



Australian Government
Australian Maritime Safety Authority

AMSA EX06

Marine Safety (Periodic survey, equipment certification, compass adjustment and liferaft servicing) Exemption 2021

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*.

23 December 2021

Michael Kinley
Chief Executive Officer

Division 1 Preliminary

1 Name of instrument

This instrument is *Marine Safety (Periodic survey, equipment certification, compass adjustment and liferaft servicing) Exemption 2021*.

2 Duration

This instrument commences on its making and ceases to have effect at the end of 30 June 2025.

2A Repeal

Marine Safety (Periodic survey, equipment certification and compass adjustment) Exemption 2020 made on 29 June 2020 is repealed.

3 Definitions and interpretation

(1) In this instrument:

Exemption 02 means *Marine Safety (Certificates of survey) Exemption 2021*.

Marine Order 25 means *Marine Order 25 (Equipment — lifesaving) 2014*.

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

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.

NSCV — see section 6 of the *Marine Safety (Domestic Commercial Vessel) National Law*, meaning of *National Standard for Commercial Vessels*.

NSCV Part C means *Part C — Design and construction* of the NSCV.

(2) An approval given under a repealed version of *Marine Safety (Periodic survey, equipment certification and compass adjustment) Exemption* is taken to be an approval given under this instrument if it is in effect and has not expired.

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 2020*. Otherwise, an application for a specific exemption must be made if an extension of time for a renewal survey is required.

4 Exemption — periodic survey and equipment certification

- (1) A domestic commercial vessel is exempt from the condition imposed by paragraph 11(1)(a) of Marine Order 503 on its certificate of survey to the extent that it relates to the timing of periodic surveys (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 (other than the renewal survey) 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 and that approval has not expired.
- (2) A vessel is exempt from the condition imposed by paragraph 11(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 and that approval has not expired.

5 Exemption — load line survey

A domestic commercial vessel that must have a load line certificate is exempt from paragraph 7(1)(d) of Marine Order 507 to the extent that it relates to the timing of load line surveys under the vessel's survey cycle, and from any condition on a load line certificate that requires the timing of load line surveys to be met under the vessel's survey cycle, if:

- (a) an application for an approval of extension of time for completion of the survey 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 the survey and that approval has not expired.

6 Approval

- (1) An application for approval made by the owner must:
 - (a) for an approval of extension of time for the completion of a periodic survey — not be more than 90 days before the period in which the vessel is required to be surveyed; and
 - (b) for an approval to operate without a current certificate of currency for equipment — not be more than 90 days before the certificate is to expire; and
 - (c) if requested by the National Regulator, include a report on the condition of the vessel, or its equipment, from an accredited marine surveyor or recognised organisation; and
 - (d) be in the approved form.

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- (2) Unless a shorter period is specified by the National Regulator, an approval expires:
 - (a) for an approval of extension of time for completion of a periodic survey — 90 days after the last day of the period in which the vessel was required to be surveyed; and
 - (b) for an approval to operate without a current certificate of currency for equipment — 90 days after the day the certificate was to expire.
 - (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 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 11(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 by the owner, but not yet decided by the National Regulator; or
- (b) the National Regulator has given an approval to operate without adjustment and that approval has not expired.

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 11(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 by the owner, but not yet decided by the National Regulator; or

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- (b) the National Regulator has given an approval that has not expired.

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.

Division 4 Liferaft servicing

10 Exemption from Marine Order 503 — liferafts being serviced, repaired or replaced

- (1) This section applies to a vessel that must comply with NSCV Part C7A as:
 - (a) a criteria for the renewal of a certificate of survey under section 10 of Marine Order 503; or
 - (b) a condition imposed on its certificate under paragraph 11(1)(f) of Marine Order 503.
- (2) If a liferaft of the vessel is not in service as it is being serviced, repaired or replaced, the vessel is exempt from complying with NSCV Part C7A to the extent that tables 2, 3 or 4 of that Part or Marine Order 25 set out the minimum quantity of liferafts to be fitted to the vessel for its complement or service category.
- (3) The exemption is subject to the conditions set out in subsections (4) and (5).
- (4) The owner and master of the vessel must ensure that:
 - (a) the date the liferaft is removed from the vessel for servicing, repair or replacement is recorded by the owner or master in the vessel's logbook; and
 - (b) a procedure is adopted to ensure that everyone working on board is aware that the liferaft has been removed, and the consequence of that for the maximum number of persons that may be carried on the vessel; and
 - (c) for each voyage the vessel undertakes — it is carrying the quantity of liferafts sufficient for persons on board; and
 - (d) before a voyage commences — the number of persons and liferafts on board the vessel is recorded in the vessel's logbook by the owner or master; and
 - (e) while the liferaft is not in service — documentation is available on board the vessel:
 - (i) demonstrating that the liferaft is not in service because it is being serviced, repaired or replaced; or
 - (ii) showing the listing, certification or type approval of the liferaft not in service.

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- (5) If a liferaft is to be out of service for more than 14 days, the owner of the vessel must ensure that the vessel's safety management system, including the emergency plan, is amended:
- (a) to address any consequential risk to operational safety including the risk that the master or crew may not be aware of the removal of the liferaft; and
 - (b) to include the procedure mentioned in paragraph 4(b).

Note Clause 6.4 of NSCV Part C7A provides that servicing of a liferaft must be carried out by a person or organisation approved and accredited by the manufacturer of that liferaft.

11 Modification of Exemption 02— liferafts being serviced, repaired or replaced

A vessel required to comply with NSCV Part C7A as a condition under Exemption 02 is also permitted to comply with section 10.