4 Section 3**

Omit “*Fund*”, substitute “*Funds*”.

Note: The heading to section 3 is altered by omitting “*Fund*” and substituting “*Funds*”.

**5 Subsection 4(1)**

Omit “*Fund*”, substitute “*Funds*”.

As at 16 October 2008 the amendments are not incorporated in this compilation.