

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

Explanatory notes for SL 2016 No. 153

made under the

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

General Outline

Short title

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

Authorising law

Sections 15 and 22 of the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016*.

Policy objectives and the reasons for them

The *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cwlth) contains the *Marine Safety (Domestic Commercial Vessel) National Law* (the National Law). The National Law commenced on 1 July 2013 and introduced a national system for regulating domestic commercial vessels. Domestic commercial vessels are vessels ‘for use in connection with a commercial, governmental or research activity’.

The National Law established the Australian Maritime Safety Authority (AMSA) as the National Marine Safety Regulator. Under an Intergovernmental Agreement, States and Territories deliver services under the National Law as delegates of AMSA.

Section 15 of Queensland’s *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016* enables a regulation to be made that prescribes fees payable for anything done under the National Law by an officer or employee of Queensland who is acting as a delegate of AMSA. The policy objective of the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Regulation 2016* is therefore to incorporate these fees into Queensland legislation.

Achievement of policy objectives

The *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Regulation 2016* achieves the policy objective by prescribing fees related to the issue of certificates of survey, competency, operation and vessel identifiers for domestic commercial vessels.

The fee amounts are the same as those that are currently being charged, based in part on an administrative arrangement with the Commonwealth, in relation to functions performed by Queensland officers as delegates of AMSA. The fee for a certificate of operation, for a class 1, 2 or 4 vessel or a hovercraft, comprises the certification, boating facilities and compliance monitoring components, which reflects the existing breakdown of the fee currently payable for a certificate of operation. Also, the standard fee for a certificate of survey covers the administrative costs, including but not limited to, the examining of complex documents required for the certificate.

The regulation also reflects current arrangements by providing for an exemption from fees for certificates of operation issued for vessels which would not have required registration had they continued to be regulated under *Transport Operations (Marine Safety) Act 1994*, and for vessels owned or operated by an accredited volunteer marine rescue association, or surf lifesaving club. It will also provide for the refund of fees in the same situations as apply under the *Transport Operations (Marine Safety) Regulation 2016*.

Consistency with policy objectives of authorising laws

The regulation is consistent with the purpose of the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016* which is to adopt in Queensland a national approach to the regulation of marine safety in relation to domestic commercial vessels.

Benefits and costs of implementation

The benefit of the regulation is that it clearly sets out the fees that are currently payable in relation to domestic commercial vessels operating in Queensland. Costs associated with the changes will be negligible and any such costs will be met by existing budget allocations.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

As a national initiative, the Commonwealth was responsible for the consultation on the national reforms. Consultation on the national reforms previously undertaken by the Australian Maritime Safety Authority (AMSA) was generally positively received by the public and marine industry.

The Department of Transport and Main Roads has written to known vessel owners and operators who will be transitioning to the national system through the application of the National Law in Queensland on 1 September 2016.

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