

South Australia

## **Harbors and Navigation Variation Regulations 2011**

under the *Harbors and Navigation Act 1993*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Harbors and Navigation Variation Regulations 2011*.

### 2—Commencement

These regulations come into operation on the day on which they are made.

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Harbors and Navigation Regulations 2009*

### 4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *chief engineer*—delete the definition and substitute:

*chief engineer* has the same meaning as in the NSCV;

- (2) Regulation 3(1), definition of *the Code*—delete "*Uniform Shipping Laws Code*, endorsed by the Australian Transport Council and published by the National Marine Safety Committee, as in force from time to time" and substitute:

*Uniform Shipping Laws Code* endorsed by the Australian Transport Council, as in force from time to time

- (3) Regulation 3(1), definition of *endorsement*—delete the definition and substitute:

*endorsement*, in relation to a certificate of competency, means an endorsement of a certificate of competency made under regulation 90(1);

- (4) Regulation 3(1)—after the definition of *EPIRB* insert:

*first engineer* has the same meaning as in the NSCV;

- (5) Regulation 3(1), definition of *National Standard for Commercial Vessels* or *NSCV*—delete "*National Standard for Commercial Vessels* endorsed by the Australian Transport Council and published by the National Marine Safety Committee, as in force from time to time (and includes any standard as in force from time to time referred to in the NSCV)" and substitute:

*National Standard for Commercial Vessels* endorsed by the Australian Transport Council, as in force from time to time (and includes any standard as in force from time to time referred to in the NSCV)

- (6) Regulation 3(1)—after the definition of *restricted area* insert:

*restricted certificate of competency*—see regulation 78(1)(b)(v);

- (7) Regulation 3(1), definition of *second engineer*—delete the definition

## **5—Insertion of regulation 71A**

After regulation 71 insert:

### **71A—Person not to hold more than 1 key position**

- (1) This regulation applies to all fishing vessels to which Part 6 of the Act applies that are—
  - (a) required under regulation 73 to have a total number of crew of 4 or more; or
  - (b) declared by the Minister by notice in the Gazette to be a vessel, or class of vessels, to which this regulation applies.
- (2) A person must not, without the approval of the CEO, be employed or otherwise occupy more than 1 key position in the crew of a fishing vessel to which this regulation applies.

## **6—Substitution of regulation 73**

Regulation 73—delete the regulation and substitute:

### **73—Minimum number etc of crew for fishing vessels**

- (1) Subject to this regulation, for the purposes of section 38(1) of the Act, the minimum total number of crew (including, to avoid doubt, engineers) that must be carried by a particular fishing vessel, or a particular class of fishing vessels, is as specified in Schedule 6 Part 2.

**Note—**

There may also be provisions under the Act, or under another Act, that impose additional crewing requirements in particular circumstances.

- (2) If a person holds more than 1 key position on a fishing vessel, he or she will, in determining whether the requirement under subregulation (1) has been satisfied in relation to the fishing vessel, be taken to constitute 1 crew member regardless of how many key positions he or she holds.

**Note—**

Regulation 71A prevents a person from occupying more than 1 key position on certain fishing vessels.

- (3) Subject to this regulation, for the purposes of section 38(1) of the Act—
  - (a) the minimum requirements in respect of the particular crew required to be carried by a particular fishing vessel, or a particular class of fishing vessels; and
  - (b) the minimum qualifications that are required to be held by members of the crew (other than engineers) of a particular fishing vessel, or a particular class of fishing vessels,

is as specified in Schedule 6 Part 3.

- (4) Subject to this regulation, for the purposes of section 38(1) of the Act, the minimum requirements as to the number and respective qualifications of the engineers that must be carried by a particular fishing vessel, or a particular class of fishing vessels, are as specified in Schedule 6 Part 4.
- (5) However, the CEO may, by notice in writing, determine the minimum number and qualifications in relation to the crew (other than engineers) or engineers or both that must be carried by a particular fishing vessel, or a particular class of fishing vessels (and the number and qualifications set out in the determination will, for the purposes of this or any other Act or law, be taken to be the minimum number and qualifications of the crew or engineers or both that must be carried by the fishing vessel, or the class of fishing vessels).
- (6) The following provisions apply in relation to a determination under subregulation (5):
  - (a) the determination may be subject to such conditions as the CEO thinks fit;
  - (b) the CEO may, by notice in writing, vary or revoke the determination;
  - (c) the determination continues in force until revoked in accordance with this subregulation.
- (7) For the purposes of these regulations, a reference to a determination under subregulation (5) includes a reference to the determination as varied from time to time under subregulation (6).

#### **7—Revocation of regulation 74**

Regulation 74—delete the regulation

#### **8—Variation of regulation 75—Breach by crew of minimum qualifications requirement**

Regulation 75(2)—delete "main propulsion machinery of the vessel" and substitute:  
vessel's machinery

#### **9—Variation of regulation 78—Classes of certificates of competency**

- (1) Regulation 78(b)(ii)(D) to (I) (inclusive)—delete subparagraphs (D) to (I)
- (2) Regulation 78(b)(iii)(C) to (H) (inclusive)—delete subparagraphs (C) to (H)
- (3) Regulation 78(b)—after subparagraph (iii) insert:
  - (iv) for both trading vessels and fishing vessels—
    - (A) Master Class 5/Skipper Grade 3;
    - (B) Engineer Class 3;
    - (C) Marine Engine Driver Grade 1;
    - (D) Marine Engine Driver Grade 2;

- (E) Marine Engine Driver Grade 3;
- (F) Coxswain;
- (v) a restricted certificate of competency.

**Note—**

A restricted certificate of competency is a separate class of certificate of competency to those listed in the preceding subparagraphs.

The circumstances in which a restricted certificate of competency will be taken to be an appropriate class of certificate for the purposes of section 47 of the Act are set out in the conditions imposed on the certificate by the CEO under regulation 87A.

- (4) Regulation 78—after its present contents (now to be designated as subregulation (1)) insert:
  - (2) Despite subregulation (1)(b)(ii), a certificate of competency—
    - (a) of a class referred to in subparagraph (1)(b)(iii); and
    - (b) that is issued after the commencement of this subregulation, will be taken to be a certificate of competency of an appropriate class in respect of a deck officer on a trading vessel.
  - (3) Despite subregulation (1)(b)(iii), a certificate of competency—
    - (a) of a class referred to in subparagraph (1)(b)(ii); and
    - (b) that is issued after the commencement of this subregulation, will be taken to be a certificate of competency of an appropriate class in respect of a deck officer on a fishing vessel.

### **10—Variation of regulation 79—Applications under this Part**

- (1) Regulation 79(1)—after paragraph (e) insert:
  - (ea) renewal of a certificate of competency;
- (2) Regulation 79(3)—delete subregulation (3) and substitute:
  - (3) Without limiting subregulation (2)(b), an applicant for a certificate of competency in relation to a commercial vessel, or for the re-validation or renewal of such a certificate of competency, must provide to the satisfaction of the CEO—
    - (a) proof of the experience required by these regulations in a form specified by the CEO; and
    - (b) proof that the applicant meets the eyesight standards applicable to the relevant class of certificate of competency as set out in Part D of the NSCV consisting of—
      - (i) in the case of an applicant for a certificate of competency, or for the re-validation of a certificate of competency—a report by a legally qualified medical practitioner or registered optician of the results of an examination conducted within the previous 6 months; or

- (ii) in the case of an applicant for renewal of a certificate of competency—such proof as may be required by the CEO; and
- (c) proof that the applicant meets the medical standards applicable to the relevant class of certificate of competency as set out in Part D of the NSCV consisting of—
  - (i) in the case of an applicant for a certificate of competency, or for the re-validation of a certificate of competency—a report by a legally qualified medical practitioner of the results of an examination conducted within the previous 6 months; or
  - (ii) in the case of an applicant for renewal of a certificate of competency—such proof as may be required by the CEO; and
- (d) a reference from a suitable person as to the character of the applicant; and
- (e) such further information and records as the CEO may reasonably require to determine the application.

### **11—Variation of regulation 87—Requirements for applicants for certificates of competency**

Regulation 87(1), (2) and (3)—delete subregulations (1), (2) and (3) and substitute:

- (1) For the purposes of section 48(2) of the Act, an applicant for a certificate of competency of a class appropriate to a commercial vessel (other than a certificate of competency of a class appropriate to a trading vessel operating solely on the River Murray or inland waters or a restricted certificate of competency) must comply with the requirements (as to age, eyesight and other medical standards, experience and the passing of examinations) applicable to the particular class of certificate as set out in Part D of the NSCV.
- (2) For the purposes of section 48(2) of the Act, an applicant for a certificate of competency of a class appropriate to a trading vessel operating solely on the River Murray or inland waters must comply with the requirements (as to age, eyesight and other medical standards, experience and the passing of examinations) applicable to the relevant class of certificate as set out in Schedule 7.
- (3) For the purposes of section 48(2) of the Act, an applicant for a restricted certificate of competency must comply with such requirements (as to age, eyesight and other medical standards, experience and the passing of examinations) as may be determined by the CEO (either in the case of that applicant or to applicants for restricted certificates of competency, or a class of restricted certificates of competency, generally).

- (3a) An applicant for a certificate of competency must demonstrate, to the satisfaction of the CEO, a sufficient knowledge of the English language to be able to undertake safely all the duties and responsibilities required of the holder of a certificate of competency of the relevant class.

## **12—Insertion of regulation 87A**

After regulation 87 insert:

### **87A—CEO may impose conditions on restricted certificates of competency**

- (1) A restricted certificate of competency may be issued subject to such conditions (which must be indicated on the certificate) as the CEO thinks fit.
- (2) Without limiting subregulation (1), a condition may do any or all of the following:
  - (a) limit the geographical area within which the restricted certificate of competency is an appropriate certificate of competency;
  - (b) limit the vessel, or class of vessel, in relation to which the restricted certificate of competency is appropriate;
  - (c) limit the key position, or class of key positions, in relation to which the restricted certificate of competency is appropriate.
- (3) The CEO may, by notice in writing to the holder of a restricted certificate of competency, vary or revoke a condition of the certificate.
- (4) If a person contravenes or fails to comply with a condition of a restricted certificate of competency, the certificate will be taken not to be an appropriate certificate of competency for any purpose to the extent of the contravention or non-compliance.

## **13—Substitution of regulation 88**

Regulation 88—delete the regulation and substitute:

### **88—Duration of certificates of competency**

- (1) Subject to the Act, a certificate of competency of a class appropriate to a commercial vessel issued after the commencement of this regulation expires 5 years after the day on which it is issued, or on such earlier day as may be specified by the CEO on the certificate of competency, and may be re-validated or renewed in accordance with these regulations.

- (2) Subject to the Act, the following provisions apply in relation to a certificate of competency of a class appropriate to a commercial vessel issued before the commencement of this subregulation:
  - (a) in the case of a certificate of competency of a class appropriate to a trading vessel issued before 23 September 1999—the certificate remains in force until cancelled;
  - (b) in the case of a certificate of competency of a class appropriate to a trading vessel issued on or after 23 September 1999 but before the commencement of this subregulation—the certificate expires 5 years after the day on which it was issued;
  - (c) in the case of a certificate of competency of a class appropriate to a fishing vessel issued before the commencement of this subregulation—the certificate remains in force until cancelled.

#### **88A—Certain certificates of competency not to be varied**

- (1) This regulation applies to a certificate of competency issued before the commencement of this regulation.
- (2) Despite any other provision of these regulations, a certificate of competency to which this regulation applies cannot be varied (but nothing in this subregulation prevents the holder of such a certificate from applying for a new certificate of competency).
- (3) Without limiting regulation 87, if the holder of a certificate of competency to which this regulation applies—
  - (a) applies for a new certificate of competency to replace the certificate of competency; and
  - (b) surrenders the certificate of competency,the CEO must issue a new certificate of competency of the appropriate class to the person.
- (4) Nothing in subregulation (3) prevents the CEO from issuing a certificate to the applicant that is of a different class to the original certificate of competency, or that is subject to an endorsement not applicable to the original certificate of competency (but the CEO should, unless he or she is of the opinion that it is not appropriate to do so, seek to give effect to any variation sought by the applicant).

#### **Example—**

The CEO may issue the applicant who currently holds a certificate for a trading vessel with a certificate appropriate to both fishing and trading vessels—for the various classes of certificates see regulation 78.

- (5) To avoid doubt, a certificate of competency issued in accordance with this regulation is a certificate of competency issued after the commencement of this regulation.



- (6) For the purposes of this regulation, a reference to the variation of a certificate of competency includes a reference to the variation of a condition or endorsement of a certificate of competency.

**14—Variation of regulation 89—Re-validation or renewal of certificates of competency of a class appropriate to a commercial vessel**

- (1) Regulation 89—delete subregulations (1) and (2) and substitute:
- (1) Subject to the Act, the CEO may re-validate a certificate of competency of one of the following classes on the application of the holder of that certificate:
- (a) Mate Class 4;
  - (b) Master Class 4;
  - (c) Master Class 4 River Murray and Inland Waters;
  - (d) Master Class 3;
  - (e) Skipper Grade 2;
  - (f) Skipper Grade 1;
  - (g) Engineer Class 3;
  - (h) Marine Engine Driver Grade 1;
  - (i) a restricted certificate of competency that authorises a person to be employed in a key position of a commercial vessel (being a key position of a kind for which a certificate of a class contemplated by a preceding paragraph is appropriate).
- (2) The CEO must, before re-validating a certificate of competency, be satisfied that the applicant—
- (a) meets the eyesight and other medical standards required under regulation 87 for the issue of a certificate of that class; and
  - (b) has completed at least 1 of the following:
    - (i) 1 year of sea-service (within the meaning of Part D of the NSCV) during the 5 years immediately preceding the application;
    - (ii) if the applicant is employed each year for a period determined by reference to the relevant fishing season—employment that relates to the certificate of the class held by the applicant in each fishing season during the 5 years immediately preceding the application;
    - (iii) has satisfactorily completed a course, approved by the CEO for the re-validation of a certificate of competency of the class held by the applicant, undertaken within 12 months of the application for re-validation;

- (iv) has satisfactorily completed an oral examination conducted by an authority approved by the CEO for the purposes of this subregulation;
  - (v) has, within the 6 months immediately preceding the application, held a position for a period of at least 3 months in which the applicant has performed duties appropriate to the class of certificate held by the applicant; and
- (c) holds a current first aid certificate in accordance with Part D of the NSCV.

**Note—**

See Annex D of Part D of the NSCV.

- (2a) Subject to the Act, the CEO may renew a certificate of competency of 1 of the following classes on the application of the holder of that certificate:
- (a) Coxswain;
  - (b) Coxswain River Murray and Inland Waters;
  - (c) Master Class 5/Skipper Grade 3;
  - (d) Master Class 5 River Murray and Inland Waters;
  - (e) Master Class 5 River Murray and Inland Waters (Houseboats);
  - (f) Marine Engine Driver Grade 3;
  - (g) Marine Engine Driver Grade 2;
  - (h) a restricted certificate of competency that authorises a person to be employed in a key position of a commercial vessel (being a key position of a kind for which a certificate of a class contemplated by a preceding paragraph is appropriate).
- (2b) The CEO may re-validate or renew a certificate of competency—
- (a) in the case of a certificate that has not expired—at any time in the 12 months preceding the expiry of the certificate;
  - (b) in the case of a certificate that has expired—at any time.
- (2) Regulation 89(3)—delete "Despite subregulation (2), the CEO may re-validate" and substitute:
- Despite any other provision of this regulation, the CEO may re-validate or renew
- (3) Regulation 89(4)—delete subregulation (4) and substitute:
- (4) The CEO may, before re-validating a certificate of competency, require the holder to satisfactorily complete a course or examination referred to in subregulation (2)(b)(iii) or (2)(b)(iv).

- (4) Regulation 89(5)—after "The CEO may, on the" insert:

renewal or

- (5) Regulation 89(5)—after "re-validated" insert:

or renewed

## **15—Variation of regulation 90—Endorsement of certificates of competency**

- (1) Regulation 90(1)—delete subregulation (1) and substitute:

- (1) The CEO may, at any time, endorse a certificate of competency with an extension of the duties and functions for which the certificate is valid.

- (2) Regulation 90(3)—delete subregulation (3)

## **16—Substitution of Schedule 6**

Schedule 6—delete the schedule and substitute:

### **Schedule 6—Minimum requirements as to the number and respective qualifications of crew of fishing vessels**

#### **Part 1—Preliminary**

##### **1—Interpretation**

- (1) In this Schedule—

*Australian Coastal and Middle-water*, in relation to the operational area of a vessel, means operations within a range determined by the CEO laterally along the coast and within 600 nautical miles (or such lesser distance determined by the CEO) to seaward;

*CLASS 3* means a certificate of competency of the class Engineer Class 3;

*Inshore*, in relation to the operational area of a vessel, means operations within a range determined by the CEO laterally along the coast from a specified base or regular port of departure and within 15 nautical miles (or such lesser distance determined by the CEO) to seaward of the coast or of the seaward limit of waters designated by the CEO as smooth or partially smooth;

*MED 1*, *MED 2* or *MED 3* means a certificate of competency of the class Marine Engine Driver Grade 1, 2 or 3 respectively;

*M5/S3* means a certificate of competency of a class referred to in regulation 78(1)(b)(iv)(A) or of the class Master Class 5 (Fishing) or Skipper Grade 3;

*nm* means nautical miles;

**Offshore**, in relation to the operational area of a vessel, means operations within a range determined by the CEO laterally along the coast and within 200 nautical miles (or such lesser distance specified in the table or determined by the CEO) to seaward;

**propulsion power** means—

- (a) in relation to a vessel—
  - (i) that is multi screw/multi propulsion; and
  - (ii) that is less than 35 metres in length; and
  - (iii) that is restricted to an Offshore operational area; and
  - (iv) the engines of which are the same or similar and designed for a continuous rotation speed of more than 1200 revolutions per minute,

the largest value of maximum continuous rate power in kilowatts of the machinery provided for the propulsion of the vessel by 1 screw;

- (b) in relation to any other vessel—the total maximum continuous rated power in kilowatts of the machinery provided for the propulsion of the vessel;

**Restricted Offshore**, in relation to the operational area of a vessel, means operations within 30 nautical miles (or such lesser distance determined by the CEO) from the seaward limit of a safe haven or of waters designated by the CEO as smooth or partially smooth;

**S1** or **S2** means a certificate of competency of the class Skipper Grade 1 or 2 respectively;

**Unlimited**, in relation to the operational area of a vessel, means all overseas, ocean-going and Australian coastal operations without limitation as to geographical range.

- (2) A reference in this Schedule to a certificate of competency of a particular class includes a reference to—
  - (a) a restricted certificate of competency equivalent to a certificate of competency of that class; and
  - (b) a certificate of competency subject to an endorsement that authorises the holder of the certificate to perform the duties and functions of the holder of a certificate of competency of that class.
- (3) For the purposes of this Schedule, a reference to a certificate of competency of a particular class in respect of a particular position does not include a reference to a certificate of competency of that class that is subject to conditions or limitations that make the certificate of competency inappropriate for the position.

## Part 2—Minimum number of crew to be carried

### 2—Minimum requirement

Subject to these regulations, a fishing vessel of a size specified in column 1 of the following table, and with the operational area referred to in column 2 of the table, must carry at least—

- (a) in the case of a voyage of 12 hours or less—the total number of crew specified in column 3 of the table in relation to such a vessel; or
- (b) in the case of a voyage of more than 12 hours—the total number of crew specified in column 3 of the table, plus any additional crew specified in column 4 of the table, in relation to such a vessel.

Vessel size (length)	Operational area	Total number of crew	Additional minimum crew for voyages of more than 12 hours
80 m and over	Unlimited	*	*
	Australian Coastal & Middle-water (to 600 nm)	*	*
	Offshore (to 200 nm)	*	*
35 m and over, but less than 80 m	Unlimited	*	—
	Australian Coastal & Middle-water (to 600 nm)	6	—
	Offshore (to 200 nm)	5	—
	Offshore (to 100 nm)	5	—
	Restricted Offshore (to 30 nm)	4	—
	Inshore (to 15 nm)	4	—
Smooth water or partially smooth water	4	—	
24 m and over, but less than 35 m	Unlimited	*	—
	Australian Coastal & Middle-water (to 600 nm)	5	—
	Offshore (to 200 nm)	4	—
	Offshore (to 100 nm)	4	—
	Restricted Offshore (to 30 nm)	3	—
	Inshore (to 15 nm)	3	—
Smooth water or partially smooth water	3	—	
12 m and	Unlimited	*	—

<b>Vessel size (length)</b>	<b>Operational area</b>	<b>Total number of crew</b>	<b>Additional minimum crew for voyages of more than 12 hours</b>
over, but less than 24 m	Australian Coastal & Middle-water (to 600 nm)	3	1
	Offshore (to 200 nm)	3	1
	Offshore (to 100 nm)	2	1
	Restricted Offshore (to 30 nm)	2	1
	Inshore (to 15 nm)	2	1
	Smooth water or partially smooth water	2	—
Less than 12 m	Unlimited	*	—
	Australian Coastal & Middle-water (to 600 nm)	*	—
	Offshore (to 200 nm)	2	1
	Offshore (to 100 nm)	1	1
	Restricted Offshore (to 30 nm)	1	1
	Inshore (to 15 nm)	1	1
	Smooth water or partially smooth water	1	—

\* as determined by the CEO

**Note—**

These total numbers include any engineers that must be carried—see also regulation 73 in respect of the effect of being qualified to hold more than 1 position on certain fishing vessels.

## **Part 3—Crew other than engineers**

### **3—Minimum requirements**

Subject to these regulations, a fishing vessel of a size specified in column 1 of the following table, and with the operational area referred to in column 2 of the table, must carry the crew members, with at least the qualifications, specified in columns 3 and 4 of the table in relation to such a vessel:

<b>Vessel size (length)</b>	<b>Operational area</b>	<b>Master</b>	<b>Chief mate</b>
80 m and over	Unlimited	*	*
	Australian Coastal & Middle-water (to 600 nm)	*	*

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Vessel size (length)	Operational area	Master	Chief mate
	Offshore	*	*
35 m and over, but less than 80 m	Unlimited	*	*
	Australian Coastal & Middle-water (to 600 nm)	S1	S2
	Offshore (to 200 nm)	S2	M5/S3
	Offshore (to 100 nm)	S2	M5/S3
	Restricted Offshore (to 30 nm)	S2	M5/S3
	Inshore (to 15 nm)	S2	M5/S3
	Smooth water or partially smooth water	S2	M5/S3
24 m and over, but less than 35 m	Unlimited	*	*
	Australian Coastal & Middle-water (to 600 nm)	S2	M5/S3
	Offshore (to 200 nm)	S2	M5/S3
	Offshore (to 100 nm)	S2	M5/S3
	Restricted Offshore (to 30 nm)	S2	M5/S3
	Inshore (to 15 nm)	S2	M5/S3
	Smooth water or partially smooth water	S2	M5/S3
12 m and over, but less than 24 m	Unlimited	*	*
	Australian Coastal & Middle-water (to 600 nm)	S2	M5/S3
	Offshore (to 200 nm)	M5/S3	M5/S3
	Offshore (to 100 nm)	M5/S3	—
	Restricted Offshore (to 30 nm)	M5/S3	—
	Inshore (to 15 nm)	M5/S3	—
	Smooth water or partially smooth water	M5/S3	—
Less than 12 m	Unlimited	*	*
	Australian Coastal & Middle-water (to 600 nm)	*	*
	Offshore (to 200 nm)	M5/S3	Coxswain
	Offshore (to 100 nm)	M5/S3	—
	Restricted Offshore (to 30 nm)	M5/S3	—
	Inshore (to 15 nm)	Coxswain	—
	Smooth water or partially smooth water	Coxswain	—

Vessel size (length)	Operational area	Master	Chief mate
* as determined by the CEO			

## Part 4—Engineers

### 5—Minimum requirements

- (1) Subject to these regulations, a fishing vessel with the propulsion power specified in column 1 of the following table, and with the operational area referred to in column 2 of the table, must carry the engineers, with at least the qualifications, specified in the columns 3 and 4 of the table in relation to such a vessel.

Propulsion power	Operational area	Chief engineer	First engineer
Vessels of 1500 kw and over	Unlimited	*	*
	Australian Coastal & Middle-water (to 600 nm)	*	*
	Offshore (to 200 nm)	*	*
	Offshore (to 100 nm)	*	*
	Restricted Offshore (to 30 nm)	*	*
	Inshore (to 15 nm)	*	*
	Smooth water or partially smooth water	*	*
Vessels of 750 kw and over but less than 1500 kw	Unlimited	*	*
	Australian Coastal & Middle-water (to 600 nm)	CLASS 3	MED 1
	Offshore (to 200 nm)	CLASS 3	MED 2
	Offshore (to 100 nm)	CLASS 3	MED 2
	Restricted Offshore (to 30 nm)	MED 1	—
	Inshore (to 15 nm)	MED 1	—
	Smooth water or partially smooth water	MED 1	—
Vessels of 500 kw and over but less than 750 kw	Unlimited	*	*
	Australian Coastal & Middle-water (to 600 nm)	MED 1	MED 2
	Offshore (to 200 nm)	MED 2	—
	Offshore (to 100 nm)	MED 2	—
	Restricted Offshore (to 30 nm)	MED 2	—
	Inshore (to 15 nm)	MED 2	—
	Smooth water or partially smooth water	MED 2	—



<b>Propulsion power</b>	<b>Operational area</b>	<b>Chief engineer</b>	<b>First engineer</b>
	Smooth water or partially smooth water	MED 2	—
Vessels of 250 kw and over but less than 500 kw	Unlimited	*	*
	Australian Coastal & Middle-water (to 600 nm)	MED 2	—
	Offshore (to 200 nm)	MED 2	—
	Offshore (to 100 nm)	MED 2	—
	Restricted Offshore (to 30 nm)	MED 3	—
	Inshore (to 15 nm)	MED 3	—
	Smooth water or partially smooth water	MED 3	—
Vessels less than 250 kw	Unlimited	*	*
	Australian Coastal & Middle-water (to 600 nm)	MED 2	—
	Offshore (to 200 nm)	MED 3	—
	Offshore (to 100 nm)	MED 3	—
	Restricted Offshore (to 30 nm)	MED 3	—
	Inshore (to 15 nm)	Coxswain	—
	Smooth water or partially smooth water	Coxswain	—
* as determined by the CEO			

- (2) A person occupying the position of chief engineer on a fishing vessel that is 24 metres or more in length (other than a fishing vessel less than 35 metres in length with a restricted offshore, inshore or sheltered waters operational area) must not be the same person who occupies the position of master or chief mate on that fishing vessel.

### **17—Variation of Schedule 7—Certificates of competency—trading vessels operating solely on River Murray or inland waters**

- (1) Schedule 7, clause 1(b)—delete "clause 16.1 of section 2 of the Code as modified by these regulations" and substitute:  

clause B1.1.1(b) and (c) of Annex B, Part D of the NSCV
- (2) Schedule 7, clause (2)(b)—delete "clause 17.1 of section 2 of the Code as modified by these regulations" and substitute:  

clause B2.1.1(b) and (c) of Annex B, Part D of the NSCV
- (3) Schedule 7, clause (3)(b)—delete "clause 17.1 of section 2 of the Code as modified by these regulations" and substitute:  

clause B2.1.1(b) and (c) of Annex B, Part D of the NSCV

- (4) Schedule 7, clause (2)(b)—delete "clause 19.1 of section 2 of the Code as modified by these regulations" and substitute:

clause B4.1.1(b) of Annex B, Part D of the NSCV

### **18—Variation of Schedule 14—Fees and levies**

- (1) Schedule 14, clause 4—after item 5 insert:

5A	Application for renewal of a certificate of competency	\$31.00
5B	Application for re-validation of a certificate of competency	\$121.00

- (2) Schedule 14, clause 4, item 14—delete item 14

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 22 September 2011

No 216 of 2011

MTR/10/005