



Marine Notice 09/2013

APPLICATION OF THE NAVIGATION ACT 2012 State and Territory vessels certified to operate to 600 nm from the Australian coast

The purpose of this Marine Notice is to draw the attention of ship owners, ship operators and masters of Australian vessels, in particular those certified by Australian state and territory authorities to operate up to 600 nm from the Australian baseline, to jurisdictional changes arising out of the commencement of the *Navigation Act 2012* on 01 July 2013.

Under section 15 of the *Navigation Act 2012* any Australian commercial vessel that operates on overseas voyages is a Regulated Australian Vessel (RAV). Overseas voyages are defined by section 16 of the *Navigation Act 2012* as essentially being any voyage beyond the Australian Exclusive Economic Zone (EEZ).

AMSA is aware that some vessels have certificates issued by Australian state and territory marine authorities allowing them to operate beyond the EEZ to a maximum of 600 nm from the Australian baseline. If no action is taken with regard to the certification of these vessels before 1 July 2013 they will automatically be subject to the *Navigation Act 2012* instead of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

During the consultation process undertaken as part of the development and implementation of the *Navigation Act 2012* and the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* it was agreed, in principle, that operating limits for existing Australian vessels with state or territory certification could be preserved. Therefore, AMSA has developed a process through which vessels that have certificates permitting domestic operations beyond the EEZ (essentially in excess of Class 2B and 3B) may be declared out of the RAV provisions of the *Navigation Act 2012*, using section 19 of that Act. Those vessels will then become domestic commercial vessels subject to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

It is important to note that the process described in this marine notice only covers the policy that is applicable to vessels holding valid Australian state or territory certification permitting domestic commercial operations beyond the EEZ where this was issued prior to 01 July 2013. That is certification for operational area category "A" (Unlimited domestic operations), as detailed in 3.4 of Part B of the National Standards for Commercial Vessels (NSCV).

In order for a vessel to be considered for declaration under section 19 of the *Navigation Act 2012*, the owner/operator must apply in writing to AMSA and provide a copy of the relevant current valid certification issued by the relevant state or territory authority.

If the vessel for which a declaration is being sought has been issued safety certificates under the *Navigation Act 2012* for unrestricted operations, these will be revoked and are to be surrendered to the Manager Ship Inspection and Registration prior to the issue of the declaration. The vessel can still rely on its category A certification for domestic operations during this period.

Applications may be sent to:

By mail:

The General Manager – Ship Safety
Division
Australian Maritime Safety Authority
GPO Box 2181
Canberra City ACT 2601

By email to:

fsc@amsa.gov.au

Applications should be submitted as soon as practicable, to facilitate processing before 01 July 2013.

Conditions under which Declarations are issued to existing vessels

AMSA intends to revoke a declaration if:

1. the vessel owner subsequently applies for a certificate for the vessel covered by section 15(1)(c)(ii) of the *Navigation Act 2012*;
2. the vessel changes the nature of the operation detailed in the certificate of operation issued for the vessel under the *Marine Safety (Domestic Commercial Vessels) National Law Act 2012*; or
3. the vessel does not comply with the conditions (below) of the declaration.

AMSA intends to impose the following conditions on declarations:

- i. The vessel may operate up to 600nm from the Australian baseline provided it complies with the requirements of the National Standard for Commercial Vessels for such operations.
- ii. The vessel must not enter a port of another country, the territorial waters of another country or the Exclusive Economic Zone (EEZ) of another country.
- iii. When the certificate of survey identified in the declaration expires, a new certificate must be obtained in accordance with Marine Order 503 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* for “extended offshore operations” within the limits identified in this declaration.

AMSA notes that these conditions do not limit the authority of the master of a vessel to render assistance in accordance with regulation 33 of Chapter V of SOLAS.

Where additional information is required queries may be sent to:

Manager
Ship Inspections and Registration
Ship Safety Division
Australian Maritime Safety Authority
GPO Box 2181
CANBERRA ACT 2601
fsc@amsa.gov.au

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