



Marine Navigation Levy Collection Regulations 1990

Statutory Rules 1990 No. 182 as amended

made under the

Marine Navigation Levy Collection Act 1989

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1 Name of Regulations [see Note 1]

These Regulations are the *Marine Navigation Levy Collection Regulations 1990*.

2 Commencement

These Regulations commence on 1 July 1990.

3 Interpretation

- (1) In these Regulations, unless the contrary intention appears:

out of commission, in relation to a ship, means:

- (a) being moored in a harbour and not engaged in the ordinary employment, including the loading and unloading of passengers or cargo, of a merchant ship for hire or reward; or
- (b) being wrecked or stranded while proceeding from 1 Australian port to another.

Load Line Convention has the same meaning as in Part IV of the Navigation Act 1912.

the Act means the *Marine Navigation Levy Collection Act 1989*.

tonnage length, in relation to a ship, means the length of the ship for the purposes of the Load Line Convention as in force with respect to Australia at the commencement of these Regulations.

- (2) For the purposes of these Regulations, if:

- (a) the net tonnage of a ship is not shown on its certificate of registration; and
 - (b) the tonnage of the ship has not been measured;
- the net tonnage of the ship is taken to be the tonnage calculated in accordance with the formula:

$$5.6L - 50$$

where:

L means the length of the vessel ascertained in accordance with section 10 of the *Shipping Registration Act 1981*.

4 Exempt ships

For the purposes of the definition of *exempt ship* in section 3 of the Act, the following are declared to be exempt ships:

- (a) a ship belonging to the naval, military or air forces of Australia or a foreign country, not being a ship engaged in trade or carrying goods under freight or charter;
- (b) a ship belonging to, or requisitioned or chartered by, the Commonwealth or the government of a foreign country that is engaged only in carrying members of, or goods intended for the use of, the naval, military or air forces of Australia or that country;
- (c) a ship belonging to the Commonwealth or a State or Territory or a public authority of the Commonwealth or of a State or Territory, not being a ship engaged in trade or carrying goods under freight or charter;
- (d) a ship only engaged in fishing or searching for, or taking, sedentary organisms within the meaning of the *Fisheries Management Act 1991*;
- (e) a ship only engaged in attending upon a ship specified in paragraph (d);
- (f) a ship wholly in ballast, other than a tug, arriving at a port for a purpose not involving the loading of cargo or taking on passengers;
- (g) a pleasure craft;
- (h) a ship that is less than 24 metres in tonnage length;
- (i) a ship belonging to a religious missionary society;
- (j) a ship engaged only in laying or repairing submarine cables;
- (k) a hospital ship not engaged in trade or carrying goods under freight or charter;
- (l) a sailing ship the tonnage of which is less than 500.

5 Refund of levy

- (1) If a ship in respect of which levy has been paid for a quarter under subsection 7 (1) or paragraph 7 (2) (d) of the Act has subsequently been prevented from putting to sea:
- (a) for more than 30 consecutive days; and
 - (b) any 1 of the days is in the quarter;
- a Collector must refund for that day, or each of those days, an amount calculated by dividing the amount of levy so paid by a number equal to the number of days in that quarter for which levy was paid.
- (2) If:
- (a) levy has been paid in respect of a ship under paragraph 7 (3) (a) or (b) of the Act; and
 - (b) levy has been paid in respect of the ship under paragraph 7 (3) (c) of the Act; and
 - (c) the ship has subsequently been prevented from putting to sea from a port in Australia:
 - (i) for more than 30 consecutive days; and
 - (ii) any 1 of the days is in the period of 3 months beginning on the day on which the levy under paragraph 7 (3) (c) of that Act became payable;
- a Collector must refund for that day, or each of those days, in that period an amount calculated by dividing the amount payable under paragraph 7 (3) (c) of the Act for the period referred to in subparagraph (c) (ii) by a number equal to the number of days in that period of 3 months for which levy was paid.
- (3) In this regulation, a reference to a ship that has been prevented from putting to sea is a reference to a ship that has been prevented from putting to sea:
- (a) because it was out of commission; or
 - (b) because it was laid up for repairs; or
 - (c) as a result of an industrial dispute.

6 Remission of levy

- (1) If:
- (a) levy is payable in a quarter in respect of a ship under subsection 7 (2) of the Act; and
 - (b) the ship is not leaving an Australian port, either directly or after calling at 1 or more other Australian ports, for a place outside Australia;
- a Collector must remit an amount calculated in accordance with the formula:

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

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.

Q means the number of days in the quarter for which levy was paid.

- (2) If:
- (a) levy has been paid in respect of a ship under subsection 7 (3) of the Act; and
 - (b) levy is payable under subsection 7 (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 in accordance with the formula:

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

where:

A means the amount of levy payable.

N means the number of days remaining in the period after the beginning of the quarter in which that period ends.

Q means the number of days in the quarter for which levy was paid.

- (3) If a ship in respect of which levy has been paid under subsection 7 (1) of the Act:
- (a) has been, at the end of a quarter, for more than 30 consecutive days; and
 - (b) is on the first day of the next succeeding quarter; prevented from putting to sea:
 - (c) because it was, or is, out of commission; or
 - (d) because it was laid up for repairs; or
 - (e) as a result of an industrial dispute;
- a Collector must remit further payment of levy until the ship is able to put to sea.

7 Payment of levy

For paragraph 8 (4) (c) of the Act, payment of levy may be made by electronic funds transfer to the Collector.

Table of Instruments

Notes to the *Marine Navigation Levy Collection Regulations 1990*

Note 1

The *Marine Navigation Levy Collection Regulations 1990* (in force under the *Marine Navigation Levy Collection Act 1989*) as shown in this compilation comprise Statutory Rules 1990 No.182 amended as indicated in the Tables below.

Table of Instruments

Year and Number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
1990 No. 182	29 June 1990	1 July 1990	
1998 No. 165	25 June 1998	1 July 1998	—
2006 No. 305	20 Nov 2006 (see F2006L03708)	21 Nov 2006	—
2009 No. 9	6 Feb 2009 (see F2009L00286)	7 Feb 2009	—

Table of Amendments

Table of Amendments

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

Provision affected	How affected
R. 1	rs. 2006 No. 305
R. 4	am. 1998 No. 165; 2006 No. 305; 2009 No. 9
R. 7	ad. 2009 No. 9
