

Legislation (Deferral of Sunsetting—Shipping Registration Regulations) Certificate 2018

I, Christian Porter, Attorney-General, make the following certificate.

Dated 26 March 2018

Christian Porter

Attorney-General

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1 Name

This instrument is the *Legislation (Deferral of Sunsetting—Shipping Registration Regulations) Certificate 2018*.

2 Commencement

1. Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. |  |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

1. Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under paragraph 51(1)(c) of the *Legislation Act 2003*.

4 Definitions

In this instrument:

***Act*** means the *Shipping Registration Act 1981.*

***Legislation Act*** means the *Legislation Act 2003*.

***Regulations*** means the *Shipping Registration Regulations 1981*.

5 Statement of reasons for issue of certificate

For the purposes of paragraph 51(2)(a) of the Legislation Act, this section sets out the statement of the reasons for the issue of this certificate.

*Statement of reasons*

I am satisfied that the Regulations would, apart from the operation of Part 4 of Chapter 3 of the Legislation Act, be likely to cease to be in force within 12 months after the sunsetting day for the Regulations.

The Regulations fix the conditions for the registration of ships in Australia and grant ships Australian nationality. The Regulations allow for Australian ships to fly the Australian National Flag or the Australian Red Ensign within the meaning of the *Flags Act 1953*, in accordance with Australia’s obligations under Article 91 of the United Nations Convention on the Law of the Sea 1982, to which Australia is a party.

The remaking of the Regulations will require amendments of a technical nature to the Act. The technical amendments are required so that the remaking of the Regulations will comply with best practice drafting principles. The Government intends to seek passage of these technical amendments through both Houses of Parliament, and their enactment, during 2018. The Regulations will then be remade, and the current Regulations repealed, before 1 April 2019.

The Regulations are due to sunset on 1 April 2018. A 12 month deferral of the sunsetting day for the Regulations will likely avoid the need to remake them in their current form for the short period before they cease to be in force.

6 Deferral of sunsetting of the Regulations

The Regulations, for which the sunsetting day is 1 April 2018, are taken to cease to be in force under section 51 of the Legislation Act on 1 April 2019.

7 Repeal of this instrument

This instrument is repealed at the start of 2 April 2019.