



Sea Installations Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 02 March 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Josh Frydenberg
Minister for the Environment and Energy

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Part 1—Preliminary

1 Name

This instrument is the *Sea Installations Regulations 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.	8 March 2018

Note: This table relates only to the provisions of this instrument as originally made.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 the *Sea Installations Act 1987*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

Act means the *Sea Installations Act 1987*.

cost, in relation to an application for a permit to install, or add to, a sea installation, has the meaning given by section 6.

moorings means a structure in physical contact with the seabed, to which vessels or other floating structures may be secured.

pontoon means a floating structure, without the power of self-propulsion, that is attached to moorings.

Section 6

prescribed pontoon means a pontoon in respect of which a relevant permission is in force.

prescribed vessel means a navigable vessel that is equipped with sleeping accommodation provided on a commercial basis for more than 8 persons.

relevant permission has the same meaning as in the *Great Barrier Reef Marine Park Regulations 1983*.

6 Cost of installing, or adding to, a sea installation

- (1) The ***cost*** of installing, or adding to, a sea installation, means the cost of constructing, transporting and installing the installation or addition.
- (2) Subsection (1) applies to costs incurred before and after an application is made for a permit to install or add to the sea installation.

7 Meaning of *sea installation*

For the purposes of paragraph (r) of the definition of ***sea installation*** in subsection 4(1) of the Act, the following classes of structure are prescribed:

- (a) moorings;
- (b) navigable vessels, other than prescribed vessels or pontoons;
- (c) meteorological aids, or wave data recording stations, operated by the Commonwealth.

Part 2—Renewal of permits

8 Applications to renew permits

Installations other than prescribed vessels

- (1) The fee prescribed for an application to renew a permit to operate a sea installation other than a prescribed vessel is the amount worked out using the following table.

Applications to renew permits—other than prescribed vessels		
Item	If the installation cost ...	the amount of the fee is ...
1	no more than \$6,000	the greater of the following: (a) 0.75% of the cost of the installation; (b) \$17.
2	more than \$6,000 but no more than \$60,000	\$50 plus 0.5% of the amount by which the cost of the installation exceeded \$6,000.
3	more than \$60,000 but no more than \$250,000	\$345 plus 0.2% of the amount by which the cost of the installation exceeded \$60,000.
4	more than \$250,000	\$755 plus 0.1% of the amount by which the cost of the installation exceeded \$250,000.

Prescribed vessels

- (2) The fee prescribed for an application to renew a permit to operate a prescribed vessel is the greater of the following amounts:
- \$17;
 - the amount worked out using the following formula:

$$P \times N \times 16 \text{ cents}$$

where:

N is the maximum number of nights per year that the vessel is stated in the application as being expected to be used for the provision of sleeping accommodation on a commercial basis.

P is the number of persons for whom sleeping accommodation on the vessel is provided on a commercial basis.

Part 3—Variations to permits

9 Applications to vary permits—all sea installations

- (1) The fee prescribed for an application to vary a permit to authorise additions to a sea installation is the amount worked out using the following table.

Applications to vary permits to authorise additions to sea installations		
Item	If the additions cost ...	the amount of the fee is ...
1	no more than \$6,000	the greater of the following: (a) 0.75% of the cost of the additions; (b) \$10.
2	more than \$6,000 but no more than \$60,000	\$50 plus 0.5% of the amount by which the cost of the additions exceeded \$6,000.
3	more than \$60,000 but no more than \$250,000	\$345 plus 0.2% of the amount by which the cost of the additions exceeded \$60,000.
4	more than \$250,000	\$755 plus 0.1% of the amount by which the cost of the additions exceeded \$250,000.

- (2) A fee of \$100 is prescribed for an application, other than an application covered by subsection (1), to vary a permit to authorise:
- (a) an increase of not more than 50 in the number of members of the public permitted to visit the sea installation per day; or
 - (b) the operation of the sea installation for another environment-related activity.
- (3) The fee prescribed for an application to vary a permit to authorise the removal of part of a sea installation is the lesser of the following amounts:
- (a) the amount of the fee paid for the application for the permit;
 - (b) \$100.

10 Applications to vary permits—sea installations other than prescribed vessels

- (1) This section applies to sea installations that are not prescribed vessels.
- (2) The fee prescribed for an application to vary a permit to authorise an increase of more than 50 in the number of members of the public permitted to visit the sea installation per day is the amount of the fee paid for the application for the permit.
- (3) The fee prescribed for an application to vary a permit to authorise both:
- (a) an increase of more than 50 in the number of members of the public permitted to visit the sea installation per day; and
 - (b) additions to the sea installation;
- is the amount worked out using the following table.

Applications to vary permits to authorise increased use and additions

Item	If the installation and the additions in total cost ...	the amount of the fee is ...
1	no more than \$6,000	the greater of the following: (a) 0.75% of the cost of the additions; (b) \$17.
2	more than \$6,000 but no more than \$60,000	\$50 plus 0.5% of the amount by which the cost of the additions exceeded \$6,000.
3	more than \$60,000 but no more than \$250,000	\$345 plus 0.2% of the amount by which the cost of the additions exceeded \$60,000.
4	more than \$250,000	\$755 plus 0.1% of the amount by which the cost of the additions exceeded \$250,000.

11 Applications to vary permits—prescribed vessels

- (1) This section applies to sea installations that are prescribed vessels.
- (2) The fee prescribed for an application to vary a permit to authorise an increase of more than 50 in the number of members of the public permitted to visit the sea installation per day, or to stay overnight on the sea installation, is the greater of the following amounts:
 - (a) \$17;
 - (b) the amount worked out using the following formula:

$$P \times N \times 16 \text{ cents}$$

where:

N is:

- (a) the maximum number of nights per year on which the permit authorises the vessel to be used for the provision of sleeping accommodation on a commercial basis; or
- (b) if the application seeks an increase in that maximum number of nights—the number sought.

P is the number of persons for whom sleeping accommodation on the vessel is provided on a commercial basis.

Part 4—Other rules about fees and permits

12 Maximum fees

- (1) The maximum fee payable for an application to renew a permit is \$1,000.
- (2) The fee payable for a single application for 2 or more variations of a permit is the greater, or greatest, of the fees that would be payable for separate applications for the variations.

13 Time for payment of fees

A fee prescribed by this instrument in respect of an application must be paid within 30 days after the application is made.

14 Duration of permits

- (1) Subject to subsection (2), for the purposes of subparagraph 22(b)(iii) and paragraph 27(4)(c) of the Act, the period referred to in that subparagraph or paragraph is:
 - (a) for a permit, or the renewal of a permit, to operate a sea installation other than a prescribed pontoon—5 years; or
 - (b) for a permit, or the renewal of a permit, to operate a sea installation that is a prescribed pontoon—the period that ends on the expiration of the relevant permission that is in force for the operation or use of the pontoon.
- (2) This section does not apply to a permit to operate a sea installation that is a floating structure used as a residential hotel.

Schedule 1—Repeals

Sea Installations Regulations

1 The whole of the instrument

Repeal the instrument.