

Transport Operations (Marine Safety) and Other Legislation Amendment Act 2016

Explanatory notes for SL 2016 No. 151

made under the

Transport Operations (Marine Safety) and Other Legislation Amendment Act 2016

General Outline

Short title

Proclamation commencing the *Transport Operations (Marine Safety) and Other Legislation Amendment Act 2016*.

Authorising law

Section 2 of the *Transport Operations (Marine Safety) and Other Legislation Amendment Act 2016*.

Policy objectives and the reasons for them

The objective of the Proclamation is to commence the *Transport Operations (Marine Safety) and Other Legislation Amendment Act 2016*.

Achievement of policy objectives

The *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cwlth) commenced on 1 July 2013 and introduced a national system for regulating domestic commercial vessels, which are defined as vessels for use in connection with a commercial, governmental or research activity.

The *Transport Operations (Marine Safety) and Other Legislation Amendment Act 2016* (the Act) makes changes to Queensland's maritime legislation (including the *Transport Operations (Marine Safety) Act 1994* and the *Transport Operations (Marine Pollution) Act 1995*) and other

legislation. These changes, of a consequential nature, reflect that registration, licensing and marine safety matters in relation to domestic commercial vessels are now regulated under the national system rather than under Queensland legislation.

The policy objective of the proclamation is achieved by fixing 1 September 2016 as the commencement date for the Act.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the authorising law.

Benefits and costs of implementation

The benefit of implementing the Act is that Queensland's maritime legislation will be up-to-date and correctly interacting with the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (Cwlth). Implementation of the Act will require changes to administrative systems. Any costs incurred will be met from within existing budget allocations.

Consistency with fundamental legislative principles

The Proclamation is consistent with the fundamental legislative principles.

Consultation

As a national initiative, the Commonwealth was responsible for the consultation on the national reforms. Consultation on the national reforms previously undertaken by the Australian Maritime Safety Authority (AMSA) was generally positively received by the public and marine industry.

AMSA's public engagement activities included consultation on the Regulatory Plan outlining the proposed elements of the national system, a detailed discussion paper providing an overview of the legislation and a draft Bill.

Comments and feedback from 19 formal public submissions that AMSA received were considered and incorporated into the draft national legislation as appropriate. AMSA also released a report detailing the responses to these submissions.