Key Contacts

For Certificates of Survey, Operations and Competency please continue to contact your local maritime safety agency. Your local agency can also assist with more information on the National System or you can contact AMSA on:

Website:  www.nationalsystem.amsa.gov.au
Email: nationalmaritimereform@amsa.gov.au
Info line:  1300 517 246

References

- *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*
- National System for Domestic Commercial Vessel Safety Fact Sheets
- Regulations and Marine Orders
- Regulatory Plan revised September 2012
Available at: www.nationalsystem.amsa.gov.au

- *National Standard for Commercial Vessels (NSCV)*
- *National Standard for the Administration of Marine Safety (NSAMS)*
- *Uniformed Shipping Laws (USL) Code*
Available at: www.nmsc.gov.au/standards_publications/

Important Notice

This Guide to the National System for Domestic Commercial Vessel Safety is based on the Regulatory Plan revised in September 2012. Consultation is continuing on Regulations and Marine Orders to be implemented under the National Law and therefore regulatory requirements may change.

This Guide does not cover all situations that may arise under the National Law. Further information can be obtained from the National Regulator using the website, email and info line.
Introduction

What is the National System for Domestic Commercial Vessel Safety?

The National System for Domestic Commercial Vessel Safety will be introduced in Australia in 2013 under the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 (National Law).

The National Law applies to the domestic commercial vessel fleet operating in Australian waters across all States and Territories. Under the National Law, the Australian Maritime Safety Authority (AMSA) is the National Regulator.

State and Northern Territory maritime safety agencies will continue to deliver operations and services to the industry as delegates of the National Regulator.

The National System for Domestic Commercial Vessel Safety aims to:

- simplify maritime safety laws;
- apply nationally agreed standards clearly and consistently across the country;
- make it easier for seafarers and their vessels to work and move around the nation without barriers; and
- deliver a uniform approach to maritime safety requirements.

What is “Your Guide to the National System for Domestic Commercial Vessel Safety”? 

This Guide is published to provide the maritime industry with an overview of the new regulatory requirements. These requirements will apply to domestic commercial vessels under the National System for Domestic Commercial Vessel Safety.
**Key Concepts**

**Certificate of Competency**
This National Law certificate provides evidence that a person’s competencies and qualifications have been verified against prescribed standards.

**Certificate of Operation**
This National Law certificate provides permission to operate one or more vessels of a marine business.

**Certificate of Survey**
This National Law certificate provides evidence that the vessel meets the required standard for design and construction and safety equipment.

**Existing vessels**
Those vessels that were registered, held a Certificate of Survey, or otherwise operated commercially, prior to the start of the National System for Domestic Commercial Vessel Safety.

**Grandfathering**
Grandfathering allows holders of certificates and licences that were in force when the National Law starts to continue to do what those certificates and licences allowed before the National Law started, subject to the same conditions, restrictions and expiry dates. In some cases it may provide the ability to operate indefinitely as set out in State or Territory marine safety approvals.

**Transitional arrangements**
A transitional arrangement is where a period is allowed after the commencement of the National Law for National Law certificates to be obtained for vessels, operations or crew competency. During this period relevant approvals obtained from a State or Northern Territory maritime safety agency remain current. There are processes about how and when it is necessary to obtain relevant National Law certificates.

Existing vessels or operations must obtain a National Law certificate(s) when their existing State or Territory certificate or registration expires or by 2016. Holders of existing Certificates of Competency will transition to a National Law Certificate when their current certificate requires renewal, revalidation or variation.

**Vessel Identifier**
The Vessel Identifier is a unique number previously issued for the vessel by State or Territory maritime safety agencies or on application for a National Law certificate. The Vessel Identifier stays with the vessel for its lifetime even if it changes ownership.
Am I in the National System for Domestic Commercial Vessel Safety?

Vessel is a recreational boat - subject to State or Territory law

No

Vessel is for use in connection with a commercial, government or research activity

Yes

Vessel is foreign flagged

No

Vessel leaves or intends to leave the EEZ or is going overseas

No

Vessel maintains SOLAS Convention Certification

No

The Marine Safety (Domestic Commercial Vessel) National Law Act 2012 applies

You are in the National System for Domestic Commercial Vessel Safety

Which Scheme am I in?

New Vessels
You are required to apply for a National Law Certificate
• Survey - see p.7
• Not in Survey - see p.9
• Other - see p.11

No

Existing Vessels
You are an existing vessel under State or Territory arrangements and therefore, grandfathering applies
• Survey - see p.8
• Not in Survey - see p.10
• Other - see p.11

Yes

Are you currently operating an existing vessel(s)?

Yes

Do you want to change your type of operation, operate elsewhere or substantially change your vessel?

No

You are required to apply for a National Law Certificate. See your local Maritime Safety Agency

No

Yes

Has your vessel been declared under s19 of the Navigation Act 2012?

No

Yes

Navigation Act 2012

Yes

No

*an existing vessel under State or Territory arrangements
What law applies to me?

Vessel is for use in connection with a commercial, government or research activity
- Yes
  - Vessel is operated by a primary or secondary school or community group
    - Yes
      - Vessel maintains SOLAS Convention Certification
        - Yes
          - Has your vessel been declared under s19 of the Navigation Act 2012?
            - Yes
              - The Navigation Act 2012 applies
            - No
              - Vessel leaves or intends to leave the EEZ or is going overseas
                - Yes
                  - Vessel is a foreign flagged vessel
                    - Yes
                      - The Marine Safety (Domestic Commercial Vessel) National Law Act 2012 applies
                    - No
                      - No
                        - No
                          - No
                            - No
                              - The Marine Safety (Domestic Commercial Vessel) National Law Act 2012 applies
        - No
          - Vessel leaves or intends to leave the EEZ or is going overseas
            - Yes
              - Vessel is a foreign flagged vessel
                - Yes
                  - The Marine Safety (Domestic Commercial Vessel) National Law Act 2012 applies
                - No
                  - Vessel is a recreational boat - subject to State or Territory law
                    - Yes
                      - Vessel is a recreational boat - subject to State or Territory law
                    - No
                      - No
                        - No
                          - No
                            - No
                              - The Marine Safety (Domestic Commercial Vessel) National Law Act 2012 applies
    - No
      - No
        - No
          - No
            - No
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                                                      - No
                                                        - No
                                                          - No
                                                            - No
                                                              - No
Which Scheme am I in?

Vessel is a waterski/wakeboard towing vessel; permanently moored vessel not attached to the shore; ferry in chains; unpowered barge; submersible; WIG; novel vessel or volunteer marine rescue vessel

- Yes ➔ Other (SCHEME O) see page 11
- No ➔ Recreational training vessels less than 24m in length in inshore operations

Recreational training vessels less than 24m in length in inshore operations

- Yes ➔ Not in Survey (SCHEME NS) Existing*? see page 10 New**? see page 9
- No ➔ Vessel holds a current State or Territory Certificate of Survey

Vessel holds a current State or Territory Certificate of Survey

- Yes ➔ Does vessel require survey under NSAMS 4?  
  - Yes ➔ Survey (SCHEME S) Existing*? see page 8 New**? see page 7
  - No ➔ May opt into Scheme NS
- No ➔ Vessel is over 7.5m in length

Vessel is over 7.5m in length

- Yes ➔ Vessel carries passengers
- No ➔ Vessel operates in A, B or C waters

Vessel carries passengers

- Yes ➔ Vessel is a hire and drive vessel that operates at night
- No ➔ Vessel operates in A, B or C waters

Vessel operates in A, B or C waters

- Yes ➔ Vessel is a high risk vessel specified in NSAMS 4 Annex F
- No ➔ No

Vessel is a high risk vessel specified in NSAMS 4 Annex F

- Yes ➔ No
- No ➔ No

*an existing vessel under State or Territory arrangements

**a new vessel under State or Territory arrangements
Survey (Scheme S) new vessels

What new vessels require a survey?

- Vessels greater than 7.5 metres in length.
- Vessels operating in A, B or C waters.
- Vessels that carry passengers.
- Vessels specified as high risk under NSAMS 4.

What are the requirements for new vessels in Scheme S?

**Certificate of Operation**

A Certificate of Operation applies to all new Scheme S vessels. The Certificate of Operation identifies one or more vessels, areas of operation, service categories (classes) and activities relating to the operation.


**Certificate of Survey**

One Certificate of Survey per vessel. Apply to a maritime safety agency for plan approval, as well as initial and periodic surveys.

Survey regime: NSAMS 4.


Applicable standard: NSCV Part F Special Vessels.

**Certificate of Competency**

A Certificate of Competency is required by the Master, Engineer or Deck Crew as applicable. All hire and drive vessels are allowed to be operated by a person meeting local recreational requirements.

Applicable standard: NSCV Part D Crew Competencies.

**Vessel Identifier**

Each vessel is required to display a unique identification number as issued by the National Regulator. Transitional arrangements apply.
Survey (Scheme S) existing vessels

What existing vessels are in Scheme S?

- Vessels in survey prior to commencement of the National Law. Note: vessels that do not fall in survey in NSAMS 4 may opt into Scheme NS.

What are the requirements for existing vessels in Scheme S?

**Certificate of Operation**

No change is required until current State or Territory certificate expires or requires variation. A National Law Certificate of Operation is then required or by 2016.

The certificate identifies one or more vessels, areas of operation, service categories and activities relating to the operation.

Applicable standard: Transitional arrangements to *NSCV Part E Operational Practices*. Existing crewing requirements continue.

**Certificate of Survey**

No change is required until current State or Territory Certificate of Survey expires or requires variation. A National Law Certificate of Survey is then required.

Survey regime: *NSAMS 4* or existing survey process

Applicable standard: *NSCV C7A – Safety Equipment*

Applicable standard: Construction and Equipment standards to which the vessel was built.

**Certificate of Competency**

No change is required until current State or Territory Certificate requires renewal or variation. A National Law Certificate of Competency is then required.


Refer to Fact Sheets for further information.

**Vessel Identifier**

Each vessel is required to display its State or Territory issued identification number (unless currently not required). Transitional arrangements also apply.
Not in Survey (Scheme NS)  
new vessels

What new vessels do not require survey (Scheme NS)?

- Vessels less than 7.5 metres in length, operating in D or E waters, which do not carry passengers and are not high risk.
- Recreational training vessels less than 24 metres in length in inshore operations.

What are the requirements for new vessels in Scheme NS?

**Certificate of Operation**
A Certificate of Operation applies to all new Scheme NS vessels. The Certificate of Operation identifies one or more vessels, areas of operation, service categories (classes) and activities relating to the operation.

Applicable standard: Transitional arrangements to NSCV Part E Operational Practices and NSCV Part F2 for leisure craft and hire and drive vessels.

**Certificate of Survey**
No Certificate of Survey is required.

Not in Survey vessels will need to meet prescribed minimum design and construction and safety equipment standards.

**Certificate of Competency**
Transitional arrangements for Part D will apply. Current State and Territory qualifications relevant to these vessels may apply.

Applicable standard: NSCV Part D Crew Competencies.

**Vessel Identifier**
Each vessel is required to display a unique identification number as issued by the National Regulator. Transitional arrangements apply.
Not in Survey (Scheme NS)  
existing vessels

What existing vessels do not require survey (Scheme NS)?

- Vessels less than 7.5m in length, operating in D or E waters, which do not carry passengers and are not high risk.
- Recreational training vessels less than 24 metres in length, in inshore operations. All existing vessels not in survey or not required to have an initial Certificate of Compliance.

What are the requirements for existing vessels in Scheme NS?

**Certificate of Operation**  
No change is required until a current a State or Territory certificate or registration expires or requires variation. A National Law Certificate of Operation is then required or is required by 2016 where certification or registration does not exist. The certificate identifies one or more vessels, areas of operation, service categories and activities.

Owners of existing vessels without current State or Territory certificates or registration are encouraged to lodge a Request for Information form with the National Regulator to obtain information about the requirements under the National System for Domestic Commercial Vessel Safety.

Existing crewing requirements will be grandfathered

Applicable standard: *NSCV Part E Operational Practices*, or
Applicable standard: *NSCV Part F2* for leisure craft and hire and drive.

**Certificate of Survey**  
No Certificate of Survey is required.

Applicable standard: Design and construction standards to which the vessel was built.

Applicable standard: *NSCV C7A Safety Equipment*.

**Certificate of Competency**  
Grandfathering and transitional arrangements will apply.

**Vessel Identifier**  
Each vessel is required to display its State or Territory issued identification number (unless currently not required). Transitional arrangements also apply.
Other (Scheme O) vessels

What vessels are in Scheme O for other vessels?

- Waterski/wakeboard towing vessels.
- Permanently moored vessels.
- Ferries in chains.
- Unpowered barges.
- Submersibles and Wing-in-Ground craft.
- Novel vessels.
- Volunteer marine rescue vessels.

What are the requirements for vessels in Scheme O?

**Certificate of Operation**

A Certificate of Operation is required for all new vessels. For existing vessels, no change is required until current State or Territory certificates or registration expires or requires variation. A National Law Certificate of Operation is then required or by 2016. The certificate identifies one or more vessels, areas of operation, service categories and activities relating to the operation.

**Standards, Survey, Crewing**

No change. National arrangements will be developed between 2012 and 2016.

**Vessel Identifier**

Each vessel is required to display its State or Territory issued identification number (unless currently not required) or as issued by the National Regulator upon application for a National Law Certificate.
Heritage Vessels

What vessels are heritage vessels?

- Vessel of historic significance, owned and operated by a full Australian Maritime Museum Council (AMMC) member.
- New heritage vessels entering the National System will be considered on a case-by-case basis.

What are the requirements for heritage vessels?

**Certificate of Operation**
Existing certificates will continue to apply for existing vessels. New vessel Safety Management Systems and Vessel Management Plans will be considered on a case-by-case basis.

**Certificate of Competency**
Existing arrangements apply for existing vessels. Requirements for new vessels will be based on the Safety Management System.

Tenders and auxiliary vessels

What vessels are tenders and auxiliary vessels?

- Tenders are vessels used to transport goods and people between the parent vessel and shore or another vessel, regardless of whether or not the tender is stored on board the parent vessel. It also includes tenders to a leisure craft.
- Auxiliary vessels are all other vessels that operate in conjunction with a parent vessel and that remain within a specified distance of the parent vessel.

Requirements for tenders and auxiliary vessels are under development.
Owners of existing vessels in Scheme NS (Not in Survey) without current State and Territory certificates or registration are encouraged to register their details with the National Regulator to obtain more information about their requirements under National System for Commercial Vessel Safety.

Please send a completed copy of the form on the next page to:
Scheme NS Request for Information
National Regulator – DVD
AMSA
PO Box 2181
CANBERRA ACT 2601

or complete the form on-line at www.nationalmaritimereform@amsa.gov.au/xxxxx
Under what names is the existing vessel to be registered?

<table>
<thead>
<tr>
<th>Private Individual</th>
<th>Company/Organisation/Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Name</td>
<td>ACN / ABN No.</td>
</tr>
<tr>
<td>Given Names</td>
<td>Name</td>
</tr>
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<td>Postal Address</td>
<td>Postal Address</td>
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<td>Street Address</td>
<td>Street Address</td>
</tr>
<tr>
<td>Work phone</td>
<td>Name of person responsible</td>
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<tr>
<td>Home phone</td>
<td>Position held</td>
</tr>
<tr>
<td>Mobile</td>
<td>Work phone</td>
</tr>
<tr>
<td>Fax</td>
<td>Email address</td>
</tr>
</tbody>
</table>

Vessel Details

<table>
<thead>
<tr>
<th>Name of vessel</th>
<th>Purpose of use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class/es</td>
<td>Type of Vessel</td>
</tr>
</tbody>
</table>

Signature | Printed name | Date |