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Australian Maritime Safety Authority

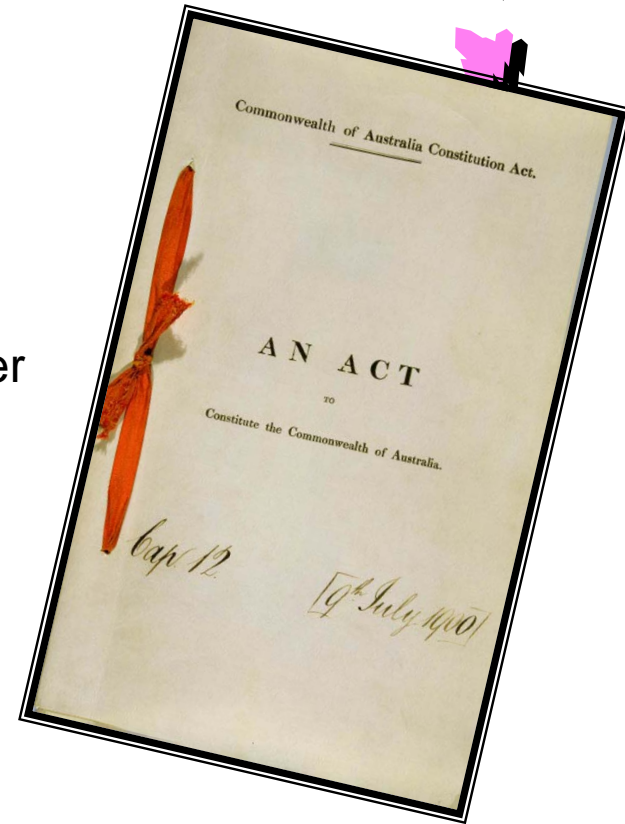
Single National Jurisdiction for Commercial Vessels



A Short History...

The Constitution

- ▶ s.51(i) “Trade and commerce with other countries; and among the States”...
- ▶ S.98 “Trade and commerce” extends to navigation and shipping...
- ▶ ...*Navigation Act 1912* looked after the “other countries and among the States” aspects of Navigation.





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Offshore Constitutional Settlement

Agreement on shipping & navigation

- ▶ Defined current situation
- ▶ Interstate and overseas voyages by trading ships by Commonwealth
- ▶ Attempted to clarify jurisdiction over offshore industry vessels

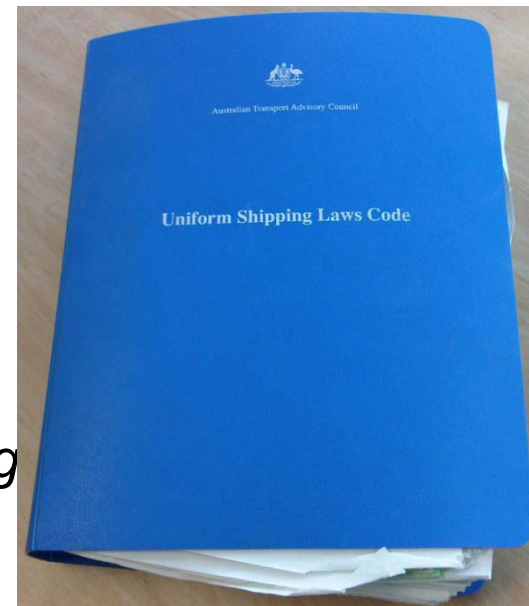




Offshore Constitutional Settlement

The Uniform Shipping Laws Code

- ▶ Developed between States and Commonwealth, published December 1979
- ▶ *“This Code will be used as the basis for uniform Commonwealth, State and NT legislation for the survey and manning of commercial vessels...and will minimise problems that would otherwise occur in the implementation of the agreement on shipping and Navigation”*





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Offshore Constitutional Settlement

“Summing up, the arrangements lay the basis for a complete resolution of the shipping and navigation problems that have existed in Australia since federation”

“Offshore Constitutional Settlement - A Milestone in Cooperative Federalism”, Attorney General’s Department, 1980



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18 years later...

1997 Inter-Governmental Agreement establishing a National Marine Safety Regulatory Regime.

“The Parties agree...**uniform or consistent marine safety legislation and operational practices throughout Australia**, for regulation of vessels and crews other than those subject to the *Navigation Act 1912*, and that this will be achieved by establishing and implementing a cooperative arrangement”

AGREEMENT

BETWEEN

THE COMMONWEALTH OF AUSTRALIA

THE STATE OF NEW SOUTH WALES

THE STATE OF VICTORIA

THE STATE OF QUEENSLAND

THE STATE OF WESTERN AUSTRALIA

THE STATE OF SOUTH AUSTRALIA

THE STATE OF TASMANIA

THE NORTHERN TERRITORY

ESTABLISHING A

NATIONAL MARINE SAFETY
REGULATORY REGIME

SIGNED by

The Honourable John Winston Howard MP
Prime Minister of the Commonwealth of Australia

The Honourable Robert John Carr MP
Premier of the State of New South Wales

The Honourable Jeffrey Gibb Kennett MLA
Premier of the State of Victoria

The Honourable Robert Edward Borbidge MLA
Premier of the State of Queensland

The Honourable Richard Fairfax Court MLA
Premier of the State of Western Australia

The Honourable John Olsen MP
Premier of the State of South Australia

The Honourable Anthony Maxwell Rundle MLA
Premier of the State of Tasmania

The Honourable Shane L Stone MLA
Chief Minister of the Northern Territory of Australia



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National Marine Safety Committee

10 years

- > 23 new national commercial vessel safety standards
- > 4 new national recreational boat standards
- > 10 new national marine safety guidance manuals.
- > 10 new national marine safety research reports
- > 5 major national marine safety conferences





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What didn't happen?

Legislation

20. The Committee will **develop model legislation as soon as possible** within the initial period of this Agreement for consideration by the Council of Ministers.
21. Prior to the recommendation of draft model legislation to the Council of Ministers, each Party will undertake a review of its relevant marine safety and Occupational Health and Safety and such other related legislation in so far as it relates to marine safety and have identified all steps required to facilitate the implementation, of the draft model legislation.
22. Within 12 months of the date that national model legislation is approved by the Council or Ministers and to the extent necessary for the purposes of this Agreement, each Party will take such steps as are necessary to **secure the passage through their respective Parliaments of legislation...**

Note: Numbers refer to paragraphs in the IGA



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Mutual recognition...

25. All Parties shall recognise and accept those vessel and crew certificates issued by the marine safety authorities of all other fully participating Parties that are issued from 12 months after the date of effect of the legislation referred to in clause 22.



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Recent Developments Australian Transport Council

22 July 2008

- ▶ Taking forward ATC's national action plan, *A New Beginning for Transport*
- ▶ **Transport Ministers endorsed in-principle the establishment of a single national system for maritime safety regulation administered by AMSA**



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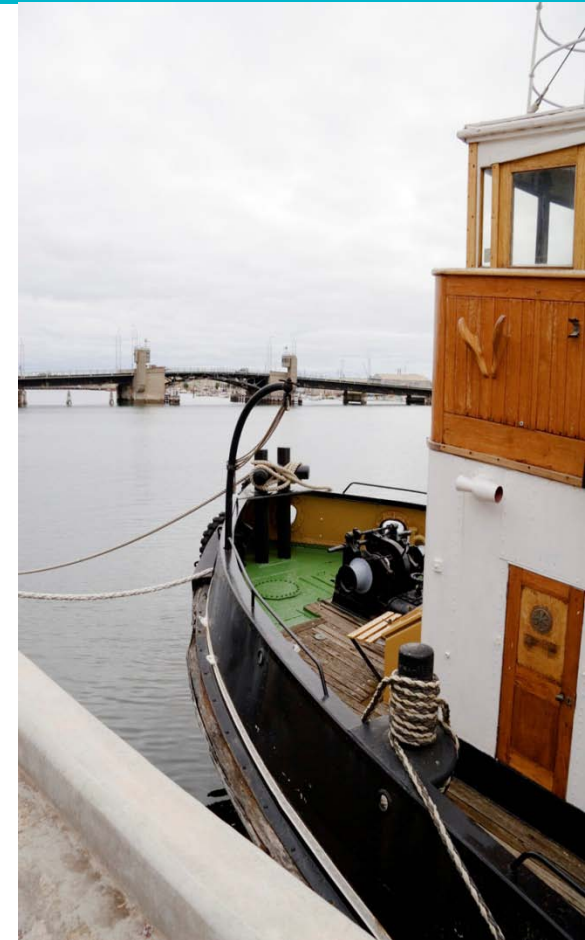
Recent Developments

Australian Maritime Safety Authority will become the national safety regulator for all commercial shipping in Australian waters from 2013.

Council of Australian Governments' Meeting 2 July 2009

A re-write of the *Navigation Act 1912* will be undertaken as part of the Government's maritime reform program

The Hon Anthony Albanese MP at NATSHIP Conference June 2009.





The need for reform

- ▶ The existing maritime safety regulatory framework
 - Too many captains on the bridge
- ▶ Problems with this system
 - Inconsistent Rules and too many different interpretations





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The need for reform

▶ Objectives of reform

- Consistent and efficient regulation through 1 set of rules

▶ Benefits of reform

- Reduced complexity
- Safer system through a single national regulator
- Potential for reduced costs over time
- Removal of State boundaries – vessels and crew



Reform Tasks

MARITIME REFORM – A BIG JOB!

NMSC TRANSITION

LEGISLATION
(Nav Act Rewrite & SNJ)

STANDARDS – Transfer to
National System

T2T/MO3

NAV ACT MARINE ORDERS
AMENDMENTS

SURVEYOR
COMPETENCIES PROJECT

SERVICE DELIVERY MODEL

COMMON REGULATORY
MODEL & TRANSITIONS

NATIONAL DATABASE

COSTS ISSUES

MLC – NAV ACT
AMENDMENTS

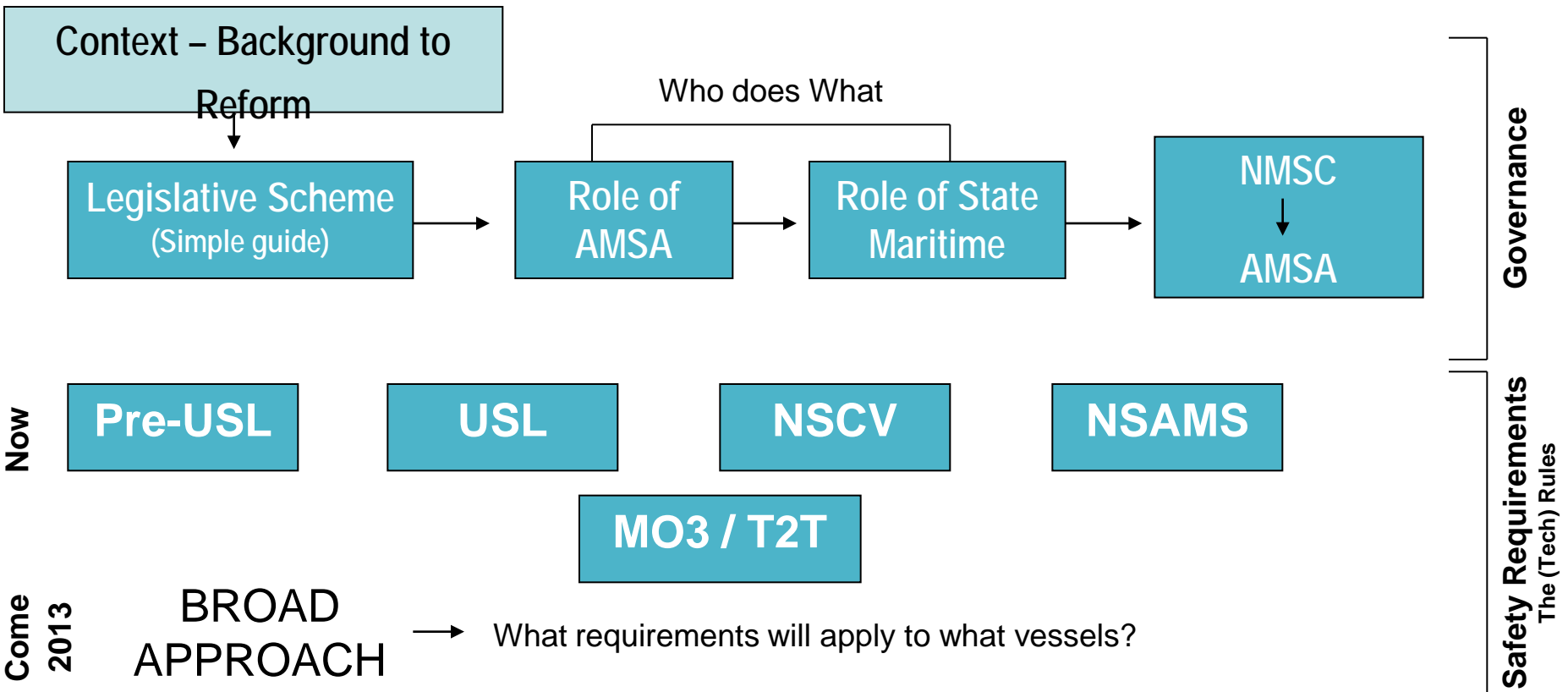
SMS – Development &
National Rollout

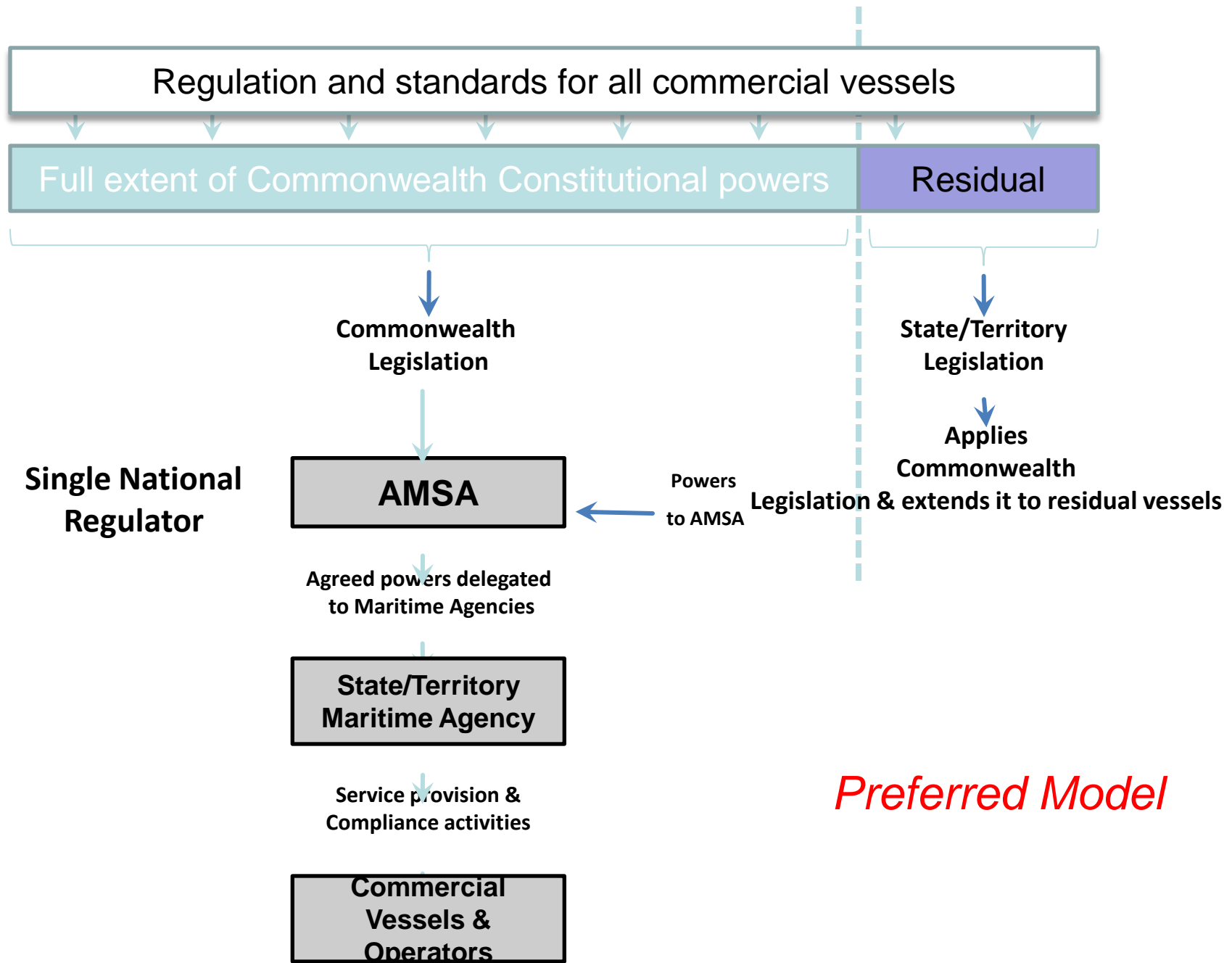
CONSULTATION
PUBLICATIONS

MLC MARINE ORDERS
AMENDMENTS



Mechanics of the Reform







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National System for Maritime Safety

How will the new system work?

One regulator, one set of rules

At this stage expect most small commercial vessels to continue to interact with State Maritime staff acting under delegation



Business as usual





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Proposed Maritime Safety Act

Navigation Act Rewrite



**Maritime
Safety Act**

National Regulator



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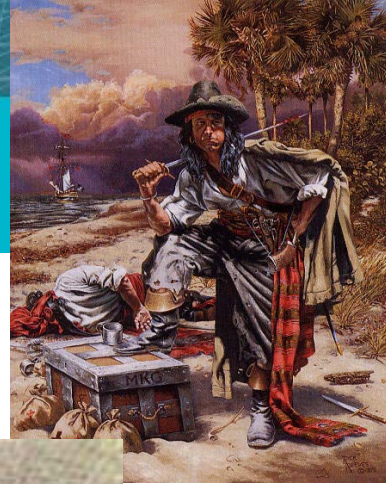
New Legislation

Rewrite of the Navigation Act 1912 aims to:

- ▶ Modernise the Act removing archaic provisions;
- ▶ Give greater flexibility to respond to changes in national and international vessel safety standards;
- ▶ Establishes framework for Council of Australian Government agreed national regulator for commercial vessel in 2013; and
- ▶ Modernise the penalty and enforcement regime including the introduction of civil penalties that are commensurate with the seriousness of offences.



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Legislative Process



Public Consultation Paper



**Drafting instructions to
Office of Parliament Counsel for
preparation of a draft bill**



**Further public comment via
'draft exposure bill'**



Introduced into Parliament



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Discussion Paper

Released 10 June 2010

- **Submissions closed on 30 July 2010**

40 Submissions have been received

- **Generally supportive**

We welcome MLAANZ's submission



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2013 seems a long way ahead - what's happening now?

- ▶ National maritime regulator will proceed in tandem with rewrite of the Navigation Act.
- ▶ Marine Orders will be revised and new ones formulated to cover domestic commercial vessels.
- ▶ Standards development work for domestic commercial vessels will be transferring to AMSA from NMSC soon.





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NMSC Transition Project

- ▶ National database, i.e. identify SNJ data needs and what is available through NMSC and jurisdictions, and how to effect data transfer.
- ▶ Progress of special project(s), i.e. marine surveyor competencies, training and accreditation.
- ▶ Facilitation of training and education, i.e. NSCV application.
- ▶ Administrative issues
 - Staff and office space
 - Records and archives



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What now

- ▶ Ongoing engagement with industry
- ▶ Working collaboratively with States/NT
- ▶ Consultation is vital in implementing reforms
- ▶ Practically implementing the national reforms



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Further Information

- ▶ **Websites:**
- ▶ www.amsa.gov.au/maritime_reform
- ▶ <http://www.infrastructure.gov.au/maritime/nmsr.aspx>



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The End