

Maritime and Transport Licensing Legislation Amendment Bill 2014

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Marine Safety Act 1998* and the *Marine Safety (General) Regulation 2009* to transfer the functions of the Minister for Roads and Freight (**the Minister**) with respect to boat driving licensing and vessel registration to Roads and Maritime Services (**RMS**), and
- (b) to amend the *Road Transport Act 2013* and the *Marine Safety Act 1998* to enable RMS to grant driver licences that include boat driving licences as an alternative to issuing separate boat driving licence documentation, and
- (c) to amend the *Road Transport Act 2013* to facilitate the taking and use of photographs in connection with the granting of marine safety licences under the *Marine Safety Act 1998* and the identification of applicants and licence holders, and
- (d) to amend the *Ports and Maritime Administration Act 1995* to enable the regulations under that Act to make provision for the management of dangerous goods in ports and to make a consequential amendment to the *Work Health and Safety Regulation 2011*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendments concerning harmonisation of licensing and registration requirements

Transfer of boat driving licensing and vessel registration functions to RMS

Schedule 1.1 [1] amends the *Marine Safety Act 1998* to provide that the responsible licensing official, in relation to a marine safety licence, is:

- (a) RMS, in the case of any of the following kinds of licences:
 - (i) a boat driving licence—being a marine safety licence to operate a power-driven recreational vessel that is required by Division 5 of Part 5 of the Act,
 - (ii) a vessel registration certificate—being a marine safety licence for a vessel that is required by Division 2 of Part 5 of the Act, and
- (b) the Minister, in any other case.

Schedule 1.1 [2] and [5]–[13] make consequential amendments to the Act to ensure that various functions in relation to marine safety licences that are currently exercisable by the Minister are exercised by the responsible licensing official for the type of marine safety licence concerned.

Schedule 1.1 [14] transfers all pending applications for boat driving licences and vessel registration certificates, and any rights and liabilities of the Minister in connection with such licences and certifications (including applications for them), to RMS on the day it becomes the responsible licensing official for boat driving licences and vessel registration certificates.

Schedule 1.2 makes amendments to the *Marine Safety (General) Regulation 2009* that are consequential on the transfer of licensing and registration functions from the Minister to RMS.

Grant of driver licences that include boat driving licences

Schedule 1.3 amends the *Road Transport Act 2013*:

- (a) to enable the statutory rules under that Act to make provision for or with respect to the granting of driver licences that include boat driving licences under the *Marine Safety Act 1998* (**combined licences**), and
- (b) to provide for the legal effect of combined licences in connection with certain requirements under legislation with respect to the carrying, production, delivery, surrender or

confiscation of driver licences and boat driving licences, and
(c) to provide for the continued efficacy of a driver licence or boat driving licence if the other licence included on a combined licence is varied, suspended, cancelled, surrendered, confiscated or downgraded, and
(d) to facilitate the taking and use of photographs in connection with the granting of such driver licences or marine safety licences under the *Marine Safety Act 1998* and the identification of applicants and licence holders.

Schedule 1.1 [3] amends the *Marine Safety Act 1998* to note that boat driving licences may be included on combined licences as an alternative to issuing separate boat driving licence documentation.

Schedule 1.1 [4] amends the *Marine Safety Act 1998* to enable RMS to alter the period during which a boat driving licence is in force so as to align it with the period during which a driver licence on a combined licence is in force.

Schedule 2 Amendments concerning dangerous goods in ports

Schedule 2.1 amends the *Ports and Maritime Administration Act 1995*:

- (a) to enable the regulations under that Act to make provision for or with respect to the management of dangerous goods in ports, and
- (b) to enable regulations made for this purpose to create offences punishable by a penalty not exceeding 300 penalty units (currently, \$33,000).

Schedule 2.2 amends the *Work Health and Safety Regulation 2011*, which currently continues in effect certain provisions under repealed legislation concerning dangerous goods in ports, to provide for those provisions to cease to have effect on a day declared by regulations made under the *Ports and Maritime Administration Act 1995*.