

Explanatory Statement

Australian Maritime Safety Authority Fees Amendment Determination 2019

Authority

1. This determination is made under subsection 47(1) of the *Australian Maritime Safety Authority Act 1990* and is a legislative instrument for the *Legislative Instruments Act 2003*.

Purpose

2. This determination amends *Australian Maritime Safety Authority Fees Determination 2015*.

Overview

3. The determination amends *Australian Maritime Safety Authority Fees Determination 2015* to reinstate a fee for any service for which Australian Maritime Safety Authority (AMSA) bears a direct cost. This includes costs for lesser items, such as postage, as well as more significant costs for the medical evacuation of crew members from ships by air operators as required by our international obligations.

Consultation

4. The changes are machinery in nature and would not alter the existing scope or policy of the Principal Determination.
5. Consultation was unnecessary for this legislative instrument as this determination is of a minor, machinery nature and does not substantially alter existing arrangements. It has no direct or substantial indirect effect on business.
6. The Office of Best Practice Regulation (OBPR) was consulted and considered that no regulatory impact statement was required. The OBPR reference number is 24883.

Documents incorporated by reference

7. There are no documents incorporated by reference. The determination refers to Acts under which services are provided for which fees are charged.

Commencement

8. This determination commenced on 1 April 2019.

Contents of this determination

9. Section 1 sets out the name of the determination.
10. Section 2 provides for the commencement of the determination.
11. Section 3 provides that Schedule 1 amends the *Australian Maritime Safety Authority Fees Determination 2015*.
12. Item 1 of Schedule 1 inserts a new item to include any item for which AMSA bears a direct expense, which is to be charged at the amount of the expense.

Statement of compatibility with human rights

13. This statement is made for subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

14. The determination amends the *Australian Maritime Safety Authority Fees Determination 2015*, which sets out the fees that the Australian Maritime Safety Authority (AMSA) charges for its services, the way in which the fees are worked out and how they are to be paid. The change reinstates a previous fee for any service for which AMSA bears a direct cost. This includes costs for lesser items, such as postage, as well as more significant costs for the medical evacuation of crew members from ships by air operators as required by our international obligations.

Human rights implications

15. No human rights are affected by the determination. It is designed for cost recovery of the expense of providing services under the legislation that the Authority administers.

Conclusion

16. The Authority considers that this determination is compatible with human rights. It does not affect any rights or freedoms to which the *Human Rights (Parliamentary Scrutiny) Act 2011* applies.

Making the determination

17. This determination has been made by the Chief Executive Officer of the Australian Maritime Safety Authority, in accordance with subsection 49(4) of the *Australian Maritime Authority Act 1990*.