

EXPLANATORY STATEMENT

Subject - *Marine Safety (Domestic Commercial Vessel) National Law (Meaning of Corresponding State-Territory law) Declaration 2024*

The *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (the National Law Act) provides a national regulatory framework for the domestic commercial vessel industry across Australia.

The *Marine Safety (Domestic Commercial Vessel) National Law (Meaning of Corresponding State-Territory Law) Declaration 2023* (the 2023 Declaration) was made under subsection 12(1) of the National Law Act to set out the specific state or territory law that corresponds to the National Law Act.

The *Marine Safety (Domestic Commercial Vessel) National Law (Meaning of Corresponding State-Territory Law) Declaration 2024* (the Declaration) repeals and replaces the 2023 Declaration [F2023L01270].

The Declaration remakes the 2023 Declaration in substantially the same form, however adds the Western Australian legislation, the *Marine Safety (Domestic Commercial Vessel National Law Application) Act 2023*, which came into effect after the 2023 Declaration was registered.

State and territory agencies were contacted in July 2023 when the 2023 Declaration was being made. At this time, agencies were advised a future amendment to the Declaration would be required once the WA legislation received Royal Assent.

The Declaration is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Office of Impact Assessment was consulted in the development of this Declaration and a Regulation Impact Statement exemption was granted on 20 November 2023 (reference OIA23-06057).

Authority: Subsection 12(1) of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Marine Safety (Domestic Commercial Vessel) National Law (Meaning of Corresponding State-Territory law) Declaration 2024

This legislative 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*.

Overview of the legislative instrument

The purpose of the Declaration is to declare the laws set out at section 6 to be corresponding State-Territory laws under subsection 12(1) of the National Law Act.

The term ‘corresponding State-Territory law’ is used in certain provisions of the National Law Act, including sections 11 to 16. The Declaration specifies the relevant laws for the purposes of these sections. These sections provide for the interaction between the National Law Act and the State and Northern Territory laws listed at section 6 of the Declaration.

The National Law Act was a component of a broader national transport reform package, intended to improve safety and reduce the regulatory burden and costs on the Australian rail, heavy vehicle and maritime industries.

The National Law Act introduced a new National Law for the regulation of domestic commercial vessel safety and established a National Marine Safety Regulator (the National Regulator).

Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon Catherine King MP

Details of the *Marine Safety (Domestic Commercial Vessel) National Law (Meaning of Corresponding State-Territory law) Declaration 2024*

Section 1 – Name of Declaration

Section 1 sets out the title of the Declaration which is the *Marine Safety (Domestic Commercial Vessel) National Law (Meaning of Corresponding State-Territory law) Declaration 2024*.

Section 2 – Commencement

Section 2 provides for the Declaration to commence on 1 March 2024.

Section 3 – Authority

Section 3 provides that this instrument is made under subsection 12(1) of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

Section 4 – Definitions

Section 4 provides for defined terms used in the instrument. It provides that in this instrument, a reference to the Act means a reference to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

Section 5 – Schedules

Section 5 provides that each instrument that is specified in a Schedule to the instrument is amended or repealed as set out in the Schedule, and that any other item has effect according to its terms.

Section 6 – Declaration

Section 6 sets out the corresponding State-Territory law for the purposes of subsection 12(1) of the National Law Act.

The term ‘corresponding State-Territory law’ is used in certain sections of the National Law Act. The Declaration specifies the relevant laws for the purposes of these sections. These sections provide for the interaction between the National Law Act and the State and Northern Territory laws set out in the table.

Schedule 1 – Repeals

Only one instrument is specified in the Schedule, namely the 2023 Declaration.