



# GUIDANCE NOTICE

## Certificate of Operation

All domestic commercial vessels will be required to have a Certificate of Operation by 2016. The Certificate of Operation identifies the kinds of operations and areas(s) of operation for one or more vessels.

### Issue of a Certificate of Operation

A Certificate of Operation will normally be issued for five years to a person, or business, who can demonstrate competency and capacity in relation to the safe operation of domestic commercial vessels. The competency and capacity requirements are based on the certificate holder having a safety management system meeting the current National Standard for Commercial Vessels (NSCV) Part E. This will be incrementally introduced during the three year transition period to 2016.

### What do I need to do?

#### New domestic commercial vessels

If your vessel has not been registered, held a Certificate of Survey, Inspection, Operation, or otherwise operated commercially within two (2) years immediately before the commencement of the National System it is deemed to be a new vessel and you will need to apply for a National System Certificate of Operation. To comply with the NSCV Part E, the application form includes a declaration to be signed by the applicant.

#### Existing domestic commercial vessels that will continue to operate doing the same things that they do now

If you have an existing domestic commercial vessel you may continue to operate using your existing Certificate of Survey, Inspection, Operation or Registration (however named) until such time as it expires.

However your vessel will continue to be limited to the same areas and operations permitted under your existing State/Territory issued authority.

Upon expiry of your current State/Territory issued authority you will need to apply for a National System

Certificate of Operation. To comply with the NSCV Part E in 2013, the application form includes a declaration to be signed by the applicant.

If your operation or vessel is not currently required to hold a State/Territory issued authority to operate you must obtain a Certificate of Operation before commencing any operations on and from three years after commencement of the National System.

#### Existing domestic commercial vessels that want to change their operation or wants to operate in a different State/Territory before their current State/Territory issued authority expires

If you have an existing State/Territory issued authority and, **before** your existing authority expires, you want to change the operation that you do now, or wish to operate in a different State/Territory, then you will need to apply for a national Certificate of Operation before commencing any unauthorised operations.

To comply with the NSCV Part E, the application form includes a declaration to be signed by the applicant.

#### Heritage vessels

Heritage vessels are vessels of historical significance, owned and operated by a full Australian Maritime Museum Council (AMMC) member.

For new heritage vessels Safety Management Systems and Vessel Management Plans will be considered on a case-by-case basis. Existing heritage vessels will continue to operate using their current State/Territory issued certificates.

#### Tenders and auxiliary vessels

A tender is a vessel that is used to transport goods and people to and from the shore and the parent vessel and between the parent vessel and another vessel, and does not move further than one (1) nautical mile from the parent vessel unless approved by the National Regulator.

An auxiliary vessel is a vessel that does not move further than two (2) nautical miles, or another distance approved by the National Regulator, from the parent vessel; is no more than 7.5 metres in length, or another length determined by the National Regulator, and carries up to 12 passengers, or another number as determined by the National Regulator.

Both tenders and auxiliary vessels are exempt from the requirement to have a Certificate of Operation if:

- a. they are listed on the parent vessel's Certificate of Operation; and
- b. the parent vessel has a safety management system which addresses the tender/auxiliary vessel; and
- c. they comply with crewing requirements specified by the National Regulator.

Should a tender or auxiliary vessel not meet the above requirements then you will be required to apply for a National System Certificate of Operation.

**Note: Renewing your existing Certificate of Operation**

You should check the expiry date of your existing State/Territory issued authority and make sure that you apply for a Certificate of Operation in good time to ensure that your ability to operate remains current.

Applying for a Certificate of Operation To apply for a National System Certificate of Operation you need to:

1. Complete the Application for Certificate of Operation (AMSA form 504) and associated documentation available from your local marine safety agency;
2. Provide the documents required as evidence to support the application;
3. Lodge the application either in person at your local marine safety agency or by mail; and
4. Pay the required fees.

Details of your local marine safety agency are available at [www.amsa.gov.au](http://www.amsa.gov.au)

## References

*Marine Safety (Domestic Commercial Vessel) National Law Act 2012*

*Marine Safety (Domestic Commercial Vessel) National Law Regulations 2012*

*Marine Order 504 (Certificates of operation – national law) 2013*

*AMSA EX 2012/03 Marine Safety (Certificates of operation) Exemption 2013*