



Australian Government
Australian Maritime Safety Authority

AMSA EX07

Marine safety (temporary operations) Exemption 2014

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*.

30 October 2014

Michael Kinley
Chief Executive Officer

1 Name of instrument

This instrument is *Marine safety (temporary operations) Exemption 2014*.

2 Duration

This instrument:

- (a) commences when it is made; and
- (b) ceases to have effect at the end of 30 June 2018.

3 Repeal

Marine safety (temporary operations) Exemption 2014 made on 16 May 2014 is repealed.

4 Definition

In this instrument:

sea trial means a trial, test or demonstration, at sea, of seaworthiness or other operational aspect of a vessel or its equipment.

5 Exemption — application being decided

- (1) A domestic commercial vessel is exempt from the requirement to have a certificate of survey for the period mentioned in subsection (2) if:
 - (a) a certificate of survey has been in force for the vessel; and
 - (b) the certificate of survey:
 - (i) has not been revoked; or
 - (ii) is not suspended; and

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- (c) a surveyor mentioned in *Attested marine surveyors*, published by AMSA:
 - (i) has surveyed the vessel; and
 - (ii) gives the owner a signed document to that effect; and
 - (d) the owner keeps the document on the vessel; and
 - (e) the vessel is not subject to a current detention order under section 101 of the *Marine Safety (Domestic Commercial Vessel) National Law*.

Note for paragraph (c) *Attested marine surveyors* is published by AMSA on its website <http://www.amsa.gov.au>.

- (2) The exemption:
 - (a) starts when the certificate of survey that has been in force expires; and
 - (b) ends at the earlier of:
 - (i) when the owner of the vessel receives a certificate of survey for the vessel; or
 - (ii) 90 days after it commences.
- (3) A vessel that is exempt under this section cannot be exempt again before a certificate of survey is issued for the vessel.

6 Exemption — operation without certificates

A domestic commercial vessel is exempt from the requirement to have a certificate of survey and a certificate of operation for a period if:

- (a) an application for approval is made to the National Regulator in the approved form; and
- (b) the National Regulator is satisfied that:
 - (i) the vessel has been surveyed and that a certificate of survey and certificate of operation will be issued; or
 - (ii) approval is necessary to enable the building, disposing of, fitting out, relocating, removing or repair of the vessel; or
 - (iii) the approval is for a sea trial; and
- (c) a report on the condition of the vessel is provided to the National Regulator if required; and
- (d) for a sea trial mentioned in subparagraph (b)(iii) — the owner of the vessel gives the National Regulator a passage plan for the sea trial, if required; and
- (e) the National Regulator approves in writing the operation of the vessel without the certificates for the period.

Note 1 Approval may be given despite expiry of the certificate of survey or certificate of operation or non-compliance with any conditions of the certificate.

Note 2 For an application under this section or section 7 a fee may be charged — see s 9 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

Note for paragraph (a) For the form of application for this section or section 7, and how it will be processed, contact the National Regulator.

7 Exemption — operation outside scope of certificate

- (1) This section applies to a vessel:
 - (a) that has a certificate of operation and a certificate of survey; and

- (b) for which the owner applies to the National Regulator for approval to operate in a way:
 - (i) that is not authorised by the certificate of operation; or
 - (ii) for which the certificate of survey does not provide.
- (2) The vessel is exempt from the requirement to comply with the certificates for a period if:
 - (a) an application is made in the approved form; and
 - (b) a report on the condition of the vessel is given to the National Regulator, if required; and
 - (c) the National Regulator approves in writing the operation of the vessel in the way sought in the application.

8 Conditions for sections 6 and 7

For an exemption to which section 6 or 7 applies:

- (a) the period must not be more than 90 days; and
- (b) 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.

NOTE

Subsection 143(6) of the *Marine Safety (Domestic Commercial Vessel) National Law* states:

The National Regulator must not grant an exemption, or impose conditions [on it], unless the National Regulator is satisfied that the exemption concerned, taken together with the conditions to which it is subject, will not jeopardise the safety of a vessel or a person on board a vessel.