

# **Marine Navigation (Regulatory Functions) Levy Collection Regulations 1991 No. 152**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 1991 No. 152**

Issued by the Authority of the Minister for Shipping and Aviation Support

Subject - Marine Navigation (Regulatory Functions) Levy Collection Regulations

The *Marine Navigation (Regulatory Functions) Levy Act 1991* (the Act), and the *Marine Navigation (Regulatory Functions) Levy Collection Act 1991* (the Levy Act), provide respectively for the imposition and collection of a levy on commercial ships to recover the costs of maritime safety and regulatory functions.

Briefly, a ship trading between Australian ports is liable to pay the levy each quarter, whilst a ship arriving in Australia or departing from Australia to an overseas port is liable to pay the levy on its arrival or departure respectively. The levy cannot be charged more than four times in a twelve month period.

Subsection 11(1) of the Act provides that the GovernorGeneral may make regulations, not inconsistent with the Act. Without limiting the generality of subsection 11(1), subsection 11(2) indicates that the regulations may provide for the refund or remission of an amount of levy paid or payable in respect of a ship in such circumstances as are specified in the regulations.

The Regulations prescribe circumstances where a refund or remission of levy must be made. The refunds and remissions prescribed are on the same basis as the refund and remission provisions in other marine navigation levy legislation.

Details of the Regulations are:

Regulation 1 provides that the Regulations are cited as the Marine Navigation (Regulatory Functions) Levy Collection Regulations.

Regulation 2 defines the Act for the purposes of these Regulations as the *Marine Navigation (Regulatory Functions) Levy Collection Act 1991*.

Regulation 3 specifies the circumstances where a refund must be made when levy has been paid.

A refund must be made if:

- (a) a ship that trades solely between Australian ports; or
- (b) a ship that has been placed on commission or sent to sea;

is prevented from putting to sea for more than 30 consecutive days including at least one day in the quarter for which the levy was paid.

A refund must also be made if a ship has paid the levy on its arrival at port and has also paid the levy after the expiration of 3 months since it was last paid, but has been prevented from putting to sea for more than 30 consecutive days including at least one day in the next 3 month period.

The amount of levy to be refunded is calculated by dividing the amount of levy paid by the number of days in the quarter and refunding an amount equal to the number of days that the ship was prevented from putting to sea.

Regulation 4 provides for the remission of levy due for payment. The amount remitted, similar to Regulation 3, is a proportion of the amount that would be payable.

Levy must be remitted if:

- (a) a ship is liable to the levy on the day it leaves port, but is not immediately leaving for a place outside Australia;
- (b) a ship trading between Australian ports has paid the levy on its arrival at port and would also be liable to pay its quarterly payment; or
- (c) a ship has been prevented from putting to sea for more than 30 consecutive days including the first day of the next quarter.