

Explanatory Statement

Marine Orders Amendment (Marine Order 11 — consequential changes) Order 2024 (Order 2024/4)

Authority

1. Subsection 339(1) of the *Navigation Act 2012* (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 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.
3. 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.
4. This Marine Order was made under subsection 342(1) and is a legislative instrument for the *Legislation Act 2003*.

Purpose

5. This Marine Order makes amendments consequential to the making of *Marine Order 11 (Living and working conditions on vessels) 2024* (Marine Order 11 2024) that replaces *Marine Order 11 (Living and working conditions on vessels) 2015*.

Overview

6. This Marine Order revises outdated references in *Marine Order 2 (Australian International Shipping Register) 2016* (Marine Order 2) and *Marine Order 71 (Masters and deck officers) 2023* (Marine Order 71) as a result of the making of Marine Order 11 2024.

Consultation

7. Consultation commenced via the AMSA’s website on 3 June 2024 with comments due by 28 July 2024. Around 130 stakeholders were also contacted by email and invited to comment. These included seafarer representative organisations, vessel operators, Shipping Consultative Forum and relevant government agencies. The review was also advised on social media and as an AMSA news article.
8. The Office of Impact Analysis (OIA) considers that the changes made by the Marine Order have regulatory impacts of a minor or machinery nature and no regulation impact statement is required. The OIA reference number is OIA23-06166.

Documents incorporated by reference

9. There are no documents incorporated by reference by this Marine Order. However, the reference to Marine Order 11 is updated to the latest version in two Marine Orders. A Marine Order is adopted as in force from time to time 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*).

Commencement

10. This Marine Order commenced on 23 December 2024.

Contents of this instrument

11. Section 1 sets out the name of the Marine Order.
12. Section 2 provides for the commencement of the Marine Order.

13. Section 3 provides for the amendment of the Marine Orders mentioned in Schedule 1 to update references to Marine Order 11 2024.

Statement of compatibility with human rights

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

Overview of the legislative instrument and human rights implications

This Marine Order revises two outdated references as a result of making Marine Order 504 2024.

15. AMSA considers that this instrument does not affect any rights or freedoms to which the *Human Rights (Parliamentary Scrutiny) Act 2011* applies.

Making the instrument

16. 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*.