

Protection of the Sea (Powers of Intervention) Regulations (Amendment) 1991 No. 332

EXPLANATORY STATEMENT

STATUTORY RULES 1991 No. 332

Issued by the authority of the Minister for Shipping and Aviation Support

Protection of the Sea (Powers of Intervention) Act 1981

Protection of the Sea (Powers of Intervention) Regulations (Amendment)

Section 23 of the *Protection of the Sea (Powers of Intervention) Act 1981* (the Act) provides that the Governor-General may make regulations for the purposes of the Act. Under regulations made pursuant to this provision, a number of functions were conferred on the Minister, the Department, or particular officers of the Department. Section 23 also authorised the making of regulations empowering the Minister to make orders with respect to any matter for or in relation to which provision may be made by the regulations by virtue of the definition of "noxious substance" in subsection 10(8) of the Act.

The *Australian Maritime Safety Authority Act 1990* (the AMSA Act) established the Australian Maritime Safety Authority (the Authority) from 1 January 1991. The Authority has taken over from the Department its functions regarding marine pollution prevention.

The AMSA Act amended the Act to confer the order-making power directly on the Authority. The regulations have therefore removed the order-making power from the previous regulations. Orders remain disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901*.

The regulations have also amended the previous regulations to provide for the administrative changes by removing references to the Minister or the Department, or officers of the Department, and replacing them with references to the Authority or its officers as appropriate. The regulations have not otherwise amended the existing regulations in any substantive way.

The regulations came into force on the day of Gazettal.