

**STATEMENT ADDRESSING THE BETTER REGULATION PRINCIPLES  
IN RELATION TO THE PROPOSED**

***MARINE SAFETY (GENERAL) AMENDMENT (NARROW CHANNELS OR  
FAIRWAYS) REGULATION 2010***

**1      *The need for government action should be established***

The proposed Regulation is to be made under the *Marine Safety Act 1998* to omit the NSW special Rule modifying Rule 9 “Narrow Channels” of the *International Regulations for Preventing Collisions at Sea* as implemented for NSW waters by section 10 of the *Marine Safety Act 1998* and clause 5 and schedule 2 of the *Marine Safety (General) Regulation 2009*.

The NSW special Rule modifies Rule 9 by making it applicable to all channels and fairways regardless of the width of the waterway. The NSW special Rule has not had the desired effect of clarifying vessel operators’ responsibilities when navigating in narrow channels or fairways as it does not resolve the issue of whether a particular waterway is a “narrow channel” or “fairway” and can cause confusion with the general steering and sailing Rules (Rules 11 – 18 of the *International Regulations for Preventing Collisions at Sea*).

**2      *The objective of government action should be clear***

The objective of the proposed Regulation is to remove the NSW special Rule modifying Rule 9 of the *International Regulations for Preventing Collisions at Sea*.

**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 removal of the NSW special Rule will not result in higher costs to vessel operators.

No non-regulatory option is available as the *International Regulations for Preventing Collisions at Sea* are implemented by Regulations which must contain all modifications.

**4      *Government action should be effective and proportional***

It is considered that the proposed amendment will be effective in removing an area of possible doubt in the operation of the *International Regulations for Preventing Collisions at Sea*.

The amendment is proportional as it is appropriate that modifications be clear.

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

NSW Maritime has not consulted on the proposed amendment as the possibility for confusion in the application of the *International Regulations for Preventing Collisions at Sea* and the need for amendment are apparent. No similar Special rule is understood to apply in other Australian jurisdictions.

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

The Regulation will simplify the *Marine Safety (General) Regulation 2009* by removing a NSW special Rule that may cause confusion in marine navigation.

**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*.