



Marine Navigation (Regulatory Functions) Levy Collection Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 13 September 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Michael McCormack
Deputy Prime Minister and Minister for Infrastructure, Transport and Regional
Development

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<i>Marine Navigation (Regulatory Functions) Levy Collection Regulations 1991</i>		<i>4</i>

1 Name

This instrument is the *Marine Navigation (Regulatory Functions) Levy Collection Regulations 2018*.

2 Commencement

- (1) Each provision of this instrument 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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 October 2018.	1 October 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Marine Navigation (Regulatory Functions) Levy Collection Act 1991*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Australian port;
- (b) quarter.

In this instrument:

Act means the *Marine Navigation (Regulatory Functions) Levy Collection Act 1991*.

prevented from putting to sea: see section 9.

6 Refund of levy

- (1) A Collector must refund an amount of levy, worked out under subsection (2), if:

Section 7

- (a) levy is paid under subsection 6(1), or paragraph 6(2)(d) or (3)(c), of the Act in respect of a ship; and
- (b) the ship is prevented from putting to sea on more than 30 consecutive days; and
- (c) any of those days is in the 3 month period beginning on the day the levy became payable.

(2) The amount to be refunded is worked out in accordance with the formula:

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

where:

A means the amount of levy paid as mentioned in paragraph (1)(a).

N means the number of days mentioned in paragraph (1)(b) that are in the 3 month period mentioned in paragraph (1)(c).

P means the number of days in the 3 month period mentioned in paragraph (1)(c).

7 Remission of levy

(1) A Collector must remit levy payable in respect of a ship for which levy has most recently been paid under subsection 6(1) of the Act if the ship is prevented from putting to sea:

- (a) on the day the levy becomes payable; and
- (b) on more than 30 consecutive days up to and including the day before the levy becomes payable.

(2) A Collector must remit an amount of levy, worked out under subsection (3), if:

- (a) the levy is payable in respect of a ship under subsection 6(1) of the Act; and
- (b) the levy becomes payable before the end of 3 months beginning on the day levy paid in respect of the ship under subsection 6(2) or (3) of the Act became payable.

(3) The amount to be remitted under subsection (2) is worked out 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 start of the day the levy becomes payable under subsection 6(1) of the Act to the end of the 3 month period mentioned in paragraph (2)(b).

Q means the number of days in the quarter beginning on the day the levy becomes payable.

8 Payment of levy

For the purposes of paragraph 7(4)(c) of the Act, payment of levy may be made by electronic funds transfer to a Collector.

9 When a ship is prevented from putting to sea

For the purposes of this instrument, a ship is ***prevented from putting to sea*** on a day if, at any time during that day, the ship:

- (a) is 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
- (b) is wrecked or stranded; or
- (c) is laid up for repairs; or
- (d) is prevented from putting to sea as a result of an industrial dispute.

Schedule 1—Repeals

Marine Navigation (Regulatory Functions) Levy Collection Regulations 1991

1 The whole of the instrument

Repeal the instrument.