



Australian Government
Australian Maritime Safety Authority

AMSA EX22

Marine Safety (Bareboats) Exemption 2017

I, Gary Prosser, Acting 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*.

12 December 2017

Gary Prosser
Acting Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Bareboats) Exemption 2017*.

2 Duration

This instrument:

- (a) commences on 1 February 2018; and
- (b) ceases to have effect at the end of 30 June 2020.

3 Repeal and transitional matters

- (1) *Marine Safety (Bareboats) Exemption 2013* made on 21 June 2013 is repealed.
- (2) However, a written approval of a bareboat operation that was issued under that instrument and in effect on 31 January 2018 continues in effect as if the instrument under which it was issued had not been repealed.

4 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.

5 Exemption

A person is exempt from the requirement to hold a certificate of competency that would be required for a bareboat operation if:

- (a) the person holds a Coxswain Grade 1 NC certificate of competency; and

(b) the National Regulator approves in writing the bareboat operation.

Note 1 An application for approval can be part of the application for a certificate of operation or a separate application. 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*.

6 Conditions

- (1) The vessel being used for the bareboat operation must not leave the area for which the bareboat operation is approved.
- (2) The National Regulator may make the approval subject to further conditions that take account of the local conditions of the waters in which the vessel is to operate.

Dictionary

(section 4)

bareboat means a Class 4D or 4C vessel < 15 m long used as a hire and drive vessel.

bareboat operation means any of the following activities in a bareboat operational area:

- (a) giving a briefing in accordance with Chapter 8 of Section 2 of Part F of the NSCV;
- (b) acting as a guide for the hirer of a bareboat in accordance with Chapter 8 of Section 2 of Part F of the NSCV;
- (c) operating a service vessel for a bareboat, owned by the owner of the bareboat;
- (d) delivering a bareboat in a bareboat operational area.

bareboat operational area means an area to which bareboat operations are limited by the marine safety agency of a State or the Northern Territory.

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

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