

TASMANIA

**MARINE SAFETY (DOMESTIC COMMERCIAL
VESSEL NATIONAL LAW APPLICATION)
CONSEQUENTIAL AMENDMENTS BILL 2013**

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**MARINE SAFETY (DOMESTIC COMMERCIAL
VESSEL NATIONAL LAW APPLICATION)
CONSEQUENTIAL AMENDMENTS BILL 2013**

*(Brought in by the Minister for Infrastructure, the Honourable
David James O'Byrne)*

A BILL FOR

**An Act to amend certain Acts and statutory rules
consequential on the enactment of the *Marine Safety
(Domestic Commercial Vessel National Law Application) Act
2013***

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Marine Safety
(Domestic Commercial Vessel National Law
Application) Consequential Amendments Act
2013*.

2. Commencement

The provisions of this Act commence on a day
or days to be proclaimed.

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

s. 3

Part 2 – Effect of Certain Consequential Amendments

**PART 2 – EFFECT OF CERTAIN CONSEQUENTIAL
AMENDMENTS**

3. Effect of certain consequential amendments

The amendments by this Act of a provision of any regulations or rules made under any Act does not prevent that provision or any other provision of those regulations or rules from being amended or rescinded by any subsequent regulations or rules.

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

Part 3 – Co-operative Schemes (Administrative Actions) Act 2001 Amended

s. 4

**PART 3 – CO-OPERATIVE SCHEMES
(ADMINISTRATIVE ACTIONS) ACT 2001 AMENDED**

4. Principal Act

In this Part, the *Co-operative Schemes (Administrative Actions) Act 2001** is referred to as the Principal Act.

5. Section 4 amended (Co-operative schemes to which this Act applies – relevant State Acts)

Section 4(1) of the Principal Act is amended by inserting after paragraph (a) in the definition of *relevant State Act* the following paragraph:

- (ab) the *Marine Safety (Domestic Commercial Vessel National Law Application) Act 2013*; and

*No. 43 of 2001

Marine Safety (Domestic Commercial Vessel National Law Application) Consequential Amendments Act 2013
Act No. of

s. 6

Part 4 – Federal Courts (State Jurisdiction) Act 1999 Amended

PART 4 – FEDERAL COURTS (STATE JURISDICTION) ACT 1999 AMENDED

6. Principal Act

In this Part, the *Federal Courts (State Jurisdiction) Act 1999** is referred to as the Principal Act.

7. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by inserting after paragraph (ea) in the definition of *relevant State Act* the following paragraph:

- (eb) *Marine Safety (Domestic Commercial Vessel National Law Application) Act 2013;*

*No. 50 of 1999

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

Part 5 – Fisheries (Abalone) Rules 2009 Amended

s. 8

**PART 5 – FISHERIES (ABALONE) RULES 2009
AMENDED**

8. Principal Rules

In this Part, the *Fisheries (Abalone) Rules 2009** are referred to as the Principal Rules.

9. Rule 3 amended (Interpretation)

Rule 3 of the Principal Rules is amended by inserting after the definition of *mutilated* the following definition:

National Law has the same meaning as in the *Marine and Safety Authority Act 1997*;

10. Rule 18 amended (Restrictions on fishing licence (recreational abalone))

Rule 18(2)(b)(i) of the Principal Rules is amended by omitting “Marine and Safety Tasmania (MAST) survey of Class I or Class II” and substituting “certificate of survey issued under the National Law of Class 1 or Class 2”.

11. Rule 19 amended (Possessing abalone or apparatus on vessel)

Rule 19(2)(b)(i) of the Principal Rules is amended by omitting “Marine and Safety Tasmania (MAST) survey of Class I or Class II”

*S.R. 2009, No. 151

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

s. 11

Part 5 – Fisheries (Abalone) Rules 2009 Amended

and substituting “certificate of survey issued
under the National Law of Class 1 or Class 2”.

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Application) Consequential Amendments Act 2013*
Act No. of

Part 6 – Fisheries Rules 2009 Amended

s. 12

PART 6 – FISHERIES RULES 2009 AMENDED

12. Principal Rules

In this Part, the *Fisheries Rules 2009** are referred to as the Principal Rules.

13. Rule 3 amended (Interpretation)

Rule 3 of the Principal Rules is amended as follows:

- (a) by omitting the definition of *auxiliary boat* and substituting the following definition:

auxiliary vessel has the same meaning as in the National Law;

- (b) by inserting the following definition after the definition of *mussel spat collector*:

National Law has the same meaning as in the *Marine and Safety Authority Act 1997*;

14. Rule 8 amended (Using vessel without fishing licence (vessel))

Rule 8(2) of the Principal Rules is amended by omitting “boat” and substituting “vessel”.

*S.R. 2009, No. 126

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

s. 15

Part 6 – Fisheries Rules 2009 Amended

15. Rule 18 amended (Fishing vessel distinguishing marks)

Rule 18 of the Principal Rules is amended as follows:

- (a) by omitting from subrule (4)(a) “boat” and substituting “vessel”;
- (b) by omitting from subrule (5)(b)(i) “boat” and substituting “vessel”.

16. Rule 19 amended (Auxiliary vessels)

Rule 19 of the Principal Rules is amended as follows:

- (a) by omitting from subrule (1) “boats” and substituting “vessels”;
- (b) by omitting from subrule (2) “boats” and substituting “vessels”;
- (c) by omitting subrule (3) and substituting the following subrule:
 - (3) The holder of a fishing licence (vessel) is to use the auxiliary vessels in accordance with the National Law.

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Application) Consequential Amendments Act 2013*
Act No. of

Part 7 – Gas (Safety) Regulations 2002 Amended

s. 17

**PART 7 – GAS (SAFETY) REGULATIONS 2002
AMENDED**

17. Principal Regulations

In this Part, the *Gas (Safety) Regulations 2002** are referred to as the Principal Regulations.

18. Regulation 69 amended (Gas fitting work on vessel)

Regulation 69(3) of the Principal Regulations is amended by omitting paragraph (b) from the definition of *boat* and substituting:

- (b) a vessel within the meaning of the *Marine and Safety Authority Act 1997*; and

*S.R. 2002, No. 78

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

s. 19

Part 8 – Litter Act 2007 Amended

PART 8 – LITTER ACT 2007 AMENDED

19. Principal Act

In this Part, the *Litter Act 2007** is referred to as the Principal Act.

20. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting “corresponding to the *Marine and Safety Authority Act 1997*” from paragraph (b) of the definition of *registered owner*.

*No. 38 of 2007

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

Part 9 – Marine Farming Planning Act 1995 Amended

s. 21

**PART 9 – MARINE FARMING PLANNING ACT 1995
AMENDED**

21. Principal Act

In this Part, the *Marine Farming Planning Act 1995** is referred to as the Principal Act.

22. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by inserting after the definition of *modify* the following definitions:

National Law has the same meaning as in the *Marine and Safety Authority Act 1997*;

National Regulator has the same meaning as in the National Law;

23. Section 79 amended (Maintenance of structures)

Section 79 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) The Marine and Safety Authority may notify the Secretary if satisfied –
- (a) in its capacity as a delegate of the National Regulator, that the lessee has failed to comply with subsection (1)(a); or

*No. 31 of 1995

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

s. 23

Part 9 – Marine Farming Planning Act 1995 Amended

- (b) that the lessee has failed to comply with subsection (1)(b); or
- (c) that the lessee has failed to comply with any request to correct any deficiencies identified by the Marine and Safety Authority in its capacity as delegate of the National Regulator or in any other capacity.

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Application) Consequential Amendments Act 2013*
Act No. of

Part 10 – Marine Safety (Misuse of Alcohol) Act 2006 Amended

s. 24

**PART 10 – MARINE SAFETY (MISUSE OF ALCOHOL)
ACT 2006 AMENDED**

24. Principal Act

In this Part, the *Marine Safety (Misuse of Alcohol) Act 2006** is referred to as the Principal Act.

25. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *vessel* and substituting the following definition:

vessel means a vessel within the meaning of the *Marine and Safety Authority Act 1997*.

*No. 25 of 2006

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

s. 26

Part 11 – Marine and Safety (General) Regulations 2010 Amended

**PART 11 – MARINE AND SAFETY (GENERAL)
REGULATIONS 2010 AMENDED**

26. Principal Regulations

In this Part, the *Marine and Safety (General) Regulations 2010** are referred to as the Principal Regulations.

27. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended as follows:

- (a) by inserting the following definitions after the definition of *Act*:

AMSA means the Australian Maritime Safety Authority established under the *Australian Maritime Safety Authority Act 1990* of the Commonwealth;

approved means approved by MAST;

- (b) by inserting the following definitions after the definition of *AS*:

authorised person means a person who –

- (a) is appointed under section 44 of the Act for the

*S.R. 2010, No. 48

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Application) Consequential Amendments Act 2013*
Act No. of

Part 11 – Marine and Safety (General) Regulations 2010 Amended

s. 27

purposes of these regulations; or

- (b) is a member of a class of persons appointed under section 44 of the Act for the purposes of these regulations;

auxiliary vessel has the same meaning as in the National Law;

class, for a vessel, means its class under the National Law;

emergency, for a vessel, means the occurrence of any, or any combination of, the following:

- (a) a death or injury (caused by the vessel);
- (b) a death or injury on (but not caused by) the vessel;
- (c) the loss of a person from the vessel;
- (d) an on-board medical emergency;
- (e) a collision with an object or another vessel;
- (f) a grounding, sinking, flooding or capsizing of the vessel;

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Application) Consequential Amendments Act 2013*
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s. 27

Part 11 – Marine and Safety (General) Regulations 2010 Amended

- (g) the discovery that another vessel requires assistance;
- (h) an on-board fire;
- (i) a loss of stability;
- (j) a propulsion failure;
- (k) a structural failure in the hull or superstructure;
- (l) the giving (other than for testing or training purposes) of the emergency muster station signal;
- (m) the giving (other than for testing or training purposes) of the “abandon ship” signal;
- (n) the materialisation of a risk that, on account of its design, cargo or operations, is peculiar to that particular vessel;

life jacket means an inflatable or buoyant jacket for keeping a person afloat in water;

MAST means the Marine and Safety Authority established under section 4 of the Act;

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Application) Consequential Amendments Act 2013*
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Part 11 – Marine and Safety (General) Regulations 2010 Amended

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- (c) by inserting the following definition after the definition of *motor boat*:

NSCV means the National Standard for Commercial Vessels published by AMSA, as amended from time to time;

- (d) by inserting the following definitions after the definition of *off-the-beach sailing craft*:

operate, for a vessel, includes navigate the vessel;

partially smooth water means partially smooth water as specified in Schedule 2 to the *Marine and Safety (Definition of Operational Areas) By-Laws 2003*;

prescribed fee, for any matter, means the fee prescribed in Schedule 1 in relation to the matter;

- (e) by omitting “it.” from paragraph (b) of the definition of *PWC* and substituting “it.”;

- (f) by inserting the following definitions after the definition of *PWC*:

sheltered waters means sheltered waters as specified in Schedule 2 to the *Marine and Safety*

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Application) Consequential Amendments Act 2013*
Act No. of

s. 28

Part 11 – Marine and Safety (General) Regulations 2010 Amended

(Definition of Operational Areas)
By-Laws 2003;

smooth water means smooth water as specified in Schedule 2 to the *Marine and Safety (Definition of Operational Areas) By-Laws 2003;*

tender vessel has the same meaning as in the National Law.

28. Regulations 6, 7, 8, 9, 10 and 11, Schedules 1 and 2 inserted

After regulation 5 of the Principal Regulations, the following regulations and Schedules are inserted:

6. Directions to operate vessels at safe speeds

- (1) MAST or an authorised person may, by notice –
 - (a) direct the master of a particular vessel not to cause or allow it to operate at a speed greater than that specified in the notice; or
 - (b) direct the master of each vessel of a particular class not to cause or allow such a vessel to operate at a speed greater than that specified in the notice.

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Application) Consequential Amendments Act 2013
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Part 11 – Marine and Safety (General) Regulations 2010 Amended

s. 28

- (2) A direction contained in a notice under subregulation (1) may be of limited or general application.
- (3) The master of a vessel must comply with a direction under subregulation (1).

Penalty: Fine not exceeding 50 penalty units.

7. Vessels not to be operated in unsafe waters

- (1) In this regulation –

designated means designated –

- (a) on navigation charts issued by the Australian Hydrographic Service or an international hydrographic service; or
 - (b) in notices to mariners issued by MAST.
- (2) Except as may be necessitated by an emergency, the master of a vessel must ensure that it does not operate in waters that are designated as –
 - (a) being unsafe or unsuitable for that vessel, or vessels of its class, to navigate; or
 - (b) waters in which that vessel, or vessels of its Class, are not permitted to navigate.

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Application) Consequential Amendments Act 2013*
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s. 28

Part 11 – Marine and Safety (General) Regulations 2010 Amended

Penalty: Fine not exceeding 50 penalty units.

8. Life jackets

- (1) A person must wear an approved life jacket if the person is on a vessel that –
- (a) is proceeding under power; and
 - (b) is less than 6 metres in length or is a motor-propelled auxiliary vessel or tender vessel.

Penalty: Fine not exceeding 5 penalty units.

- (2) For the purposes of subregulation (1), an approved life jacket is –
- (a) for a vessel that is operating in waters other than sheltered waters, a life jacket that meets the requirements of Annex G of Part C, Subsection 7A of the NSCV; or
 - (b) for a vessel that is operating in sheltered waters, being partially smooth water –
 - (i) a life jacket that meets the requirement of Annex G of Part C, Subsection 7A of the NSCV; or

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Application) Consequential Amendments Act 2013
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Part 11 – Marine and Safety (General) Regulations 2010 Amended

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- (ii) a life jacket that meets the requirements of AS 1512 – 1996; or
 - (iii) a personal flotation device that meets the requirements of AS 4758.1 – 2008 (for Level 150 or Level 100 personal flotation devices); or
- (c) for a vessel that is operating in sheltered waters, being smooth water –
- (i) a life jacket that meets the requirements of Annex G of Part C, Subsection 7A of the NSCV; or
 - (ii) a life jacket that meets the requirements of AS 1512 – 1996; or
 - (iii) a life jacket that meets the requirements of AS 1499 – 1996; or
 - (iv) a personal flotation device that meets the requirements of AS 4758.1 – 2008 (for Level 150, Level 100 or Level 50 personal flotation devices).

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Application) Consequential Amendments Act 2013*
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Part 11 – Marine and Safety (General) Regulations 2010 Amended

- (3) The master of a vessel of a kind referred to in subregulation (1) must ensure that each person on the vessel who is under the age of 16 years complies with that subregulation.

Penalty: Fine not exceeding 5 penalty units.

- (4) Subregulation (1) does not apply to a person on a vessel of a kind referred to in that subregulation if the person is wearing a wetsuit and –

(a) is preparing to dive from the vessel for a commercial purpose; or

(b) has completed a dive from the vessel for a commercial purpose and is changing, or preparing to change, out of the wetsuit.

- (5) The owner of a vessel must ensure that each life jacket on the vessel is maintained in accordance with the instructions of the manufacturer of the life jacket.

Penalty: Fine not exceeding 5 penalty units.

9. Towage permits

- (1) Except as provided by subregulation (10), the owner of a vessel

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013
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must not cause or allow it to tow, or be towed, by any other vessel unless a responsible person holds a permit for the tow (*towage permit*).

- (2) Towage permits are issued by MAST.
- (3) An application for a towage permit is to –
 - (a) be in an approved form; and
 - (b) be accompanied by the prescribed fee (if any); and
 - (c) be supported by such evidence or information as MAST requires, either at the time of lodgement or subsequently; and
 - (d) comply with such additional requirements (if any) as relate, under these regulations, to the specific application.
- (4) MAST may approve, or refuse to approve, an application.
- (5) For the purposes of subregulation (4), MAST may carry out such inquiries and vessel inspections in relation to the vessels and towing arrangements as it considers necessary or expedient.
- (6) A towage permit –
 - (a) is to be in an approved form; and

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Application) Consequential Amendments Act 2013*
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Part 11 – Marine and Safety (General) Regulations 2010 Amended

- (b) may be issued on such conditions as MAST considers necessary or expedient; and
 - (c) may be issued for a single tow or, if the towing arrangements are similar in each instance, for multiple tows; and
 - (d) may be surrendered but is not capable of being varied, renewed or transferred.
- (7) If MAST refuses an application it is to notify the applicant of –
- (a) the refusal; and
 - (b) the reasons for the refusal; and
 - (c) the right of review.
- (8) The right of review may be exercised by the applicant or by any other responsible person.
- (9) The holder of a towage permit must not contravene, or cause to allow any other person to contravene, the conditions, if any, of the permit.
- Penalty: Fine not exceeding 20 penalty units.
- (10) This clause does not apply to, or prevent –

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Application) Consequential Amendments Act 2013
Act No. of*

Part 11 – Marine and Safety (General) Regulations 2010 Amended

s. 28

- (a) the towage of vessels within the limits of prescribed ports; or
- (b) the regular towage of cargo barges on a commercial basis; or
- (c) the towage or assistance of oil exploration structures, semisubmersible oil platforms or similar vessels that are self-propelled; or
- (d) the towage of stranded vessels or vessels in distress, where immediate towage is vital to the saving of life or property.

(11) In this section –

cargo barge includes a fish pen;

responsible person, for a tow, means –

- (a) the owner of the towing vessel; and
- (b) the master of the towing vessel; and
- (c) the owner of the towed vessel; and
- (d) the master of the towed vessel.

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Application) Consequential Amendments Act 2013*
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s. 28

Part 11 – Marine and Safety (General) Regulations 2010 Amended

10. Dangerous cargo requirements

A vessel designed to carry dangerous cargoes, including oil, is to be assessed against –

- (a) the International Maritime Dangerous Goods Code published by the International Maritime Organisation; or
- (b) the *Pollution of Waters by Oil and Noxious Substances Act 1987*; or
- (c) the NSCV or equivalent design standard.

11. Prescribed offences and penalties

- (1) For the purposes of section 45(1) of the Act, an offence against a provision specified in column 1 of Schedule 2 is a prescribed offence.
- (2) The penalty specified in column 2 of that Schedule opposite that provision is the penalty payable under an infringement notice served in respect of that offence.

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Application) Consequential Amendments Act 2013*
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Part 11 – Marine and Safety (General) Regulations 2010 Amended

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SCHEDULE 1 – PRESCRIBED FEES

	Matter	Regulation	Regulation 3 Fee units
1.	Application for towage permit	regulation 9	84 units for each hour plus 1.07 units per kilometre travelled
2.	Issue of International Oil Pollution Certificate	regulation 10(b)	51 units

SCHEDULE 2 – OFFENCES

	Column 1	Column 2	Regulation 10
1.	6(3)		5
2.	7(2)		5
3.	8(1)		1
4.	8(3)		1
5.	8(5)		1
6.	9(9)		5

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Act No. of

s. 29 Part 12 – Marine and Safety (Infringement Notices) Regulations 2008
Amended

PART 12 – MARINE AND SAFETY (INFRINGEMENT NOTICES) REGULATIONS 2008 AMENDED

29. Principal Regulations

In this Part, the *Marine and Safety (Infringement Notices) Regulations 2008** are referred to as the Principal Regulations.

30. Regulation 4 rescinded

Regulation 4 of the Principal Regulations is rescinded.

31. Regulation 8 rescinded

Regulation 8 of the Principal Regulations is rescinded.

32. Schedule 1 rescinded

Schedule 1 to the Principal Regulations is rescinded.

33. Schedule 5 rescinded

Schedule 5 to the Principal Regulations is rescinded.

*S.R. 2008, No. 14

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

Part 13 – Marine and Safety Authority Act 1997 Amended

s. 34

**PART 13 – MARINE AND SAFETY AUTHORITY ACT
1997 AMENDED**

34. Principal Act

In this Part, the *Marine and Safety Authority Act 1997** is referred to as the Principal Act.

35. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *certificate of survey* and substituting the following definition:

certificate of survey means a certificate of survey issued by the National Regulator that warrants that a vessel complies with the vessel survey requirements of the National Law;

- (b) by omitting the definitions of *commercial purpose* and *commercial vessel* and substituting the following definitions:

commercial purpose means a purpose for which a vessel is to be used which results in the vessel being a commercial vessel;

*No. 15 of 1997

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

s. 35

Part 13 – Marine and Safety Authority Act 1997 Amended

commercial vessel has the same meaning as domestic commercial vessel in the National Law;

- (c) by inserting the following definition after the definition of *director*:

domestic commercial vessel has the same meaning as in the National Law;

- (d) by omitting the definitions of *master* and *owner* and substituting the following definitions:

master has the same meaning as in the National Law;

National Law means –

- (a) the Commonwealth domestic commercial vessel national law within the meaning of the *Marine Safety (Domestic Commercial Vessel National Law Application) Act 2013*; and
- (b) the applied provisions within the meaning of the *Marine Safety (Domestic Commercial Vessel National Law Application) Act 2013*;

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Application) Consequential Amendments Act 2013*
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Part 13 – Marine and Safety Authority Act 1997 Amended

s. 36

National Regulator has the same meaning as in the National Law;

owner of a vessel has the same meaning as in the National Law;

- (e) by omitting the definition of *vessel* and substituting the following definition:

vessel has the same meaning as in the National Law and includes any other prescribed craft, or any other craft of a prescribed class, used for recreational purposes;

36. Section 5 amended (Jurisdiction of Authority)

Section 5 of the Principal Act is amended by omitting paragraph (c) and substituting the following paragraphs:

- (c) any vessel, other than a vessel within the meaning of the National Law; and
- (ca) domestic commercial vessels in relation to any of the matters specified in section 6(2) of the National Law; and
- (cb) any matters delegated to it by the National Regulator; and

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Application) Consequential Amendments Act 2013*
Act No. of

s. 37

Part 13 – Marine and Safety Authority Act 1997 Amended

37. Section 6 amended (General functions and powers)

Section 6(1) of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraphs:

- (a) to ensure the safe operation of vessels;
- (ab) to perform the functions delegated to it by the National Regulator;

38. Section 38C substituted

Section 38C of the Principal Act is repealed and the following section is substituted:

38C. Commercial vessels

A vessel longer than 15 metres that is being, or has been, used for recreational purposes or commercial purposes before the commencement of this section may not be used for recreational purposes on or after that commencement unless –

- (a) the Authority otherwise determines; or
- (b) the Authority has otherwise determined before the commencement of this section.

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

Part 13 – Marine and Safety Authority Act 1997 Amended

s. 39

39. Section 40 amended (Regulations relating to safety)

Section 40 of the Principal Act is amended as follows:

- (a) by omitting paragraph (f);
- (b) by omitting from paragraph (i) “and survey”.

40. Section 42 amended (By-laws)

Section 42(1) of the Principal Act is amended as follows:

- (a) by omitting paragraphs (c), (d) and (e);
- (b) by omitting paragraph (j);
- (c) by omitting paragraph (l).

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s. 41 Part 14 – Pollution of Waters by Oil and Noxious Substances Act 1987
Amended

**PART 14 – POLLUTION OF WATERS BY OIL AND
NOXIOUS SUBSTANCES ACT 1987 AMENDED**

41. Principal Act

In this Part, the *Pollution of Waters by Oil and Noxious Substances Act 1987** is referred to as the Principal Act.

42. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting “*Navigation Act 1912*” from the definition of *Navigation Act* and substituting “*Navigation Act 2012*”.

*No. 95 of 1987

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

Part 15 – Radiation Protection Regulations 2006 Amended

s. 43

**PART 15 – RADIATION PROTECTION
REGULATIONS 2006 AMENDED**

43. Principal Regulations

In this Part, the *Radiation Protection Regulations 2006** are referred to as the Principal Regulations.

44. Regulation 50 amended (Exemptions for aircraft and vessels)

Regulation 50(1) of the Principal Regulations is amended as follows:

- (a) by omitting paragraph (b) from the definition of *local vessel* and substituting the following paragraph:
 - (b) with a home port in Tasmania and for which a certificate of survey or certificate of operation is required under the National Law; or
- (b) by inserting the following definition after the definition of *local vessel*:

National Law has the same meaning as in the *Marine and Safety Authority Act 1997*;

*S.R. 2006, No. 37

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

s. 45

Part 16 – Legislation rescinded

PART 16 – LEGISLATION RESCINDED

45. Legislation rescinded

The legislation specified in Schedule 1 is rescinded.

*Marine Safety (Domestic Commercial Vessel National Law
Application) Consequential Amendments Act 2013*
Act No. of

sch. 1

SCHEDULE 1 – LEGISLATION RESCINDED

Regulation 45

Marine and Safety (Safe Operation) Regulations 2003 (No.
167 of 2003)

Marine and Safety (Safety Manning) Regulations 2007 (No. 60
of 2007)