

SOUTH AUSTRALIA

SURVEY, EQUIPMENT AND LOADLINE REGULATIONS, 1990

REGULATIONS UNDER THE MARINE ACT, 1936

Survey, Equipment and Loadline Regulations, 1990

being

No. 222 of 1989: *Gaz.* 14 December 1989, p. 1816¹

as varied by

No. 159 of 1990: *Gaz.* 2 August 1990, p. 484

No. 29 of 1991: *Gaz.* 21 March 1991, p. 976

No. 90 of 1991: *Gaz.* 27 June 1991, p. 2097²

No. 130 of 1992: *Gaz.* 25 June 1992, p. 1995³

No. 183 of 1993: *Gaz.* 12 August 1993, p. 820⁴

¹ Came into operation 1 January 1990: reg. 2.

² Came into operation 1 July 1991: reg. 2.

³ Came into operation 1 July 1992: reg. 2.

⁴ Came into operation 1 September 1993: reg. 2.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

2.

PART I

PRELIMINARY

Citation

1. These regulations may be cited as the *Survey, Equipment and Loadline Regulations, 1990*.

Commencement

2. These regulations will come into operation on 1 January, 1990.

Revocation of prior regulations

3. The following regulations are revoked:

(a) regulations 83 to 99 (inclusive) of the regulations made under the *Harbors Act, 1936*, and the *Marine Act, 1936*, relating to the survey of vessels, boilers, etc. (see *Gazette*, 19 August, 1954, p. 375) as varied;

(b) the *Survey and Equipment of Fishing Vessels Regulations, 1969* (see *Gazette*, 7 August, 1969, p. 353) as varied;

(c) the *Compass Regulations, 1974* (see *Gazette*, 12 September, 1974, p. 1917);

and

(d) the *Marine (Radiotelephony) Regulations, 1977* (see *Gazette*, 16 February, 1978, p. 644).

Interpretation

4. (1) In these regulations—

"the Act" means the *Marine Act, 1936*:

"classification society" means an association or body, approved by the Department, that issues rules for the construction or machinery of vessels:

"the Code" means the Australian Transport Advisory Council Uniform Shipping Laws Code (see Commonwealth of Australia *Gazette* No. P17, 13 August, 1984) as amended from time to time:

"the Director" means the Director of Marine and Harbors:

"fish" has the same meaning as in the *Fisheries Act, 1982*:

"government vessel" means a vessel—

(a) that is owned by, or the beneficial interest in which is vested in, the Commonwealth or a State or a Territory;

or

3.

- (b) that is currently demised to, or in the exclusive possession of, the Commonwealth or a State or a Territory,

but does not include a vessel that is owned by the Australian Shipping Commission:

"gross tonnage" means—

- (a) in relation to a commercial vessel that is registered by the Commonwealth or a State or Territory Authority, the amount of gross tonnage specified in the vessel's certificate of registry;

and

- (b) in relation to a commercial vessel that is not so registered, the amount of measured tonnage calculated in accordance with the following formula:

$L \times B \times D \times 0.2119 = \text{measured tonnage where—}$

- L is the length of the vessel in metres from the afterside of the stem to the after side of the sternpost measured at the line of the deck. Where no sternpost is fitted, the length at the after end is measured to the axis of the rudder stock at the deck. Provided that the length of the counter, or overhang aft, when measured from the foreside of the sternpost, or from the axis of the rudder stock where no sternpost is fitted, to the afterside of the rim, or harpin, or in the case of a steel vessel, to the heel of the deck stringer angle at the after end, does not exceed 17.5 per cent of the length L obtained above.

Where the length of the counter or overhang aft, is in excess of the 17.5 per cent of the length, L is taken as 85 per cent of the length measured from the afterside of the stem to the afterside of the rim, harpin, or in the case of a steel vessel to the heel of the deck stringer angle at the after end, measured at the line of the deck. For the purposes of this formula the sternpost means the after or rudder post:

- B is the breadth of the vessel in metres from the outside of the hull where the vessel is of greatest breadth:

- D is the depth of the vessel in metres amidships from the top of the gunwale to the top of the bottom plank or shell plating next to the keel, or in decked boats, from the top of the covering board or margin plank at side amidships to the top of the bottom plank or shell plating next to the keel:

"initial survey" means the first survey undertaken by a surveyor of a prescribed vessel:

"periodic survey" means a survey undertaken by a surveyor of a prescribed vessel for the renewal of a certificate of survey:

4.

"prescribed vessel" means a vessel in relation to which these regulations apply pursuant to regulation 7:

"restricted areas" means those areas described in schedule 2:

"restricted fishing vessel" means a fishing vessel that has an overall length of less than 15 metres, that is confined to operate within the restricted areas.

(2) Unless the contrary intention appears in the Act or in these regulations, words and expressions defined in Section 1, Part 2 of the Code have the same meanings ascribed to them by that Part, subject to the following modifications:

"approved" means approved by a surveyor acting pursuant to these regulations:

"the Authority" means the department:

"commercial vessel" means a vessel that is not used solely for pleasure or recreation and the use of which is made, allowed or authorized in the course of any business or in connection with any commercial transaction but does not include a government vessel:

"fishing vessel" means any vessel not propelled solely by oars that is used in the taking of fish for sale and includes trawlers, pearling luggers and whale chasers:

"measured length" means—

(a) the distance from the fore part of the hull to the after part of the hull, taken at the upperside of the uppermost weathertight deck or, in the case of open vessels, at the height of the gunwale;

or

(b) 96 per cent of the distance between a vertical line passing through a point being the foremost part of the hull and a vertical line passing through a point being the aftermost part of the hull, excluding appendages,

whichever is greater.

Adoption of Uniform Shipping Law Code

5. (1) For the purposes of these regulations, those Sections of the Code (as amended from time to time) specified in these regulations, are adopted subject to any modifications expressed in these regulations.

(2) A copy of the Code, as amended from time to time, is available for inspection by members of the public at the head office of the department during normal office hours.

(3) A reference in the Code to the geographical limits in waters designated by the Authority as partially smooth or smooth is a reference to those limits as set out in schedule 3.

Fees

6. The fees appearing opposite the items specified in schedule 1 are the fees payable to the department in relation to each of those items.

Application

7. These regulations apply in relation to—

- (a) the following classes of commercial vessels as defined in Section 1, Part 3, Clause 6 of the Code:

Class 1A	Class 2A	Class 3A
Class 1B	Class 2B	Class 3B
Class 1C	Class 2C	Class 3C
Class 1D	Class 2D	Class 3D
Class 1E	Class 2E	Class 3E

and

- (b) subject to regulation 8, restricted fishing vessels, excluding those that operate solely on the River Murray or on any tributary, anabranch or lake connected to it.

Restricted fishing vessels

8. (1) Restricted fishing vessels of an overall length of seven and a half metres or less are exempt from regulations 9, 10, 12, 13, 14, 17, 18 and 30-36 (inclusive) subject to the following conditions:

- (a) the vessel must undergo an initial survey prior to commencing operations and the owner of the vessel must pay to the department the fee prescribed in schedule 1 for the initial survey;
- (b) the owner of the vessel must obtain a registration certificate in respect of the vessel from the Director;
- (c) registration of the vessel must be renewed every two years by payment of the registration fee prescribed in schedule 1;

and

- (d) the exemption from the requirement of periodic surveys is conditional on the following terms:
- (i) that the owner of the vessel make it available for inspection on demand by a surveyor or his or her nominee;

and

- (ii) that if a vessel is found to be deficient in any equipment required by these regulations, or its hull or machinery is considered by the surveyor or his or her nominee to be defective, the Director may suspend the vessel's registration certificate until such deficiencies are rectified.

(2) No restricted fishing vessel of an overall length of seven and a half metres or less may be operated unless there is a current certificate of registration issued by the Director in respect of that vessel.

6.

(3) No restricted fishing vessel of an overall length of seven and a half metres or less may be operated in contravention of a term, condition or endorsement of a certificate of registration.

(4) If any restricted fishing vessel of an overall length of seven and a half metres or less is engaged in any operation in contravention of subregulations (2) or (3), the master and the owner of the vessel will each be guilty of an offence.

(5) A Class 3 vessel or a restricted fishing vessel must not be operated unless the fishing licence registration number of such vessel is displayed in letters and numbers at least 15 centimetres in height in a conspicuous place on each side of the vessel.

PART II

SURVEY PROCEDURES

Survey periods

9. (1) A survey must be carried out by a surveyor at least once in every 12 month period of the following vessels:

(a) Class 1 vessels;

and

(b) Class 2 vessels.

(2) A survey must be carried out by a surveyor at least once in every 24 month period of the following vessels:

(a) Class 3 vessels;

and

(b) restricted fishing vessels over seven and a half metres in overall length.

Application for survey

10. (1) An application for the survey of a vessel must be made to the Director by or on behalf of the owner of the vessel in such manner and form as the Director may determine.

(2) At least seven days notice must be given to the Director of the date on which the survey is requested to be undertaken.

(3) An application for the survey of a vessel must be accompanied by the fee prescribed in schedule 1.

Issue of certificate of survey

11. (1) A certificate of survey may be issued by the Director to the owner of a vessel for the term specified in the certificate, on receipt by the Director of a report from a surveyor recommending the issue of the certificate.

(2) Where a survey is carried out other than as part of a programme of survey carried out at the place of survey, the reasonable travelling, meals and accommodation expenses incurred by the surveyor must be paid to the Director by the owner of the vessel and no certificate of survey is issuable in respect of that vessel except on payment of those expenses.

(3) A certificate of survey must state, in relation to a vessel—

(a) its tonnage;

(b) its class;

(c) its length;

8.

- (d) its main engine power;
 - (e) its operational limits;
 - (f) the number of passengers and crew it may carry;
- and
- (g) any other endorsements applicable to the vessel.

(4) A temporary permit may be issued by the Director confirming completion of a satisfactory survey of a vessel, pending issue of a certificate of survey.

Display of certificate of survey

12. (1) Subject to subregulation (2), a prescribed vessel must display a copy of the current certificate of survey adjacent to the steering position unless, in the opinion of a surveyor, it is impracticable to comply with this regulation.

(2) The certificate of survey in relation to a Class 1 vessel must be displayed where it is visible to passengers.

Operating without survey certificate or in contravention of term of certificate

13. (1) Subject to these regulations, no prescribed vessel may be operated unless there is a current certificate of survey issued by the Director in respect of that vessel.

(2) No prescribed vessel may be operated in contravention of a term, condition or endorsement of a certificate of survey.

(3) If any prescribed vessel is engaged in any operation in contravention of subregulation (1) or (2), the master and the owner of the vessel will each be guilty of an offence.

Extension of term of certificate of survey

14. (1) An application to extend the term of a certificate of survey may be made to the Director by or on behalf of the owner of a vessel, in such manner and form as the Director may determine.

(2) An application to extend the term of a certificate of survey must be accompanied by the fee prescribed in schedule 1.

(3) The Director may extend the term of a certificate of survey for a period not exceeding three months from the date on which the certificate of survey expires, on receipt by the Director of a report from a surveyor recommending an extension of the term of the certificate of survey.

(4) Where a certificate of survey has been extended pursuant to this regulation, the term of renewal of the subsequent survey certificate will commence from the date of expiry of such period of extension.

Preparation for survey

15. The owner of a vessel that is to be surveyed must, if requested to do so by a surveyor—

- (a) produce or cause to be produced—

9.

- (i) any certificate issued in respect of the vessel;
 - (ii) any other relevant papers;
- and
- (iii) any particulars of that vessel;
- (b) withdraw the vessel from the water and position the vessel to enable the surveyor to make an external examination of the hull, underwater fittings, shaftings, propellers and other equipment;
- (c) clear all holds and place all hull ladders in position;
- (d) lift and open up the limbers, ceilings and linings of all holds;
- (e) clear all bilges and strum boxes;
- (f) remove all manhole doors from tanks and fore and aft peaks;
- (g) clear and open up all chain lockers;
- (h) clean, clear and have available for inspection all decks and accommodation;
- (i) clear, open up and have available for inspection all boilers and pressure vessels;
- (j) open up and have available for inspection all machinery necessary for the safe working of the vessel;
- (k) otherwise have the vessel cleaned, cleared and available for inspection;
- and
- (l) bear the cost of testing any material, machinery or equipment, if testing is required by the surveyor.

List of repairs and deficiencies

16. (1) After an inspection of a vessel for survey purposes the surveyor must prepare a list of any repairs and deficiencies.

(2) The list must be signed by the surveyor and by the owner of the vessel or his or her nominee.

(3) A copy of the list must be delivered to the owner of the vessel or his or her nominee.

(4) No report recommending that a certificate of survey be issued may be forwarded to the Director unless such repairs and deficiencies have been resolved to the satisfaction of the surveyor or his or her nominee.

Certificate of survey issued subject to conditions

17. (1) The owner of a prescribed vessel must make it available to a surveyor for survey prior to the expiry of the vessel's current certificate of survey, if required to do so by notice in writing from the Director.

(2) Where a prescribed vessel is surveyed pursuant to a notice given under subregulation (1), a certificate of survey may be—

(a) granted;

(b) refused;

or

(c) granted subject to a condition or conditions imposed by the Director.

(3) The Director may, at any time, revoke or vary a condition of a certificate of survey.

Non-attendance at survey

18. Where—

(a) the owner of a prescribed vessel has applied for a survey of that vessel pursuant to these regulations or has been required to make the vessel available for survey pursuant to regulation 17;

(b) a surveyor has attended at the nominated place of survey at the nominated time and the vessel (inclusive of its equipment) was not available for survey or the agent or his or her nominee was not in attendance;

and

(c) the owner had failed to advise the surveyor at least five working days prior to the nominated time for the survey that the vessel would not be available or that the agent or his or her nominee would not be in attendance,

the owner must—

(d) make further arrangements with the department for a survey of the vessel to be undertaken at a later time;

(e) pay to the department the fee for non-attendance at a survey prescribed in schedule 1;

and

(f) pay the reasonable travelling, meals and accommodation expenses actually incurred by the surveyor in relation to the failed survey.

Approval of plans and specifications

19. (1) Where—

(a) a person intends to construct a vessel for use as a prescribed vessel;

or

- (b) the owner of a prescribed vessel intends to substantially modify the vessel or alter its class,

he or she must submit to the department such information, plans and specifications as are set out in Section 1, Part 5 of the Code.

(2) The fee prescribed in schedule 1 is payable in relation to the examination and approval of such information, plans and specifications.

Recognition of certificates issued by other authorities

20. The Director may accept a certificate of survey issued by another marine authority and dispense with the requirement that the vessel be surveyed by a surveyor during the remainder of the term of issue of that certificate.

Notification of damage

21. The owner or master of a prescribed vessel must notify the Director of any damage affecting the seaworthiness of the vessel and must not cause or permit the vessel to be operated until the damage has been surveyed and rectified to the satisfaction of the surveyor.

PART III

SURVEY STANDARDS

Construction

22. (1) Subject to these regulations, a prescribed vessel must comply with Section 5 of the Code.

(2) The application of subsection A of Section 5 of the Code is modified by striking out clause A.2.

(3) A prescribed vessel may, instead, comply with rules of a classification society for the construction of a prescribed vessel that are approved by the Director in relation to vessels of that type.

Engineering

23. (1) Subject to these regulations, a prescribed vessel must comply with Section 9 of the Code.

(2) A prescribed vessel may, instead, comply with rules of a classification society for the machinery of a prescribed vessel that are approved by the Director in relation to vessels of that type.

Crew accommodation

24. A prescribed vessel that has an overall length of 25 metres or more must comply with Section 6 of the Code.

Stability

25. (1) Subject to these regulations, a prescribed vessel must comply with Section 8 of the Code.

(2) Notwithstanding any other test, an open vessel may be required to satisfactorily undertake a swamp test.

PART IV

EQUIPMENT

Life saving appliances

26. (1) Subject to these regulations, a prescribed vessel must comply with Section 10 of the Code.

(2) The application of Section 10, Part 3 of the Code is subject to the following modifications:

* * * * *

(b) Classes 1B and 1C—strike out "Less than 10 metres 1 lifebuoy with light", twice occurring;

(c) Classes 1D and 2D—under the heading "Lifebuoys", strike out "Additional to any lifebuoys";

(d) Classes 1C, 2C and 3C—under the heading "Distress Signals"—

(i) strike out "15 metres and over but";

and

(ii) strike out "less than 15 metres 3 parachute distress rockets";

(e) Class 3C—under the heading "Lifeboats, Liferrafts and Internal Buoyancy" strike out "(2) Dinghy for 100 per cent complement, or" and substitute "(2) Vessels less than 15 metres measured length operating within 15 nautical miles from the coast with 2 crew or less may carry 2 lifebuoys in lieu of either (1) or (3)";

(f) Class 2D and 3D—under the heading "Distress Signals" strike out—

"3 parachute distress rockets
2 red hand flares
1 hand held orange smoke signal

NOTE: Consistent with the area of operations allocated to the vessel, a reduction in distress signals may be permitted by the Authority"

and substitute—

"2 red hand flares
2 hand held orange smoke signals";

(g) Class 1E—under the heading "Buoyant Appliances" insert "NOTE: 25% of the Buoyant appliances must consist of Coastal lifejackets" after "the above appliances".

(3) A restricted fishing vessel must be equipped with the following life saving appliances:

14.

BUOYANT APPLIANCES

- | | |
|-------------------------|--|
| Vessels over 7.5 metres | (a) Internal buoyancy as prescribed by Section 10 Appendix N of the Code and one lifebuoy with light if the vessel carries more than one crew; |
| | or |
| | (b) two lifebuoys, one with light and one with line if the vessel carries not more than two crew; |
| | or |
| | (c) one Coastal liferaft for 100% complement and one lifebuoy with light. |
| Vessels 7.5 metres | (a) One lifebuoy with light for and under each member of the crew; |
| | or |
| | (b) internal buoyancy as prescribed in Section 10 Appendix N of the Code or other such internal buoyancy as is approved by the Authority. |

LIFEJACKETS

- | | |
|-------------|--|
| All lengths | A coastal lifejacket with light and whistle for each person that the vessel is certified to carry. |
|-------------|--|

DISTRESS SIGNALS

- | | |
|-------------|--|
| All lengths | 4 red hand flares
2 hand held orange smoke signals. |
|-------------|--|

EMERGENCY ELECTRICAL EQUIPMENT

- | | |
|-------------|--|
| All lengths | Electric torches or hand lamps as determined by the Authority. |
| All lengths | One copy of the rescue signal table. |

(4) Vessels of Classes 1B, 1C, 2B, 2C, 3B and 3C operating outside the waters of Spencer Gulf, Gulf St. Vincent, Investigator Strait and Backstairs Passage, more than three nautical miles from the coast, must carry an Emergency Position—Indicating Radio Beacon (EPIRB) when it is not carried as part of the liferaft equipment of that vessel.

Fire appliances

27. (1) Subject to these regulations, a prescribed vessel must comply with Section 11 of the Code.

(2) The application of Section 11 of the Code is subject to the following modifications:

(a) Part 1, Clauses 5 and 7—strike out "15 metres" twice occurring and substitute, in each case, "12.5 metres";

(b) Part 2, Classes 1B, 1C, 1D, 1E, 2B, 2C, 3B and 3C—strike out "Asbestos Blankets" wherever occurring and substitute, in each case, "Non-combustible Blankets";

(c) Part 2, Class 2C—under the heading "Portable Fire Extinguishers" strike out—

"Less than 25 metres	Two, suitable for extinguishing oil fires, for use in each space containing propelling machinery"
----------------------	---

and substitute—

"10 metres and over but less than 25 metres	Two, suitable for extinguishing oil fires, for use in each space containing propelling machinery
--	--

less than 10 metres	One, suitable for extinguishing oil fires, for use in—
---------------------	--

(a) each space containing propelling machinery;

or

(b) vessels propelled by an outboard engine or engines.";

(d) Part 2, Classes 2D, 2E, 3C, 3D and 3E—under the heading "Portable Fire Extinguishers" strike out—

"less than 10 metres	One, suitable for extinguishing oil fires, for use in each space containing propelling machinery"
----------------------	---

and substitute—

"less than 10 metres	One, suitable for extinguishing oil fires, for use in—
----------------------	--

(a) each space containing propelling machinery;

or

16.

(b) vessels propelled by an outboard engine or engines.";

(e) Part 2, Class 3D—

(i) under the heading "Emergency Fire Pumps" insert "pump" after "manually operated emergency fire";

and

(ii) insert the heading "Fire Buckets" before—

"10 metres and over
but less than 25 metres 2 with lanyards."

and

(f) Appendix K, Clause 1—insert "a capacity of not less than 9 litres" before "metal painted".

(3) The requirement of Section 11, Part 2 of the Code that all Class 3 vessels over 12.5 metres in length be fitted with fixed fire extinguishing installations only applies in relation to vessels applying for an initial survey.

(4) A restricted fishing vessel must be equipped with fire fighting equipment as prescribed in Section 11, Part 2 of the Code for a Class 3C vessel.

Radio equipment

28. (1) Subject to these regulations, a prescribed vessel must comply with Section 12 of the Code.

(2) A restricted fishing vessel must be equipped with radio equipment as prescribed in Section 12, Part 4 of the Code for a Class 3C vessel but may be exempted from this requirement by the Director, depending on its area of operation.

Miscellaneous equipment

29. (1) Subject to these regulations, a prescribed vessel must comply with Section 13 of the Code.

(2) The application of Section 13, Part 3 of the Code is subject to the following modifications:

(a) Classes 1B and 2B—strike out—

- | | |
|------------------------|--|
| "All lengths | Mechanical depth sounding device |
| All lengths | Hand lead line |
| All lengths | Daylight signalling lamp |
| All lengths | One set of international code flags |
| All lengths | One copy of 'International Code of Signals'" |

and substitute—

"25 metres and over	Mechanical depth sounding device and Hand lead line
Less than 25 metres	Mechanical depth sounding device or Hand lead line
35 metres and over	Daylight signalling lamp
Less than 35 metres	Signalling light
35 metres and over	One set of international code flags
Less than 35 metres	International code flags N, C
35 metres and over	One copy of 'International Code of Signals'";

(b) Classes 1D and 2D—insert "or Mechanical depth sounding device" after "All lengths Hand lead line";

(c) Classes 2B and 2C—strike out "Less than 10 metres Sea anchor";

(d) Classes 1E and 2E—strike out "All lengths Compass";

(e) Class 3D—strike out—

"10 metres and over	Clock
10 metres and over	Barometer
All lengths	Magnetic Compass";

(f) Class 3B—insert "vessels less than 15 metres may carry one 'V' distress sheet in lieu of these flags" after "Less than 35 metres Flags NC";

and

(g) Class 3C—insert "vessels less than 15 metres may carry one 'V' distress sheet in lieu of these flags" after "All lengths Flags NC".

(3) A restricted fishing vessel must be equipped with the following miscellaneous equipment:

All lengths	Magnetic Compass
All lengths	Signalling light
All lengths	Flags "NC" or a "V" Distress Sheet
All lengths	A gangway or a safe means of access approved by the Authority
All lengths	Anchor and cables—sufficient in number, weight and strength, approved by the Authority
All lengths	Navigation lights shapes and sound signals to comply with the <i>Prevention of Collisions at Sea Regulations, 1971</i>
All lengths	Medicines and medical stores in accordance with Section 13, Scale G of the Code.

(4) Section 13, Part 4, Appendix B of the Code is varied by striking out the heading to Part 1, clause 3 "Class C and D Vessels" and substituting "Class C, D and E Vessels".

18.

PART V

LOAD LINES

Application

30. In this Part, a "prescribed vessel" has the same meaning as in regulation 4 but does not include the following vessels:

- (a) a Class 1 or Class 2 vessel that is under 15 tonnes gross registered tonnage;
 - (b) a Class 1 or Class 2 vessel operating solely within any port or on any lake or river within the State;
 - (c) a Class 3 vessel;
- or
- (d) a restricted fishing vessel.

Load line certificates to be issued

31. Subject to these regulations, no person may operate a prescribed vessel unless there is a currently endorsed load line certificate issued by the Director in relation to that vessel.

Application for load line certificate

32. (1) An application for the issue of a load line certificate for a prescribed vessel must be made to the Director by or on behalf of the owner of the vessel in such manner and form as the Director may determine.

(2) An application for the issue of a load line certificate must be accompanied by the fee prescribed in schedule 1.

Issue of load line certificate

33. A load line certificate may be issued by the Director to the owner of a vessel for a term of five calendar years, subject to annual endorsement by the Director.

Annual endorsement of load line certificate

34. (1) An application to endorse a load line certificate for a further period of one calendar year may be made to the Director by or on behalf of the owner of a vessel in such manner and form as the Director may determine.

(2) An application to endorse a load line certificate must be accompanied by the fee prescribed in schedule 1.

Load line certificate to be kept on vessel

35. The original, or a true copy, of the load line certificate must be kept on board a prescribed vessel at all times and be available for inspection at any time by any person on board the vessel.

Application of Code

36. (1) Subject to these regulations, a prescribed vessel must comply with Section 7 of the Code.

19.

(2) The application of Section 7 of the Code is subject to the following modifications:

(a) strike out clause 3.15 of Part 1;

and

(b) strike out clauses 74.4, 74.5, 74.7 and 74.8 of Part 14.

PART VI

GENERAL

Exemptions

37. Where, in regard to any requirement prescribed by these regulations, the Director is satisfied—

- (a) that the requirement has been substantially complied with;
 - (b) that compliance with the requirement is, in the circumstances of the case, impracticable or unnecessary;
- or
- (c) that the action taken or provision made regarding the subject matter of that requirement is sufficiently effective, or is as effective as, or more effective than, actual compliance with that requirement,

he or she may direct that compliance with the requirement be dispensed with under such conditions and for such period as he or she thinks fit.

Notification of change of address, or sale or alteration of vessel

38. The owner of a prescribed vessel must advise the Director in writing, within 14 days of the occurrence of any of the following events:

- (a) the sale of the vessel, and the name and address of the new owner;
 - (b) the intention of the owner of withdrawing the vessel from commercial operations;
 - (c) the intended transfer of the vessel's operations into the jurisdiction of another Marine Authority for an extended period;
 - (d) any proposed structural alterations to the vessel or to its manner or area of operation;
- or
- (e) any change of address of the owner of the vessel.

Power of detention

39. (1) The Minister, or his or her nominee, may detain any prescribed vessel—

- (a) that is not the subject of a current certificate of survey;
- or
- (b) that he or she considers to be unsafe due to—
 - (i) the defective condition of its hull, equipment or machinery;
- or

21.

(ii) overloading or improper loading of the vessel.

(2) Notice in writing of the detention of a prescribed vessel must be given to the owner of the vessel.

(3) A prescribed vessel may be detained under this regulation until—

(a) it has been surveyed;

or

(b) it has been brought into compliance with its certificate of survey and these regulations and has been otherwise rectified to the satisfaction of a surveyor.

False statements

40. No person may make a false or misleading statement in relation to a material particular in any form or other document used in or in connection with any matter arising under the Act or these regulations.

Offences

41. A person who commits a breach of, or fails to comply with, a provision of these regulations or a provision of the Code adopted by these regulations is guilty of an offence.

Penalty: \$500.

SCHEDULE 1*Fees*

1.	Initial Survey—per lineal metre	\$ 74.40
2.	Periodic Survey:	
	(a) if the vessel has been surveyed by a Classification Society:	
	Class 1, 2 and 3 vessels—per lineal metre	\$ 33.80
	(b) in any other case:	
	(i) Class 1 and 2 vessels: first visit—per lineal metre	\$ 37.20
	(ii) Class 1 and 2 vessels: subsequent visit—per lineal metre	\$ 19.00
	(iii) Class 3 vessels: first visit—per lineal metre	\$ 40.60
	(iv) Class 3 vessels: subsequent visit—per lineal metre	\$ 20.80
3.	Survey for the purposes of extension to current Certificate of Survey—	
	(a) Class 1 and 2 vessels—per lineal metre	\$ 19.00
	(b) Class 3 vessels—per lineal metre	\$ 20.80
4.	Survey in respect of damage, repairs or alterations, or for endorsement of a Certificate of Survey—	
	(a) Class 1 and 2 vessels—per lineal metre	\$ 19.00
	(b) Class 3 vessels—per lineal metre	\$ 20.80
5.	Examination and approval of plans—	
	(a) for construction or major hull modifications—per lineal metre	\$ 56.30
	(b) for major alterations or extensive repairs—per lineal metre	\$ 37.20
	(c) for other than major alterations or repairs—per lineal metre	\$ 19.00
6.	Minimum fee in respect of 1 to 5	\$121.00
7.	For attendance at an inclining experiment	\$121.00
8.	Examination and approval of a vessel's stability information—	
	(a) based on a metacentric height (G.M.) criteria	\$121.00
	(b) in any other case—per hour	\$ 80.00
	(c) minimum fee in respect of (b)	\$363.00
9.	For non-attendance by an owner of his or her representative at an appointed survey—per lineal metre	\$ 19.00
10.	For issue of a replacement or additional copy of a Certificate of Survey or Registration or for endorsement or alteration of a current Certificate of Survey	\$ 33.00
11.	Registration of restricted fishing vessels exempted from periodic survey—biennially	\$100.00
12.	Load Line Certificates:	
	(a) Assignment and issue of Load Line Certificate—per lineal metre	\$ 37.20
	(b) For annual endorsement of Load Line Certificate—per lineal metre	\$ 19.00

SCHEDULE 2

*RESTRICTED AREAS**WEST COAST EYRE PENINSULA AREA*

All that area of the coastal waters of the west coast of the Eyre Peninsula lying eastwards of a line from James Point to the south-western extremity of Goat Island, thence to the most southerly point of Franklin Island, thence to a position three nautical miles south-west of Brown Point, thence to a position three nautical miles south-west of Westall Point thence to a position three nautical miles south-west of Cape Blanche thence to a position three nautical miles south-west of Cape Labatt, thence following the coast in a general south-easterly direction at a distance of three nautical miles from the shore to a position three nautical miles south of Cape Catastrophe.

SPENCER GULF AND GULF ST. VINCENT AREA

All that area lying to the north and west of a line from a position three nautical miles south of Cape Catastrophe thence to Waterhouse Point on the south-easternmost point of Thistle Island thence to the light on Dangerous Reef thence to the easternmost point of Spilsby Island thence to Winceby Island light; and the waters of north Spencers Gulf north of a line from Winceby Island light to a position three nautical miles west of Wardang Island; and the coastal waters east and north of a line from a position three nautical miles west of Wardang Island to a position three nautical miles west of Corny Point thence following the coast line at a distance of three nautical miles from the shore, of southern Yorke Peninsula terminating at a Marion Reef light; and the waters of Gulf St. Vincent north of a line from Marion Reef light to a position three nautical miles west of Port Stanvac jetty; and east of a line from three nautical miles west of Port Stanvac jetty following the coast at a distance of three nautical miles from the shore to a position three nautical miles north of Rapid Head.

KANGAROO ISLAND AND BACKSTAIRS PASSAGE AREA

All that area of Investigator Strait and Backstairs Passage lying east and south of a line from Cape Borda light to a point three nautical miles to the north thence to a point three nautical miles to the north of Cape Cassini, thence to a point three nautical miles north-east of Marsden Point light, thence to a point three nautical miles north of Rapid Head; and north of a line from Cape Willoughby light to the southern most islet of the Pages Group thence to the Murray Mouth.

SOUTH EAST AREA

All that area lying to the east of a line commencing at a point on the coast 25 nautical miles north of Kingston projecting seaward for three nautical miles; thence southward following the coastline at a distance of three nautical miles from the shore terminating at the South Australian/Victorian border.

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[Map appears in
Gaz. 14.12.89, p. 1816]

SCHEDULE 3

Smooth and Partially Smooth Water

Area	Smooth Water Limits
Eyre Peninsula	Baird Bay, Lake Newland, Round Lake, Lake Hamilton, Lake Greenly and Sleaford Mere.
Port Lincoln	Boston Bay and Port Lincoln south of a line joining Hayden Point to Cape Donnington and west of a line joining Maria Point to Point Boston.
Cowell Franklin Harbor	north of a line joining Germein Point to Victoria Point.
Port Augusta	North of a line joining Curlew Point to the ETSA Power Station.
Port Pirie	Port Pirie Harbor and approaches south of a line joining Mangrove Point to Mount Ferguson.
Port Adelaide	Port Adelaide river north of a line drawn 270° from Outer Harbor Signal Station.
River Murray	The River Murray north of Wellington, Lake Bonney, the Goolwa channel and the Coorong.
Lakes in the South East of South Australia	Lake Leake, Lake Bonney, Lake George, Lake St. Claire, Lake Eliza, Lake Robe, Lake Fellmongery, Lake Batte, Valley Lake.

Area	Partially Smooth Water Limits
Thevenard	Tourville Bay, Murat Bay, D'cres Bay and Smoky Bay bounded by a line drawn from the southern extremity of Peter Point to the Yatala Channel Fairway Beacon then to the north west extremity of St. Peter Island then from the north eastern extremity of St. Peter Island to Cape Missiessy.
Streaky Bay	Streaky Bay south of a line drawn from the northern extremity of Cape Bauer through the South Channel Beacon to the shore at Perlubie.
Venus Bay	Venus Bay east of a line drawn northerly from the north eastern extremity of South Head to the shore line east of Point Weyland.
Coffin Bay	Coffin Bay south of a line drawn from Sir Issac Point easterly to Mount Dutton.
Port Lincoln	Louth Bay and adjacent thereto which lie west of a line from Pt. Bolingbroke to Cape Donnington.
Tumby Bay	Adjacent to Tumby Bay west of a line drawn from the southern extremity of Massena Bay to the eastern extremity of Tumby Island then 020°T to the shore.

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Port Neill	Dutton Bay west of a line drawn from Cape Burr 020°T to the shore.
Arno Bay	Arno Bay west of a line drawn from Cape Driver 040°T to the shore.
Port Gibbon	North of a line drawn from Point Gibbon to the Knob.
Port Augusta	The approaches to Port Augusta north of a line drawn from Lowly Point Light House to Ward Spit Beacon.
Port Pirie	Germein Bay east of a line drawn from Ward Spit Beacon to Point Jarrold.
Port Broughton	The approaches to Port Broughton including Tickera Bay east of a line drawn from Point Jarrold to the Mundoora Channel (Point Broughton) Entrance Beacon then to Point Riley.
Wallaroo	Wallaroo Bay east of a line drawn from Point Riley to Warburto Point.
Moonta Bay and Point Hughes	Tipara Bay east of a line drawn from Warburto Point to Cape Elizabeth.
Port Victoria	The approaches to Port Victoria bounded by a line drawn from Reef Point to Goose Island then to Cliff Point on Wardang Island then to Gawler Point.
Port Turton	South of a line drawn from Corny Point Light House to Port Minlacowie Jetty.
From Edithburgh coastwise to Port Noarlunga including Adelaide and Environs	St. Vincent Gulf which lie towards the shore from a line commencing at Troubridge Point then to Troubridge Shoal Light House then through Middle Spit Beacon at Port Vincent to join a line drawn eastwards from the silo at Ardrossan which joins a line drawn northerly from Long Spit Beacon then from Long Spit Beacon to Port Adelaide Fairway Beacon then to Onkaparinga Point.
Kangaroo Island	Nepean Bay and adjacent waters which lie south of a line drawn from Marsden Point to Kangaroo Head.
River Murray	The lower reaches of the River Murray south of Wellington including Lake Alexandrina and Lake Albert.

Transitional Provision

Recognition of certificates of survey issued pursuant to previous regs.

1. A certificate of survey issued pursuant to either—

(a) regulations 83 to 99 (inclusive) of the regulations made under the *Harbors Act, 1936*, and the *Marine Act, 1936* (see *Gazette* 19 August, 1954, p. 375);

or

(b) the *Survey and Equipment of Fishing Vessels Regulations, 1969* (see *Gazette*, 7 August, 1969, p. 353),

has effect for the purposes of these regulations for the remainder of the term of issue of that certificate.

APPENDIX

Legislative History

Regulation 4(1):	definition of "classification society" inserted by 29, 1991, reg. 2
Regulation 5(3):	inserted by 29, 1991, reg. 3
Regulation 7:	varied by 29, 1991, reg. 4
Regulation 11(2):	substituted by 159, 1990, reg. 2
Regulation 22:	redesignated as reg. 22(1) by 29, 1991, reg. 5
Regulation 22(2) and (3):	inserted by 29, 1991, reg. 5
Regulation 23:	redesignated as reg. 23(1) by 29, 1991, reg. 6
Regulation 23(2):	inserted by 29, 1991, reg. 6
Regulation 26(2)(a):	revoked by 29, 1991, reg. 7
Schedule 1:	substituted by 159, 1990, reg. 3; varied by 29, 1991, reg. 8; substituted by 90, 1991, reg. 3; 130, 1992, reg. 3; 183, 1993, reg. 3
Schedule 3:	inserted by 29, 1991, reg. 9