

2013-2014-2015

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**MARITIME TRANSPORT AND OFFSHORE FACILITIES SECURITY  
AMENDMENT (INTER-STATE VOYAGES) BILL 2015**

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Infrastructure and Regional Development,  
the Honourable Warren Truss, MP)

**MARITIME TRANSPORT AND OFFSHORE FACILITIES SECURITY  
AMENDMENT (INTER-STATE VOYAGES) BILL 2015**

**OUTLINE**

The purpose of the Maritime Transport and Offshore Facilities Security Amendment (Inter-State Voyages) Bill 2015 (the Bill) is to amend the *Maritime Transport and Offshore Facilities Security Act 2003* (the Act).

The proposed amendments set out in the Bill will:

- (a) delete the definition of *inter-State voyage* from section 10 of the Act; and
- (b) remove the reference to ships used for inter-State voyages from the definition of *regulated Australian ship* in section 16 of the Act.

The effect of the proposed amendments is that an Australian ship that is used solely for inter-State voyages will no longer be regulated under the Act.

**Financial impact statement**

There is no discrete financial loss or gain for the Commonwealth resulting from this Bill.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **Maritime Transport and Offshore Facilities Security Amendment (Inter-State Voyages) Bill 2015**

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Bill**

The Maritime Transport and Offshore Facilities Security Amendment (Inter-State Voyages) Bill 2015 amends the *Maritime Transport and Offshore Facilities Security Act 2003* to:

- (a) delete the definition of *inter-State voyage* from section 10 of the Act; and
- (b) remove the reference to ships used for inter-State voyages from the definition of *regulated Australian ship* in section 16 of the Act.

#### **Human rights implications**

This Bill does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This Bill is compatible with human rights as it does not raise any human rights issues.

**Minister for Infrastructure and Regional Development, the Hon Warren Truss MP**

## NOTES ON CLAUSES

### Clause 1: Short Title

1. Clause 1 provides that this Act may be cited as the *Maritime Transport and Offshore Facilities Security Amendment (Inter-State Voyages) Act 2015*.

### Clause 2: Commencement

2. Clause 2 provides that sections 1 to 3 of the Bill and anything in the Bill not specified in the commencement table commence on the day the Bill receives the Royal Assent. Clause 2 also provides that Schedule 1 of the Bill commences either 6 months after receiving the Royal Assent or by Proclamation, whichever comes first. Clause 2 also allows information about the date of the Royal Assent and commencement to be added to the commencement table, but this information does not form a part of the Act.

### Clause 3: Schedules

3. Clause 3 outlines the effect of the Schedules to the Bill. The *Maritime Transport and Offshore Facilities Security Act 2003* (the Act) is amended as set out in the Schedule to the Bill. Any other item in the Schedule has effect according to its terms.

#### Schedule 1 – Amendments relating to inter-State voyages

#### *Maritime Transport and Offshore Facilities Security Act 2003*

##### **Item 1 – Section 10 (definition of *inter-State voyage*)**

Item 1 repeals the definition of *inter-State voyage* from section 10 of the Act. This amendment is consequential on the repeal of references to “inter-State” in section 16 of the Act (see Item 2). As there are no other references to *inter-State voyages* in the Act, the definition is no longer required and may be repealed.

##### **Item 2 – Paragraphs 16(1)(a), (b) and (c)**

Item 2 removes references to “or inter-State” from the definition of *regulated Australian ship* in paragraphs 16(1)(a), (b) and (c) of the Act. This means that an Australian ship that is used solely for inter-State voyages will no longer be regulated under the Act.

##### **Item 3 – At the end of subsection 16(1)**

Item 3 adds a note at the end of subsection 16(1) of the Act to make it clear that the Regulations may make different provisions with respect to different kinds of regulated Australian ships as provided for in subsection 33(3A) of the *Acts Interpretation Act 1901*. This will, for example, enable the Maritime Transport and Offshore Facilities Security Regulations 2003 to prescribe different security requirements for different kinds of regulated Australian ships.