



# **Marine Safety (Domestic Commercial Vessel) National Law Amendment (Cost Recovery) Regulation 2016**

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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 regulation.

Dated 17 August 2016

Peter Cosgrove  
Governor-General

By His Excellency's Command

Darren Chester  
Minister for Infrastructure and Transport

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## 1 Name

This is the *Marine Safety (Domestic Commercial Vessel) National Law Amendment (Cost Recovery) Regulation 2016*.

## 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 later of:<br>(a) 1 September 2016; and<br>(b) the day after this instrument is registered. | 1 September 2016 |

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

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

#### 1 Section 4

Insert:

*categories of surveying*, in relation to accreditation, means a category mentioned in section 21.

*marine surveyor* means a person who performs the role mentioned in section 21.

#### 2 Section 19

Repeal the following definitions:

- (a) definition of *categories of surveying*;
- (b) definition of *marine surveyor*.

#### 3 At the end of subsection 22(2)

Add:

; and (c) be accompanied by the applicable application fee prescribed by subsection 50(1).

#### 4 Subsection 28(2)

Repeal the subsection, substitute:

- (2) An application for renewal of accreditation must:
  - (a) be in a form approved by the National Regulator; and
  - (b) be made:
    - (i) at least 3 months before the accreditation expires; or
    - (ii) if the National Regulator allows a further period—by the end of the last day of that period; and
  - (c) be accompanied by the application fee prescribed by subsection 50(2).

#### 5 At the end of the regulation

Add:

### Part 4—Fees

#### 50 Accreditation application fees

- (1) For subsection 150(1) of the National Law, the fees set out in the following table for accreditation as a marine surveyor are prescribed.

| <b>Application fee for accreditation as a marine surveyor</b> |   |                               |
|---|---|-------------------------------|
| <b>Item</b>   | <b>Accreditation as a marine surveyor to perform surveys in ...</b> | <b>Amount (excluding GST)</b> |
| 1   | 1 to 5 categories of surveying                                      | \$1,390                       |
| 2   | 6 to 10 categories of surveying                                     | \$2,130                       |
| 3   | 11 to 16 categories of surveying                                    | \$2,870                       |

Note: Fees are indexed under section 52.

- (2) For subsection 150(1) of the National Law, a fee of \$254 for renewal of a marine surveyor's accreditation is prescribed.

Note: Fees are indexed under section 52.

- (3) If an application for accreditation as a marine surveyor, or for renewal of a marine surveyor's accreditation, 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.

## **51 Fees for other services**

- (1) For 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.

| <b>Fees for other services</b> |   |   |
|--------------------------------|---|---|
| <b>Item</b>                    | <b>Service</b>  | <b>Amount (excluding GST)</b>   |
| 1                              | Assessing an application for an exemption, under section 143 of the National Law, from the application of the National Law, or specified provisions of the National Law | \$230 for each hour the National Regulator spends assessing the application |
| 2                              | Assessing an application for an approval, under a Marine Order, of an equivalent means of compliance  | \$230 for each hour the National Regulator spends assessing the application |

Note: Fees are indexed under section 52.

- (2) A person requesting a service mentioned in the table in subsection (1) is liable to pay to the National Regulator in respect of the service an advance payment (the **estimated fee amount**) of the fee that may be payable for the service.

- (3) The National Regulator must give the person a written notice specifying the estimated fee amount.

- (4) The National Regulator is not required to deal with the request unless and until the estimated fee amount is paid.

### *Subsequent notice if fee underestimated*

- (5) If:
- the National Regulator, under subsection (3), gives a notice to the person specifying the estimated fee amount; and
  - the cost of providing the service exceeds the amount set out in the notice; the National Regulator may notify the person, in writing, that an additional amount, specified in the notice, is payable for the service.

- (6) The National Regulator is not required to continue to deal with the request unless and until the amount specified in the notice under subsection (5) is paid.

*Refund if fee overestimated*

- (7) If the cost of providing the service is less than the estimated fee amount, the National Regulator must refund to the person an amount equal to the difference between the estimated fee amount and the cost of providing the service.

## 52 Annual indexation for fees

- (1) This section applies to the dollar amounts (the *indexed amount*) specified in the following provisions:
- (a) the table in subsection 50(1);
  - (b) subsection 50(2);
  - (c) the table in subsection 51(1).
- (2) On 1 July 2017 and each subsequent 1 July (an *indexation day*), if the indexation factor for an indexation day is greater than 1, each indexed amount is replaced by an amount worked out using the following formula:

$$\frac{\text{Indexation factor for the indexation day}}{\times} \frac{\text{Indexed amount immediately before the indexation day}}$$

*Indexation factor*

- (3) The *indexation factor* for an indexation day is the number worked out using the following formula:

$$\frac{\text{Index number for the reference quarter}}{\text{Index number for the base quarter}}$$

where:

*base quarter* means the March quarter ending 1 year before the reference quarter ends.

*index number*, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician.

*March quarter* means a period of 3 months ending on 31 March.

*reference quarter* means the March quarter immediately before the indexation day.

- (4) An indexation factor is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).
- (5) An amount calculated under subsection (2) is to be rounded down to the nearest whole dollar.
- (6) Calculations under subsection (3):
- (a) are to be made using only the index numbers published in terms of the most recently published index reference period; and



- (b) are to be made disregarding index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

## **Part 5—Application of amendments made by the Marine Safety (Domestic Commercial Vessel) National Law Amendment (Cost Recovery) Regulation 2016**

### **53 Application of amendments**

The amendments made by the *Marine Safety (Domestic Commercial Vessel) National Law Amendment (Cost Recovery) Regulation 2016* apply in relation to applications and requests made on or after the commencement of this section.