Australian Government
Australian Maritime Safety Authority

AMSA EX2013/18

Marine Safety (Sail) Exemption 2013

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 *Marine Safety (Sail) Exemption 2013*.

2 Duration

This instrument:

(a) commences on 1 July 2013; and

(b) ceases to have effect at the end of 30 June 2014.

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*.

RYA means Royal Yachting Association.

sailing vessel means a vessel whose primary means of propulsion is sail.

specified duties means the duties of:

(a) the master of a sailing vessel ≤24 m long, with operating power < 75 kw up to 100 nm from shore; or

(b) the mate of a sailing vessel ≤35 m long in the Australian Exclusive Economic Zone; or

(c) a person operating a sailing vessel ≤12 m long with operating power <75 kw and ≤15 nm from shore.

YA means Yachting Australia Incorporated.

Note ***National Regulator*** is defined in the *Marine Safety (Domestic Commercial Vessel) National Law* — see section 6.

4 Exemption

(1) A person is exempt from the requirement to hold a certificate of competency that would be required for the specified duties if the person meets the criteria mentioned in subsection (2).

(2) The criteria are that the person:

(a) is at least 16 years; and

(b) makes a declaration of medical fitness in accordance with the form approved for Part D of the NSCV; and

(c) holds an approved first aid certificate of at least HLTFA311A *Apply first aid*; and

(d) holds at least a Marine Radio Operators VHF Certificate of Proficiency issued by the Australian Communications and Media Authority, or another qualification that the Australian Communications and Media Authority considers to be equivalent; and

(e) has completed:

(i) the Elements of Shipboard Safety units of the maritime training package of the Transport & Logistics Industry Skills Council Ltd and any other training the National Regulator considers to be an equivalent program; or

(ii) the YA–RYA Safety and Sea Survival course; and

(f) for the duties mentioned in paragraphs (a) and (b) of the definition of ***specified duties*** in section 3:

(i) has completed any of the following:

(A) TDMMR3007B — Operate and carry out basic service checks on small vessel marine propulsion systems;

(B) the YA–RYA *Diesel Engine course* and the YA Powerboat Handling course;

(C) the YA–RYA *Diesel Engine course* and the RYA *Level 2 Powerboat course*;

(D) TDMMF3207C — *Apply domestic regulations and industry practices when operating a small coastal vessel*; and

(ii) holds a YA-RYA Yachtmaster Offshore or Yachtmaster Ocean certificate, with an STCW endorsement, or another certificate the National Regulator considers to be equivalent; and

(g) for the duties mentioned in paragraph (c) of the definition of ***specified duties*** in section 3 — holds a YA-RYA Yachtmaster Coastal certificate, or another certificate the National Regulator considers to be at least equivalent; and

(h) the National Regulator approves in writing the person carrying out the specified duties.

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*.

(3) For subparagraphs (2)(f)(i) and (iv), TDMMR3007B and TDMMF3207C are units of the maritime training package of the Transport & Logistics Industry Skills Council Ltd.

5 Conditions

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.