

EXPOSURE DRAFT

2016-2017-2018

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT

Marine Safety (Domestic Commercial Vessel) Levy (Consequential Amendments) Bill 2018

No. , 2018

(Infrastructure, Regional Development and Cities)

**A Bill for an Act to deal with consequential matters
arising from the enactment of the *Marine Safety
(Domestic Commercial Vessel) Levy Act 2018*, and
for other purposes**

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2 Commencement

- (1) Each provision of this Act 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. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	1 July 2019. However, the provisions do not commence at all if the <i>Marine Safety (Domestic Commercial Vessel) Levy Act 2018</i> does not commence.	

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Australian Maritime Safety Authority Act 1990

1 After paragraph 48(1)(a)

Insert:

(aa) amounts received, or purportedly received, on behalf of the Commonwealth, by way of:

- (i) levy imposed by the *Marine Safety (Domestic Commercial Vessel) Levy Act 2018*; or
- (ii) instalments of that levy; and

2 After paragraph 48(1)(b)

Insert:

(ba) amounts received, or purportedly received, on behalf of the Commonwealth, under section 13 of *Marine Safety (Domestic Commercial Vessel) Levy Collection Act 2018*, as advances on account of levy; and

3 At the end of subsection 48(1)

Add:

; and (d) amounts of penalty received, or purportedly received, on behalf of the Commonwealth under the *Marine Safety (Domestic Commercial Vessel) Levy Collection Act 2018*.

4 Subsection 48(1A)

Omit “paragraph (1)(a), (b) or (c)”, substitute “paragraph (1)(a), (aa), (b), (ba), (c) or (d)”.

Marine Navigation (Regulatory Functions) Levy Collection Act 1991

5 Section 3

Insert:

1 the National Regulator may suspend the certificate.

2 **10 At the end of section 42 of the Marine Safety (Domestic**
3 **Commercial Vessel) National Law**

4 Add:

5 (3) If:

6 (a) a certificate of survey is in force for a leviable domestic
7 commercial vessel; and

8 (b) either:

9 (i) an amount of levy; or

10 (ii) an amount of instalment of levy;

11 payable in relation to the vessel remains unpaid after the time
12 when it became due for payment;

13 the National Regulator may revoke the certificate.

14 **11 Subsection 72(2) of the Marine Safety (Domestic**
15 **Commercial Vessel) National Law**

16 After “41(2A),”, insert “41(2B),”.

17 **12 After subsection 101(1) of the Marine Safety (Domestic**
18 **Commercial Vessel) National Law**

19 Insert:

20 (1A) If:

21 (a) an amount of levy; or

22 (b) an amount of instalment of levy;

23 payable in relation to a leviable domestic commercial vessel
24 remains unpaid after the time when it became due for payment:

25 (c) a marine safety inspector may detain the vessel and bring it,
26 or cause it to be brought, to:

27 (i) a port; or

28 (ii) another place that he or she considers appropriate; and

29 (d) the vessel is to be released from detention when the amount
30 is paid.

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Schedule 1 Amendments

- 1 **13 Subsection 101(2) of the Marine Safety (Domestic**
2 **Commercial Vessel) National Law**
3 After “(1)”, insert “or (1A)”.
- 4 **14 Paragraph 101(6)(a) of the Marine Safety (Domestic**
5 **Commercial Vessel) National Law**
6 After “(1)”, insert “or (1A)”.
- 7 **15 Subparagraph 139(1)(g)(i) of the Marine Safety (Domestic**
8 **Commercial Vessel) National Law**
9 Omit “41(2) or (2A)”, substitute “41(2), (2A) or (2B)”.
- 10 **16 Subparagraph 139(1)(i)(i) of the Marine Safety (Domestic**
11 **Commercial Vessel) National Law**
12 After “42(2)”, insert “or (3)”.
- 13 **17 Paragraph 139(2)(a) of the Marine Safety (Domestic**
14 **Commercial Vessel) National Law**
15 After “101(1)”, insert “or (1A)”.