

AMSA Update November 2018

In the last 12 months there have been a number of developments in the regulatory space that impact Clubs and Discover Sailing Centres. Australian Sailing has been working with AMSA to minimise the impact on clubs and a recent Exemption, [Exemption 1—Marine Safety \(Vessel identifiers\)](#) has been issued that will benefit clubs.

The key points are:

- Sailing boats under 7.5m no longer require a Unique Identifier, if the Club has a Certificate of Operation
 - Previously, the majority of clubs would be exempt from needing a Certificate of Operation BUT would still need Unique identifiers, that cost \$159 each
 - Now fleets of dinghies can be captured under a single certificate (\$194), rather than having to pay \$159 for a Unique Identifier per boat.

As changes are made, we will keep you informed of the relevant changes and updates. Below is an updated guide that is intended to help you comply with the minimum requirements.

Note: this information does not relate to RYA Accredited Centres.

When is a vessel a Domestic Commercial Vessel?

A vessel is considered a Domestic Commercial Vessel when the vessel is:

- Hired or chartered to non-members; or
- Used to train non-members for a fee; or
- Used to train a person for a licence required under law (e.g. Recreational boat licence)

When is a vessel not a domestic commercial vessel?

The vessel is not a domestic commercial vessel if your club is a 'Prescribed Community Group' or Not-For-Profit as defined in section 6 of the National Law and it is:

- Hired or chartered to members; or
- Used to train members for a fee

When does my Club/ Centre need a Certificate of Operation?

Under the National Law, it is an offence for an owner-or master to operate a domestic commercial vessel without a certificate of operation unless they have an exemption.

Most sailing club operations would be exempt from requiring a certificate of operation. However AMSA's recent changes, mean that sailing vessels less than 7.5 metres in length do not need to have or display a unique identifier if the vessel is covered by a certificate of operation. Consequently having the one certificate of operation to cover your fleet of dinghies will likely be more practicable and cost effective than applying for each sailing dinghy to have their own unique identifier.

In addition, Tenders do not need their own unique identifier if they clearly and prominently display the name of the owner (club) and the word 'tender'.

Do sailing vessels over 7.5m need to apply for an exemption for a Certificate of Survey?

Yes. Unless the vessel is an existing vessel that was operating prior to 30 June 2013 (grandfathered) that was not required to have a survey certificate. ([section 5\(1\)\(b\) of Exemption 02](#)).

Note: if a sailing vessel is used by a sailing school or training organisation for Discover Sailing or RYA courses then they can be Non- Survey (up to 24m in inshore waters (15 nm)) – and will need to make an application and meet the requirements of [NSCV Part G](#) (or an alternative standard as determined by AMSA).

What are the Crewing Requirements?

If you are an accredited Australian Sailing Instructor (current accreditation, and having paid the annual renewal), this is seen as meeting the crewing requirements if you are operating within the Discover Sailing or RYA training frameworks. Crewing requirements also do not apply to hire-and-drive vessels.

What are the costs involved?

Costs involved for Certificates of Operations and Unique Identifiers can be [found here](#). As at 14th November the fees are as follows:

Certificates of Operation:

- \$194 for new certificate
- \$194 to renew existing certificate (generally every 5 years)
- \$181 to vary existing certificate
- \$37 to replace lost certificate

Unique Vessel Identifiers:

- \$159 per vessel

What about Tenders?

Do Tenders require a certificate of survey?

- No, but the Club needs to make an application to be Non- Survey and meet requirements of NSCV Part G.
- A 'Tender' is defined in NSCV Part B, is used to transport goods or people and is limited to a marina or mooring area (which is defined by State legislation), OR, operates within line of sight of the parent vessel (if it has a parent).

Do Tenders require a Certificate of Operation?

- No, but they must meet the conditions in Exemption 03. Also note that General Safety Duties also apply.

Do Tenders need a Unique Identifier?

- Under Exemption 01, they need to have 'Club name – Tender' as a Unique Identifier displaying at all times.

What sort of boat can Tenders be?

- Tenders need to be less than 7.5 metres long
- Under Exemption 38, tenders need to have inboard engines less than 100kW (~135 HP), or outboards up to 25kW (~33HP), operating at a marina or in a mooring area.

What qualifications do Tender drivers need?

- Under Exemption 38, the applicant can meet the requirements by holding a recreational boating licence issued by a State or Territory and a [marine card](#) with medical or eyesight requirements.

Where can I go for further information?

You can make applications, pay fees and find information on AMSA's website: www.amsa.gov.au

The AMSA Connect team is also available from 8-5 Monday to Friday on 1800 627 484 or email: amsaconnect@amsa.gov.au. AMSA also has a number of regional offices, details of which can be [found here](#).

Club related AMSA and state based marine regulations information can also be found on the [Australian Sailing Resources website](#)