

Explanatory Statement

Marine Order Amendment (Marine Order 504 — consequential changes) Order 2024 (Order 2024/6)

Authority

1. The Marine Safety (Domestic Commercial Vessel) National Law (the national law), set out in Schedule 1 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*, provides for this Marine Order to be made.
2. Division 5 of Part 4 of the national law provides for matters that can be prescribed in the regulations for certificates of operation for domestic commercial vessels.
3. Subsection 159(1) of the national law provides for regulations to be made prescribing matters required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to the national law.
4. Subsection 163(1) of the national law provides that the National Regulator may make a Marine Order for any matter for which provision must or may be made by regulations, other than for matters mentioned in the section.
5. 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.
6. This Marine Order is a legislative instrument for the *Legislation Act 2003*.

Purpose

7. This amending Marine Order makes amendments consequential to the making of *Marine Order 504 (Certificates of operation — national law) 2024* (Marine Order 504 2024) that replaces *Marine Order 504 (Certificates of operation and operation requirements — national law) 2018*.

Overview

8. This amending Marine Order revises two outdated references in *Marine Order 505 (Certificates of competency — national law) 2022* (Marine Order 505) as a result of making Marine Order 504 2024.

Consultation

9. Prior to the commencement of drafting Marine Order 504, extensive policy consultation was undertaken with the domestic commercial vessel industry. An Industry Reference Group was established comprising representatives from the domestic commercial vessel sector. This group was consulted throughout the drafting process.
10. The public consultation for Marine Order 504 commenced on 28 May 2024 for a period of eight and a half weeks. A dedicated consultation hub was provided on the AMSA website with information and guidance on the proposed changes. This was complemented by an online webinar held on 7 June 2024 to present information on the proposed changes to external stakeholders. Over 100 industry representatives attended the webinar, and a recording of the event was published on the AMSA website for a period of three months.
11. The Office of Impact Analysis (OIA) was also consulted, and a preliminary assessment form was provided for their consideration and advice. The OIA advised that a detailed impact analysis was not required under the Australian Government's Policy Impact Analysis Framework. The OIA reference number is OIA23-06166.

Documents incorporated by reference

12. There are no documents incorporated by reference by this amending Marine Order. However, changes are made to Marine Order 505 to update the name of the instrument replaced by Marine Order 504 2024. A further change to a cross-reference is necessary due to a reordering of provisions in Marine Order 504 2024.

Commencement

13. This Marine Order commenced immediately after the commencement of Marine Order 504 2024.

Contents of this instrument

14. Section 1 sets out the name of the Marine Order.

15. Section 2 provides for the commencement of the Marine Order.

16. Section 3 states the purpose of the Marine Order which is to amend Marine Order 505.

17. Schedule 1 sets out two changes to Marine Order 505 to update references to Marine Order 504 2024.

Statement of compatibility with human rights

18. 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

19. This amending Marine Order revises two outdated references in Marine Order 505 as a result of making Marine Order 504 2024.

20. 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

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*.