



Australian Government

Australian Maritime Safety Authority

# SPECIFIC EXEMPTION APPLICATION

Marine Safety (Domestic Commercial Vessel) National Law Act 2012

This form should be completed to apply for an exemption under section 143 of the Marine Safety (Domestic Commercial Vessel) National Law Act 2012.

## NOTES

### 1. Fees

**A fee for determining specific exemptions applies from 1 September 2016.** When you submit an application, AMSA will provide you with a quote of estimated hours it will take to assess it. The hourly assessment fee is \$234 and AMSA will not commence assessing your application until payment in full is made. If a decision is made to refuse your application you will not be provided with a refund of the fee payable. More information about fees payable in relation to National System services is available on the AMSA website - <http://www.amsa.gov.au/domestic/fee-for-service/>.

### 2. Processing Timeframes

Application processing times will vary, however we will provide you with a decision within 90 days of receipt of a complete application and payment in full. This 90 day period will be extended if we ask you for more information.

### 3. Incomplete Applications

Incomplete applications will not be accepted and will be returned to the applicant.

### 4. Guidance

Before making an application, carefully consider whether you can comply with the National Law or whether there is a general exemption available which applies to your operation. A list of general exemptions and associated application forms is available on AMSA's website (exemptions: <http://www.amsa.gov.au/domestic/standards/national-law/>, application forms: <http://www.amsa.gov.au/forms-and-publications/domestic/forms/>).

Under section 143(6) of the National Law, the National Regulator must not grant an exemption unless satisfied that the exemption concerned, taken together with the conditions to which it will be subject, will not jeopardise the safety of a vessel or a person on board a vessel.

## A. Determining the applicant

- Are you making this application for a vessel that you own?  Yes  No
- Are you making this application on behalf of the vessel owner?  Yes  No
- If you are making this application on behalf of another party, do you have authority to act as an agent for the purposes of this application and associated correspondence?  Yes  No
- If the answer is yes, please provide a copy of the authority with your application (refer Page 6).  Attached

## B. Applicant details

Title (Mr, Mrs, Ms, etc.)  Surname  Given name/s

Company / Business name

Trading name (if different to company name / business name)

ACN  ABN

Street name and number  Town / suburb  State  Postcode

Postal Address  Same as street address  Town / suburb  State  Postcode

Phone  Mobile  Email

### C. Vessel owner

Same as Section B.

Please complete the following details if this application is about a vessel, and the vessel owner is different to the applicant.

Title (Mr, Mrs, Ms, etc.)	Surname	Given name/s
<input type="text"/>	<input type="text"/>	<input type="text"/>

Company / Business name

Trading name (if different to company name / business name)

ACN	ABN
<input type="text"/>	<input type="text"/>

Street name and number	Town / suburb	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Postal Address <input type="checkbox"/> Same as street address	Town / suburb	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Phone	Mobile	Email
<input type="text"/>	<input type="text"/>	<input type="text"/>

### D. Vessel details

Number of vessel(s)

For multiple vessels, please provide the information below for additional vessels as an attachment.

Vessel name	Unique Identifier
<input type="text"/>	<input type="text"/>

Vessel length (m)

Vessel type (e.g. ferry in chains/trawler)	Date vessel construction completed
<input type="text"/>	<input type="text"/>

To enable the National Regulator to determine whether the vessel is a new or existing vessel for the purposes of applying the National Law, please answer the questions below:

- Was an Australian Jurisdiction certificate of survey for this vessel in force at any time in the two years prior to 30 June 2013?  Yes  No
- Was a person entitled to operate the vessel commercially at any time in the two years prior to 30 June 2013?  Yes  No
- a) On 30 June 2013, had the vessel's keel been laid, or had construction identifiable with the vessel begun and at least the lesser of 50 tonnes, or 10% of the estimated mass of all structural material, of the vessel been assembled?  
OR  
b) Had the vessel's application for design approval been lodged prior to 1 July 2013, and before 1 July 2016 the vessel's keel had been laid, or 10% of the estimated mass of all structural material of the vessel been assembled?  Yes  No

4. What survey process was the vessel surveyed in accordance with (i.e. Section 4 of the National Standard for the Administration of Marine Safety (NSAMS))?

5. a) Is the type of operation being changed?  Yes  No  
 b) Has the type of operation changed since the vessel was constructed?  Yes  No
6. a) Is the vessels operational area being changed?  Yes  No  
 b) Has the operational area changed since the vessel was constructed?  Yes  No
7. Has the vessel been altered or modified since the initial plan approval was conducted?  Yes  No
8. What standards/requirements apply to the vessel? e.g. Uniform Shipping Laws, National Standards for Commercial Vessels, or a combination of both where applicable.

### E. Certificate of survey

If there is more than one certificate of survey, please provide the below information for each one as an attachment.

1. Does the vessel have a certificate of survey?  Yes  No
2. If the vessel does not have a certificate of survey, does the vessel have a permit or approval to operate without a certificate of survey? (example: Non-survey permit)  Yes  No
3. Please provide a copy of the certificate of survey or permit/approval.  Attached
4. Has the certificate of survey or permit ever been involuntarily revoked or suspended for this operation?  Yes  No

### F. Certificate of operation

1. Do you currently hold a certificate of operation?  Yes  No
2. If you do not hold a certificate of operation, do you have an exemption from the requirement to hold a certificate of operation, or a permit/approval to operate without a certificate of operation?  Yes  No
3. Please provide a copy of the certificate of operation or exemption/permit/approval.  Attached
4. Has a certificate of operation or exemption/permit/approval ever been involuntarily revoked or suspended for this operation?  Yes  No

### G. Operational particulars

For multiple vessels, please provide the information below for additional vessels as an attachment.

What service category is the vessel (2C, 2D etc., refer page 5)	Number of passengers (if any)
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>
Number of crew (including the master)	Number of special personnel (refer NSCV Part B, section 1.9)
<div style="border: 1px solid black; height: 20px;"></div>	<div style="border: 1px solid black; height: 20px;"></div>
Intended maximum number of persons aboard	
<div style="border: 1px solid black; height: 20px;"></div>	

Where is the current geographical operational area (e.g. Brisbane River)

If different from above, where is the intended geographical operational area

Describe the current operation (e.g. hire and drive operation conducted during daylight hours only, or a fishing trawler involving operations conducted overnight and for extended periods)

If applicable, describe the *proposed* operation

1. Do you have a documented Safety Management System (SMS)?  Yes  No
2. If yes, please attach a copy.  Attached
3. If no, please provide a summary of how you address safety management as an attachment to this application.  Attached

## H. Exemptions held

1. Is the vessel or operation currently subject to a National Law exemption or a State or Territory exemption?  Yes  No
2. Has the vessel or operation previously been subject to a National Law exemption or a State or Territory exemption that is no longer in effect?  Yes  No
3. If you answered yes to either of the questions above, please attach a copy and provide the details below. If multiple exemptions exist please provide details for additional exemptions as an attachment.  Attached

Which State or Territory was the exemption issued by, or is it a National Law exemption

Date of issue of the exemption

Date of expiry of the exemption

Please provide details of the exemption (e.g. exemption from the requirement to carry certain equipment, or to allow the vessel to operate in a certain area)

## I. Details of exemption sought

1. Are you seeking exemption from the requirement to:
  - a. Hold a Certificate of Survey (Section 43 and 44 of the National Law)?  Yes
  - b. Hold a Certificate of Operation (Section 53 and 54 of the National Law)?  Yes
  - c. Hold a Certificate of Competency (Section 65, 66 and 67 of the National Law)?  Yes
  - d. Have a certain number of crew on board a vessel (Section 56 of the National Law)?  Yes
  - e. Have a particular level of qualification to operate a vessel (Section 56 of the National Law)?  Yes
  - f. Carry certain equipment on board the vessel (Section 45 and 46 of the National Law)?  Yes
  - g. Have a survey conducted (Section 43 and 44 of the National Law)?  Yes
  - h. Have a Vessel Identifier (Section 34 and 35 of the National Law)?  Yes
  - i. Comply with a standard as required by a Marine Order? If yes, please provide the name of standard, part, chapter and section e.g. NSCV Part C7A, Chapter 5  Yes

- j. Other – please provide details below, including the part of the National Law from which the exemption is being sought  Yes

2. Is there an extraordinary reason why you cannot comply with the relevant provision of the National Law?

3. How long is the exemption required for, and why is the exemption required for this period of time?

4. What arrangements do you propose to implement to ensure that the safety of the vessel, and other vessel(s), and persons on board will not be jeopardised?

## J. Applicant's declaration and consent

### I declare that:

- to the best of my knowledge the information provided by me in this application (and any attachments I have included with this application) is true and correct.
- I consent to the Australian Maritime Safety Authority, as the National Regulator, making all reasonable enquiries in order to verify that the information provided by me in this application (and any attachments I have included with this application) is true and correct.
- I understand and acknowledge that the Australian Maritime Safety Authority, as the National Regulator, may ask that I provide any information or document that the National Regulator reasonably considers necessary for consideration of this application.
- I understand and acknowledge that the Australian Maritime Safety Authority, as the National Regulator, may ask another person to provide any information, document or agreement that the National Regulator reasonably considers necessary for consideration of this application.
- I have authority to make this application.

Signature

Name

Date

**Where to lodge:** lodge via email to [opssecretariat@amsa.gov.au](mailto:opssecretariat@amsa.gov.au) or by post to Operations Secretariat, AMSA, GPO Box 2181, Canberra ACT 2601

### Privacy Statement

The collection of information requested in this form is required or authorised by *Schedule 1 of the Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (the Act). It will be used for purposes related to the Act and may be provided to Commonwealth or State / Territory government agencies for the purposes of marine safety. Failure to provide the information may result in the transaction not being processed. To contact us, or for more information on how to access or correct your personal information, how to make a privacy complaint, or how your information may be used or disclosed for purposes beyond those described in this statement, visit [www.amsa.gov.au/privacy/](http://www.amsa.gov.au/privacy/)

## Notes on vessel use and area of operation

'Class' is made up of two elements: vessel use category (the number) and service category (the letter). These are defined in NSCV Part B as:

### Vessel Use Category

1. Passenger vessel (13 or more passengers)
2. Non-passenger vessel (up to 12 passengers)
3. Fishing operations
4. Hire and drive vessel

### Service Category

- B Offshore operations (within 200nm from the baseline of the Australian mainland, Tasmania, a recognised island but within the EEZ)
- B Extended Extended offshore operations (beyond 200nm from the baseline of the Australian mainland, Tasmania, a recognised island but within the EEZ)
- C Restricted offshore operations (within 30nm from the baseline of the Australian mainland, Tasmania, a recognised island; within 50nm of the baseline of Qld, within the Great Barrier Reef Region or the Torres Strait Zone; whilst remaining within the EEZ)
- C Restricted Restricted offshore operations – specified areas
- D Sheltered waters – partially smooth waters and smooth waters
- E Sheltered waters – smooth waters and inland waters

### Sample authority to act notification:

I, FULL NAME of ADDRESS authorise FULL NAME (or company name if applicable) of ADDRESS to act on my behalf with my dealings with AMSA so far as it pertains to an application for exemption/equivalent solution.

A photocopy/scan of this authority is a valid authority.

Signature

Print Full Name

Date