Australian Government

Australian Maritime Safety Authority

AMSA EX40

Marine Safety (Class C restricted operations) Exemption 2017

I, Michael Kinley, Chief Executive Officer of the Australian Maritime Safety Authority (the National Marine Safety Regulator under section 9 of the *Marine Safety (Domestic Commercial Vessel*) *National Law*), make this instrument under subsection 143(1) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

9 May 2017

Michael Kinley
Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Class C restricted operations) Exemption 2017*.

2 Duration

This instrument:

(a) commences on 1 July 2017; and

(b) ceases to have effect at the end of 31 May 2020.

3 Repeal

Marine Safety (Class C restricted operations) Exemption 2015 made on 27 April 2015 is repealed.

4 Definitions — dictionary

A definition in the dictionary applies to each use of the word or expression in this instrument.

Note The dictionary is located at the end of the instrument.

5 Interpretation

In this instrument, a reference to a standard means the standard as in force from time to time.

6 Exemption

A domestic commercial vessel is exempt from the requirement to have a certificate of survey for sections 43 and 44 of the *Marine Safety (Domestic Commercial Vessel) National Law*, if the vessel:

(a) is a non-passenger vessel (Class 2 vessel) or a fishing vessel (Class 3 vessel) under NSCV Part B; and

(b) operates only in any of the following operational areas:

(i) that part of operational area C determined by the National Regulator;

(ii) operational area D;

(iii) operational area E.

Note for paragraph (b)(i) For the part of operational area C determined by the National Regulator under paragraph (b) — see the AMSA website at http://www.amsa.gov.au.

7 Conditions

The exemption is subject to the conditions mentioned in Schedule 1.

Schedule 1 Conditions

(section 7)

Division 1 Operations

1.1 Operational requirements

(1) The vessel must be <12 m long.

(2) The vessel must not:

(a) carry passengers; or

(b) carry more than 3 people who are either crew, including the master, or special personnel; or

(c) carry dangerous goods; or

(d) have installed a net reel, crane, lifting device or deck load, the use of which is likely to adversely affect the stability or watertight integrity of the vessel; or

(e) be a support vessel in the offshore oil industry; or

(f) be set up for towage operations; or

(g) have an inboard petrol engine; or

(h) be a landing type powered barge; or

(i) have berthed accommodation; or

(j) be a sail vessel.

(3) For paragraph (d), a net reel, crane, lifting device or deck load installed on the vessel adversely affects the stability or watertight integrity of the vessel if it is capable of:

(a) generating a heeling moment that may endanger or capsize the vessel; or

(b) creating a loading condition that exceeds the maximum loading for the vessel.

(4) A marine surveyor accredited in stability approval must verify the calculation of the heeling moment or maximum loading for the vessel as part of the initial inspection required under Division 4.

Note The heeling moment may be calculated using the lesser of:

(a) the force the device or load is able to generate; and

(b) the breaking strain of any weak links or safety reliefs.

Division 2 Design and construction requirements

2.1 Design and construction to be fit for purpose

The vessel must be designed and constructed so that it is fit for the purpose for which the vessel is intended by the owner, to the satisfaction of the person who inspects the vessel under subclause 4.1.

2.2 Vessel flotation

(1) The vessel must have, to the satisfaction of the National Regulator:

(a) level flotation; or

(b) basic flotation.

(2) If the vessel has basic flotation, it must also carry:

(a) enough life rafts, that comply with the requirements in NSCV Subsection C7A for Class 2C and 3C vessels, for the maximum number of persons the vessel is permitted to carry; or

(b) a lifebuoy (with a light) for each person on board the vessel and, if a second lifebuoy is carried, a buoyant line — unless the National Regulator approves otherwise; or

(c) a carley float.

(3) However, paragraphs (2)(b) and (c) apply only if:

(a) a risk assessment has been conducted for the vessel that confirms that it is likely to be safe for a person to be in the water in which the vessel operates; and

(b) the risk assessment has been documented and the document kept up to date; and

(c) each person on board the vessel wears a coastal lifejacket that complies with the requirements in NSCV Subsection C7A for Class 2C and 3C vessels.

Note for paragraph (a) The kinds of matters that may be considered include if the mean monthly temperature of the water is < 15°C and if the water has hazardous flora or fauna. Examples of hazardous fauna are crocodiles, Irukandji jellyfish and some species of sharks.

Note for paragraph (c) The vessel must carry enough coastal lifejackets for the maximum number of persons the vessel is permitted to carry — see paragraph 3.1(2)(a).

2.3 Stability requirements

The vessel must have stability characteristics so that it is fit for the purpose for which the vessel is intended by the owner, to the satisfaction of the person who inspects the vessel under subclause 4.1.

2.4 Load capacity

The vessel must not exceed the load capacity that applies to the vessel in any of the following standards that applies to a vessel of its kind:

(a) ABYC *Standards and Technical Information Reports for Small Craft H-5 Boat Load Capacity*;

(b) AS 1799-2009 *Small craft Part 1: General requirements for power boats*;

(c) ISO 6185 Parts 1 to 4 — *Inflatable boats*;

(d) ISO 14946:2001 — *Small craft - Maximum load capacity*.

2.5 Machinery — bilge pumps

(1) The vessel must have a bilge pump that can drain all bilges or closed under floor compartments other than airtight void spaces.

(2) For an open vessel, the bilge system must be able to operate and be protected from damage when the vessel is swamped.

2.6 Machinery — fuel tanks, pipes etc

(1) Any under deck fuel tank must comply with NSCV Subsection C5A.

(2) Fuel piping for any non-portable fuel tank must be of seamless, heavy gauge metal.

(3) However, flexible fuel lines that comply with ISO 7840:2013 *Small craft — Fire-resistant fuel hoses* requirements for type A1 or with SAE J1527: *Marine fuel hoses* requirements for type A:

(a) may be used between the fuel shut-off valve or cock and the main engine; and

(b) if used — must be installed to avoid chafing and to allow regular inspection.

(4) Any shafting fitted must comply with either of the following standards or with a standard determined by the National Regulator to be equivalent to either standard:

(a) ABYC *Standards and Technical Information Reports for Small Craft, P-6 (ANS) Propeller Shafting Systems*, July 2010;

(b) NSCV Subsection C5A.

2.7 Propulsion power

The vessel must not have propulsion power more than the limit for the vessel set by any of the following standards:

(a) ABYC *Standards and Technical Information Reports for Small Craft*;

(b) AS 1799-2009 *General Requirements for Power Boats*;

(c) ISO 6185 Parts 1 to 4 *Inflatable boats*;

(d) ISO 11592:2001: *Small craft less than 8 m length of hull — Determination of maximum propulsion power rating*.

2.8 Electrical

The vessel must comply with NSCV Subsection C5B.

2.9 Vision and window light transmission

The vessel must comply with the requirements for field of vision, windows and decks of AS 1799.1 — 2009 *Small craft Part 1: General requirements for power boats.*

2.10 Watertight and weathertight integrity

(1) Penetration fittings through the hull of the vessel must comply with:

(a) NSCV Subsection C5A; or

(b) ISO 9093-1:1994 *Small craft — Seacocks and through-hull fittings — Part 1: Metallic.*

(2) Any deck opening that may be open during fishing or other operations carried out at sea must be arranged near to the centreline.

(3) Any sea inlet must be fitted with a valve in an easily accessible position at the hull side.

(4) Any penetration through the hull that is not a sea inlet below the loaded waterline must be fitted with a non-return valve at the hull side.

(5) Any scupper or discharge pipe that passes through the side of the vessel must be fitted with a valve or cock in an easily accessible position against the vessel's side, unless:

(a) a bilge alarm is fitted and other means are provided to stop the entry of water that are to the satisfaction of the person who inspects the vessel under subclause 4.1; or

(b) the discharge is ≤50 mm internal diameter, the lowest point of which is ≥225 mm above the deepest load waterline.

(6) However, any waste or soil discharge >50 mm internal diameter from a space above the freeboard deck that is led through the vessel's side ≥225 mm above the designed load waterline may be fitted with an automatic non-return valve instead of a valve or cock.

(7) For this clause, a valve must be:

(a) made of steel or material of an equivalent strength and robustness; and

(b) if possible — attached direct to the hull.

2.11 Steering systems

(1) The vessel's steering equipment must be fit for the purpose for which the vessel is intended by the owner, to the satisfaction of the person who inspects the vessel under subclause 4.1.

(2) A vessel ≥7.5 m long must have an emergency means of steering.

Division 3 Equipment requirements

3.1 Safety equipment

(1) All equipment carried must comply with the specification, installation and servicing requirements of NSCV Subsection C7A.

(2) The vessel must carry the following:

(a) a coastal lifejacket with a whistle and light for each of the maximum number of persons the vessel is permitted to carry;

(b) a lifebuoy (with a light);

(c) 2 red hand flares;

(d) an orange hand-held smoke signal;

(e) 3 parachute distress rockets;

(f) when operating in remote enclosed water or > 2nm from shore — an EPIRB 406 MHz. registered with AMSA;

(g) a battery-operated signalling torch;

(h) a V sheet marine distress signal;

(i) a first aid kit in accordance with workplace health and safety requirements;

(j) at least 2 litres of emergency drinking water for each person on board.

Note for paragraph (b) If a vessel carries at least 1 lifebuoy in accordance with sub-subparagraph 2.2(1)(b)(ii)(B) the vessel satisfies paragraph (b).

3.2 Fire equipment

(1) A vessel that carries fuel or a battery or that has on it a gas installation or fuel stove must carry:

(a) at least 2 × 4.5 kg DCP portable fire extinguishers; or

(b) the kind and quantity of fire extinguisher mentioned in AS 1799.1.

(2) Each fire extinguisher must:

(a) comply with AS/NZS 1841:1:2007 *Portable fire extinguishers — general requirements*; and

(b) be serviced in accordance with AS/NZS 1841:1:2007 *Portable fire extinguishers — general requirements*.

(3) A vessel that has a main engine that has an engine power of >120 kw and is located in an enclosed space must have a means of smothering fire in the space, including remote stops for fuel and air intake.

3.3 Navigation equipment

(1) The vessel must carry:

(a) a sound signal (horn) and a spare canister; and

(b) a magnetic compass that:

(i) complies with NSCV Subsection C7C other than the compass adjustment requirements; and

(ii) has a magnetic compass card with diameter ≥75 mm; and

(c) nautical charts of the area of operation (including charts in electronic form), of a suitable scale and properly corrected at the time of sailing; and

(d) if the vessel is ≥7.5 m long — a black ball day shape signal at least 300 mm in diameter.

(2) Any navigation lights must be fitted in accordance with, and comply with, NSCV Subsection C7C.

(3) If navigation lights are not fitted, the vessel may operate only:

(a) in daylight hours; and

(b) if there is no restricted visibility.

3.4 Communications equipment

The vessel must comply with NSCV Subsection C7B.

3.5 Other equipment

The vessel must have:

(a) an anchor and cable that complies with NSCV Subsection C7D; and

(b) a 9 litre robust bucket with a lanyard attached; and

(c) if the vessel is <5 m long — 2 oars.

Division 4 Other requirements

4.1 Inspection requirements and reports

(1) The vessel must undergo an initial inspection and a 5 yearly (in and out of water) inspection to determine if the vessel complies with Divisions 2 and 3.

(2) The initial and periodic inspections

(a) must be conducted by an accredited marine surveyor; and

(b) must comprise a physical inspection of the vessel; and

(c) may include testing of the vessel or its equipment unless the surveyor considers it appropriate to rely instead upon documentation.

Examples of documentation

- CE certification
- National Marine Manufacturers Association (NMMA) certification
- SOLAS certification for safety equipment.

(3) The owner of the vessel must give the initial and periodic inspection reports to the National Regulator.

4.2 Pre-national system vessel

If a person was entitled to operate the vessel commercially within the 2 years ending on 30 June 2013, its operation must comply with NSCV Part E.

Note Domestic commercial vessels that are not pre-national system vessels must also comply with NSCV Part E — see *Marine Order 504 (Certificates of operation — national law) 2013*.

4.3 Application requirements

The vessel must be approved by the National Regulator.

Note 1 For the form of application and how it will be processed, contact the National Regulator.

Note 2 A fee may be charged — see s 9 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

Dictionary

(section 4)

accredited marine surveyor means a person who is accredited under section 24 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*.

long, for a vessel, means the measured length of the vessel calculated in accordance with NSCV Part B.

Marine Safety (Domestic Commercial Vessel) National Law — see Schedule 1 to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

marine surveyor accredited in stability approval means a person who is accredited under section 24 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013* in the category of initial survey — stability approval mentioned in paragraph 21(b) of the Regulation.

NSCV — see section 6 of the national law, meaning of ***National Standard for Commercial Vessels***.

open vessel has the meaning given by NSCV Part B.

operational area C has the same meaning as in NSCV Part B.

operational area D has the same meaning as in NSCV Part B.

operational area E has the same meaning as in NSCV Part B.

remote enclosed water means waterways where assistance from shore based facilities or other vessels is not readily available and rescue services are likely to be required in an emergency.

sail vessel means a vessel designed to carry sail as its primary means of propulsion.

special personnel has the meaning given by NSCV Part B.

Note ***National Regulator*** and ***owner*** are defined in the Marine Safety (Domestic Commercial Vessel) National Law — see section 6**.**