

2 April 2013

Natasha Jenkins
Maritime Safety Policy and Workforce
Maritime and Shipping Branch
Department of Infrastructure and Transport
Email to: TheNavigationAct2012@infrastructure.gov.au

Dear Ms Jenkins

Consultation – Navigation Regulation 2013

I refer to the exposure draft of the Navigation Regulation 2013 (Cth) (the draft Regulation) and Explanatory Statement released for public consultation and provide a submission on behalf of the Australian Mines and Metals Association (AMMA).

About AMMA

AMMA is Australia's national resource industry employer group, a unified voice driving effective workforce outcomes. Having actively served resource employers for 95 years, AMMA's membership covers employers in every allied sector of this diverse and rapidly evolving industry.

Our members include companies directly and indirectly employing more than half a million working Australians in mining, hydrocarbons, maritime, exploration, energy, transport, construction, smelting and refining, as well as suppliers to these industries.

AMMA works with its strong network of likeminded companies and resource industry experts to achieve significant workforce outcomes for the entire resource industry.

This submission

Notice of the Department's consultation about the draft Regulation was provided to all AMMA members via a regular member e-Bulletin. In addition, members of an AMMA special interest group of resource industry vessel operators were provided with the draft Regulation and Explanatory Statement and their feedback was sought.



Policy Development and Lobbying | Workforce Consultancy | Training and Development | News and Events

MELBOURNE T (03) 9614 4777 F (03) 9614 3970 E vicamma@amma.org.au	BRISBANE T (07) 3210 0313 F (07) 3210 0291 E qldamma@amma.org.au	PERTH T (08) 6218 0700 F (08) 9221 5422 E waamma@amma.org.au	SYDNEY T (02) 9211 3566 F (02) 9211 3077 E nswamma@amma.org.au	ADELAIDE T (08) 8212 0585 F (08) 8212 0311 E samma@amma.org.au	HOBART T (03) 6270 2256 F (03) 6270 2257 E tassamma@amma.org.au
--	---	--	---	---	---

Draft Navigation Regulation 2013

A general observation about the legislation to be made under the *Navigation Act 2013* (Cth) is that AMMA members have expressed a desire for as much information as possible about the intended practical operation and purpose of both the draft Regulation and draft Marine Orders.

In relation to the draft Regulation, it is noted that it is relatively narrow in scope, primarily concerned with the management of customs vessels.

AMMA draws attention to one provision of the draft Regulation, section 15.

Part 3 of the draft Regulation relates to safety of navigation. Within part 3, sections 14, 15, 16 and 17 would continue in effect, respectively, sections 260, 259, 261 and 315 of the *Navigation Act 1912* (Cth). Section 15 would state the rules as to division of loss if two or more vessels were liable for damage or loss to another vessel, to cargo or freight of another vessel or to property on board another vessel. Currently, section 259 is not limited to 'other vessels', and applies to the apportionment of liability in relation to vessels at fault also.

AMMA queries the reason for the difference between the existing and proposed legislative provisions.

In addition, as observed above, where possible, the resource industry would be grateful for more detailed information about the intended operation of proposed regulations and marine orders to be made under the *Navigation Act 2013*. Section 15 of the draft Regulation provides an example of a way in which the resource industry would benefit from more detailed information about the intended practical operation and purpose of proposed regulation and marine orders. As a key interest required to comply with the proposed navigation legislation, we would be greatly assisted, as would all users of the system, by a clearer indication of what is being done and why.

Conclusion

We would be pleased to discuss these matters further. Please contact Julie Copley, Policy Manager on (07) 3210 0313 or via email: julie.copley@amma.org.au.

Yours sincerely



SCOTT BARKLAMB
Executive Director, Industry