



Maritime Transport and Offshore Facilities Security Amendment Regulation 2012 (No. 3)¹

Select Legislative Instrument 2012 No. 258

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 *Maritime Transport and Offshore Facilities Security Act 2003*.

Dated 22 November 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

ANTHONY ALBANESE
Minister for Infrastructure and Transport

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1 Name of regulation

This regulation is the *Maritime Transport and Offshore Facilities Security Amendment Regulation 2012 (No. 3)*.

2 Commencement

This regulation commences as follows:

- (a) on the day after it is registered—sections 1, 2 and 3 and Schedule 1;
- (b) on 1 February 2013—Schedule 2.

3 Amendment of *Maritime Transport and Offshore Facilities Security Regulations 2003*

Schedules 1 and 2 amend the *Maritime Transport and Offshore Facilities Security Regulations 2003*.

Schedule 1 Amendments commencing on day after registration

(section 3)

[1] After regulation 3.10

insert

3.11 Common requirements for maps included with maritime security plans

- (1) A map mentioned in sections 49 or 52A of the Act must be A3 or A4 size, or in an electronic format, and include the following:
 - (a) a title;
 - (b) a linear scale;
 - (c) a north point;
 - (d) a legend;
 - (e) if the map contains map projections—details of the projections;
 - (f) if the maritime security plan to which the map relates details security regulated port boundaries—coordinates to clearly define those boundaries;
 - (g) if the maritime security plan to which the map relates details port security zone boundaries—coordinates to clearly define those boundaries;
 - (h) if inserts are used on the map—a numbered map for each insert corresponding to the number for the insert on the main map;
 - (i) the date the map was produced;
 - (j) the name of the person who created the map.
- (2) Each map for a maritime security plan must be a separate map.

3.12 Protection of maritime security plans

A port operator, port facility operator and port service provider must ensure that the maritime security plan for the operator or provider is protected against unauthorised access, amendment and disclosure.

[2] Subdivision 3.2.1, heading

omit

[3] Subdivision 3.2.2

omit

[4] Subdivision 3.3.1, heading

omit

[5] Subdivisions 3.3.2 and 3.4.3

omit

[6] After Part 13

insert

Part 14 Transitional arrangements**14.01 Operation of Schedule 2**

Schedule 2 makes transitional arrangements in relation to amendments of these Regulations.

[7] **After Schedule 1**

insert

Schedule 2 Transitional arrangements

(regulation 14.01)

**Part 1 Amendments made by *Maritime
Transport and Offshore Facilities
Security Amendment Regulation 2012
(No. 3)***

101 Operation of Schedule 1

The amendments of these Regulations made by Schedule 1 to the *Maritime Transport and Offshore Facilities Security Amendment Regulation 2012 (No. 3)* (the ***amending regulation***) do not apply to:

- (a) an application under section 50 of the Act by a port facility operator or a port service provider for an approval of a maritime security plan made, but not determined, before the commencement of the amending regulation; or
- (b) an application under section 52A of the Act by a port facility operator or a port service provider for a variation of a maritime security plan made, but not determined, before the commencement of the amending regulation; or
- (c) for a maritime security plan approved before the commencement of the amending regulation—an application under section 52A of the Act by a port facility operator or a port service provider for a variation of the maritime security plan made after the commencement of the amending regulation.

Schedule 2 Amendment commencing on 1 February 2013

(section 3)

[1] After regulation 7.33

insert

**7.34 Supervision and control measures to ensure persons
and baggage remain cleared**

For paragraph 119 (2) (m) of the Act, either or both of the following are supervision and control measures to ensure that a person or baggage that has received clearance remains cleared on a vessel that is not a cleared vessel or in an area that is not a cleared area:

- (a) the person or baggage is continuously supervised by security personnel while on the vessel or in the area;
- (b) the person or baggage is continuously monitored by security personnel through closed circuit television while on the vessel or in the area.

Note Subsections 115 (4) and 116 (4) of the Act provide that a person is, or goods are, taken to be in a cleared area if the person is, or goods are, under the supervision or control prescribed in the regulations.

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.