

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

SECOND READING SPEECH

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

The main purpose of this Bill is to amend certain Acts and statutory rules consequential on the enactment of the *Marine Safety (Domestic Commercial Vessel National Law Application) Act 2013*.

In 2009 the Council of Australian Governments agreed to a national approach to regulating domestic commercial vessels in Australia and that the Australian Maritime Safety Authority (AMSA) would be the national safety regulator.

In August 2011 the Tasmanian Premier, along with other Premiers, Chief Ministers and the Prime Minister, signed the Intergovernmental Agreement on Commercial Vessel Safety Reform, which sets out the administrative governance and funding arrangements for the national system.

The *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* was passed by the Commonwealth Parliament and received royal assent on 12 September 2012. It is to commence by proclamation, on 1 July 2013, and will apply the national law to the extent of the Commonwealth's constitutional reach. The *Tasmanian Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2013* will apply the national law in Tasmania to cover any gap in the Commonwealth's constitutional reach.

The national law establishes a national system for commercial vessel safety regulation. It establishes the Australian Maritime Safety Authority (AMSA) as the national regulator, national requirements for vessels and crew, safety obligations for individuals who have a role in the production and operation of commercial vessels, and a national compliance and enforcement system with consistent offences and penalties for safety breaches that put passengers or crew at risk.

As a result of the application of Commonwealth law in Tasmania, certain Acts and statutory rules require amendment to bring them into line with the national law.

The most extensive amendments are to the *Marine and Safety Authority Act 1997* and the *Marine and Safety (General Regulations) 2010*. The *Marine and Safety Authority Act 1997* requires a number of amendments to reflect the change in jurisdiction of the Authority. Under the National Law, the Marine and Safety Authority transfers jurisdiction over domestic commercial vessels to the National Regulator, other than for waterway management issues. Its general functions and powers have been amended to perform those functions delegated to it under the National Law. There are also a number of amendments to definitions so as to align the Act with the National Law. The amendments to the *Marine and Safety (General Regulations) 2010* cover issues that are currently legislated for in Tasmania but are not covered under the National Law (for example, the wearing of life jackets in an auxiliary vessel). These provisions are currently contained in the *Marine and Safety (Safe Operation) Regulations 2003* that are to be rescinded as a result of Clause 40 of the Bill. To maintain current safety standards, it is important that these provisions are preserved and hence have been included in *Marine and Safety (General Regulations) 2010*.

The majority of the remaining amendments relate to definitions. Whilst the amendments are wide ranging, they are not substantial and do not change the purpose or effect of the current legislation.

Due to the wide ranging nature of the consequential amendments, all agencies affected have been consulted and the proposed changes endorsed.

I trust honourable members will lend their support to this bill and I commend the bill to the House.

