



Proposed changes to general exemptions allowing extensions of time/ temporary operations

External Consultation Drafts

External consultation closes: 12 December 2017

Who needs to know about these proposed amendments?

- Domestic commercial vessel owners
- Accredited marine surveyors and recognised organisations
- Marine safety inspectors (MSIs)

What are the key elements of the proposal?

AMSA has prepared draft amendments to Marine Safety (Periodic survey, equipment certification and compass adjustment) Exemption 2017 (EX06) to allow for an application for an extension of time for periodic survey and equipment certification to be made:

- in the 90 days before or after the due date of the survey or inspection; and
- in the 90 days before or after the date of the expiry of the equipment certificate of currency.

AMSA has also prepared draft amendments to Marine Safety (Temporary Operations) Exemption 2016 (EX07) to improve the operational agility of the exemption in the following ways:

- allowing for accredited marine surveyors or other persons permitted under MO503 to conduct surveys (further referred to as 'marine surveyors' in this document) to approve temporary operations for sea trials;
- allowing for marine surveyors to approve temporary operations after a periodic survey where minor non-conformances that do not jeopardise safety have been identified. This will permit operation while the minor non-conformances are being rectified;
- allowing for marine surveyors to approve temporary operations after a renewal survey, including where non-conformances that do not jeopardise safety have been identified, to permit operation while an application for a further certificate of survey is being decided;
- providing for a limited extension of time to finalise the out of water component of a renewal survey after the certificate has expired and all other components of the renewal survey have been completed; and
- broadening the circumstances where the National Regulator may approve operation without certificates.

The amendments address issues that have been identified with the administration of the current exemption and in response to industry enquires and concerns.

Note: references to 'the National Regulator' will continue to include AMSA's State and Territory marine safety agency delegates until 30 June 2018.

To assist your review of the proposed new general exemption we have prepared the following information:

Part 1 – Summary of changes to EX06

Part 2 – Summary of changes to EX07

What next?

AMSA will consider your comments and make any necessary amendments prior to finalising and publishing the proposed general exemption.

We will provide a Consultation Feedback Report on our website outlining the feedback received during external consultation, AMSA's responses, and a copy of the final version of the new standing exemption.



Part 1 – Summary of changes to EX06

Division 2 – Extension of time – periodic survey and equipment certification (other than renewal survey)	
Exemption from	The condition imposed under paragraph 14(1)(a) of Marine Order 503 on a vessel's certificate of survey, to the extent that it requires the timing of periodic surveys or inspections under the vessel's survey cycle to be met.
How has this changed from the old EX06?	<p>Flexibility has been provided for an application to be made for this type of exemption within 90 days before <i>or after</i> the due date of the survey, or the expiry date of the equipment certificate of currency.</p> <p>A note has been added to explain the relationship between EX06 and EX07.</p>
Rationale for change	AMSA recognises there may be good reasons why an application for this type of exemption is not made before the due date of the periodic survey or equipment certification. This change allows for an application to be made up to 90 days after the due date.
Is an application required?	Yes – in the approved form (to the National Regulator)
How is the approval issued?	<p>The National Regulator will only issue an approval if it is satisfied that the safety of the vessel or persons on board will not be jeopardised; and it is impracticable, or would cause unreasonable or unnecessary expense for the owner if the approval is not given.</p> <p>The National Regulator can impose any conditions it considers necessary on the approval, and may require a report on the condition of the vessel or its equipment from an accredited marine surveyor.</p> <p>The National Regulator will provide the applicant with a written approval.</p>
When will the exemption start/end	<p>Starts on the day after the due date of the periodic survey, or the day after expiry of the equipment certificate, provided that an application for the extension of time has been made. If the application is made after the periodic survey due date or equipment certificate expiry date, the exemption will start on the day the application is made.</p> <p>Ends on a date specified by the National Regulator which may be:</p> <ul style="list-style-type: none"> - up to 180 days from the day the vessel was to be surveyed or inspected; or - up to 90 days from the day the equipment certificate of currency was to expire.
Example	A vessel changes ownership around the time a periodic survey is due but the previous owner has not made arrangements for periodic survey and has not applied for an extension of time. The new owner can apply for an extension within the 90 days after the periodic survey was due.

Division 2 – Operation Without Certificates	
Exemption from	<p>Certificate of survey</p> <p>Certificate of operation</p> <p>Loadline certificate, if required</p>
How has this changed from the old EX07?	<p>Changes expand and clarify the grounds on which an owner can seek National Regulator approval to operate a vessel without certificates.</p> <p>See Division 3 for exemptions available for sea trials.</p>
Rationale for change	<p>This exemption recognises that there are a broad range of circumstances where it would be impractical to require a vessel to obtain National Law certificates.</p>
Can the National Regulator approve?	<p>Yes – AMSA or delegate</p>
Can a marine surveyor approve?	<p>No</p>
Is an application required?	<p>Yes – in the approved form</p>
How is the approval issued?	<p>The National Regulator will only issue an approval if it is satisfied it relates to a matter set out in section 7(2)(a)-(c).</p> <p>The National Regulator will provide the applicant with a written approval.</p> <p>The National Regulator can impose any conditions it considers necessary on the approval.</p>
When will the exemption start/end	<p>Starts on day National Regulator gives approval.</p> <p>Ends earlier of: date specified in the approval OR 90 days after it commences.</p>
Example	<p>7(2)(a): Where a certificate of survey has expired, and renewal survey has not been completed – this exemption can be used to move a vessel to a slip to undergo out of water survey.</p> <p>7(2)(b): Where a vessel does not yet have a certificate of survey, but must be moved in order to undergo initial survey or other specific process.</p> <p>7(2)(c): A barge being used for a fireworks display would ordinarily require a certificate of survey. As the barge is only used rarely for this purpose, the owner may wish to apply for this exemption.</p>

Division 3 – Sea trials	
Exemption from	<p>Certificate of survey</p> <p>Certificate of operation</p> <p>Loadline certificate, if required</p>
How has this changed from the old EX07?	Changes provide for persons permitted to conduct surveys to issue this exemption for sea trials.
Rationale for change	AMSA considers that it is more practical for vessel owners to obtain a temporary operations exemption to conduct a sea trial from a surveyor.
Can the National Regulator approve?	Yes - AMSA or delegate
Can a marine surveyor approve?	Yes
Is an application required?	Yes – in approved form (to surveyor)
How is the approval issued?	Once approved form is signed by person who conducted survey, that person must provide it to the National Regulator and the owner. It must be carried on board vessel for duration of exemption. See section 8 for further information.
When will the exemption start/end	Commences when person who conducted survey gives owner signed document. Ends 14 days after it commences.
Example	Where a new vessel is undergoing the sea trial phase of commissioning.

Division 4 – Operation after initial survey	
Exemption from	<p>Certificate of survey</p> <p>Certificate of operation</p> <p>Loadline certificate, if required</p>
How has this changed from the old EX07?	Changes provide for issue of this exemption after initial survey has occurred but before certificate of survey has been issued.
Rationale for change	AMSA understands that vessel owners may wish to operate after their initial survey has been successfully completed, but before their certificate of survey has been issued. This revised exemption provides this flexibility for owners, but imposes safeguards, including requiring National Regulator approval.
Can the National Regulator approve?	Yes - AMSA or delegate
Can a marine surveyor approve?	No
Is an application required?	Yes – in approved form (to National Regulator)
How is the approval issued?	This exemption can only be issued after initial survey has been conducted. The National Regulator will provide the owner with the written approval. See section 10 for further information.
When will the exemption start/end	Starts on the day the National Regulator gives approval. Ends earlier of: date specified in the approval OR 90 days after it commences.
Example	Operation after initial survey: Where an owner wishes to operate a vessel after the initial survey has been successfully completed, but before the certificate of survey has been issued.

Division 5 – Minor non-conformances being rectified after periodic survey (except renewal survey)	
Exemption from	Condition on certificate of survey requiring compliance with all standards for the vessel to lawfully operate.
How has this changed from the old EX07?	This is a new provision that allows a vessel owner to continue operating after a periodic survey has been undertaken and minor non-conformances have been identified.
Rationale for change	<p>AMSA recognises that minor defects or non-conformances may be identified during periodic survey that will not jeopardise the safety of the vessel or persons on the vessel. In these circumstances, AMSA considers that the person who conducted the periodic survey can approve an exemption, allowing the owner to continue operating on the basis that the non-conformances are rectified within a designated period.</p> <p>This exemption includes safeguards, including National Regulator notification. Further, this exemption is only available where a certificate of survey is still current.</p>
Can the National Regulator approve?	Yes – AMSA or delegate
Can a marine surveyor approve?	Yes
Is an application required?	Yes – in the approved form (to surveyor)
How is the approval issued?	<p>Once approved form is signed by person who conducted survey, that person must provide it to the National Regulator and the owner.</p> <p>Form must set out each non-conformance and the standard to which it relates.</p> <p>It must be carried on board vessel for duration of exemption.</p> <p>See section 12 for further information.</p>
When will the exemption start/end	<p>Starts on the day the person who conducted the survey gives approval to vessel owner.</p> <p>Ends the earlier of: date specified in the approval OR 90 days after it commences</p> <p>It is the intention that this exemption only be issued once after a periodic survey, at the time of the survey, so that effectively the exemption will only be valid up to 90 days after the periodic survey. We may clarify the drafting following consultation.</p>
Example	An accredited marine surveyor identifies minor non-conformances while conducting a periodic survey (e.g. faded vessel ID on a lifejacket). They give the vessel owner the signed form as well as sending the National Regulator a copy. The vessel owner is able to continue operating up to 90 days after receiving the approval, and uses that time to purchase new flares. Note that the person who conducted a survey may specify a shorter period than 90 days, for example if they consider that a non-conformance should be more urgently rectified, and/or they consider a shorter period will be sufficient to rectify the non-conformance.

Division 6 - Application being decided for further certificate of survey after certificate of survey has been completed	
Exemption from	Certificate of survey
How has this changed from the old EX07?	Changes provide for a surveyor to issue a temporary operations exemption where a certificate of survey has expired, and they wish to continue operating until they have received their new certificate. Minor defects or non-conformances that will not jeopardise safety may have been identified during renewal survey.
Rationale for change	AMSA recognises that a previous certificate of survey may expire before a vessel owner has received their new certificate.
Can the National Regulator approve?	Yes – AMSA or delegate
Can a marine surveyor approve?	Yes
Is an application required?	Yes – in the approved form (to surveyor) anytime in the period 90 days before the certificate expires, and 90 days after
How is the approval issued?	<p>Once approved form is signed by person who conducted survey, that person must provide it to the National Regulator and the owner.</p> <p>Form must set out any non-conformances and the standard to which it relates.</p> <p>It must be carried on board vessel for duration of exemption.</p> <p>This exemption cannot be issued again before the certificate is issued.</p>
When will the exemption start/end	<p>Commences when person who conducted survey gives owner signed document</p> <p>Ends 90 days after the expiry of the certificate of survey.</p>
Example	A vessel owner's certificate is survey will expire in 20 days. They submit their application for a new certificate of survey. However, they are worried that they will not receive their new certificate in time, and need to continue operating after their certificate has expired. They undergo renewal survey, during which the surveyor identifies that the vessel ID on a life jacket is faded. The surveyor agrees to sign a temporary operations exemption, noting the non-conformances.

Division 7 – Extension of time to finalise survey after certificate has expired	
Exemption from	Certificate of survey
How has this changed from the old EX07?	This is a new provision that provides some flexibility at the point of certificate expiry, by allowing up to 14 days to finalise a renewal survey after the previous certificate of survey has expired.
Rationale for change	AMSA's position is that a vessel that does not have a current certificate of survey and has not undergone a renewal survey should not be permitted to operate. However, AMSA is proposing to consider allowing vessels in these circumstances to continue operating on a short-term temporary basis where all in-water aspects of the renewal survey have been undertaken.
Can the National Regulator approve?	Yes – AMSA or delegate
Can a marine surveyor approve?	No
Is an application required?	Yes – in the approved form
How is the approval issued?	The National Regulator will provide the applicant with a written approval. The National Regulator can impose any conditions it considers necessary on the approval. See sections 16-18 for further information.
When will the exemption start/end	Starts on day National Regulator gives approval Ends earlier of: date specified in the approval OR 90 days after it commences. It is the intention that this exemption only be issued once before the certificate is issued. We may clarify the drafting after consultation.
Example	A vessel owner's certificate of survey has expired, and the vessel has not completed the renewal survey as they have not been able to access a slip for the out-of-water components. The vessel owner wishes to continue operating until they obtain their renewal survey. They are able to obtain an exemption on the basis that all aspects of the survey that can be conducted 'in-water' are completed.

Division 8 – Operation outside scope of certificate	
Exemption from	Certificate of operation Certificate of survey
How has this changed from the old EX07?	Only a structural change
Rationale for change	To ensure a consistent structure across all divisions of EX07, and with EX06.
Can the National Regulator approve?	Yes – AMSA or delegate
Can a marine surveyor approve?	No
Is an application required?	Yes – in approved form
How is the approval issued?	The National Regulator will provide the applicant with a written approval. The National Regulator can impose any conditions it considers necessary on the approval. See section 19 for further information.
When will the exemption start/end	Starts on day National Regulator gives approval Ends earlier of: date specified in the approval OR 90 days after it commences.
Example	The owner of a vessel being used for 1E operations wishes to use the vessel for 1D operations for a one-off period of one month.



Australian Government
Australian Maritime Safety Authority

AMSA EX06

Marine Safety (Periodic survey, equipment certification and compass adjustment) Exemption 2017 (No. 2)

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*.

2017

[DRAFT ONLY — NOT FOR SIGNATURE]
Chief Executive Officer

Division 1 Preliminary

1 Name of instrument

This instrument is *Marine Safety (Periodic survey, equipment certification and compass adjustment) Exemption 2017 (No. 2)*.

2 Duration

This instrument:

- (a) commences on *[to be inserted]*; and
- (b) ceases to have effect at the end of 30 June 2020.

3 Repeal

- (1) *Marine Safety (Periodic survey, equipment certification and compass adjustment) Exemption 2017* is repealed.
- (2) However, an approval issued under *Marine Safety (Periodic survey, equipment certification and compass adjustment) Exemption 2017* that is in effect on *[day before commencement of this exemption to be inserted here]* continues in effect until the approval's expiry.

4 Definitions

In this instrument:

Marine Order 503 means *Marine Order 503 (Certificates of survey — national law) 2013*.

Marine Safety (Domestic Commercial Vessel) National Law — see Schedule 1 to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

Division 2 Extension of time — periodic survey and equipment certification (other than renewal survey)

Note An exemption under this Division will not allow operation beyond the expiry of a certificate. A temporary operations exemption may be available in limited circumstances under *Marine Safety (Temporary operations) Exemption 2017*. Otherwise, an application for a specific exemption must be made if an extension of time for a renewal survey is required.

5 Exemption

- (1) A domestic commercial vessel is exempt from the condition imposed under paragraph 14(1)(a) of Marine Order 503 on its certificate of survey to the extent that it requires the timing of periodic surveys or inspections (other than the renewal survey) under the vessel's survey cycle to be met if:
 - (a) an application for an approval of extension of time for completion of survey or inspection (other than the renewal survey) has been made in accordance with section 6, but not yet decided by the National Regulator; or
 - (b) the National Regulator has given an approval of extension of time for completion of survey or inspection under subsection 6(3).
- (2) A vessel is exempt from the condition imposed under paragraph 14(1)(d) of Marine Order 503 on its certificate of survey if:
 - (a) an application for an approval to operate without a current certificate of currency for equipment has been made in accordance with section 6, but not yet decided by the National Regulator; or
 - (b) the National Regulator has given an approval to operate without a current certificate of currency for equipment under subsection 6(3).

6 Approval

- (1) The owner of a vessel may apply to the National Regulator for an approval mentioned in section 5.
- (2) An application must:
 - (a) for an approval of extension of time for the completion of a periodic survey or inspection — be made in the 90 days before or after the day the vessel is or was to be surveyed or inspected; and
 - (b) for an approval to operate without a current certificate of currency for equipment — be made in the 90 days before or after the day the certificate is or was to expire; and
 - (c) be in the approved form.
- (3) The National Regulator may give, in writing, an approval if satisfied of the following matters:
 - (a) the safety of the vessel or persons on board will not be jeopardised if the approval is given;
 - (b) it is impracticable or would cause unreasonable or unnecessary expense for the owner if the approval is not given.

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- (4) The National Regulator may require the owner of the vessel to provide a report on the condition of the vessel, or its equipment, from an accredited marine surveyor.
 - (5) The duration of an approval may be specified by the National Regulator but must be not more than:
 - (a) for an approval of extension of time for completion of a periodic survey or inspection — 180 days from the day the vessel was to be surveyed or inspected; and
 - (b) for an approval to operate without a current certificate of currency for equipment — 90 days from the day the certificate was to expire.
 - (6) The National Regulator may give an approval subject to conditions.

Division 3 Compass adjustment

7 Exemption — vessels to which NSCV applies

A vessel to which the NSCV applies is exempt from the condition imposed under paragraph 14(1)(f) of Marine Order 503 on its certificate of survey to the extent that it requires adjustment of any compass on board that is showing a deviation on any heading of more than 5 degrees if:

- (a) an application for an approval to operate without adjustment has been made in accordance with section 9, but not yet decided by the National Regulator; or
- (b) the National Regulator has given an approval to operate without adjustment under subsection 9(2).

8 Exemption — vessels to which a standard other than NSCV applies

- (1) A vessel to which the NSCV does not apply is exempt from the condition imposed under paragraph 14(1)(f) of Marine Order 503 on its certificate of survey to the extent that any compass on board is required to be adjusted at minimum intervals of time.

Note For example, vessels to which the USL Code applies are required to comply with Appendix B of section 13 of the USL Code that sets out requirements for the periodic adjustment of compasses.

- (2) The exemption is subject to the condition that the owner of the vessel must ensure that the adjustment requirements mentioned in clause A4 of NSCV Section C7C are met.

Note Clause A4 of NSCV Section C7C requires the compass to be adjusted if it shows a deviation on any heading of more than 5 degrees.

- (3) However, the vessel may operate with a compass that is showing a deviation on any heading of more than 5 degrees if:
 - (a) an application for an approval has been made in accordance with section 9, but not yet decided by the National Regulator; or
 - (b) the National Regulator has given an approval under subsection 9(2).

9 Approval

- (1) The owner of a vessel may apply to the National Regulator for an approval mentioned in section 7 or subsection 8(3).

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- (2) The National Regulator may give, in writing, an approval if satisfied that the safety of the vessel or persons on board would not be jeopardised.
 - (3) The National Regulator may give an approval subject to conditions.

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Australian Government
Australian Maritime Safety Authority

AMSA EX07

Marine Safety (Temporary operations) Exemption 2017

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*.

2017

[DRAFT ONLY — NOT FOR SIGNATURE]

Chief Executive Officer

Division 1 Preliminary

1 Name of instrument

This instrument is *Marine Safety (Temporary operations) Exemption 2017*.

2 Duration

This instrument:

- (a) commences on *[to be inserted]*; and
- (b) ceases to have effect at the end of 30 June 2020.

3 Repeal

- (1) *Marine Safety (Temporary operations) Exemption 2016* is repealed.
- (2) However, an approval issued under *Marine Safety (Temporary operations) Exemption 2016* or *Marine Safety (Class C restricted operations) Exemption 2015* that is in effect on *[day before commencement of this exemption]* continues to be in effect as if the instrument under which it was issued had not been repealed.

4 Definitions — dictionary

A definition in the dictionary applies to each use of the word or expression in this instrument.

Note The dictionary is located at the end of the instrument.

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Division 2 Temporary operations — operation without certificates

5 Exemption

- (1) A domestic commercial vessel is exempt from the requirement to have a certificate of survey, a certificate of operation and any requirement to have a load line certificate, for a period if:
 - (a) an application for approval for operation without the certificate is made to the National Regulator in the approved form; and
 - (b) the National Regulator approves in writing the operation of the vessel without the certificate for the period.
- (2) The exemption commences on the day the National Regulator gives the approval and ends on the earlier of the following:
 - (a) the day specified in the approval;
 - (b) 90 days after it commences.

6 Approval

- (1) The owner of a vessel may apply to the National Regulator for an approval mentioned in section 5.
- (2) The National Regulator may, in writing, give an approval if satisfied that approval is necessary:
 - (a) to enable the building, disposing of, fitting out, relocating, removing or repair of the vessel; or
 - (b) to enable the vessel to be moved to obtain the certificate or to return the vessel after the initial survey or other process has been completed; or
 - (c) for another temporary use for which operation without the certificate is required.
- (3) The National Regulator may give the approval subject to conditions.

Division 3 Temporary operations — sea trials

7 Exemption — sea trials

- (1) A domestic commercial vessel undertaking a sea trial is exempt from the requirement to have a certificate of survey, a certificate of operation and any requirement to have a load line certificate, for a period if:
 - (a) the vessel has been surveyed by an accredited marine surveyor, or another person permitted under Marine Order 503 to conduct vessel surveys; and
 - (b) the person who conducted the survey:
 - (i) considers that the vessel may be safely operated during the period taking into account the intended service category and operation of the vessel; and
 - (ii) has given the owner a signed document to that effect in the approved form and a copy of the signed document to the National Regulator.
- (2) For paragraph (1)(b)(i), the person who conducted the survey must take into account a passage plan for the sea trial.

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- (3) The exemption:
- (a) commences on the day the person who conducted the survey has given the owner the signed document; and
 - (b) ends 14 days after it commences.

8 Condition

The exemption mentioned in section 7 is subject to the condition that the owner keeps the signed document on the vessel at all times while the exemption is in force.

Division 4 Temporary operations — after initial survey

9 Exemption — after initial survey

- (1) A domestic commercial vessel is exempt from the requirement to have a certificate of survey, a certificate of operation and any requirement to have a load line certificate if:
 - (a) an application for approval for operation without the certificate after initial survey is made to the National Regulator in the approved form; and
 - (b) the initial survey of the vessel has been completed by an accredited marine surveyor or another person permitted under Marine Order 503 to conduct vessel surveys; and
 - (c) the person who conducted the survey has given the owner a signed document to the effect that the initial survey has been completed; and
 - (d) the person who conducted the survey has given the National Regulator a written report of each survey conducted of the vessel; and
 - (e) the National Regulator approves in writing the operation of the vessel without the certificate.
- (2) The exemption commences on the day the National Regulator approves the vessel operating without the certificate and ends on the earlier of the following:
 - (a) the day the owner receives the certificate for the vessel;
 - (b) 90 days after it commences.

Note For the form of application for this section, and how it will be processed, contact the National Regulator.

10 Approval

- (1) The owner of a vessel may apply to the National Regulator for an approval mentioned in section 9.
- (2) The National Regulator may give the approval subject to conditions.

Note An approval for operation without certificates after initial survey may be given despite expiry of a certificate or non-compliance with any conditions of a certificate. An approval may be given for more than 1 certificate.

Division 5 Temporary operations — minor non-conformances being rectified after periodic survey (other than renewal survey)

11 Exemption

- (1) A domestic commercial vessel is exempt from compliance with paragraph 14(1)(f) of Marine Order 503 to the extent that it requires the vessel to meet a specified standard if:
 - (a) a certificate of survey is force for the vessel; and
 - (b) subsection (2) applies.
- (2) An accredited marine surveyor, or another person permitted under Marine Order 503 to conduct vessel surveys, has:
 - (a) conducted a periodic survey (other than a renewal survey) of the vessel; and
 - (b) considered that the vessel complies with the standards that apply to the vessel to the extent that only minor non-conformances are identified that will not jeopardise the safety of the vessel or any person on board; and
 - (c) given the owner a signed document to that effect in the approved form.

Note A list of accredited marine surveyors and recognised organisations is available on the AMSA website at <http://www.amsa.gov.au>.
- (3) The person who conducts the periodic survey must also specify the following in the signed document for the owner and give a copy of the signed document to the National Regulator:
 - (a) each identified non-conformance; and
 - (b) each standard to which the identified non-conformance relates.
- (4) The exemption:
 - (a) commences on the day the person who conducted the periodic survey gives the owner the signed document; and
 - (b) ends on the earlier of the following:
 - (i) the day specified in the signed document;
 - (ii) 90 days after it commences.
- (5) In subsection (1):

specified standard means a standard specified in the signed document mentioned in subsection (3).

12 Condition

The exemption is subject to the condition that the owner keeps the signed document on the vessel at all times.

Division 6 Temporary operations — application being decided for further certificate of survey after renewal survey has been completed

13 Exemption

- (1) A domestic commercial vessel is exempt from the requirement to have a certificate of survey 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
 - (c) an application for a further certificate of survey for the vessel has been made within 90 days before or after the expiry date of the certificate of survey; and
 - (d) the vessel has been surveyed by an accredited marine surveyor, or another person permitted under Marine Order 503 to conduct vessel surveys:
 - (i) within 90 days before or after the certificate of survey ceases to be in force; and
 - (ii) in accordance with the standards that apply to the vessel; and
 - (e) the person who conducted the survey:
 - (i) considers that:
 - (A) the vessel complies with the standards that apply to the vessel; or
 - (B) the vessel complies with the standards that apply to the vessel to the extent that only minor non-conformances are identified that will not jeopardise the safety of the vessel or any person on board; and
 - (ii) has given the owner a signed document to that effect in the approved form.
- Note for paragraph (d)* A list of accredited marine surveyors and recognised organisations is available on the AMSA website at <http://www.amsa.gov.au>.
- (2) If subparagraph (1)(e)(i)(B) applies, the person who conducted the survey must also specify the following in the signed document to be given to the owner and give a copy of the signed document to the National Regulator:
 - (a) each identified non-conformance; and
 - (b) each standard to which the identified non-conformance relates.
 - (3) The exemption:
 - (a) commences the day the person who conducted the survey gives the owner the signed document; and
 - (b) ends 90 days after the day the certificate of survey that has been in force for the vessel expired.
 - (4) A vessel that is exempt under this section cannot be exempt again before a certificate of survey is issued for the vessel.

14 Conditions

The exemption is subject to the following conditions:

- (a) the owner keeps the signed document on the vessel at all times;
- (b) the vessel complies with the conditions on the certificate of survey that was in force for the vessel.

Division 7 Temporary operations — extension of time to finalise survey after certificate has expired

15 Exemption

- (1) A domestic commercial vessel is exempt from the requirement to have a certificate of survey if:
 - (a) an application for approval for operation without the certificate of survey is made to the National Regulator in the approved form; and
 - (b) all in-water components of the renewal survey have been completed as far as is reasonably practicable, by an accredited marine surveyor or other person authorised to conduct inspections; and
 - (c) the person who conducted the in-water components of the renewal survey has given the National Regulator a written report of each survey conducted of the vessel; and
 - (d) the National Regulator approves in writing the operation of the vessel without the certificate of survey for the period.
- (2) The exemption commences on the expiry date of the certificate that was in force and ends on the earlier of the following:
 - (a) the date specified in the approval;
 - (b) 90 days after the date of expiry of the certificate.

16 Approval

- (1) The owner of a vessel may apply to the National Regulator for an approval mentioned in section 15.
- (2) The National Regulator may give the approval subject to conditions.

17 Conditions

The vessel complies with:

- (a) the conditions on the certificate of survey that was in force for the vessel; and
- (b) any additional conditions imposed by the National Regulator.

Division 8 Temporary operations — operation outside scope of certificate

18 Exemption

- (1) This section applies to a vessel:
 - (a) that has a certificate of operation or a certificate of survey; and
 - (b) for which the owner applies to the National Regulator for approval to operate in a way:

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- (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 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.
 - (3) The exemption commences on the day the National Regulator gives the approval and ends on the earlier of the following:
 - (a) the day specified in the approval;
 - (b) 90 days after it commences.

19 Approval

- (1) The owner of a vessel may apply to the National Regulator for an approval mentioned in subsection 18(1).
- (2) The National Regulator may, in writing, give an approval if satisfied that the vessel may be safely operated during the period.
- (3) The National Regulator may give the approval subject to conditions.

Dictionary

(section 4)

accredited marine surveyor means a person who is accredited under section 24 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*.

Note The list of accredited marine surveyors is available on the AMSA website at <http://www.amsa.gov.au>.

initial survey means a full initial survey in accordance with section 4 of the National Standard for the Administration of Marine Safety (NSAMS).

load line certificate means a certificate issued under section 8 of *Marine Order 507 (Load line certificates — national law) 2013*.

Marine Order 503 means *Marine Order 503 (Certificates of survey — national law) 2013*.

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