

Maritime Transport Security Amendment Regulations 2004 (No. 3)

2004 No. 195

EXPLANATORY STATEMENT

Statutory Rules 2004 No. 195

Issued by Authority of the Minister for Transport and Regional Services

Subject: *Maritime Transport Security Act 2003*

Maritime Transport Security Amendment Regulations 2004 (No. 3)

Subsection 209(1) of the *Maritime Transport Security Act 2003* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act gives effect in Australian law to the international maritime security regime enshrined in Chapter XI-2 of the International Convention for the Safety of Life at Sea and the International Ship and Port Facility Security Code. The regime comes into force on 1 July 2004.

The purpose of the amendments to the *Maritime Transport Security Regulations 2003* (the Principal Regulations) is to insert provisions to enable the Secretary of the Department of Transport and Regional Services to obtain information from security regulated ships concerning their next four ports of call.

Under Regulation 9.3.2 of Chapter XI-2 of the SOLAS Convention, Australia is required to communicate the appropriate facts to the next ports of call and other coastal states if a ship has been expelled from Australian waters or denied entry into an Australian port.

The enforcement provisions of the Act are due to commence on 1 July 2004, to coincide with the deadline for compliance with the new international maritime security regime. The Regulations need to be active by then to enable compliance with Chapter XI-2 of the SOLAS Convention.

Details of the Regulations are set out in the Attachment.

The Act specifies no conditions that need to be met before the power to make the Regulations may be exercised.

The Regulations commence in two stages. The first stage commences on the date of gazettal and comprises regulations 1 to 4 and Schedule 1.

All other Regulations commence on the commencement of Part 2 of the Act. According to the Proclamation gazetted on 17 March 2004, Part 2 commences on 1 July 2004.

The Office of Regulation Review has advised that a Regulation Impact Statement (RIS) is not required to be included with the Regulations. The RIS requirements were met by the RIS which was tabled as part of the Explanatory Memorandum for the Maritime Transport Security Bill 2003.

ATTACHMENT

Details of the proposed *Maritime Transport Security Amendment Regulations 2004 (No. 3)*

1 Name of Regulations

This regulation provides that these regulations are to be cited as the *Maritime Transport Security Amendment Regulations 2004 (No. 3)*.

2 Commencement

This regulation provides that these regulations commence in two stages. The first stage commences on the date of gazettal and comprise regulations 1 to 4 and Schedule 1.

Schedule 2 commences on the commencement of Part 2 of the *Maritime Transport Security Act 2003* (the Act). According to the Proclamation gazetted on 17 March 2004, Part 2 commences on 1 July 2004.

3 Amendment of *Maritime Transport Security Regulations 2003*

This regulation provides that Schedule 1 amends the *Maritime Transport Security Regulations 2003* (the Principal Regulations).

4 Amendment of *Maritime Transport Security Regulations 2003*

This regulation provides that Schedule 2 amends the Principal Regulations as amended by the *Maritime Transport Security Amendment Regulations 2004 (No. 1)*.

Schedule 1 Amendments commencing on gazettal

Item 1 Paragraph 4.80 (2) (f)

This item provides for the creation of another paragraph by deleting the full-stop after 'ports of call' and inserting a semi-colon instead.

Item 2 After Paragraph 4.80 (2) (f)

This item inserts a new provision requiring a regulated Australian ship to give details, if known, of the next four Australian or overseas ports the ship will be calling at.

Schedule 2 Amendments commencing on the commencement of Part 2 of the *Maritime Transport Security Act 2003*

Item 1 Paragraph 5.10 (2) (f)

This item provides for the creation of another paragraph by deleting the full-stop after 'ports of call' and inserting a semi-colon instead.

Item 2 After paragraph 5.10 (2) (f)

This item inserts a new provision requiring a foreign regulated ship to give details, if known, of the next four Australian or overseas ports the ship will be calling at.