



Australian Government
Australian Maritime Safety Authority

AMSA EX06

Marine Safety (Periodic survey, equipment certification and compass adjustment) Exemption 2018

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*.

15 February 2018

Michael Kinley
Chief Executive Officer

Division 1 Preliminary

1 Name of instrument

This instrument is *Marine Safety (Periodic survey, equipment certification and compass adjustment) Exemption 2018*.

2 Duration

This instrument:

- (a) commences on 1 April 2018; and
- (b) ceases to have effect at the end of 30 June 2020.

3 Repeal and transitional matters

- (1) *Marine Safety (Periodic survey, equipment certification and compass adjustment) Exemption 2017* is repealed.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 31 March 2018 continues in effect until the approval's expiry.

4 Definitions — the 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.

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

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 2018*. Otherwise, an application for a specific exemption must be made if an extension of time for a renewal survey is required.

5 Exemption — periodic survey and equipment certification

- (1) A domestic commercial vessel is exempt from the condition imposed by paragraph 7(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 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 7, 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 7(3).
- (2) A vessel is exempt from the condition imposed by paragraph 7(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 7, 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 7(3).

6 Exemption — load line inspection

A domestic commercial vessel that must have a load line certificate is exempt from paragraph 9(1)(f) of Marine Order 507 to the extent that it requires the timing of load line inspections under the vessel's inspection cycle, and from any condition on a load line certificate that requires the timing of load line inspections under the vessel's inspection cycle, if:

- (a) an application for an approval of extension of time for completion of the inspection has been made in accordance with section 7, but not yet decided by the National Regulator; or
- (b) the National Regulator has given an approval of extension of time for completion of the inspection under subsection 7(3).

7 Approval

- (1) The owner of a vessel may apply to the National Regulator for an approval mentioned in section 5 or section 6.
- (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 due to be surveyed or inspected; and

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- (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.
- (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 or recognised organisation.
- (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 due 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.
- Note* The National Regulator may specify any shorter period that it considers adequate to complete the survey or inspection.
- (6) The National Regulator may give an approval subject to conditions.

Division 3 Compass adjustment

8 Exemption — vessels to which NSCV applies

A vessel to which the NSCV applies is exempt from the condition imposed under paragraph 7(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 10, but not yet decided by the National Regulator; or
- (b) the National Regulator has given an approval to operate without adjustment under subsection 10(2).

9 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 7(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.

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- (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 10, but not yet decided by the National Regulator; or
 - (b) the National Regulator has given an approval under subsection 10(2).

10 Approval

- (1) The owner of a vessel may apply to the National Regulator for an approval mentioned in section 8 or subsection 9(3).
- (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.

Dictionary

(section 4)

Marine Order 503 means *Marine Order 503 (Certificates of survey — national law) 2017*.

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.
