Explanatory Statement

Marine Order 21 (Safety of navigation and emergency procedures) Modification 2013 (No. 1) (Order 2013/20)

Authority

1. Subsection 342(1) of the *Navigation Act* *2012* (the Navigation Act) allows the Australian Maritime Safety Authority (AMSA) to make orders for any matter in the Act for or in relation to which provision may be made by regulations. This Order was made under subsection 342(1) of the Navigation Actand is a legislative instrument for the *Legislative Instruments Act 2003*.
2. Subsection 343(2) of the Navigation Act allows AMSA to make specified orders that were in force under the *Navigation Act 1912* immediately before its repeal to have effect, for the purposes of the Navigation Act, with such modifications as are specified in the Marine Orders.

Purpose

1. The modification makes clear the requirements for the carriage of back up arrangements for electronic nautical charts and publications.

Overview

1. *Marine Order* 2*1 (Safety of navigation and emergency procedures) 2012* (MO 21) gives effect to regulations of chapters III, V and VI of the International Convention for the Safety of Life at Seas (SOLAS).
2. Subsection 343(2) of the Navigation Act enables Marine Orders to provide that orders made under the *Navigation Act 1912* continue to operate with specified modifications. MO21 was continued in effect, with modifications, by *Marine Order 4 (Transitional modifications) 2013*. This Order makes a further modification to MO21 to provide the back up requirements for the electronic nautical charts and publications that must be carried on a vessel for a voyage.

Consultation

1. A copy of the draft of this Order was posted on AMSA’s website for public comment. About 50 stakeholders including industry organisations and interested government agencies were invited to comment. Three stakeholders responded but had no comments.
2. The Office of Best Practice Regulation (OBPR) was also consulted on the proposed Order. OBPR considered that the Order dealt with matters of a minor or machinery nature and that no further analysis (in the form of a Regulatory Impact Statement) was required. The OBPR reference number is 16182.

Documents incorporated by reference

1. No documents are incorporated by reference in this Order.

Commencement

1. This Order commences on the day after it is registered.

Contents of this instrument

1. Section 1 sets out the name of the Order.
2. Section 2 provides for the commencement of the Order.
3. Section 3 provides that MO 21 is modified in accordance with Schedule 1.
4. Schedule 1 modifies section 29 of MO21. Section 29 of MO21 makes provision for the nautical charts and nautical publications that must be carried on a voyage.
5. Items 1 to 4 clarify the application to a voyage and to nautical publications, and make consequential changes.
6. Item 5 inserts a new subsection that sets out the requirements for a back up version of an electronic nautical publication.
7. Item 6 substitutes subsection 29.3. The substituted provision requires that an electronic nautical chart must be displayed on an electronic chart display and information system that complies with SOLAS, and sets out the backup requirements for electronic nautical charts.

Compatibility with human rights

1. This statement is made for subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011.*

Overview of the legislative instrument

1. This Order modifies *Marine Order* 2*1 (Safety of navigation and emergency procedures) 2012* (MO 21) which gives effect to regulations of chapters III, V and VI of the International Convention for the Safety of Life at Seas (SOLAS).
2. Subsection 343(2) of the *Navigation Act 2012* enables Marine Orders to provide that orders made under the *Navigation Act 1912* continue to operate with specified modifications. MO21 was continued in effect, with modifications, by *Marine Order 4 (Transitional modifications) 2013*. This Order makes a further modification to MO21 to provide the back up requirements for the electronic nautical charts and publications that must be carried on a vessel for a voyage.

Human rights implications

1. This instrument does not engage any of the rights or freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Conclusion

1. This instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Making the instrument

1. This instrument has been made by the Acting Chief Executive Officer of the Australian Maritime Safety Authority, in accordance with subsection 49(4) of the *Australian Maritime Authority Act 1990*.