



Australian Government
Australian Maritime Safety Authority

AMSA EX2013/02

Marine Safety (Certificates of survey) Exemption 2013

as amended

This compilation was prepared on 26 July 2013 taking into account amendments up to *Marine Safety (Certificates of survey) Exemption Amendment 2013 (No. 1)*.

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

I, Graham Peachey, 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*.

21 June 2013

Graham Peachey
Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Certificates of survey) 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 Definitions

(1) In this instrument:

auxiliary vessel means a vessel that:

- (a) does not operate further from its parent vessel than:
 - (i) if it does not carry passengers — 5 nautical miles; or
 - (ii) if it carries passengers — 2 nautical miles; or

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- (iii) another distance determined by the National Regulator; and
 - (b) is less than 7.5 m long, or another length determined by the National Regulator; and
 - (c) carries up to 12 passengers, or another number determined by the National Regulator; and
 - (d) is not powered by a petrol inboard engine.

existing vessel means a vessel:

- (a) for which a survey certificate was in effect at any time in the 2 years ending on 30 June 2013; or
- (b) for a vessel that was being planned or constructed on 30 June 2013, that a person would have been entitled to operate commercially on 30 June 2013 if it had been completed:
 - (i) on 30 June 2013:
 - (A) its keel had been laid; or
 - (B) construction identifiable with the vessel had begun and at least the lesser of 50 tonnes, or 10% of the estimated mass of all structural material, of the vessel had been assembled; or
 - (ii) for a vessel for which an application for design approval was lodged before 1 July 2013 — before 1 July 2016:
 - (A) its keel has been laid; or
 - (B) construction identifiable with the vessel has begun and at least the lesser of 50 tonnes, or 10% of the estimated mass of all structural material, of the vessel has been assembled.

increased level of risk, for a vessel's operations, means an increase in the level of risk in the operation of the vessel, or to a person on the vessel, including an increase because of any of the following circumstances:

- (a) an upgrade in the service category of the vessel;
- (b) a change in the propulsion power of the vessel;
- (c) a change in the vessel's displacement;
- (d) the commencement of overnight operations;
- (e) an increase in the passenger numbers for the vessel;
- (f) a modification of the vessel that may affect safety;
- (g) a change to the vessel that requires a review of the vessel's stability.

operate inshore, for a vessel, means that the vessel operates only:

- (a) along the coast from where the vessel usually departs; and
- (b) within 15 nautical miles seaward from the coast or from smooth or partially smooth waters.

Note The certificate of operation for a vessel may limit its operation to specified areas.

national law means the *Marine Safety (Domestic Commercial Vessel) National Law*.

National Standard for General Safety Requirements for Vessels means the standard of that name endorsed by the Standing Council on Transport and Infrastructure on 30 March 2012.

new vessel means a vessel that is not an existing vessel.

recreational boating qualification means a qualification, approved by the National Regulator, that permits the holder to operate or be the member of the crew of a recreational vessel.

tender means a vessel that:

- (a) is used only to transport goods or people between the shore and its parent vessel or between its parent vessel and another vessel; and
 - (b) does not move further from its parent vessel than 1 nautical mile, or another distance determined by the National Regulator; and
 - (c) is less than 7.5 m long, or another length determined by the National Regulator.
- (2) The following vessels are high risk:
- (a) a powered barge that is:
 - (i) used to carry passengers; or
 - (ii) used to carry dangerous goods, including bulk petroleum or gas products; or
 - (iii) used for living or entertainment; or
 - (iv) used to operate a pile frame; or
 - (v) equipped with a crane or davit exceeding 3 tonne capacity; or
 - (vi) equipped with dredging machinery with a total brake power of >500kW; or
 - (vii) a landing barge; or
 - (viii) primarily used for towage;
 - (b) a dredge with a total brake power of >500kW or that is >24 m measured length;
 - (c) a vessel primarily used for towage;
 - (d) a vessel used for carrying dangerous goods, including bulk petroleum or gas products;
 - (e) a vessel with a crane or davit exceeding 3 tonne capacity;
 - (f) a support vessel in the offshore oil industry;
 - (g) a vessel operating >5 nm off the mainland;
 - (h) a Class 4 vessel that is a personal water craft.

4 Exemption

For sections 43 and 44 of the national law, each vessel mentioned in Schedule 1 is exempt from the requirement to have a certificate of survey, subject to:

- (a) any conditions mentioned for the vessel in Schedule 1; and
- (b) for a vessel that is not an existing vessel — approval in writing from the National Regulator.

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*.

5 Conditions

For paragraph 4(b), 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.

Schedule 1 Vessels and conditions

(section 4)

Division 1 Vessels generally

| Item | Kind of vessel | Condition |
|------|--|--|
| 1.1 | Vessel that is being moved for the purpose of obtaining a certificate of survey or certificate of operation, including returning the vessel after the survey or other process has been completed | The vessel must be moved and returned by the most direct and practical route |
| 1.2 | Tender | <p>The vessel must:</p> <ul style="list-style-type: none">(a) if the parent vessel is a vessel in survey — be inspected with the parent vessel whenever the parent vessel is surveyed; and(b) comply with:<ul style="list-style-type: none">(i) for a tender to a Class 1, 2 or 3 vessel, if the tender operates only in sheltered waters and is <7.5m long — the General Safety Requirements Standard; or(ii) for any other tender to a Class 1, 2 or 3 vessel:<ul style="list-style-type: none">(A) the flotation performance, engine power rating, load capacity and fuel system requirements mentioned in Chapter 3, Sections 3.3, 3.4, 3.5 and 3.6 of the National Standard for General Safety Requirements for Vessels; and(B) equipment requirements determined by the National Regulator; or(iii) for a tender to a Class 4 vessel — the requirements for tender vessels in Subsection F2 of the National Standard for Commercial Vessels |
| 1.3 | Auxiliary | <p>The vessel must:</p> <ul style="list-style-type: none">(a) be inspected at intervals identified on the certificate of operation of its parent vessel; and(b) comply with:<ul style="list-style-type: none">(i) flotation performance, engine power rating, load capacity and fuel system requirements mentioned in Chapter 3, Sections 3.3, 3.4, 3.5 and 3.6 of the National Standard for General |

| Item | Kind of vessel | Condition |
|------|----------------|---|
| | | Safety Requirements for Vessels; and (ii) equipment requirements determined by the National Regulator. |

Division 2 New vessels

| Item | Kind of vessel | Condition |
|------|---|---|
| 2.1 | Class 2D or 2E that: (a) is <7.5m long; and (b) does not carry passengers; and (c) is not high risk | Vessel must comply with National Standard for General Safety Requirements for Vessels (applies to items 2.1 to 2.4) |
| 2.2 | Class 3D or 3E that is: (a) <7.5m long; and (b) not high risk | |
| 2.3 | Class 4D or 4E that: (a) is <7.5m long; and (b) does not operate overnight; and (c) is not high risk | |
| 2.4 | A vessel that: (a) is <24 m long; and (b) is used by a sailing school or training organisation to train members of the public for recreational boating qualifications; and (c) operates only inshore | |

Note An application for a certificate of operation for a vessel mentioned in this Division must include a declaration that the vessel complies with the condition — see *Marine Order 504 (Certificates of operation — national law) 2013*.

Division 3 Existing vessels

| Item | Kind of vessel | Conditions |
|------|---|---|
| 3.1 | Existing vessel for which, on 30 June 2013, a survey certificate was not required | <ol style="list-style-type: none"> 1. The vessel must comply with: <ol style="list-style-type: none"> (a) the equipment, design and construction requirements that applied to the vessel on 30 June 2013; and (b) by 30 June 2016, for a vessel of a type that, if it were a new vessel, would not be required to have a certificate of survey — the equipment requirements of the National Standard for General Safety Requirements for Vessels. 2. The vessel must not be altered or modified to an extent that it must be reassessed against the construction, subdivision or stability standard that applies to it. 3. The vessel's operations must not change if, because of |

| Item | Kind of vessel | Conditions |
|-------------|-----------------------|---|
| | | the change, there is an increased level of risk. |
| | | 4. The vessel's operational area must not change. |

Division 4 Other vessels

| Item | Kind of vessel | Conditions |
|-------------|--|---|
| 4.1 | Waterski or wakeboard towing vessel with an inboard engine | Vessel must comply with design, construction, equipment and survey requirements that applied to the vessel, or to vessels of the same type as the vessel, on 30 June 2013 |
| 4.2 | Permanently moored vessel | |
| 4.3 | Ferry-in-chains | |
| 4.4 | Submersible or wing-in-ground effect craft | |
| 4.5 | Novel vessel for which the NSCV does not provide an appropriate technical solution | |
| 4.6 | Unpowered barge | |
| 4.7 | Vessel used by a volunteer search, rescue, or search and rescue, organisation | |
