Date Introduced: 5 March 1981
House: House of Representatives
Presented by: Hon. R.J.D. Hunt, Minister for Transport

Short Digest of Bill

Purpose

To provide for the collection of a levy imposed on certain ships in Australian ports with oil on board.

Background

The Pollution of the Sea by Oil (Shipping Levy Collection) Act 1972 provides for the collection of the levy imposed by the Pollution of the Sea by Oil (Shipping Levy) Act 1972. Both of these Acts are to be repealed and replaced with similar provisions; the titles are changed to fit in with the other Bills relating to the Protection of the Sea. The definition of oil is expanded thus making the levy applicable to a wider range of oils than the existing levy.

Main Provisions

The Bill is to operate from the commencement of the Protection of the Sea (Shipping Levy) Bill 1981 (the Levy Bill).

Clause 4 defines the terms used in the Bill; these include the definition of "oil" which is defined in the existing legislation to cover crude oil, fuel oil, diesel oil or lubricating oil; it now covers "any hydrocarbon oil or hydrocarbon liquid fuel, including but without limiting the generality of the foregoing, crude oil, fuel oil, diesel oil, lubricating oil, heating oil, petrol, aviation fuel and kerosene".

Under clause 7 levy in respect of a quarter becomes payable at the expiration of the quarter. However, unless a Collector is satisfied that levy is not and is not likely to be payable for that quarter (sub-clause 8(5)), payment in advance of the levy that may become payable is required (sub-clause 8(1)); usually this is on the first day of the relevant quarter (sub-clause 8(2)); for a foreign-going
ship it may be the day on which light dues become payable (sub-clause 8(2)) or a notice is served by a Collector (sub-clause 8(3)). These pre-payments are refunded if levy does not become payable (sub-clause 8(4)).

Clause 5 provides for exemptions for any quarter during which a ship enters an Australian port only to take on board water, provisions or fuel to enable a voyage to be completed; to engage or disembark crew; to disembark a person for urgent medical treatment; or to shelter or undergo repairs. Clause 6 provides for periods of exemption for foreign-going ships of three months from the time when levy became payable in any quarter.

Clause 9 makes the owner and master jointly liable for payment of levy and pre-payments under clause 8; these are debts due to the Commonwealth (sub-clause 10(1)). Sub-clause 10(2) shifts the onus of proof so that the defendant must prove that the quantity of oil at any time the ship was in an Australian port was less than 10 tonnes or that the ship was in the port for one of the reasons which are exempted under clause 5.

Where levy is not paid, goods or equipment belonging to the ship may be seized and held (clause 11) or the ship may be detained (clause 12).

For further information, if required, contact:

9 March 1981

Law & Government Group
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