



Queensland

Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 204

made under the

Transport Operations (Marine Safety) Act 1994

General outline

Short title

Transport Operations (Marine Safety) Amendment Regulation (No. 1) 2012.

Authorising law

Sections 100 and 207 of the *Transport Operations (Marine Safety) Act 1994*.

Policy objectives and the reasons for them

With the continuing expansion of Queensland ports, there is an ever increasing demand for dredging to be undertaken as part of these development projects. Much of this dredging is to be undertaken by foreign flagged dredges.

The provisions of the *Transport Operations (Marine Safety) Regulation 2004* currently restrict the issuing of exemptions from pilotage for foreign ships to only those vessels participating in the regular live cattle trade between Karumba and Indonesia.

Due to the considerable costs involved in engaging dredges for major port developments, dredging operations are normally undertaken on a 24/7 basis. It is not operationally realistic for Maritime Safety Queensland to man such vessels with marine pilots on a continuous basis.

To allow such operations to be undertaken, under the existing legislative regime, the General Manager, Maritime Safety Queensland must provide each vessel with an exemption from the requirements of the regulation, using the powers granted under section 18A of the *Transport Operations (Marine Safety) Act 1994*.

While the processes involved with providing a section 18A exemption do not adversely impact on the safety requirements imposed on these vessels, they are extremely time consuming, requiring the provisions of submissions, the issuing of gazette notices and the development and promulgation of vessel specific arrangements for each dredge.

The amendments to the *Transport Operations (Marine Safety) Regulation 2004* would provide a simpler administrative process for issuing pilotage exemptions for foreign flagged dredging plant. This would represent a considerable administrative saving for the vessel operators and Maritime Safety Queensland.

Furthermore, mariners wishing to have their foreign licences recognised for the purposes of operating in Queensland waters must apply to the Australian Maritime Safety Authority (AMSA) for such recognition. This is a time consuming process that, in most instances, could be undertaken by officers of Maritime Safety Queensland as effectively as officers of AMSA.

The proposed amendments will allow the General Manager, Maritime Safety Queensland to recognise a foreign licence for the purposes of issue a pilotage exemption to the masters of foreign flagged dredging plant.

Should the General Manager have any concerns regarding a particular licence, the matter could still be referred to AMSA for consideration and decision.

Achievement of policy objectives

The amendments to the *Transport Operations (Marine Safety) Regulation 2004* will provide the General Manager, Maritime Safety Queensland with the power to issue exemptions from pilotage for foreign flagged dredging plant operating solely within a pilotage area or part of a pilotage area, for significant port development projects.

The amendments to the *Transport Operations (Marine Safety) Regulation 2004* will also allow the General Manager, Maritime Safety Queensland to recognise foreign maritime licences for masters of foreign flagged dredging plant operating solely within a pilotage area or part of a pilotage area, for significant port development projects, for the purposes of issuing exemptions from pilotage.

Consistency with policy objectives of authorising law

The amendments to the *Transport Operations (Marine Safety) Regulation 2004*, made under the *Transport Operations (Marine Safety) Act 1994*, are consistent with the policy objectives in section 3 of that Act, which is to provide a system that achieves an appropriate balance between regulating the maritime industry to ensure marine safety; and enabling the effectiveness and efficiency of the Queensland maritime industry to be further developed.

Inconsistency with policy objectives of other legislation

The amendments are not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

There will be no costs incurred by government or industry in implementing the amendments to the *Transport Operations (Marine Safety) Regulation 2004*.

The proposed amendments will contribute to the government's red tape reduction commitment by introducing a more efficient administrative process for the issuing of exemptions from pilotage for foreign flagged dredging plant operating solely within a pilotage area or part of a pilotage area, for significant port development projects, and for recognising a foreign licence for the purposes of issue a pilotage exemption to the masters of foreign flagged dredging plant.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

The Department of the Premier and Cabinet, Queensland Treasury and Trade and the Department of Justice and Attorney-General were consulted and support the proposed amendments.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Transport and Main Roads.

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