Explanatory Statement

*Marine Order Amendment (Marine Order 28 — consequential changes) Order 2025* (Order 2025/3)

Authority

1. Subsection 339(1) of the *Navigation Act 2012* (Navigation Act) authorises the Governor-General to make regulations necessary or convenient for carrying out or giving effect to the Navigation Act.
2. Subsection 342(1) of the Navigation Act allows the Australian Maritime Safety Authority (AMSA) to make orders for any matter in the Act for which provision must or may be made by regulations.
3. 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.
4. This amending Marine Order was made under subsection 342(1) and is a legislative instrument for the *Legislation Act 2003*.

Purpose

1. This amending Marine Order makes amendments consequential to the making of *Marine Order 28 (Operation standards and procedures) 2025* (Marine Order 28 2025) that replaces *Marine Order 28 (Operation standards and procedures) 2015.*

Overview

1. This amending Marine Order revises three outdated refences that need correcting as a result of the making of Marine Order 28 2025*.*

Consultation

1. A copy of the draft of Marine Order 28 2025 was placed on AMSA’s website on 21 October 2024 for public consultation with comments to be provided by 2 December 2024. Around 110 stakeholders were contacted by email and invited to comment. These included vessel operators, seafarer representative organisations, relevant government agencies and a group known as the Shipping Consultative Forum. The review was also advised on social media and as an AMSA news article.
2. The Office of Impact Analysis considers that the changes made by the Marine Order have regulatory impacts of a minor or machinery nature and no regulation impact statement is required. The OIA numbers are 23-06166, 24-07934 and 24-07935.

Documents incorporated by reference

1. Marine Order 28 2025 becomes a document incorporated by reference in Marine Order 11 with Marine Order 28 (made in 2015) replaced.
2. Due to the operation of section 10 of the *Acts Interpretation Act 1901* (as applied by paragraph 13(1)(a) of the *Legislation Act 2003*), Marine Order 28 is adopted as in force from time to time because it is adopted by reference to title. Any Marine Order can be accessed through the marine orders link on the AMSA website at www.amsa.gov.au and are available for free download from the Federal Register of Legislation through that link.

Commencement

1. This amending Marine Order commences immediately after the commencement of *Marine Order 28 (Operation standards and procedures) 2025*.

Contents of this instrument

1. Section 1 sets out the name of the Marine Order.
2. Section 2 provides for the commencement of the Marine Order.
3. Section 3 provides that Schedule 1 sets out consequential amendments.
4. Schedule 1 sets out 3 substitutions in *Marine Order 11 (Living and working conditions on vessels) 2024*. The changes occur in 2 provisions which make reference to the outdated version of Marine Order 28.

Statement of 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 amending Marine Order makes amendments consequential to the making of *Marine Order 28 (Operation standards and procedures) 2025*. Changes are made to *Marine Order 11 (Living and working conditions on vessels) 2024* as a result of the name change to Marine Order 28 following its repeal and replacement. Two provisions in Marine Order 11 are affected.

Human rights implications

1. This amending Marine Order does not engage any of the applicable rights or freedoms.

Conclusion

1. AMSA considers that this instrument is compatible with human rights. It does not affect any rights or freedoms to which the *Human Rights (Parliamentary Scrutiny) Act 2011* applies.

Making the instrument

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