



Australian Government
Australian Maritime Safety Authority

AMSA EX 2013/25

Marine safety (local restrictions) Exemption 2013

I, John Fladun, General Manager, Domestic Vessels Division and a delegate of the 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*.

6 August 2013

John Fladun

General Manager, Domestic Vessels Division

1 Name of instrument

This instrument is *Marine safety (local restrictions) Exemption 2013*.

2 Duration

This instrument:

- (a) commences on 5 August 2013; and
- (b) ceases to have effect at the end of 31 July 2016.

3 Definition

In this instrument:

local certificate of survey means a certificate of survey:

- (a) issued by the marine safety authority of a State or the Northern Territory; and
- (b) described by that authority as a certificate of survey.

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

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

4 Application of instrument

This instrument applies to:

- (a) a domestic commercial vessel for which was issued a local certificate of survey that is taken to be a new certificate of survey under section 15 of the *Marine Safety (Domestic Commercial Vessels) National Law Regulation 2013*; and
- (b) a person who holds a certificate of competency that is subject to conditions mentioned in paragraph 12(d) of *Marine Order 505 (Certificates of competency — national law) 2013*.

Note That paragraph imposes the conditions that applied to a certificate held by a person on 30 June 2013 under the law of a State or the Northern Territory.

5 Exemption

- (1) A vessel mentioned in paragraph 4(a) is exempt from a restriction:
 - (a) that applied to the local certificate of survey; and
 - (b) that restricted the vessel to operations within a State or the Northern Territory or within an area of a State or the Northern Territory; and
 - (c) if the National Regulator approves in writing removal of the restriction.
- (2) A person mentioned in paragraph 4(b) is exempt from a condition:
 - (a) that applied to the old certificate of competency; and
 - (b) that restricted the person to duties within a State or the Northern Territory or an area of a State or the Northern Territory; and
 - (c) if the National Regulator approves in writing performance of the duties without the condition.

Note 1 The National Regulator may grant an exemption, or impose conditions on an exemption, only if satisfied that the exemption and its conditions will not jeopardise the safety of the vessel or a person on board the vessel — see subsection 143(6) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

Note 2 A fee may be charged — see s 9 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

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 or the person is to perform duties.
