



Australian Government
Australian Maritime Safety Authority

AMSA EX 2013/16

Marine Safety (Traditional fishing) Exemption 2013

I, Graham Peachey, Chief Executive Officer of the Australian Maritime Safety Authority (the National Marine Safety Regulator) made under section 9 of the *Marine Safety (Domestic Commercial Vessel) National Law* make this Order under subsection 143(1) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

21 June 2013

Graham Peachey
Chief Executive Officer

1 Name of Order

This instrument is *Marine Safety (Traditional fishing) 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

In this instrument:

Great Barrier Reef Region has the same meaning as in the *Great Barrier Reef Marine Park Act 1975*.

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

specified operation means the operation, as master, of a traditional inhabitant fishing boat for fishing for the purpose of profit or barter.

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

Torres Strait zone has the same meaning as in Schedule 14 of the *Transport Operations (Marine Safety) Regulation 2004* (Qld).

traditional inhabitant means a person who:

- (a) for waters in the Torres Strait zone or the Great Barrier Reef region — is a traditional inhabitant within the meaning of the *Torres Strait Fisheries Act 1984*;
- (b) for any other waters:
 - (i) is a person of the Aboriginal race of Australia; and
 - (ii) maintains traditional customary associations with the area in which the waters are situated for the person's subsistence or livelihood or social, cultural or religious activities.

traditional inhabitant fishing boat means a boat that is:

- (a) for waters in the Torres Strait zone or the Great Barrier Reef region — licenced as a traditional inhabitant fishing boat by the Torres Strait Protected Zone Joint Authority; or
- (b) for any other waters — being used by a traditional inhabitant of the area in which the waters are situated in the course of taking, by traditional inhabitants for their own or their dependants' consumption or for use in other traditional activities, the living natural resources of the sea, seabed, estuaries and coastal tidal areas, including dugong and turtle.

4 Exemption

A person is exempt from the requirement to hold a certificate that would be required for the specified operation if the person:

- (a) is a traditional inhabitant of the area in which the specified operation is to be conducted; and
- (b) holds a Certificate 1, issued under the Australian Qualifications Framework, restricted to the waters in which the specified operation is to be conducted, that includes the following components:
 - (i) the Torres Strait Boatsafe course including practical demonstration of anchors, towing, navigation skills and passage planning;
 - (ii) SFISHIP207B — Operate and maintain outboard motors of the Seafood Industry Training Package;
 - (iii) Elements of Shipboard Safety units of the maritime training package of the Transport & Logistics Industry Skills Council Ltd or other training that the National Regulator considers to be an equivalent program;
 - (iv) a certificate that meets the requirements of the HLTF A unit of competency *Apply first aid* or another certificate that the National Regulator considers to be equivalent; and
- (c) holds a Marine Radio Operators VHF Certificate of Proficiency issued by the Australian Communications and Media Authority.

5 Conditions

When conducting the specified operation, the person must not use the vessel for any other purpose.

Note This exemption does not affect any requirements that apply under the law of a State or Territory, for example, a requirement to wear a lifejacket.