Seafarers Rehabilitation and Compensation Levy Collection Regulations 2002

Statutory Rules 2002 No. 152 as amended

made under the

Seafarers Rehabilitation and Compensation Levy Collection Act 1992

This compilation was prepared on 14 January 2007
taking into account amendments up to SLI 2006 No. 339

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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1 **Name of Regulations** [see Note 1]

These Regulations are the *Seafarers Rehabilitation and Compensation Levy Collection Regulations 2002*.

2 **Commencement**

These Regulations commence on 1 July 2002.

3 **Definitions**

In these Regulations:

*Act* means the *Seafarers Rehabilitation and Compensation Levy Collection Act 1992*.

*levy collector* means the Seafarers Safety, Rehabilitation and Compensation Authority (also known as the Seacare Authority).

4 **Returns**

(1) For section 6 of the Act, the levy collector is prescribed.

(2) A return mentioned in section 6 of the Act must be given to the levy collector:

(a) by post at: Seacare Authority

   GPO Box 9905

   CANBERRA ACT 2601; or

(b) by fax at: 02 6275 0067; or

(c) by e-mail at: seacare@comcare.gov.au.

(3) The employer must give with the return the following information:

(a) the amount of levy paid for the quarter;

(b) the manner of payment of levy;

(c) the date when the payment was made;

(d) the employer’s Australian Business Number.

Penalty: 5 penalty units.
5 Manner of payment of levy

(1) An employer must pay levy payable under the Seafarers Rehabilitation and Compensation Levy Act 1992 (the Levy Act) by:

(a) cheque payable to the Seafarers Safety, Rehabilitation and Compensation Authority and sent to the levy collector at the address mentioned in paragraph 4 (2) (a); or

(b) direct credit to the Comcare Official Administered Receipts Account – Seacare Authority (BSB 062987, account number 10003681).

Note 1 The rate of levy is prescribed by the Seafarers Rehabilitation and Compensation Levy Regulations 2002.

Note 2 The Seafarers Safety, Rehabilitation and Compensation Authority is also known as the Seacare Authority.

(2) The levy collector may recover levy payable under the Levy Act for the Commonwealth.

6 Levy registers

(1) An employer must keep a register that records, for the first day of each quarter:

(a) the name of each prescribed ship for which the employer employed or engaged seafarers; and

(b) the number of seafarer berths on each of those prescribed ships.

Penalty: 5 penalty units.

(2) An employer must keep an entry in the register for 5 years after the employer became liable for levy in relation to the entry.

Penalty: 5 penalty units.

(3) An employer must, if asked in writing by the Authority or by the levy collector, give a copy of the register to the Authority or to the levy collector within 7 days after the request is made.

Penalty: 5 penalty units.
(4) An employer is not excused from giving a copy of the register on the ground that the register might tend to incriminate the employer.

(5) However, the register, and any information or thing (including any document) obtained as a direct or indirect consequence of the giving of a copy of the register, is not admissible in evidence against the employer in criminal proceedings other than proceedings for an offence against subregulation (1), (2) or (3) or section 137.1 or 137.2 of the *Criminal Code* in relation to giving a copy of the register.

7 **Refund of overpayments**

The Authority may authorise a refund of an overpayment of levy to an employer if the employer asks the Authority in writing within the quarter in which the levy was paid.

8 **Warrant to enter premises**

For subsection 13 (2) of the Act, a warrant must be in the form set out in Schedule 1.
Schedule 1  Warrant to enter premises

(regulation 8)

Seafarers Rehabilitation and Compensation Levy Collection Act 1992

COMMONWEALTH OF AUSTRALIA

SEARCH WARRANT UNDER SUBSECTION 13 (2)

TO [name and address of authorised person], an authorised person within the meaning of section 11 of the Seafarers Rehabilitation and Compensation Levy Collection Act 1992 (the Act):

1. This warrant is issued on the basis that I am satisfied, by information on oath or affirmation:
   
   (a) that there is reasonable ground for believing that there is a [description of a book, document or thing] relating to a berth on a prescribed ship on which levy is, or may be, payable at [address] (the premises); and
   
   (b) that the issue of this warrant is reasonably required for the purposes of the Act.

2. This warrant authorises you, with any assistance you think necessary and, if necessary, by reasonable force, *at any time of the day or night/*during the following hours [state the hours]:

   (a) to enter the premises; and
   
   (b) to search for, examine, take extracts from and make copies of any document, and to search for and examine a thing, relating to a berth on a prescribed ship on which levy is, or may be, payable.

THIS WARRANT CEASERS TO HAVE EFFECT ON [state a date 7 days or less after the day of issue of the warrant].

Issued by me, [full name of Magistrate],
on [date] .

[signature of Magistrate]

Magistrate

* Omit if inapplicable
Notes to the *Seafarers Rehabilitation and Compensation Levy Collection Regulations 2002*

**Note 1**

The *Seafarers Rehabilitation and Compensation Levy Collection Regulations 2002* (in force under the *Seafarers Rehabilitation and Compensation Levy Collection Act 1992*) as shown in this compilation comprise Statutory Rules 2002 No. 152 amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, i.e. Year and Number.

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