

BALLAST WATER RESEARCH AND DEVELOPMENT FUNDING LEVY COLLECTION REGULATIONS 1998

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- REG 1

Name of Regulations

1. These Regulations are the Ballast Water Research and Development Funding Levy Collection Regulations 1998 .
- Dated 18 June 1998.

- REG 2

Commencement

2. These Regulations commence when the Act commences.
Note The Act commences on 1 July 1998Ñsee s 2 of the Act.

- REG 3

Definition

3. In these Regulations:
Act means the Ballast Water Research and Development Funding Levy Collection Act 1998.

- REG 4

Exempt ships (Act, s 3)

4. (1) For the definition of exempt ship in section 3 of the Act, the following are declared to be exempt ships:

- (a) a ship belonging to the naval, military or air forces of Australia or a foreign country (other than a ship engaged in trade or carrying goods under freight or charter);
- (b) a ship belonging to, or requisitioned or chartered by, the Commonwealth or the government of a foreign country, and engaged only in carrying members of, or goods intended for the use of, the naval, military or air forces of Australia or that country;
- (c) a ship belonging to the Commonwealth, or a State or Territory, or a public authority of the Commonwealth or of a State or Territory (except a ship engaged in trade, or carrying goods under freight or charter);
- (d) a ship belonging to a religious missionary society;
- (e) a sailing training ship operated by a non-profit organisation for the benefit of young people;
- (f) a ship less than 50 metres in tonnage length.

(2) In paragraph (1) (f):
tonnage length of a ship means the length of the ship for the Load Line Convention (that is, the Convention, as in force for Australia at the commencement of this regulation, defined in section 187A of the Navigation Act 1912 and set out in Schedule 4 to that Act).

- REG 5

Meaning of unable to put to sea

5. For this Part, a ship is unable to put to sea only if the ship:

- (a) is not in commission; or
- (b) is laid up for repairs; or
- (c) is kept in port by an industrial dispute.

- REG 6

Refund of levy paid under s 7 (1) of Act—ship unable to put to sea

6. (1) A refund, of the amount worked out by the formula in subregulation (2), is payable for a ship if:

- (a) levy has been paid for the ship for a quarter under subsection 7 (1) of the Act; and
- (b) the ship is unable, for longer than 30 consecutive days, to put to sea; and
- (c) the quarter includes any of those days.

(2) The formula is:

N

$$A \times \frac{N}{Q}$$

where:

A is the amount of levy paid;

N means the number of days in the quarter on which the ship was unable to put to sea;

Q is the number of days in the quarter.

- REG 7

Refund of levy paid under s 7 (2) or (3) of Act if ship prevented from putting to sea

7. (1) A refund, of the amount worked out by the formula in subregulation (2), is payable for a ship if:

(a) levy has been paid for the ship under subsection 7 (2) or (3) of the Act; and

(b) the ship is unable, for longer than 30 consecutive days, to put to sea from a port in Australia; and

(c) the period of 3 months that begins on the day on which that levy became payable includes any of those days.

(2) The formula is:

$$A \times \frac{N}{Q}$$

where:

A is the amount of levy paid;

N means the number of days in the period referred to in paragraph (1)

(c) on which the ship was unable to put to sea;

Q is the number of days in the period.

- REG 8

Remission of levy if ship becomes liable to pay levy under s 7 (1) of Act

8. (1) An amount of levy worked out by the formula in subregulation (2) is remitted for a ship if:

(a) levy has been paid for the ship under subsection 7 (2) or (3) of the Act; and

(b) levy becomes payable for the ship under subsection 7 (1) of the Act before the end of 3 months from the day on which the levy referred to in paragraph (a) became payable.

Note Levy is payable every quarter for a ship under s 7 (1) of the Act if the ship is used in the Australian coastal trade.

(2) The formula is:

$$A \times \frac{N}{Q}$$

where:

A means the amount of levy payable under subsection 7 (1) of the Act;

N means the number of days in the period beginning on the day on which the levy under subsection 7 (3) of the Act became payable and ending on the day before the day on which the levy under subsection 7 (1) of the Act becomes payable;

Q means the number of days in the period mentioned in paragraph (1) (b).

- REG 9

Remission of levyÑship prevented from putting to sea

9. (1) If a ship meets the conditions in paragraph (2) (a) or (b), levy for the ship is remitted while the ship is unable to put to sea.

(2) The conditions are:

(a) that:

(i) levy has been paid for the ship for a quarter under subsection 7 (1) of the Act; and

(ii) on the last day of the quarter, the ship has been unable to put to sea for longer than 30 consecutive days; and

(iii) the ship is still unable to put to sea on the first day of the next quarter;

(b) that:

(i) levy has been paid for the ship under subsection 7 (2) or (3) of the Act; and

(ii) the ship is in an Australian port on the last day of the period of 3 months after the day on which that levy became payable; and

(iii) on that day, the ship has been unable to put to sea for longer than 30 consecutive days; and

(iv) on the day on which levy becomes payable under paragraph 7 (3) (c) of the Act, the ship is still unable to put to sea.

- NOTE

NOTE

1 Notified in the Commonwealth of Australia Gazette on 25 June 1998.