Select Legislative Instrument 2005 No. 209
Issued by Authority of the Minister for Transport and Regional Services

Subject: Maritime Transport and Offshore Facilities Security Act 2003
Maritime Transport and Offshore Facilities Security Amendment Regulations 2005 (No. 2)

Subsection 209(1) of the Maritime Transport and Offshore Facilities Security Act 2003 (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The purpose of the Act is to safeguard against unlawful interference with maritime transport and offshore facilities. The Maritime Transport Security Amendment Act 2005 amended the Maritime Transport Security Act 2003 to:

- extend coverage of the Act to offshore oil and gas facilities; and
- ensure that all regulated offshore oil and gas facility operators and other prescribed offshore industry participants develop, and comply with, an offshore security plan, based on a security assessment of each regulated facility.

The purpose of the proposed Regulations is to amend the Maritime Transport and Offshore Facilities Security Regulations 2003 (the Principal Regulations) to provide that those provisions of the Regulations dealing with offshore service providers would commence on 1 March 2006.

Details of the provisions of the Act which provide for the scope of regulations made under the Act are listed at Attachment A.

Details of the proposed Regulations are set out in Attachment B.

The Act specifies no conditions that need to be met before the power to make the proposed Regulations may be exercised.

The proposed Regulations are a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The Regulations commenced on the day after they were registered on the Federal Register of Legislative Instruments.
ATTACHMENT A

Sections of the Act that provide for regulations to be made

Section 10 of the Act defines offshore industry participant to include a person who conducts an enterprise connected with a security regulated offshore facility; and is prescribed in the regulations.

Section 100B of the Act prescribes offshore industry participants who are required to have an offshore security plan. These include an offshore facility operator; a participant of a kind prescribed in the regulations; and a particular participant prescribed in the regulations.

Paragraph 100G(2)(b) of the Act provides that the security assessment under paragraph 100G(1)(a) must address any matters prescribed in the regulations.

Section 100H of the Act provides that the regulations may prescribe specific matters that are to be dealt with in offshore security plans; in a security plan for a particular kind of offshore industry participant; and in a security plan for a particular class of a particular kind of offshore industry participant.

Paragraph 100I(1)(b) of the Act provides that an offshore security plan must be prepared in accordance with any requirements set out in the regulations.

Paragraph 100I(2)(b) of the Act provides that an offshore security plan must be accompanied by information of the kind and in the form prescribed by the regulations.

ATTACHMENT B

Details of the Maritime Transport and Offshore Facilities Security Amendment Regulations 2005 (No. 2)

1 Name of Regulations

This regulation provides that the title of the Regulations is the Maritime Transport and Offshore Facilities Security Amendment Regulations 2005 (No. 2).

2 Commencement

This regulation provides that the Regulations commence on the day after they are registered.

3 Amendment of Maritime Transport and Offshore Facilities Security Regulations 2003

This Regulation provides that the Maritime Transport and Offshore Facilities Security Regulations 2003 (the Principal Regulations) are amended as set out in Schedule 1.
Schedule 1 - Amendments

Item 1 - Regulation 1.02(a) Commencement

This item inserts the words ‘(except regulations 1.06 and 1.34)’ after the words ‘Part 1’ in paragraph 1.02(a).

Item 2 - Regulation 1.02(a) Commencement

This item inserts after paragraph 1.02(a) a new paragraph (aa) which provides that regulations 1.06, 1.34, 5A.15, 5A.20 and 5A.35, and Division 5A.3 commence on 1 March 2006.