



# **Marine Safety (Domestic Commercial Vessel) National Law Amendment Act 2014**

**No. 118, 2014**

**An Act to amend the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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**An Act to amend the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*, and for related purposes**

*[Assented to 20 November 2014]*

The Parliament of Australia enacts:

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*No. 118, 2014*

*Marine Safety (Domestic Commercial Vessel) National Law  
Amendment Act 2014*

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## **1 Short title**

This Act may be cited as the *Marine Safety (Domestic Commercial Vessel) National Law Amendment Act 2014*.

## **2 Commencement**

This Act commences on the day this Act receives the Royal Assent.

## **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—General amendments

### *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*

#### **1 Section 6 of the Marine Safety (Domestic Commercial Vessel) National Law (definition of *defence vessel*)**

Repeal the definition, substitute:

*defence vessel* means:

- (a) a warship or other vessel that:
  - (i) is operated for naval or military purposes by the Australian Defence Force or the armed forces of a foreign country; and
  - (ii) is under the command of a member of the Australian Defence Force or of a member of the armed forces of the foreign country; and
  - (iii) bears external marks of nationality; and
  - (iv) is manned by seafarers under armed forces discipline; or
- (b) a Government vessel that is used only on government non-commercial service as a naval auxiliary.

#### **2 Section 6 of the Marine Safety (Domestic Commercial Vessel) National Law**

Insert:

*Government vessel* has the same meaning as in the *Navigation Act 2012*.

#### **3 After paragraph 10(c) of the Marine Safety (Domestic Commercial Vessel) National Law**

Insert:

- (ca) to survey vessels and deal with matters relating to the survey of vessels by accredited surveyors;

**4 Subsection 11(3) of the Marine Safety (Domestic Commercial Vessel) National Law**

Omit all the words after “that power or function”, substitute:  
to an officer or employee (the *sub-delegate*) of:

- (a) if the delegate is an officer or employee of an agency of the Commonwealth—that agency; or
- (b) if the delegate is an officer or employee of an agency of a State—an agency of that State; or
- (c) if the delegate is an officer or employee of an agency of the Northern Territory—an agency of the Northern Territory.

**5 Subsection 40(2) of the Marine Safety (Domestic Commercial Vessel) National Law**

Repeal the subsection, substitute:

- (2) The National Regulator may vary a certificate of survey on the National Regulator’s initiative if the National Regulator is satisfied that:
  - (a) the criteria prescribed by the regulations in relation to variation on the initiative of the National Regulator are met; and
  - (b) it is desirable to do so, having regard to the objects of this Law.

**6 Subsection 41(2) of the Marine Safety (Domestic Commercial Vessel) National Law**

Repeal the subsection, substitute:

- (2) The National Regulator must suspend a certificate of survey on the National Regulator’s initiative if the National Regulator is satisfied that the suspension is necessary for the purpose of:
  - (a) protecting human life; or
  - (b) securing the safe navigation of vessels; or
  - (c) dealing with an emergency involving a serious threat to the environment.
- (2A) The National Regulator may suspend a certificate of survey on the National Regulator’s initiative for a purpose prescribed by the regulations.



**7 Subsection 42(2) of the Marine Safety (Domestic Commercial Vessel) National Law**

Repeal the subsection, substitute:

- (2) The National Regulator may revoke a certificate of survey on the National Regulator's initiative if the National Regulator is satisfied that:
  - (a) the criteria prescribed by the regulations in relation to revocation on the initiative of the National Regulator are met; and
  - (b) it is desirable to do so, having regard to the objects of this Law.

**8 Subsection 50(2) of the Marine Safety (Domestic Commercial Vessel) National Law**

Repeal the subsection, substitute:

- (2) The National Regulator may vary a certificate of operation on the National Regulator's initiative if the National Regulator is satisfied that:
  - (a) the criteria prescribed by the regulations in relation to variation on the initiative of the National Regulator are met; and
  - (b) it is desirable to do so, having regard to the objects of this Law.

**9 Subsection 51(2) of the Marine Safety (Domestic Commercial Vessel) National Law**

Repeal the subsection, substitute:

- (2) The National Regulator must suspend a certificate of operation on the National Regulator's initiative if the National Regulator is satisfied that the suspension is necessary for the purpose of:
  - (a) protecting human life; or
  - (b) securing the safe navigation of vessels; or
  - (c) dealing with an emergency involving a serious threat to the environment.

- (2A) The National Regulator may suspend a certificate of operation on the National Regulator's initiative for a purpose prescribed by the regulations.

**10 Subsection 51(4) of the Marine Safety (Domestic Commercial Vessel) National Law**

Omit "subparagraph", substitute "subsection".

**11 Subsection 52(2) of the Marine Safety (Domestic Commercial Vessel) National Law**

Repeal the subsection, substitute:

- (2) The National Regulator may revoke a certificate of operation on the National Regulator's initiative if the National Regulator is satisfied that:
- (a) the criteria prescribed by the regulations in relation to revocation on the initiative of the National Regulator are met; and
  - (b) it is desirable to do so, having regard to the objects of this Law.

**12 Subsection 62(2) of the Marine Safety (Domestic Commercial Vessel) National Law**

Repeal the subsection, substitute:

- (2) The National Regulator may vary a certificate of competency on the National Regulator's initiative if the National Regulator is satisfied that:
- (a) the criteria prescribed by the regulations in relation to variation on the initiative of the National Regulator are met; and
  - (b) it is desirable to do so, having regard to the objects of this Law.

**13 Subsection 63(2) of the Marine Safety (Domestic Commercial Vessel) National Law**

Repeal the subsection, substitute:

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- (2) The National Regulator must suspend a certificate of competency on the National Regulator's initiative if the National Regulator is satisfied that the suspension is necessary for the purpose of:
  - (a) protecting human life; or
  - (b) securing the safe navigation of vessels; or
  - (c) dealing with an emergency involving a serious threat to the environment.
- (2A) The National Regulator may suspend a certificate of competency on the National Regulator's initiative for a purpose prescribed by the regulations.

**14 Subsection 63(4) of the Marine Safety (Domestic Commercial Vessel) National Law**

Omit "subparagraph", substitute "subsection".

**15 Subsection 64(2) of the Marine Safety (Domestic Commercial Vessel) National Law**

Repeal the subsection, substitute:

- (2) The National Regulator may revoke a certificate of competency on the National Regulator's initiative if the National Regulator is satisfied that:
  - (a) the criteria prescribed by the regulations in relation to revocation on the initiative of the National Regulator are met; and
  - (b) it is desirable to do so, having regard to the objects of this Law.

**16 Section 72 of the Marine Safety (Domestic Commercial Vessel) National Law**

Omit "41(2)(b), 51(2)(b) or 63(2)(b)", substitute "41(2A), 51(2A) or 63(2A)".

**17 Paragraph 104(2)(h) of the Marine Safety (Domestic Commercial Vessel) National Law**

Omit ", (6) and (7)", substitute "and (6)".

**18 Section 139 of the Marine Safety (Domestic Commercial Vessel) National Law**

Before “The”, insert “(1)”.

**19 At the end of subparagraphs 139(a)(ii) and (iii) of the Marine Safety (Domestic Commercial Vessel) National Law**

Add “or (2)”.

**20 At the end of subparagraphs 139(g)(i), (ii) and (iii) of the Marine Safety (Domestic Commercial Vessel) National Law**

Add “or (2A)”.

**21 At the end of subparagraphs 139(i)(ii) and (iii) of the Marine Safety (Domestic Commercial Vessel) National Law**

Add “or (3)”.

**22 Paragraphs 139(m), (n) and (o) of the Marine Safety (Domestic Commercial Vessel) National Law**

Repeal the paragraphs.

**23 At the end of section 139 of the Marine Safety (Domestic Commercial Vessel) National Law**

Add:

- (2) The following decisions of a marine safety inspector are *reviewable decisions*:
  - (a) to detain a vessel under section 101(1);
  - (b) to issue an improvement notice under section 110(1);
  - (c) to issue a prohibition notice under section 111(2).

**24 Subsection 140(1) of the Marine Safety (Domestic Commercial Vessel) National Law**

Omit “The National Regulator must, as soon as practicable after a reviewable decision is made in relation to a person, give a written notice”, substitute “As soon as practicable after a reviewable decision is made in relation to a person, a written notice must be given”.

**25 Subsection 140(4) of the Marine Safety (Domestic Commercial Vessel) National Law**

Omit “Regulator” (second occurring), substitute “Regulator’s”.

**26 After subsection 159(5) of the Marine Safety (Domestic Commercial Vessel) National Law**

Insert:

(5A) The regulations may make provision for and in relation to the conduct of the survey of vessels.

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*[Minister’s second reading speech made in—  
House of Representatives on 16 July 2014  
Senate on 25 September 2014]*

(161/14)

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