



Australian Government
Australian Maritime Safety Authority

AMSA EX24

Marine Safety (Emergency service vessels and crew) 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*.

30 March 2016

Michael Kinley
Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Emergency service vessels and crew) Exemption 2016*.

2 Duration

This instrument:

- (a) commences when it is made; and
- (b) ceases to have effect at the end of 30 June 2016.

Note The National Maritime Safety Regulator is working with peak bodies to develop a comprehensive scheme to regulate emergency service vessels that would replace this instrument.

3 Repeal

This instrument repeals *Marine Safety (Emergency service vessels and crew) Exemption 2015*.

4 Definitions

In this instrument:

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

specified operation means an operation, as master, of a domestic commercial vessel connected with emergency services.

Note ***National Regulator*** is defined in the *Marine Safety (Domestic Commercial Vessel) National Law* — see section 6.

5 Exemption

- (1) A person is exempt from the requirement to hold a certificate of competency that would be required for the specified operation if:
 - (a) an emergency service authority, or a volunteer marine rescue association or a surf lifesaving association accredited by an emergency services authority, certifies that the person is able to operate the vessel; and
 - (b) the National Regulator approves in writing the specified 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) A person is exempt from the requirement to hold a certificate of competency, and a vessel is exempt from the requirement to have a certificate of survey, that would be required for the specified operation if:
 - (a) the vessel is up to 7.5 m long; and
 - (b) an emergency service authority, or a volunteer marine rescue association or a surf lifesaving association accredited by an emergency services authority, certifies that each member of the crew is trained for the member's duties on the vessel; and
 - (c) the specified operation is:
 - (i) in class D or E waters; and
 - (ii) carried out under a safety management system that complies with Part E of the NSCV.

6 Conditions

The National Regulator may make the approval subject to further conditions that take account of the local conditions of the waters in which the vessel is to operate.

7 Transitional matters

An approval issued under *Marine Safety (Emergency service vessels and crew) Exemption 2015* or *Marine Safety (Emergency service vessels and crew) Exemption 2014* continues to be in force as if the exemption under which it was issued had not been repealed.