

Explanatory Statement

Australian Maritime Safety Authority Fees Determination 2015

Authority

1. This instrument is made under subsection 47(1) of the *Australian Maritime Safety Authority Act 1990* and is a legislative instrument for the *Legislative Instruments Act 2003*.

Purpose

2. This instrument replaces and updates the fees determination made in 2011.

Overview

3. The instrument sets out the fees that the Australian Maritime Safety Authority (AMSA) charges for its services, the way in which the fees are worked out and how they are to be paid.

Consultation

4. A cost recovery impact statement was prepared in accordance with the Australian Government Cost Recovery Guidelines, and there has been extensive consultation with stakeholders. The statement was posted on AMSA's website, and more than 30 industry stakeholder representative agencies were directly consulted, as well as the AMSA Advisory Committee which represents the full range of industry stakeholders.

5. The Office of Best Practice Regulation (OBPR) was also consulted and considered that no regulatory impact statement was required. The OBPR reference number is 19002.

Documents incorporated by reference

6. There are no documents incorporated by reference. The instrument refers to Acts under which services are provided for which fees are charged.

Commencement

7. This instrument commenced on 1 October 2015.

Contents of this instrument

8. Section 1 sets out the name of the instrument.

9. Section 2 provides for the commencement of the instrument.

10. Section 3 repeals the previous fees determination.

11. Section 4 sets out definitions of terms used in the instrument.

12. Section 5 details the liability to pay for a charge for services provided by AMSA.

13. Section 6 sets out the components of a charge, which are detailed in later sections and in Schedule 1.

14. Section 7 states the hourly rate for services for which there is no specified amount.

15. Section 8 provides for a person to ask for an estimate of the total charge if the hourly rate applies.

16. Section 9 provides a charge for waiting time.

17. Section 10 provides a charge for travelling time.

18. Section 11 sets out when a charge is payable.

19. Section 12 provides for advance payment of a specified charge or, by agreement with the person requesting the service, of progress payments of an hourly rate.

20. Section 13 imposes interest on unpaid balances.

21. Schedule 1 sets out the charge for each kind of service.

Statement of compatibility with human rights

22. This statement is made for subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

23. The instrument sets out the fees that the Australian Maritime Safety Authority charges for its services, the way in which the fees are worked out and how they are to be paid.

Human rights implications

24. No human rights are affected by the instrument. It is designed for cost recovery of the expense of providing services and required inspections under the legislation that the Authority administers.

Conclusion

25. The Authority considers that this instrument is compatible with human rights. It does not affect any rights or freedoms to which the *Human Rights (Parliamentary Scrutiny) Act 2011* applies.

Making the instrument

26. This instrument has been made by the Chief Executive Officer of the Australian Maritime Safety Authority, in accordance with subsection 49(4) of the *Australian Maritime Authority Act 1990*.