

STATEMENT ADDRESSING THE BETTER REGULATION PRINCIPLES IN RELATION TO THE PROPOSED

MARINE SAFETY (GENERAL) AMENDMENT REGULATION 2010

1 *The need for government action should be established*

The proposed Regulation is required to support a pilot scheme to engage private surveyors to do periodic survey inspections of houseboats and other low risk hire and drive vessels used on smooth waters. The proposed Regulation will support the pilot scheme by extending the operation of Section 136A of the *Marine Safety Act 1998* to allow the Minister and NSW Maritime to rely on reports given by the private surveyors without incurring liability for such reliance. Section 136A will apply to all reports received once the *Marine Safety Act 1998* is operational in relation to commercial vessel survey and in this respect the amendment is an interim measure.

Other provisions of the *Marine Safety Act 1998* were made applicable to the commercial vessels legislation by Clause 4 of Schedule 8 when the *Marine Safety (General) Regulation 2009* was originally made due to the repeal of much of the *Navigation Act 1901* (which provided a number of provisions related to commercial vessels) at the same time.

2 *The objective of government action should be clear*

The objective of the proposed Regulation is to facilitate the pilot scheme which is intended to allow NSW Maritime vessel surveyors to concentrate on vessels representing a higher safety risk and to focus on other strategies to mitigate risk, such as auditing vessel operational and emergency procedures.

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 pilot scheme will not result in higher costs to NSW Maritime vessel survey clients as NSW Maritime will continue to charge the relevant fees under the *Commercial Vessels (Permits) Regulation 1986*. It is anticipated that the pilot scheme will provide benefits to clients by increasing the timeliness of vessel survey inspections through use of local private surveyors rather than NSW Maritime surveyors based in Sydney. No non-regulatory option is available as commercial vessel survey is a significant safety strategy and is required under a statutory scheme based on the *Commercial Vessels Act 1979*.

4 *Government action should be effective and proportional*

It is considered that the proposed amendment will be effective in enabling the pilot scheme to proceed on a basis which will allow reliance on reports from private surveyors while ensuring that they retain professional responsibility for their survey inspections and reports. The amendment is proportional as it is appropriate for private surveyors to retain such professional responsibility.

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

NSW Maritime has consulted with relevant representatives of the commercial vessel industry in developing the proposed private surveyor pilot scheme.

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.

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

The pilot scheme will be reviewed within a period of three months of the completion of the initial 12 months term. The amendment to be made to the savings and transitional provisions of the *Marine Safety (General) Regulation 2009* will be unnecessary once commercial vessel related legislation is incorporated into the *Marine Safety Act 1998* and the Regulations under that Act.