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**Maritime regulation:
Friend or foe?**

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Some examples of original certificates and documents to be carried onboard ships (by International Convention)

- ▶ International Tonnage Certificate (1969)
- ▶ International Load Line Certificate
- ▶ International Load Line Exemption Certificate
- ▶ Intact Stability Booklet
- ▶ Damage Control Plans and Booklets
- ▶ Minimum Safe Manning Document
- ▶ Fire – Safety Training Manual/Control Plan/Booklet/Onboard Training and Skills Record/Safety Operational Booklet
- ▶ Certificates for Masters, Officers and Ratings
- ▶ International Oil Pollution Prevention Certificate

Some examples of original certificates and documents to be carried onboard ships (by International Convention)

- ▶ Oil Record Book & Shipboard Oil Pollution Emergency Plan
- ▶ International Sewage Pollution Prevention Certificate
- ▶ Garbage Management Plan and Record Book
- ▶ Voyage Data Recorder System – Certificate of Compliance
- ▶ Cargo Securing Manual
- ▶ Document of Compliance with the ISM Code/Safety Management Certificate
- ▶ International Ship Security Certificate (ISSC), Ship Security Plan and Associated Records/Continuous Synopsis Record (CSR)

In summary, I will address:

- ▶ Current activities of the IMO Facilitation Committee
- ▶ Regulatory reviews in Australia aimed at reducing red tape
- ▶ Give some examples of bad regulatory practices
- ▶ Review challenges in maritime regulation
- ▶ Propose a new approach to competition regulation

Productivity Commission report, 2006:
Re-Thinking Regulation

Priority reforms to existing regulation; to avoid:

- ▶ Excessive coverage including regulatory creep
- ▶ Overlapping and inconsistent regulatory requirements
- ▶ Redundant regulation or not justified by policy intent
- ▶ Excessive reporting
- ▶ Variations in definitions/reporting

Bad regulatory practices

Governments intervening in supply chains over and above

- ▶ Providing information to stakeholders on more effective supply chains
- ▶ Facilitation
- ▶ Encouraging mediation/arbitration
- ▶ Access arrangements
- ▶ Reducing anti-competitive practices

Two examples:

- ▶ NTC draft paper *Supply Chain Pilots*
- ▶ NSW Ports and Maritime Administration Amendment Act

Regulations in the maritime industry covering

- ▶ Ballast water management and bio-hull fouling
- ▶ New carbon pollution reduction scheme
- ▶ Maritime security
- ▶ Border agency activities
- ▶ Misdeclared or overweight containers



Regulations implementing competition policy

- ▶ Authorisation for exempt conduct under Part VII of the Trade Practices Act is a costly, lengthy and uncertain process
- ▶ Need for an automatic exemption process from the anti-trust (Part IV) provisions of the Act for all those directly involved in international trade
 - ▶ If exempt conduct is registered with the ACCC
 - ▶ ACCC would monitor compliance
- ▶ Part X of the TPA covering international liner operators is a good case study

Examples where automatic exemption would be beneficial

- ▶ Cooperation among stakeholders in bulk cargo supply chains such as Newcastle coal
- ▶ Cooperation between stakeholders involved with intermodal terminals
 - ▶ Standard price setting
- ▶ Cooperation between different ports to enhance competition
 - ▶ Such as agreement on port expansion

Conclusion

- ▶ Vital need to develop less but more effective regulations
- ▶ New and innovative approaches will be needed if Australia is to meet global challenges

