

COMMERCIAL VESSELS ACT 1979—REGULATION

(Relating to fees, expenses and charges)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Commercial Vessels Act 1979, has been pleased to make the Regulation set forth hereunder.

P C Scully
Minister for Ports.

Commencement

1. This Regulation commences on 2 February 1996.

Amendments

2. The Commercial Vessels (Permits) Regulation 1986 is amended:

- (a) by inserting in alphabetical order in clause 4 the following definitions:

“**normal working hours**” means 7.30 am to 4 pm Monday to Friday, excluding public holidays;

“**Waterways Authority**” means the Waterways Authority constituted under the Ports Corporatisation and Waterways Management Act 1995.

- (b) by inserting at the end of clause 14 the following subclauses:

(2) If Schedule 3 provides for a charge to be imposed at an hourly rate, the Minister is to provide a written estimate of the total fee payable before the relevant work is commenced.

(3) The fee payable in respect of a vessel whose survey schedule is altered (such as for the purpose of including the vessel

in a group survey) is to be increased or decreased in the same proportion as that by which the interval before the vessel is next due for survey is increased or decreased as a result of the alteration.

- (c) by omitting Schedule 3 and by inserting instead the following Schedule:

SCHEDULE 3—FEES, EXPENSES AND CHARGES

(Cl. 14)

Part 1—General

1. Replacement of a permit plate that has become lost, illegible, damaged or destroyed (section 15 (5)) \$50
2. Issue of a temporary permit (section 19 (4)):

Administration fee	\$180
In addition, for any inspection of a vessel for that purpose	\$90 per hour or part of an hour
3. Work carried out in connection with an application for a permit and investigation of the application (section 17) (including survey, examination, approval of plans, witnessing position of draught marks, witnessing of inclining tests, approval of stability data, witnessing of vessel trials and examination or re-examination of information in connection with approval of plans) \$90 per hour or part of an hour
4. Submission of application (where investigative work has been carried out by a person accredited by the Waterways Authority in accordance with the accrediting arrangements approved by the Minister, and where the applicant has paid to the accredited person such fees as the applicant and accredited person have agreed) \$350
5. Investigation as to whether the suspension of a permit was justified (section 22 (5)):

Administration fee	\$90
In addition, for any inspection of a vessel for that purpose	\$90 per hour or part of an hour

6. Investigation as to whether the suspension of a permit should be revoked:
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| Administration fee | \$90 |
| In addition, for any inspection of a vessel for that purpose | \$90 per hour or part of an hour |
7. Work carried out in respect of the survey of a vessel in accordance with its survey schedule or with a requirement made by the Minister (section 30):
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| For a vessel subject to a Class 1 permit | \$34 per metre (or part of a metre) of length of the vessel |
| For a vessel subject to a Class 2 permit | \$29 per metre (or part of a metre) of length of the vessel |
| For a vessel subject to a Class 3 permit | \$23 per metre (or part of a metre) of length of the vessel |
| For a vessel subject to a Class 4 permit (where the vessel is 6 metres long or more) .. | \$34 per metre (or part of a metre) of length of the vessel |
| For a vessel subject to a Class 4 permit (where the vessel is less than 6 metres long but is not subject to an exemption from periodical survey made under section 48) | \$23 per metre (or part of a metre) of length of the vessel |
| For a vessel subject to more than one class of permit | The fee applicable to a vessel subject to the lowest class of permit to which the vessel is subject (Class 1 being the lowest class and Class 4 being the highest class) |

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| 8. | Issue of a Class 4 permit in respect of a vessel that is less than 6 metres long and that is subject to an exemption from periodical survey under section 48 | \$107 (for each group of 10 vessels, or part of such a group) |
| 9. | Issue of a replacement survey record book (clause 10 (7)) | \$120 |
| 10. | Issue of a towage permit (clause 12):
Administration fee
In addition, for any inspection of a vessel for that purpose | \$50

\$90 per hour or part of an hour |
| 11. | Further inspection, where a defect or deficiency has been revealed by an inspection under section 29, for the purpose of ascertaining whether the defect or deficiency has been rectified | \$90 per hour or part of an hour |
| 12. | Further inspection subsequent to repairs following accident damage and inspection of those repairs under section 29 (3) | \$90 per hour or part of an hour |
| 13. | Preliminary inspection of an existing vessel for verbal advice on survey requirements | \$150 (which is to be deducted from any subsequent application fee in relation to the vessel) |

Part 2—Supplementary charges payable in addition to the fees, expenses and charges under Part 1

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| 14. | Survey or service carried out by a surveyor outside normal working hours | \$45 per hour or part of an hour (including travelling time), subject to a minimum fee of \$180 where the hours are not merely an extension of normal working hours |
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15. Attendance by a surveyor (at the request of an applicant for a vessel permit, or of a person submitting a vessel for survey, inspection or issue of a towage permit) otherwise than at a place or time at which the surveyor is normally engaged in official duties

Such reasonable travel and accommodation expenses as are incurred by the surveyor for the purposes of the attendance

EXPLANATORY NOTE

Section 17 of the Commercial Vessels Act 1979 states that the regulations under that Act may provide for the payment of specified fees and charges in respect of an application for a permit (authorising the use of the vessel to which it relates in prescribed waters of a class or classes specified in the permit) and investigation of the application. Section 30 of that Act provides for the payment of prescribed fees, charges and expenses before a vessel is surveyed or a motor is checked.

The object of this Regulation is to amend the Commercial Vessels (Permits) Regulation 1986 to change the fees and charges presently prescribed under that Regulation.

This Regulation is made under the Commercial Vessels Act 1979, including section 17 (payment of fees, charges and expenses in relation to permits), section 30 (fees, charges and expenses for surveys of vessels and checks of motors) and section 52 (the general regulation-making power).
