

EXPLANATORY STATEMENT

Issued by the Authority of the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development

Shipping Registration Act 1981

Shipping Registration (Repeal and Consequential Amendments) Regulations 2019

OUTLINE

The *Shipping Registration Act 1981* (the Act) sets out the legislative requirements for the registration of ships in Australia.

Section 83 of 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 are a legislative instrument for the purposes of the *Legislation Act 2003* (the Legislation Act).

The purpose of the Shipping Registration (Repeal and Consequential Amendments) Regulations 2019 (the Regulations) is to repeal the Shipping Registration Regulations 1981, and to make minor amendments to the Electronic Transactions Regulations 2000 and the Personal Property Securities Regulations 2010.

The Department undertook a desk-top review of the Regulations, in consultation with AMSA and key industry stakeholders, to ensure that each provision is required and fit for purpose. The Department consulted with vessel owners regarding amending the Regulations. The Department did not receive any responses to the consultation survey of ship owners. It is the Department's understanding that the Regulations are required and fit for purpose.

The Department consulted with the Office of Best Practice Regulation (OBPR). Under the sunset instrument Regulation Impact Statement (RIS) requirements, the Department of Infrastructure, Regional Development and Cities has certified that an assessment of the Regulation has demonstrated it will achieve its objectives efficiently and effectively.

Details of the Regulations are at [Attachment A](#).

A Statement of Compatibility with Human Rights is at [Attachment B](#).

Details of the Shipping Registration (Repeal and Consequential Amendments) Regulations 2019

Section 1 – Name

Section 1 provides that the title of the Regulation is the Shipping Registration (Repeal and Consequential Amendments) Regulations 2019

Section 2 – Commencement

Section 2 provides that the instrument commences at the same time as the Shipping Registration Amendment Act 2019 (Shipping Registration Amendment Act) commences. The Shipping Registration Amendment Act will commence by proclamation, or six months after the date that it receives royal assent.

The Regulations will commence on the same day as the Shipping Registration Amendment Act because that Act makes changes to the Shipping Registration Act 1981 that are necessary for the remaking of the Regulations.

Section 3 – Authority

Section 3 outlines that this instrument is made under the *Shipping Registration Act 1981*; the Electronic Transactions Act 1999; and the Personal Property Securities Act 2009.

Section 4 – Schedules

Section 4 outlines that the Schedules to the Regulation amend or repeal the legislative instruments listed in the Schedules.

**Schedule 1 Repeals
Shipping Registration Regulations 1981**

Section 1 – The whole of the instrument

Section 1 repeals the Shipping Registration Regulations 1981.

**Schedule 2 – Amendments
Electronic Transactions Regulations 2000**

Section 1 – Schedule 1 (table item 131)

Section 1 amends the Electronic Transactions Regulations 2000 as described. This is to ensure that reference is made in table item 131 to the correct regulation.

Personal Property Securities Regulations 2010

Section 2 – Regulation 1.6 (subparagraph (b)(ii) of the definition of watercraft)

Section 2 amends the Personal Property Securities Regulations 2010 as described. This is to ensure that the definition of watercraft correctly references the Shipping Registration Regulations 2019 rather than the repealed version.

ATTACHMENT B

Statement of Compatibility with Human Rights

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

Shipping Registration (Repeal and Consequential Amendments) Regulations 2019

This Disallowable 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*.

The purpose of the Shipping Registration (Repeal and Consequential Amendments) Regulations 2019 is to repeal the Shipping Registration Regulations 1981, and to make minor amendments to the Electronic Transactions Regulations 2000 and the Personal Property Securities Regulations 2010.

Human rights implications

This Disallowable Legislative Instrument does not contain any human rights implications.

Conclusion

This Disallowable Legislative Instrument is compatible with human rights.

Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, the Hon Michael McCormack MP