



# The streamlining concepts at a glance

## 1. Making the structure simpler

Make the regulations and rules simpler, more accessible and easier to identify and apply by:

- moving all outcomes required to be met by industry in the design, build, survey, certification and operation of commercial vessels to the Marine Orders; and
- streamlining the National Standard for Commercial Vessels (NSCV) and National Standard for the Administration of Marine Safety (NSAMS).

Simpler rules make consistent application and interpretation easier.

## 2. Alignment with other regulatory regimes

Explore opportunities to improve alignment between marine safety and workplace health and safety (WHS) or fisheries management regulatory arrangements.

## 3. Simplifying what a 'commercial vessel' means

Clarify in the law and guidance material that vessels which are:

- registered as recreational vessels;
- not primarily used in connection with a commercial, governmental or research activity; and
- owned by the person operating the vessel,

are not commercial vessels and are not subject to the National Law, even where the operator is paid a nominal fee to cover the costs of an activity.

## 4. Clarifying the 'C Class' operational area

Re-define the 'C' operational area category as:

*Operations within 30 nautical miles of the mainland baseline and specified islands unless such waters have been designated as D or E waters or a lesser distance than 30 nautical miles is specified.*

Provision would be made to ensure existing areas accessible as C waters such as the Great Barrier Reef and the Torres Strait Zone are preserved. Consideration will also be given to the safe operating distance from a parent vessel.

## 5. Vessel and operation certificates

Issue Certificates of Survey on request only.

Non-passenger Class 2 and Class 3 vessels <7.5m in sheltered (D and E) waters, which are not high risk would not be required to be on a Certificate of Operation. These vessels would be required to have a Unique Identifier, meet design, construction and operation standards, and an SMS must cover the operation of the vessel.

All other vessels would be required to be on a Certificate of Operation. The Certificate of Operation would be issued initially only and remain valid provided fees were paid and scheduled survey and SMS inspection reports were received. These vessels would also be required to have a Unique Identifier and meet design, construction and operation standards.

Exempt all human powered vessels and all sail vessels <4m from the requirement to display the Unique Identifier.

## 6. Safety management

The requirement for an operator to maintain a SMS would be met where the operator complies with:

- Part E of the NSCV; or
- an internationally recognised code (eg IMO) or safety system relevant to the operation (eg RYA); or
- State/NT WHS laws, where they have been assessed as equivalent to Part E of the NSCV,

provided the SMS/SMP also addresses adequate crewing in accordance with Part E of the NSCV.

## 7. Survey exemptions

Expand the non-survey category to include all (changes to current arrangements are underlined):

- vessels <12m, in sheltered (D or E) waters, which:
  - do not carry any passengers;
  - do not carry goods listed in the International Maritime Dangerous Goods Code;
  - are not support vessels in the offshore oil industry;
  - do not have an inboard petrol engine;
  - are not equipped with plant or machinery with lifting or slewing potential (criteria to be determined); and
  - are not fast craft (a vessel capable of maximum speed equal to or exceeding 25 knots).
- recreational training vessels <24m in inshore operations;
- personal watercraft (PWC);
- water-powered jetpacks (jetlevs and similar);
- human powered vessels; and
- vessels involved in sporting/recreational activities and affiliated with a recognised body (eg Yachting Australia, Surf Lifesaving, Waterski Federation).

These arrangements would apply to new vessels, however existing vessels could opt in to the new arrangements. New non-survey vessels would continue to be subject to the General Safety Requirements (GSR) Standard and all non-survey vessels must comply with Parts E (Operations) or F (Special Vessels) of the NSCV.

An alternative option is to require vessels 7.5 - <12m in the non-survey category to undergo an initial inspection to confirm compliance to the GSR Standard.

## 8. Survey limits

Vessels <45m would not be required to be in Class (although may elect to be in class for commercial reasons). The NSCV would include standards for vessels <45m.

## 9. Periodic survey requirements

Reduce the base periodic survey levels so that:

- only Class 1 and some passenger carrying Class 2 vessels are in annual survey;
- most Class 2 and Class 3 vessels are in biennial survey (2 surveys every 5 years);
- small, low risk Class 2, Class 3 and Class 4 vessels are subject to initial survey and annual self-inspection;
- VMR, ferries in chains, permanently moored vessels, heritage vessels and unpowered barges are subject to initial and renewal (5 yearly) survey and annual self-inspection.

New requirements for SMS inspections would apply. The 'base' survey and SMS inspection levels for individual vessels would be adjusted based on surveyor recommendations, the outcomes of the SMS inspections and compliance monitoring activities.

Expand current allowances for ultrasonic propeller shaft inspection and conformity assessments.

## 10. Minimum crewing

Allow sporting/recreational vessels (eg those affiliated with YA, Surf Lifesaving, Waterski Federation) and specified research vessels (<7.5m in sheltered (D and E) waters (and potentially C waters)) to be operated by a person who holds a recreational qualification.

## 11. Design and construction standards

Strengthen the NSCV by:

- making the GSR Standard easier to apply and allowing equivalent solutions to level flotation;
- improving the alignment of Part F, Section 2 with international standards;
- ensuring the requirements for fire safety are appropriate for the level of risk of a vessel and operation;
- including appropriate requirements for dumb barges and pontoons.

## 12. Certificate of Competency standards

Change the Master <35m Near Coastal (NC) certificate to a Master <45m NC certificate. An alternative option is to issue endorsements allowing Master <35 to operate an <45m vessel where they have training and experience.

## 13. Recreational use exemption

Allow operators to apply for the recreational use exemption as part of the Certificate of Operation rather than separately (halving the application transactions). No application would be needed for vessels that are not required to be on a Certificate of Operation.

An alternative option is to allow specified vessels – such as vessels <24m – to operate recreationally without applying for approval.