



Australian Government
Australian Maritime Safety Authority

AMSA EX07

Marine Safety (Temporary operations) Exemption 2016

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*.

4 February 2016

Michael Kinley
Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Temporary operations) Exemption 2016*.

2 Duration

This instrument:

- (a) commences when it is made; and
- (b) ceases to have effect at the end of 30 June 2018.

3 Repeal

Marine Safety (Temporary operations) Exemption 2015 made on 12 November 2015 is repealed.

4 Definitions

In this instrument:

accredited marine surveyor has the meaning given by section 19 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*.

Note The list of accredited marine surveyors is available on the AMSA website at <http://www.amsa.gov.au>.

sea trial means a trial, test or demonstration, at sea, of seaworthiness or other operational aspect of a vessel or its equipment.

5 Exemption — application being decided

- (1) A domestic commercial vessel is exempt from the requirement to have a certificate of survey for the period mentioned in subsection (2) if:
 - (a) a certificate of survey has been in force for the vessel; and
 - (b) the certificate of survey:
 - (i) was not revoked; or
 - (ii) is not suspended; and
 - (c) an application for a further certificate of survey for the vessel has been made; and
 - (d) an accredited marine surveyor:
 - (i) has surveyed the vessel within 60 days before or after the certificate of survey ceased to be in force; and
 - (ii) considers that the vessel complies with the construction and equipment standards that apply to the vessel; and
 - (iii) given the owner a signed document to that effect; and
 - (e) the owner keeps the document on the vessel; and
 - (f) the vessel is not subject to a current detention order under section 101 of the *Marine Safety (Domestic Commercial Vessel) National Law*.

Note for paragraph (d) A list of accredited marine surveyors is available on the AMSA website at <http://www.amsa.gov.au>.

- (2) The exemption:
 - (a) starts when the certificate of survey that has been in force expires; and
 - (b) ends at the earlier of:
 - (i) when the owner of the vessel receives the certificate of survey mentioned in paragraph (1)(c); or
 - (ii) 90 days after it commences.
- (3) A vessel that is exempt under this section cannot be exempt again before the certificate of survey mentioned in paragraph (1)(c) is issued.

6 Exemption — operation without certificates

A domestic commercial vessel is exempt from the requirement to have a certificate of survey and a certificate of operation for a period if:

- (a) an application for approval is made to the National Regulator in the approved form; and
- (b) the National Regulator is satisfied that:
 - (i) the vessel has been surveyed and that a certificate of survey and certificate of operation will be issued; or
 - (ii) approval is necessary to enable the building, disposing of, fitting out, relocating, removing or repair of the vessel; or
 - (iii) the approval is for a sea trial; and
- (c) a report on the condition of the vessel is provided to the National Regulator if required; and
- (d) for a sea trial mentioned in subparagraph (b)(iii) — the owner of the vessel gives the National Regulator a passage plan for the sea trial, if required; and

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- (e) the National Regulator approves in writing the operation of the vessel without the certificates for the period.

Note 1 Approval may be given despite expiry of the certificate of survey or certificate of operation or non-compliance with any conditions of the certificate.

Note 2 For an application under this section or section 7 a fee may be charged — see s 9 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

Note for paragraph (a) For the form of application for this section or section 7, and how it will be processed, contact the National Regulator.

7 Exemption — operation outside scope of certificate

- (1) This section applies to a vessel:
- (a) that has a certificate of operation and a certificate of survey; and
 - (b) for which the owner applies to the National Regulator for approval to operate in a way:
 - (i) that is not authorised by the certificate of operation; or
 - (ii) for which the certificate of survey does not provide.
- (2) The vessel is exempt from the requirement to comply with the certificates for a period if:
- (a) an application is made in the approved form; and
 - (b) a report on the condition of the vessel is given to the National Regulator, if required; and
 - (c) the National Regulator approves in writing the operation of the vessel in the way sought in the application.

8 Conditions for sections 6 and 7

For an exemption to which section 6 or 7 applies:

- (a) the period must not be more than 90 days; and
- (b) the National Regulator may make the approval subject to further conditions.

9 Transitional matters

An approval issued under *Marine safety (temporary operations) Exemption 2014* or *Marine Safety (Temporary operations) Exemption 2015* that is in force when this instrument commences continues to be in force as if the exemption under which it was issued had not been repealed.