

FACT SHEET

Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2013

The purpose of the Bill is to give effect in this State to a nationally consistent scheme for the regulation of marine safety in relation to domestic commercial vessels by:

- a) Applying the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* of the Commonwealth as a law of this State, and
- b) Making provision to help ensure that the Commonwealth law and the applied law of this State are administered on a uniform basis by the Commonwealth as if they constituted a single law of the Commonwealth.

The *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (the National Law) creates a single national maritime regulator and a national safety system for domestic commercial vessels. This legislation replaces eight existing federal, state and territory regulators with one National Marine Safety Regulator; the Australian Maritime Safety Authority (AMSA). It also replaces 50 pieces of legislation in seven jurisdictions with a single national law, providing clarity and consistency for Australia's seafarers and commercial vessel owners.

Objectives of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* will be achieved through a regulatory framework that:

- a) promotes continuous improvement in marine safety;
- b) promotes public confidence in the safety of marine operators;
- c) ensures effective identification and management of safety risks; and
- d) seeks to reduce regulatory burden without compromising safety.

The policy basis for the National Law derives from the Council of Australian Governments (COAG) Inter-Governmental Agreement (IGA) on Commercial Vessel Safety Reforms, signed on 19 August 2011. The IGA also determined that the Australian Maritime Safety Authority (AMSA) will be the National Regulator.

The IGA provides that the Commonwealth will apply the National Law to the extent of the Commonwealth's constitutional reach, and each jurisdiction will apply the National Law to any 'gap' in the Commonwealth's constitutional reach. In Tasmania, this will be achieved through the *Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2013*. This approach achieves the consistency objective of the IGA.

Marine and Safety Tasmania (MAST) will be responsible for the day-to-day administration of the National Law in Tasmania under delegation from the national regulator, AMSA. MAST will continue to conduct survey inspections and issue survey, crew competency and operating certificates for commercial vessels. Fees for these services will continue to be set by MAST on a cost recovery basis.

Tasmania will retain responsibility for regulating Tasmanian waterways, ports, harbours and moorings and will continue to enforce speed limits, drug and alcohol offences and regulate recreational vessels on Tasmanian waterways.

The Commonwealth and all jurisdictions will fund the national regulator in accordance with funding arrangements set out in the IGA. The Tasmanian contribution will be \$91 000 in 2013 and \$110 000 in 2014 and beyond.