

LEGISLATIVE ASSEMBLY

MARINE SAFETY BILL 2010

(Amendments to be moved by Mr Pallas)

1. Clause 7, after line 32 insert—
 "Note
 In making a declaration under this section the Safety Director must have regard to guidelines made by the Minister under section 31A of the **Transport Integration Act 2010**: see section 258(2)."
2. Clause 40, line 10, before "The" insert "(1)".
3. Clause 40, after line 12 insert—
 "() A condition of registration imposed under subsection (1) must not restrict the distance offshore that a vessel may be operated based on the length of the vessel."
4. Clause 41, line 14, before "In" insert "(1)".
5. Clause 41, after line 17 insert—
 "() A prescribed condition of registration of a prescribed class or type of vessel must not restrict the distance offshore that the vessel may be operated based on the length of the vessel."
6. Clause 81, after line 7 insert—
 "Note
 In making a declaration under this section the Safety Director must have regard to guidelines made by the Minister under section 31A of the **Transport Integration Act 2010**: see section 258(2)."
7. Clause 87, line 18, after "**vessel**" insert "**, government vessel or hire and drive vessel**".
8. Clause 87, line 19, after "vessel" insert ", government vessel or hire and drive vessel".
9. Clause 87, line 27, after "vessel" insert ", government vessel or hire and drive vessel".
10. Clause 87, line 28, omit "recreational".
11. Clause 87, page 88, line 1, after "vessel" insert ", government vessel or hire and drive vessel".
12. Clause 87, page 88, line 2, omit "recreational".

13. Clause 93, lines 24 to 26, omit "personal property is damaged, destroyed or lost as a result of the incident" and insert "there is significant damage to property, or property is lost or destroyed, as a result of the incident".
14. Clause 250, after line 6 insert—
"Note
In making a declaration under this section the Safety Director must have regard to guidelines made by the Minister under section 31A of the **Transport Integration Act 2010**: see section 258(2)."
15. Clause 258, line 5, before "The" insert "(1)".
16. Clause 258, page 235, after line 4 insert—
"() The Safety Director must have regard to guidelines made by the Minister under section 31A of the **Transport Integration Act 2010** in making—
(a) a declaration under section 7, 81 or 250;
(b) a determination under subsection (1)(q)."
17. Clause 290, lines 12 to 14, omit subclause (1) and insert—
"() A person may apply to VCAT for review of—
(a) a reviewable decision; or
(b) a decision made, or taken to have been made, by the Safety Director under section 289 in respect of a reviewable decision—
if the person is an eligible person in relation to the reviewable decision."
18. Part heading preceding clause 309, omit "**9.10**" and insert "**8.10**".

AMENDMENT TO SCHEDULE

19. Schedule 3, page 353, after line 30 insert—
'16.10 After section 31 **insert—**
"**31A Guidelines**
(1) The Minister must, within the period specified in subsection (2)(a), make guidelines in relation to the making of a declaration by the Safety Director under section 7, 81 or 250 of the **Marine Safety Act 2010** or the making of a determination by the Safety Director under section 258(1)(q) of that Act.
(2) The Minister—
(a) must make guidelines under this section no later than 7 days after the commencement of clause 16.10 of Schedule 3 to the **Marine Safety Act 2010**;
(b) may remake or amend guidelines made under this section at any time after guidelines referred to in paragraph (a) take effect.

- (3) Guidelines and amendments to guidelines made under this section must be published in the Government Gazette.
- (4) Guidelines and amendments to guidelines made under this section take effect on the day they are published in the Government Gazette.".'.