

Commercial Vessels (Hire and Drive) Regulation 1986 (1987 SI 260)

[1987-260]



New South Wales

Status Information

Currency of version

Repealed version for 28 July 1995 to 31 December 2010 (accessed 26 November 2024 at 3:53)

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—

- **Repeal**

The Regulation was repealed by Part 2 of Sch 2 to the [Marine Safety Act 1998 No 121](#) with effect from 1.1.2011.

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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Part 1 Preliminary

1 Name of Regulation

This Regulation may be cited as the *Commercial Vessels (Hire and Drive) Regulation 1986*.

2 Commencement

This Regulation shall take effect on and from the commencement of Part 2 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 Class 4 vessels, except as provided by:

- (a) section 4A of the Act (Application of Act),
- (b) section 48 of the Act (Exemptions),
- (c) Schedule 1 to the Act (Savings and transitional provisions with respect to existing vessels), and
- (d) this Regulation.

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.

length, in relation to a vessel, means:

- (a) the distance from the fore part of the hull to the afterpart of the hull measured at the upperside of the uppermost weather tight deck or, in the case of an open vessel, at the height of the gunwale, or
- (b) 96 per cent of the distance between a vertical line passing through a point being the foremost part of the hull and a vertical line passing through a point being the aftermost part of the hull, excluding appendages,

whichever is the greater.

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

the Act means the [Commercial Vessels Act 1979](#).

- (2) In this Regulation and in a provision of the Code adopted by this Regulation, 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.

Part 2 Equipment

5 Application of Part 6 of Act

The provisions of this Part have effect for the purposes of Part 6 of the Act.

6 Lifesaving equipment

A Class 4 vessel shall carry the following lifesaving equipment:

- (a) a coastal life jacket for every person the vessel is authorised to carry, except that a vessel of less than 6 metres in length may carry a life jacket or buoyancy vest complying with and displaying the mark of the appropriate standard of the Australian Standards Association instead of each coastal life jacket it would otherwise be required to carry,
- (b) where the vessel is of 7.5 metres or more in length—1 lifebuoy approved by the Minister with at least 15 metres of line attached to it,
- (c) where the vessel is fitted with overnight accommodation (regardless of its length)—an additional lifebuoy approved by the Minister with a self-igniting light attached.

7 Fire-fighting equipment

A Class 4 vessel shall carry the following fire-fighting equipment:

- (a) where the vessel is of 7.5 metres or more in length:
 - (i) 2 portable fire extinguishers suitable for use in accommodation and service areas,
 - (ii) 1 portable fire extinguisher suitable for extinguishing oil fires for each space containing propelling machinery or for each outboard engine, as the case requires, and
 - (iii) 2 fire buckets,
- (b) where the vessel is less than 7.5 metres in length:
 - (i) 1 portable fire extinguisher for use in accommodation and service areas,
 - (ii) 1 portable fire extinguisher suitable for extinguishing oil fires for each space containing propelling machinery or for outboard engines, as the case requires, and
 - (iii) 1 fire bucket,
- (c) where the accommodation and service areas of a vessel are not readily accessible to each other—such additional portable fire extinguishers as the Minister may direct by notice to the owner of the vessel.

8 Miscellaneous equipment

A Class 4 vessel shall carry the following miscellaneous equipment:

- (a) anchors and cables as prescribed by the [Commercial Vessels \(Equipment\) Regulation 1986](#) for a vessel of the same length during smooth water operations,
- (b) hawsers and ropes,
- (c) where the vessel is 7.5 metres or over in length—a boat hook,
- (d) where the vessel is authorised to operate between the hours of sunset and sunrise—a waterproof torch or hand lamp,
- (e) where the vessel is fitted with overnight accommodation—a first-aid kit in accordance with Scale G in Appendix L of Section 13 of the Code,
- (f) where the vessel is an open vessel of less than 6 metres in length and is not fitted with a bilge pump—a bailer or bucket with lanyard attached and having a minimum capacity of 2 litres.

9 Sailing vessels—special provisions

A Class 4 sailing vessel of less than 7.5 metres in length:

- (a) in the case of a vessel of a ballasted type and which does not meet the reserve buoyancy requirements of the Code—shall carry a float-off buoyant apparatus

sufficient to support the maximum number of persons the vessel is authorised to carry,

- (b) in the case of a vessel of less than 5 metres in length—shall not be required to carry an anchor, and
- (c) in the case of a vessel whose hull is permanently enclosed and whose cockpit is self-draining—shall not be required to carry a bailer or bucket or a bilge pump.

10 Specifications etc for equipment

Equipment required to be carried on a Class 4 vessel by this Part shall:

- (a) comply with such specifications,
- (b) be carried in such position of manner,
- (c) be labelled in such manner, and
- (d) have such notices or instructions relating to the equipment displayed or made available,

as prescribed by or under the [Commercial Vessels \(Equipment\) Regulation 1986](#) in relation to similar equipment required to be carried on a vessel by that Regulation.

11 Refuelling instructions

- (1) A Class 4 vessel fitted with a motor shall have refuelling instructions displayed in a position adjacent to the fuelling point and where they can best be seen.
- (2) In subclause (1):

refuelling instructions means:

- (a) instructions in or to the effect of the following terms:

“No smoking; engine off; all switches off; all galley appliances and naked lights extinguished; all ports, doors and hatches closed; passengers ashore if practicable. All portable fuel tanks to be removed from vessel for filling. After refuelling, remove any spillage and open all ports, doors and hatches. The vessel is to be clear of explosive gases before relighting any galley appliances or starting the engine”,

- (b) any other specific safety instructions applicable to the refuelling of the vessel.

12 Application of Part to existing vessels

- (1) This Part does not apply to an existing vessel until the date on which the first survey of the vessel in accordance with its survey schedule falls due after the expiration of 2 years after the commencement of this Regulation if, during that period, the vessel

complies with the provisions of the *Navigation Act 1901* and the regulations under that Act (as in force immediately before that commencement) relating to the carriage of equipment by the vessel.

- (2) This Part applies in relation to an item of equipment fitted or provided on an existing vessel after the commencement of this Regulation.
- (3) An existing vessel is not required to comply with the requirements of this Part with respect to windlasses, anchors and cables if it continues to carry the windlasses, anchors and cables which it was required to carry immediately before the commencement of this Regulation.
- (4) In this clause:

existing vessel means a vessel which was, immediately before the commencement of this Regulation, the subject of an unexpired certificate under Regulation 27 of the *Navigation (Survey and Equipment) Regulations—N.S.W.* or an unexpired certificate under the *Navigation Act 1901* certifying compliance with Part 4 of that Act.

Part 3 Miscellaneous provisions

13 Requirements for operations at night

- (1) A Class 4 vessel shall not be used between sunset and sunrise unless:
 - (a) it is fitted with overnight accommodation,
 - (b) in the case of a sailing vessel—it has an auxiliary motor, and
 - (c) it carries the navigation lights and other equipment required to comply with the *Navigation (Collision) Regulations 1983*.
- (2) A person who uses or authorises the use of a Class 4 vessel in contravention of this clause is guilty of an offence and liable to a penalty not exceeding \$400.

14 Owner to maintain register of hirers

- (1) The owner of a Class 4 vessel shall maintain, in respect of that vessel, a register in a form approved by the Minister in which shall be shown details of all hirings of the vessel, including:
 - (a) the name and permit number of the vessel,
 - (b) the full name, address and signature of each hirer,
 - (c) the date and time of each hiring of the vessel,
 - (d) the date and time of each return of the vessel,
 - (e) the number of persons declared by the hirer that are to be carried on the vessel,

and

(f) if applicable the number of the hirer's licence to drive the vessel.

- (2) The owner of a Class 4 vessel shall not make that vessel available to a hirer without having obtained the details required by subclause (1).
- (3) The owner of a Class 4 vessel shall produce the register under subclause (1) on demand by an officer of the Minister.
- (4) The register under subclause (1) shall be retained by the owner of the vessel concerned for a period of at least 6 months from the date of the last entry in the register or for such longer period as the Minister may direct by notice to the owner.
- (5) The owner of a vessel who contravenes this clause is guilty of an offence and liable to a penalty not exceeding \$400.

15 Owner to instruct hirer

- (1) The owner of a Class 4 vessel shall not hire the vessel unless the owner is satisfied that the hirer is competent to take charge of that vessel for operations authorised by its vessel permit.
- (2) The owner of a Class 4 vessel shall issue to each hirer of the vessel clear and concise instructions on:
 - (a) correct and safe handling and navigation of the vessel,
 - (b) correct and safe operation of machinery, fuel, gas and pumping systems and valves or openings in the hull,
 - (c) stowage and use of lifesaving appliances,
 - (d) location and use of fire appliances, and
 - (e) limits of operation of the vessel, being, if the Minister so directs, in the form of an appropriate plan.
- (3) The owner of a Class 4 vessel shall, before hiring the vessel, obtain from the hirer a signed statement indicating that the hirer fully understands the limits, restrictions and conditions that have been placed on the operation of the vessel.
- (4) The owner of a vessel who contravenes this clause is guilty of an offence and liable to a penalty not exceeding \$400.

16 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.