



Australian Government
Australian Maritime Safety Authority

AMSA EX28

Marine safety (NSCV Parts E and F) Exemption 2016

I, Michael Kinley, 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*.

14 June 2016

Michael Kinley
Chief Executive Officer

1 Name of instrument

This instrument is *Marine safety (NSCV Parts E and F) Exemption 2016*.

2 Duration

This instrument:

- (a) commences when it is made; and
- (b) ceases to have effect at the end of 30 June 2017.

3 Repeal

Marine safety (NSCV Parts E and F) Exemption 2014 is repealed.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
 - (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.