

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Coastal Trading (Revitalising Australian Shipping) Act 2012 - Section 11 exemption for cruise vessels

The legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Coastal Trading (Revitalising Australian Shipping) Act 2012* (the Act) regulates coastal trading between States and Territories within Australia by requiring the movement of cargo and/or passengers for or in connection with a commercial activity to be conducted by vessels authorised to do so by a licence issued under the Act.

The object of the Act is to provide a regulatory framework for coastal trading in Australia that, inter alia, promotes a viable shipping industry that contributes to the broader Australian economy.

The legislative instrument provides an exemption from the application of the Act, in accordance with Section 11 of the Act, to certain cruise ships. It prescribes that cruise ships greater than 5000 gross tonnes, capable of a speed greater than 15 knots and able to carry more than 100 passengers are exempt from the Act, provided the ship is utilised wholly or primarily for the carriage of passengers between any ports in the Commonwealth or in the Territories, except between Victoria and Tasmania. This means that ships of the kind detailed in the instrument are not required to apply for a licence under the Act when engaging in coastal trading.

The purpose of the exemption is to promote tourism activity within Australia, recognising that Australia does not currently have any Australian registered vessels in this category.

The legislative instrument does not make any substantive changes to the law as it continues a longstanding exemption provided for under subsection 286(6) of the *Navigation Act 1912* (the Navigation Act). The exemption remains unchanged from that provided for under subsection 286(6) of the Navigation Act and, as such, does not engage any of the applicable rights and freedoms.

Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms referred to in the seven international Conventions listed in the *Human Rights (Parliamentary Scrutiny) Act 2011*, due to the ability of foreign registered vessels being able to participate in Australia's coastal trade, providing for economic freedom.

Conclusion

The legislative instrument is compatible with human rights as it does not raise any human rights issues.