



Queensland

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

## Subordinate Legislation 2016 No. 153

made under the

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

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## 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the Commonwealth domestic commercial vessel national law on the basis that the vessel was of a kind mentioned in a repealed provision; or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

Schedule 1

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	\$
• 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

	\$
• 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

Schedule 1

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	\$
• 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

	\$
• 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

Schedule 1

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	\$
• 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

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	\$
• 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**

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

Schedule 1

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	\$
• 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

#### ENDNOTES

- 1 Made by the Governor in Council on 25 August 2016.
- 2 Notified on the Queensland legislation website on 26 August 2016.
- 3 The administering agency is the Department of Transport and Main Roads.

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