

# EXPOSURE DRAFT



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## **Marine Safety (Domestic Commercial Vessel) National Law Amendment (Cost Recovery) Regulations 2018**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2018

Peter Cosgrove  
Governor-General

By His Excellency's Command

Michael McCormack [**DRAFT ONLY—NOT FOR SIGNATURE**]  
Deputy Prime Minister and Minister for Infrastructure and Transport

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## 1 Name

This instrument is the *Marine Safety (Domestic Commercial Vessel) National Law Amendment (Cost Recovery) Regulations 2018*.

## 2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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

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

## 3 Authority

This instrument is made under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1 Amendments

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## Schedule 1—Amendments

### *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*

#### 1 Section 50 (heading)

Repeal the heading, substitute:

#### 50 Fees relating to accreditation of marine surveyors

#### 2 After subsection 50(2)

Insert:

- (2A) For the purposes of subsection 150(1) of the National Law, the fees set out in the following table for providing a service mentioned in the table are prescribed.

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Fees relating to accreditation of marine surveyors		
Item	Service	Amount (excluding GST)
1	Replacing a lost or stolen accreditation card	\$48
2	Assessing an application under section 42 of this instrument for a variation of an accreditation	\$271

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Note: Fees are indexed under section 52.

#### 3 Subsection 50(3)

After “renewal”, insert “or variation”.

#### 4 After section 50

Insert:

#### 50A Fees relating to unique identifiers

- (1) For the purposes of subsection 150(1) of the National Law, a fee of \$159 for assessing an application under section 30 of the National Law for a unique identifier for a domestic commercial vessel is prescribed.

Note: Fees are indexed under section 52.

- (2) If an application for a unique identifier for a domestic commercial vessel is not accompanied by the prescribed fee, the National Regulator is not required to deal with the application unless and until the fee is paid.

#### 50B Fees relating to certificates

- (1) For the purposes of subsection 150(1) of the National Law, the fees set out in the following table for providing a service mentioned in the table are prescribed.

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Amendments **Schedule 1**

<b>Fees relating to certificates</b>		
<b>Item</b>	<b>Service</b>	<b>Amount (excluding GST)</b>
1	Assessing an application under section 37 of the National Law for a certificate of survey	\$558
2	Assessing an application under section 39 of the National Law for a variation of a certificate of survey	\$190
3	Assessing an application under section 39 of the National Law for a suspension or revocation of a certificate of survey	\$208
4	Assessing an application under a Marine Order for a renewal of a certificate of survey	\$570
5	Assessing an application under section 47 of the National Law for a certificate of operation for one or more domestic commercial vessels	\$194
6	Assessing an application under section 49 of the National Law for a variation of a certificate of operation	\$181
7	Assessing an application under section 49 of the National Law for a suspension or revocation of a certificate of operation	\$208
8	Assessing an application under a Marine Order for a renewal of a certificate of operation	\$194
9	Assessing an application under section 59 of the National Law for a certificate of competency	Either: (a) for a certificate of competency mentioned in subsection (2)—\$151 (b) for a certificate of competency mentioned in subsection (3)—\$259
10	Assessing an application under a Marine Order for a renewal of a certificate of competency	Either: (a) for a renewal of a certificate of competency mentioned in subsection (2)—\$138 (b) for a renewal of a certificate of competency mentioned in subsection (3)—\$219
11	Assessing an application under section 61 of the National Law for a variation of a certificate of competency	\$138
12	Conducting an assessment under a Marine Order of an applicant's experience and competence in connection with the issue of a certificate of competency	\$340
13	Replacing a certificate of survey or a certificate of operation	\$37
14	Replacing a lost or stolen certificate of competency	\$138

Note: Fees are indexed under section 52.

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## Schedule 1 Amendments

- (2) For the purposes of items 9 and 10 of the table, the certificates of competency are the following certificates described in a Marine Order:
  - (a) Master <24 m NC;
  - (b) Master (Inland Waters);
  - (c) Coxswain Grade 1 (NC);
  - (d) Coxswain Grade 2 NC;
  - (e) Marine Engine Driver Grade 2 (NC);
  - (f) Marine Engine Driver Grade 3 (NC);
  - (g) General Purpose Hand (NC).
- (3) For the purposes of items 9 and 10 of the table, the certificates of competency are the following certificates described in a Marine Order:
  - (a) Master <35 m NC;
  - (b) Master < 80 m NC;
  - (c) Mate < 80 m NC;
  - (d) Marine Engine Driver Grade 1 (NC);
  - (e) Engineer Class 3 (NC).
- (4) If an application for the issue, variation, suspension, revocation, renewal or replacement of a certificate is not accompanied by the prescribed fee, the National Regulator is not required to deal with the application unless and until the fee is paid.

### 50C Fees relating to approvals under exemptions granted on initiative of National Regulator

- (1) For the purposes of subsection 150(1) of the National Law, the fees set out in the following table are prescribed for assessing an application for an approval under an exemption granted on the National Regulator's initiative under paragraph 143(4)(b) of the National Law.

Fees relating to approvals under exemptions		
Item	Exemption	Amount (excluding GST)
1	<i>Marine Safety (Certificates of survey) Exemption 2017 (No. 2)</i> (also known as Exemption 2)	\$183
2	<i>Marine Safety (Periodic survey, equipment certification and compass adjustment) Exemption 2017</i> (also known as Exemption 6)	\$224
3	<i>Marine Safety (Temporary operations) Exemption 2016</i> (also known as Exemption 7)	\$289
4	<i>Marine Safety (Class C restricted operations) Exemption 2017</i> (also known as Exemption 40)	\$315

Note: Fees are indexed under section 52.

- (2) If an exemption (the **replacement exemption**) granted under paragraph 143(4)(b) of the National Law on the National Regulator's initiative is expressed to replace an exemption (the **old exemption**) that is referred to in an item of the table in subsection (1) (including because of a previous application of this subsection)



then the item has affect as if it referred to the replacement exemption instead of the old exemption.

- (3) If an application referred to in subsection (1) is not accompanied by the prescribed fee, the National Regulator is not required to deal with the application unless and until the fee is paid.

## **5 Paragraph 52(1)(c)**

Repeal the paragraph, substitute:

- (c) the table in subsection 50(2A);
- (d) section 50A;
- (e) the tables in subsections 50B(1), 50C(1) and 51(1).

## **6 Part 5 (heading)**

Repeal the heading, substitute:

## **Part 5—Application and transitional provisions**

### **Division 1—Application of amendments made by the Marine Safety (Domestic Commercial Vessel) National Law Amendment (Cost Recovery) Regulation 2016**

#### **7 At the end of the instrument**

Add:

### **Division 2—Application of amendments made by the Marine Safety (Domestic Commercial Vessel) National Law Amendment (Cost Recovery) Regulations 2018**

## **54 Application of amendments**

### *Applications and requests*

- (1) The amendments made by the *Marine Safety (Domestic Commercial Vessel) National Law Amendment (Cost Recovery) Regulations 2018* apply in relation to applications and requests made on or after 1 July 2018.

### *Annual indexation*

- (2) Section 52, as amended by the *Marine Safety (Domestic Commercial Vessel) National Law Amendment (Cost Recovery) Regulations 2018*, applies in relation to indexation days occurring on or after 1 July 2019.