



The Research Director
Utilities, Science and Innovation Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Committee

Thank you for the opportunity to submit a response to the Utilities, Science and Innovation Committee on the consideration of the Transport Operations (Marine Safety – Domestic Commercial Vessel National Law Application) Bill 2015 and the Transport Operations (Marine Safety) and Other Legislation Amendment Bill 2015.

The Australian Maritime Safety Authority (AMSA) is a statutory authority established by the Australian Maritime Safety Authority Act 1990. AMSA's functions include minimising the risk of shipping incidents and pollution in Australian waters, through ship safety and environment protection regulation and services, and maximising people saved from maritime and aviation incidents through search and rescue coordination. AMSA is also the national regulator of domestic commercial vessel safety.

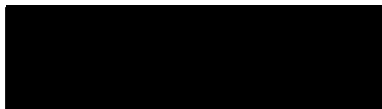
AMSA considers that there would be substantial benefits in including, in Parts 2 and 8 of the Application Bill, notes that highlight the very narrow range of vessels in relation to which the National Law, as applied by Part 2 and modified by Part 8 of the Bill, applies. The QPS's stakeholder invitation states, accurately in AMSA's view, that:

The National Law already regulates the vast majority of ships in Queensland which fall within the national definition of a domestic commercial vessel as the Commonwealth has the constitutional power to regulate the activities of the majority of domestic commercial vessels. The substantive change that applying the National Law will make, is the domestic commercial vessels that are beyond the regulatory power of the Commonwealth will become regulated by the National Law. These are ships that are owned by non-corporate entities and that only operate on inland waters.

In the absence of notes highlighting the confined reach of the law applied by Part 2 and modified Part 8, there is increased risk that Part 8 could be incorrectly construed as modifying the National Law as it applies, as Commonwealth law, to the vast majority of ships in Queensland, when Part 8 cannot have the effect of modifying Commonwealth law.

Thank you again for your invitation and the opportunity for AMSA to review and provide input to the consideration of the two Bills.

Yours sincerely

A solid black rectangular redaction box covering the signature area.

Allan Schwartz
ACTING DEPUTY CHIEF EXECUTIVE OFFICER

A solid black rectangular redaction box covering contact information, including a phone number and email address.

19 November 2015