



Australian Government
Australian Maritime Safety Authority

AMSA EX16

Marine Safety (Traditional fishing) Exemption 2020

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*.

29 June 2020

Michael Kinley
Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Traditional fishing) Exemption 2020*.

2 Duration

This instrument commences on 1 July 2020 and ceases to have effect at the end of 30 June 2025.

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*.

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

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

Torres Strait zone means the area shown in Schedule 1.

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

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- (b) holds either:
- (i) a Certificate I, issued under the Australian Qualifications Framework, restricted to the waters in which the specified operation is to be conducted, that includes the following components:
 - (A) SFIVOP204 — Operate and maintain outboard motors or equivalent unit; and
 - (B) MARSS00008 — Shipboard Safety Skill Set or equivalent unit of the MAR maritime training package or other training that the National Regulator considers to be an equivalent program; or
 - (ii) a Coxswain grade 2 near coastal certificate; and
- (c) holds a Short Range Operator Certificate of Proficiency issued by the Australian Communications and Media Authority or its delegate or another course that the National Regulator considers to be equivalent; and
- (d) has completed a Boatsafe recreational boat licence course; and
- (e) holds a current first aid certificate of at least HLTAID003 *Provide first aid* or another course that the National Regulator considers to be equivalent.

Note 1 For paragraph (c), the Australian Maritime College (AMC) issues Short Range Operator Certificates of Proficiency as a delegate of the Australian Communications and Media Authority under section 122A of the *Radiocommunications Act 1992*. Information on equivalent qualifications is available on the AMC website.

Note 2 For paragraph (e), details of this course are available at myskills.gov.au.

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.