

Explanatory Statement

Marine Orders Amendment (Marine Order 501 — consequential changes) Order 2023 (Order 2023/4)

Authority

1. The *Marine Safety (Domestic Commercial Vessel) National Law*, set out in Schedule 1 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (the national law), provides for this Marine Order to be made.
2. Subsection 159(1) of the national law provides for regulations to be made that are necessary or convenient for carrying out or giving effect to the national law.
3. Subsection 163(1) provides that the National Regulator (the Australian Maritime Safety Authority (AMSA)) under section 9 of the national law) may make a Marine Order about matters that can be provided for by regulation.
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 amending Marine Order is a legislative instrument for the *Legislation Act 2003*.

Purpose

6. This instrument is an amending Marine Order.

Overview

7. This Marine Order makes amendments consequential on the making of *Marine Order 501 (Administration — national law) 2023* (Marine Order 501 2023) which has replaced Marine Order 501 (Administration — national law) 2013. The following Marine Orders have been amended to ensure the correct instrument name appears in them for Marine Order 501 2023:

- *Marine Order 502 (Vessel identifiers — national law) 2017*
- *Marine Order 503 (Certificates of survey — national law) 2018*
- *Marine Order 504 (Certificates of operation and operation requirements — national law) 2018*
- *Marine Order 505 (Certificates of competency — national law) 2022*
- *Marine Order 507 (Load line certificates — national law) 2018*.

Consultation

8. For the making of Marine Order 501 2023 there was extensive consultation as follows.
9. A copy of the draft of Marine Order 501 2023 was placed on AMSA's website for a 6 week period of public consultation commencing on 28 April 2023. The consultation process details for the draft of Marine Order 501 2023 were posted on social media and a link sent directly to approximately 22,000 stakeholders.
10. The Office of Impact Analysis (OIA) was consulted and considered that the amending Order dealt with matters of a minor or machinery nature and no regulatory impact statement was required. The OIA reference number is OIA23-04926.

Documents incorporated by reference

11. There are no documents to be incorporated by reference by this amending Order. The amendments in Schedule 1 correct an outdated reference to an instrument that appears in 5 instruments.

Commencement

12. This amending Marine Order immediately commenced after the commencement of Marine Order 501 2023.

Contents of this instrument

13. Section 1 sets out the name of the 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.

16. Items 1 to 5 replace mention of **2013** with **2023** in 5 Marine Orders. This change is needed to ensure those 5 Marine Orders refer to the correct name for the instrument mentioned in them. The change relates to the replacement of *Marine Order 501 (Administration — national law) 2013* with *Marine Order 501 (Administration — national law) 2023* that occurred on 1 September 2023.

Statement of compatibility with human rights

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

Overview of the legislative instrument

18. This amending Order makes amendments consequential to the making of *Marine Order 501 (Administration — national law) 2023* (Marine Order 501 2023). Changes are made as a result of the name change to the instrument following its repeal and replacement. The amending Order corrects the name of the instrument in 5 Marine Orders.

Human rights implications

19. This amending Order does not engage any of the applicable rights or freedoms.

Conclusion

20. AMSA considers that this instrument is compatible with human rights. It does not affect any rights or freedoms to which the *Human Rights (Parliamentary Scrutiny) Act 2011* applies.

Making the instrument

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