

Commercial Vessels (Load Lines) Regulation 1986 (1987 SI 258)

[1987-258]



New South Wales

Status Information

Currency of version

Historical version for 1 October 2008 to 30 September 2009 (accessed 14 August 2024 at 18:00)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
Commercial Vessels Legislation Amendment (Fees, Expenses and Charges) Regulation 2009 (354) (LW 31.7.2009) (not commenced — to commence on 1.10.2009)
- **Proposed repeal**
The Regulation is to be repealed on the commencement of Part 2 of Sch 2 to the [Marine Safety Act 1998 No 121](#).

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Commercial Vessels (Load Lines) Regulation 1986 (1987 SI 258)



New South Wales

1 Name of Regulation

This Regulation may be cited as the *Commercial Vessels (Load Lines) Regulation 1986*.

2 Commencement

This Regulation shall take effect on and from the commencement of Part 5 of the *Commercial Vessels Act 1979*.

Editorial note—

Date of commencement of the *Commercial Vessels Act 1979*: 1.7.1987. See Gazette No 109 of 26.6.1987, p 3177.

3 Application of Regulation

This Regulation applies to all vessels, except as provided by:

- (a) section 4A of the Act (Application of Act),
- (b) section 36 of the Act (Application of Part) and clause 5 (Exemption of certain classes of vessels),
- (c) section 48 of the Act (Exemptions), and
- (d) Schedule 1 to the Act (Savings and transitional provisions with respect to existing vessels).

4 Definitions

- (1) In this Regulation, except in so far as the context or subject-matter otherwise indicates or requires:

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.

the Act means the *Commercial Vessels Act 1979*.

- (2) In this Regulation and in a provision of the Code adopted by clause 6, a reference to a vessel of a particular class is a reference to a vessel which is the subject of a vessel permit of that class as defined in the *Commercial Vessels (Permits) Regulation 1986*.
- (3) For the purposes of subclause (2), where a vessel is the subject of 2 or more vessel permits, the class of the vessel at any particular time is the class of the vessel permit in pursuance of which the vessel is being operated at that time.

5 Exemption of certain classes of vessels

- (1) The following vessels are, pursuant to section 36 of the Act, exempt from the operation of Part 5 of the Act and this Regulation:
 - (a) a vessel of less than 16 metres in length,
 - (b) a vessel in respect of which an exemption certificate under section 36 (2) of the Act is in force,
 - (c) a Class 3 vessel,
 - (d) a Class 4 vessel,
 - (e) a Class 1D or 1E vessel,
 - (f) a vessel:
 - (i) which is, immediately before the commencement of this Regulation, the subject of a licence under Division 6 of Part 3 of the *Management of Waters and Waterside Lands Regulations—N.S.W.*,
 - (ii) which remains of the same class, and
 - (iii) whose vessel permit is not cancelled under the Act,
 - (g) an existing vessel:
 - (i) which is under 80 tons register,
 - (ii) which remains of the same class, and
 - (iii) whose vessel permit is not cancelled under the Act.
- (2) In subclause (1):

existing vessel means a vessel which was, immediately before the commencement of the *Commercial Vessels (Permits) Regulation 1986*, the subject of an unexpired certificate under the *Navigation Act 1901* certifying compliance with Part 4 of that Act.

length has the same meaning as in Section 7 of the Code.

6 Adoption of Section 7 of the Code (Load Lines)

For the purposes of Part 5 of the Act, Section 7 of the Code is adopted subject to the modifications specified in Schedule 1.

7 Fees

- (1) The fees payable to the Minister for surveys and inspections under Part 5 of the Act and for the issue of certificates under that Part are the fees specified in Schedule 2.
- (2) Section 6 of the *Intergovernmental Agreement Implementation (GST) Act 2000* does not apply to a fee specified in Schedule 2.

8 Dissolution of Maritime Services Board—savings and transitional

Anything done by the Maritime Services Board or by an officer of the Board under a provision of this Regulation before the dissolution of the Board by the *Ports Corporatisation and Waterways Management Act 1995* that had any force or effect immediately before that dissolution is taken to have been done by the Minister or by an officer of the Minister, as the case requires.

Schedule 1 Modifications to Section 7 of the Code

(Clause 6)

Part 1 (Preliminary)

Clause 2

Omit the clause, insert instead:

- 2 In this Section, except in so far as the context or subject-matter otherwise indicates or requires:

approved, existing vessel, new vessel and **tons** have the same meanings respectively as in Section 1 of the Code.

Authority means the Minister administering the *Commercial Vessels Act 1979* of New South Wales.

margin line means the line drawn parallel to and 76 millimetres below the bulkhead deck outside;

partially smooth water operations and **smooth water operations** have the same meanings respectively as in the *Commercial Vessels (Permits) Regulation 1986*.

sailing vessel means a vessel having sails as the sole or principal means of

propulsion.

surveyor means, in respect of a survey for the purposes of the issue or renewal of a load line certificate by the Authority, or by an assigning authority, a person authorised by the Authority, or that assigning authority, as a surveyor.

tug means a vessel engaged in towing.

Clause 3.9

Omit “means a survey authority”, insert instead “means a person or body”.

Clause 3.14

Omit the subclause, insert instead:

3.14 **watertight** means:

- (a) in relation to a fitting in a vessel located above the margin line—that the fitting is so constructed as to effectively resist the passage of water, except for slight seepage, when subjected to a hose test with water at a pressure of 210 kPa from a nozzle of 18 millimetre bore, or to an equivalent test, or
- (b) in relation to the structure of the vessel—that the structure is so constructed as to be capable of preventing the passage of water through the structure in any direction under a head of water up to the margin line of the vessel;

3.14A **weathertight**, in relation to the structure of or a fitting in a vessel, means that in any sea conditions water will not penetrate into the vessel through the structure or fitting.

Clause 3.15 (definition of “vessel”)

Omit the definition.

Clause 3.20

Omit the formula, insert instead:

$$C_b = \frac{\nabla}{L.B.d_1}$$

Clause 3.22.1

After “weather” where secondly occurring, insert “and sea”.

Part 2 (Conditions of assignment)

Clause 4

Omit the clause.

Part 4 (Initial surveys)

Clause 28.1 (c)

Omit “was issued”, insert instead “is to be issued”.

Part 5 (Calculation and assignment of freeboards)

Clause 40.2

Before paragraph (a), insert:

(a1) 265 millimetres in the case of a vessel the length of which is 16 metres,

Clause 40.4 (c)

Omit “Type V”, insert instead “Type B”.

Clause 41.2, Table

Omit “L” wherever occurring under the heading “Ordinate (in mm)”, insert instead:

$$\frac{“L”}{3}$$

Part 11 (Modifications, etc)

Clauses 69.8, 69.9 and 69.10

Omit the subclauses.

Clause 70.2

Omit:

$$\frac{(L \times h) \times 6}{L}$$

insert instead:

$$\frac{(1 \times h) \times 6}{L}$$

Part 13 (Issue of certificates)

Clause 73.1

Omit “; the form of the certificate shall be as set out in Appendix G”.

Clause 73.2

Omit the subclause, insert instead:

73.2 A load line exemption certificate issued by the authority shall be in a form approved by the authority.

Clause 73.6

Omit the subclause.

Part 14 (Overloading)

Omit the Part.

Part 15 (Miscellaneous)

Clause 78

Omit the clause.

Appendices G and H

Omit the Appendices.

Schedule 2 Fees

(Clause 7)

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1	Initial survey and issue of load line certificate	315
2	Initial survey and issue of load line exemption certificate	315
3	Periodical survey	315
4	Periodical inspection	104

5 Where, at the request of a person submitting a vessel for a survey or inspection, a surveyor attends at a place where, or at a time when, the surveyor would not, except in response to that request, have been engaged on official duties, that person shall pay to the Minister the travelling and accommodation expenses of the surveyor incurred by reason of that attendance.

6 Where, upon attending to a survey or inspection of a vessel, at a place and time of which the owner of the vessel has been given reasonable notice by an officer of the Minister, or at a place or time referred to in item 5, a surveyor is unable to carry out the survey or inspection by reason of the vessel not being made available in a position or condition which permits the making of the survey or inspection, all fees, charges and expenses already paid shall be retained by the Minister and shall be deemed not to have been paid in respect of any survey or inspection of the vessel subsequently carried out.