

Navigation (Orders) Regulations (Amendment) 1991 No. 335

EXPLANATORY STATEMENT

STATUTORY RULES 1991 No. 335

Issued by the authority of the Minister for Shipping and Aviation Support

Navigation Act 1912

Navigation (Orders) Regulations (Amendment)

Section 425 of the Navigation Act 1912 (the Navigation Act) provides that the Governor-General may make regulations for the purposes of the Act.

Prior to the enactment of the Australian Maritime Safety Authority Act 1990 (the AMSA Act), paragraphs 425(1)(f) to (fe) of the Navigation Act authorised the making of regulations conferring power on the Minister to provide for various matters by order. There were also a number of other provisions in the Navigation Act which authorised the making of regulations which could in turn confer power on the Minister to provide for various matters by order. The AMSA Act amended the Navigation Act to replace the separate ordermaking powers with a new subsection 425(1AA), which now directly authorises the Authority to make orders in respect of any matter for or in relation to which provision may be made by the regulations, with the exception of the imposition of penalties.

The Navigation (Orders) Regulations make provision for the making by the Minister of orders, and for various procedural matters, such as review rights in respect of decisions made under the orders and matters of evidence. Orders continue to be disallowable instruments for the purposes of section 46A of the Acts Interpretation Act 1901.

The Australian Maritime Safety Authority Act 1990 (the AMSA Act) established the Australian Maritime Safety Authority (the Authority) from 1 January 1991. The Authority has taken over from the Department its functions regarding maritime standards and safety.

The regulations therefore remove the order-making power from the previous regulations.

The regulations also amend the regulations to provide for these administrative changes by removing previous references to the Minister or the Department, or officers of the Department, and replacing them with references to the Authority or its officers as appropriate.

The regulations came into force on the day of Gazettal.

(S.R. 483/90)