



**Australian Government**  
**Australian Maritime Safety Authority**

AMSA EX2013/11

**Marine Safety (Heritage vessels) Exemption 2013**

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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 instrument**

This instrument is the *Marine Safety (Heritage vessels) 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**

- (1) In this instrument:

**heritage vessel** means a vessel that the National Regulator determines is:

- (a) of historical significance; and
- (b) owned and operated by a not-for-profit organisation that is an institutional member of the Australian Maritime Museums Council; and
- (c) listed on the Australian Register of Historic Vessels.

**national law** means the *Marine Safety (Domestic Commercial Vessel) National Law* set out in Schedule 1 to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

**vessel management plan**, for a heritage vessel, means a management plan, certified by a surveyor with heritage vessel experience, knowledge and skills, that includes the following:

- (a) the history of the vessel and its significance;
- (b) the standards to which the vessel was built (if any);

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- (c) the proposed use and operating profile of the vessel;
  - (d) a detailed evaluation, based on a report by a surveyor, of the vessel's current condition and fitness for purpose for its proposed use and proposed operating profile as set out in the safety management system;
  - (e) the repair and maintenance schedule for the vessel;
  - (f) how any non-compliance of the vessel with the National Standard for Commercial Vessels is to be managed;
  - (g) survey and inspection arrangements that will apply to the vessel.

*Note* Some terms used in this instrument are defined in the national law, including:

- National Regulator
- National Standard for Commercial Vessels.

#### **4 Exemption**

- (1) For sections 43, 44, 53 and 54 of the national law, a heritage vessel is exempt from the provisions mentioned in subsection (2) if:
  - (a) the owner of the vessel:
    - (i) gives to the National Regulator a vessel management plan that the National Regulator considers provide for the safe operation of the vessel instead of compliance with those provisions; and
    - (ii) has a safety management system that complies with Part E of the NSCV; and
  - (b) the National Regulator approves in writing the provisions to which the exemption is to apply.

*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*.

- (2) The provisions are any of the following:
  - (a) sections 8 and 11 and paragraph 12(a) of *Marine Order 503 (Certificates of survey) 2013*;
  - (b) sections 11 and paragraphs 12(a) to (f) of *Marine Order 504 (Certificates of operation) 2013*;
  - (c) the requirement in sections 43 and 44 of the *Marine Safety (Domestic Commercial Vessel) National Law* for a certificate of survey to be in force for the vessel.

#### **5 Conditions**

- (1) The vessel must be maintained and operated in accordance with the vessel management plan and safety management system.
- (2) The owner of the vessel must receive approval from the National Regulator for any change to vessel management plan or the nature of the vessel's operations.
- (3) 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.