

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 – Exemption under section 11 relating to voyages between Christmas Island and Australian States and Territories

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 all vessels undertaking any voyage for the carriage of cargo or passengers between Christmas Island and any port in the Commonwealth or in the Territories. This does not include any voyage in the course of which a vessel takes on cargo or passengers from any port in the Commonwealth or in the Territories other than a port in Christmas Island for unloading or disembarking at another such port. This means that vessels of the kind specified in the instrument are not required to apply for a licence under the Act.

The purpose of this exemption is to allow Christmas Island access to shipping services at competitive freight rates, recognising that shipping services for Christmas Island are limited.

The legislative instrument does not make any substantive changes to the law as it continues a longstanding exemption provided for under subsection 421 (1) of the *Navigation Act 1912* (the Navigation Act). The exemption remains unchanged from that provided for under subsection 421(1) 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 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.