



Australian Government
Australian Maritime Safety Authority

AMSA EX20

Marine Safety (Special operations) 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 (Special operations) 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:

Class 2 vessel means a vessel that has the vessel use category 2 under section 2.1 of NSCV Part B.

National Regulator means the Australian Maritime Safety Authority — see section 9 of the Marine Safety (Domestic Commercial Vessel) National Law.

NSCV — see section 6 of the national law, meaning of **National Standard for Commercial Vessels**.

NSCV Part B means *Part B — General requirements* of the NSCV.

specified operation means an operation, as master, of a domestic commercial vessel connected with infrastructure building or maintenance of Class 2 vessel operations.

4 Exemption

- (1) A person is exempt from the requirement to hold a certificate of competency that would be required for the specified operation if:
 - (a) the National Regulator considers that the person is able to be the master of a Class 2 vessel that is:
 - (i) ≤7.5m long; and
 - (ii) ≤38 kW outboard powered; and
 - (iii) operating in smooth and inland waters; and
 - (iv) not carrying passengers; and
 - (v) operating within 100 m from shore or a structure attached to the shore; and
 - (b) the National Regulator approves in writing the person conducting the specified operation in the area mentioned in the approval.
- (2) For paragraph (1)(b), an approval given under the following is taken to be an approval given under this exemption if it is in effect and has not expired:
 - (a) *Marine Safety (Special operations) Exemption 2017*;
 - (b) *Marine Safety (Special operations) Exemption 2013*.

5 Conditions

- (1) The person must hold any licence that would be required to operate the vessel recreationally in the waters in which the person carries out the specified operation.
 - (2) The National Regulator may make the approval subject to conditions that take account of the local conditions of the waters in which the vessel is to operate.
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