

STATEMENT ADDRESSING THE BETTER REGULATION PRINCIPLES IN RELATION TO THE PROPOSED

COMMERCIAL VESSELS AMENDMENT (NATIONAL STANDARDS) REGULATION 2010

1 *The need for government action should be established*

The proposed Regulation is required to support the introduction of the new national standard for the design, construction and operation of commercial vessels, the Uniform Shipping Laws (USL) Code 2009. The Australian Transport Council approved the adoption of USL Code 2009 in November 2008 to be implemented in all jurisdictions from 1 October 2009.

USL Code 2009 brings into force seven sections of the National Standard for Commercial Vessels (NSCV), they are:

- Construction (NSCV Part C Section 3)
- Stability information (NSCV Part C Section 6A)
- Stability tests (NSCV Part C Section 6C)
- Communication equipment (NSCV Part C Section 7B)
- Navigation equipment (NSCV Part C Section 7C)
- Anchoring systems (NSCV Part C Section 7D) and
- Operational Practices (NSCV Part E).

The NSCV is a major component of the National Marine Safety Strategy the objective of which is to protect life in Australian waters. The NSCV replaces technical standards which were developed nearly 30 years ago.

2 *The objective of government action should be clear*

The objective of the proposed Regulation is to increase safety in the commercial vessel industry through the adoption of nationally agreed and approved technical standards for the design, construction and operation of commercial vessels.

3 *The impact of government action should be properly understood by considering the costs and benefits of a range of options, including non-regulatory options*

Extensive consultation with industry stakeholders was conducted prior to the adoption of the new standards, and the National Maritime Safety Committee (NMSC) released Regulatory Impact Statements on each of the new standards. Costs and benefits have been identified in the Regulatory Impact Statements prepared by the NMSC. Industry has supported the introduction of the new standards. The Australian Transport Council approved the adoption of USL Code 2009 in November 2008 to be implemented in all jurisdictions from 1 October

2009. This regulation will enable the new national standards to be adopted in NSW. Consistent national standards enable the operation of an efficient national maritime market by allowing the seamless transfer of labour and vessels between jurisdictions and deliver productivity improvements and administrative efficiencies.

4 Government action should be effective and proportional

The Regulatory Impact Statements for each of the new standards outline the associated costs and benefits of the new standards and demonstrate that the new standards are an effective means of improving safety outcomes in the commercial vessel industry.

5 Consultation with business and the community should inform regulatory development

Extensive consultation with industry stakeholders was conducted prior to the adoption of the new standards, and the NMSC released Regulatory Impact Statements on each of the new standards. Industry has supported the introduction of the new standards.

6 The simplification, repeal, reform or consolidation of existing regulation should be considered

The Regulation does not raise simplification, repeal, reform or consolidation of existing regulation issues for consideration.

A new commercial vessel regulation, the Marine Safety (Commercial Vessels) Regulation, is currently being developed by Parliamentary Counsel. The new Regulation once completed will allow the repeal of the Commercial Vessels Act (1979) and the six associated regulations. This current amending regulation provides for the adoption of new standards in the period until the new regulation comes into force probably by mid 2010.

7 Regulation should be periodically reviewed, and if necessary reformed to ensure its continued efficiency and effectiveness

NMSC reviews all national standards at five yearly intervals from their publication date to ensure their effectiveness in delivering the state objectives. Under the COAG proposal for a single national jurisdiction for commercial vessels the Australian Maritime Safety Authority (AMSA) would assume responsibility for the ongoing review and maintenance of national standards. This current amending regulation provides for the adoption of new standards in the period until the new Marine Safety (Commercial Vessels) Regulation comes into force probably by mid 2010.