



New South Wales

Commercial Vessels Amendment (National Standards) Regulation 2010

under the

Commercial Vessels Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has approved the following Regulation made by the Minister administering the *Commercial Vessels Act 1979*.

PAUL McLEAY, MP
Minister for Ports and Waterways

Explanatory note

The objects of this Regulation are:

- (a) to amend the *Commercial Vessels (Emergency Procedures and Safety of Navigation) Regulation 1986* and the *Commercial Vessels (Equipment) Regulation 1986* to apply the most current relevant provisions of the *Uniform Shipping Laws Code* adopted by the Commonwealth to vessels that will be surveyed for the first time after the commencement of the amendments, or following a period exceeding 2 years in which no survey has been carried out, or in respect of which an application for an upgrade of vessel permit is lodged after that commencement, and
- (b) to amend the *Commercial Vessels (Permit) Regulation 1986* to update references to the *Uniform Shipping Laws Code* and to introduce 2 new classes of vessel permit in line with that Code.

This Regulation is made under the *Commercial Vessels Act 1979*, including sections 6, 41, 42 and 52 (the general regulation-making power).

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Clause 1 Commercial Vessels Amendment (National Standards) Regulation 2010

Commercial Vessels Amendment (National Standards) Regulation 2010

under the

Commercial Vessels Act 1979

1 Name of Regulation

This Regulation is the *Commercial Vessels Amendment (National Standards) Regulation 2010*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Commercial Vessels (Emergency Procedures and Safety of Navigation) Regulation 1986

[1] Clause 4 Definitions

Omit the definition of *The Code*.

[2] Clause 4 (2)

Insert “or 5A” after “clause 5”.

[3] Clause 5 Adoption of section 15 of the Code for existing vessels

Insert at the end of clause 5:

- (2) In this clause, *The Code* means the *Uniform Shipping Laws Code* adopted by the Australian Transport Advisory Council as published in the Commonwealth of Australia Gazette No P 17 of 13 August 1984.
- (3) This clause does not apply to vessels to which clause 5A applies.

[4] Clause 5A

Insert after clause 5:

5A Adoption of section 15 of the Code for new vessels and vessels submitted for upgrade

- (1) This Part applies to the following vessels:
 - (a) vessels in respect of which an application for the initial vessel permit under the Act is lodged on or after the commencement date,
 - (b) vessels that are surveyed on or after the commencement date following a period of more than 2 years in which no survey was carried out,
 - (c) vessels in respect of which an application for an upgrade in the class of vessel permit for the vessel under the Act is lodged on or after the commencement date.
- (2) Section 15 of the Code is adopted without modification.

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Schedule 1 Amendment of Commercial Vessels (Emergency Procedures and Safety of Navigation) Regulation 1986

(3) In this clause:

commencement date means the date on which the *Commercial Vessels Amendment (National Standards) Regulation 2010* commences.

The Code means the *Uniform Shipping Laws Code* adopted by the Australian Transport Council as referred to in section 427 of the *Navigation Act 1912* of the Commonwealth.

Schedule 2 Amendment of Commercial Vessels (Equipment) Regulation 1986

[1] Clause 4 Interpretation

Omit the definition of *Code* in clause 4 (1). Insert instead:

Code means:

- (a) in a provision of this Regulation other than Part 3A—the *Uniform Shipping Laws Code* adopted by the Australian Transport Advisory Council as published in the Commonwealth of Australia Gazette No P 17 of 13 August 1984, or
- (a) in Part 3A—the *Uniform Shipping Laws Code* adopted by the Australian Transport Council as referred to in section 427 of the *Navigation Act 1912* of the Commonwealth.

[2] Clause 4 (2)

Insert “or 25B” after “clause 5”.

[3] Clause 5 Adoption of sections 10, 11 and 13 of Code with modifications for existing vessels

Insert after clause 5 (2):

- (3) This clause does not apply to a vessel to which Part 3A applies.

[4] Clause 8 Application of Division

Insert after clause 8 (2):

- (3) Despite subclauses (1) and (2), this Division does not apply to a vessel to which Part 3A applies.

[5] Clause 10 Application of Division

Insert “(other than a vessel to which Part 3A applies)” after “vessel”.

[6] Clause 12 Application of Division

Insert after clause 12 (2):

- (3) Despite subclauses (1) and (2), this Division does not apply to a vessel to which Part 3A applies.

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Schedule 2 Amendment of Commercial Vessels (Equipment) Regulation 1986

[7] Part 3A

Insert after Part 3:

Part 3A Requirements for equipment for new and upgraded vessels

25A Application of Part

- (1) This Part applies to the following vessels:
 - (a) vessels in respect of which an application for the initial vessel permit under the Act is lodged on or after the commencement date,
 - (b) vessels that are surveyed on or after the commencement date following a period of more than 2 years in which no survey was carried out,
 - (c) vessels in respect of which an application for an upgrade in the class of vessel permit for the vessel under the Act is lodged on or after the commencement date.
- (2) In this clause, *commencement date* means the date on which the *Commercial Vessels Amendment (National Standards) Regulation 2010* commences.

25B Adoption of sections 10, 11, 12 and 13 of the Code for new vessels and vessels submitted for upgrade

- (1) Sections 10 (life-saving appliances), 11 (fire appliances), 12 (radio equipment) and 13 (miscellaneous equipment) of the Code are adopted without modification.
- (2) In this clause, *The Code* means the *Uniform Shipping Laws Code* adopted by the Australian Transport Council as referred to in section 427 of the *Navigation Act 1912* of the Commonwealth.

25C Owner and master of vessel—offences

The owner and master of a vessel to which this Part applies that is in prescribed waters are each guilty of an offence and liable to a penalty not exceeding \$400 if:

- (a) a provision of the Code adopted by clause 25B is contravened in relation to the vessel, and
- (b) the contravention does not constitute an offence against section 42 of the Act.

Schedule 3 Amendment of Commercial Vessels (Permits) Regulation 1986

[1] Clause 4 Definitions

Omit the definition of *The Code*. Insert instead:

The Code means the *Uniform Shipping Laws Code* adopted by the Australian Transport Council as referred to in section 427 of the *Navigation Act 1912* of the Commonwealth.

[2] Clause 5 Classes of vessel permits

Omit clause 5 (1) (d). Insert instead:

- (d) Class 4 (hire and drive vessels), comprising
 - (i) Class 4C—hire and drive vessels for use in operations up to and including designated restricted offshore operations.
 - (ii) Class 4D—hire and drive vessels for use in designated partially smooth water operations and designated smooth water operations.
 - (iii) Class 4E—hire and drive vessels for use in designated smooth water operations.