



Shipping Business Unit Industry Bulletin

Number 1 of 2017 – Section 12 Declarations

The Department of Infrastructure and Regional Development has updated the application process for declarations under section 12 of the *Coastal Trading (Revitalising Australian Shipping) Act 2012* (the Act).

Under section 12 of the Act, an owner of a vessel may in some circumstances apply to the Minister for a declaration that the Act applies in relation to the vessel even when engaging in intra-state shipping (i.e. taking on board cargo or passengers at a port and unloading cargo or disembarking passengers at a port within the same State or Territory). Where a section 12 declaration is in force for a vessel, the Act requires any use of the vessel to engage in coastal trading (whether interstate or intrastate) to be authorised by a licence.

In order to simplify the process of demonstrating an applicant's relationship to a vessel, the Shipping Business Unit (SBU) has developed a new process for section 12 applications. As part of this process, the application form will request an applicant to indicate that the applicant is one of the following (see definition of 'owner' in section 6 of the Act):

- *a person who has a legal or beneficial interest in the vessel, other than as a mortgagee;*
- *a person with overall general control and management of the vessel; or*
- *a person who has assumed responsibility for the vessel from a person referred to in the above 2 points.*

Once an applicant has declared that the applicant is one of the above, the section 12 application can be considered by the Delegate.

The SBU may request further information from applicants (including information establishing that an applicant is one of the persons above) as required.

If you require further information or assistance, please contact the Shipping Business Unit at: <shippingbusinessunit@infrastructure.gov.au>