



# Coastal Trading (Revitalising Australian Shipping) Regulation 2012<sup>1</sup>

## Select Legislative Instrument 2012 No. 135

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Coastal Trading (Revitalising Australian Shipping) Act 2012* and the *Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act 2012*.

Dated 28 June 2012

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

ANTHONY ALBANESE  
Minister for Infrastructure and Transport

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## Part 1                      Introductory

### 1.1.1      Name of regulation

This regulation is the *Coastal Trading (Revitalising Australian Shipping) Regulation 2012*.

### 1.1.2      Commencement

This regulation commences on 1 July 2012.

### 1.1.3      Definitions

In this regulation:

*Act* means the *Coastal Trading (Revitalising Australian Shipping) Act 2012*.

*Transitional Act* means the *Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act 2012*.

### 1.1.4      Special circumstances for *energy security situation*

The special circumstances that are prescribed for paragraph 6 (1A) (c) of the Act are as follows:

- (a) there is, or it is likely that there will be, a shortfall in the supply of liquid fuel product;
- (b) the shortfall is the result of one or more of the following unforeseen events:
  - (i) a partial or total shutdown of a fuel refinery;
  - (ii) the failure of a gas, electricity, water or steam supply to a fuel refinery or terminal;
  - (iii) a shortfall in the supply of liquid fuel product from overseas;
  - (iv) fuel is found to be unsuitable to be used;
  - (v) a severe weather event;

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- (c) the shortfall is having an adverse impact, or is likely to have an adverse impact, on one or more of the following:
  - (i) the interests of consumers;
  - (ii) the national economy;
  - (iii) regional development.

**1.1.5 Fees**

Schedule 1 sets out the fees for the Act.

## **Part 4 Licences**

### **Division 4.1 Transitional general licences**

#### **4.1.1 Information for transitional general licence application**

The information that is prescribed for paragraph 10 (2) (c) of Part 3 of Schedule 2 to the Transitional Act is as follows:

- (a) a statement about whether the owner of the vessel intends to register the vessel under the *Shipping Registration Act 1981*;
- (b) a statement explaining what is preventing the vessel being registered under the *Shipping Registration Act 1981*, with reference to the following matters:
  - (i) financial, business or legal constraints;
  - (ii) what action is being, or will be, taken to register the vessel under the *Shipping Registration Act 1981*;
- (c) information that evidences a statement made under paragraph (b).

*Example for paragraph (c)*

A copy of the registration of the vessel in a foreign country, with information that shows the vessel is owned by an entity that has its central management and control located outside of Australia.

#### **4.1.2 Information for transitional general licence renewal**

The information that is prescribed for paragraph 15 (1) (d) of Part 3 of Schedule 2 to the Transitional Act is information that evidences the statement under paragraph 15 (1) (c) of that Part.

### **Division 4.2 Temporary licences**

#### **4.2.1 Information for temporary licence application**

The information that is prescribed for paragraph 28 (2) (h) of the Act is as follows:

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- (a) whether the cargo contains dangerous goods, within the meaning of the International Maritime Organization's *International Maritime Dangerous Goods Code*, as in force from time to time;
- (b) how the cargo is expected to be transported.

*Example for paragraph (b)*

In bulk, in containers, or in food-grade holds.

## **Division 4.3 Emergency licences**

### **4.3.1 Kinds of emergency for emergency licence application**

The kind of emergency that is prescribed for subparagraph 64 (2) (b) (i) of the Act is an emergency that involves an event:

- (a) that is:
  - (i) a cyclone;
  - (ii) an earthquake;
  - (iii) a flood, including a flash flood;
  - (iv) a landslide;
  - (v) a mudslide;
  - (vi) a storm surge;
  - (vii) a thunderstorm;
  - (viii) a tornado;
  - (ix) a tsunami;
  - (x) a wildfire; and
- (b) that endangers, or threatens to endanger, any of the following:
  - (i) life;
  - (ii) property;
  - (iii) the environment; and
- (c) that requires a significant and coordinated response.

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**Part 7                      Repeal****7.1.1      Repeal of *Navigation (Coasting Trade) Regulations***

- (1) The *Navigation (Coasting Trade) Regulations 2007* (Select Legislative Instrument 2007 No. 15) are repealed.
- (2) This Part expires on 2 July 2012 as if it had been repealed by another legislative instrument.

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## Schedule 1 Fees

(section 1.1.5)

Item	Service	Fee (\$)
1	Application for a general licence, including a transitional general licence (Act, s 13)	110
2	Application for a temporary licence (Act, s 28)	400
3	Application to vary matters authorised by temporary licence (Act, s 43)	200
4	Application to vary temporary licence to include new matters (Act, s 51)	400
5	Application for emergency licence (Act, s 64)	400

### Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.comlaw.gov.au](http://www.comlaw.gov.au).