

Commercial Vessels (Emergency Procedures and Safety of Navigation) Regulation 1986 (1987 SI 256)

[1987-256]



New South Wales

Status Information

Currency of version

Repealed version for 19 February 2010 to 31 December 2010 (accessed 28 December 2024 at 19:11)

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The Regulation was repealed by Part 2 of Sch 2 to the [Marine Safety Act 1998 No 121](#) with effect from 1.1.2011.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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Commercial Vessels (Emergency Procedures and Safety of Navigation) Regulation 1986 (1987 SI 256)



New South Wales

1 Name of Regulation

This Regulation may be cited as the *Commercial Vessels (Emergency Procedures and Safety of Navigation) Regulation 1986*.

2 Commencement

This Regulation shall take effect on and from the commencement of Part 7 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

(1) This Regulation applies to all 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.

(2) This Regulation does not apply to a Class 4 vessel.

4 Definitions

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

the Act means the *Commercial Vessels Act 1979*.

- (2) In this Regulation and in a provision of the Code adopted by clause 5 or 5A, 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) Where a vessel is the subject of 2 or more vessel permits, the vessel shall satisfy the requirements of this Regulation applicable to each class of vessel to which it belongs.

5 Adoption of section 15 of the Code for existing vessels

- (1) Section 15 of the Code is adopted subject to the modifications specified in Schedule 1.
- (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.

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.
- (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.

6 Penalty for contravention of the Code

- (1) The owner and master of a vessel which is used in prescribed waters are each guilty of an offence against this Regulation and liable to a penalty not exceeding \$400 if any provision applying to or in respect of the vessel under this Regulation is contravened.
- (2) It shall be a defence to any proceedings against a person for an offence against this

Regulation for the person to prove that:

- (a) the commission of the offence was due to causes over which the person had no control, or
- (b) the person used all due diligence to prevent the commission of the offence.

7 Dissolution of Maritime Services Board—savings and transitional

Anything done by the Maritime Services 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.

Schedule 1 Modifications to section 15 of the Code—emergency procedures and safety of navigation

(Clause 5)

Clause 1.1:

Omit the subclause, insert instead:

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

approved and **special personnel**, 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.

measured length or **length**, in relation to a vessel, means:

- (a) the distance from the fore part of the hull to the after part 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.

Clause 2.3:

Omit the subclause, insert instead:

2.3 In the case of a vessel not exceeding 25 metres in length of Class 2B, 2C, 2D, 2E,

3A, 3B, 3C, 3D or 3E, being a vessel which carries not more than 4 crew members:

- (a) the provisions of clauses 4, 5, 7.2, 7.5, 7.6, 7.7, 7.8, 8.1, 8.3, 9.1 and 9.3 do not apply, and
- (b) the master of the vessel shall ensure that:
 - (i) the crew of the vessel is familiar with the procedure for launching survival craft,
 - (ii) the survival craft are kept ready for launching at all times,
 - (iii) all crew members are instructed in and familiar with fire-fighting procedures, and
 - (iv) all crew members are familiar with collision procedures.

Clauses 7.5 , 8.3, 9.3:

Before "3B" wherever occurring, insert "3A,".

Clause 7.8:

Omit "7.5 and 7.6", insert instead "7.4 and 7.5".

Clause 10:

Omit the clause, insert instead:

10 Crew Rocket Drill

10.1 The master of a vessel of Class 1A, or of Class 1B or 2A having a length in excess of 45 metres, shall:

- (a) drill those members of the crew as signed for special duties in connection with the assembly and use of rocket line throwing apparatus at such times as the master thinks fit, and
- (b) hold practices with the apparatus within 1 week of the commencement of an agreement with a new crew and thereafter at intervals of not more than 3 months.

10.2 A practice with the rocket line throwing apparatus shall not be held:

- (a) other than during the hours of daylight, or
- (b) in a port where the firing of the rocket would be likely to cause damage to property.

10.3 Nothing in this clause authorises or requires a practice with rocket line throwing apparatus that would involve a contravention of any other law.

Clause 12.2 and 12.3:

Omit the subclauses, insert instead:

12.2 Crew list

12.2.1 A list of all crew on board a Class 1A, 1B, 1C, 2A, 2B, 2C, 3A, 3B or 3C vessel proceeding to sea shall be kept ashore so that it will be readily available to the Authority in the case of an emergency.

12.2.2 Any such crew list:

(a) shall contain:

(i) the name and permit number of the vessel, and

(ii) the name and address of each crew member on board the vessel,

(b) shall be kept up-to-date, and

(c) shall be produced to the Authority or its officers on demand.

12.2.3 The location of any such crew list, or any change of location, shall be immediately notified to the Authority.

Clause 12A:

After clause 12, insert:

12A Vessels worked in shifts etc

12A.1 Where a vessel is worked in shifts or where crews alternate between vessels, the owner shall ensure that all crew members take part in emergency drills as required by clauses 7, 8, 9 and 10 at intervals not greater than those specified in those clauses and shall ensure that a written record is kept of those drills.

12A.2 Emergency drills under this clause shall cover:

(a) all vessels to which a crew member is likely to be assigned,

(b) all emergency equipment carried on those vessels, and

(c) all situations likely to be encountered on those vessels.

Appendix A, Appendix B:

After "Name of Vessel ..." wherever occurring, insert:

Permit No of Vessel ..

Schedule III, paragraph (e):

After “aboard” where secondly occurring, insert “or replaced immediately”.

Schedule IV, paragraph (h):

Omit “and operated from the engine room”.