



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 July 2018

Reprint note

This is the last reprint before repeal. Repealed on 30 November 2018 by 2018 SL No. 206 s 29.

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Queensland

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 (s 37(2) of the Law)—	
(a) standard fee	417.30
(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 down to the nearest 15 minutes	34.20
(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 <i>Marine Order 503 (Certificates of survey — national law) 2017</i> (Cwlth), section 3(4)—	
(a) standard fee	153.20
(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 down to the nearest 15 minutes	45.65
3 Replacement of a certificate of survey on the holder's application	61.15

Part 2 Fees related to certificates of operation

	\$
4 Certificate of operation or a renewal of a certificate of operation (s 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	271.55
• more than 1m but not more than 2m	284.45
• more than 2m but not more than 3m	297.35
• more than 3m but not more than 4m	310.30

	\$
• more than 4m but not more than 4.5m	323.20
• more than 4.5m but not more than 5m	375.95
• more than 5m but not more than 6m	388.85
• more than 6m but not more than 7m	401.80
• more than 7m but not more than 8m	683.40
• more than 8m but not more than 9m	696.30
• more than 9m but not more than 10m	709.20
• more than 10m but not more than 11m	842.50
• more than 11m but not more than 12m	863.75
• more than 12m but not more than 13m	885.10
• more than 13m but not more than 14m	906.40
• more than 14m but not more than 15m	927.70
• more than 15m but not more than 16m	1,078.85
• more than 16m but not more than 17m	1,100.15
• more than 17m but not more than 18m	1,121.45
• more than 18m but not more than 19m	1,142.80
• more than 19m but not more than 20m	1,164.10
• more than 20m but not more than 21m	1,287.30
• more than 21m but not more than 22m	1,308.60
• more than 22m but not more than 23m	1,329.90
• more than 23m but not more than 24m	1,351.25
• more than 24m but not more than 25m	1,372.55
• more than 25m but not more than 26m	1,495.85
• more than 26m but not more than 27m	1,517.15

Schedule 1

	\$
• more than 27m but not more than 28m	1,538.50
• more than 28m but not more than 29m	1,559.80
• more than 29m but not more than 30m	1,581.10
• more than 30m but not more than 31m	1,602.45
• more than 31m but not more than 32m	1,623.75
• more than 32m but not more than 33m	1,645.10
• more than 33m but not more than 34m	1,666.40
• more than 34m but not more than 35m	1,687.70
• more than 35m but not more than 50m	1,859.10
• more than 50m but not more than 75m	1,942.40
• more than 75m but not more than 100m	2,109.50
• more than 100m	2,433.80
(b) for a class 3 vessel of the following length—	
• 15m or less	203.90
• more than 15m but not more than 20m	556.05
• more than 20m but not more than 25m	685.90
• more than 25m but not more than 35m	861.90
• more than 35m but not more than 50m	1,065.85
• more than 50m but not more than 75m	1,149.15
• more than 75m but not more than 100m	1,316.25
• more than 100m	1,640.60
(c) for a class 4 vessel of the following length—	
• 1m or less	157.50
• more than 1m but not more than 2m	170.35

	\$
• more than 2m but not more than 3m	183.30
• more than 3m but not more than 4m	196.20
• more than 4m but not more than 4.5m	209.10
• more than 4.5m but not more than 5m	261.85
• more than 5m but not more than 6m	274.80
• more than 6m but not more than 7m	287.70
• more than 7m but not more than 8m	349.60
• more than 8m but not more than 9m	362.55
• more than 9m but not more than 10m	375.45
• more than 10m but not more than 11m	454.95
• more than 11m but not more than 12m	476.25
• more than 12m but not more than 13m	497.60
• more than 13m but not more than 14m	518.90
• more than 14m but not more than 15m	540.20
• more than 15m but not more than 16m	624.50
• more than 16m but not more than 17m	645.85
• more than 17m but not more than 18m	667.15
• more than 18m but not more than 19m	688.50
• more than 19m but not more than 20m	709.80
• more than 20m but not more than 21m	842.20
• more than 21m but not more than 22m	863.50
• more than 22m but not more than 23m	884.80
• more than 23m but not more than 24m	906.15
• more than 24m but not more than 25m	927.45

Schedule 1

	\$
• more than 25m but not more than 26m	1,013.90
• more than 26m but not more than 27m	1,035.15
• more than 27m but not more than 28m	1,056.50
• more than 28m but not more than 29m	1,077.80
• more than 29m but not more than 30m	1,099.10
• more than 30m but not more than 31m	1,120.45
• more than 31m but not more than 32m	1,141.75
• more than 32m but not more than 33m	1,163.10
• more than 33m but not more than 34m	1,184.40
• more than 34m but not more than 35m	1,205.70
• more than 35m	1,265.90
(d) for a hovercraft of the following length—	
• 1m or less	264.10
• more than 1m but not more than 2m	276.95
• more than 2m but not more than 3m	289.85
• more than 3m but not more than 4m	302.80
• more than 4m but not more than 4.5m	315.65
• more than 4.5m but not more than 5m	368.45
• more than 5m but not more than 6m	444.35
• more than 6m but not more than 7m	457.25
• more than 7m but not more than 7.5m	470.15
• more than 7.5m but not more than 8m	600.00
• more than 8m but not more than 9m	612.95
• more than 9m but not more than 10m	625.80

	\$
• more than 10m but not more than 11m	758.95
• more than 11m but not more than 12m	780.30
• more than 12m but not more than 13m	801.60
• more than 13m but not more than 14m	822.95
• more than 14m but not more than 15m	844.25
• more than 15m but not more than 16m	1,115.85
• more than 16m but not more than 17m	1,137.15
• more than 17m but not more than 18m	1,158.50
• more than 18m but not more than 19m	1,179.80
• more than 19m but not more than 20m	1,201.10
• more than 20m but not more than 21m	1,463.30
• more than 21m but not more than 22m	1,484.60
• more than 22m but not more than 23m	1,505.90
• more than 23m but not more than 24m	1,527.25
• more than 24m but not more than 25m	1,548.55
• more than 25m but not more than 26m	1,569.90
• more than 26m but not more than 27m	1,591.20
• more than 27m but not more than 28m	1,612.55
• more than 28m but not more than 29m	1,633.85
• more than 29m but not more than 30m	1,655.15
• more than 30m but not more than 31m	1,917.65
• more than 31m but not more than 32m	1,938.95
• more than 32m but not more than 33m	1,960.30
• more than 33m but not more than 34m	1,981.60

Schedule 1

	\$
• more than 34m but not more than 35m	2,002.95
• more than 35m	2,007.55
(e) for a sail training vessel of the following length—	
• 6m or more but not more than 7m	216.70
• more than 7m but not more than 8m	229.60
• more than 8m but not more than 9m	242.60
• more than 9m but not more than 10m	255.35
• more than 10m but not more than 11m	277.10
• more than 11m but not more than 12m	298.50
• more than 12m but not more than 13m	319.95
• more than 13m but not more than 14m	341.20
• more than 14m but not more than 15m	362.55
• more than 15m but not more than 16m	384.00
5 Replacement of a certificate of operation on the holder's application	61.15
6 Administration fee, for section 8, for a refund on revocation of a certificate of operation	17.35

Part 3 Fees related to certificates of competency

	\$
7 Certificate of competency (s 59(2) of the Law)—	
(a) standard fee, for a certificate of the following kind—	

	\$
• General Purpose Hand	92.80
• Coxswain Grade 3 NC	92.80
• Coxswain Grade 2 NC	92.80
• Coxswain Grade 1 NC	92.80
• Master <24m NC	203.90
• Master (Inland waters)	203.90
• Master <35m NC	287.30
• Mate <80m NC	287.30
• Master <80m NC	287.30
• Marine Engine Driver Grade 3 NC	170.55
• Marine Engine Driver Grade 2 NC	170.55
• Marine Engine Driver Grade 1 NC	231.65
• Engineer Class 3 NC	361.40
(b) additional fee if an assessment of the qualifying sea service of the applicant is necessary	53.75
8 Renewal of a certificate of competency under <i>Marine Order 505 (Certificates of competency — national law) 2013</i> (Cwlth)—	
(a) standard fee	52.90
(b) additional fee if an assessment of the qualifying sea service of the applicant, or an equivalent requirement under the marine order, is necessary	53.75
9 Variation of a certificate of competency (s 61(2) of the Law)	52.90
10 Replacement of a certificate of competency on the holder’s application	39.75

Part 4 Other fees

	\$
11 Load line certificate under <i>Marine Order 507 (Load line certificates — national law) 2013</i> (Cwlth)	166.85
12 Approval of extension under the Marine Safety (Periodic survey, equipment certification and compass adjustment) Exemption 2018, section 5	61.15
13 Approval under the Marine Safety (Temporary operations) Exemption 2018 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	96.45
(b) more than 50m but not more than 80m	205.90
(c) more than 80m but not more than 150m	436.70
(d) more than 150m but not more than 200m	686.25
(e) more than 200m	935.90
14 Temporary service permit under the Marine Safety (Temporary service) Exemption 2017	150.05