

## **SECOND READING SPEECH**

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

The main purpose of this bill is to establish a national law for the regulation of all commercial vessels in Australia. It represents the culmination of a dedicated effort by Marine and Safety Tasmania (MAST), the Australian Maritime Safety Authority, other marine safety authorities and industry stakeholders, and will establish a national system for commercial vessel safety scheduled to commence by proclamation on the 1 July 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. As noted, it is scheduled to commence by proclamation on the 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 will establish, through a partnership between the Commonwealth, the States and the Northern Territory, a national system that will improve commercial vessel safety across Australia. The national law will apply to vessels used for commercial, government or research activities, subject to some exclusions. Protection measures have been built in to ensure that the inclusion or exclusion of vessels in the national system is achieved through regulation and agreed by the Transport and Infrastructure Senior Officials Committee. The regulations under the national law therefore ensure that a vessel is not captured simply because it is sponsored during a sporting event, used for a promotional activity, has a person paid to operate the vessel or used for paid training by the vessel owner. Various groups have been consulted, such as the Boating Industry Association, Yachting Australia and the Australian Institute of Sport, to ensure that there are no unintended consequences for particular groups or activities.

The national law will not apply to recreational vessels, foreign vessels, defence vessels, vessels regulated under the Navigation Act 2012 or vessels owned by primary or secondary schools for student use or community groups for member use. It will not apply to inflatable rafts, sailboards, paddleboards, surf skis, kiteboards or towed recreational equipment.

Tasmania will retain responsibility for regulating Tasmanian waterways, ports, harbours and moorings and will continue to enforce speed limits and drug and alcohol offences on Tasmanian waterways in addition to the regulation of all recreational vessels.

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.

The national law will adopt agreed national standards for the design, construction, operation and crewing of commercial vessels and will ensure there is consistency in the application of these safety standards across the country. These national standards are already applied in Tasmania so the impact on vessel owners and operators will be minimised.

The consistent application of national standards will allow boat builders in Tasmania to sell their vessels to buyers and operators in other jurisdictions, safe in the knowledge that the vessel will not be subject to further inspections and possibly costly modifications when it operates in another jurisdiction. It will also allow qualified crew of commercial vessels to relocate to other jurisdictions and avoid the costly and time-consuming process of gaining recognition of their qualifications.

In Tasmania, the national law will apply to the 1346 current commercial vessels and to 4276 individuals who hold a Tasmanian licence to operate a commercial vessel. Grandfathering and transitional arrangements under the national law will ensure that industry can move seamlessly to the new national system. Existing Tasmanian vessels will continue to operate under their current arrangements and Tasmanian registration and survey certificates will continue to be recognised. As these certificates expire, they will be replaced with national certificates. Tasmanian certificates of competency will also continue to be recognised, so that crew can continue to work using their existing certificates until they expire. On expiry, a national certificate of competency will then be issued.

Into the future, there could be further changes as new national standards are developed and as existing standards are reviewed. These impacts will be assessed through the development of a Regulatory Impact Statement to ensure any new requirements do not impose an undue burden on industry. Further, new standards must be unanimously approved by transport ministers in all States and Territories.

Marine and Safety Tasmania (MAST) will be responsible for the day-to-day administration of the national system in Tasmania under delegation from the National Regulator, AMSA. MAST will also continue to conduct survey inspections and issue survey, crew and operating certificates. Fees for these services and the implementation of the National Law will continue to be set on a cost recovery basis in Tasmania. Revision of the current fee structure will involve consultation, including the required Regulatory Impact Statement and assessment process via the Economic Reform Unit.

The Commonwealth and all jurisdictions will fund the national regulator in accordance with arrangements set out in the intergovernmental agreement. Funding arrangements are to be reviewed by the Standing Council on Transport and Infrastructure in the first half of 2016 or a later agreed date.

The new national system is a significant achievement providing for the consistent regulation of the domestic commercial vessel industry across Australia. Consultation has occurred with industry and other stakeholders on the new national system which will promote the continuous improvement of safety standards and the ongoing management of safety risks.

I commend the bill to the House.