

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2006 No. 305**

Issued under the authority of the Minister for Transport and Regional Services

*Marine Navigation Levy Collection Act 1989*

*Marine Navigation Levy Collection Amendment Regulations 2006 (No. 1)*

Section 12 of the *Marine Navigation Levy Collection Act 1989* (the Act) provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters which by the Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act provides for the collection of the marine navigation levy which is imposed by the *Marine Navigation Levy Act 1989* on commercial ships of 24 metres and over which use Australian ports. The marine navigation levy is used to recover the costs of operating the Australian Government's marine aids to navigation system.

The Act provides that the marine navigation levy is not payable in respect of "exempt" ships. In accordance with section 3 of the Act, an exempt ship is "a ship declared by the regulations to be an exempt ship". The list of exempt ships in regulation 4 of the Marine Navigation Levy Collection Regulations (the Regulations) previously included "a ship only engaged in fishing or searching for, or taking, sedentary organisms within the meaning of the *Continental Shelf (Living Natural Resources) Act 1968*". However, the *Continental Shelf (Living Natural Resources) Act 1968* has been repealed and replaced by the *Fisheries Management Act 1991*.

The amending Regulations have amended regulation 4 of the Regulations to replace the reference to the *Continental Shelf (Living Natural Resources) Act 1968* with a reference to the *Fisheries Management Act 1991*.

The amending Regulations also re-named the Regulations as the *Marine Navigation Levy Collection Regulations 1990*, in line with modern drafting practice.

Details of the amending Regulations are set out in the Attachment.

The Act specifies no conditions that need to be met before the power to make the Regulations may be exercised.

The amending Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

No formal consultation was undertaken in relation to these amendments as they are of a minor or machinery nature and do not substantially alter existing arrangements.

The amending Regulations commenced on the day after registration on the Federal Register of Legislative Instruments.

**DETAILS OF THE MARINE NAVIGATION LEVY COLLECTION AMENDMENT  
REGULATIONS 2006 (NO. 1)**

**Regulation 1 – Name of Regulations**

Regulation 1 is a formal provision specifying the name of the amending Regulations.

**Regulation 2 – Commencement**

Regulation 2 provides that the amending Regulations commenced the day after registration on the Federal Register of Legislative Instruments.

**Regulation 3 – Amendment of Marine Navigation Levy Collection Regulations**

Regulation 3 provides that Schedule 1 amends the Marine Navigation Levy Collection Regulations.

**SCHEDULE 1 - AMENDMENTS**

**Item 1** – This item re-named the Regulations as the *Marine Navigation Levy Collection Regulations 1990*.

**Item 2** – This item amended paragraph 4(d) of the Regulations to replace the reference to the *Continental Shelf (Living Natural Resources) Act 1968* with a reference to the *Fisheries Management Act 1991*.