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## **Marine Order 503 (Certificates of survey — national law) Amendment 2014 (No. 1) [F2014L00195]**

*Portfolio: Infrastructure and Regional Development*

*Authorising legislation: Marine Safety (Domestic Commercial Vessel) National Law Act 2012*

*Last day to disallow: 17 June 2014 (Senate)*

### **Purpose**

2.19 The Marine Order 503 (Certificates of survey — national law) Amendment 2014 (No. 1) makes minor amendments to the Marine Order 503 (Certificates of survey — national law) 2013 to replace references to the Uniform Shipping Laws Code with references to the National Standard for Commercial Vessels as they apply to an application for a certificate of survey for a new vessel.

### **Background**

2.20 The committee reported on the instrument in its *Fifth Report of the 44th Parliament*.

2.21 The committee noted that the instrument does not raise human rights concerns in itself. However, the committee noted that the instrument is made under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*, which is a national law scheme. The committee has previously set out its concerns regarding areas of activity regulated under national schemes of legislation resulting from intergovernmental agreements.<sup>1</sup>

### **Committee view on compatibility**

#### ***Consideration of human rights***

##### *National scheme legislation*

2.22 The committee wrote to the Minister for Infrastructure and Regional Development to draw his attention to the previous government's undertaking that the First Parliamentary Counsel would consult with the states and territories on amending the Protocol on Drafting National Uniform to refer to the Commonwealth's requirements for assessing human rights compatibility; and requested an update on the progress of these matters.

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1 See, Parliamentary Joint Committee on Human Rights, *Third Report of 2013*, 13 March 2013, pp 29-36; *Sixth Report of 2013*, 15 May 2013, pp 253-254; and *Tenth Report of 2013*, 26 June 2013, pp 125 and 173.

## **Minister's response**

I note the Parliamentary Joint Committee on Human Rights' (the Committee) advice of the undertaking by the former Prime Minister, the Hon Julia Gillard, that the First Parliamentary Counsel would seek the views of the states and territories on amending the Protocol on Drafting National Uniform Legislation to refer to the Commonwealth's requirements for assessing human rights compatibility. I can inform the Committee that Mr Peter Quiggin PSM, First Parliamentary Counsel, has advised me that the matter is being considered by the Parliamentary Counsel's Committee and that it is on the agenda for the next meeting, which will be in July 2014.<sup>2</sup>

## **Committee response**

**2.23 The committee thanks the Minister for Infrastructure and Regional Development for his response and has concluded its examination of this instrument.**

**2.24 The committee intends to write to Mr Peter Quiggin PSM, First Parliamentary Counsel, to request an update on the matter following the Parliamentary Counsel's Committee meeting in July 2014.**

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2 See Appendix 2, Letter from the Hon Warren Truss MP, Minister for Infrastructure and Regional Development, to Senator Dean Smith, 4 April 2014.