



Australian Government
Australian Maritime Safety Authority

AMSA EX2013/17

**Marine Safety (Great Barrier Reef Region and Torres Strait zone)
Exemption 2013**

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*.

20 June 2013

Graham Peachey
Chief Executive Officer

1 Name of Order

This instrument is *Marine Safety (Great Barrier Reef Region and Torres Strait zone) 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*.

operational area means:

- (a) for a domestic commercial vessel surveyed to service category Class 1C or 2C or operating as a fishing vessel and surveyed to service category Class 3C — the Great Barrier Reef Region and the Torres Strait zone; and
- (b) for a domestic commercial vessel surveyed to service category Class 1D, 1E, 2D or 2E that is permanently based at a pontoon surveyed to service category Class 1E anchored within the Great Barrier Reef Region or the

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- Torres Strait zone — the area in which the vessel is in sight of, and is capable of communicating with, the pontoon; and
- (c) for a domestic commercial vessel that is a pontoon surveyed to service category Class 1E — the Great Barrier Reef Region; and
 - (d) for a domestic commercial vessel surveyed to service category Class 1D, 1E, 2D or 2E that is operating from a Queensland island — the area in which the vessel is in sight of, and is capable of communicating with, the island.

pontoon means a barge that:

- (a) is not powered; and
- (b) is not permanently anchored; and
- (c) if it does not have moored to it a vessel surveyed to service category Class 1 capable of carrying everyone on the barge — is equipped with the safety equipment that would be required for a Class 1 vessel operating lawfully in the area where the barge is anchored.

propulsion power has the meaning given by Part D of the NSCV.

specified operation means performing duties of a master or crew member for a vessel in the operational area for the vessel.

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

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

4 Exemption

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

- (a) the person holds:
 - (i) for a person who is to perform the duties of master or chief mate of a domestic commercial vessel that is ≥ 35 m long and < 80 m long in the Great Barrier Reef Region or Torres Strait zone — a Master < 35 m NC certificate of competency; or
 - (ii) for a person who is to perform the duties of chief mate of a domestic commercial vessel that is ≥ 35 m long and < 80 m long in the Great Barrier Reef Region or Torres Strait zone — at least a Master < 24 m NC certificate of competency; or
 - (iii) for a person who is to perform the duties of master of a vessel mentioned in paragraph (b) or (d) of the definition of **operational area** — a Coxswain certificate mentioned in Part D of the NSCV; or
 - (iv) for a person who is to perform the duties of a chief engineer of a domestic commercial vessel in the Great Barrier Reef Region or Torres Strait zone:
 - (A) if the propulsion power of the vessel is at least 1500kW and less than 3000 kW — at least an Engineer Class 3 NC certificate of competency; or

(B) if the propulsion power of the ship is at least 750 kW and less than 1500 kW — at least a Marine Engine Driver Grade 1 NC certificate of competency; and

(b) the National Regulator approves in writing the specified operation.

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*.

Note 3 The National Regulator may, on its own initiative, approve in writing a group of persons who meet the requirements of section 4 as persons who may carry out the specified operation.

5 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.
