



Australian Government
Australian Maritime Safety Authority

AMSA EX04

Marine Safety (Recreational use) Exemption 2013

as amended

This compilation was prepared on 1 December 2014 taking into account amendments up to *Marine Safety (Recreational use) Exemption Amendment 2014 (No.1)*.

Prepared by the Office of Legislative Drafting, Australian Maritime Safety Authority

1 Name of instrument

This instrument is *Marine Safety (Recreational use) 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 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 ≥ 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*.

- (2) The vessel must:
 - (a) be used solely for recreational use and not in connection with a commercial, governmental or research activity; and
 - (b) have a current certificate of operation and certificate of survey (if required for the vessel); and
 - (c) comply with maximum load and passenger restrictions; and

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- (d) 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 (d) 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) For a vessel for which a safety management system or plan is required, the plan or system must deal with the risks of operating the vessel for recreational use.
- (4) For a vessel for which a safety management system or plan is not required, the owner of the vessel must declare in writing that the risks associated with the recreational use have been identified and measures to control those risks have been assessed.
- (5) Any powered equipment, lifting equipment or other machinery that could pose a danger to passengers must be secured or isolated from passengers;
- (6) The owner must ensure that any operational restrictions that relate to the vessel's structure, machinery or systems are complied with (eg speed restrictions, wave height limitations, requirements to secure watertight doors).
- (7) Any operation as a recreational vessel must be recorded in the vessel's log book.
- (8) The National Regulator may make an approval subject to further conditions that take account of the local conditions of the waters in which the vessel is to operate.
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