

Repeal of By-laws Postponement Bill 2012

SECOND READING SPEECH

Mr Speaker, I move that the Bill now be read a second time.

The *Subordinate Legislation Act 1992* provides that all by-laws are repealed automatically on the tenth anniversary of the date on which they were made.

According to this schedule the *Marine and Safety (Certificates of Competency) By-laws 2002* expire on 24 December 2012 and the *Marine and Safety (Definition of Operational Areas) By-laws 2003* expire on 1 April 2013, unless legislation is enacted before these dates to postpone their repeal.

The purpose of this Bill is to postpone the repeal of these by-laws to ensure the continued safe operation of commercial vessels while a single national maritime regulator and a national system for domestic commercial vessels are established.

Neither set of by-laws have previously been extended.

Mr Speaker, in 2009 the Council of Australian Governments (COAG) agreed to a national approach in regulating the safety of domestic commercial vessels in Australia. The Marine Safety (Domestic Commercial Vessel) National Law Bill 2012 has been developed over the past three years, was introduced onto the Australian Parliament on 24 May 2012 and passed both Houses on 23 August 2012. This Bill establishes one single national system for maritime safety regulation and a national regulator, the Australian Maritime Safety Authority (AMSA). The impact of this in practical terms is that maritime safety standards will be consistent and consistently applied across Australia. State and Territory regulators will deliver National Law functions under the delegation of AMSA.

The legislative timeframe for this reform is extremely ambitious to meet COAG's announced implementation date of 1 January 2013.

The *Marine and Safety (Certificates of Competency) By-laws 2002* regulate the issue of licences to persons in command of a commercial vessel or that take responsibility for the vessel's machinery systems. The Certificate of Competency required to take responsibility for duties on a vessel is generally determined by the length, propulsion power and area of operation of the vessel. Under the National Law for commercial vessels, certificates of competency will be regulated by way of a Marine Order. This Order will adopt Part D of the National Standard for Commercial Vessels. A major review of Part D is currently being undertaken by AMSA and is scheduled for public consultation in September/October 2012.

The *Marine and Safety (Definition of Operation Areas) By-laws 2003* specify the limits of ports, sheltered waters (smooth water or partially smooth water) and coastal waters. Operational areas affect the certificate of competency required for a vessel and are also referenced on the vessel's certificate of survey. Given the review of Part D of the National Standards for Commercial Vessels that is currently underway, there is a lack of clarity surrounding the likely impact on operational area definitions.

It would be inefficient, Mr Speaker, to review and remake these by-laws when the implementation of the national law will result in the amendment or repeal of these by-laws.

Mr Speaker, I commend the Bill to the House.