

Attachment 4 – Summary of exemption options under revised EX07

Division 2 – Operation Without Certificates	
Exemption from	Certificate of survey Certificate of operation Loadline certificate, if required
How has this changed from the old EX07?	Changes expand and clarify the grounds on which an owner can seek National Regulator approval to operate a vessel without certificates. See Division 3 for exemptions available for sea trials.
Rationale for change	This exemption recognises that there are a broad range of circumstances where it would be impractical to require a vessel to obtain National Law or load line certificates.
Can the National Regulator approve?	Yes – AMSA or delegate
Can a marine surveyor approve?	No
Is an application required?	Yes – in the approved form
How is the approval issued?	The National Regulator will only issue an approval if it is satisfied it relates to a matter set out in section 7(2)(a)-(c). The National Regulator will provide the applicant with a written approval. The National Regulator can impose any conditions it considers necessary on the approval.
When will the exemption start/end	Starts on day National Regulator gives approval. Ends earlier of: date specified in the approval OR 90 days after it commences.
Example	7(2)(a): Where a certificate of survey has expired, and renewal survey has not been completed – this exemption can be used to move a vessel to a slip to undergo out of water survey. 7(2)(b): Where a vessel does not yet have a certificate of survey, but must be moved in order to undergo initial survey or other specific process. 7(2)(c): A barge being used for a fireworks display would ordinarily require a certificate of survey. As the barge is only used rarely for this purpose, the owner may wish to apply for this exemption.

Division 3 – Sea trials	
Exemption from	Certificate of survey Certificate of operation Loadline certificate, if required
How has this changed from the old EX07?	Changes provide for persons permitted to conduct surveys to issue this exemption for sea trials.
Rationale for change	AMSA considers that it is more practical for vessel owners to obtain a temporary operations exemption to conduct a sea trial from a surveyor.
Can the National Regulator approve?	Yes - AMSA or delegate
Can a marine surveyor approve?	Yes
Is an application required?	Yes – in approved form (to surveyor)
How is the approval issued?	Once approved form is signed by person who conducted survey, that person must provide it to the National Regulator and the owner. It must be carried on board vessel for duration of exemption. See section 8 for further information.
When will the exemption start/end	Commences when person who conducted survey gives owner signed document. Ends 14 days after it commences.
Example	Where a new vessel is undergoing the sea trial phase of commissioning.



Division 4 – Operation after initial survey	
Exemption from	Certificate of survey Certificate of operation Loadline certificate, if required
How has this changed from the old EX07?	Changes provide for issue of this exemption after initial survey has occurred but before certificate of survey has been issued.
Rationale for change	AMSA understands that vessel owners may wish to operate after their initial survey has been successfully completed, but before their certificate of survey has been issued. This revised exemption provides this flexibility for owners, but imposes safeguards, including requiring National Regulator approval.
Can the National Regulator approve?	Yes - AMSA or delegate
Can a marine surveyor approve?	No
Is an application required?	Yes – in approved form (to National Regulator)
How is the approval issued?	This exemption can only be issued after initial survey has been conducted. The National Regulator will provide the owner with the written approval. See section 10 for further information.
When will the exemption start/end	Starts on the day the National Regulator gives approval. Ends earlier of: date specified in the approval OR 90 days after it commences.
Example	Operation after initial survey: Where an owner wishes to operate a vessel after the initial survey has been successfully completed, but before the certificate of survey has been issued.

Division 5 – Minor non-conformances being rectified after periodic survey (except renewal survey)	
Exemption from	Condition on certificate of survey requiring compliance with all standards for the vessel to lawfully operate.
How has this changed from the old EX07?	This is a new provision that allows a vessel owner to continue operating after a periodic survey has been undertaken and minor non-conformances have been identified.
Rationale for change	AMSA recognises that minor defects or non-conformances may be identified during periodic survey that will not jeopardise the safety of the vessel or persons on the vessel. In these circumstances, AMSA considers that the person who conducted the periodic survey can approve an exemption, allowing the owner to continue operating on the basis that the non-conformances are rectified within a designated period. This exemption includes safeguards, including National Regulator notification. Further, this exemption is only available where a certificate of survey is still current.
Can the National Regulator approve?	Yes – AMSA or delegate
Can a marine surveyor approve?	Yes
Is an application required?	Yes – in the approved form (to surveyor)
How is the approval issued?	Once approved form is signed by person who conducted survey, that person must provide it to the National Regulator and the owner. Form must set out each non-conformance and the standard to which it relates. It must be carried on board vessel for duration of exemption. See section 12 for further information.
When will the exemption start/end	Starts on the day the person who conducted the survey gives approval to vessel owner. Ends the earlier of: date specified in the approval OR 90 days after it commences It is the intention that this exemption only be issued once after a periodic survey, at the time of the survey, so that effectively the exemption will only be valid up to 90 days after the periodic survey. We may clarify the drafting following consultation.

Example	An accredited marine surveyor identifies minor non-conformances while conducting a periodic survey (e.g. faded vessel ID on a lifejacket). They give the vessel owner the signed form as well as sending the National Regulator a copy. The vessel owner is able to continue operating up to 90 days after receiving the approval, and uses that time to purchase new flares. Note that the person who conducted a survey may specify a shorter period than 90 days, for example if they consider that a non-conformance should be more urgently rectified, and/or they consider a shorter period will be sufficient to rectify the non-conformance.
----------------	--

Division 6 - Application being decided for further certificate of survey after certificate of survey has been completed

Exemption from	Certificate of survey
How has this changed from the old EX07?	Changes provide for a surveyor to issue a temporary operations exemption where a certificate of survey has expired, and they wish to continue operating until they have received their new certificate. Minor defects or non-conformances that will not jeopardise safety may have been identified during renewal survey. We have also provided for an exemption from load line certificate while the certificate of survey is being finalised.
Rationale for change	AMSA recognises that a previous certificate of survey may expire before a vessel owner has received their new certificate.
Can the National Regulator approve?	Yes – AMSA or delegate
Can a marine surveyor approve?	Yes
Is an application required?	Yes – in the approved form (to surveyor) anytime in the period 90 days before the certificate expires, and 90 days after
How is the approval issued?	Once approved form is signed by person who conducted survey, that person must provide it to the National Regulator and the owner. Form must set out any non-conformances and the standard to which it relates. It must be carried on board vessel for duration of exemption. This exemption cannot be issued again before the certificate is issued.
When will the exemption start/end	Commences when person who conducted survey gives owner signed document Ends 90 days after the expiry of the certificate of survey.
Example	A vessel owner's certificate of survey will expire in 20 days. They submit their application for a new certificate of survey. However, they are worried that they will not receive their new certificate in time, and need to continue operating after their certificate has expired. They undergo renewal survey, during which the surveyor identifies that the vessel ID on a life jacket is faded. The surveyor agrees to sign a temporary operations exemption, noting the non-conformances.

Division 7 – Extension of time to finalise survey after certificate has expired

Exemption from	Certificate of survey
How has this changed from the old EX07?	This is a new provision that provides some flexibility at the point of certificate expiry, by allowing up to 14 days to finalise a renewal survey after the previous certificate of survey has expired.
Rationale for change	AMSA's position is that a vessel that does not have a current certificate of survey and has not undergone a renewal survey should not be permitted to operate. However, AMSA is proposing to consider allowing vessels in these circumstances to continue operating on a short-term temporary basis where all in-water aspects of the renewal survey have been undertaken.
Can the National Regulator approve?	Yes – AMSA or delegate
Can a marine surveyor approve?	No
Is an application required?	Yes – in the approved form

How is the approval issued?	The National Regulator will provide the applicant with a written approval. The National Regulator can impose any conditions it considers necessary on the approval. See sections 16-18 for further information.
When will the exemption start/end	Starts on day National Regulator gives approval Ends earlier of: date specified in the approval OR 90 days after it commences. It is the intention that this exemption only be issued once before the certificate is issued. We may clarify the drafting after consultation.
Example	A vessel owner's certificate of survey has expired, and the vessel has not completed the renewal survey as they have not been able to access a slip for the out-of-water components. The vessel owner wishes to continue operating until they obtain their renewal survey. They are able to obtain an exemption on the basis that all aspects of the survey that can be conducted 'in-water' are completed.

Division 8 – Operation outside scope of certificate	
Exemption from	Certificate of operation Certificate of survey
How has this changed from the old EX07?	Only a structural change
Rationale for change	To ensure a consistent structure across all divisions of EX07, and with EX06.
Can the National Regulator approve?	Yes – AMSA or delegate
Can a marine surveyor approve?	No
Is an application required?	Yes – in approved form
How is the approval issued?	The National Regulator will provide the applicant with a written approval. The National Regulator can impose any conditions it considers necessary on the approval. See section 19 for further information.
When will the exemption start/end	Starts on day National Regulator gives approval Ends earlier of: date specified in the approval OR 90 days after it commences.
Example	The owner of a vessel being used for 1E operations wishes to use the vessel for 1D operations for a one-off period of one month.