

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 230

Issued under the authority of the Minister for Transport and Regional Services

Protection of the Sea (Civil Liability) Act 1981

Protection of the Sea (Civil Liability) Amendment Regulations 2006 (No. 1)

Section 27 of the *Protection of the Sea (Civil Liability) Act 1981* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all 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 Regulations amended the *Protection of the Sea (Civil Liability) Regulations 1983* to:

1. Remove “Manager, Ship Safety” from the position in regulation 7 as one of the persons with whom an application for an insurance certificate must be lodged, since this position no longer exists within the Australian Maritime Safety Authority and replaced it with “Manager, Environmental Standards”;
2. Clarify that the fee mentioned in subregulation 9(2) is for the renewal of an insurance certificate;
3. Amend the reference to the Convention on Limitation of Liability for Maritime Claims 1976 adopted by the International Conference on Limitation for Maritime Claims at London on 19 November 1976; the Convention title simply states “Convention on Limitation of Liability for Maritime Claims, 1976, as amended by the 1996 Protocol”, as the reference to where the Convention was held was irrelevant; and
4. Update the required application for a certificate of insurance to reflect current practice, including the addition of explanatory notes to assist applicants in completing the form.

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 are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

No formal consultation was undertaken in relation to these amendments as they are of a minor or machinery nature and do not substantially alter existing arrangements.

The Regulations commenced on the day after registration on the Federal Register of Legislative Instruments.

**DETAILS OF THE PROTECTION OF THE SEA (CIVIL LIABILITY) AMENDMENT
REGULATIONS 2006 (NO. 1)**

Regulation 1 – Name of Regulations

Regulation 1 is a formal provision specifying the name of the Regulations.

Regulation 2 – Commencement

Regulation 2 provides that the Regulations commence on the day after registration on the Federal Register of Legislative Instruments.

Regulation 3 – Amendment of the *Protection of the Sea (Civil Liability) Regulations 1983*

Regulation 3 provides that Schedule 1 amends the *Protection of the Sea (Civil Liability) Regulations 1983*.

SCHEDULE 1 – AMENDMENTS

Item [1] – This item replaces the reference to the position of “Manager, Ship Safety” in paragraph 7(a) with “Manager, Environmental Protection Standards” to reflect the current structure of the Australian Maritime Safety Authority.

Item [2] – This item clarifies that the prescribed fee under subregulation 9(2) is for the renewal of a certificate.

Item [3] – This item corrects the name of the Convention on Limitation of Liability for Maritime Claims, 1976, as amended by the 1996 Protocol which is incorrectly referred to in paragraph 12(1)(b).

Item [4] – This item replaces the current prescribed form for an application for a certificate of insurance to reflect current practice, including the addition of explanatory notes to assist applicants in completing the form.