



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

---

AMSA EX04

**Marine Safety (Recreational use) 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 (Recreational use) 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:

***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.

*Note* ***Domestic commercial vessel*** is defined in the *Marine Safety (Domestic Commercial Vessel) National Law* — see section 7.

## 4 Exemption

A domestic commercial vessel that is operated for recreational purposes is exempt from the crewing requirements and operational area limitations imposed by the national law and its certificate of operation.

## 5 Conditions

- (1) The vessel must:
  - (a) be used solely for recreational use and not in connection with a commercial, governmental or research activity; and
  - (b) comply with maximum load and passenger restrictions; and
  - (c) comply with local recreational vessel requirements, except those requiring the vessel to be registered as a recreational vessel or to meet Australian Builder's Plate requirements.

*Note for paragraph (c)* In particular, local recreational laws covering safety equipment (including wearing life jackets), operational area limitations, crew qualification requirements, safety of waterskiers and waterway management issues may apply.

- (2) The vessel's safety management system must deal with the risks of operating the vessel for recreational use.
- (3) Any powered equipment, lifting equipment or other machinery that could pose a danger to passengers must be secured or isolated from passengers.
- (4) Any operation for recreational purposes must be recorded in the vessel's log book.
- (5) If the vessel is  $\geq 12$  m long, the National Regulator approves in writing the operation of the vessel.

*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*.

- 
- (6) The National Regulator may make an approval subject to a condition that relates to the local conditions of the waters in which the vessel is to operate.
-