



Australian Government
Australian Maritime Safety Authority

AMSA EX06

Marine Safety (Periodic survey, equipment certification and compass adjustment) 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*.

11 May 2017

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 2017*.

2 Duration

This instrument:

- (a) commences on 1 July 2017; and
- (b) ceases to have effect at the end of 30 June 2020.

3 Repeal

- (1) *Marine Safety (Operation beyond required survey time) Exemption 2013* is repealed.
- (2) However, an approval made under *Marine Safety (Operation beyond required survey time) Exemption 2013* that is in effect on 30 June 2017, continues in effect after that instrument's repeal 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 Periodic survey and equipment certification

5 Exemption

- (1) A 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 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 before the date the vessel was to be surveyed or inspected; and
 - (b) for an approval to operate without a current certificate of currency for equipment — be made before the date the certificate is to expire; and
 - (c) include a statement explaining:
 - (i) why the safety of the vessel or persons on board would not be jeopardised if the approval is given; and
 - (ii) why it is impracticable or would cause unreasonable or unnecessary expense for the owner if the approval is not given.
- (3) The National Regulator may give, in writing, an approval if satisfied of the matters mentioned in subsection (2)(c).
- (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 — 6 months from the date the vessel was to be surveyed or inspected; and
 - (b) for an approval to operate without a current certificate of currency for equipment — 3 months from the date the certificate was to expire.

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- (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).
- (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.