

2011-12 Annual Regulatory Plan

Department of Infrastructure and Transport

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Purpose of this Annual Regulatory Plan

The Department of Infrastructure and Transport (the Department), like other Australian Government agencies with responsibility for business regulation, is required to publish an annual regulatory plan early each financial year. The Department's 2011-12 regulatory plan contains information on:

- changes to business regulation that occurred during the previous financial year (1 July 2010 to 30 June 2011); and
- details of legislative or other action planned for the current financial year (1 July 2011 to 30 June 2012) that could lead to changes in business regulation.

What regulation does an annual regulatory plan cover?

A regulatory plan covers business regulation. This includes primary legislation, subordinate legislation, quasi-regulation or treaties that directly affect business, or have a significant indirect effect on business, or restrict competition.

The term "quasi-regulation" refers to rules or arrangements under which Government influences businesses to comply, but which do not form part of explicit Government regulation. Some examples of quasi-regulation include industry codes of practice, guidance notes, industry-government agreements and accreditation schemes.

A regulatory plan does not include information on:

- regulations of a minor or machinery nature, that do not substantially alter existing arrangements;
- regulations that involve consideration of specific Government purchases;
- regulations of a state or self-governing territory, that apply in a non-self-governing territory;
or
- anticipated activity about which it would be inappropriate to publish information.

In addition, there may be some regulatory activities that the Department is unable to forecast.

In view of these exclusions, readers should not take this regulatory plan to be a comprehensive source of information on past or potential changes to business regulation.

How up to date is information in this regulatory plan?

This plan was published on 29 July 2011.

SECTION 1: PAST REGULATORY ACTIVITY

This section outlines the Department's past regulatory activities during the period 1 July 2010 to 30 June 2011.

Business Area: Transport Security

Type of entry	Past activity
Title	<i>Aviation Transport Security Amendment (2009 Measures No. 1) Act 2010</i>
Description of issue	<p>This Act amends the <i>Aviation Transport Security Act 2004</i> (the ATSA) and contains four key amendments.</p> <ul style="list-style-type: none"> • The Act amends the ATSA to allow the Secretary to designate security controlled airports as a particular category of airport according to their risk profiles. It would also allow the Regulations to prescribe different legislative requirements for each category of a security controlled airport in order to reflect the relative risk profile associated with each category. • The Act also amends the ATSA to allow for unannounced inspections of businesses involved in air cargo transportation. • The third set of amendments change the ATSA, so that the Secretary can enter into enforceable undertakings with aviation industry participants in relation to any matter that is dealt with under the Act. • Finally, the fourth set of amendments amend the ATSA, so that compliance control directions in Part 4, Division 8 of the ATSA would cover the operators of security controlled airports, screening authorities and screening officers. An aviation security inspector would be able to direct these bodies to take specified actions in relation to the airport of screening points at the airport. <p>http://www.comlaw.gov.au/ComLaw/legislation/act1.nsf/asmade/bytitle/2FBE9A16AE62A5CBCA25770A001F5918?OpenDocument</p>
Date of effect	<p>The Act received Royal Assent on 14 April 2010.</p> <p>Provisions relating to categorisation of airports will not commence until proclaimed, or 15 April 2011, whichever is earlier.</p> <p>All other provisions commenced on 15 April 2010.</p>
Contact details	<p>Section Head Legal Policy and Review Section Aviation Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>

Business Area: Transport Security

Type of entry	Past activity
Title	Maritime Transport and Offshore Facilities Security Amendment Regulations 2010 (No. 1)
Description of issue	<p>The Regulations enhance the Maritime Security Identification Card (MSIC) scheme by:</p> <ul style="list-style-type: none"> • increasing the current list of maritime security relevant offences that preclude an individual from obtaining/holding an MSIC; • introducing a new appeal criteria requiring the Secretary to consider if a person was convicted of their maritime security relevant offences before becoming the holder of an MSIC; • increasing background checking frequency to every two years, and providing a provision for additional background checks in certain circumstances; • decreasing the maximum MSIC validity period from five years to four years in line with the biennial background checking requirement and introducing the option for applicants to select between either a four year card with two background checks or a two year card with a single background check; • introducing reporting requirements with offence and penalty provisions for cardholders that fail to report new maritime security relevant offence convictions under certain circumstances, and introducing offence and penalty provisions for issuing bodies that fail to act on information received; • introducing MSIC suspension provisions under limited circumstances at the discretion of the Secretary of the Department; and • introducing provisions to allow the issuing of a notice prescribing the methods, techniques, and equipment to be used for maritime security screening. <p>The regulatory instrument can be found at:http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/6A3202CD8F586B0BCA25774C002811E8?OpenDocument</p>
Date of effect	<p>The regulations commence in two phases:</p> <ul style="list-style-type: none"> • On 1 July 2010, item 1, 2 and 7 above came into effect; • From 1 December 2010, all other enhancements commenced. <p>This approach ensures a swift commencement of new eligibility criteria, but will provide workers, industry and issuing bodies sufficient time to make appropriate adjustments.</p>

Contact details	Section Head Identity Security Section Maritime, Identity and Surface Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au
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Business Area: Transport Security

Type of entry	Past activity
Title	Aviation Transport Security Amendment Regulations 2010 (No. 3)
Description of issue	<p>The amendments change the Liquid, Aerosol and Gel (LAG) restrictions and introduce Security Tamper Evident Bag (STEB) requirements into the Aviation Transport Security Regulations 2005. The amendments:</p> <ul style="list-style-type: none"> • make it an offence for those persons who can enter a sterile area other than through a screening point to carry an oversize LAG item, unless it is a permissible LAG, into a LAGs Cleared Area; • require that the duty free retailers located within the sterile area of an Australian international airport and who choose to provide STEBs to passengers, only provide STEBs that meet the International Civil Aviation Organization (ICAO) specifications and security requirements; • permit a passenger to leave oversize LAG items onboard an approved flight at a transit stop either at the last port of call (LPOC) (where permitted by the legislation in that country) or at the transit stop at an Australian airport; • permit a person to carry five litres of liquid into the cabin of an aircraft to bring the Principal Regulation in line with Customs duty free allowances and CASA's (Civil Aviation Safety Authority's) Dangerous Goods Regulations; • exempt a material or container used to maintain the temperature, quality or integrity of a specific list item from being considered a LAG item; and • tighten the definition of an exempt duty free item to specify that only LAG items purchased within the secure area of an airport are to be collected by the passenger at the boarding gate and permitted on the flight to Australia.
Date of effect	13 July 2010.
Contact details	<p>Section Head Aviation Security Policy Section Aviation Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>

Business Area: Transport Security

Type of entry	Past activity
Title	Aviation Transport Security Amendment Regulations 2010 (No. 4)
Description of issue	<p>The amendments change the Aviation Transport Security Regulations 2005 to specify the training and qualification for an Eligible Customs Officer. The training and qualification amendments were required to enable Eligible Customs Officers to exercise the powers granted to them under Part 5, Division 3A of the <i>Aviation Transport Security Act 2004</i> (the Act).</p> <p>The amendments specify that an Eligible Customs Officer is required to:</p> <ul style="list-style-type: none"> • complete training that is approved by the Secretary of the Department of Infrastructure and Transport (the Secretary); • hold, and while on duty properly display, a valid Aviation Security Identity Card (ASIC); and • wear a distinctive and recognisable uniform. <p>The Regulations also update the Principal Regulations relating to airport security guards and screening officers, remove obsolete provisions and reference the appropriate sections of the Act.</p>
Date of effect	13 July 2010.
Contact details	<p>Section Head Aviation Security Policy Section Aviation Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>

Business Area: Transport Security

Type of entry	Past activity
Title	Aviation Transport Security Amendment Regulations 2010 (No. 5)
Description of issue	<p>In December 2009, the Government released the National Aviation Policy Statement (NAPS), which included nine enhancements to the ASIC regime aimed at improving the security outcome and/or the administration of the ASIC regime.</p> <p>The most significant enhancements are tightening of visitor management arrangements at airports, and a reduction in the number of bodies authorised to issue ASICs.</p>
Date of effect	1 December 2010
Contact details	<p>Section Head Identity Security Section Maritime, Identity and Surface Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>

Business Area: Transport Security

Type of entry	Past activity
Title	Aviation Transport Security Amendment Regulations 2011 (No. 1)
Description of issue	<p>The amendments are minor/technical in nature and include further clarification of the definitions of different classes of people accessing the enhanced inspection area and the respective security requirements. The definitions of exempt people, goods and vehicles have been amended.</p> <p>The amendments introduced a new landside zone, the Landside Inspection Area. The Landside Inspection Area is designed to facilitate the movement of employees working in premises adjacent to the enhanced inspection area who have a work related requirement to access the enhanced inspection area</p>
Date of effect	<p>The regulations were registered on 17 May 2010</p> <p>Regulations 1 to 3 and Schedule 1 commenced on 18 May 2010;</p> <p>Regulation 4 and Schedule 2 will commence on 21 November 2011.</p>
Contact details	<p>Section Head</p> <p>Aviation Security Policy Section</p> <p>Aviation Security Branch</p> <p>Office of Transport Security Division</p> <p>Department of Infrastructure and Transport</p> <p>Phone: 02 6274 7296</p> <p>Fax: 02 6274 6775</p> <p>Email: legislation@infrastructure.gov.au</p>

Business Area: Transport Security

Type of entry	Past activity
Title	Aviation Transport Security Amendment (2009 Measures No. 2) Bill 2010
Description of issue	<p>The Aviation Transport Security Amendment (2009 Measures No.2) Bill 2010 strengthens the whole-of-supply-chain approach to air cargo security by amending the definition of cargo and by improving arrangements for clearing cargo.</p> <p>This Bill expands the definition of cargo to include goods ‘reasonably likely’ to go by air, strengthening security regulation at the beginning of the supply chain. Arrangements for certifying (clearing) cargo have been expanded to allow certification by RACAs and AACAs. This enables industry participants that examine cargo to also be responsible for certifying (clearing) it for carriage on an aircraft. Regulations to support these amendments are planned for 2011-12.</p> <p>The Office of Best Practice Regulation determined that a Regulation Impact Statement was not required for the provisions included in this Bill (OBPR reference 10622).</p>
Date of effect	This Act received the Royal Assent on 11 March 2010. The Act took effect on 12 September 2010.
Contact details	<p>Director Supply Chain Operations and Legislation Section Supply Chain and Technology Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>

Business Area: Transport Security

Type of entry	Past activity
Title	Aviation Transport Security Amendment (Air Cargo) Bill 2010
Description of issue	<p>The Aviation Transport Security Amendment (Air Cargo) Bill 2011 delivers further enhancements to the Australian air cargo supply chain which will be implemented progressively.</p> <p>This Bill makes a number of amendments, including:</p> <ol style="list-style-type: none"> 1. amending the definition of an aviation industry participant to include Accredited Air Cargo Agents (AACAs); 2. providing for Regulated Air Cargo Agent (RACA) Transport Security Programs to continue to have effect until December 2012, reducing the impact of the introduction of initiatives for the enhanced examination of air cargo; and 3. Simplifying cargo clearance processes through the removal of the concept of 'certification'. <p>The Office of Best Practice Regulation determined that a Regulation Impact Statement was not required for the provisions included in this Bill (OBPR reference 2011/12352).</p>
Date of effect	This Bill is due to be considered in the Spring 2011 Parliamentary sittings and will take effect on Royal Assent.
Contact details	<p>Director Supply Chain Operations and Legislation Section Supply Chain and Technology Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>

Business Area: Transport Security

Type of entry	Past activity
Title	Changes to the Aviation Security Identification Card (ASIC) regime within the Aviation Transport Security Regulations 2005
Description of issue	<p>In December 2009, the Government released the National Aviation Policy Statement (NAPS), which included nine enhancements to the ASIC regime aimed at improving the security outcome and/or the administration of the ASIC regime.</p> <p>The most significant enhancements are tightening of visitor management arrangements at airports, and a reduction in the number of bodies authorised to issue ASICs.</p>
Date of effect	<p>Changes to the regulations were made in two phases:</p> <ul style="list-style-type: none"> • Phase 1 came into effect on 1 December 2010; and • Phase 2 came partially into effect on 18 May 2011, and will come into full effect on 21 November 2011.
Contact details	<p>Section Head Identity Security Section Maritime, Identity and Surface Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>

Business Area: Aviation and Airports

Type of entry	Past activity
Title	<i>Airports Amendment Act 2010</i>
Description of issue	This Act amends the <i>Airports Act 1996</i> to give effect to the policy changes identified in the Aviation White Paper: to require additional criteria to be included in airport master plans; require any proposed significant development to follow certain processes; prohibit certain developments which are incompatible with the operation of an airport site as an airport; include airport environment strategies in airport master plans; and make technical and consequential amendments.
Date of effect	The Bill passed both Houses on 29 November 2010 and was assented to on 17 December 2010.
Contact details	Director – South East Airports Airports Branch Aviation and Airports Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au

Business Area: Aviation and Airports

Type of entry	Past activity
Title	Airports (Building Control) Amendment Regulations 2011 (1)
Description of issue	These Regulations amend the <i>Airports (Building Control) Regulations 1996</i> to increase the fees payable for building applications at the leased federal airports.
Date of effect	1 July 2011
Contact details	Section Head Airport Infrastructure Regulation Section Airports Branch Aviation and Airports Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au

Business Area: Aviation and Airports

Type of entry	Past activity
Title	Airports Amendment Regulations 2011 (1)
Description of issue	These Regulations amend the <i>Airports Regulations 1997</i> to make consequential changes, arising from the 2010 amendments to the <i>Airports Act 1996</i> . These Regulations also include a transitional provision to ensure that a draft major development plan which had gone out for public consultation or is under assessment pursuant to regulation 5.02A would continue to be assessed under the old requirements of the Airports Act (despite the removal of regulation 5.02A).
Date of effect	11 February 2011
Contact details	Director South East Airports Airports Branch Aviation and Airports Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au

Business Area: Aviation and Airports

Type of entry	Past activity
Title	Airports Amendment Regulations 2011 (2)
Description of issue	These Regulations amend the <i>Airports Regulations 1997</i> to update the descriptions of airport sites, as set out in Schedule 1 to the Airports Regulations, to reflect changes in State and Territory land title registers for federal leased airports.
Date of effect	1 July 2011
Contact details	<p>Director South East Airports Airports Branch Aviation and Airports Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>

Business Area: Aviation and Airports

Type of entry	Past activity
Title	Guidelines for Community Aviation Consultation Groups
Description of issue	The Government issued guidelines for the establishment of Community Aviation Consultation Groups, which the Government has requested for leased federal airports subject to Commonwealth planning jurisdiction. Community Aviation Consultation Groups facilitate information exchange between airport operators and community stakeholders.
Date of effect	February 2011
Contact details	Section Head Airport Infrastructure Regulation Section Airports Branch Aviation and Airports Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au

Business Area: Aviation and Airports

Type of entry	Past activity
Title	Guidelines for Planning Coordination Forums
Description of issue	The Government issued guidelines for the establishment of Planning Coordination Forums, which the Government has requested for the primary regular public transport airports in each capital city. Planning Coordination Forums allow airport operators, state and territory planning authorities, and Commonwealth officials to coordinate strategic planning issues.
Date of effect	February 2011
Contact details	Section Head Airport Infrastructure Regulation Section Airports Branch Aviation and Airports Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au

Business Area: Surface Transport Policy

Type of entry	Past activity
Title	Amendments to the <i>National Transport Commission Act 2003</i>
Description of issue	<p>Amendments to the <i>National Transport Commission Act 2003</i> to reform the administration of the National Transport Commission (NTC) were passed in December 2010 as part of an omnibus bill by the Minister for Finance and Deregulation. They came into effect on 1 July 2011.</p> <p>The NTC develops road and rail model legislation. Model legislation has no legal effect in its own right and is included in schedules to regulation under the Act. There were no consequential impacts on these schedules from the 2010 amendments to the Act.</p> <p>States and territories have responsibility for adopting and administering resultant regulations. Business is expected to comply with state and territory regulation and will not be affected by changes to the administrative arrangements.</p>
Date of effect	1 July 2011
Contact details	<p>Director Network Performance and Coordination Section Land Transport Reform Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>

Business Area: Surface Transport Policy

Type of entry	Past activity
Title	<i>Protection of the Sea Legislation Amendment Act 2010</i>
Description of issue	<ul style="list-style-type: none"> Amend the <i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> to implement a revised version of Annex VI (Prevention of Air Pollution from Ships) to the International Convention for the Prevention of Pollution from Ships. The main effect of the revised Annex VI is to provide for a stepped reduction in the sulphur level of fuel oil used in ships to reduce the emission of sulphur oxides. Amend the <i>Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008</i> to protect from liability persons or organisations whose actions inadvertently lead to further pollution damage where the persons or organisations have acted reasonably and in good faith while providing assistance following a spill of fuel oil from a ship. <p>The amending Act is available on the ComLaw website.</p>
Date of effect	10 November 2010
Contact details	<p>Section Head Safety, Environment and Liner Shipping Section Maritime Policy Reform Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>

Business Area: Surface Transport Policy

Type of entry	Past activity
Title	Navigation Amendment Bill 2011
Description of issue	<p>Amend the <i>Navigation Act 1912</i> to implement the Maritime Labour Convention (MLC) in Australia. The amendments will:</p> <ul style="list-style-type: none"> • remove inconsistencies between the MLC and the Navigation Act; • provide for the making of regulations to give effect to the details of the MLC; • provide for the issue of declarations of maritime labour compliance and maritime labour certificates to Australian ships and require the carriage of the certificate by any Australian ship with a gross tonnage of 500 and over while such a ship is engaged in an international voyage; and • allow for the inspection of all ships at Australian ports by surveyors employed by the Australian Maritime Safety Authority (AMSA) to ensure that the ships comply with the requirements of the MLC. <p>The Bill also makes minor amendments relating to vessel tracking services.</p> <p>The Bill was introduced into the House of Representatives on 25 May 2011. The Bill and Explanatory Memorandum are available on the Parliament House website.</p>
Date of effect	The amendments relating to the MLC will commence on a date to be proclaimed which is intended to be the date on which the MLC enters into force for Australia; the amendments relating to vessel tracking services will commence on the date of Royal Assent.
Contact details	<p>Section Head</p> <p>Maritime Policy Section</p> <p>Maritime Policy Reform Branch</p> <p>Surface Transport Policy Division</p> <p>Department of Infrastructure and Transport</p> <p>Phone: 02 6274 7296</p> <p>Fax: 02 6274 6775</p> <p>Email: legislation@infrastructure.gov.au</p>

Business Area: Surface Transport Policy

Type of entry	Past activity
Title	Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oil Transfers) Bill 2011
Description of issue	<p>Amend the <i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> to implement amendments to Annex I (Prevention of Pollution by Oil) to the International Convention for the Prevention of Pollution from Ships (MARPOL) which are intended to prevent oil pollution during ship-to-ship transfers of oil between tankers.</p> <p>The Bill was introduced into the House of Representatives on 25 May 2011 and passed the House on 23 June 2011. The Bill and Explanatory Memorandum are available on the Parliament House website.</p>
Date of effect	Day after Royal Assent.
Contact details	<p>Section Head Maritime Policy Section Maritime Policy Reform Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>

SECTION 2: PLANNED REGULATORY ACTIVITY

This section outlines the Department's planned regulatory activities for the period 1 July 2011 to 30 June 2012.

Business Area: Transport Security

Type of entry	Planned activity
Title	Regulations to categorise airports and to allow for different legislative requirements for each category of a security controlled airport in order to reflect the relative risk profile associated with each category
Description of issue	<p>Prior to amendment of the ATSA by the <i>Aviation Transport Security Amendment (2009 Measures No.1) Act</i> 2010, the declaration of an airport as a Security Controlled Airport (SCA) placed the same legislative requirements on all such airports, regardless of their size, location and type of aircraft operating from that airport. The amendments to the ATSA allow requirements to be tailored according to the security risk profile of each SCA.</p> <p>It is proposed that the different categories of SCAs be prescribed under the Aviation Transport Security Regulations 2005 (the ATSR).</p>
Consultation opportunities	<p>Consultation was undertaken in the formulation of the Government's Green and White Papers on Aviation Policy.</p> <p>Consultation has commenced with Aviation Industry Participants and in addition to regular consultation through the Aviation Security Advisory Forum, a working group has been established to consult with charter and regional operators.</p> <p>Drafts of the proposed regulations will be made available for comment.</p>
Expected timetable	<p>Consultation has commenced.</p> <p>It is expected that draft regulations will be available for comment in October 2011.</p> <p>Regulations are expected to be tabled in November 2011.</p>
Contact details	<p>Section Head Major Policy Initiatives Section Aviation Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	21 July 2011.

Business Area: Transport Security

Type of entry	Planned activity
Title	Introducing a code of conduct for aviation security applicable to closed charter fly-in/fly-out flights in support of the resources industry
Description of issue	<p>Closed charter operations, supporting the large fly-in fly-out resources workforce, are conducted by more than 40 airlines to remote sites on behalf of more than 70 resources companies throughout Australia and the surrounding region. Western Australia and the Timor Sea are the major users of such services, however significant closed charter operations are also conducted to sites in South Australia, Northern Territory and Queensland.</p> <p>The increasing trend towards the use of closed charter services for the transport of workers to remote areas represent a significant change to the aviation environment.</p> <p>As a result of this changing environment, the National Aviation Policy White Paper released on 16 December 2009, committed the Government to examine, in consultation with the aviation sector, the feasibility of extending maximum takeoff weight as an aviation security screening trigger for closed charter operations, noting the growth in use of large aircraft for closed charter flights in support of the mining and oil and gas sectors, particularly in northern and north-west Australia.</p>
Consultation opportunities	<p>Consultation was undertaken in the formulation of the Government's Green and White Papers on Aviation Policy.</p> <p>Consultation has commenced with Aviation Industry Participants and a working group (Charter and Remote Aviation Working Group) has been established to consult with resources companies and aviation charter operators.</p> <p>Drafts of the proposed regulations will be made available for comment.</p>
Expected timetable	<p>A draft code has been developed and industry consultation on the proposed model is underway.</p> <p>Regulations are anticipated to be in place by 1 July 2012.</p>
Contact details	<p>Section Head Major Policy Initiatives Section Aviation Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	21 July 2011.

Business Area: Transport Security

Type of entry	Planned activity
Title	Amendment to the <i>Aviation Transport Security Act 2004</i> and Aviation Transport Security Regulations 2005
Description of issue	<p>In 2009-10 the Australian Government released the National Aviation Policy Statement (the “National Aviation White Paper”) and announced the Enhancing Aviation Security Program. There are a number of aviation transport security initiatives that arise from these measures that will require legislative and regulatory change to implement including:</p> <ul style="list-style-type: none"> • Deployment of body scanner technology at international airports. • Implementation of a Regulated Shipper scheme for air cargo. • Other consequential and related amendments relating to the National Aviation Policy Statement and Enhancing Aviation Security Program.
Consultation opportunities	The Department is in the preliminary stages of consulting government, industry and community stakeholders. Further consultation will take place over the next six months. Primary opportunities for consultation will be through the Aviation Security Advisory Group, Cargo Working Group and other policy and technical sub-groups.
Expected timetable	It is expected that these amendments will be progressed in the first half of the 2012 calendar year.
Contact details	<p>Section Head Legal Policy and Review Section Aviation Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	20 July 2011

Business Area: Transport Security

Type of entry	Planned activity
Title	Changes to the Aviation Transport Security Regulations 2005
Description of issue	<p>Amendments to the <i>Aviation Transport Security Regulations 2005</i> are planned to:</p> <ul style="list-style-type: none"> a) improve the efficiency of administration of the Accredited Air Cargo Agent (AACCA) Scheme by strengthening powers and clarifying decision making timeframes; b) establish regulations prescribing the requirements for the receipt, transfer and clearance of cargo to support the introduction of the Aviation Transport Security Amendment (Air Cargo) Bill 2011; c) support the <i>Aviation Transport Security Amendment (2009 Measures No.2) Act 2010</i> through defining when goods are considered to be 'cargo'; and d) provide for prescribing examination requirements for cargo carried aboard aircraft destined for Australia. <p>The Office of Best Practice Regulation has previously determined that a Regulation Impact Statement (RIS) is not required for the amendments outlined at (a) and (b) above (OBPR reference 2011/12656), however OBPR are yet to be consulted regarding proposed amendments (c) and (d).</p>
Consultation opportunities	The Department has conducted consultation with industry and will continue this over the coming months. This consultation will take place primarily through Cargo Working Group. Industry employee associations will also be consulted during this period.
Expected timetable	It is expected that these amendments will be progressed in the second half of the 2010-11 financial year.
Contact details	<p>Director Supply Chain Operations and Legislation Section Supply Chain and Technology Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	22 July 2011

Business Area: Transport Security

Type of entry	Planned activity
Title	Changes to the <i>Aviation Transport Security Act 2004</i>
Description of issue	<p>It is proposed that the Act be amended to allow for the prohibition of air cargo entering Australia, where the cargo has originated from, or transits through a specified location. This amendment is proposed in response to the Yemen air cargo security incident in October 2010.</p> <p>The Department will implement a Regulated Shipper Scheme to allow participating organisations to originate air cargo that does not require subsequent examination, provided it is maintained securely. The impact on the current Act and regulations will be determined once the policy settings are agreed, however at this stage it is expected that some changes to support this scheme will be required.</p>
Consultation opportunities	The Department has consulted with industry and other government agencies, and will continue to do so over the coming months as details of the amendments are developed.
Expected timetable	It is expected that these amendments will be progressed in the second half of the 2010-11 financial year.
Contact details	<p>Director Supply Chain Operations and Legislation Section Supply Chain and Technology Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	22 July 2011

Business Area: Transport Security

Type of entry	Planned activity
Title	Amendment of the <i>Aviation Transport Security Act 2004</i>
Description of issue	<p>On 9 February 2010, the Government announced a package of measures to strengthen aviation security that included funding to assist industry to introduce a range of new screening technologies at Australia's international airports.</p> <p>This amendment to the <i>Aviation Transport Security Act 2004</i> will enable consent to be deemed for certain authorised screening procedures when a person approaches the screening point for the purposes of receiving clearance to pass through the screening point.</p>
Consultation opportunities	Office of Best Practice Regulation has advised that a Regulation Impact Statement is not required.
Expected timetable	A bid has been made for the introduction in the Spring 2011 Sitings.
Contact details	<p>Director Body Scanner Implementation Section Aviation Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	25 July 2011

Business Area: Transport Security

Type of entry	Planned activity
Title	Amendment to the Aviation Transport Security Regulations 2005
Description of issue	This amendment to the Aviation Transport Security Regulations 2005 will require an aviation industry participant, in their Transport Security Program, to describe the measures and processes for considering security-by-design for any construction activity.
Consultation opportunities	The Department will consult with industry over the next six months. This consultation will take place primarily through the Regulatory Working Group.
Expected timetable	It is expected that this amendment will be progressed in the first half of the 2011-2012 financial year.
Contact details	Director Strategy and Implementation Section Aviation Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au
Date last modified	19 July 2011

Business Area: Transport Security

Type of entry	Planned Activity
Title	Amendment to the Maritime Transport and Offshore Facilities Security Regulations 2003
Description of issue	<p>Maritime Transport and Offshore Facilities Security Amendment Regulations 2011 (No) are currently waiting to be put before Executive Council on 28 July 2011. The purpose of amending the regulations is to:</p> <ul style="list-style-type: none"> • update definitions for terms used in the regulations and include notes to provide guidance for certain provisions; • remove the requirement for an issuing body to cancel a Maritime Security Identification Card (MSIC) on the basis of an adverse criminal record, in circumstances where the MSIC was issued or reinstated following a decision or an approval by the Secretary or a decision by the Administrative Appeals Tribunal; • prescribe four discrete categories of passenger ships. This enables security arrangements to more accurately address different risk environments faced by each prescribed category of passenger ship, including passenger and vehicle ferries; • provide for new minimum standards for the form and content of maps of security regulated ports and zones that form part of the maritime security plan submitted to the Secretary by the maritime industry participant; • clarify the arrangements for cleared zones. In particular, the amendments align the regulatory provisions for cleared zones with those for land-side restricted zones. The regulations also amend the Principal Regulations to ensure that, if an area is a cleared zone only at certain times, the zone will be inspected for weapons and prohibited items before each occasion on which the area is a cleared zone; and • enable the Secretary to grant exemptions from the requirement to hold a valid Ship Security Plan (SSP) or International Ship Security Certificate (ISSC) for regulated Australian ships. The regulations prescribe the form and content for applications for exemption from having a SSP or ISSC. It is intended that exemptions will only be granted in exceptional circumstances where the granting of such an exemption would not impact on maritime security outcomes.
Consultation opportunities	<p>Maritime industry participants have been consulted in the development of the proposed regulations. Consultation was also undertaken with Australian Government agencies in the development of the proposed regulations relating to categories of passenger ships, port map minimum standards, clarifying arrangements for cleared zones and exemptions from the requirement to hold an SSP or ISSC. Further consultation is planned for the end of August</p>

<p>Expected Timetable</p>	<p>Regulations relevant to the MSIC Scheme are planned to come into effect on 29 July 2011.</p> <p>Regulations relevant to categories of passenger ships, minimum standards for maps of security regulated ports, arrangements for cleared zones, and the granting of exemptions for SSP and ISSC are planned to come into effect on 11 September 2011.</p>
<p>Contact details</p>	<p>Director Maritime Strategic Policy and Legislation Section Maritime, Identity and Surface Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
<p>Date last modified</p>	<p>21 July 2011</p>

Business Area: Transport Security

Type of entry	Planned Activity
Title	Amendment to the Maritime Transport and Offshore Facilities Security Regulations 2003
Description of issue	<p>Security Assessment Inspector (SAI) Appointment Criteria</p> <p>The <i>Maritime Transport and Offshore Facilities Security Act 2003</i> (MTOFSA) was amended in July 2010 to allow the Secretary to appoint a person as a SAI under section 145D(1) if the person satisfies criteria prescribed in the MTOFSR</p> <p>The proposed appointment criteria seek to ensure that an appointed SAI will:</p> <ul style="list-style-type: none"> • have good knowledge of the transport security environment; • have specific skills and experience as a result of their current role and/or through formal qualifications and accreditation; • have a working knowledge, or ability to acquire working knowledge, of the Act and Regulations; • have an understanding of their role; • be suitable to access and handle security information; and • be otherwise able to perform the duties of a security assessment inspector. <p>This is consistent with other appointments of officials under Part 8 of the MTOFSA. Subject to the consultation process, the proposed criteria would include the following types of officers – departmental officers (except officers who approve maritime security plans or are maritime security inspectors), ASIO officers, law enforcement officers, and some companies or private individuals.</p>
Consultation opportunities	ASIO, Australian Federal Police, State and Territory Police and Customs have been consulted and further consultation is planned as the draft regulations become finalised.
Expected Timetable	Regulations relevant to SAI are planned to come into effect in December 2011.
Contact details	<p>Director Maritime Strategic Policy and Legislation Section Maritime, Identity and Surface Security Branch Office of Transport Security Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	21 July 2011

Business Area: Aviation and Airports

Type of entry	Planned activity
Title	Consequential amendments to various airports regulations
Description of issue	Following the passage of the Airports Amendment Bill 2010, consequential and technical amendments are required to relevant regulations to reflect amendments to the <i>Airports Act 1996</i> . The Department also plans to update regulations implementing and modifying State and Territory liquor legislation on the airports set on in Schedule 1 to the <i>Airports (Control of On-Airport Activities) Regulations 1997</i> .
Consultation opportunities	The Department will consult with the relevant stakeholders.
Expected timetable	The Department will, subject to consultation, seek amendment as soon as practicable.
Contact details	Director South East Airports Airports Branch Aviation and Airports Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au
Date last modified	20 July 2011

Business Area: Aviation and Airports

Type of entry	Planned activity
Title	Amendments to the Sydney Airport Compliance Scheme 1998
Description of issue	Amendments required to elements of the Scheme, having regard to the Australian National Audit Office audit findings
Consultation opportunities	Consultation undertaken with Slot Management Scheme Working Group
Expected timetable	During the 2011-12 financial year
Contact details	Section Head NSW Airports Airports Branch Aviation and Airports Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au
Date last modified	20 July 2011

Business Area: Aviation and Airports

Type of entry	Planned activity
Title	Changes to air carriers' liability and insurance arrangements
Description of issue	<p>A package of amendments to the framework for air carriers liability and insurance is being developed, including:</p> <ul style="list-style-type: none"> • A scheme to require air carriers to obtain insurance covering third party (surface) liabilities; • An increase to the cap on liability for death/injury to passengers on domestic flights; and • A range of technical amendments canvassed in a 2009 discussion paper.
Consultation opportunities	<p>Industry was invited to respond to possible changes to the liability and insurance framework as part of the National Aviation Policy White Paper. As part of this process, a discussion paper was released in May 2009 detailing a range of potential amendments.</p> <p>It is anticipated that a further discussion paper may be developed to canvass details and implementation issues associated with the changes.</p>
Expected timetable	The Government will have detailed proposals ready for further targeted industry consultation in late 2011-early 2012, and will have legislation ready for introduction to the Parliament following this process.
Contact details	<p>Director Trade and Aviation Market Policy Section Aviation Industry Policy Branch Aviation and Airports Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	19 July 2011

Business Area: Aviation and Airports

Type of entry	Planned activity
Title	Possible accession to the <i>2001 Convention on International Interests in Mobile Equipment</i> and the <i>Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment</i> (together known as the 'Cape Town Convention'), including the enactment of implementing legislation
Description of issue	<p>The Government is considering acceding to the Cape Town Convention. The Convention provides an international legal system for the protection of secured creditors, conditional sellers and lessors of aircraft objects. This is achieved by providing a set of basic remedies and allowing for creditors to secure their priority by registering their interest on an International Registry.</p> <p>A key consideration in relation to the Convention is how the international system would interact with the personal property securities reforms being managed by the Attorney-General's Department.</p> <p>If the Government decides to accede to the Convention, implementing legislation would need to be prepared and passed by Parliament. Additionally, Executive Council approval is required before the Convention can enter into force in Australia.</p>
Consultation opportunities	<p>The Government initially consulted industry about accession to the Cape Town Convention in 2008 and has continued this process through 2011. To date, consultation methods have included the distribution of consultation papers, industry forums, meetings and correspondence.</p> <p>The 2008 and 2010 consultation papers can be found at the following link: http://www.infrastructure.gov.au/aviation/international/consultation_cape_town.aspx</p>
Expected timetable	<p>If the Government decides to accede to the Convention, formal approval to accede to the Convention and table the treaty instrument in Parliament will be sought in late 2011-early 2012.</p> <p>Formal approval to introduce implementing legislation will be sought after the treaty has been tabled in Parliament, which may occur in mid-late 2012.</p>
Contact details	<p>Director Trade and Aviation Market Policy Section Aviation Industry Policy Branch Aviation and Airports Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	19 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Single national maritime safety system
Description of issue	<p>There are eight different marine safety regulatory systems (the Commonwealth Government, six states and the Northern Territory) governing the operation of commercial vessels in Australian waters. Divergent legislative and administrative frameworks have resulted in unnecessary costs, duplication of effort, and variations in safety requirements and the way they are administered.</p> <p>On 2 July 2009, the Council of Australian Governments (COAG) agreed to implement national regulation for maritime safety, with the Australian Maritime Safety Authority (AMSA) becoming the national safety regulator for all commercial vessels in Australian waters.</p>
Consultation opportunities	<p>The Office of Best Practice Regulation has advised that a Regulation Impact Statement is not required, as a regulation impact statement has previously been prepared for the implementation of the national regulator.</p> <p>The draft Maritime Safety National Law Bill will be considered by all jurisdictions via the Parliamentary Counsels Committee.</p> <p>Consultation with industry stakeholders will occur in 3 phases: 1) consultation on proposed regulatory arrangements and the draft regulatory plan (currently underway); 2) consultation on exposure draft of the national law; and 3) consultation on qualifications.</p>
Expected timetable	<p>ATC has agreed to forward the Intergovernmental Agreement to COAG for consideration.</p> <p>Subject to COAG agreement to the reform and agreement by jurisdictions to the draft Bill the Bill is planned for introduction to parliament in the Spring sitting period.</p> <p>Current COAG timetable aims to have the national system up and running by 2013.</p>
Contact details	<p>Section Head Maritime Safety Reforms Section Maritime Policy Reform Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	20 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Amendment of the <i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>
Description of issue	<p>To implement amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL):</p> <ul style="list-style-type: none"> revised Annex V (Prevention of Pollution by Garbage from Ships) to MARPOL amendments to Annex VI (Prevention of Air Pollution) to MARPOL which are intended to reduce the emission of greenhouse gases from ships. The amendments will make the current voluntary Energy Efficiency Design Index for new ships and the Ship Energy Efficiency Management Plan mandatory.
Consultation opportunities	These amendments to MARPOL will be considered at public hearings of the Joint Standing Committee on Treaties which is expected to be held in either the 2011 Spring Sittings or the 2012 Autumn Sittings of Parliament.
Expected timetable	A Bill is expected to be introduced into Parliament in the 2012 Autumn or Winter Sittings.
Contact details	<p>Section Head Maritime Policy Section Maritime Policy Reform Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	27 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Amendments to the Shipping Registration Regulations 1981
Description of issue	Amend the Regulations as a consequence of amendments made to the <i>Shipping Registration Act 1981</i> (SR Act) by the <i>Personal Property Securities (Consequential Amendments) Act 2009</i> which, on its commencement, will remove all references to mortgages from the SR Act
Consultation opportunities	Office of Best Practice Regulation has advised that a Regulation Impact Statement is not required
Expected timetable	It is intended that the amendments will commence on the commencement date of the <i>Personal Property Securities (Consequential Amendments) Act 2009</i> . This is expected to be 31 October 2011.
Contact details	Section Head Safety, Environment and Liner Shipping Section Maritime Policy Reform Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au
Date last modified	27 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Amendments to the <i>Shipping Registration Act 1981</i> and the Shipping Registration Regulations 1981
Description of issue	<p>The <i>Shipping Registration Act 1981</i> will be amended to establish the Australian International Shipping Register (AISR) and provide for its administration. Minor and technical amendments will also be made to provide clarity and transparency.</p> <p>The AISR is designed to facilitate Australian shipping operations in international trade by:</p> <ul style="list-style-type: none"> • providing an Australian-flagged option that is attractive to ship operators engaged in international trade; and • enhancing the competitiveness of Australian shipping operations in international trade. <p>The AISR will be administered by the Australian Maritime Safety Authority.</p>
Consultation opportunities	<p>Public consultation was conducted through a discussion paper entitled ‘Reforming Australia’s shipping – a discussion paper for stakeholder consultation’</p> <p>http://www.infrastructure.gov.au/maritime/shipping_reform/</p> <p>A Regulation Impact Statement will be developed and submitted to the Office of Best Practice Regulation.</p>
Expected timetable	It is expected that the amendments will be operative by 1 July 2012.
Contact details	<p>Section Head Legislation Reform Unit Shipping Reform Taskforce Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	18 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Amendments to the <i>Navigation Act 1912</i> (Coastal Trading Bill) and the Navigation (Coastal Trade) Regulations 2007
Description of issue	<p>Introduce the Coastal Trading Bill 2011, which will replace Part VI of the Navigation Act.</p> <p>The aim of the Bill is to strengthen the viability of Australian shipping by introducing a new framework for licensing access to the coastal trade under cabotage arrangements. The changes to the licensing regime will be complemented by taxation incentives.</p>
Consultation opportunities	<p>Initial consultation was conducted through a discussion paper entitled ‘Reforming Australia’s shipping – a discussion paper for stakeholder consultation’</p> <p>http://www.infrastructure.gov.au/maritime/shipping_reform/</p> <p>More detailed consultation was undertaken through three industry reference groups established by the Minister and individual discussions with industry. The reference groups reported to the Minister on 30 May 2011.</p> <p>A Regulation Impact Statement will be developed and submitted to the Office of Best Practice Regulation.</p>
Expected timetable	It is expected that the new legislation will be operative from 1 July 2012.
Contact details	<p>Section Head</p> <p>Legislation Reform Unit</p> <p>Shipping Reform Policy Branch</p> <p>Surface Transport Policy Division</p> <p>Department of Infrastructure and Transport</p> <p>Phone: 02 6274 7296</p> <p>Fax: 02 6274 6775</p> <p>Email: legislation@infrastructure.gov.au</p>
Date last modified	18 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Amendments to <i>Navigation Act 1912</i> and <i>Lighthouses Act 1911</i> (Maritime Safety Bill)
Description of issue	<p>The Maritime Safety Bill will:</p> <ul style="list-style-type: none"> include the changes required as a result of a review of offences and penalties in response to the grounding of the Shen Neng 1; rewrite and rename the Navigation Act to provide a contemporary regulatory framework, reduce the regulatory burden on industry, provide greater industry confidence and certainty, remove archaic and redundant provisions, promote a stronger maritime safety culture and enhance the protection of the marine environment; and incorporate the provisions of the <i>Lighthouses Act 1911</i> into the new Act.
Consultation opportunities	<p>Stakeholders have been formally consulted on a range of policy decisions relating to the Act.</p> <p>The Office of Best Practice Regulation has been consulted, and a Regulation Impact Statement will not be required.</p> <p>An exposure draft of the Bill will be made available to stakeholders for consultation purposes.</p>
Expected timetable	A bid has been made for introduction in the Spring 2011 Sittings.
Contact details	<p>Section Head Maritime Safety Reform Section Maritime Policy Reform Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	27 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Maritime Safety National Law Bill
Description of issue	<p>The Maritime Safety national Law Bill will introduce a national system for the regulation of all commercial vessels in Australian waters.</p> <p>A key objective of the Act will be to provide a more efficient regulatory framework for the shipping industry.</p>
Consultation opportunities	<p>The Office of Best Practice Regulation has advised that a Regulation Impact Statement is not required, as a regulation impact statement has previously been prepared for the implementation of the national regulator.</p> <p>States and territories will have to approve the drafts prior to introduction.</p>
Expected timetable	A bid has been made for the introduction in the Spring 2011 Sittings.
Contact details	<p>Section Head Maritime Safety Reform Section Maritime Policy Reform Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	20 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Maritime Legislation Amendment Bill
Description of issue	<p>This Bill will amend the <i>Navigation Act 1912</i> by introducing offences for negligent navigation and for failure to report a movement of a ship and will amend the <i>Protection on the Sea (Prevention of Pollution from Ships) Act 1983</i> by increasing selected penalties to deter shipping companies and their crews from engaging in unsafe and irresponsible actions at sea, particularly near environmentally sensitive marine ecosystems.</p> <p>These amendments are in response to the Shen Neng 1 grounding and the <i>Pacific Adventurer</i> incident..</p>
Consultation opportunities	The Office of Best Practice Regulation was consulted and will advised on 29 June 2011 that a RIS is not required to assess the regulatory impacts of amendments to the offences and penalties provisions under the <i>Navigation Act 1912</i> or the <i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> as the proposed requirements were covered under existing requirements and are considered to have a minor regulatory impact.
Expected timetable	A bid has been made for the introduction in the Spring 2011 Sittings.
Contact details	<p>Section Head Maritime Safety Reform Section Maritime Policy Reform Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
Date last modified	20 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Heavy Vehicle Braking Strategy
Description of issue	Heavy vehicle braking systems are to be brought into line with best international practice while accommodating the current mixed fleet and particular operating conditions prevalent in Australia. Likely improvements are expected from mandating Anti-lock Braking Systems (ABS) and providing for Advanced Electronic Braking Systems (AEBS) and Vehicle Stability Control (VSC).
Consultation opportunities	The proposal, together with a final regulation impact statement, is being developed in consultation with state and territory regulatory authorities, representatives from the manufacturing and operating industries and road user groups. The draft Regulation Impact Statement will be submitted to the Office of Best Practice Regulation and will be subject to public comment.
Expected timetable	The Department expects to make a recommendation to the Minister for Infrastructure and Transport by the end of 2011/2012.
Contact details	Section Head Standards and International Section Vehicle Safety Standards Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au
Date last modified	25 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Review of the Australian Design Rules for vehicle safety, protection of the environment and theft reduction
Description of issue	<p>The review is part of the on-going development of vehicle standards to determine whether they remain relevant, cost effective and continue to meet community expectations in relation to road vehicle safety, protection of the environment and theft reduction. An important element of the review is to examine whether the Australian design rules could be harmonised with international standards. The following Australian Design Rules are on the current program:</p> <ul style="list-style-type: none"> • 4/04 seatbelts • 34/01 child restraint anchorages and child restraint anchor fittings; • 42/04 general safety requirements; • 43/04 vehicle configuration and dimensions; • 44/02 specific purpose vehicles; • 57/00 special requirements for motorcycles and mopeds; • 58/00 requirements for omnibuses designed for hire and reward; • 61/02 vehicle markings; • 63/00 trailers for use in road trains; • 64/00 heavy goods vehicles for use in road trains and B-doubles; • 65/00 maximum road speed limiting for heavy goods vehicles; • 66/00 seat strength, seat anchorage strength and padding in omnibuses; and • 68/00 occupant protection in buses.
Consultation opportunities	<p>Proposals, together with draft Regulation Impact Statements (RISs), are developed in consultation with state and territory regulatory authorities, representatives from the manufacturing and operating industries and road user groups. Regulatory Impact Statements are submitted to the Office of Best Practice Regulation (OBPR) for endorsement before seeking public comment.</p> <p>In relation to ADR 4/04 and ADR 34/01, minor amendments are planned for this financial year and draft decision making RISs have already been cleared by OBPR. Final decision making RISs will be submitted in the coming quarter. Regarding ADR 58/00 and ADR 68/00, the consultation RISs have been out to public comment previously and there is an intention to finalise these in this financial year. However ADR 68/00 may require a further public comment period.</p>
Expected timetable	This is a rolling program. The above RISs are expected to be progressed as detailed above.

<p>Contact details</p>	<p>Section Head Standards and International Section Vehicle Safety Standards Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au</p>
<p>Date last modified</p>	<p>25 July 2011</p>

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Examination of a proposal to adopt a new Australian Design Rule for Brake Assist Systems (BAS)
Description of issue	The regulation impact statement will be finalised to justify whether a regulation to mandate the provision of BAS for road vehicles would provide net benefits. BAS is designed to be more responsive in emergency braking scenarios including avoiding collisions with pedestrians.
Consultation opportunities	The proposal, together with a final Regulation Impact Statement (RIS), is being developed in consultation with state and territory regulatory authorities, representatives from the manufacturing and operating industries and road user groups. The draft RIS will be submitted to the OBPR and will be subject to public comment.
Expected timetable	The Department expects to make a recommendation to the Minister for Infrastructure and Transport by the end of 2011-12.
Contact details	Section Head Standards and International Section Vehicle Safety Standards Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au
Date last modified	25 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Examination of a proposal to extend the regulation for Electronic Stability Control to light commercial vehicles
Description of issue	A Regulation Impact Statement will be finalised to justify extending the requirements for Electronic Stability Control currently applicable to passenger cars, off-road passenger vehicles and passenger vans to light commercial vehicles.
Consultation opportunities	The proposal, together with a final Regulation Impact Statement (RIS), is being developed in consultation with state and territory regulatory authorities, representatives from the manufacturing and operating industries and road user groups. The draft RIS will be submitted to the Office of Best Practice Regulation and will be subject to public comment.
Expected timetable	The Department expects to make a recommendation to the Minister for Infrastructure and Transport by the end of 2011.
Contact details	Section Head Standards and International Section Vehicle Safety Standards Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au
Date last modified	25 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	New air pollution standards for light vehicles (Australian Design Rule 79/03 and 79/04)
Description of issue	<p>The Minister for Infrastructure and Transport, the Hon Mr Anthony Albanese MP, announced on 11 June 2011 new more stringent emissions standards on all new light vehicles from 1 November 2013. The standards cover cars, SUVs and light commercial vehicles up to 3.5 tonnes.</p> <p>Once fully implemented in 2018, the new standards will reduce the level of noxious emissions that impact negatively on human health, including reductions in:</p> <p>Hydrocarbons by up to 50 per cent;</p> <p>Oxides of nitrogen by up to 70 per cent; and</p> <p>Particulate matter by up to 90 per cent.</p>
Consultation opportunities	<p>The draft regulation impact statement was approved by the Office of Best Practice Regulation for release for public comment and consultation (ref no 10854) in December 2009. A 60+ day public consultation period was provided, with further discussions being held with key industry stakeholders after the conclusion of the consultation period.</p> <p>A final Regulation Impact Statement for Review of Euro 5/6 Light Vehicle Emissions Standards incorporated comments from the public consultation process.</p>
Expected timetable	Determination by the Minister of ADR 79/03 and 79/04 is expected by the end of 2011.
Contact details	<p>Section Head</p> <p>Vehicle Emission and Environment Section</p> <p>Land Transport Reform Branch</p> <p>Surface Transport Policy Division</p> <p>Department of Infrastructure and Transport</p> <p>Phone: 02 6274 7296</p> <p>Fax: 02 6274 6775</p> <p>Email: legislation@infrastructure.gov.au</p>
Date last modified	19 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	New carbon dioxide (CO ₂) emissions standards for light vehicles
Description of issue	On 24 July 2010, the Australian Government made an election commitment to introduce mandatory CO ₂ emissions standards for new light vehicles commencing in 2015. Light vehicles include cars, SUVs and light commercial vehicles up to 3.5 tonnes. The emission levels set by the new standards, as well as the legislative framework, will be determined in consultation with the vehicle industry and other key stakeholders.
Consultation opportunities	The consultation process has commenced, following an international conference on Improving Fuel Economy in Australia held in Melbourne on 2 March 2011. A discussion paper seeking input on key issues in developing mandatory CO ₂ emissions standards is expected to be released for public comment. An implementation regulation impact statement (RIS) will also be prepared following the conclusion of the consultation period on the discussion paper. The RIS will also be released for public comment.
Expected timetable	The Department expects the discussion paper and the draft RIS to be released by early 2012, with the final RIS expected to be provided to the Minister for consideration by mid 2012.
Contact details	Section Head Vehicle Emissions Land Transport Reform Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au
Date last modified	19 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	New ADR for Harmonisation with the United Nations Economic Commission for Europe (UNECE) regulations
Description of issue	The Regulation Impact Statement will be finalised to justify the introduction of a new ADR to be applied in relation to the existing ADRs that are already fully harmonised with the corresponding UNECE regulations. The net effect of this ADR will be to provide for an automatic acceptance of later editions of the relevant UNECE regulations without having to amend the affected ADRs whenever the UNECE regulation is amended. I.e. this new ADR will allow for the referenced UNECE regulations to be accepted as amended from time to time.
Consultation opportunities	The proposal, together with a Regulation Impact Statement (RIS), is being developed in consultation with state and territory regulatory authorities, representatives from the manufacturing and operating industries and road user groups. The draft RIS will be submitted to the Office of Best Practice Regulation before making a recommendation to the Minister for Infrastructure and Transport.
Expected timetable	The Department expects to make a recommendation to the Minister for Infrastructure and Transport by the end of 2011.
Contact details	Section Head Standards and International Section Vehicle Safety Standards Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au
Date last modified	25 July 2011

Business Area: Surface Transport Policy

Type of entry	Planned activity
Title	Power-Assisted Pedal Cycles
Description of issue	A proposal is being developed to amend the definition for Power-Assisted Pedal Cycles to allow for an increase in the allowable maximum power rating of the auxiliary motor, provided certain features are incorporated.
Consultation opportunities	The proposal is being developed in consultation with state and territory regulatory authorities, representatives from the manufacturing and operating industries and road user groups. The draft proposal will be submitted to the Office of Best Practice Regulation before making a recommendation to the Minister for Infrastructure and Transport. The proposal is not likely to increase the stringency of regulation and so a Regulation Impact Statement may not be required.
Expected timetable	The Department expects to make a recommendation to the Minister for Infrastructure and Transport by the end of 2011.
Contact details	Section Head Standards and International Section Vehicle Safety Standards Branch Surface Transport Policy Division Department of Infrastructure and Transport Phone: 02 6274 7296 Fax: 02 6274 6775 Email: legislation@infrastructure.gov.au
Date last modified	25 July 2011