

Explanatory Statement

Marine Order 11 (Living and working conditions on vessels) Amendment 2015 (No. 1) (Order 2015/9)

Authority

1. The *Navigation Act 2012* (the Navigation Act) provides for this Order to be made.
2. Subsection 339(1) provides that regulations may be made prescribing matters that are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.
3. Subsection 342(1) provides that AMSA may make orders about anything that may or must be made by the regulations.
4. Subsection 33(3) of the *Acts Interpretation Act 1901* provides that a power in an Act to make a legislative instrument includes the power to repeal or amend the instrument, subject to any conditions that apply to the initial power.
5. This Order is a legislative instrument for the *Legislative Instruments Act 2003*.

Purpose and Overview

6. This Order replaces a reference in subclause 5(a) of Schedule 4 of *Marine Order 11 (Living and working conditions on vessels) 2015* (Marine Order 11). Subclause 5(a) should have referenced *Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014* and not *Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2009*. The 2014 Order was made while Marine Order 11 was being drafted, and one instance of the repealed 2009 Order was overlooked.
7. This Order also makes consequential amendments to Marine Order 11 resulting from replacing *Marine Order 28 (Operations standards and procedures) 2009* with *Marine Order 28 (Operations standards and procedures) 2015*. It replaces references to *Marine Order 28 (Operations standards and procedures) 2009* in sections 28 and 29 of Marine Order 11 with references to *Marine Order 28 (Operations standards and procedures) 2015*.
8. A copy of the draft of this Order was placed on the AMSA website for public comment from 28 August 2015 to 5 September 2015. No comments were received.
9. The Office of Best Practice Regulation (OBPR) considers that the Order deals with matters of a minor or machinery nature and no regulatory impact statement is required. The OBPR reference number is 16724.

Documents incorporated by reference

10. The following marine orders mentioned in this Order are available from <http://comlaw.gov.au>:
 - *Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014*
 - *Marine Order 28 (Operations standards and procedures) 2015*.

Commencement

11. This Order commenced on 1 January 2016, immediately after the commencement of *Marine Order 28 (Operations standards and procedures) 2015*.

Contents of this instrument

12. Section 1 sets out the name of the Order.
13. Section 2 sets out the commencement date of the Order.
14. Section 3 provides that Schedule 1 amends *Marine Order 11 (Living and working conditions on vessels) 2015*.
15. Clause 1 of Schedule 1 replaces, in sections 28 and 29 of Marine Order 11, each mention of *Marine Order 28 (Operations standards and procedures) 2012* with *Marine Order 28 (Operations standards and procedures) 2015*, following repeal of the 2012 Order and replacement with the 2015 Order.
16. Clause 2 of Schedule 1 corrects the mistaken reference, in subclause 5(a) of Schedule 4 of Marine Order 11, to *Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2009*, correcting it to refer to *Marine Order 15 (Construction — fire protection, fire detection and fire extinction) 2014*.

Statement of compatibility with human rights

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

Overview of the legislative instrument

18. This Order is made under the *Navigation Act 2012* (the Navigation Act). It amends *Marine Order 11 (Living and working conditions on vessels) 2015* only to correct a mistaken cross-reference and to update cross-references because of the replacement of a marine order mentioned in Marine Order 11.

Human rights implications

19. The changes in this Order to *Marine Order 11 (Living and working conditions on vessels) 2015* do not raise any human rights implications.

Conclusion

20. AMSA considers that this instrument is compatible with the rights or freedoms to which the *Human Rights (Parliamentary Scrutiny) Act 2011* applies.

Making the instrument

21. 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*.