



## Discussion paper

### Re-write of the *Navigation Act 1912*

June 2010

## SUBMISSION RESPONSE

To:

### RESPONDENT DETAILS

Name:

Company:

Address:

Telephone:

Date of submission:

Submissions and comments provided to the Department of Infrastructure, Transport, Regional Development and Local Government in response to the discussion paper may be published on the Department of Infrastructure, Transport, Regional Development and Local Government website.

If you believe that the information you provided in response to the discussion paper:

- is, or should be, confidential; or
- disclosure of this information would unreasonably affect your personal privacy; or
- disclosure of this information would unreasonably affect your business affairs;

please tick the following box:

Insofar as its obligations under the law permit, the Department of Infrastructure, Transport, Regional Development and Local Government will give effect to your stated wish, and requests for such information will be determined under the *Freedom of Information Act 1982*.

## 8-10 Reforming the Navigation Act

**Q1. *Are these objectives appropriate? Should the rewrite seek to meet any other objectives?***

**Comments:**

## 11-14 Possible structure of the legislation package

**Q2. *What are your views on this approach? Are there other approaches that could more effectively achieve the objectives of the rewrite process?***

**Comments:**

## 15-18 Operation of the new legislation

**Q3. *What are your views on the proposed structure? Should we consider any other approaches?***

**Comments:**

**Q4. *Are there any other issues that you think need to be covered in a Maritime Safety Act?***

**Comments:**

## 19-22 The use of marine orders

**Q5. *What are your views on the maintenance of the role of marine orders in the new regulatory framework? Are current processes for developing marine orders adequate?***

**Comments:**

## 23-29 Implementation of the national maritime safety regulator in the new Act

**Q6. *Is the proposed approach for implementing a national regulator appropriate?***

**Comments:**

**Q7. What are the practicalities around registering all commercial vessels operating in Australia?**

**Comments:**

### 30-31 Extended Jurisdiction

**Q8. Are there any additional jurisdictional gaps that need addressing in the Act?**

**Comments:**

### 32-34 Offence provisions

**Q9. What are your views on the creation of civil penalty provisions? What safeguards should be built into the use of those provisions?**

**Comments:**

### 35-36 Enforcement powers

**Q10. What are your views on the proposed increased powers of AMSA as detailed in the paper? Should AMSA have more enforcement powers?**

**Comments:**

### 37-40 Wreck and Salvage

**Q11. What are your views on the additional wreck and salvage provisions detailed in the paper? Can you identify any practical issues or concerns in relation to these provisions?**

**Comments:**

### 41 Lighthouses and aids to navigation

**Q12. Do you have any concerns about the amendments detailed in the paper?**

**Comments:**

## 42-43 The Maritime Labour Convention, 2006

**Q13.** *In addition to the obligations placed on member states under the MLC, are there any other issues relevant to Australia's ongoing compliance with the MLC that should be taken into account in the rewrite of the Navigation Act?*

**Comments:**

## 44 Employment provisions in Part II

**Q14.** *Should employment matters under Part II of the Navigation Act, 1912 be removed to the new Maritime Safety Act or remain in the existing Act?*

**Comments:**

## 45 Interface between the Act and workers compensation and OH&S legislation

**Q15.** *What is your preferred approach for defining jurisdictional coverage for workers compensation and occupational health and safety purposes?*

**Comments:**

## 46-49 Interface with the Offshore Petroleum and Greenhouse Gas Storage Act

**Q16.** *Can you detail your preferred approach to deal with any concerns or issues in relation to this?*

**Comments:**

**Q17.** *Are there any other concerns stakeholders may have relating to the interface between the Navigation Act, the Occupational Health and Safety (Maritime Industry) Act and the Offshore Petroleum and Greenhouse Gas Storage Act?*

**Comments:**