



Marine Safety (Domestic Commercial Vessel) National Law Amendment Regulation 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 8 December 2022

David Hurley
Governor-General

By His Excellency's Command

Catherine King
Minister for Infrastructure, Transport, Regional Development and Local Government

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
Part 1—Amendments		2
<i>Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013</i>		2
Part 2—Application of amendments		5
<i>Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013</i>		5

1 Name

This instrument is the *Marine Safety (Domestic Commercial Vessel) National Law Amendment Regulation 2022*.

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	1 January 2023.	1 January 2023

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—Amendments

Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013

1 Subsections 50B(1) to (3)

Repeal the subsections, substitute:

- (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.

Fees relating to certificates		
Item	Service	Amount (excluding GST)
1	Assessing an application under section 37 of the National Law for the issue of a certificate of survey	\$401
2	Assessing an application under section 39 of the National Law for the variation of a certificate of survey	\$208
3	Assessing an application under section 39 of the National Law for the suspension or revocation of a certificate of survey	\$227
4	Assessing an application under section 37 of the National Law for the renewal of a certificate of survey	\$224
5	Assessing an application under section 47 of the National Law for the issue of a certificate of operation for one or more domestic commercial vessels	\$212
6	Assessing an application under section 49 of the National Law for the variation of a certificate of operation	\$198
7	Assessing an application under section 49 of the National Law for the suspension or revocation of a certificate of operation	\$227
8	Assessing an application under section 47 of the National Law for the renewal of a certificate of operation for one or more domestic commercial vessels	\$212
9	Assessing an application under section 59 of the National Law for the issue of a certificate of competency	Either: (a) for a certificate of competency mentioned in subsection (2)—\$163 (b) for a certificate of competency mentioned in subsection (3)—\$282
10	Assessing an application under section 59 of the National Law for the renewal of a certificate of competency not covered by	Either: (a) for the renewal of a certificate of

Fees relating to certificates		
Item	Service	Amount (excluding GST)
	item 10A	competency mentioned in subsection (2)—\$150 (b) for the renewal of a certificate of competency mentioned in subsection (3)—\$238
10A	Assessing an application under section 59 of the National Law for the issue of a certificate of competency mentioned in subsection (3A) (transitional arrangements)	(a) for a certificate of competency mentioned in paragraph (3A)(a)—\$150 (b) for a certificate of competency mentioned in paragraph (3A)(b) or (c)—\$238
11	Assessing an application under section 61 of the National Law for the variation of a certificate of competency	\$150
12	Conducting an assessment of an applicant against relevant criteria required to be satisfied for a certificate of competency to be issued (final assessment)	\$372
13	Replacing a certificate of survey or a certificate of operation	\$38
14	Replacing a lost or stolen certificate of competency	\$150

Note: Fees are indexed under section 52.

(2) For the purposes of items 9 and 10 of the table, the certificates of competency are the following certificates prescribed in a Marine Order:

- (a) Master <24 m NC;
- (b) Master (Inland Waters) NC;
- (c) Sailing Master Offshore NC;
- (d) Sailing Master Coastal NC;
- (e) Coxswain Grade 1 NC;
- (f) Coxswain Grade 2 NC;
- (g) Coxswain Grade 3 NC;
- (h) Marine Engine Driver Grade 2 NC;
- (i) Marine Engine Driver Grade 3 NC;
- (j) General Purpose Hand NC.

(3) For the purposes of items 9 and 10 of the table, the certificates of competency are the following certificates prescribed in a Marine Order:

- (a) Master <45 m NC;
- (b) Master <100 m NC;
- (c) Marine Engine Driver Grade 1 NC;
- (d) Engineer Class 3 NC.

(3A) For the purposes of item 10A of the table, the certificates of competency are the following certificates prescribed in a Marine Order:

- (a) if the applicant holds a Mate < 80 m NC at the time of application—Master <24 m NC;

- (b) if the applicant holds a Master <35 m NC at the time of application—
Master <45 m NC;
- (c) if the applicant holds a Master < 80 m NC at the time of application—
Master <100 m NC.

(3B) For the purposes of subsection (3A), *Master < 80 m NC*, *Master <35 m NC* and *Master < 80 m NC* have the same meaning as in *Marine Order 505 (Certificates of competency — national law) 2013* as in force immediately before the commencement of *Marine Order 505 (Certificates of competency — national law) 2022*.

2 Before subsection 52(1)

Insert:

Fees for certificates

- (1A) This section applies to the dollar amounts (the *indexed amount*) specified in the table in subsection 50B(1).
- (1B) On 1 July 2023 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:

$$\begin{array}{c} \text{Indexation factor} \\ \text{for the indexation day} \end{array} \times \begin{array}{c} \text{Indexed amount immediately} \\ \text{before the indexation day} \end{array}$$

Fees for other services

3 Paragraph 52(1)(e)

Omit “50B(1).”.

4 Subsection 52(3)

Omit “The”, substitute “For the purposes of subsections (1B) and (2), the”.

5 Subsection 52(5)

After “subsection”, insert “(1B) or”.

Part 2—Application of amendments

Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013

6 At the end of the instrument

Add:

Division 3—Application of amendments made by the Marine Safety (Domestic Commercial Vessel) National Law Amendment Regulation 2022

55 Application of amendments

Applications and requests

- (1) The amendments made by the *Marine Safety (Domestic Commercial Vessel) National Law Amendment Regulation 2022* apply in relation to applications and requests made on or after 1 January 2023.

Annual indexation

- (2) Section 52, as amended by the *Marine Safety (Domestic Commercial Vessel) National Law Amendment Regulation 2022*, applies in relation to indexation days occurring on or after 1 July 2023.