

Marine Navigation Levy Collection Regulations (Amendment) 1998 No. 165

EXPLANATORY STATEMENT

STATUTORY RULES 1998 NO. 165

Issued by the Authority of the Minister for Workplace Relations and Small Business

Marine Navigation Levy Collection Act 1989

Marine Navigation Levy Collection Regulations (Amendment)

The marine navigation levy is imposed on ships using Australian ports to recover the costs of provision by the Commonwealth of navigational aids and the coastal radio service.

Subsection 6(1) of the *Marine Navigation Levy Collection Act 1989* (the Act) provides that the marine navigation levy is payable in respect of a sea-going ship other than a ship that is declared by the regulations to be an exempt ship.

Section 12 of the Act provides that the Governor-General may make regulations prescribing matters permitted to be prescribed by the Act.

The regulations amend the Marine Navigation Levy Collection Regulations (the Principal Regulations) to clarify the exemption relating to ships in ballast.

Regulation 4 of the Principal Regulations has prescribed for the purposes of section 3 of the Act, twelve types of ship that are exempt ships. Paragraph 4(f) provides that ships that are wholly in ballast and not carrying passengers or cargo are exempt ships.

The intention of that provision is to provide that the payment of levy is not required where a ship arrives in a port in Australia for a purpose not connected with the earning of revenue. There are however many instances where a ship will arrive in ballast for the purpose of taking on cargo.

A review of the levies collected from the shipping industry has concluded that the current exemption provisions in paragraph 4(f) do not adequately reflect the purpose of that exemption and should be amended to make it clear that the exemption only applies to ships that will not load passengers or cargo after arrival in a port in ballast.

The amended regulation addresses that uncertainty.

Details of the amending regulations are:

Regulation 1 provides that the amending regulations commence on 1 July 1998.

Regulation 2 provides that the regulations are amended as set out in regulation 3.

Regulation 3 amends paragraph 4(f) of the to provide that a ship that arrives in a port wholly in ballast for a purpose not involving the loading of cargo or passengers is an exempt ship for the purposes of the Act.