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Statutory Rules 1991 No. 1

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Marine Navigation (Regulatory Functions) Levy Collection Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under section 4 of the *Acts Interpretation Act 1901*, make the following Regulations under the *Marine Navigation (Regulatory Functions) Levy Collection Act 1991*.

Dated 27 June 1991.

BILL HAYDEN
Governor-General

By His Excellency's Command,

Bob Collins

Minister of State for Shipping and Aviation Support

Citation

1. These Regulations may be cited as the Marine Navigation (Regulatory Functions) Levy Collection Regulations.

Interpretation

2. In these Regulations, unless the contrary intention appears: "Act" means the *Marine Navigation (Regulatory Functions) Levy Collection Act 1991*.

Refund of levy

3. (1) If:

- (a) levy is paid:
 - (i) in a quarter in respect of a ship under subsection 6 (1) of the Act; or
 - (ii) under paragraph 6 (2) (d) of the Act; and
- (b) the ship is prevented for more than 30 consecutive days from putting to sea, including at least 1 day:
 - (i) in the quarter for which the levy is paid under subsection 6 (1) of the Act; or
 - (ii) in a quarter that includes part of the period for which the levy under paragraph 6 (2) (d) of the Act is paid;

a Collector must refund, for each day in the quarter on which the ship is prevented from putting to sea, an amount calculated by dividing the amount of levy paid by the number of days in the quarter for which levy was paid.

(2) If:

- (a) levy is paid in respect of a ship under paragraph 6 (3) (a) or (b) of the Act; and
- (b) levy is paid in respect of the ship under paragraph 6 (3) (c) of the Act; and
- (c) the ship is prevented, for more than 30 consecutive days, from putting to sea, including at least 1 day in the period of 3 months beginning on the day on which the levy under paragraph 6 (3) (c) of the Act became payable;

a Collector must refund, for each day in the period, an amount calculated by dividing the amount payable under paragraph 6 (3) (c) of the Act for the period by the number of days in the period for which levy was paid.

(3) In this regulation, a reference to a ship that is prevented from putting to sea is a reference to a ship that has been prevented from putting to sea:

- (a) because the ship was:
 - (i) moored in a harbour and not engaged in the ordinary employment of a merchant ship for hire or reward, including the loading and unloading of passengers or cargo; or
 - (ii) wrecked or stranded while proceeding from 1 Australian port to another; or
- (b) because it was laid up for repairs; or
- (c) as a result of an industrial dispute.

Remission of levy

4. (1) If:

- (a) levy is payable in a quarter in respect of a ship under subsection 6 (2) of the Act; and
- (b) the ship does not leave an Australian port for a place outside Australia (either directly or after calling at 1 or more Australian ports) on the day on which the levy becomes payable;

a Collector must remit an amount calculated using the formula:

$$\frac{A \times N}{Q}$$

where:

- “A”** means the amount of levy payable;
- “N”** means the number of days from the beginning of the quarter to the day immediately before the day on which the ship leaves an Australian port for a place outside Australia (either directly or after calling at 1 or more Australian ports);
- “Q”** means the number of days in the quarter for which levy was paid.

(2) If:

- (a) levy is paid in respect of a ship under subsection 6 (3) of the Act; and
- (b) levy is payable under subsection 6 (1) of the Act before the end of a period of 3 months from the day on which levy referred to in paragraph (a) became payable;

a Collector must remit an amount calculated using the formula:

$$\frac{A \times N}{Q}$$

where:

- “A”** means the amount of levy payable under subsection 6 (1) of the Act;
- “N”** means the number of days remaining in the period after the beginning of the quarter in which the period ends;
- “Q”** means the number of days in the quarter for which levy was paid under subsection 6 (3) of the Act.

(3) If a ship in respect of which levy has been paid under subsection 6 (1) of the Act:

- (a) has been, on the last day of the quarter to which the levy relates, prevented for more than 30 consecutive days from putting to sea; and
- (b) is, on the first day of the next quarter, prevented from putting to sea;

a Collector must remit payment of further levy until the ship is able to put to sea.

(4) In this regulation, a reference to a ship that is prevented from putting to sea is a reference to a ship that has been prevented from putting to sea:

- (a) because the ship was:
 - (i) moored in a harbour and not engaged in its ordinary employment, including the loading and unloading of passengers or cargo, of a merchant ship for hire or reward; or
 - (ii) wrecked or stranded while proceeding from 1 Australian port to another; or
- (b) because it was laid up for repairs; or
- (c) as a result of an industrial dispute.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on

1991. 28 June