



# Fair Work Amendment Regulation 2012 (No. 2)<sup>1</sup>

**Select Legislative Instrument 2012 No. 197**

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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 *Fair Work Act 2009*.

Dated 16 August 2012

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

WILLIAM RICHARD SHORTEN  
Minister for Employment and Workplace Relations

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**1 Name of regulation**

This regulation is the *Fair Work Amendment Regulation 2012* (No. 2).

**2 Commencement**

This regulation commences on the day after it is registered.

**3 Amendment of *Fair Work Regulations 2009***

Schedule 1 amends the *Fair Work Regulations 2009*.

**Schedule 1 Amendments**

(section 3)

**[1] Regulation 1.15B**

*insert*

***coastal trading*** has the meaning given by section 7 of the *Coastal Trading (Revitalising Australian Shipping) Act 2012*.

**[2] Regulation 1.15B**

*insert*

***continuous voyage permit***:

- (a) means a continuing permit issued under section 286 of the *Navigation Act 1912* as in force immediately before 1 July 2012; and
- (b) includes a continuing permit granted in relation to an application to which paragraphs 5 (a) and (b) of Schedule 2 to the *Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act 2012* apply.

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**[3] Regulation 1.15B**

*insert*

***emergency licence*** has the meaning given by subsection 6 (1) of the *Coastal Trading (Revitalising Australian Shipping) Act 2012*.

**[4] Regulation 1.15B**

*insert*

***emergency licensed ship*** means a ship used to undertake a voyage authorised by an emergency licence.

**[5] Regulation 1.15B**

*insert*

***general licence*** has the meaning given by subsection 6 (1) of the *Coastal Trading (Revitalising Australian Shipping) Act 2012*.

**[6] Regulation 1.15B**

*insert*

***general licensed ship*** means a ship:

- (a) in relation to which a general licence has been issued and is in force; and
- (b) which engages in coastal trading under the licence.

**[7] Regulation 1.15B, definition of *licensed ship***

*omit*

**[8] Regulation 1.15B, definition of *majority Australian-crewed ship***

*omit*

a licensed ship or a permit ship)

*insert*

an emergency licensed ship, a general licensed ship, a transitional general licensed ship or a temporary licensed ship)

**[9] Regulation 1.15B, definition of *permit ship***

*omit*

**[10] Regulation 1.15B**

*insert*

***single voyage permit:***

- (a) means a single voyage permit issued under section 286 of the *Navigation Act 1912* as in force immediately before 1 July 2012; and
- (b) includes a single voyage permit granted in relation to an application to which paragraphs 5 (a) and (b) of Schedule 2 to the *Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act 2012* apply.

**[11] Regulation 1.15B**

*insert*

***temporary licence*** has the meaning given by subsection 6 (1) of the *Coastal Trading (Revitalising Australian Shipping) Act 2012*.

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**[12] Regulation 1.15B**

*insert*

***temporary licensed ship*** means a ship:

- (a) that is used to undertake a voyage authorised by a temporary licence; and
- (b) to which one of the following applies:
  - (i) within 12 months before commencing the voyage, the ship commenced at least 2 other voyages authorised by a temporary licence;
  - (ii) within 12 months before commencing the voyage:
    - (A) the ship commenced at least one other voyage authorised by a temporary licence; and
    - (B) was issued with a single voyage permit;
  - (iii) within 12 months before commencing the voyage, the ship was issued with at least 2 single voyage permits;
  - (iv) within 15 months before commencing the voyage, the ship was issued with a continuous voyage permit.

**[13] Regulation 1.15B**

*insert*

***transitional general licence*** means a licence issued under Division 1 of Part 4 of the *Coastal Trading (Revitalising Australian Shipping) Act 2012* following an application made under item 10 of Schedule 2 to the *Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act 2012*.

**[14] Regulation 1.15B**

*insert*

***transitional general licensed ship*** means a ship:

- (a) in relation to which a transitional general licence has been issued and is in force; and

- (b) which engages in coastal trading under the licence.

**[15] Paragraphs 1.15D (a) to (d)**

*substitute*

- (a) an emergency licensed ship; or
- (b) a general licensed ship; or
- (c) a temporary licensed ship; or
- (d) a transitional general licensed ship; or

**[16] Subregulations 1.15E (1) to (4)**

*substitute*

- (1) For subsection 33 (3) of the Act, the Act is extended to and in relation to each of the following ships in the exclusive economic zone or the waters above the continental shelf:
  - (a) an emergency licensed ship;
  - (b) a general licensed ship;
  - (c) a temporary licensed ship;
  - (d) a transitional general licensed ship.

**[17] Subregulation 1.15E (5)**

*renumber as 1.15E (2)*

**[18] Regulation 1.15E, note**

*omit*

licensed ships, permit ships

*insert*

emergency licensed ships, general licensed ships, temporary licensed ships, transitional general licensed ships

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**[19] After regulation 1.15F**

*insert*

**1.15G Amendments made by *Fair Work Amendment Regulation 2012 (No. 2)***

The amendments of regulations 1.15B, 1.15D and 1.15E made by Schedule 1 to the *Fair Work Amendment Regulation 2012 (No. 2)* do not apply in relation to:

- (a) a licensed ship within the meaning of regulation 1.15B as in force immediately before the commencement of the *Fair Work Amendment Regulation 2012 (No. 2)*; or
- (b) a permit ship within the meaning of regulation 1.15B as in force immediately before the commencement of the *Fair Work Amendment Regulation 2012 (No. 2)*.

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**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).