



MARINE ORDERS

Marine Orders are a form of regulation, made under Australian Commonwealth legislation, that apply to Australian and foreign vessels. The legislation provides the substantive powers for the Australian Maritime Safety Authority (AMSA) to perform certain functions and operational activities, including monitoring and enforcement.

Marine Orders contain the detailed processes and requirements to ensure that legislation keeps up to date with technical and operational changes in maritime safety and environment protection. They also implement international and national maritime standards.

The legislation giving authority for making Marine Orders are:

<i>Navigation Act 2012</i> <i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> <i>Protection of the Sea (Harmful Anti-fouling Systems) Act 2006</i>	Marine Orders 1-98
<i>Marine Safety (Domestic Commercial Vessel) National Law Act 2012</i>	Marine Orders 500-507

AMSA has two series of Marine Orders:

- Marine Orders 1-98, primarily reflecting international obligations and standards that apply to certain Australian flagged vessels and foreign vessels;
- Marine Orders 500-507, containing the national law requirements applying to domestic commercial vessels.

Marine Orders are available on the AMSA website.

Background

The Acts set out broad objectives and describe the major offences and penalties. Detailed technical requirements are contained in the Marine Orders, and cover a wide variety of subjects, including vessel construction and survey, vessel operations and equipment, navigational safety, communications, cargo operations, coastal pilotage, seafarer working and living conditions, qualifications, and international shipping register requirements. Marine Orders also provide for offences and associated penalties.

Marine Orders 1-98 give effect to detailed provisions of international conventions that Australia has signed and ratified. Conventions include those adopted by the International Maritime Organization and the International Labour Organization, dealing with:

- Safety of life at sea
- Standards of seafarer training, certification and watchkeeping
- Seafarer living conditions and wages
- Prevention of pollution
- Control of harmful anti-fouling systems
- Preventing collisions at sea
- Load lines
- Safe cargo containers
- Tonnage measurement.

Marine Orders are legislative instruments for the purposes of the *Legislative Instruments Act 2003*. The authority to make a Marine Order lies with AMSA's Chief Executive Officer. Once made, the Marine Order is subject to review or scrutiny by the Senate Standing Committee on Regulations and Ordinances, and also subject to possible disallowance by Parliament.

Marine Order development process

The development processes include flexibility to cater for major and minor amendments. The process helps to ensure sound analysis, informed decision making and transparency.

AMSA complies with the Australian Government's Guide to Regulation and consults the Office of Best Practice Regulation (OBPR) throughout the process. Advice from the OBPR is used to determine whether a Regulation Impact Statement (RIS) must be prepared. Preparation of a RIS is mandatory if there is potential for a significant regulatory impact on Australian business.

The development process covers the following steps:

- issues identified
- initial consideration, examination of alternative options and potential impacts, discussion with potential stakeholders
- preparation of a draft Marine Order and preliminary regulatory impact analysis, if appropriate
- public consultation and comment on the draft Marine Order and the regulatory impact analysis
- consultation comments considered and appropriate revisions made
- finalisation of the Marine Order
- AMSA Chief Executive Officer signs the Marine Order
- publish and register the Marine Order and explanatory material on the Federal Register of Legislation
- Marine Order comes into force
- ongoing monitoring and review to ensure currency.

Consultation

Section 12 of the *Australian Maritime Safety Authority Act 1990* states that:

'In the performance of its functions and the exercise of its powers, the Authority must, where appropriate, consult with government, commercial, industrial, consumer and other relevant bodies and organisations.'

AMSA is committed to constructive consultation with its stakeholders in government, industry and the community. When considering changes or creating a new Marine Order, AMSA has a range of consultative committees and consultation strategies for engaging with stakeholders.

Consultation periods are generally for four weeks. For significant, complex or major issues, longer periods may be allowed and further public consultation may occur.

All draft Marine Orders are placed on AMSA's consultation webpage for general comment. Additionally, comments are invited by email to peak industry bodies, marine safety authorities, recognized organisations, shipping companies, unions and others.

Comments received during consultation are considered when preparing the final version of the Marine Order.

Registration and publication of Marine Orders

After the Marine Order is signed by AMSA's CEO, it is registered on the Federal Register of Legislation that is maintained by the Office of Parliamentary Counsel. Registration must occur for a Marine Order to take effect.

Amend or new

When assessing whether to amend an existing Marine Order or create a new one, AMSA considers whether the desired outcome could be achieved by a non-regulatory measure, such as education.

Marine Orders are amended for a variety of reasons including:

- amendment of the parent Act
- international convention amendment or the entry into force of a new convention
- amendment of codes, guidelines or resolutions that relate to an international convention
- incident or event that requires a regulatory response
- changes in domestic policy relating to maritime safety or marine environment protection
- periodic review.

For further information on Marine Orders see the AMSA website links below or contact AMSA via email MarineOrderDraft@amsa.gov.au

AMSA website

The current AMSA Marine Orders are available at www.amsa.gov.au/vessels/standards-regulations/marine-orders/index.asp

AMSA also issues Marine Notices that provide information on Marine Orders and other maritime issues. Marine Notices are available at <https://apps.amsa.gov.au/MOReview/MarineNoticeExternal.html>

External Links

Federal Register of Legislation: www.comlaw.gov.au

Office of Best Practice Regulation: <http://ris.dpmc.gov.au/>