



Marine Navigation Levy Collection Act 1989

No. 162 of 1989

**An Act to provide for the collection of the levy imposed by
the *Marine Navigation Levy Act 1989*, and for related
purposes**

[Assented to 18 December 1989]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the *Marine Navigation Levy Collection Act 1989*.

Commencement

2. This Act commences on the day on which the *Marine Navigation Levy Act 1989* commences.

Definitions

3. In this Act:

“**Australian port**” means a port appointed, proclaimed or prescribed under the *Customs Act 1901*, or under a law of a State or the Northern Territory;

“authorised person” means a person appointed under section 5;

“Collector” means:

- (a) a Collector within the meaning of the *Customs Act 1901*; or
- (b) an authorised person;

“exempt ship” means a ship declared by the regulations to be an exempt ship;

“home port”, in relation to a ship, means the port notified by the ship’s owner or agent as the ship’s home port in a written notice to a Collector at that port;

“levy” means the levy payable in accordance with this Act and imposed by the Levy Act;

“Levy Act” means the *Marine Navigation Levy Act 1989*;

“marine navigational aid” has the same meaning as in the *Lighthouses Act 1911*;

“officer of Customs” has the same meaning as in the *Customs Act 1901*;

“quarter” means a period of 3 months commencing on 1 January, 1 April, 1 July or 1 October in any year;

“sea-going ship” includes a ship which, in the course of a voyage to or from an Australian port, passes a marine navigational aid under the control of the Commonwealth;

“ship” has the same meaning as in the *Lighthouses Act 1911*.

Application to Crown

4. This Act binds the Crown in right of each of the States, of the Australian Capital Territory, of the Northern Territory and of Norfolk Island.

Appointment of authorised person

5. (1) The Minister may, in writing, appoint a person to be an authorised person for the purposes of this Act.

(2) The Minister may, in writing, delegate the power of appointment under subsection (1) to an officer of the Department.

Liability to levy

6. (1) Levy is payable in respect of a sea-going ship, other than an exempt ship.

(2) The following persons are jointly and separately liable to pay any levy that is payable in respect of a ship:

- (a) the ship’s owner or master;
- (b) an agent or consignee of the ship who has paid, or is liable to pay, any charge on account of the ship.

When levy is payable

7. (1) Levy in respect of a ship which trades solely between Australian ports (other than a ship to which subsection (2) applies) is payable on the first day of each quarter.

(2) Levy in respect of a ship is payable on the day on which the ship leaves an Australian port if the ship:

- (a) is being first placed in commission after construction in that port; or
- (b) is usually employed or moored within the limits of that port; or
- (c) is an exempt ship on arrival at that port and stops being an exempt ship while in that port; or
- (d) is placed in commission at that port, or is to be sent to sea from that port, after a period in respect of which levy was remitted under the regulations.

(3) Levy in respect of a ship (other than a ship to which subsection (1) or (2) applies) is payable:

- (a) where levy has not previously been paid in respect of the ship—on the day of its arrival at an Australian port; or
- (b) where the ship arrives at an Australian port 3 months or more after the day on which levy was last payable in respect of the ship—on the day of its arrival at that port; or
- (c) where the ship is in an Australian port on the day after the end of the period of 3 months after the day on which levy was last payable in respect of the ship—on the day after the end of that period.

(4) Levy is not payable in respect of a ship under subsection (3) merely because the ship arrives at, or is in, an Australian port:

- (a) to take aboard water, provisions or fuel to be used by it for completing a voyage; or
- (b) to engage or discharge a member of the crew; or
- (c) to disembark a passenger or a member of the crew for medical treatment; or
- (d) for shelter, repairs or refitting.

(5) Levy is not payable under this section in respect of a ship more than 4 times in any period of 12 consecutive months.

To whom levy is payable

8. (1) Levy payable under subsection 7 (1) must be paid:

- (a) to a Collector at the ship's home port; or
- (b) if there is no Collector at the ship's home port—to a Collector at the Australian port nearest to the ship's home port that has a Collector; or
- (c) to a Collector at such other Australian port as the owner or agent of the ship has specified in a written notice given, before the day

when the levy is payable, to a Collector at the ship's home port or, if paragraph (b) applies, the Australian port mentioned in that paragraph.

(2) Levy payable under subsection 7 (2) or (3) must be paid to a Collector at the Australian port concerned.

Recovery of levy

9. Levy payable in respect of a ship may be recovered in any court of summary jurisdiction by proceedings in the name of a Collector.

Detention of ship

10. Any ship in respect of which levy is payable may be detained by any officer of Customs at any Australian port until the levy is paid.

Rights of agent etc. who has paid levy

11. The agent or consignee of a ship who has paid an amount of levy in respect of the ship may, out of any money received on account of the ship, or belonging to the owner of it, retain an amount that is not more than the amount of levy so paid.

Regulations

12. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting subsection (1), the regulations may provide for the refund or remission (in whole or in part) of an amount of levy paid or payable in respect of a ship in such circumstances as are specified in the regulations.

Amendments of *Lighthouses Act 1911*

13. The *Lighthouses Act 1911* is amended as set out in the Schedule.

SCHEDULE

Section 13

AMENDMENTS OF THE LIGHTHOUSES ACT 1911

Section 3 (definition of “Collector”):

Omit the definition.

Subsection 4 (1):

Omit “, other than sections 13 to 18 (inclusive),”.

Part III:

Repeal the Part.

*[Minister's second reading speech made in—
House of Representatives on 23 November 1989
Senate on 7 December 1989]*