



Australian Government
Australian Maritime Safety Authority

AMSA EX41

Marine Safety (Unpowered barges) Exemption 2018

I, Gary Prosser, Acting 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*.

7 June 2018

Gary Prosser
Acting Chief Executive Officer

- 1 Name of instrument**
This instrument is *Marine Safety (Unpowered barges) Exemption 2018*.
- 2 Duration**
This instrument:
 - (a) commences on 1 July 2018; and
 - (b) ceases to have effect at the end of 30 June 2020.
- 3 Repeal**
Marine Safety (Unpowered barges) Exemption 2017 (No. 2) made on 27 November 2017 is repealed.
- 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.
- 5 Exemption from certain NSCV Part C requirements**
 - (1) Each kind of unpowered barge that is mentioned in an item of the following table is exempt from compliance with sections 7, 8, paragraphs 9(2)(a) and 11(1)(f) of Marine Order 503 to the extent that it requires the vessel to meet an NSCV Subsection, Chapter or clause mentioned in the item.

Item	Kind of unpowered barge	NSCV Subsections, Chapters or clauses with which unpowered barge need not comply
1	<p><u>Category 1</u> Barge with no machinery and no persons on board</p>	<p>C1 Clause 5.9 and Chapter 6 of C4 C5A Clauses 7.3 and 9.7 of C6B C7A, C7B and C7C If the unpowered barge is permanently moored — C7D</p>
2	<p><u>Category 2</u> Barge with no machinery and 1 or more persons on board who are crew or special personnel, but no berths in use</p>	<p>Clause 6.12.4 of C1 — to the extent that it requires a person overboard alert system mentioned in Table 30, measure 8 Clauses 6.12.4 and 6.12.7.4 of C1 — to the extent that they require handholds mentioned in Table 30, measure 3 Clause 5.9 and Chapter 6 of C4 C5A Clauses 7.3 and 9.7 of C6B C7A, C7B and C7C If the unpowered barge is permanently moored — C7D</p>
3	<p><u>Category 3</u> Barge with machinery and 1 or more persons on board who are crew or special personnel, but no berths in use</p>	<p>Clause 6.12.4 of C1 — to the extent that it requires a person overboard alert system mentioned in Table 30, measure 8 Clauses 6.12.4 and 6.12.7.4 of C1 — to the extent that they require handholds mentioned in Table 30, measure 3 Clause 5.9 and Chapter 6 of C4 Chapters 3, 5 and 6 of C5A Clauses 7.3 and 9.7 of C6B C7A, C7B and C7C If the unpowered barge is permanently moored — C7D</p>
4	<p><u>Category 4</u> Barge with or without machinery and 1 or more passengers on board, but no berths in use</p>	<p>Clause 5.9 of C4 Chapters 3, 5 and 6 of C5A Clauses 7.3 and 9.7 of C6B</p>

Item	Kind of unpowered barge	NSCV Subsections, Chapters or clauses with which unpowered barge need not comply
		C7A C7B, other than clause 2.13 C7C If the unpowered barge is permanently moored — C7D

Note Unpowered barges with overnight accommodation that is in use are not eligible for this exemption.

- (2) The exemption is subject to the conditions mentioned in items 1 and 2 of Schedule 1.

Note The effect of this exemption is that an owner of an unpowered barge of a kind mentioned in the table is not required to apply for an equivalent means of compliance or an exemption if they do not want to comply with a NSCV Subsection, Chapter or clause mentioned in the table.

6 Exemption from minimum crewing requirement

An owner of an unpowered barge is not required to comply with the operation requirements in subsection 4(4) and subparagraph 5(b)(i) of Marine Order 504 to the extent that Schedule 1 requires compliance with minimum crewing.

Note The effect of this exemption is that an owner of an unpowered barge is required to crew the vessel with appropriate crewing. This may be less than or different to minimum crewing. See subclause 6(2) to 6(11) of Schedule 1 of Marine Order 504 for requirements for appropriate crewing.

Schedule 1 **Conditions**

(section 5)

Item Conditions

- 1 If there are persons on board the unpowered barge:
- (a) it must carry communications equipment that enables the persons to communicate with other vessels in the operational area of the barge; and
 - (b) it must have a documented risk assessment that:
 - (i) identifies marine safety equipment required while it is operating; and
 - (ii) is kept up-to-date; and
 - (c) if any marine safety equipment is identified in the risk assessment — it must carry the equipment on board while it is operating so that the equipment is readily accessible to the persons on board; and
 - (d) if it is not connected to the shore or a structure and is not carrying a lifeboat, liferaft or rescue boat for the total complement on board — it must be accompanied while operating by a vessel, other than a recreational vessel, that:
 - (i) remains close to the barge at all times; and
 - (ii) is equipped to rescue all of the persons on board the barge.

Example for paragraph (a) A marine radio.

Note for paragraph (d) The accompanying vessel may be a domestic commercial vessel, a registered Australian vessel or a foreign vessel.

- 2 The unpowered barge must comply with the Prevention of Collisions Convention.

Note This Convention gives effect to the International Regulations for Preventing Collisions at Sea (COLREGS) that are attached to the Convention.

Dictionary

(section 4)

crew has the same meaning as in NSCV Part B.

equivalent means of compliance means an equivalent means of compliance mentioned in Division 4 of Marine Order 503.

machinery, for a vessel, means machinery on board the vessel and includes self-propulsion machinery.

Example An excavator used for dredging work that is on board the vessel.

Marine Order 503 means *Marine Order 503 (Certificates of survey — national law) 2018*.

Marine Order 504 means *Marine Order 504 (Certificates of operation and operation requirements — national law) 2018*.

minimum crewing means minimum crewing as determined in accordance with subclause 6(4) of Schedule 1 of Marine Order 504.

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*.

NSCV — see section 6 of the national law, meaning of **National Standard for Commercial Vessels**.

operational area has the same meaning as in NSCV Part B.

passenger has the same meaning as in NSCV Part B.

Prevention of Collisions Convention has the same meaning as in the *Navigation Act 2012*.

special personnel has the same meaning as in NSCV Part B.

rescue boat has the same meaning as in NSCV Part B.

unpowered barge has the same meaning as in Marine Order 503.

Note For definitions of **marine safety equipment** and **National Regulator** — see section 6 of the national law.