



Australian Government

Department of Infrastructure, Transport,  
Regional Development, Communications and the Arts

# Review of the *Shipping Registration Act 1981*

## Terms of Reference

**FINAL**

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## 1.1 Purpose

The Government has agreed to conduct a review of the *Shipping Registration Act 1981* (SRA) and *Shipping Registration Regulations 2019* to assess and make recommendations on whether the legislation is fit-for-purpose and aligned with regulatory best practice, to support a strategic fleet and the future growth of shipping in Australia.

## 1.2 Context

Shipping registration is fundamental to domestic and international shipping as a mechanism to grant nationality to a vessel. Under the United Nations Convention on the Law of the Sea, the conditions for the grant of nationality to ships must be fixed by each State. Accordingly, the SRA establishes the requirements for the registration of Australian-owned ships and maintenance of the Australian General Shipping Register (AGSR) and the Australian International Shipping Register (AISR).

The SRA has not been substantively amended since it was introduced in 1981. A detailed review of the SRA was conducted in 1997 and its recommendations to improve the Act have never been fully implemented, and as such issues identified in the 1997 review continue to exist.

On 20 October 2022, the Australian Government established a Strategic Fleet Taskforce to advise Government on the creation of a maritime strategic fleet that will strengthen our economic sovereignty and support improved national security outcomes. The Taskforce submitted its final report to Government on 30 June 2023, in accordance with the Terms of Reference.

Recommendations 4 and 5 from the Taskforce report relate to the registration of vessels including that:

- Strategic fleet vessels be registered on the Australian General Shipping Register (AGSR) and the AGSR should be amended to make vessel registration more streamlined and more closely align it with competitive flag-state jurisdictions.
- There may be opportunity to make the Australian International Shipping Register (AISR) more attractive to encourage registration of vessels and increase the general pool of vessels operating in Australia with a portion of Australian crew.

In its response to these recommendations, the Government agreed to review the SRA in 2024 and consider whether legislative amendments are required to encourage more vessel owners and operators to register vessels on the AGSR and AISR. While focussed on commercial vessels, the review will also consider the impact of any changes on other vessel types that are eligible or required to be registered on the AGSR.

## 1.3 Scope

The review will evaluate the SRA and consider the underpinning registration requirements and processes for the AGSR and AISR. The review will identify, report and make recommendations on the extent to which:

- the SRA supports future growth of Australian shipping, taking into consideration possible incentives for, and existing impediments to, vessel registration on the AGSR and AISR.
- the SRA supports compliance through the provision of effective and practical compliance powers and enforcement tools for the Australian Maritime Safety Authority.
- exemplary registration models in other flag-state jurisdictions, and how those practices could be applied in the Australian context and in the interests of the strategic fleet.

- Australian seafarer conditions of work and entitlements should be preserved in any new requirements for registration on the AGSR and AISR and other associated legislation including Australian Fair Work Laws. This may also include consideration of temporary foreign crewing arrangements, suggested by the Taskforce as an interim solution to fill identified skills gaps for the strategic fleet, and capacity building to future proof the Australian industry.
- regulatory best practice can be reflected in the SRA to ensure the Act maintains relevance, is aligned with modern regulatory best practice and supports Australia in meeting its international and trade obligations. This should include consideration of how registration requirements and processes can accommodate strategic fleet operations, ensuring they support Government requisitioning of vessels in times of need.

## 1.4 Governance

### 1.4.1 Role of the Reviewers

The review will be conducted by two Co-Chairs (the Reviewers) with appropriate expertise in regulatory and maritime and shipping industry sectors to be appointed by The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government (the Minister).

Secretariat support for the Review will be provided by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department).

### 1.4.2 Responsibilities of the Reviewers

The Reviewers will be responsible for delivering a final report to the Minister. The final report will address these Terms of Reference and include recommendations consistent with the scope of the review and the United Nations Convention on the Law of the Sea, and any other obligations Australia has under international law.

The Reviewers will provide regular updates to the Department on review progress, key emerging issues and stakeholder consultation.

The Reviewers must undertake stakeholder consultation, supported by the Department.

## 1.5 Timeframe

The final report and recommendations addressing the scope and purpose of the review are due 6 months from the commencement of the review.