

Coastal Trading (Revitalising Australian Shipping) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 05 August 2022

David Hurley

Governor‑General

By His Excellency’s Command

Catherine King

Minister for Infrastructure, Transport, Regional Development and Local Government

Contents

Part 1—Preliminary 1

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

5 Definitions 1

6 Special circumstances for *energy security situation* 2

Part 2—Licences 3

7 Information for application for temporary licence 3

8 Kind of emergency for application for emergency licence 3

Part 3—Fees 4

9 Application fees 4

Schedule 1—Repeals 5

Coastal Trading (Revitalising Australian Shipping) Regulation 2012 5

Part 1—Preliminary

1 Name

 This instrument is the *Coastal Trading (Revitalising Australian Shipping) Regulations 2022*.

2 Commencement

 (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 9 August 2022 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

 (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

 This instrument is made under the *Coastal Trading (Revitalising Australian Shipping) Act 2012*.

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

(a) emergency licence;

(b) general licence;

(c) liquid fuel product;

(d) temporary licence.

 In this instrument:

***Act*** means the *Coastal Trading (Revitalising Australian Shipping) Act 2012*.

***dangerous goods*** has the same meaning as in the *International Maritime Dangerous Goods Code* published by the International Maritime Organization, as in force at the commencement of this instrument.

6 Special circumstances for *energy security situation*

 The kind of special circumstances prescribed for the purposes of paragraph 6(1A)(c) of the Act requiring a vessel that is used to undertake a voyage authorised by a temporary licence to load or unload a liquid fuel product at a port that is not authorised by the temporary licence are that:

 (a) there is, or it is likely that there will be, a shortfall in the supply of liquid fuel product; and

 (b) the shortfall is the result of one or more of the following unforeseen events:

 (i) a partial or total shutdown of a fuel refinery;

 (ii) the failure of a gas, electricity, water or steam supply to a fuel refinery or terminal;

 (iii) a shortfall in the supply of liquid fuel product from overseas;

 (iv) fuel is found to be unsuitable to be used;

 (v) a severe weather event; and

 (c) the shortfall is having an adverse impact, or is likely to have an adverse impact, on one or more of the following:

 (i) the interests of consumers;

 (ii) the national economy;

 (iii) regional development.

Note: Subsection 6(1A) of the Act deals with the definition of an energy security situation.

Part 2—Licences

7 Information for application for temporary licence

 For the purposes of paragraph 28(2)(h) of the Act, the following information is prescribed for a vessel if cargo is expected to be carried on the vessel:

 (a) whether the cargo will contain dangerous goods;

 (b) how the cargo is expected to be transported.

Example: Cargo may be expected to be transported in bulk, in containers, or in food‑grade holds.

8 Kind of emergency for application for emergency licence

 The kind of emergency that is prescribed for the purposes of subparagraph 64(2)(b)(i) of the Act is an emergency that involves severe weather conditions, or a natural disaster, that:

 (a) endangers, or threatens to endanger, life, property or the environment; and

 (b) requires a significant and coordinated response.

Note 1: Section 64 of the Act deals with applications for emergency licences.

Note 2: Examples of severe weather conditions include a cyclone, a thunderstorm and a flood. Examples of a natural disaster include an earthquake and a volcanic eruption.

Part 3—Fees

9 Application fees

 The application fee for an application of a kind mentioned in column 1 of an item of the following table is the amount prescribed in column 2 of the item.

| Application fees |
| --- |
| Item | Column 1 | Column 2 |
| 1 | Application for a general licence under section 13 of the Act | $110 |
| 2 | Application for a temporary licence under section 28 of the Act | $400 |
| 3 | Application for a variation of a matter authorised by a temporary licence under section 43 of the Act | $200 |
| 4 | Application for a variation of a temporary licence under section 51 of the Act | $400 |
| 5 | Application for an emergency licence under section 64 of the Act | $400 |

Schedule 1—Repeals

Coastal Trading (Revitalising Australian Shipping) Regulation 2012

1 The whole of the instrument

Repeal the instrument.