

Marine Safety (Commercial Vessels) Regulation 2010

coastal bar means a bar named in Schedule 6 to the *Marine Safety (General) Regulation 2009*, 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.

The objects of this Regulation are:

- (a) to set out general provisions applying to certain marine safety licences relating to commercial vessels and to prescribe fees in relation to such licences, and
- (b) to prescribe the requirements for the design, construction and equipment of commercial vessels, and
- (c) to require survey certificates for specified commercial vessels, and
- (d) to set out the crew requirements for certain commercial vessels, and
- (e) to specify the crew members of commercial vessels that are required to hold certificates of competency and to set out the requirements for obtaining such certificates and the conditions attached to such certificates, and
- (f) to regulate the hiring out and hiring of certain commercial vessels, and
- (g) to regulate the towing of vessels by commercial vessels and the crossing of **coastal bars** by commercial vessels, and
- (h) to prescribe requirements in relation to the loading of commercial vessels, and
- (i) to provide for the implementation of safety management systems for commercial vessels, and
- (j) to regulate the conduct of passengers, crew and special personnel on, and persons boarding, commercial vessels, and
- (k) to prescribe requirements in relation to the inspection and maintenance of public ferry wharves, and
- (l) to prescribe provisions of a savings and transitional nature.

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43 Special endorsements

- (1) The holder of a certificate of competency may apply to the Minister for an endorsement of the certificate of competency that allows the holder (if not otherwise authorised by the certificate of competency) to serve as a master on a vessel that:
 - (a) is a Class 1 vessel, or a Class 2 vessel carrying passengers, that will cross a **coastal bar**, or
 - (b) is a square rigged sailing vessel, or
 - (c) is an air cushioned or other high speed vessel, or
 - (d) is operating in circumstances indicated in Column 1 of Schedule 6 as requiring endorsement of the certificate concerned, or
 - (e) is carrying pollutants, or flammable liquids or gases, in bulk.
- (3) The Minister may refuse to make an endorsement under this clause on a certificate of competency relating to the crossings of a **coastal bar** or bars unless satisfied that the applicant for the endorsement has demonstrated that the applicant has appropriate experience in crossing the **coastal bar** or **coastal bars** for which the endorsement is sought.

67 Authorisation required for bar crossings

- (1) The master of a vessel to which this Part applies must not operate the vessel across a coastal bar unless:
 - (a) the survey certificate for the vessel authorises coastal bar crossings, and
 - (b) the master holds a certificate of competency that has been endorsed as referred to in clause 43
- (1) (a) so as to authorise the crossing of the coastal bar.

Maximum penalty: 50 penalty units.

68 Requirements on masters of 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.

- (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.

- (3) In this clause:

appropriate lifejacket means a lifejacket that is an appropriate lifejacket as determined in accordance with clause 83 of the *Marine Safety (General) Regulation 2009*.

See Schedule 6 Certificates of Competencies below

Schedule 6 Certificates of competency

(Clause 38)

Column 1

Duties of member of crew

Master or engineer, or both, on a trading or fishing vessel less than 12 m in length and with engines up to 250 kW and operating not more than 15 nm from the coast.

Master on a trading vessel less than 24 m in length and operating not more than 100 nm from the coast. (Certificates may be endorsed to operate up to 200 nm from the coast.)

Watchkeeper on a trading vessel less than 80 m in length and operating not more than 600 nm from the coast.

Master on a trading vessel less than 80 m in length and operating not more than 15 nm from the coast or less than 35 m in length and operating no more than 200 nm from the coast. (Certificates may be endorsed to operate up to 600 nm from the coast.)

Master on a trading vessel less than 80 m in length and operating not more than 600 nm from the coast.

Engineer on a vessel with propulsion machinery of maximum continuous power of less than 500 kW and operating not more than 30 nm from the coast or maximum continuous power of less than 250 kW and operating not more than 100 nm from the coast.

Engineer on a vessel with propulsion machinery of maximum continuous power of less than 750 kW and operating not more than 15 nm from the coast or maximum continuous power of less than 500 kW and operating not more than 200 nm from the coast.

Engineer on a vessel with propulsion machinery of maximum continuous power of less than 1,500 kW and operating not more than 30 nm from the coast or maximum continuous power of less than 750 kW and operating not more than 600 nm from the coast.

Chief engineer on a vessel with propulsion machinery of maximum continuous power less than 1,500 kW and operating not more than 600 nm from the coast.

Master on a fishing vessel less than 24 m in length and operating not more than 100 nm from the coast. (Certificates may be endorsed to operate up to 200 nm from the coast.)

Master on a fishing vessel less than 80 m in length and operating not more than 15 nm from the coast or less than 35 m in length and operating not more than 200 nm from the coast. (Certificates may be endorsed to operate up to 600 nm from the coast.)

Master of a fishing vessel less than 80 m in length and operating not more than 600 nm from the coast.

Master of a vessel designed to carry vehicles across a waterway and that is winched across by a system of cables or chains permanently fixed to each side of the shore.

Person assisting the master or engineer in the carrying out of duties relating to the operation of a vessel.

Column 2

Appropriate certificate of competency

Coxswain

Master Class 5

Mate Class 4

Master Class 4

Master Class 3

Marine Engine Driver Grade 3

Marine Engine Driver Grade 2

Marine Engine Driver Grade 1

Engineer Class 3

Skipper Grade 3

Skipper Grade 2

Skipper Grade 1

Master of a vehicular ferry in chains

General Purpose Hand