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Statutory Rules 1989 No. *h*¹

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Sea Installations Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting
with the advice of the Federal Executive Council, hereby make the following
Regulations under the *Sea Installations Act 1987*.

Dated *25 October* 1989.

BILL HAYDEN

Governor-General

By His Excellency's Command,

Graham Richardson

Minister of State for the Arts, Sport,
the Environment, Tourism
and Territories

Citation

1. These Regulations may be cited as the Sea Installations Regulations.

Interpretation

2. (1) In these Regulations:

"moorings" means a structure in physical contact with the sea bed, to
which vessels or other floating structures may be secured;

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

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

"the Act" means the *Sea Installations Act 1987*.

- (2) In these Regulations, in relation to an application for a permit or
for the renewal of a permit to operate a sea installation, a reference to the

cost of addition or cost of installation of the sea installation is a reference to the cost (whether incurred before, or to be incurred after, the date of the application) of constructing, transporting and installing the sea installation, or the addition to the sea installation, as the case requires.

Sea installations: prescribed classes of structure

3. 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.

Applications for permits or renewal of permits

4. (1) The fee prescribed for an application for a permit, or for the renewal of a permit, to operate a sea installation, other than a prescribed vessel, in respect of which the cost of installation is specified in column 2 of an item in Schedule 1, is the fee set out in column 3 of that item.

(2) The fee prescribed for an application for a permit, or for the renewal of a permit, to operate a prescribed vessel is the greater of the following amounts:

- (a) the amount calculated in accordance with the formula:

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

where:

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

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

- (b) \$17.

Variation of permits: all sea installations

5. (1) The fee prescribed for an application for the variation of a permit so as to authorise an addition or additions to a sea installation, being an addition or additions the cost of which is specified in column 2 of an item in Schedule 2, is the fee set out in column 3 of that item.

(2) A fee of \$100 is prescribed for an application, not being an application mentioned in subregulation (1), for the variation of a permit so as to authorise any of the following:

- (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 for the variation of a permit so as 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; and
- (b) \$100.

Variation of permits: sea installations other than prescribed vessels

6. (1) This regulation applies to sea installations that are not prescribed vessels.

(2) The fee prescribed for an application for the variation of a permit so as to authorise an increase of more than 50 in the number of members of the public permitted to visit the sea installation per day, being a sea installation the cost of installation of which is specified in column 2 of an item in Schedule 1, is the fee set out in column 3 of that item.

(3) The fee prescribed for an application for the variation of a permit so as 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) an addition or additions to the structure of the sea installation; being a sea installation the cost of installation of which, and the cost of the addition or additions to which, together constitute an amount specified in column 2 of an item in Schedule 1, is the fee set out in column 3 of that item.

Variation of permits: prescribed vessels

7. (1) This regulation applies to sea installations that are prescribed vessels.

(2) The fee prescribed for an application for the variation of a permit so as 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) the amount calculated in accordance with the formula:

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

where:

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

N is:

- (i) the maximum number of nights per annum on which the permit authorises the vessel for the provision of sleeping accommodation on a commercial basis; or
- (ii) where the application seeks an increase in that maximum number of nights—the number sought; and

- (b) \$17.

Exemptions and maximum fees

8. (1) The fees prescribed by regulation 4 do not apply to an application for a permit to operate a sea installation that was installed before the commencement of the Act in accordance with a permit granted under another law of the Commonwealth.

(2) The maximum fee payable for an application for a permit is \$60,000.

(3) The maximum fee payable for an application for the renewal of a permit is \$1,000.

(4) The fee payable for a single application for 2 or more variations of a permit is the greater or greatest of the fees payable for separate applications for those variations.

Time for payment of fees

9. A fee prescribed by these Regulations in respect of an application shall be paid within 30 days after the application is made.

Duration of permits

10. (1) Subject to subregulation (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 that paragraph is:

- (a) in respect of a permit, or the renewal of a permit, to operate a sea installation other than a prescribed pontoon—a period of 5 years; and
- (b) in respect of 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 in respect of the operation or use of the pontoon.

(2) This regulation does not apply to a permit to operate a sea installation that is a floating structure used as a residential hotel.

(3) In this regulation:

“prescribed pontoon” means a pontoon in respect of which a relevant permission is in force;

“relevant permission” has the same meaning as in the Great Barrier Reef Marine Park Regulations.

Repeal

11. Statutory Rules 1988 No. 1 are repealed.

Saving

12. In spite of the repeal of the Sea Installations (Permit Application Fees) Regulations, those Regulations continue to apply in relation to applications made before the date of commencement of these Regulations.

SCHEDULE 1Subregulations 4 (1),
6 (2) and (3)**PRESCRIBED FEES: SEA INSTALLATIONS OTHER THAN
PRESCRIBED VESSELS**

Column 1 Item	Column 2 Amount	Column 3 Fee
1	Not exceeding \$6,000	0.75% of cost of installation or \$17 (whichever is greater)
2	Exceeding \$6,000 but not exceeding \$60,000	\$50 plus 0.5% of the amount by which cost of installation exceeds \$6,000
3	Exceeding \$60,000 but not exceeding \$250,000	\$345 plus 0.2% of the amount by which cost of installation exceeds \$60,000
4	Exceeding \$250,000	\$755 plus 0.1% of the amount by which cost of installation exceeds \$250,000

SCHEDULE 2

Subregulation 5 (1)

PRESCRIBED FEES: VARIATION OF PERMITS

Column 1 Item	Column 2 Cost of addition	Column 3 Fee
1	Not exceeding \$6,000	0.75% of cost of addition or \$10 (whichever is greater)
2	Exceeding \$6,000 but not exceeding \$60,000	\$50 plus 0.5% of the amount by which cost of addition exceeds \$6,000
3	Exceeding \$60,000 but not exceeding \$250,000	\$345 plus 0.2% of the amount by which cost of addition exceeds \$60,000
4	Exceeding \$250,000	\$755 plus 0.1% of the amount by which cost of addition exceeds \$250,000

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on

1989.

31 October/