

Transport Operations (Marine Safety— Domestic Commercial Vessel National Law Application) Act 2016

Explanatory notes for SL 2016 No. 152

made under the

Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016

General Outline

Short title

Proclamation commencing the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016*.

Authorising law

Section 2 of the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016*.

Policy objectives and the reasons for them

The objective of the Proclamation is to commence the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016*.

Achievement of policy objectives

The policy objective is achieved by fixing 1 September 2016 as the commencement date for the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016* (the Act).

The Act ensures that the Commonwealth’s *Marine Safety (Domestic Commercial Vessel) National Law* (the National Law) applies to all domestic commercial vessels operating in Queensland, particularly those that are beyond the constitutional reach of the Commonwealth. A domestic commercial vessel is a vessel for use in connection with a commercial, governmental or research activity. The provisions of the Act are based on model application provisions prepared by the Commonwealth Parliamentary Counsel’s Committee.

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 all domestic commercial vessels operating in Queensland will be regulated by the National Law. 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 Law, 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 Law Bill as appropriate. AMSA also released a report detailing the responses to these submissions.

The Department of Transport and Main Roads has written to known vessel owners and operators who will be transitioning to the national system through the application of the National Law in Queensland on 1 September 2016.