

EXPOSURE DRAFT



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Marine Safety (Domestic Commercial Vessel) Levy (Amount) Rules 2018

I, Michael McCormack, Deputy Prime Minister and Minister for Infrastructure and Transport, make the following rules.

Dated 2018

Michael McCormack [**DRAFT ONLY—NOT FOR SIGNATURE**]
Deputy Prime Minister and Minister for Infrastructure and Transport

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Part 1—Preliminary

1 Name

This instrument is the *Marine Safety (Domestic Commercial Vessel) Levy (Amount) Rules 2018*.

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	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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 subsection 9(2) of the *Marine Safety (Domestic Commercial Vessel) Levy Act 2018*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) leviable domestic commercial vessel;
- (b) Marine Safety (Domestic Commercial Vessel) National Law;
- (c) National Standard for Commercial Vessels.

In this instrument:

Act means the *Marine Safety (Domestic Commercial Vessel) Levy Act 2018*.

fishing vessel has the same meaning as in Part B of the National Standard.

hire and drive vessel has the meaning given by section 6 of the Marine Safety (Domestic Commercial Vessel) National Law.

kind of vessel: see subsection 7(1).

length of a vessel: see section 8.

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Part 1 Preliminary

Section 4

National Standard means the National Standard for Commercial Vessels, as existing from time to time.

non-passenger vessel means a vessel that is not any of the following:

- (a) a passenger vessel;
- (b) a fishing vessel;
- (c) a hire and drive vessel.

operational area, of a vessel, means a geographical area in which the vessel may be operated under the National Standard as indicated by a service category assigned to the vessel for the purposes of that standard.

Note: See also subsection 7(2).

passenger vessel has the same meaning as in Part B of the National Standard.

Part 2—Amount of levy payable

5 Amount of levy

Basic rule

- (1) The amount of levy imposed on a leviable domestic commercial vessel in respect of an eligible financial year is the amount worked out using the formula:

$$\left(\begin{array}{l} \text{Vessel length} \\ \text{component} \\ \text{(if any)} \end{array} + \begin{array}{l} \text{Operational use} \\ \text{component} \end{array} \right) \times \begin{array}{l} \text{Transitional} \\ \text{factor} \end{array}$$

where:

operational use component means the amount worked out for the vessel under section 6.

transitional factor means:

- (a) for the financial year beginning on 1 July 2019—0.1433; or
- (b) for the financial year beginning on 1 July 2020—0.3307; or
- (c) for the financial year beginning on 1 July 2021—0.5154; or
- (d) for the financial year beginning on 1 July 2022—0.5817.

vessel length component means the amount worked out by multiplying the length of the vessel by the following amount:

- (a) if the vessel is a passenger vessel for the eligible financial year—\$60;
- (b) if the vessel is a non-passenger vessel for the eligible financial year—\$50;
- (c) if the vessel is a fishing vessel for the eligible financial year—\$40;
- (d) if the vessel is a hire and drive vessel for the eligible financial year—\$0;
- (e) if more than one preceding paragraph applies to the vessel—the highest amount applicable under any of those paragraphs.

Note 1: For **kind of vessel**, see subsection 7(1).

Note 2: For the **length of a vessel**, see section 8.

Rounding for full-year levy

- (2) If the amount worked out using the formula in subsection (1) for levy imposed by subsection 8(1) of the Act:
- (a) is not an amount of whole dollars; and
 - (b) exceeds \$1;
- the amount is to be rounded to the nearest dollar (rounding 50 cents upwards).
- (3) If the amount worked out using the formula in subsection (1) for levy imposed by subsection 8(1) of the Act is less than \$1, the amount is to be rounded upwards to \$1.

Note: Because subsections (2) and (3) of this section do not apply if the levy is imposed under subsection 8(2) of the Act, the full-year amount for the purposes of

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Part 2 Amount of levy payable

Section 6

subsection 9(3) of the Act is the amount applicable under subsection (1) of this section. For rounding of levy imposed under subsection 8(2) of the Act, see subsections 9(4) and (5) of the Act.

6 Operational use component

Unlimited domestic operations

- (1) The following table sets out the **operational use component** for a vessel of a particular kind and length if the operational area for the vessel for the eligible financial year is unlimited domestic operations (Area A).

Operational use component—unlimited domestic operations					
Item	Length of vessel	Passenger vessel	Non-passenger vessel	Fishing vessel	Hire and drive vessel
1	less than 7.5 metres	\$1,100	\$1,000	\$750	\$600
2	7.5 metres but less than 12 metres	\$1,300	\$1,150	\$800	\$600
3	12 metres but less than 24 metres	\$1,450	\$1,250	\$1,000	\$600
4	24 metres but less than 35 metres	\$1,500	\$1,400	\$1,100	\$600
5	35 metres but less than 45 metres	\$1,550	\$1,500	\$1,275	\$600
6	45 metres or more	\$1,700	\$1,600	\$1,300	\$600

Extended offshore operations and offshore operations

- (2) The following table sets out the **operational use component** for a vessel of a particular kind and length if the operational area for the vessel for the eligible financial year is:
- (a) extended offshore operations (Area B—extended); or
 - (b) offshore operations (Area B).

Operational use component—extended offshore operations and offshore operations					
Item	Length of vessel	Passenger vessel	Non-passenger vessel	Fishing vessel	Hire and drive vessel
1	less than 7.5 metres	\$950	\$790	\$190	\$500
2	at least 7.5 metres but less than 12 metres	\$1,200	\$890	\$300	\$500
3	at least 12 metres but less than 24 metres	\$1,300	\$970	\$380	\$500
4	at least 24 metres but less than 35 metres	\$1,450	\$1,250	\$500	\$500
5	at least 35 metres but less than 45 metres	\$1,550	\$1,300	\$600	\$500

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Amount of levy payable **Part 2**

Section 6

Operational use component—extended offshore operations and offshore operations					
Item	Length of vessel	Passenger vessel	Non-passenger vessel	Fishing vessel	Hire and drive vessel
6	45 metres or more	\$1,650	\$1,400	\$700	\$500

Restricted offshore operations and restricted offshore operations—specified areas

- (3) The following table sets out the **operational use component** for a vessel of a particular kind and length if the operational area for the vessel for the eligible financial year is:
- (a) restricted offshore operations (Area C); or
 - (b) restricted offshore operations—specified areas (Area C restricted).

Operational use component—restricted offshore operations and restricted offshore operations—specified areas					
Item	Length of vessel	Passenger vessel	Non-passenger vessel	Fishing vessel	Hire and drive vessel
1	less than 7.5 metres	\$900	\$730	\$84	\$400
2	at least 7.5 metres but less than 12 metres	\$1,000	\$825	\$200	\$400
3	at least 12 metres but less than 24 metres	\$1,250	\$950	\$300	\$400
4	at least 24 metres but less than 35 metres	\$1,300	\$1,150	\$400	\$400
5	at least 35 metres but less than 45 metres	\$1,450	\$1,275	\$500	\$400
6	45 metres or more	\$1,500	\$1,370	\$600	\$400

Partially smooth water operations

- (4) The following table sets out the **operational use component** for a vessel of a particular kind and length if the operational area for the vessel for the eligible financial year is partially smooth water operations (Area D).

Operational use component—partially smooth water operations					
Item	Length of vessel	Passenger vessel	Non-passenger vessel	Fishing vessel	Hire and drive vessel
1	less than 7.5 metres	\$850	\$690	\$80	\$350
2	at least 7.5 metres but less than 12 metres	\$980	\$840	\$100	\$350
3	at least 12 metres but less than 24 metres	\$1,150	\$900	\$200	\$350
4	at least 24 metres but	\$1,200	\$1,000	\$300	\$350

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Part 2 Amount of levy payable

Section 7

Operational use component—partially smooth water operations					
Item	Length of vessel	Passenger vessel	Non-passenger vessel	Fishing vessel	Hire and drive vessel
	less than 35 metres				
5	at least 35 metres but less than 45 metres	\$1,350	\$1,250	\$400	\$350
6	45 metres or more	\$1,400	\$1,390	\$500	\$350

Smooth water operations

- (5) The following table sets out the **operational use component** for a vessel of a particular kind and length if the operational area for the vessel for the eligible financial year is smooth water operations (Area E).

Operational use component—smooth water operations					
Item	Length of vessel	Passenger vessel	Non-passenger vessel	Fishing vessel	Hire and drive vessel
1	less than 7.5 metres	\$800	\$600	\$100	\$300
2	at least 7.5 metres but less than 12 metres	\$875	\$700	\$100	\$300
3	at least 12 metres but less than 24 metres	\$900	\$800	\$100	\$300
4	at least 24 metres but less than 35 metres	\$1,050	\$900	\$200	\$300
5	at least 35 metres but less than 45 metres	\$1,150	\$1,050	\$300	\$300
6	45 metres or more	\$1,250	\$1,200	\$400	\$300

Vessels to which more than one amount applies

- (6) Despite subsections (1) to (5), if more than one amount applies to a vessel under one or more of those subsections, the **operational use component** for the vessel for the eligible financial year is the highest amount applicable under this section.

7 Day on which kind of vessel and operational area is to be determined

- (1) For the purposes of this instrument, if a vessel is:
- (a) a passenger vessel; or
 - (b) a non-passenger vessel; or
 - (c) a fishing vessel; or
 - (d) a hire and drive vessel;
- on the vessel's relevant day for an eligible financial year, then the vessel is that kind of vessel for the eligible financial year.

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Amount of levy payable **Part 2**

Section 8

- (2) For the purposes of this instrument, the operational area or areas of a vessel for an eligible financial year are the operational area or areas that the vessel has on the vessel's relevant day for the eligible financial year.
- (3) For the purposes of subsections (2) and (3), the relevant day for a vessel for an eligible financial year is:
 - (a) if levy is imposed on the vessel by subsection 8(1) of the Act (full-year levy) in respect of the eligible financial year—1 July in the eligible financial year; or
 - (b) if levy is imposed on the vessel by subsection 8(2) of the Act (pro-rata levy) in respect of an eligible financial year—the first or only day in the eligible financial year on which the vessel is a leviable domestic commercial vessel.

8 Length of a vessel

- (1) If a certificate of survey is in force for a leviable domestic commercial vessel, the vessel's length for the purposes of this instrument is the length specified in the certificate.
- (2) If:
 - (a) an exemption under section 143 of the Marine Safety (Domestic Commercial Vessel) National Law is in force for a leviable domestic commercial vessel; and
 - (b) the length of the vessel is specified in the exemption; and
 - (c) subsection (1) does not apply to the vessel;the vessel's length for the purposes of this instrument is the length specified in the exemption.
- (3) If neither of the preceding subsections applies to a leviable domestic commercial vessel, the vessel's length for the purposes of this instrument is the measured length of the vessel worked out in accordance with Schedule 2 of Part B of the National Standard.