

CORRECTION

AUSTRALIAN MARITIME SAFETY AUTHORITY BILL 1990

EXPLANATORY MEMORANDUM

Insert at the end of the Explanatory Memorandum the attached paragraphs 128 to 136 which refer to clauses 58 to 63 inclusive, which were omitted in error.

(Circulated by authority of the Minister
for Transport and Communications,
the Honourable Kim Beazley MP)



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Clause 58 - Delegation by Authority

128. This clause allows the Authority to delegate its powers. The scope of delegation has been made deliberately flexible to allow for some of the technical functions to be delegated to such persons as State/Territory officials, officials of overseas marine administrations or even, where appropriate, to non-governmental professional persons.

Clause 59 - Substitution of Authority for Commonwealth in contracts etc

129. This clause empowers the Minister to substitute the Authority for the Commonwealth in respect of a contract or other instrument relating to the assets of the Authority.

Clause 60 - Publication of directions

130. This clause requires that Ministerial directions under clauses 8, 29 or 38 be notified in the Gazette within 21 days.

Clause 61 - Regulations

131. This clause empowers the Governor-General to make regulations.

Clause 62 - Amendments of other Acts

132. This clause provides, in a schedule, for consequential amendments to other legislation as a result of this Act.

133. Most of the amendments are a direct transfer of functions to the Authority under various maritime statutes or a necessary result of such transfer. The opportunity has also been taken to tidy up the power to make Marine Orders, currently appearing in various ways in various places in the *Navigation Act 1912*, into a single section of that Act.

Clause 63 - Actions etc. under provisions amended or repealed

134. Subclause (1) provides that acts done or decisions made under other legislation amended, or repealed and re-enacted, by this Bill are to continue to have effect.

135. Subclause (2) provides that in an instrument kept in effect by subclause (1), references to Secretary and Department are to be read as references to the Authority.

136. Subclause (3) provides that Ministerial orders made under the *Navigation Act 1912*, the *Protection of the Sea (Powers of Intervention) Act 1981* or the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (known collectively as "Marine Orders") are continued in force.

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OUTLINE

The Schedule to the Bill as read a first time on 16 May 1990 contained some minor errors. Amendments being moved in Committee will correct those errors.

NOTES ON THE AMENDMENTS

Clause 62 of the Bill amends Acts specified in the Schedule in the manner set out in the Schedule. Among those Acts are the *Lighthouses Act 1911* and the *Navigation Act 1912*.

Most of the amendments being made to those Acts are a direct transfer of functions to the Authority or a necessary result of such transfer. The opportunity has also been taken to tidy up the power in the Navigation Act to make Marine Orders, currently appearing in various ways in various places in the Act, into a single section of that Act.

Some alterations need to be made to the Schedule as follows:

Lighthouses Act 1911

- The *Lighthouses Act 1912* is to be amended by the Bill to extend protection from legal actions to the Authority and its staff as well as to the Minister and departmental staff. The amendment in the Bill does not clearly do this; the amendment now moved will achieve this result.

Navigation Act 1912

- The proposed amendment replaces "Minister" with "Authority" in subsection 148D(4) which was omitted.
- In subsection 267D(5), the words "by instrument in writing under his (the Minister's) hand" in the original Schedule is to be replaced by "by instrument in writing" (by the Authority).
- An amendment to subsection 283F(2) was erroneously included in the original Schedule with amendments to be made to subsection 283F(1). The proposed amendment rectifies this error.
- Paragraph 425(1)(ff) was omitted from the original Schedule. The proposed amendment repeals that paragraph as well as paragraphs (f) to (fe).
- The Bill amends the Act to locate the order-making power in a proposed subsection 425(1AA) rather than in the Navigation (Orders) Regulations. References to the latter are being replaced by references to the former. Such a replacement was omitted from the original Schedule in respect of section 426A. The amendment effects this replacement.
- The reference to the Minister in the heading to section 148D is to be omitted. This was omitted from the Note to the original Schedule; the proposed amendment rectifies this.

