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# Seafarers Rehabilitation and Compensation Levy Collection Regulations 2002

Statutory Rules 2002 No.  $\angle^1$

152

I, PETER JOHN HOLLINGWORTH, Governor-General of the  
 Commonwealth of Australia, acting with the advice of the  
 Federal Executive Council, make the following Regulations  
 under the *Seafarers Rehabilitation and Compensation Levy  
 Collection Act 1992*.

Dated  $\angle$  2002

26 June

$\angle$  PETER HOLLINGWORTH  
 Governor-General

By His Excellency's Command

TONY ABBOTT  
 Minister for Employment and Workplace Relations

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**1 Name of Regulations**

These Regulations are the *Seafarers Rehabilitation and Compensation Levy Collection Regulations 2002*.

**2 Commencement**

These Regulations commence on 1 July 2002.

**3 Definitions**

In these Regulations:

*Act* means the *Seafarers Rehabilitation and Compensation Levy Collection Act 1992*.

*levy collector* means Australian Maritime Industry Compensation Agency Limited ACN 057 079 151.

**4 Returns**

(1) For section 6 of the Act, the levy collector is prescribed.

- (2) A return mentioned in section 6 of the Act must be given to the levy collector:
- (a) by post at:
    - Level 1
    - 4 Princes Street
    - Port Melbourne
    - Victoria 3207; or
  - (b) by fax at 03 9646 2256; or
  - (c) by e-mail at amica@asa.com.au.
- (3) The employer must give with the return the following information:
- (a) the amount of levy paid for the quarter;
  - (b) the manner of payment of levy;
  - (c) the date when the payment was made;
  - (d) the employer's Australian Business Number.

Penalty: 5 penalty units.

## **5 Manner of payment of levy**

- (1) An employer must pay levy payable under the Seafarers Rehabilitation and Compensation Levy Act 1992 by:
- (a) cheque payable to the Department and sent to the levy collector at the address mentioned in paragraph 4 (2) (a); or
  - (b) direct credit to the DEWR Official Administered Receipts Account (Seafarers) (BSB 092009, account number 116106).

*Note* The rate of levy is prescribed by the *Seafarers Rehabilitation and Compensation Levy Regulations 2002*.

- (2) The levy collector may recover levy payable under the Act for the Commonwealth.

**6 Levy registers**

- (1) An employer must keep a register that records, for the first day of each quarter:
  - (a) the name of each prescribed ship for which the employer employed or engaged seafarers; and
  - (b) the number of seafarer berths on each of those prescribed ships.

Penalty: 5 penalty units.

- (2) An employer must keep an entry in the register for 5 years after the employer became liable for levy in relation to the entry.

Penalty: 5 penalty units.

- (3) An employer must, if asked in writing by the Authority or by the levy collector, give a copy of the register to the Authority or to the levy collector within 7 days after the request is made.

Penalty: 5 penalty units.

- (4) An employer is not excused from giving a copy of the register on the ground that the register might tend to incriminate the employer.

- (5) However, the register, and any information or thing (including any document) obtained as a direct or indirect consequence of the giving of a copy of the register, is not admissible in evidence against the employer in criminal proceedings other than proceedings for an offence against subregulation (1), (2) or (3) or section 137.1 or 137.2 of the *Criminal Code* in relation to giving a copy of the register.

**7 Refund of overpayments**

The Authority may authorise a refund of an overpayment of levy to an employer if the employer asks the Authority in writing within the quarter in which the levy was paid.

**8 Warrant to enter premises**

For subsection 13 (2) of the Act, a warrant must be in the form set out in Schedule 1.

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## Schedule 1      Warrant to enter premises

(regulation 8)

*Seafarers Rehabilitation and Compensation Levy Collection Act 1992*

COMMONWEALTH OF AUSTRALIA

### SEARCH WARRANT UNDER SUBSECTION 13 (2)

TO [*name and address of authorised person*], an authorised person within the meaning of section 11 of the *Seafarers Rehabilitation and Compensation Levy Collection Act 1992* (the Act):

1. This warrant is issued on the basis that I am satisfied, by information on oath or affirmation:

- (a) that there is reasonable ground for believing that there is a [*description of a book, document or thing*] relating to a berth on a prescribed ship on which levy is, or may be, payable at [*address*] (the **premises**); and
- (b) that the issue of this warrant is reasonably required for the purposes of the Act.

2. This warrant authorises you, with any assistance you think necessary and, if necessary, by reasonable force, \*at any time of the day or night/\*during the following hours [*state the hours*]:

- (a) to enter the premises; and
- (b) to search for, examine, take extracts from and make copies of any document, and to search for and examine a thing, relating to a berth on a prescribed ship on which levy is, or may be, payable.

THIS WARRANT CEASES TO HAVE EFFECT ON [*state a date 7 days or less after the day of issue of the warrant*].

Issued by me, [*full name of Magistrate*],  
on [*date*]

[*signature of Magistrate*]  
Magistrate

\* Omit if inapplicable

Note

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**Note**

1. Notified in the *Commonwealth of Australia Gazette* on *27 June* 2002.