

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

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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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 item 10A | Either:  (a) for the renewal of a certificate of 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), ***Mate < 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:start formula Indexation factor for the indexation day times Indexed amount immediately before the indexation day end formula

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.