



Australian Government
Australian Maritime Safety Authority

AMSA EX2013/05

Marine Safety (Tenders and auxiliary vessels) Exemption 2013

I, Graham Peachey, 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*.

21 June 2013

Graham Peachey
Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Tenders and auxiliary vessels) Exemption 2013*.

2 Duration

This instrument:

- (a) commences on 1 July 2013; and
- (b) ceases to have effect at the end of 30 June 2018.

3 Definitions

In this instrument:

auxiliary vessel means a vessel that:

- (a) does not operate further from its parent vessel than:
 - (i) if it does not carry passengers — 5 nautical miles; or
 - (ii) if it carries passengers — 2 nautical miles; or
 - (iii) another distance determined by the National Regulator; and
- (b) is less than 7.5 m long, or another length determined by the National Regulator; and
- (c) carries up to 12 passengers, or another number determined by the National Regulator; and
- (d) is not powered by a petrol inboard engine.

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

NSCV means the National Standard for Commercial Vessels.

tender means a vessel that:

- (a) is used only to transport goods or people between the shore and its parent vessel or between its parent vessel and another vessel; and
- (b) does not operate further from its parent vessel than 1 nautical mile, or another distance determined by the National Regulator; and
- (c) is less than 7.5 m long, or another length determined by the National Regulator.

Note The following terms are defined in the Marine Safety (Domestic Commercial Vessel) National Law:

- certificate of operation
- certificate of survey
- National Regulator
- National Standard for Commercial Vessels
- unique identifier.

4 Exemption

- (1) A tender is exempt from the sections of the Marine Safety (Domestic Commercial Vessel) National Law mentioned in Schedule 1.
- (2) An auxiliary vessel is exempt from the conditions mentioned in subsection 11(1) of *Marine Order 504 (Certificates of operation — national law) 2013*.

5 Conditions

- (1) The exemption for a tender is subject to the conditions mentioned in Part 1 of Schedule 2.
- (2) The exemption for an auxiliary vessel is subject to the conditions mentioned in Part 2 of Schedule 2.

Note The display requirements for a vessel's unique identifier are in *Marine Order 502 (Vessel identifiers — national law) 2013*.

Schedule 1 Provisions covered by exemptions — tenders

(section 4)

Section	Title
Section 32	Offence — operating, etc a vessel without a unique identifier (owner)
Section 33	Offence — operating, etc a vessel without a unique identifier (master)
Section 43	Offence operating, etc a vessel without a certificate of survey (owner)
Section 44	Offence operating, etc a vessel without a certificate of survey (master)
Section 53	Offence operating, etc a vessel without a certificate of operation (owner)
Section 54	Offence operating, etc a vessel without a certificate of operation (master)

Schedule 2 Conditions

Part 1 Tenders

- 1 The tender must be listed on the parent vessel's certificate of operation.
- 2 When the parent vessel is surveyed, the tender must be inspected with the parent vessel.
- 3 The parent vessel's safety management plan or system must include the tender.
- 4 The tender must display on the outside of the tender as required for a unique identifier:
 - (a) the words 'Tender to' followed by the name or unique identifier of its parent vessel; or
 - (b) the unique identifier of its parent vessel followed by '- T'.
- 5 If the tender operates in sheltered waters only and is less than 7.5 m long, it must comply with Table 1 (Safety Equipment and Design Standards for Specified Vessels) of the National Standard For General Safety Requirements for Vessels.
- 6 For a tender not mentioned in clause 5, it must comply with Part 3.
- 7 For a tender not mentioned in clause 5, it must carry the equipment determined by the National Regulator.
- 8 The tender must comply with crewing requirements mentioned in NSCV Part E for the kind of vessel.

Part 2 Auxiliary vessels

- 1 The vessel must be listed on the parent vessel's certificate of operation.
- 2 The vessel must display a unique identifier.
- 3 The vessel must be inspected by the National Regulator in accordance with the vessel's certificate of operation.
- 4 The parent vessel's safety management plan or system must include the vessel.

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- 5 If the vessel is operating in sheltered waters only and is less than 7.5 m long, it must comply with the National Standard For General Safety Requirements for Vessels.
 - 6 For an auxiliary vessel that is not mentioned in clause 5, it must carry the equipment determined by the National Regulator.
 - 7 The vessel must comply with crewing requirements mentioned in NSCV Part E for the kind of vessel.

Part 3 Requirements

1 Flotation performance

- (1) The vessel must have level flotation with swamped stability, determined in accordance with:
 - (a) Section 6B of Part C of the NSCV; or
 - (b) AS 1799.1 *Small craft*; or
 - (c) *ABYC Standards and Technical Information Reports for Small Craft*; or
 - (d) *ISO 12217 Small craft — Stability and buoyancy assessment and categorisation*.
- (2) If air compartments are used as a source of buoyancy, buoyancy must be assessed with the 2 largest air compartments flooded, deflated or voided.
- (3) If a standard mentioned in subclause (1) requires more than the 2 largest air compartments to be flooded, deflated or voided, that standard applies instead of subclause (2).
- (4) For an inflatable boat to which ISO 6185 applies, it may comply with ISO 6185 instead of subclauses (1) and (2).

2 Engine power rating

The engine power must not exceed the rating determined in accordance with:

- (a) *ABYC Standards and Technical Information Reports for Small Craft*; or
- (b) AS 1799 *Small craft*; or
- (c) ISO 6185 *Inflatable boats*; or
- (d) ISO 8665 *Small craft— Marine propulsion reciprocating internal combustion engines — Power measurements and declarations* and ISO 11592:2001 *Small craft less than 8m length of hull — Determination of maximum propulsion power rating*.

3 Maximum load capacity

The maximum load capacity must not exceed the load determined in accordance with any of the following:

- (a) *ABYC Standards and Technical Information Reports for Small Craft*;
- (b) AS 1799 *Small craft*;
- (c) ISO 6185 *Inflatable boats*;
- (d) ISO 13590:2003 *Small craft — Personal watercraft — Construction and system installation requirements* or SAE J 1973 *Personal Watercraft — Flotation*.

4 Fuel systems

- (1) The fuel system of vessels fitted with a petrol or diesel engine must comply with:
 - (a) Chapter 4 of Subsection 5A of Part C of the NSCV; or
 - (b) Annex B to Part G of the NSCV.
- (2) Flexible fuel lines must comply with:
 - (a) ISO 7840:2004 *Fire-resistant fuel hoses type A1*; or
 - (b) SAE J1527 *Marine Fuel Hoses type A*.

5 Personal water craft

Instead of compliance with clauses 1 to 4, a personal watercraft must comply with:

- (a) ISO 13590:2003 *Small craft — Personal watercraft — Construction and system installation requirements*; or
- (b) all of the following:
 - (i) SAE J 1973:1991 *Personal watercraft — flotation*;
 - (ii) SAE J 2034:2008 *Personal watercraft ventilation systems*;
 - (iii) SAE J 2046:2008 *Personal watercraft fuel systems*;
 - (iv) SAE J 2120:2008 (R2009) *Personal watercraft — electrical systems*;
 - (v) SAE J 2566:2005 *Personal watercraft — display of persons capacity information*;
 - (vi) SAE J 2608:2003 (R2012) *Off throttle steering capabilities of personal watercraft*.