Australian Government

Australian Maritime Safety Authority

AMSA MO 2020/1

Marine Order 504 (Certificates of operation and operation requirements — national law) Amendment Order 2020

I, Michael Kinley, Chief Executive Officer of the Australian Maritime Safety Authority, (the National Marine Safety Regulator under section 9 of the *Marine Safety (Domestic Commercial Vessel) National* Law), make this Marine Order under subsection 163(1) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

28-2- 2020

Chief Executive Officer

1   Name of Order

This Order is *Marine Order 504 (Certificates of operation and operation requirements — national law) Amendment Order 2020*.

2   Commencement

This Order commences on 31 May 2020.

3   Amendment of *Marine Order*

Schedule 1 amends *Marine Order 504 (Certificates of operation and operation requirements — national law) 2018*.

Schedule 1   Amendment

[1]   Section 10

omit

501

insert

501, include

[2]   Schedule 1, subclause 2(3), note

omit

subparagraph (b)(iv)

insert

paragraph (c)

[3]   Schedule 1, paragraph 6(6)(b)

substitute

(b) the number of persons to be carried on the vessel and the effectiveness and timeliness of arrangements for passenger monitoring, taking into account that the master of the vessel must be able to find out the number of passengers on board the vessel at any time;

[4]   Schedule 1, paragraph 7(6)(b)

omit

passenger vessel

insert

vessel that carries passengers

[5]   Schedule 1, after paragraph 7(6)(b)

insert

(ba) for a Class 1 vessel, or a Class 2 vessel that is permitted to carry passengers — an effective and verifiable means of passenger

monitoring to ensure that the master of the vessel is able to find out the number of passengers on board the vessel at any time;

(bb) a passenger count at or around the time of embarkation and disembarkation that ensures an accurate record of the number of passengers embarking and disembarking a vessel that:

  (i) is a Class 2 vessel that is permitted to carry passengers or a Class 1 vessel that is permitted to carry no more than 75 passengers; and

  (ii) is engaged on a voyage of at least 30 minutes scheduled duration and no more than 12 hours scheduled duration, and the vessel is not scheduled to stop for embarkation or disembarkation in the first 30 minutes; and

  (iii) is operating in:

    (A) B, C or D waters; or

    (B) E waters outside of daylight hours;

(bc) for a vessel mentioned in paragraph (bb) that is used to transport passengers to a water based activity, the passenger count:

  (i) must include an additional count before the vessel departs from the site of the water based activity; and

  (ii) is not required to be conducted when a vessel is stopped for a water based activity and a passenger enters or leaves:

    (A) the water; or

    (B) another vessel used in conjunction with the activity;

[6] Schedule 1, subclause 7(6), after the note

insert

Note for paragraph (ba) Examples of passenger monitoring systems: counting; monitored or recorded closed circuit television; crew stationed as sentries to visually monitor; configuration of the vessel that allows the master of the vessel to see passengers.

Note for paragraph (bb) A number of methods could be used for a passenger count. Examples: a head count; a clicker count; a roll call; a count conducted by electronic sensor; a count involving the distribution and return of items such as lanyards or wristbands.

Note for paragraph (bc) Examples of water based activities: snorkelling; scuba diving.

[7] Schedule 1, subclause 7(7)

omit

The

insert

For a vessel to which NSCV Part F1C applies — the

[8] Schedule 1, paragraph 8(3)(b)

omit

overboard

insert

overboard or unaccountably missing

[9]   Schedule 1, paragraph 11(4)(f)

substitute

(f)   all passenger counts conducted for the vessel;

(g)   any operation of the vessel for recreational purposes.

[10]   Schedule 1, subclause 11(9)

omit

Note

1.   All legislative instruments and compilations of legislative instruments are registered on the Federal Register of Legislation under the *Legislation Act 2003*. See https://www.legislation.gov.au.