



New South Wales

Marine Safety Amendment (Domestic Commercial Vessel National Law) Regulation 2013

under the

Marine Safety Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Marine Safety Act 1998*.

DUNCAN GAY, MLC
Minister for Roads and Ports

Explanatory note

The objects of this Regulation are:

- (a) to repeal the *Marine Safety (Commercial Vessels) Regulation 2010* on 1 July 2013 as a consequence of the enactment of the *Marine Safety (Domestic Commercial Vessel National Law Act 2012* of the Commonwealth (*the National law*) and the *Marine Safety Amendment (Domestic Commercial Vessel National Law Application) Act 2012*, and
- (b) to amend the *Marine Safety (Commercial Vessels) Regulation 2010* before its repeal to update certain requirements which will continue to apply during a transitional period specified by the National law, and
- (c) to transfer certain provisions from the *Marine Safety (Commercial Vessels) Regulation 2010* to the *Marine Safety (General) Regulation 2009* that relate to matters to which the National law does not apply so as to ensure their continued operation, and
- (d) to prescribe fees for matters under the National law that are similar to the fees that were prescribed under the *Marine Safety (Commercial Vessels) Regulation 2010* but with increases generally in line with the Consumer Price Index, and
- (e) to amend the *Marine Safety (General) Regulation 2009* to modify the requirements relating to the engine power rating of vessels and minimum distances to be maintained between vessels and to include requirements relating to the operation of vessels in the vicinity of Lord Howe Island and in Sydney Cove and navigation requirements for commercial adventure vessels.

This Regulation is made under the *Marine Safety Act 1998*, including sections 9M, 19, 37, 38 (1) (c), 53A, 67, 68, 125M, 126, 137 (the general regulation-making power) and 138.

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Clause 1 Marine Safety Amendment (Domestic Commercial Vessel National Law)
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Marine Safety Amendment (Domestic Commercial Vessel National Law) Regulation 2013

under the

Marine Safety Act 1998

1 Name of Regulation

This Regulation is the *Marine Safety Amendment (Domestic Commercial Vessel National Law) Regulation 2013*.

2 Commencement

- (1) Except as provided by subclause (2), this Regulation commences on the date on which it is published on the NSW legislation website.
- (2) Clause 3 and Schedule 3 commence on 1 July 2013.

3 Repeal

The *Marine Safety (Commercial Vessels) Regulation 2010* is repealed.

Schedule 1 Amendment of Marine Safety (Commercial Vessels) Regulation 2010

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

parasailing vessel means a power driven vessel used to tow a person over water using aerial equipment.

tender means a vessel that:

- (a) is used only to transport goods or persons between the shore and its parent vessel or between its parent vessel and another vessel, and
- (b) does not operate further from its parent vessel than 1nm, and
- (c) is less than 7.5 metres in length.

[2] Clause 3 (1), definition of “waterski vessel”

Insert “, but does not include a parasailing vessel” after “water”.

[3] Clause 17 Design, construction and equipment of Class 2D and Class 2E vessels for which survey certificate not required

Omit “clause 18” from clause 17 (1).

Insert instead “clauses 18, 18A and 22A apply”.

[4] Clause 17 (4) (a)

Omit “Section 7A”.

Insert instead “Sections 4, 7A, 7B, 7C and 7D”.

[5] Clause 18 Design, construction and equipment of Class 2D and Class 2E waterski vessels

Insert after clause 18 (1):

- (1A) A vessel to which this clause applies must comply with the design and construction requirements specified in Section 2 of Part F of the NSCV.

[6] Clause 18A

Insert after clause 18:

18A Requirements for design, construction and equipment of certain Class 2 vessels that are tenders

- (1) This clause applies to a Class 2 vessel that is a tender.

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- (2) A vessel to which this clause applies that was built before 1 July 2006, or was built on or after 1 July 2006 and is 6 metres or more in length must:
 - (a) be fitted with buoyancy as required by Section 6B of Part C of the NSCV, or
 - (b) carry a sufficient number of lifebuoys for all persons on board.
- (3) A vessel to which this clause applies that was built on or after 1 July 2006 and is less than 6 metres in length must meet the level flotation requirements specified in the ABP Standard.
- (4) A vessel to which this clause applies must carry the equipment required by the *Marine Safety (General) Regulation 2009* to be carried on recreational vessels of the same type.

[7] Clause 21 Design, construction and equipment of Class 4 vessels for which survey certificate not required

Omit “Class 4D and Class 4E” from clause 21 (1).

Insert instead “Class 4”.

[8] Clause 22A

Insert after clause 22:

22A Design, construction and equipment of personal watercraft for which survey certificate not required

- (1) This clause applies to personal watercraft for which a survey certificate is not required.
- (2) A vessel to which this clause applies must comply with the requirements of Section 2 of Part F of the NSCV relating to the design and construction of vessels of the same type.

[9] Clause 25

Omit the clause. Insert instead:

25 Vessels required to have survey certificates

- (1) For the purposes of section 53A (1) (b) and (2) (b) of the Act, a survey certificate is required for the following vessels:
 - (a) Class 1A, Class 1B, Class 1C, Class 1D and Class 1E vessels,
 - (b) Class 2A, Class 2B, and Class 2C vessels,

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- (c) Class 2D and Class 2E vessels that:
 - (i) carry passengers, or
 - (ii) carry fuel or dangerous goods, or
 - (iii) are equipped with dredging machinery and have a total brake power of 500kW or more, or
 - (iv) are equipped with pile driving equipment, or
 - (v) are landing vessels, or
 - (vi) are mooring or crane vessels with a crane lifting capacity of more than 3 tonnes, or
 - (vii) are 25 metres or more in length, or
 - (viii) are tugs (vessels primarily designed to be used to tow other vessels or floating plant or equipment), or
 - (ix) are used for thrill or adventure rides, or
 - (x) are novel craft, or
 - (xi) are used for parasailing,
 - (d) Class 3A and Class 3B vessels,
 - (e) Class 3C power driven vessels other than vessels that are less than 7.5 metres in length and are used for ocean haul or beach fishing,
 - (f) Class 3D and Class 3E vessels that are 25 metres or more in length,
 - (g) Class 4C power driven vessels,
 - (h) Class 4D and Class 4E power driven vessels that are 7.5 metres or more in length.

Note. Section 54 (1) of the Act prevents the Minister from issuing a survey certificate for a vessel unless the vessel complies with the relevant requirements as to design, construction and equipment.

- (2) Despite subclause (1), a survey certificate is not required for the following vessels:
 - (a) vessels to which clause 18 or 22 applies,
 - (b) personal watercraft,
 - (c) tenders,
 - (d) surf life saving vessels.

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[10] Clause 54 Eligibility for revalidation of certificates of competency

Insert after clause 54 (1):

- (1A) Subclause (1) (c) does not apply to the revalidation of a certificate of competency for a master of a vehicular ferry in chains or a general purpose hand.

[11] Part 12 Public ferry wharves

Omit the Part.

[12] Clause 86 Sail training vessels

Omit clause 86 (b) (i). Insert instead:

- (i) Dinghy Instructor Certificate,

[13] Schedule 6 Certificates of competency

Omit “15 nm” from the matter relating to Marine Engine Driver Grade 2 in Column 1.

Insert instead “30 nm”.

[14] Schedule 6

Insert “or any other certificate of competency (except Master of a vehicular ferry in chains)” after “General Purpose Hand” in Column 2.

Schedule 2 Miscellaneous amendments to Marine Safety (General) Regulation 2009

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

coastal bar means a bar named in Schedule 6, being a shallow area where sediment is deposited across a river mouth, lake, estuary or harbour entrance, and any channel through or around the shallow area, in the approximate location described opposite the name of the bar in that Schedule.

parasailing vessel means a power driven vessel used to tow a person over water using aerial equipment.

[2] Clause 3 (1), definition of “tender”

Omit the definition. Insert instead:

tender means a vessel that:

- (a) is used only to transport goods or persons between the shore and its parent vessel or between its parent vessel and another vessel, and
- (b) does not operate further from its parent vessel than 1nm, and
- (c) is less than 7.5 metres in length.

[3] Clause 3 (3)

Insert after clause 3 (2A):

- (3) For the purposes of this Regulation, a reference to a specified class of vessel is a reference to that class of service category as described in Clause 3.5 of Chapter 3 of Part B of the document titled the *National Standard for Commercial Vessels* adopted by the Australian Transport Council and as in force from time to time.

[4] Clause 11

Omit the clause. Insert instead:

11 Requirements in relation to engine power rating

The owner and master of a vessel are each guilty of an offence if the vessel is operated while having a motor that exceeds:

- (a) the power rating specified for the vessel by the manufacturer, or

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- (b) if there is no power rating specified for the vessel by the manufacturer or the power rating is not apparent:
 - (i) in the case of a vessel with an outboard motor, the maximum power capacity as calculated in accordance with section 2.6 of AS 1799.1—2009 *Small craft—General requirements for power boats*, or
 - (ii) in any other case, the power rating (if any) approved by RMS for vessels of that kind.

Maximum penalty: 50 penalty units.

[5] Clause 23 Application of Division

Omit “This Division applies” from clause 23 (1).

Insert instead “Clauses 24–26 apply”.

[6] Clause 23 (1A)

Insert after clause 23 (1):

- (1A) Clause 26A applies to all vessels, except a vessel operated by a police officer, or an officer or member of staff of RMS, acting in the exercise of his or her functions.

[7] Clause 26A

Insert after clause 26:

26A Speed limit of 8 knots

- (1) This clause applies to the navigable waters of Sydney Cove within the meaning of Schedule 3A.
- (2) A person must not operate a vessel in Sydney Cove at a speed of more than 8 knots.

Maximum penalty: 50 penalty units.

[8] Clause 28

Omit the clause. Insert instead:

28 Minimum distances to be maintained

- (1) The operator of a vessel (other than a parasailing vessel) that is travelling at a speed of 10 knots or more or that is towing a person by any means on, over or under water must ensure that the vessel, any towing equipment and any person being towed maintain:
 - (a) a distance of not less than 60 metres from persons in or on the water and vessels (except power-driven vessels or

vessels that are towing persons) or, if that is not possible, a safe distance, and

- (b) a distance of not less than 30 metres from power-driven vessels (except vessels that are towing persons), land, structures, moored or anchored vessels and other things or, if that is not possible, a safe distance, and
- (c) a safe distance from any vessel that is towing a person.

Maximum penalty: 50 penalty units.

- (2) The operator of a parasailing vessel must ensure that the vessel, any towing equipment and any person being towed maintain a distance of at least 200 metres from any other vessel and any overhead structure or apparatus erected or suspended above navigable waters.

Maximum penalty: 50 penalty units.

[9] Part 2A

Insert after Part 2:

Part 2A Special safety requirements for certain waters and vessels

Division 1 Navigation requirements for commercial adventure vessels

41A Definitions

In this Division, *commercial adventure vessel* means a Class 1 or Class 2 commercial vessel used for the purposes of providing high speed adventure or thrill rides for passengers.

41B Speed requirements for commercial adventure vessels in Port Jackson waters

- (1) The master of a commercial adventure vessel must not operate the vessel in Port Jackson at a speed exceeding:
 - (a) 20 knots in the waters west of a straight line drawn between the starboard lateral marker at Bradley's Head and Woollahra Point, or
 - (b) 30 knots in the waters east of that line.

Maximum penalty: 50 penalty units.
- (2) This clause does not apply to the following waters:
 - (a) Sydney Cove,

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- (b) any of the waters of Port Jackson for which a notice is displayed in accordance with section 11 of the Act that imposes restrictions on the speed of vessels in those waters.

Note. Clauses 23 (1A) and (2) and 26A contain provisions relating to speed limits for Sydney Cove.

41C Navigation requirements for commercial adventure vessels operating in irregular manner

- (1) The master of a commercial adventure vessel must ensure that, when operating the vessel in an irregular manner, the vessel maintains:
 - (a) a distance of not less than 200 metres from any person in the water, and
 - (b) a distance of not less than 200 metres from any other vessel, and
 - (c) a distance of not less than 100 metres from any fixed object, and
 - (d) when coming to an abrupt stop, a distance of at least 500 metres in front of any ferry that is underway on the same path.

Maximum penalty: 50 penalty units.

- (2) In this clause, *operating a vessel in an irregular manner* means:
 - (a) driving it in a circle or other pattern, or
 - (b) weaving or diverting, or
 - (c) surfing down, or jumping over or across, any swell, wave or wash,but does not include making any necessary jump, turn or diversion.

Division 2 Requirements for navigation in the vicinity of Lord Howe Island

41D Navigation requirements for certain vessels

- (1) The owner and master of a Class 1 or Class 2 commercial vessel are each guilty of an offence if the vessel departs Lord Howe Island and is operated in open waters:
 - (a) between sunset and sunrise, or
 - (b) when the wind speed exceeds 25 knots, or

- (c) when the wind is in the segment 150 degrees to 320 degrees and exceeds 21 knots.

Maximum penalty: 50 penalty units.

- (2) The owner and master of a Class 1 or Class 2 commercial vessel are each guilty of an offence if the vessel is operated in enclosed waters within Lord Howe Island Lagoon between sunset and sunrise and for the whole period during which the vessel is operated:

- (a) the wind speed exceeds 15 knots, or
(b) tidal conditions do not exceed 300 millimetres from the low water mark.

Maximum penalty: 50 penalty units.

Division 3 Requirements for navigation in Sydney Cove

41E Requirements for master of vessel operating in Sydney Cove

The master of a vessel must ensure that the requirements of Schedule 3A are complied with in relation to the vessel.

Maximum penalty: 50 penalty units.

[10] Clause 55 Suspension or cancellation of marine safety licence

Omit clause 55 (1) (d). Insert instead:

- (d) the holder of the licence has committed an offence against any provision of the marine legislation or section 52B of the *Crimes Act 1900* or any provision of the law of the Commonwealth or of another State or a Territory that the Minister considers is similar to a provision of the marine legislation or that section,

[11] Clause 86 Lifejacket must be worn when crossing coastal bar

Omit clause 86 (5).

[12] Part 5A

Insert after Part 5:

Part 5A Public ferry wharves

91A Inspection reports on public ferry wharves

- (1) This clause applies to an inspection of a public ferry wharf carried out for the purposes of providing a report as to the

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condition of the wharf in accordance with a notice under section 125L of the Act.

- (2) The results of an inspection to which this clause applies must be recorded in the report concerned in a form approved by the Minister and must include an assessment of the following:
 - (a) whether the wharf complies with Australian Standard AS 4997—2005 *Guidelines for the design of maritime structures* as in force from time to time,
 - (b) whether the wharf complies with the document titled *Procedure for the Assessment of Public Ferry Wharf Safety* published on the website of RMS and as in force from time to time,
 - (c) whether the wharf is structurally adequate and fit for its purpose.

91B Maintenance plans for public ferry wharves

- (1) The Minister may, by notice in writing, require the owner or person responsible for the maintenance of a public ferry wharf to prepare a maintenance plan for the wharf and to submit the plan to the Minister within the time specified in the notice.
- (2) The notice may specify the form of, and matters to be addressed in, the maintenance plan.
- (3) A person must not fail to comply with a requirement imposed on the person under this clause.

Maximum penalty (subsection (3)): 50 penalty units.

[13] Schedule 3A

Insert after Schedule 3:

Schedule 3A Requirements relating to Sydney Cove

(Clause 41E)

1 Definitions

In this Schedule:

Sydney Cove means the whole of that portion of Sydney Harbour that lies south of an imaginary line drawn from the position of the fixed red beacon on Dawes Point to the position of the fixed red beacon on Bennelong Point.

Note. A map of Sydney Cove is available on the RMS website.

taxi waiting line east means an imaginary line drawn along the western face of the Eastern Pontoon parallel to the sea wall extending south to the sea wall.

taxi waiting line west means an imaginary line drawn along the face of the Overseas Passenger Terminal wharf extending south to the sea wall.

waiting line means the imaginary line drawn between the knuckle located at the northern end of the Sydney Cove Passenger Terminal building and the knuckle in the Opera House sea wall, located 150 metres south of Bennelong Point.

2 Approvals required

- (1) A vessel must not enter or operate in Sydney Cove unless:
 - (a) written approval has been obtained from RMS, Transport for NSW or Sydney Ports Corporation, or
 - (b) there is an approved wharf booking for the vessel that has been given by RMS, Transport for NSW or Sydney Ports Corporation.
- (2) No sailing vessel may operate in Sydney Cove with sails hoisted except with the written approval of RMS.

3 General navigation requirements

- (1) A vessel must not be operated within 100 metres of the Port Lateral Marker at Bennelong Point, unless the vessel is departing from:
 - (a) Sydney Cove Wharf 5, or
 - (b) Sydney Cove Wharf 6, or
 - (c) the Eastern Pontoon.
- (2) A vessel must not be operated within 100 metres of the Dawes Point siren unless the vessel is entering Sydney Cove to berth in:
 - (a) Sydney Cove Wharf 5, or
 - (b) Sydney Cove Wharf 6, or
 - (c) the Harbour Masters Steps, or
 - (d) the Commissioners Steps, or
 - (e) Campbell's Cove.

4 North/south rule

- (1) Subject to this clause, a vessel must be operated on a northerly or southerly course within Sydney Cove.

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- (2) A vessel departing Sydney Cove to a place west of Sydney Cove must be operated on a northerly course until altering course to port to pass north of the diamond shape marking the centre of the Harbour Bridge unless it is clearly safer to do otherwise.
- (3) However, a vessel may be operated other than on a northerly or southerly course while within Sydney Cove if:
 - (a) the vessel is being manoeuvred as required to relocate between Wharves 2, 3, 4, 5 or 6, in circumstances when it is safe to do so, or
 - (b) the vessel is restricted in its ability to manoeuvre.

5 The waiting line

- (1) A vessel entering Sydney Cove that is required to wait for a berth to become vacant must wait north of the waiting line.
- (2) A vessel must not leave its berth in Sydney Cove unless there are no inbound vessels south of the waiting line that will hinder the departure of the vessel.

6 Special requirements for water taxis

- (1) A water taxi waiting for the use of Commissioners and Harbour Masters Steps must remain west of the taxi waiting line west.
- (2) A water taxi waiting for the use of the Eastern Pontoon must remain east of the taxi waiting line east.
- (3) Another vessel must not be permitted to raft up to a water taxi in Sydney Cove.
- (4) Passengers on a water taxi must not be permitted to embark or disembark at wharves 2, 3, 4, 5 or 6 at Sydney Cove.
- (5) A water taxi must give berthing priority to another vessel for which there is an approved wharf booking.

7 Control of hull or propeller wash

- (1) A vessel in Sydney Cove must not be operated in a manner that directs any propeller wash towards the Commissioners or Harbour Masters Steps when vessels are alongside those berths.
- (2) A vessel must not be operated so as to generate excessive hull or propeller wash within Sydney Cove.

8 Berthing of certain vessels at Eastern Pontoon

- (1) A vessel more than 12 metres in length berthing at the Eastern Pontoon must be berthed port side to except with the written approval of RMS.
- (2) When departing the Eastern Pontoon, a vessel berthed port side must be operated astern until the vessel is at least 200 metres to the north, then turned to starboard to head the vessel on a northerly course to leave Sydney Cove.
- (3) A vessel departing the Eastern Pontoon must not hinder the operation of any other vessel in Sydney Cove.

9 Berthing of vessels in Sydney Cove without approved wharf bookings

- (1) This clause applies to a vessel in Sydney Cove that does not have an approved wharf booking.
- (2) At least one member of the crew of a vessel to which this clause applies must:
 - (a) remain on board the vessel, or within 5 metres of the vessel if ashore, and
 - (b) keep watch in relation to the safety of the vessel, other vessels in Sydney Cove and any person boarding or on-board the vessel.

10 Vessels entering or leaving Campbells Cove

- (1) A vessel entering or leaving Campbells Cove must be manoeuvred as close to the entrance to Campbells Cove as safe navigation permits so as not to impede other Sydney Cove traffic.
- (2) This clause does not affect the requirements of clause 4.

11 Communications on VHF Channel 13

- (1) The master of a vessel in Sydney Cove must monitor VHF Channel 13 at all times while the vessel is in Sydney Cove.
- (2) The master of a vessel in Sydney Cove must immediately advise Sydney Ports Vessel Traffic Service on VHF Channel 13 of any matter affecting safe navigation of a vessel in Sydney Cove.

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[14] Schedule 5 Minimum safety equipment to be carried on recreational vessels

Omit clause 3 of Part 2. Insert instead:

3 Modified safety equipment requirements for certain small tenders

- (1) This clause applies to tenders that:
 - (a) are operating on enclosed waters, and
 - (b) are operating within 200 metres of the shore, and
 - (c) are less than 3 metres in length.
- (2) A tender to which this clause applies is not required to carry safety equipment specified in Part 1 if the tender carries the following safety equipment:
 - (a) a paddle or a pair of oars,
 - (b) a waterproof torch if operating between sunset and sunrise,
 - (c) a bucket, bailer or bilge pump.

[15] Schedule 7

Insert in appropriate order in Columns 1 and 2 under the heading “**Offences under this Regulation**”:

Clause 26A	3
Clause 41B (1)	3
Clause 41C (1)	3
Clause 41D (1)	3
Clause 41D (2)	3
Clause 41E	3
Clause 91B (3)	5

[16] Schedule 7

Omit the matter relating to clause 28 in Columns 1 and 2 under the heading “**Offences under this Regulation**”. Insert instead:

Clause 28 (1) where vessel concerned in not a personal watercraft	1
Clause 28 (1) where vessel concerned is a personal watercraft	2
Clause 28 (2)	1

Schedule 3 Amendment of Marine Safety (General) Regulation 2009 consequent on enactment of National law

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

partially smooth waters means waters specified in Schedule 1B.

smooth waters means waters specified in Schedule 1C.

[2] Clauses 8A and 8B

Insert after clause 8:

8A Directions to ensure safety of commercial vessel

- (1) An authorised person for a commercial vessel may give a direction to a person not to board or remain on board the vessel if the authorised person is of the opinion that the direction is necessary to ensure that the maximum number of persons that the vessel is authorised to carry is not exceeded.
- (2) An authorised person for a commercial vessel may give a direction to a person not to enter or remain in a part of the vessel if the authorised person is of the opinion that the direction is necessary to ensure that the maximum number of persons authorised to be carried in that part of the vessel is not exceeded.
- (3) An authorised person for a commercial vessel may give a direction to a person who is a passenger or special personnel on the vessel to move to or from a part of the vessel, or cease an activity in which the person is engaged on the vessel, if the authorised person is of the opinion that the direction is necessary to ensure the proper and orderly management, operation or navigation of the vessel.
- (4) A person must not fail to comply with any reasonable direction given to the person under this clause.
Maximum penalty: 50 penalty units.
- (5) An authorised person may not give a direction under this clause to a relevant officer who is exercising his or her functions as a relevant officer.
- (6) In this clause:
authorised person for a commercial vessel means a person on board the vessel who is concerned in the navigation, operation or management of the vessel and includes, for the purposes of

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subclauses (1) and (2), a person who is concerned in the conduct of operations at the berth of the vessel.

relevant officer means:

- (a) a police officer, or
- (b) an officer of a Department of the New South Wales Government or the Commonwealth Government, or
- (c) an officer of a statutory authority created under the law of New South Wales or of the Commonwealth.

8B Offences by passengers and others on commercial vessels

- (1) A passenger on a commercial vessel must not:
 - (a) be in a part of the vessel if there is a notice displayed at each place on the vessel designed for entry to that part that prohibits the passenger's entry to that part, or
 - (b) be on any roof, awning or mast on the vessel.
- (2) A person on a commercial vessel must not:
 - (a) obstruct a person engaged in the navigation or other operation of the vessel, or
 - (b) wilfully damage, or use for a purpose for which it was not intended, any part of the vessel or any equipment on the vessel, or
 - (c) remove, damage or deface any sign or notice on the vessel that relates to the vessel's safe and proper use or any survey plate.

Maximum penalty: 50 penalty units.

[3] Clause 40 Application of Division

Omit clause 40 (e). Insert instead:

- (e) a commercial vessel operating in accordance with a certificate of survey in force under the National law,

[4] Clause 52 Application of Part and declaration of certain marine safety licences

Insert after clause 52 (1) (f):

- (g) a bar crossing licence declared to be a marine safety licence by subclause (2).

[5] Clause 52 (2)

Omit the subclause. Insert instead:

- (2) For the purposes of all of the provisions of the Act, the following licences are declared to be marine safety licences under section 29 (h) of the Act:
 - (a) an aquatic licence,
 - (b) a bar crossing licence.

[6] Clause 66 Display of registration number and label

Omit clause 66 (3) (but not the penalty at the end of the clause).

[7] Part 4, Division 8

Insert after Division 7:

Division 8 Bar crossings by certain commercial vessels**80I Application of Part**

This Part applies to Class 1 and Class 2 commercial vessels that are carrying passengers.

Note. Clause 86 contains other requirements relating to bar crossings for recreational vessels and hire and drive vessels.

80J Authorisation required for bar crossings for certain commercial vessels

- (1) The master of a vessel to which this Part applies must not operate the vessel across a coastal bar unless the master holds a marine safety licence that authorises the crossing of the coastal bar.
Maximum penalty: 50 penalty units.
- (2) The owner of a vessel is guilty of an offence if the vessel is operated in contravention of subclause (1).
Maximum penalty: 50 penalty units.

80K Requirements on masters of certain commercial vessels in relation to bar crossings

- (1) The master of a vessel to which this Part applies must ensure that, when the vessel is crossing a coastal bar, each person on board the vessel who is a passenger or special personnel:
 - (a) is in an open area in the after part of the vessel, and
 - (b) is wearing an appropriate lifejacket.
Maximum penalty: 50 penalty units.

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- (2) The master of a vessel to which this Part applies must not cross a coastal bar if the maximum wind speed is more than 20 knots or the swell height is more than 2 metres.

Maximum penalty: 50 penalty units.

[8] Clause 94 Fees

Insert after clause 94 (1):

- (1A) For the purposes of section 9M of the Act, the fees set out in Schedule 1A are payable in relation to matters done under the National law.

[9] Schedule 1 Fees relating to State matters (as inserted by the Marine Safety (General) Amendment (Fees) Regulation 2013)

Omit the matter relating to vessel registration fees for Class 3 fishing vessels.

[10] Schedule 1

Insert after the matter relating to attendance by officer of RMS at special event or standard event:

Bar crossing licence \$116

[11] Schedules 1A–1C

Insert after Schedule 1:

Schedule 1A Fees relating to National law matters

(Clause 94)

Column 1	Column 2
Matter	Fee
Issue of new Certificate of Competency Master less than 80m near coastal	\$489
Issue of new Certificate of Competency Master less than 35m near coastal, Mate less than 80m near coastal	\$448
Issue of new Certificate of Competency Master less than 24m near coastal, Master (inland waters)	\$338
Issue of new Certificate of Competency Coxswain Grade 1 near coastal, Master of Vehicular Ferry in Chains	\$170

Column 1	Column 2
Matter	Fee
Issue of new Certificate of Competency Coxswain Grade 2 near coastal	\$116
Issue of Certificate of Competency General Purpose Hand near coastal	\$58
Issue of new Certificate of Competency Engineer Class 3 near coastal	\$338
Issue of new Certificate of Competency Marine Engine Driver Grade 1 near coastal	\$338
Issue of new Certificate of Competency Marine Engine Driver Grade 2 near coastal	\$221
Issue of new Certificate of Competency Marine Engine Driver Grade 3 near coastal	\$116
Additional oral examination for a certificate of competency	\$116
Endorsement of a certificate of competency	\$116
Renewal of certificate of competency (other than general purpose hand)	\$116
Renewal of certificate of competency for general purpose hand	\$58
Issue of duplicate or replacement certificate of competency	\$116
Issue of record of service book	\$31
Attending an examination for a certificate of competency, at the request of an applicant, at a place or time other than that at which the examiner is normally engaged in official duties (whether or not the applicant attends for the examination)	Such reasonable travel and accommodation expenses incurred
Survey inspection during construction phase to undertake prototype plan assessment—all classes of vessels not more than 7.5m in length	\$145 per metre or part of a metre
Survey inspection during construction phase to undertake prototype plan assessment—all classes of vessels more than 7.5m in length	\$302 per metre or part of a metre
Initial survey inspection where prototype plan approval has been given—all classes of vessels not more than 7.5m in length	\$75 per metre or part of a metre

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Column 1	Column 2
Matter	Fee
Initial survey inspection where prototype plan approval has been given—all classes of vessels more than 7.5m in length	\$142 per metre or part of a metre
Initial survey inspection where prototype plan approval has not been given—all classes of vessels not more than 7.5m in length	\$145 per metre or part of a metre
Initial survey inspection where prototype plan approval has not been given—all classes of vessels more than 7.5m in length	\$302 per metre or part of a metre
Initial survey inspection where the vessel has a certificate from a recognised Classification Society (within the meaning of Part B of the NSCV)—all classes of vessels not more than 7.5m in length	\$75 per metre or part of a metre
Initial survey inspection where the vessel has a certificate from a recognised Classification Society (within the meaning of Part B of the NSCV)—all classes of vessels more than 7.5m in length	\$142 per metre or part of a metre
Periodic survey inspection—all classes of vessels not more than 7.5m in length	\$50 per metre or part of a metre
Periodic survey inspection—all classes of vessels more than 7.5m in length but not more than 15 m in length	\$73 per metre or part of a metre
Periodic survey inspection—all classes of vessels more than 15m in length	\$88 per metre or part of a metre
Other inspections such as checking compliance with an improvement notice or assessing an equivalent solution for vessel design and construction	\$142 per hour or part of an hour
Survey inspection services carried out outside of normal working hours	\$70 per hour or part of an hour (including travel time) subject to a minimum fee of \$275 where the hours are not merely an extension of normal working hours in addition to the usual fee for the service
Attending for an inspection of a vessel, at the request of an applicant, for a certificate of survey or other inspection relating to a certificate of survey at a place other than that at which the surveyor is normally engaged in official duties (whether or not the applicant attends)	Such reasonable travel and accommodation expenses incurred

Column 1	Column 2
Matter	Fee
Issue of replacement certificate of survey	\$40
Issue of new load line certificate or further certificate	\$330
Periodical inspection for load line certificate	\$110
Issue of certificate of operation for hire and drive vessels under 7.5m	\$204 plus an additional \$28 for each non power driven vessel covered by the certificate and \$82 for each power driven vessel covered by the certificate
Annual fee for certificate of operation for hire and drive vessels under 7.5m	\$28 for each non power driven vessel and \$82 for each power driven vessel
Annual fee for certificate of operation for personal watercraft	\$303
Annual fee for certificate of operation for Class 3 vessel	\$76
Annual fee for certificate of operation for all other vessels not specified above	\$61 plus an additional \$9.70 for each 0.5m (or part) in length that exceeds 3 m up to a maximum fee of \$598
Transfer of certificate of operation	\$29
Issue of replacement or duplicate certificate of operation	\$40
Issue of exemption	\$116
Audit of safety management system	\$22 per metre (or part of a metre) of vessel

Schedule 1B Partially smooth waters

(Clause 3 (1))

Port Stephens

On Port Stephens west of a line drawn across its entrance to the Tasman Sea from the north eastern extremity of Tomaree Head in a north easterly direction to the south eastern extremity of Yacabba Head.

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Broken Bay

On Broken Bay west of a line drawn across its entrance to the Tasman Sea from a point on the northern extremity of Barrenjoey Head in a north easterly direction to the southern extremity of Box Head.

Port Jackson

On Port Jackson west of a line drawn across its entrance to the Tasman Sea from the western extremity of Cannae Point in a southerly direction to the northern extremity of Inner South Head.

Botany Bay

On Botany Bay west of a line drawn across its entrance to the Tasman Sea from the southern extremity of Bare Island in a southerly direction to the northern extremity of Inscription Point.

Port Hacking

On Port Hacking west of a line drawn across its entrance to the Tasman Sea from the eastern extremity of Glaisher Point in a south easterly direction to the northern extremity of Point Hacking Point.

Jervis Bay

On Jervis Bay west of a line drawn across its entrance to the Tasman Sea from the southern extremity of Dart Point in a southerly direction to the northern extremity of Governor Head.

Twofold Bay

On Twofold Bay west of a line drawn across its entrance to the Tasman Sea from the southern extremity of Worang Point in a southerly direction to the northern extremity of Honeysuckle Point.

Schedule 1C Smooth waters

(Clause 3 (1))

Tweed Heads

On the Tweed River south of a line drawn from the northernmost extremity of the Spur Wall in a north easterly direction to a point on the shore adjacent to the prolongation of Florence Street, Tweed Heads.

Brunswick Heads

On the Brunswick River upstream of a line drawn directly across the river from a point on the southern training wall at the junction with the most easterly point of the entrance to Simpson's Creek and approximately 600 m upstream

of its entrance to the Coral Sea in a generally northerly direction to a point opposite the shore.

Ballina

On the Richmond River upstream of a line drawn across the river from a point on the shore adjacent to the prolongation of Moon Street, Ballina in a south south westerly direction to a point on the opposite shore.

Evans Head

On the Evans River upstream of a line drawn directly across the river from the western extremity of an unnamed point on the eastern shore approximately 380 m upstream of its entrance with the Coral Sea in a north westerly direction to a point on the opposite shore.

Yamba and Iluka

On the Clarence River upstream of a line drawn from the northern extremity of Hickey Island approximately 1,600 m upstream of its entrance to the Coral Sea in a northerly direction to a point on the opposite shore.

Wooli

On the Wooli River upstream of a line drawn across the river from a point on the eastern shore approximately 1,400 m upstream of its entrance to the Coral Sea in a westerly point to a point on the opposite shore.

Urunga

On the Bellinger and Kalang Rivers upstream of a line drawn from a point on the southern training wall approximately 1,100m upstream of its entrance to the Coral Sea in an easterly direction to a point on the opposite shore.

Nambucca Heads

On the Nambucca River upstream of lines drawn across the river entrance channels from a point on the northern shore adjacent to the prolongation of High Street, Nambucca Heads, in a southerly direction to a point on the eastern shore of Warrell Creek at its entrance to the Nambucca River and opposite Warrell Point.

South West Rocks and Stuart's Point

On the Macleay River upstream of a line drawn across the river from a point on the southern training wall approximately 1,300m upstream from its entrance with the Tasman Sea in a generally north westerly direction to a point on the opposite northern training wall.

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Port Macquarie

On the Hastings River upstream of a line drawn across the river from a point on the southern shore adjacent to the prolongation of Hay Street, Port Macquarie, in a northerly direction to a point on the opposite northern training wall.

Laurieton

On the Camden Haven River upstream of a line drawn across the river from a point on the southern training wall at Klondyke Rocks approximately 1,000m upstream of its entrance to the Tasman Sea.

Manning River

On the Manning River upstream of a line drawn across the river from a point on the northern training wall approximately 3,100m upstream of its entrance to the Tasman Sea in a south south westerly direction to the northern extremity of the southern training wall.

Wallis Lake

On Wallis Lake upstream of the Forster-Tuncurry Bridge.

Port Stephens

On Port Stephens upstream of a line drawn from the southern extremity of Corrie Island in a south easterly direction across the waterway to a point on the southern shore in line with the highest point of Tomaree Head.

Newcastle

On the Hunter River upstream of a line drawn across the river from the western extremity of Stony Point in a westerly direction to a point on the opposite northern shore 500 m upstream from Pirate Point.

Lake Macquarie

On Lake Macquarie upstream of a line drawn across Swansea Channel from a point on the northern extremity of Coon Island in an easterly direction to a point on the eastern shore adjacent to the prolongation of Soldiers Road, Pelican.

Tuggerah Lakes

On Tuggerah Lakes west of The Entrance Bridge.

Brisbane Water

On Brisbane Water upstream of a line drawn from the western extremity of Wagstaffe Point in a generally west north westerly direction to a point on the opposite shore adjacent to the prolongation of Kourung Street, Ettalong.

Pittwater

On Pittwater south of a line drawn from a point on the shore at the western extremity of Shark Point, Barrenjoey Head in a westerly direction to the eastern extremity of First Head.

Hawkesbury River

On the Hawkesbury River upstream of a line drawn from the southern extremity of Juno Point in an easterly direction to the northern extremity of Flint and Steel Point.

Pittwater to Hawkesbury River

The area bounded by lines drawn between the western extremity of Shark Point, Barrenjoey Head to the eastern extremity of First Head and Juno Point and Flint and Steel Point, except when the wave height in any part of that area exceeds 0.5m from trough to crest.

Brisbane Waters to Pittwater or Hawkesbury River

The area bounded by lines drawn between the northern extremity of Barrenjoey Head and the southern extremity of Box Head and the western extremity of Shark Point, Barrenjoey Head to the eastern extremity of First Head, except when the wave height in any part of that area exceeds 0.5 m from trough to crest.

Port Jackson

On Port Jackson upstream of a line drawn from the western extremity of Laings Point in a west north westerly direction to the eastern extremity of George's Head.

Middle Harbour

On Middle Harbour upstream of a line drawn from the southern extremity of Grotto Point in a southerly direction to the western extremity of an unnamed point at the south eastern end of Balmoral Beach.

Port Jackson to Middle Harbour

The area bounded by lines drawn between Dobroyd Point and Inner South Head, Laings Point and George's Head and Grotto Point in a southerly direction to the western extremity of an unnamed point at the south eastern end of Balmoral Beach, except when the wave height in any part of that area exceeds 0.5m from trough to crest.

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Botany Bay

On Botany Bay west of a line drawn from the southern extremity of Molineux Point in a south westerly direction to the north western extremity of Bonna Point.

Georges River

On the Georges River upstream of the Captain Cook Bridge.

Port Hacking

On Port Hacking upstream of a line drawn from the southern extremity of Hungry Point in a south south easterly direction to the north western extremity of an unnamed point at the south eastern end of Horderns Beach.

Port Kembla

On Port Kembla Outer Harbour west of a line drawn from the north western extremity of the southern breakwall in a northerly direction to the south eastern extremity of the northern breakwall.

Lake Illawarra

On Lake Illawarra upstream of Windang Bridge.

Crookhaven Heads

On the Crookhaven River upstream of a line drawn from the north western extremity of an unnamed point adjacent to Crookhaven Heads Regional Boat Ramp in a northerly direction to the mid point of the northern training wall.

Sussex Inlet and St George's Basin

On Sussex Inlet and St George's Basin upstream of a line drawn across the waterway from an unnamed point at the south westerly end of Bherwerre Beach at the junction with the Tasman Sea in a westerly direction to a point on the opposite shore.

Lake Conjola

On Lake Conjola west of a line drawn across the waterway from a point adjacent the eastern side of the Boat Ramp at Lakes Entrance Caravan Park in a northerly direction to a point on the opposite shore.

Burrill Lake

On Burrill Lake upstream of a line drawn directly across the waterway from a point on the western shore adjacent to the north eastern boundary of Rotary Park.

Tabourie Lake

On Tabourie Lake westward of a line drawn in a northerly direction from the picnic area on the southern shore to the caravan park on the northern shore.

Clyde River

On the Clyde River at Batemans Bay upstream of a line drawn between the eastern side of the entrance to the boat harbour and Pinnacle Point.

Tomaga River

On the Tomaga River upstream of a line drawn across the river from a point adjacent to the Tomakin Boat Ramp at the end of Kingston Place, Tomakin to a point on the opposite shore.

Moruya River

On the Moruya River upstream of a line drawn across the waterway from a point on the southern training wall approximately 750 m from its entrance to the Tasman Sea in a generally northerly direction to a point on the opposite shore.

Durras Lake

On Durras Lake west of a line drawn due south from the natural spring well at North Durras.

Coila Lake

On Coila Lake west of a line drawn from the Boat Ramp at the end of Foam Street, Tuross Heads in a north easterly direction to a point on the opposite northern shore.

Tuross Lake

On Tuross Lake upstream of a line drawn from the Boat Ramp off Nelson Parade, Tuross Heads in a south south westerly direction to an unnamed point on the shore of the Eurobodalla National Park.

Narooma

On the Wagonga Inlet at Narooma upstream of a line drawn from a point on the southern shore adjacent to the northern boundary of Rotary Park, Narooma in a north westerly direction to the southernmost extremity of the northern training wall.

Corunna Lake

On Corunna Lake upstream of the Princes Highway Bridge.

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Wallaga Lake

On Wallaga Lake upstream of the Tilba Road Bridge.

Bermagui

On the Bermagui River upstream of a line drawn from the northern extremity of the eastern training wall in a westerly direction to a point midway along the eastern training wall.

Merimbula Lake

On Merimbula Lake upstream of a line drawn across its entrance with the Tasman Sea from an unnamed point at the junction of Mitchies Beach and Merimbula Beach in an easterly direction to a point on the opposite shore at Bar Beach.

Pambula

On the Pambula River upstream of a line drawn between Black Gin Point and the seaward end of Mosquito Bight Point.

Eden

On Twofold Bay west of a line drawn from the western extremity of the Eden Breakwall in a south easterly direction to the northern extremity of Munganoa Point.

Wonboyn

On Wonboyn River upstream of a line drawn from the north western extremity of Dollys Island in a south easterly direction to a point on the opposite northern shore.

Murray River

On the Murray River and its New South Wales tributaries and in the *transferred Victorian area* as defined in the *Marine Safety Legislation (Lakes Hume and Mulwala) Act 2001*.

Other New South Wales waters

All other coastal navigable waters (such as rivers, creeks, lakes and lagoons) except those listed in Schedule 1B.

All inland navigable waters (such as rivers, lakes and dam waters).

[12] Schedule 6 Coastal bars

Omit "Clause 86". Insert instead "Clauses 80J, 80K and 86".

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Schedule 3

[13] Schedule 7 Penalty notice offences

Omit “Section 53A (1) or (2), 59 (1), (2), (3) or (4)” from the matter under the heading **Offences under the *Marine Safety Act 1998***.

[14] Schedule 7

Insert in appropriate order in Columns 1 and 2 under the heading “**Offences under this Regulation**”:

Clause 8A (4)	2
Clause 8B (1)	2
Clause 8B (2)	2
Clause 80J (1)	3
Clause 80J (2)	3
Clause 80K (1)	3
Clause 80K (2)	3

[15] Schedule 7

Omit the matter relating to the *Marine Safety (Commercial Vessels) Regulation 2010*.