2016-2017-2018

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

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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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

The Parliament of Australia enacts:

1. **Short title**

   This Act is the *Marine Safety (Domestic Commercial Vessel) Levy (Consequential Amendments) Act 2018*. 

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No. , 2018  
*Marine Safety (Domestic Commercial Vessel) Levy (Consequential Amendments) Bill 2018*
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.

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<td>2. Schedule 1</td>
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However, the provisions do not commence at all if the Marine Safety (Domestic Commercial Vessel) Levy Act 2018 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Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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:
leviable domestic commercial vessel has the same meaning as in
the Marine Safety (Domestic Commercial Vessel) Levy Act 2018.

6 At the end of subsection 5(1)
   Add “or a leviable domestic commercial vessel”.

7 Application of amendment
   The amendment of subsection 5(1) of the Marine Navigation
   (Regulatory Functions) Levy Collection Act 1991 made by this
   Schedule does not apply in relation to levy that became payable before
   the commencement of this item.

Marine Safety (Domestic Commercial Vessel) National Law
Act 2012

8 Section 6 of the Marine Safety (Domestic Commercial
Vessel) National Law
   Insert:

   leviable domestic commercial vessel has the same meaning as in
   the Marine Safety (Domestic Commercial Vessel) Levy Act 2018.

   levy means levy imposed by the Marine Safety (Domestic

9 After subsection 41(2A) of the Marine Safety (Domestic
Commercial Vessel) National Law
   Insert:

   (2B) If:

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

   (b) either:

       (i) an amount of levy; or

       (ii) an amount of instalment of levy;

   payable in relation to the vessel remains unpaid after the time
   when it became due for payment;
the National Regulator may suspend the certificate.

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

Add:

(3) If:
(a) a certificate of survey is in force for a leviable domestic commercial vessel; and
(b) either:
   (i) an amount of levy; or
   (ii) an amount of instalment of levy;
   payable in relation to the vessel remains unpaid after the time when it became due for payment;
the National Regulator may revoke the certificate.

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

After “41(2A),”, insert “41(2B),”.

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

Insert:

(1A) If:
(a) an amount of levy; or
(b) an amount of instalment of levy;
   payable in relation to a leviable domestic commercial vessel remains unpaid after the time when it became due for payment:
(c) a marine safety inspector may detain the vessel and bring it, or cause it to be brought, to:
   (i) a port; or
   (ii) another place that he or she considers appropriate; and
(d) the vessel is to be released from detention when the amount is paid.
13 Subsection 101(2) of the Marine Safety (Domestic Commercial Vessel) National Law
   After “(1)”, insert “or (1A)”.

14 Paragraph 101(6)(a) of the Marine Safety (Domestic Commercial Vessel) National Law
   After “(1)”, insert “or (1A)”.

15 Subparagraph 139(1)(g)(i) of the Marine Safety (Domestic Commercial Vessel) National Law
   Omit “41(2) or (2A)”, substitute “41(2), (2A) or (2B)”.

16 Subparagraph 139(1)(i)(i) of the Marine Safety (Domestic Commercial Vessel) National Law
   After “42(2)”, insert “or (3)”.

17 Paragraph 139(2)(a) of the Marine Safety (Domestic Commercial Vessel) National Law
   After “101(1)”, insert “or (1A)”.