



Queensland

Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016

Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Regulation 2016

Current as at 1 September 2016



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Transport Operations (Marine Safety— Domestic Commercial Vessel National Law Application) Regulation 2016

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Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Regulation 2016

1 Short title

This regulation may be cited as the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Regulation 2016*.

2 Commencement

This regulation commences on 1 September 2016.

3 Definition

In this regulation—

State delegate means a delegate or subdelegate of the National Regulator who is an officer or employee of this State or an agency of this State.

4 Fees payable to State delegates—Act, s 15

(1) Schedule 1 states the fees payable under section 15 of the Act.

(2) A reference in this section and schedule 1 to the length of a domestic commercial vessel is a reference to the measured length of the vessel within the meaning of the National Standard for Commercial Vessels, Part B.

(3) In schedule 1—

exempt vessel means a domestic commercial vessel to which section 5 or 6 applies.

sail training vessel means a domestic commercial vessel that—

- (a) is 6m or more but less than 16m in length; and
- (b) is used by a sailing school to teach sailing; and

- (c) is not to carry anyone on board other than its master and crew and the persons learning to sail.

the Law means the domestic commercial vessel national law.

5 Fee exemption for previously exempt vessels

- (1) This section applies to a domestic commercial vessel that—
 - (a) is a previously exempt vessel; and
 - (b) was operating in Queensland waters at any time within 1 year prior to the commencement.
- (2) No fee is payable under schedule 1, part 2 for a certificate of operation or a renewal of a certificate of operation for the vessel.
- (3) In this section—

previously exempt vessel means—

- (a) a vessel that was a domestic commercial vessel before the commencement if, before the commencement, no fee was payable for a certificate of operation for the vessel under the Commonwealth domestic commercial vessel national law on the basis that the vessel was of a kind mentioned in a repealed provision; or
- (b) a vessel that was not a domestic commercial vessel before the commencement if, before the commencement, the vessel was exempt from the requirement to be registered under the *Transport Operations (Marine Safety) Act 1994* because it was of a kind mentioned in a repealed provision.

repealed provision means section 60(2)(b), (c), (d), (e), (h) or (j) of the repealed *Transport Operations (Marine Safety) Regulation 2004*, as in force before the commencement.

6 Fee exemption for particular vessels used for rescue purposes

- (1) This section applies to a domestic commercial vessel that is—
 - (a) either of the following—

- (i) owned by the department in which the *Fire and Emergency Services Act 1990* is administered;
 - (ii) owned or operated by a volunteer marine rescue association, or surf life saving club, accredited by the department in which the *Fire and Emergency Services Act 1990* is administered; and
- (b) used for rescue purposes.
- (2) No fee is payable under schedule 1, part 2 for a certificate of operation or a renewal of a certificate of operation for the vessel.

7 Refund of fees if application is refused

- (1) This section applies if a State delegate refuses an application for any of the following—
 - (a) a certificate of survey;
 - (b) a certificate of operation or a renewal of a certificate of operation;
 - (c) a certificate of competency;
 - (d) a load line certificate under *Marine Order 507 (Load line certificates — national law) 2013* of the Commonwealth;
 - (e) an approval under section 6 or 7 of the Marine Safety (Temporary operations) Exemption 2016;
 - (f) a temporary crewing permit under the Marine Safety (Temporary crewing) Exemption 2013;
 - (g) a temporary service permit under the Marine Safety (Temporary service) Exemption 2013.
- (2) The State delegate must refund the fees paid by the applicant in relation to the application, other than the State delegate's reasonable costs of assessing the application.

8 Refund of fees on revocation of certificate of operation on application

- (1) This section applies if a certificate of operation issued by a State delegate is later revoked by a State delegate under section 52(1) of the domestic commercial vessel national law.
- (2) The State delegate must refund to the holder of the certificate the unexpired part (the *refund*) of the fee paid for the certificate.
- (3) The refund must be worked out on a proportional basis according to the number of whole days from the end of the day when the certificate of operation was revoked to the end of the day when the certificate of operation would have otherwise expired.
- (4) The State delegate may deduct from the refund the administration fee for this section in schedule 1, part 2.

Schedule 1 Fees

section 4

Part 1 Fees related to certificates of survey

| | \$ |
|--|---|
| 1 Certificate of survey (section 37(2) of the Law)— | |
| (a) standard fee | 389.55 |
| (b) additional fee if an inspection of the domestic commercial vessel to which the certificate is to relate is necessary— | |
| (i) for time spent inspecting the vessel—for each 15 minutes, rounded to the nearest 15 minutes | 31.95 |
| (ii) for travel time for the inspection | the amount of the reasonable travel expenses incurred |
| 2 Approval by a State delegate of plans for a domestic commercial vessel under section 11(1)(c) of <i>Marine Order 503 (Certificates of survey — national law) 2013</i> of the Commonwealth— | |
| (a) standard fee | 143.00 |
| (b) additional fee for the assessment of the plans— | |

| | \$ |
|---|---|
| (i) if the State delegate quoted a fee for the assessment in writing that was accepted by the applicant | the lesser of the quoted fee and the fee mentioned in subparagraph (ii) |
| (ii) otherwise, for each 15 minutes of assessment time, rounded to the nearest 15 minutes | 42.60 |
| 3 Replacement of a certificate of survey on the holder's application | 57.10 |

Part 2 Fees related to certificates of operation

| | \$ |
|--|--------|
| 1 Certificate of operation or a renewal of a certificate of operation (section 47(2) of the Law)—the total of the following for each domestic commercial vessel, other than an exempt vessel, to which the certificate is to relate— | |
| (a) for a class 1 vessel or class 2 vessel of the following length, other than a sail training vessel— | |
| • 1m or less | 253.50 |
| • more than 1m but not more than 2m | 265.55 |
| • more than 2m but not more than 3m | 277.60 |
| • more than 3m but not more than 4m | 289.65 |
| • more than 4m but not more than 4.5m | 301.70 |

| | \$ |
|---------------------------------------|---------|
| • more than 4.5m but not more than 5m | 350.95 |
| • more than 5m but not more than 6m | 363.00 |
| • more than 6m but not more than 7m | 375.05 |
| • more than 7m but not more than 8m | 637.95 |
| • more than 8m but not more than 9m | 650.00 |
| • more than 9m but not more than 10m | 662.05 |
| • more than 10m but not more than 11m | 786.45 |
| • more than 11m but not more than 12m | 806.35 |
| • more than 12m but not more than 13m | 826.25 |
| • more than 13m but not more than 14m | 846.15 |
| • more than 14m but not more than 15m | 866.05 |
| • more than 15m but not more than 16m | 1007.10 |
| • more than 16m but not more than 17m | 1027.00 |
| • more than 17m but not more than 18m | 1046.90 |
| • more than 18m but not more than 19m | 1066.80 |
| • more than 19m but not more than 20m | 1086.70 |
| • more than 20m but not more than 21m | 1201.70 |
| • more than 21m but not more than 22m | 1221.60 |
| • more than 22m but not more than 23m | 1241.50 |
| • more than 23m but not more than 24m | 1261.40 |
| • more than 24m but not more than 25m | 1281.30 |
| • more than 25m but not more than 26m | 1396.40 |
| • more than 26m but not more than 27m | 1416.30 |
| • more than 27m but not more than 28m | 1436.20 |

Schedule 1

| | \$ |
|---|---------|
| • more than 28m but not more than 29m | 1456.10 |
| • more than 29m but not more than 30m | 1476.00 |
| • more than 30m but not more than 31m | 1495.90 |
| • more than 31m but not more than 32m | 1515.80 |
| • more than 32m but not more than 33m | 1535.70 |
| • more than 33m but not more than 34m | 1555.60 |
| • more than 34m but not more than 35m | 1575.50 |
| • more than 35m but not more than 50m | 1735.50 |
| • more than 50m but not more than 75m | 1813.25 |
| • more than 75m but not more than 100m | 1969.25 |
| • more than 100m | 2272.00 |
| (b) for a class 3 vessel of the following length— | |
| • 15m or less | 190.35 |
| • more than 15m but not more than 20m | 519.10 |
| • more than 20m but not more than 25m | 640.30 |
| • more than 25m but not more than 35m | 804.60 |
| • more than 35m but not more than 50m | 995.00 |
| • more than 50m but not more than 75m | 1072.75 |
| • more than 75m but not more than 100m | 1228.75 |
| • more than 100m | 1531.50 |
| (c) for a class 4 vessel of the following length— | |
| • 1m or less | 147.00 |
| • more than 1m but not more than 2m | 159.05 |
| • more than 2m but not more than 3m | 171.10 |

| | \$ |
|---------------------------------------|--------|
| • more than 3m but not more than 4m | 183.15 |
| • more than 4m but not more than 4.5m | 195.20 |
| • more than 4.5m but not more than 5m | 244.45 |
| • more than 5m but not more than 6m | 256.50 |
| • more than 6m but not more than 7m | 268.55 |
| • more than 7m but not more than 8m | 326.40 |
| • more than 8m but not more than 9m | 338.45 |
| • more than 9m but not more than 10m | 350.50 |
| • more than 10m but not more than 11m | 424.70 |
| • more than 11m but not more than 12m | 444.60 |
| • more than 12m but not more than 13m | 464.50 |
| • more than 13m but not more than 14m | 484.40 |
| • more than 14m but not more than 15m | 504.30 |
| • more than 15m but not more than 16m | 583.00 |
| • more than 16m but not more than 17m | 602.90 |
| • more than 17m but not more than 18m | 622.80 |
| • more than 18m but not more than 19m | 642.70 |
| • more than 19m but not more than 20m | 662.60 |
| • more than 20m but not more than 21m | 786.20 |
| • more than 21m but not more than 22m | 806.10 |
| • more than 22m but not more than 23m | 826.00 |
| • more than 23m but not more than 24m | 845.90 |
| • more than 24m but not more than 25m | 865.80 |
| • more than 25m but not more than 26m | 946.45 |

Schedule 1

| | \$ |
|---|---------|
| • more than 26m but not more than 27m | 966.35 |
| • more than 27m but not more than 28m | 986.25 |
| • more than 28m but not more than 29m | 1006.15 |
| • more than 29m but not more than 30m | 1026.05 |
| • more than 30m but not more than 31m | 1045.95 |
| • more than 31m but not more than 32m | 1065.85 |
| • more than 32m but not more than 33m | 1085.75 |
| • more than 33m but not more than 34m | 1105.65 |
| • more than 34m but not more than 35m | 1125.55 |
| • more than 35m | 1181.75 |
| (d) for a hovercraft of the following length— | |
| • 1m or less | 246.50 |
| • more than 1m but not more than 2m | 258.55 |
| • more than 2m but not more than 3m | 270.60 |
| • more than 3m but not more than 4m | 282.65 |
| • more than 4m but not more than 4.5m | 294.70 |
| • more than 4.5m but not more than 5m | 343.95 |
| • more than 5m but not more than 6m | 414.80 |
| • more than 6m but not more than 7m | 426.85 |
| • more than 7m but not more than 7.5m | 438.90 |
| • more than 7.5m but not more than 8m | 560.10 |
| • more than 8m but not more than 9m | 572.15 |
| • more than 9m but not more than 10m | 584.20 |
| • more than 10m but not more than 11m | 708.50 |

| | \$ |
|---------------------------------------|---------|
| • more than 11m but not more than 12m | 728.40 |
| • more than 12m but not more than 13m | 748.30 |
| • more than 13m but not more than 14m | 768.20 |
| • more than 14m but not more than 15m | 788.10 |
| • more than 15m but not more than 16m | 1041.65 |
| • more than 16m but not more than 17m | 1061.55 |
| • more than 17m but not more than 18m | 1081.45 |
| • more than 18m but not more than 19m | 1101.35 |
| • more than 19m but not more than 20m | 1121.25 |
| • more than 20m but not more than 21m | 1366.00 |
| • more than 21m but not more than 22m | 1385.90 |
| • more than 22m but not more than 23m | 1405.80 |
| • more than 23m but not more than 24m | 1425.70 |
| • more than 24m but not more than 25m | 1445.60 |
| • more than 25m but not more than 26m | 1465.50 |
| • more than 26m but not more than 27m | 1485.40 |
| • more than 27m but not more than 28m | 1505.30 |
| • more than 28m but not more than 29m | 1525.20 |
| • more than 29m but not more than 30m | 1545.10 |
| • more than 30m but not more than 31m | 1790.15 |
| • more than 31m but not more than 32m | 1810.05 |
| • more than 32m but not more than 33m | 1829.95 |
| • more than 33m but not more than 34m | 1849.85 |
| • more than 34m but not more than 35m | 1869.75 |

Schedule 1

| | \$ |
|--|---------|
| • more than 35m | 1874.05 |
| (e) for a sail training vessel of the following length— | |
| • 6m or more but not more than 7m | 202.25 |
| • more than 7m but not more than 8m | 214.35 |
| • more than 8m but not more than 9m | 226.45 |
| • more than 9m but not more than 10m | 238.35 |
| • more than 10m but not more than 11m | 258.70 |
| • more than 11m but not more than 12m | 278.65 |
| • more than 12m but not more than 13m | 298.70 |
| • more than 13m but not more than 14m | 318.50 |
| • more than 14m but not more than 15m | 338.45 |
| • more than 15m but not more than 16m | 358.45 |
| 2 Replacement of a certificate of operation on the holder's application | 57.10 |
| 3 Administration fee, for section 8 of this regulation, for a refund on revocation of a certificate of operation | 16.20 |

Part 3 Fees related to certificates of competency

| | \$ |
|--|----|
| 1 Certificate of competency (section 59(2) of the Law)— | |
| (a) standard fee, for a certificate of the following kind— | |

| | \$ |
|---|--------|
| • General Purpose Hand | 86.60 |
| • Coxswain Grade 3 NC | 86.60 |
| • Coxswain Grade 2 NC | 86.60 |
| • Coxswain Grade 1 NC | 86.60 |
| • Master <24m NC | 190.35 |
| • Master (Inland waters) | 190.35 |
| • Master <35m NC | 268.20 |
| • Mate <80m NC | 268.20 |
| • Master <80m NC | 268.20 |
| • Marine Engine Driver Grade 3 NC | 159.25 |
| • Marine Engine Driver Grade 2 NC | 159.25 |
| • Marine Engine Driver Grade 1 NC | 216.25 |
| • Engineer Class 3 NC | 337.40 |
| (b) additional fee if an assessment of the qualifying sea service of the applicant is necessary | 50.20 |
| 2 Renewal of a certificate of competency under <i>Marine Order 505 (Certificates of competency — national law) 2013</i> of the Commonwealth | |
| (a) standard fee | 49.35 |
| (b) additional fee if an assessment of the qualifying sea service of the applicant, or an equivalent requirement under the marine order, is necessary | 50.20 |
| 3 Variation of a certificate of competency (section 61(2) of the Law) | 49.35 |
| 4 Replacement of a certificate of competency on the holder's application | 37.10 |

Part 4 Other fees

| | \$ |
|--|--------|
| 1 Load line certificate under <i>Marine Order 507 (Load line certificates — national law) 2013</i> of the Commonwealth | 155.75 |
| 2 Approval of extension under the Marine Safety (Operation beyond required survey time) Exemption 2013 | 57.10 |
| 3 Approval under section 6 or 7 of the Marine Safety (Temporary operations) Exemption 2016 for a domestic commercial vessel of the following length, for each month, or part of a month, for which the approval applies— | |
| (a) 50m or less | 90.05 |
| (b) more than 50m but not more than 80m | 192.20 |
| (c) more than 80m but not more than 150m | 407.70 |
| (d) more than 150m but not more than 200m | 640.65 |
| (e) more than 200m | 873.65 |
| 4 Temporary crewing permit under the Marine Safety (Temporary crewing) Exemption 2013 | 140.10 |
| 5 Temporary service permit under the Marine Safety (Temporary service) Exemption 2013 | 140.10 |

1 Index to endnotes

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2 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|-----------|--------------------------------|-------------|---------------------|
| AIA | = Acts Interpretation Act 1954 | (prev) | = previously |
| amd | = amended | proc | = proclamation |
| amd t | = amendment | prov | = provision |
| ch | = chapter | pt | = part |
| def | = definition | pubd | = published |
| div | = division | R[X] | = Reprint No. [X] |
| exp | = expires/expired | RA | = Reprints Act 1992 |
| gaz | = gazette | reloc | = relocated |
| hdg | = heading | renu m | = renumbered |
| ins | = inserted | rep | = repealed |
| lap | = lapsed | (retro) | = retrospectively |
| notf d | = notified | rv | = revised version |
| num | = numbered | s | = section |
| o in c | = order in council | sch | = schedule |

| Key | Explanation | Key | Explanation |
|-------------|--------------------|-------------|---|
| om | = omitted | sdiv | = subdivision |
| orig | = original | SIA | = Statutory Instruments Act 1992 |
| p | = page | SIR | = Statutory Instruments Regulation 2012 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnu | = unnumbered |
| | | m | |
| prev | = previous | | |

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| Current as at | Amendments included | Notes |
|----------------------|----------------------------|--------------|
| 1 September 2016 | none | |

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note.

Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Regulation 2016 SL No. 153

made by the Governor in Council on 25 August 2016

notfd <www.legislation.qld.gov.au> 26 August 2016

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2016 (see s 2)

exp 1 September 2026 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

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