

## Explanatory Statement

### Marine Orders Amendment (Marine Order 47 — consequential changes) Order 2019 (Order 2019/5)

#### Authority

1. Subsection 339(1) of the Navigation Act authorises the Governor-General to make regulations necessary or convenient for carrying out or giving effect to the Navigation Act.
2. Subsection 339(2) of the Navigation Act provides that the regulations may provide for the matters mentioned in that provision for the safe operation of vessels.
3. Subsection 342(1) of the Navigation Act allows the Australian Maritime Safety Authority (AMSA) to make orders for any matter in the Act for which provision must or may be made by regulations.
4. Subsection 33(3) of the *Acts Interpretation Act 1901* provides that a power in an Act to make a legislative instrument includes the power to repeal or amend the instrument, subject to any conditions that apply to the initial power.
5. This Marine Order is a legislative instrument for the *Legislation Act 2003*.

#### Purpose

6. This Marine Order makes consequential amendments to Marine Orders 1, 12, 15, 31 and 97 arising from the making of *Marine Order 47 (Offshore industry units) 2019*.

#### Overview

7. This Marine Order corrects a number of references to Marine Orders that have become out dated as a result of the making of *Marine Order 47 (Offshore industry units) 2019* that repealed *Marine Order 47 (Mobile Offshore drilling units) 2012* and *Marine Order 60 (Floating offshore facilities) 2001*.

#### Consultation

8. A copy of the draft of this Marine Order was placed on the AMSA website for public comment on 4 June 2019 for a 4 week consultation period. Around 160 stakeholders, including offshore petroleum and gas proponents, ship operators, seafarer representative organisations, classification societies, shipping industry peak bodies and various government bodies were invited to comment. There were no comments received.
9. The changes made by the Order have regulatory impacts of a minor or machinery nature and no regulation impact statement was required. The OBPR reference number is 16724.

#### Documents incorporated by reference

10. This Marine Order incorporates by reference parts of *Marine Order 47 (Offshore industry units) 2019*.
11. Due to the operation of section 10 of the *Acts Interpretation Act 1901* (as applied by paragraph 13(1)(a) of the *Legislation Act 2003*), *Marine Order 47 (Offshore industry units) 2019* is adopted as in force from time to time because it is adopted by reference to its title.

## Commencement

12. This Marine Order commences immediately after the commencement of *Marine Order 47 (Offshore industry units) 2019*.

## Contents of this instrument

13. Section 1 sets out the name of this Marine Order.
14. Section 2 provides for the commencement of the Marine Order.
15. Section 3 provides that Schedule 1 sets out the consequential amendments to Marine Orders.
16. Item 1 of Schedule 1 provides that specified definitions are omitted from *Marine Order 1 (Administration) 2013*. These definitions are no longer needed as a result of the repeal of *Marine Order 47 (Mobile Offshore drilling units) 2012* and *Marine Order 60 (Floating offshore facilities) 2001*.
17. Item 2 of Schedule 1 provides that subsection 9(2) of *Marine Order 12 (Construction — subdivision and stability, machinery and electrical installations) 2016* is amended. An out dated instrument reference is replaced by mention of *Marine Order 47 (Offshore industry units) 2019*.
18. Item 3 of Schedule 1 provides that subsection 11(2) of *Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014* is amended. An out dated instrument reference is replaced by mention of *Marine Order 47 (Offshore industry units) 2019*.
19. Item 4 of Schedule 1 substitutes the definition of *FPSO* in section 6 of *Marine Order 97 (Marine pollution prevention — air pollution) 2013*. As *Marine Order 60 (Floating offshore facilities) 2001* has been repealed, the signpost or cross reference to that Order has been replaced with a new definition for *FPSO*.
20. Item 5 of Schedule 1 substitutes the definition of *FSU* in section 6 of *Marine Order 97 (Marine pollution prevention — air pollution) 2013*. As *Marine Order 60 (Floating offshore facilities) 2001* has been repealed, the signpost or cross reference to that Order has been replaced with a new definition for *FSU*.
21. Item 6 of Schedule 1 further amends section 6 of *Marine Order 97 (Marine pollution prevention — air pollution) 2013* by replacing an out dated reference in the definition of *MODU*.

## Statement of compatibility with human rights

22. This statement is made for subsection 9(1) of the Human Rights (Parliamentary Scrutiny) Act 2011.

### Overview of the legislative instrument

23. The purpose of this Marine Order is to make consequential amendments to Marine Orders as a result of the making of *Marine Order 47 (Offshore industry units) 2019* that repealed *Marine Order 47 (Mobile offshore drilling units) 2012* and *Marine Order 60 (Floating offshore facilities) 2001*.
24. The amendments are minor in nature and change references to Marine Orders that have become out dated as a result of the making *Marine Order 47 (Offshore industry units) 2019*.

### Human rights implications

25. This Marine Order does not engage any of the applicable rights or freedoms.

## Conclusion

26. AMSA considers that this Marine Order is compatible with human rights as it does not raise any human rights issues. It does not affect any rights or freedoms to which the *Human Rights (Parliamentary Scrutiny) Act 2011* applies.

### **Making the instrument**

27. This Marine Order has been made by the Acting Chief Executive Officer of the Australian Maritime Safety Authority, in accordance with subsection 49(4) of the *Australian Maritime Safety Authority Act 1990*.