



## **Marine safety (NSCV Parts E and F) Exemption 2014**

### **as amended**

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This compilation was prepared on 18 August 2015 taking into account amendments up to *Marine safety (NSCV Parts E and F) Exemption Amendment 2015 (No. 1)*.

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

#### **1 Name of instrument**

This instrument is *Marine safety (NSCV Parts E and F) Exemption 2014*.

#### **2 Duration**

This instrument:

- (a) commences when it is made; and
- (b) ceases to have effect at the end of 31 July 2016.

#### **3 Repeal**

*Marine safety (safety management systems) Exemption 2013* is repealed.

#### **4 Definitions**

In this instrument:

**crewing requirements**, for a vessel, means requirements for:

- (a) the number of crew required to be on board while the vessel is being operated; and
- (b) the qualifications of the master and crew.

**existing vessel** — see section 7 of Marine Order 504.

**Marine Order 504** means *Marine Order 504 (Certificates of operation) 2013*

**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.

#### **5 Exemption — application for certificate of operation**

- (1) This section applies to a person who applies, under Marine Order 504, for a certificate of operation for an existing vessel.
- (2) The person is exempt from compliance with paragraph 10(c) of Marine Order 504 if:
  - (a) for a class 1, 2 or 3 vessel — the vessel operates under a safety management system that complies with NSCV Part E as in force either on 30 June 2013 or on 1 July 2013; or

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- (b) for a class 4 vessel — the vessel operates under a safety management plan that complies with NSCV Part F.

## **6 Exemption — extension of date for compliance**

A person is exempt from the requirement to comply with the condition of a certificate of operation:

- (a) for a class 1 existing vessel — mentioned in paragraph 11(1)(e) of Marine Order 504; or
- (b) for a class 4 existing vessel — mentioned in paragraph 48(4)(a) of the *Marine Safety (Domestic Commercial Vessel) National Law* as modified by subparagraph 16(3)(a)(iii) of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*.

## **7 Conditions**

For section 6, the vessel must:

- (a) for a class 1 vessel — comply with:
    - (i) Part E of the NSCV, other than crewing requirements; and
    - (ii) either the crewing requirements in Part E of the NSCV or the crewing requirements that applied to the vessel on 30 June 2013; and
  - (b) for a class 4 vessel — comply with the operational practices, emergency management requirements, crewing requirements, safety management requirements and audit requirements that applied to the kind of vessel on 30 June 2013.
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