



**Australian Government**  
**Australian Maritime Safety Authority**

AMSA EX04

**Marine Safety (Recreational use) Exemption 2018**

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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*.

12 June 2018

**Michael Kinley**  
Chief Executive Officer

**1 Name of instrument**

This instrument is *Marine Safety (Recreational use) Exemption 2018*.

**2 Duration**

This instrument:

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

**3 Exemption**

A domestic commercial vessel that is operated for recreational purposes is exempt from the crewing requirements and operational area limitations imposed by the national law and its certificate of operation, subject to the conditions mentioned in this instrument.

**4 Conditions**

- (1) If the vessel is  $\geq 12$  m long, the owner of the vessel must receive approval from the National Regulator for the proposed 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*.

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- (2) The vessel must:
- (a) be used solely for recreational use and not in connection with a commercial, governmental or research activity; and
  - (b) comply with maximum load and passenger restrictions; and
  - (c) comply with local recreational vessel requirements, except those requiring the vessel to be registered as a recreational vessel or to meet Australian Builder's Plate requirements.

*Note for paragraph (c)* In particular, local recreational laws covering safety equipment (including wearing life jackets), operational area limitations, crew qualification requirements, safety of waterskiers and waterway management issues may apply.

- (3) The vessel's safety management system must deal with the risks of operating the vessel for recreational use.
  - (4) Any powered equipment, lifting equipment or other machinery that could pose a danger to passengers must be secured or isolated from passengers.
  - (5) Any operation for recreational purposes must be recorded in the vessel's log book.
  - (6) The National Regulator may make an approval subject to a condition that relates to the local conditions of the waters in which the vessel is to operate.
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