



FACT SHEET



Boat Sharing Domestic Commercial Vessels

Who should read this fact sheet?

- recreational and commercial boat owners
- people thinking of entering into boat-sharing operations
- people thinking of paying for the services of a vessel under boat-sharing arrangements

What is boat sharing?

'Boat sharing' is any arrangement in which different people have a right to use a particular vessel at the same, or different times.

Online platforms link boat owners with people wanting to pay for boating services (i.e. for transport, sight-seeing, fishing charters, ferries or water taxis).

Where members of the public, other than the owners, are paying money to use a boat then it is likely that the vessel is being used in connection with a commercial activity, and is therefore subject to safety standards set out in the *Marine Safety (Domestic Commercial Vessels) National Law Act 2012*.

The Australian Maritime Safety Authority welcomes any arrangements that facilitate more efficient and effective use of available boats, as long as the boats and their operations comply with the standards that apply to commercial vessels.

What is *not* considered boat sharing?

Common examples that are not considered to be boat sharing include:

- a group of friends who buy a boat together so that they can go fishing, sailing or water skiing

- a person buys a share in a boat from a builder who has set up a joint ownership scheme in respect of that boat, and all the joint owners use the boat only for their private recreation — either together or at different times
- a group of people who own a boat and contract a management company to maintain the boat, and the boat is used by the owners only for their private recreation the vessel is owned and operated by community groups such as a bona fide not-for-profit organisation.

My operation involves boat sharing. What do I have to do to comply with the law?

If you wish to use your vessel for a commercial activity, including boat sharing, then you need to ensure that (unless otherwise exempted):

- its operation is authorised by a certificate of operation. The certificate may allow for one or more different kinds of operations
- it holds a certificate of survey and is marked with a unique vessel identifier
- it is crewed by persons holding a certificate of competency
- you and others comply with general safety duties that apply to all persons on board.

General safety duties apply to all crew and passengers on board the vessel. The vessel owner must also implement and maintain a safety management system that ensures the safety of the vessel and its operations.

This may involve, among a number of other things, ensuring that safety equipment such as life jackets and life boats is carried and properly maintained; that the vessel can structurally support the number of people on board in specific waters and conditions; and that appropriately qualified crew, trained to deal with emergency situations, are on board.

What are the penalties for operating commercially without proper certification?

Action has and will be taken for owners, operators and crew not complying with the National Law. Marine Safety Inspectors can take a range of actions to enforce the law, including issuing notices to stop a vessel from operating, and detaining vessels.

The current financial infringement for an individual is \$2,160. The infringement for a company is \$10,800. Penalties are higher if the matter proceeds to prosecution and the maximum penalty is awarded.

How are the safety standards for commercial and recreational vessels different?

There are more stringent safety regulations for vessels used for commercial purposes compared to regulations for recreational vessels.

Commercial vessels must comply with specific design, construction, equipment, manning and operational standards that are generally higher than those that apply to recreational vessels. This will often include a requirement to undergo a survey process and many are required to undergo regular survey inspections.

A fishing charter vessel, for example, would generally have to undergo both initial and periodic survey inspections that would not be required of a recreational fishing boat.

Requirements include:

- handrails of a specific height to prevent people from falling overboard
- fuel tank and system requirements that reduce risk of fire or explosion

- bilge (water) pumps to reduce effects of flooding
- depending on its area of operation, a fishing charter boat may have to carry safety equipment beyond that of a recreational boat, including: a life raft, life jackets, emergency distress beacons, marine radios, flares, navigational equipment and fire extinguishers. This equipment must be carried in specific numbers, and stored, maintained and checked in accordance with certain specifications.

A member of the public would reasonably expect those higher safety standards to be met if they are paying for the use of (or access to) services provided using a vessel.

I'm thinking about paying for the services of a share boat. How do I know if it's properly certified?

Generally, domestic commercial vessels are required to be operated in accordance with a certificate of survey and be the subject of a certificate of survey (or at least meet certain survey standards). These certificates must be displayed.

Crew members must have relevant training (and a certificate of competency).

Owners of commercial vessels also need to have a safety management system in place, which identifies and manages risks for the vessel and its operations.

Certification is not about a piece of paper — it is evidence of a safe vessel and operation.

More information

- read the *Boat-share and Community Group (Club) arrangements and the National Law Guidance Notice*
- call **AMSA Connect 02 6279 5000**
- email **national.system@amsa.gov.au**
- visit your local marine safety agency.

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