

STATEMENT ADDRESSING THE BETTER REGULATION PRINCIPLES IN RELATION TO THE PROPOSED

MARINE SAFETY (GENERAL) AMENDMENT REGULATION 2011

1 *The need for government action should be established*

The proposed Regulation is to be made under the *Marine Safety Act 1998* to make a series of amendments to the *Marine Safety (General) Regulation 2009*. The principal regulation provides for adoption in New South Wales of the *International Regulation for Prevention of Collisions at Sea*, other vessel operation and navigation rules, marine safety licences, licensing of aquatic events, safety equipment to be carried on recreational vessels, fees and penalty notices.

The principal regulation commenced on 30 March 2009 and a number of issues have been identified in the practical application of the principal regulation. Action was proposed to address these issues to ensure that the principal regulation is as effective as possible.

2 *The objective of government action should be clear*

The objective of the proposed Regulation is to make amendments to the principal Regulation in the following categories:

1. clarification of definitions;
2. eligibility for marine safety licences and grounds for refusal to issue such licences;
3. the issue of licence renewal notices;
4. exemption from aquatic licence requirements for certain permitted activities;
5. fees for aquatic licence costs incurred for publication of notices and the attendance of officers at events;
6. the requirements for wearing lifejackets in alpine waters and small vessels;
7. modifications or corrections to the *International Regulations for Preventing Collisions at Sea* as adopted by the principal regulation;
8. minor amendment to a safety equipment requirement for dragon boats; and
9. provision of a penalty notice in relation to stowage requirements for lifejackets.

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*

The non-regulatory option is considered not to be available as the objective is to ensure the continuing effectiveness of the principal regulation. The activities regulated by the principal regulation, relevantly principally recreational boating and aquatic events, are subject to a scheme of regulation supported by other measures including communication and education where appropriate.

4 *Government action should be effective and proportional*

It is considered that the proposed amendments will assist in ensuring that the principal regulation remains relevant to the activities it addresses.

The amendments are proportional as they are a series of “fine tuning” type amendments resulting from experience in the operation of a relatively new principal regulation.

5 *Consultation with business and the community should inform regulatory development*

NSW Maritime has not consulted on the proposed amendments as they are a series of “fine tuning” type amendments resulting from experience in the operation of a relatively new principal regulation and generally reflect the original intentions with the principal regulation.

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

The Regulation will clarify the principal regulation by improving definitions and other provisions where use has indicated that better expression could be achieved. There will be one instance of consolidation where the amendment to the provision for tow rope requirements will incorporate a training activity using training bars which is currently authorised by an exemption under clause 98 of the principal regulation.

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

The *Marine Safety (General) Regulation 2009* will be reviewed under the staged repeal process of the *Subordinate Legislation Act 1989*.