



Australian Government
Australian Maritime Safety Authority

AMSA EX41

Marine Safety (Unpowered barges) 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*.

24 May 2017

Michael Kinley
Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Unpowered barges) 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 Definitions — the 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.

4 Exemption from NSAMS survey regime

- (1) For sections 55 and 56 of the national law, an unpowered barge is exempt from compliance with section 8, paragraph 11(1)(a) and 14(a) of Marine Order 503 only to the extent that they require the vessel to be surveyed in accordance with the survey regime mentioned in Table F.1 of Annex F of Section 4 of NSAMS that applies to the vessel.
- (2) The exemption is subject to the condition mentioned in item 1 of Schedule 1.

5 Exemption from certain NSCV Part C requirements

- (1) Each kind of unpowered barge that is mentioned in an item of the following table is exempt from compliance with section 8 and paragraphs 10(2)(b) and 12(1)(b) of Marine Order 503 only to the extent that they require the vessel to meet an NSCV Subsection, Chapter or clause mentioned in the item.

Item	Kind of unpowered barge	NSCV Subsections, Chapters or clauses with which unpowered barge need not comply
1	Barge with no machinery and no persons on board	C1 Clause 4.8 and Chapter 5 of C4 C5A, C7A, C7B and C7C
2	Barge with no machinery and 1 or more persons on board	Clause 6.12.4 of C1 — to the extent that it requires a person overboard alert system mentioned in Table 30, measure 8 Clauses 6.12.4 and 6.12.7.4 of C1 — to the extent that they require handholds mentioned in Table 30, measure 3 Clause 4.8 and Chapter 5 of C4 C5A, C7A, C7B and C7C
3	Barge with machinery and 1 or more persons on board	Clause 6.12.4 of C1 — to the extent that it requires a person overboard alert system mentioned in Table 30, measure 8 Clauses 6.12.4 and 6.12.7.4 of C1 — to the extent that they require handholds mentioned in Table 30, measure 3 Clause 4.8 and Chapter 5 of C4 C5A (Chapters 3, 5 and 6 only), C7A, C7B and C7C

- (2) The exemption is subject to the conditions mentioned in items 2 and 3 of Schedule 1.

6 Exemption from NSCV Part E crewing requirement

- (1) For sections 55 and 56 of the national law, an unpowered barge is exempt from compliance with paragraph 11(1)(f) of Marine Order 504 only to the extent that it requires the vessel to meet Section 2.3 of Chapter 2 of NSCV Part E.
- (2) The exemption is subject to the condition mentioned in item 4 of Schedule 1.

Schedule 1 Conditions

(sections 4, 5 and 6)

Item	Conditions
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| 1 | <p>The unpowered barge must, in accordance with section 4 of NSAMS, undergo:</p> <ul style="list-style-type: none">(a) if it has never had a certificate of survey or has not had a certificate of survey within the last 2 years — a full initial survey; and(b) if the certificate of survey is to be renewed — a full renewal survey:<ul style="list-style-type: none">(i) within 5 years after the initial survey; or(ii) within another period determined by the National Regulator and notified in writing to the owner of the barge. |
| 2 | <p>If there are persons on board the unpowered barge:</p> <ul style="list-style-type: none">(a) it must carry communications equipment that enables the persons to communicate with other vessels in the operational area of the barge; and(b) it must have a documented risk assessment that:<ul style="list-style-type: none">(i) identifies marine safety equipment required while it is operating; and(ii) is kept up-to-date; and(c) if any marine safety equipment is identified in the risk assessment — it must carry the equipment on board while it is operating so that the equipment is readily accessible to the persons on board; and(d) if it is not connected to the shore or a structure and is not carrying a lifeboat, liferaft or rescue boat — it must be accompanied while operating by another vessel that:<ul style="list-style-type: none">(i) remains close to the barge at all times; and(ii) is equipped to rescue all of the persons. |

Example for paragraph (a) A marine radio.

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| 3 | <p>The unpowered barge must comply with the Prevention of Collisions Convention.</p> |
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Note This Convention gives effect to the International Regulations for Preventing Collisions at Sea (COLREGS) that are attached to the Convention.

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| 4 | <p>The owner of the unpowered barge must comply with subclauses 6(5) and 6(6) of Schedule 2 of NSCV Part E.</p> |
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Subclause 6(7) of Schedule 2 of NSCV Part E does not apply for the barge.

Note Because subclause 6(7) of Schedule 2 of NSCV Part E does not apply, the appropriate crew may be lower in crewing level than the core complement for the barge without approval of an equivalent means of compliance.

Dictionary

(section 3)

machinery, for a vessel, means machinery on board the vessel and includes self-propulsion machinery.

Example An excavator used for dredging work that is on board the vessel.

Marine Order 503 means *Marine Order 503 (Certificates of survey — national law) 2013*.

Marine Order 504 means *Marine Order 504 (Certificates of operation — national law) 2013*.

Marine Order 505 means *Marine Order 505 (Certificates of competency — national law) 2013*.

national law means the *Marine Safety (Domestic Commercial Vessel) National Law* set out in Schedule 1 to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

NSAMS has the same meaning as in *Marine Order 501 (Administration — national law) 2013*.

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

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

Prevention of Collisions Convention has the meaning given by section 14 of the *Navigation Act 2012*.

rescue boat has the same meaning as in NSCV Part B.

unpowered barge means a vessel that:

- (a) is navigated by a powered vessel that moves it by pushing or towing; and
- (b) is not propelled by mechanical means other than a means of propulsion that may assist the vessel to:
 - (i) maintain a relatively fixed position in the water when the vessel is at a work location; or
 - (ii) provide assistance while being towed to or from a work location.

Note For definitions of **marine safety equipment** and **National Regulator** — see section 6 of the national law.