

Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013

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made under the

Marine Safety (Domestic Commercial Vessel) National Law Act 2012

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**About this compilation**

**This compilation**

This is a compilation of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013* that shows the text of the law as amended and in force on 2 January 2015 (the ***compilation date***).

This compilation was prepared on 5 January 2015.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of regulation

 This regulation is the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013.*

2 Commencement

 This regulation commences on 1 July 2013.

3 Authority

 This regulation is made under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

4 Definitions

 In this section:

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

***dealer*** means a person who carries on a business trading in:

 (a) new or used vessels; or

 (b) articles used on vessels.

***National Law*** means the Marine Safety (Domestic Commercial Vessel) National Law set out in Schedule 1 to the Act.

***sheltered waters*** has the meaning given by section 1.8 of Part B of the National Standard for Commercial Vessels.

Note: Several other words and expressions used in this regulation have the meaning given by section 6 of the National Law. For example:

(a) hire and drive vessel

(b) National Regulator

(c) National Standard for Commercial Vessels.

5 Relationship with State and Territory laws

 For paragraph 6(2)(a) of the Act, the laws mentioned in the following table are prescribed as laws to which subsection 6(1) of the Act does not apply.

| **State and Territory laws** |
| --- |
| **Item** | **State or Territory** | **Law** |
| 1 | New South Wales | The *Marine Safety Amendment (Domestic Commercial Vessel National Law Application) Act 2012* |
| 2 | New South Wales | Sections 52B and 52BA of the *Crimes Act 1900* (dangerous navigation: substantive matters and dangerous navigation: procedural matters) |
| 3 | Victoria | The *Marine (Domestic Commercial Vessel National Law Application) Act 2013* |
| 4 | Victoria | Sections 318 and 319 of the *Crimes Act 1958* (culpable driving causing death and dangerous driving causing death or serious injury) |
| 5 | Victoria | Section 29 of the *Marine (Drug, Alcohol and Pollution Control) Act 1988* (preliminary breath tests) |
| 6 | Queensland | *[reserved for future use]* |
| 7 | Queensland | Section 328A of the *Criminal Code Act 1899* (dangerous operation of a vehicle) |
| 8 | Queensland | For the provisions of the *Transport Operations (Marine Safety) Act 1994* that relate to marine surveyors—those provisions so far as they relate to marine surveyors |
| 9 | Queensland | For the provisions of the *Transport Operations (Marine Safety—Accreditation as Ship Designer, Ship Builder or Marine Surveyor) Standard 2006* that relate to marine surveyors—those provisions so far as they relate to marine surveyors |
| 10 | Western Australia | *[reserved for future use]* |
| 11 | Western Australia | Sections 284 and 304 of the Schedule to the *Criminal Code Act Compilation Act 1913* (culpable driving (not of motor vehicle) causing death or grievous bodily harm and act or omission causing bodily harm or danger) |
| 12 | Western Australia | Subsections 59(1) and (4) of the *Western Australian Marine Act 1982* (safe navigation) |
| 13 | Western Australia | Regulations 14 and 14A of the *Navigable Waters Regulations 1958* (vessel not to be used to cause nuisance or damage and safe navigation of vessels) |
| 14 | South Australia | The *Marine Safety (Domestic Commercial Vessel) National Law (Application) Act 2013* |
| 15 | South Australia | Sections 19A, 19AB and 19B of the *Criminal Law Consolidation Act 1935* (causing death or harm by use of vehicle or vessel, leaving accident scene etc after causing death or harm by careless use of vehicle or vessel and alternative verdicts) |
| 16 | South Australia | The *Crimes at Sea Act 1998* (SA) |
| 17 | Tasmania | The *Marine Safety (Domestic Commercial Vessel National Law Application) Act 2013* |
| 18 | Northern Territory | The *Marine Safety (Domestic Commercial Vessel) (National Uniform Legislation) Act 2013* |
| 19 | All States and Territories | Laws that relate to a requirement for a hirer of a hire and drive vessel to obtain qualifications |

Note: For items 8 and 9, if the prescribed provisions relate to classes of persons other than marine surveyors, those provisions will continue to apply to the classes of persons who are not marine surveyors.

Part 2—National Law—general

Division 2.1—Definitions

6 Definition of *domestic commercial vessel*—prescribed community groups

 (1) For subparagraph 7(3)(d)(ii) of the National Law, a community group of a kind mentioned in subsection (2) is prescribed.

 (2) The community group:

 (a) is incorporated, an unincorporated association or a body established by legislation; and

 (b) does not operate for profit or gain to its members; and

 (c) is, by the terms of its constituent document, prohibited from making any distribution, whether in money, property or otherwise, to its members.

7 Definition of *domestic commercial vessel*—prescribed purposes for use of vessel

 For paragraph 7(4)(a) of the National Law, the following purposes are prescribed:

 (a) use of the vessel by a volunteer search, rescue or search and rescue organisation for the purpose of conducting searches or searches and rescues (other than if the use of the vessel is by a surf lifesaving organisation in sheltered waters or within 2 nautical miles of the low water mark);

 (b) use of the vessel as a hire and drive vessel for the purpose of hiring the vessel to:

 (i) for a vessel owned by a school—a person who is not a student at the school; or

 (ii) for a vessel owned by a community group—a person who is not a member of the group;

 (c) use of the vessel for the purpose of chartering the vessel to:

 (i) for a vessel owned by a school—a person; or

 (ii) for a vessel owned by a community group—a person who is not a member of the group.

8 Definition of *domestic commercial vessel*—prescribed activities for use of vessel

 For paragraph 7(4)(b) of the National Law, the following activity is prescribed—an activity that includes a person, for consideration, training another person (the ***trainee***):

 (a) either:

 (i) for a vessel owned by a school—who is not a student at a school (whether or not at the school that owns the vessel or another school); or

 (ii) for a vessel owned by a community group—who is not a member of the community group; or

 (b) for a trainee other than a school student—to enable the trainee to obtain a licence that is needed to meet a legislative requirement.

9 Definition of *domestic commercial vessel*—things that are domestic commercial vessels

 (1) For paragraph 7(5)(a) of the National Law, a vessel is a domestic commercial vessel if the vessel is a volunteer search, rescue or search and rescue vessel that undertakes searches or searches and rescues.

 (2) However, subsection (1) does not apply to a volunteer search, rescue or search and rescue vessel that is a surf lifesaving vessel operating in sheltered waters or within 2 nautical miles of the low water mark.

10 Definition of *domestic commercial vessel*—things that are not domestic commercial vessels

 (1) For paragraph 7(5)(b) of the National Law, a vessel is not a domestic commercial vessel:

 (a) if it would, but for this section, be a domestic commercial vessel only because:

 (i) it is sponsored during a sporting event; or

 (ii) it is being used for a promotional activity, including an activity to produce an advertisement, or as part of a film set; or

 (iii) a person is paid to operate the vessel or to be a member of the crew of the vessel; or

 (iv) a person (the ***trainee***) pays another person to train the trainee in the trainee’s vessel; or

 (b) if it is under the control or management of a dealer in the course of that person’s business as a dealer; or

 (ba) if it is:

 (i) owned by an agency of the government of a State or Territory; and

 (ii) used by a primary or secondary school for curricular or extra‑curricular activities for students of a primary or secondary school; or

 (c) subject to subsection (2), if it is owned by:

 (i) the Australian Institute of Sport; or

 (ii) the NSW Institute of Sport; or

 (iii) the Victorian Institute of Sport; or

 (iv) the Queensland Academy of Sport; or

 (v) the South Australian Sports Institute; or

 (vi) the Tasmanian Institute of Sport; or

 (vii) the Western Australian Institute of Sport; or

 (viii) the Northern Territory Institute of Sport; or

 (ix) the ACT Academy of Sports.

Note: The vessel may still be subject to waterways management requirements of a State or Territory.

 (2) Paragraph (1)(c) does not apply to a vessel owned by a body mentioned in the paragraph if:

 (a) the vessel is undertaking an activity in which it is hired or chartered to a person who is not a student or a member of the body; or

 (b) the vessel is being used to train a person, for consideration, who is not a student or a member of the body.

11 Definition of *vessel*—things that are vessels

 For paragraph 8(3)(a) of the National Law, each of the following is a vessel:

 (a) a boat;

 (b) a canoe;

 (c) a dinghy;

 (d) a dragon boat;

 (e) a kayak;

 (f) a pontoon;

 (g) a tinnie.

12 Definition of *vessel*—things that are not vessels

 For paragraph 8(3)(b) of the National Law, none of the following is a vessel:

 (a) an aquaculture pen;

 (b) an aquaplane;

 (c) a boogie board;

 (d) a floating structure permanently connected to shore;

 (e) an unpowered inflatable raft;

 (f) an inner tube;

 (g) a kiteboard;

 (h) a paddleboard;

 (i) a plank of wood;

 (j) a pontoon connected to the mainland;

 (k) a sailboard;

 (l) a surf ski;

 (m) a surfboard;

 (n) towed recreational equipment;

 (o) a waterski.

Division 2.2—Transitional matters

13 Definitions for Division 2.2

 In this Division:

***increased level of risk***, for a vessel’s operations, includes an increase in the level of risk in the operation of the vessel, or to a person on the vessel, because of any of the following circumstances:

 (a) an upgrade in the service category of the vessel;

 (b) an increase in the propulsion power of the vessel;

 (c) an increase in the vessel’s displacement;

 (d) the commencement of overnight operations;

 (e) an increase in the passenger numbers for the vessel;

 (f) a modification of the vessel that may affect safety;

 (g) a change to the vessel that requires a review of the vessel’s stability.

14 Unique identifiers

 (1) In this section:

***new unique identifier*** means an identifier issued by the National Regulator under section 31 of the National Law.

***old unique identifier:***

 (a) means an identifier issued for, or assigned to, a domestic commercial vessel by an agency of a State or the Northern Territory before 1 July 2013:

 (i) that uniquely identifies the vessel in the State or the Northern Territory; and

 (ii) a record of which is kept by an agency of the State or the Northern Territory immediately before 1 July 2013; and

 (b) does not include an identifier issued for, or assigned to, a fishing vessel that would be removed from the vessel if:

 (i) the ownership of the vessel is transferred; or

 (ii) a fishing licence ceases to apply to the vessel.

 (2) For subsection 165(4) of the National Law, an old unique identifier is taken to be, in the period starting from 1 July 2013, a new unique identifier.

 (3) For subsection 165(3) of the National Law, the operation of section 34 of the National Law is taken to be modified by repealing paragraph (1)(b) and substituting the following paragraph:

 (b) a unique identifier is not displayed on the vessel in accordance with:

 (i) for a vessel which has an old unique identifier within the meaning of section 14 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*, and which immediately before 1 July 2013 displays the old unique identifier on the outside of the vessel*—*the State or Northern Territory requirements for the display of the unique identifier that applied to the unique identifier immediately before 1 July 2013; or

 (ii) for a vessel which has an old unique identifier within the meaning of section 14 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*, and which immediately before 1 July 2013 does not display the old unique identifier on the outside of the vessel:

 (A) in the period starting from 1 July 2013 and ending on 30 June 2016—the State or Northern Territory requirements for the display of the unique identifier that applied to the unique identifier immediately before 1 July 2013; and

 (B) from 1 July 2016—the regulations; or

 (iii) for any other vessel—the regulations.

 (4) For subsection 165(3) of the National Law, the operation of section 35 of the National Law is taken to be modified by repealing paragraph (1)(b) and substituting the following paragraph:

 (b) a unique identifier is not displayed on the vessel in accordance with:

 (i) for a vessel which has an old unique identifier within the meaning of section 14 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*, and which immediately before 1 July 2013 displays the old unique identifier on the outside of the vessel*—*the State or Northern Territory requirements for the display of the unique identifier that applied to the unique identifier immediately before 1 July 2013; or

 (ii) for a vessel which has an old unique identifier within the meaning of section 14 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*, and which immediately before 1 July 2013 does not display the old unique identifier on the outside of the vessel:

 (A) in the period starting from 1 July 2013 and ending on 30 June 2016—the State or Northern Territory requirements for the display of the unique identifier that applied to the unique identifier immediately before 1 July 2013; and

 (B) from 1 July 2016—the regulations; or

 (iii) for any other vessel—the regulations.

15 Certificates of survey

 (1) In this section:

***new certificate of survey*** means a certificate of survey issued by the National Regulator under section 38 of the National Law.

***old certificate of survey*** means a certificate of survey (however described) issued for a commercial domestic vessel by the Commonwealth, a State or the Northern Territory:

 (a) for a certificate in force immediately before 1 July 2013—before 1 July 2013; or

 (b) for a certificate applied for before 1 July 2013, but for which the application was not finally determined by 1 July 2013—before 1 January 2014.

 Example

 Certificate of inspection (South Australia)

***trigger date***, for an old certificate of survey, means the earlier of:

 (a) the date when any of the following occurs:

 (i) the vessel is altered or modified to an extent that it must be reassessed against the construction, subdivision or stability standard that applies to it;

 (ii) the vessel’s operations change, and as a result of the change, there is an increased level of risk;

 (iii) the operational area for the vessel changes;

 (iv) the certificate ceases under State or Northern Territory law; and

 (b) 30 June 2016.

 (2) For subsection 165(4) of the National Law:

 (a) an old certificate of survey mentioned in paragraph (a) of the definition of ***old certificate of survey*** is taken to be, in the period starting on 1 July 2013 and ending on the trigger date, a new certificate of survey; and

 (b) an old certificate of survey mentioned in paragraph (b) of the definition of ***old certificate of survey*** is taken to be, in the period starting on the date that the certificate is issued and ending on the trigger date, a new certificate of survey.

 (3) For subsection 165(3) of the National Law, the operation of section 38 of the National Law is taken to be modified by repealing paragraph (3)(a) and substituting the following paragraphs:

 (a) for a vessel issued with an old certificate of survey within the meaning of section 15 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*:

 (i) the conditions (if any) in relation to the design, construction, ongoing condition and maintenance of the vessel that applied to the old certificate of survey immediately before 1 July 2013 or, if the certificate was issued within 6 months of 1 July 2013, on the day that the certificate was issued; and

 (ii) either:

 (A) the survey requirements in relation to the design, construction, ongoing condition and maintenance of the vessel that applied to the vessel immediately before 1 July 2013 or, if the certificate was issued within 6 months of 1 July 2013, on the day that the certificate was issued; or

 (B) the conditions or requirements of section 4 of the National Standard for the Administration of Marine Safety, published by the National Marine Safety Committee, as existing from time to time, that are conditions or requirements for a certificate of survey;

 (ab) for a vessel mentioned in paragraph (a)*—*any transitional requirements of subsection C7A of the National Standard for Commercial Vessels that are relevant to the vessel; and

 (ac) for any other vessel—the conditions (if any) prescribed by the regulations; and

 (4) For subsection 165(3) of the National Law, the operation of section 38 of the National Law is taken to be modified by the insertion of the following note after subsection (3):

Note for sub‑subparagraph(a)(ii)(B)The National Standard for the Administration of Marine Safety is located at www.nmsc.gov.au.

 (5) For subsection 165(3) of the National Law, the operation of section 38 of the National Law is taken to be modified by repealing paragraph (5)(b) and substituting the following paragraph:

 (b) subject to subsection (6), remains in force until:

 (i) for a vessel issued with an old certificate of survey within the meaning of section 15 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013—*the trigger date mentioned in subsection 15(1) of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*, unless it is revoked earlier; or

 (ii) for any other vessel—the day specified in the certificate, unless it is revoked earlier.

16 Certificates of operation

 (1) In this section:

***new certificate of operation*** means a certificate of operation issued by the National Regulator under section 48 of the National Law.

***old certificate of operation*** means a certificate of operation (however described) or an authority that is not a certificate (however described), issued or given by the maritime safety authority of the Commonwealth, a State or the Northern Territory for a domestic commercial vessel, that entitled the vessel to operate under a law of the Commonwealth, a State or the Northern Territory:

 (a) for a certificate or authority in force immediately before 1 July 2013—before 1 July 2013; or

 (b) for a certificate or authority applied for before 1 July 2013, but for which the application was not finally determined by 1 July 2013—before 1 January 2014.

Examples of a certificate of operation

Example (a): Certificate of inspection

Example (b): Certificate of survey

Example (c): Certificate of registration

Example (d): Certificate of safe operation.

***trigger date***, for an old certificate of operation, means the earlier of:

 (a) the date when any of the following occurs:

 (i) the vessel is altered or modified to an extent that it must be reassessed against the construction, subdivision or stability standard that applies to it;

 (ii) the vessel’s operations have changed to the extent that there is an increased level of risk;

 (iii) the operational area for the vessel changes;

 (iv) the certificate or authority ceases under the State or Northern Territory law; and

 (b) 30 June 2016.

 (2) For subsection 165(4) of the National Law:

 (a) an old certificate of operation mentioned in paragraph (a) of the definition of ***old certificate of operation*** is taken to be, in the period starting on 1 July 2013 and ending on the trigger date, a new certificate of operation; and

 (b) an old certificate of operation mentioned in paragraph (b) of the definition of ***old certificate of operation*** is taken to be, in the period starting on the date that the certificate is issued and ending on the trigger date, a new certificate of operation.

 (3) For subsection 165(3) of the National Law, the operation of section 48 of the National Law is taken to be modified by repealing paragraph (4)(a) and substituting the following paragraph:

 (a) for a vessel issued with an old certificate of operation mentioned in subsection 16(2) of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*:

 (i) the conditions (if any) that applied to the certificate immediately before 1 July 2013 or, if the certificate was issued within 6 months of 1 July 2013, on the day that the certificate was issued, including the conditions that applied in relation to the following matters:

 (A) the number of the crew required to be on board while the vessel is being operated;

 (B) the qualifications of the master and crew; and

 (ii) the requirements (if any) that applied to the certificate by operation of a provision of a law of the State or the Northern Territory immediately before 1 July 2013 or, if the certificate was issued within 6 months of 1 July 2013, on the day that the certificate was issued; and

 (iii) from 30 June 2014—if the vessel is a class 4 vessel, the operational requirements mentioned for a class 4 vessel in Part F of the National Standard for Commercial Vessels; and

 (iv) the limitations on the area of operation that applied to the vessel immediately before 1 July 2013 or, if the certificate was issued within 6 months of 1 July 2013, on the day that the certificate was issued; or

 (ab) for any other vessel—the conditions (if any) prescribed by the regulations; and

Note for subparagraph (a)(iii): The operational requirements of Part F are those that require an operator to maintain a safety management plan or system. For example, in the National Standard for Commercial Vessels, Part F Section 2, clauses 5.4, 6.4, 7.4, 8.4, 9.4, 10.6 and B4 require the operators of different leisure craft (eg houseboats) to maintain safety management plans or systems tailored to their activities.

 (4) For subsection 165(3) of the National Law, the operation of section 48 of the National Law is taken to be modified by repealing paragraph (6)(b) and substituting the following paragraph:

 (b) subject to subsection(7), remains in force until:

 (i) for a vessel issued with an old certificate of operation within the meaning of section 16 of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013—*the trigger date mentioned in subsection 16(1) of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*, unless it is revoked earlier; or

 (ii) for any other vessel—the day specified in the certificate, unless it is revoked earlier.

 (5) For subsection 165(4) of the National Law, the following requirement is prescribed—for a vessel entitled to operate under a certificate of operation (however described), the certificate must be displayed in a prominent manner on the vessel, unless it is impracticable for the certificate to be displayed in this manner.

17 Certificates of competency

 (1) In this section:

***new certificate of competency*** means a certificate of competency issued by the National Regulator under section 60 of the National Law.

***old certificate of competency*** means a certificate of competency (however described) issued by the maritime safety authority of a State or the Northern Territory:

 (a) for a certificate in force immediately before 1 July 2013—before 1 July 2013; or

 (b) for a certificate applied for before 1 July 2013, but for which the application was not finally determined by 1 July 2013—before 1 January 2014.

***trigger date***, for an old certificate of competency, means the date on which the certificate ceases under the State or Northern Territory law.

 (2) For subsection 165(4) of the National Law:

 (a) an old certificate of competency mentioned in paragraph (a) of the definition of ***old certificate of competency*** is taken to be, in the period starting on 1 July 2013 and ending on the trigger date, a new certificate of competency; and

 (b) an old certificate of competency mentioned in paragraph (b) of the definition of ***old certificate of competency*** is taken to be, in the period starting on the date that the certificate is issued and ending on the trigger date, a new certificate of competency.

 (3) For subsection 165(3) of the National Law, the operation of section 60 of the National Law is taken to be modified by repealing paragraph (4)(a) and substituting the following paragraph:

 (a) for an old certificate of competency mentioned in subsection 17(2) of the *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*:

 (i) the conditions (if any) that applied to the certificate immediately before 1 July 2013 or, if the certificate was issued within 6 months of 1 July 2013, on the day that the certificate was issued; and

 (ii) the requirements (if any) that applied to the certificate by operation of a provision of a law of the State or the Northern Territory immediately before 1 July 2013 or, if the certificate was issued within 6 months of 1 July 2013, on the day that the certificate was issued; and

 (ab) for any other certificate of competency—the conditions (if any) prescribed by the regulations; and

18 Approved training organisations

 (1) In this section:

***new approval***, of a training organisation, means an approval of the organisation as a training organisation under regulations made for paragraph 160(1)(b) of the National Law.

***old approval***, of a training organisation, means an approval or recognition of the organisation as a training organisation by a maritime safety authority of a State or the Northern Territory given before commencement.

***trigger date***, for an old approval, means the earlier of:

 (a) the date (if any) the old approval would have ceased under the State or Northern Territory law; and

 (b) 30 June 2016.

 (2) For subsection 165(4) of the National Law, an old approval is taken to be, during the period starting on 1 July 2013 and ending on the trigger date, a new approval.

Part 3—National Law—accreditation of marine surveyors

Division 3.1—Preliminary

19 Definitions for Part 3

 In this Part:

***accredited marine surveyor*** means a person who is accredited under section 24.

***categories of surveying***, in relation to accreditation, means a category mentioned in section 21.

***marine surveyor*** means a person who performs the role mentioned in section 21.

***private marine surveyor*** means a marine surveyor who is not employedas a marine surveyor by a maritime safety authority of the Commonwealth, a State or the Northern Territory.

***reviewable decision***: see section 47.

20 Publication of incorporated material etc.

 If this regulation applies, adopts or incorporates matter contained in a written instrument, the National Regulator must publish the instrument on its website.

Note: The address for the National Regulator’s website is http://www.amsa.gov.au.

21 Accreditation—categories of surveying

 For paragraph 160(1)(a) of the National Law, the role that a person may be accredited under this Part to perform is the survey of domestic commercial vessels, and the making of recommendations in relation to those surveys, in one or more of the following categories:

 (a) initial survey—plan approval;

 (b) initial survey—stability approval;

 (c) initial survey—load line—assignment;

 (d) initial survey—electrical—extra low voltage;

 (e) initial survey—electrical—low voltage;

 (f) initial survey—electrical—high voltage;

 (g) initial survey—construction or alteration—hull, deck and superstructure;

 (h) initial survey—construction or alteration—machinery;

 (i) initial survey—construction or alteration—load line conditions and markings;

 (j) initial survey—construction or alteration—equipment;

 (k) initial survey—construction or alteration—commissioning;

 (l) periodic survey;

 (m) periodic survey—electrical;

 (n) periodic survey—load line;

 (o) survey of safety equipment;

 (p) survey of communications equipment.

Division 3.2—Accreditation

22 Application for accreditation

 (1) A person may apply to the National Regulator for accreditation to perform the role of marine surveyor in one or more categories of surveying.

Note: For the requirement for a survey of a domestic commercial vessel to be conducted by an accredited marine surveyor, see section 11 of *Marine Order 503 (Certificates of Survey—National Law) 2013*.

Application for accreditation

 (2) An application for accreditation must:

 (a) be in a form approved by the National Regulator; and

 (b) include the information mentioned in subsection (3).

Information required

 (3) For paragraph (2)(b), the information is the following:

 (a) the applicant’s name and address;

 (b) the category, or categories, of surveying in relation to which the applicant is seeking accreditation;

 (c) a summary of the applicant’s work experience relevant to that category or those categories;

 (d) certified copies of the applicant’s qualifications relevant to that category or those categories;

 (e) evidence of any continuing professional development undertaken by the applicant with a professional association related to vessel building, vessel design, vessel engineering or vessel survey;

 (f) the names and addresses of 2 professional referees;

 (g) 2 current passport sized photographs of the applicant;

 (h) an original or a certified copy of a document that provides evidence of the start of the person’s identity in Australia;

 (i) either:

 (i) an original or a certified copy of a document issued to the person by an Australian government department or agency that provides proof of the person’s identity; or

 (ii) a foreign passport;

 (j) a declaration as to whether the applicant has had an accreditation (however described) under a law of a State or the Northern Territory as a marine surveyor suspended or revoked and, if so, the details of the suspension or revocation;

 (k) if the applicant is a private marine surveyor:

 (i) the business name and trading name, and the ACN or ABN, of the surveyor’s business, or the business that employs the surveyor; and

 (ii) evidence that the applicant can, or will soon be able to, conduct his or her surveying under the Quality Management System of ISO 9001:2008 or an equivalent management system, or in accordance with the *National Law—Marine Surveyors Accreditation Guidance Manual 2014*, prepared by the National Regulator, as in force from time to time; and

 (iii) a copy of the professional indemnity insurance certificate, or similar insurance document, that provides indemnity insurance for the applicant or, if the applicant has not yet obtained insurance, a copy of a quote for the insurance; and

 (iv) a declaration as to whether the applicant has had his or her membership of a professional association related to vessel building, vessel design, vessel engineering or vessel survey revoked, suspended or involuntarily cancelled;

 (l) any other information the applicant considers relevant.

Note 1: For paragraph (3)(h), the following kinds of documents are examples:

(a) an Australian birth certificate;

(b) an Australian naturalisation certificate;

(c) a visa entitling the person to enter Australia;

(d) a movement record made available to the person by the Department administered by the Minister administering the *Migration Act 1958*.

Note 2: For subparagraph (3)(i)(i), an Australian driver’s licence is an example.

23 National Regulator may require applicant to provide further information, conduct survey or attend interview

 (1) The National Regulator may require an applicant for accreditation to do one or more of the following:

 (a) give further information in relation to the application;

 (b) enable the National Regulator to witness the applicant conduct a survey;

 (c) attend an interview with the National Regulator.

 (2) The National Regulator may require a thing to be done under this section at any time before the National Regulator decides the application, whether before or after the National Regulator has begun to consider the application.

 (3) If the National Regulator requires a thing to be done under this section in relation to an application, the National Regulator may decline to consider or further consider the application until the thing is done.

24 Accreditation of marine surveyors

 (1) The National Regulator must accredit an applicant to perform the role of marine surveyor in one or more categories of surveying applied for if:

 (a) the application for the accreditation was made in accordance with section 22; and

 (b) any requirement by the National Regulator under section 23 has been met; and

 (c) the National Regulator is satisfied that the criteria mentioned in section 25 are met in relation to the applicant.

 (2) If, in order to be satisfied of the matters in subsection (1), the National Regulator considers that it is necessary to limit the applicant’s accreditation, the National Regulator may:

 (a) accredit the applicant in a category of surveying and limit the work in that category that the applicant may perform; or

 (b) accredit the applicant subject to other limitations or conditions.

 (3) An accreditation:

 (a) comes into force on the day specified in the accreditation document issued under section 27, or, if no day is specified, on the day on which that document is issued; and

 (b) remains in force for 5 years.

 (4) The National Regulator may refuse to accredit a person to perform the role of marine surveyor in one or more categories of surveying applied for if the requirements mentioned in subsection (1) are not met.

Note: A decision to refuse to accredit a person to perform the role of marine surveyor in one or more categories of surveying is a reviewable decision (see section 47).

25 Criteria for issue of accreditation

 (1) For paragraph 24(1)(c), the criteria that must be met in relation to an applicant for accreditation are the following:

 (a) the applicant has demonstrated that he or she has the appropriate capabilities, appropriate experience and appropriate qualifications to perform the role of marine surveyor in the category, or categories, of surveying applied for;

 (b) the applicant has demonstrated that he or she has a sound understanding of the following that are relevant to the category, or categories, of surveying applied for:

 (i) legislation, standards, codes, conventions and agreements;

 (ii) professional and technical matters;

 (iii) professional ethical standards and requirements;

 (c) the applicant is committed to continuing professional development through a professional association related to vessel building, vessel design, vessel engineering or vessel survey;

 (d) if the applicant has applied for accreditation in the category periodic survey—electrical:

 (i) the applicant is capable of performing all functions relevant to electrical surveying specified in the *National Standard for the Administration of Marine Safety (NSAMS), Section 4: Survey of Vessels*, as in force from time to time, for the conduct of a periodic survey; and

 (ii) the applicant is licensed under a law of a State or the Northern Territory to conduct the electrical work for which the applicant is seeking accreditation.

 (2) In this section:

***appropriate capabilities*** includes, but is not limited to, the following:

 (a) the capability to conduct surveying under the Quality Management System of ISO 9001: 2008 or an equivalent management system, or in accordance with the *National Law—Marine Surveyors Accreditation Guidance Manual 2014*, prepared by the National Regulator, as in force from time to time;

 (b) for an applicant who is a private marine surveyor—the capability to obtain and maintain professional indemnity insurance or, if the surveyor is an employee, to be covered by professional indemnity insurance;

 (c) the capability to gain and hold membership of a professional association related to vessel building, vessel design, vessel engineering or vessel survey;

 (d) the capability to obtain references from peers in the marine surveying and related industries.

***appropriate experience*** includes, but is not limited to, the following:

 (a) design experience in a sector related to marine vessel design;

 (b) at least 5 years’ experience as a full‑time marine surveyor;

 (c) experience in the construction and commissioning of marine vessels;

 (d) seagoing experience.

***appropriate qualifications*** includes, but is not limited to, the following:

 (a) a diploma, undergraduate degree or postgraduate degree in a discipline relevant to the categories of surveying applied for;

 (b) trade qualifications relevant to the categories of surveying applied for, including qualifications as a shipwright, boat builder, traditional boat builder, engineer or similar;

 (c) seagoing or vessel building qualifications relevant to the categories of surveying applied for;

 (d) military qualifications similar to the qualifications mentioned in paragraph (a), (b) or (c);

 (e) eligibility for membership of Engineers Australia, or an equivalent body, as a qualified engineer;

 (f) marine surveying qualifications under the MAR13‑Maritime Training Package;

 (g) qualifications that demonstrate a depth of knowledge in a category of surveying applied for, including qualifications in metallurgy, fibre composites and electrical engineering.

26 Notice of accreditation

 (1) The National Regulator must notify an applicant for accreditation of the decision on the application within 90 days after receiving the application.

Note: For the requirements for the giving of a notice about a reviewable decision, see subsection 48(1).

 (2) However, the time for giving the notice is extended:

 (a) if information required to be included with the application under section 22 is not provided—by the number of days taken for the information to be provided; and

 (b) if the National Regulator requires a thing to be done under section 23—by the number of days in the period beginning on the date the National Regulator notifies the applicant of the requirement and ending on the date on which the thing is done.

27 Evidence of accreditation

Accreditation

 (1) The National Regulator must issue the following evidence of accreditation to a person who has been accredited to perform the role of marine surveyor:

 (a) an accreditation document that includes the information mentioned in subsection (2);

 (b) an identification card that includes:

 (i) the person’s name and photograph; and

 (ii) the unique identification number included in the person’s accreditation document; and

 (iii) the category, or categories, of surveying in which the person is accredited; and

 (iv) the date on which the person’s accreditation expires.

 (2) For paragraph (1)(a), the information is:

 (a) a unique identification number; and

 (b) the category, or categories, of surveying in which the person is accredited; and

 (c) if the accreditation is limited—the details of the limitation; and

 (d) if the accreditation is subject to conditions—the conditions.

Renewal of accreditation

 (3) If the National Regulator renews the surveyor’s accreditation under section 28, the National Regulator must issue an identification card to the surveyor that includes the information mentioned in paragraph (1)(b).

Variation of accreditation

 (4) If the National Regulator varies the surveyor’s accreditation under section 42, the National Regulator must, if necessary, issue a varied accreditation document and identification card to the surveyor that includes the information mentioned in subsection (1).

28 Renewal of accreditation

 (1) The National Regulator must renew an accreditation of an accredited marine surveyor if:

 (a) an application for renewal is made by the surveyor in accordance with subsection (2); and

 (b) the National Regulator is satisfied of the following matters:

 (i) the surveyor has maintained his or her professional competence in the category, or categories, of surveying in which the surveyor is accredited;

 (ii) the surveyor’s work has been found, during any audits conducted in accordance with section 45, to be satisfactory.

 (2) An application for renewal of accreditation must be made:

 (a) in a form approved by the National Regulator; and

 (b) at least 3 months before the accreditation expires or, if the National Regulator allows a further period, by the end of the last day of that period.

 (3) For paragraph (2)(b), the National Regulator must not allow a period of more than 12 months after the date on which the accreditation expires.

 (4) The National Regulator may refuse to renew an accreditation if the requirements mentioned in subsection (1) are not met.

Note: A decision to refuse to renew an accreditation is a reviewable decision (see section 47).

29 Register of accredited marine surveyors

 (1) The National Regulator must keep a register containing a list of all accredited marine surveyors.

 (2) The National Regulator must keep the register open to the public by making the register available on its website.

Note: The address for the National Regulator’s website is http://www.amsa.gov.au.

Division 3.3—Conditions of accreditation

30 Accreditation—prescribed conditions

 For paragraphs 161(1)(b), (2)(b), (3)(b) and (4)(b) of the National Law, the conditions in this Division are prescribed.

Note: For the offence of contravening a condition of accreditation, see section 161 of the Act.

31 Limits on the conduct of surveys

 An accredited marine surveyor must not perform a survey of a domestic commercial vessel, or provide services in relation to such a survey:

 (a) in a category of surveying in relation to which the surveyor is not accredited; or

 (b) if the accreditation is subject to a limitation or condition on the work that can be performed by the surveyor in a category of surveying—in contravention of the limitation or condition.

32 Standards etc. to be met

 An accredited marine surveyor must conduct a survey of a domestic commercial vessel in accordance with:

 (a) if the National Standard for Commercial Vessels, or part of that Standard, applies to the vessel—the National Standard for Commercial Vessels, as in force from time to time; and

 (b) if the Uniform Shipping Laws Code, or part of that Code, applies to the vessel—the Uniform Shipping Laws Code, as in force from time to time; and

 (c) the National Standard for the Administration of Marine Safety (NSAMS), Section 4, Survey of Vessels, as in force from time to time; and

 (d) if a Marine Order prescribes standards in relation to the survey of domestic commercial vessels—the Marine Order.

Note 1: For the standards that apply to a particular vessel, see section 8 of the *Marine Order 503 (Certificates of survey — national law) 2013*.

Note 2: A vessel may be subject to both the National Standard for Commercial Vessels and the Uniform Shipping Laws Code.

33 Reports to the National Regulator about certain matters

 (1) If, in conducting a survey of a domestic commercial vessel, an accredited marine surveyor becomes aware of a matter mentioned in subsection (2), the surveyor must report the matter, in writing, to the National Regulator as soon as practicable after becoming aware of the matter.

 (2) The matters are the following:

 (a) corrective action is required to the vessel, or a thing on the vessel, due to a defect or non‑conformity in the vessel or thing;

 (b) a matter, or an aspect of a matter, being surveyed is complex or novel, and is not covered by a standard or code mentioned in section 32.

34 National Regulator to be notified about certain matters

 (1) An accredited marine surveyor must notify the National Regulator if any of the following occurs in relation to the surveyor while the surveyor is accredited:

 (a) the surveyor, or a company that employs the surveyor, is the subject of bankruptcy proceedings;

 (b) a written complaint is made against the surveyor in relation to the conduct of a survey;

 (c) a conflict of interest arises in relation to a survey performed by the surveyor;

 (d) the surveyor changes his or her address or place of employment;

 (e) the surveyor changes his or her name, or is subject to any other change that may result in confusion as to the identity represented on the surveyor’s identification card;

 (f) the surveyor has his or her membership of a professional association related to vessel building, vessel design, vessel engineering or vessel survey revoked, suspended or involuntarily cancelled.

 (2) The notification must:

 (a) be made in a form approved by the National Regulator within 5 business days after the day on which the surveyor becomes aware of the occurrence of the matter; and

 (b) if the notification is about a complaint—include the details of the complaint.

35 National Regulator to be provided with information on request

 If the National Regulator has requested an accredited marine surveyor to provide information about a matter under section 46, the surveyor must provide the information:

 (a) in writing in a form approved by the National Regulator; and

 (b) by the date required.

36 Making recommendations relating to applications for certificates of survey and periodic surveys

 An accredited marine surveyor must, in making a recommendation in relation to an application by a person for the issue of a certificate of survey for a domestic commercial vessel, or in relation to a periodic survey of a domestic commercial vessel:

 (a) make the recommendation in writing in a form specified in the *National Law—Marine Surveyors Accreditation Guidance Manual 2014*, prepared by the National Regulator, as in force from time to time; and

 (b) provide with the recommendation copies of all documents referred to in the recommendation, or supporting the recommendation, including the following:

 (i) drawings and plans;

 (ii) approvals;

 (iii) technical evaluations and calculations.

37 Conflicts of interests

 (1) An accredited marine surveyor must not conduct a survey of a domestic commercial vessel if:

 (a) in conducting the survey, there would be a conflict of interest between the person’s duties as an accredited marine surveyor and any other interests or duties of the person; or

 (b) the surveyor, or a person the surveyor is related to, owns or occupies any part of the vessel.

 (2) For this section, a surveyor is related to a person if the surveyor:

 (a) is the person’s spouse, de facto partner, child, parent, grandparent, grandchild, sibling, aunt, uncle, niece, nephew or cousin; or

 (b) has a contractual arrangement with the person that might reasonably be seen to give rise to a conflict between the surveyor’s duties as a surveyor and the surveyor’s interests under the arrangement; or

 (c) is a private marine surveyor and is:

 (i) an employer, partner or employee of the person; or

 (ii) employed by the same employer as the person.

 (3) This section does not apply to a survey by an accredited marine surveyor of the surveyor’s own vessel design in the category of surveying “initial survey—plan approval”.

38 Private marine surveyors—professional indemnity insurance

 (1) This section applies to an accredited marine surveyor who is a private marine surveyor.

 (2) The surveyor must:

 (a) if the surveyor is an employee—be covered by a professional indemnity insurance policy that provides insurance cover of at least $1 000 000; and

 (b) in any other case—obtain and maintain a professional indemnity insurance policy that provides insurance cover of at least $1 000 000.

 (3) The surveyor must provide proof of the professional indemnity insurance policy to the National Regulator:

 (a) within 5 days after taking out or renewing the policy; and

 (b) at any time on request by the National Regulator.

 (4) For subsection (3), the surveyor must provide the following proof:

 (a) a copy of the certificate of currency for the policy;

 (b) if the policy is issued outside Australia—a letter from the insurance broker for the policy confirming that the policy has been obtained.

39 Identification card and proof of accreditation

 An accredited marine surveyor must, when conducting a survey of a domestic commercial vessel:

 (a) carry the identification card most recently issued to the surveyor by the National Regulator under section 27; and

 (b) if an owner or operator of the vessel requests proof of accreditation—show the identification card to the owner or occupier.

40 Record keeping

 An accredited marine surveyor must keep a record relating to a recommendation mentioned in section 36 (Making recommendations relating to applications for certificates of survey and periodic surveys) for the period of 7 years beginning on the day the recommendation is made.

41 Surrender of accreditation

 (1) If an accredited marine surveyor wishes to surrender his or her accreditation, the surveyor must:

 (a) notify the National Regulator, in accordance with subsection (2), that the surveyor wishes to surrender the accreditation; and

 (b) complete, or nominate another accredited marine surveyor to complete, all survey work the surveyor has contracted to undertake; and

 (c) if the National Regulator has imposed conditions on the accreditation relating to the surrender of the accreditation—comply with those conditions; and

 (d) return the surveyor’s identification card to the National Regulator.

Note: An example for paragraph (c) is a condition requiring an exit interview.

 (2) For paragraph (1)(a), the notification must:

 (a) be in a form approved by the National Regulator; and

 (b) be made at least 3 months before the day on which the surveyor wishes the surrender to take effect, or within such period (if any) as the National Regulator, either before or after the end of the 3 month period, allows; and

 (c) if the surveyor has nominated another accredited marine surveyor to complete survey work—include a declaration from that surveyor to the effect that the surveyor has agreed to complete that survey work.

Division 3.4—Variation, suspension and revocation of accreditation

42 Variation of accreditation

 (1) The National Regulator may, on its own initiative or on application by an accredited marine surveyor:

 (a) remove or vary a limitation or condition on the surveyor’s accreditation; or

 (b) add a limitation or condition to the surveyor’s accreditation.

Note: A decision to vary an accreditation is a reviewable decision (see section 47).

 (2) An accredited marine surveyor may apply, in writing, for a variation of the surveyor’s accreditation.

 (3) The application must:

 (a) be in a form approved by the National Regulator; and

 (b) include the following information:

 (i) the category, or categories, of surveying in relation to which the applicant is seeking a variation of the accreditation;

 (ii) a summary of the applicant’s work experience relevant to that category or those categories;

 (iii) certified copies of the applicant’s qualifications relevant to that category or those categories;

 (iv) evidence of any continuing professional development undertaken by the applicant with a professional association related to vessel building, vessel design, vessel engineering or vessel survey;

 (v) the names and addresses of 2 professional referees.

 (4) Section 23 (National Regulator may require an applicant to provide further information, conduct survey or attend interview) applies in relation to the application as if it were an application for accreditation.

 (5) The National Regulator must notify an accredited marine surveyor of a decision to vary, or to refuse to vary, the surveyor’s accreditation within 30 days after making the decision.

 (6) A variation of an accreditation takes effect on the date notified in writing by the National Regulator.

 (7) The National Regulator may refuse to vary an accreditation.

Note: A decision to refuse to vary an accreditation is a reviewable decision (see section 47).

43 Suspension of accreditation

 (1) If an accredited marine surveyor contravenes a condition of accreditation referred to in Division 3.3, the National Regulator may suspend the surveyor’s accreditation.

Note: A decision to suspend an accreditation is a reviewable decision (see section 47).

 (2) An accredited marine surveyor may request the National Regulator, in writing, to suspend his or her accreditation for an agreed period of time.

Example: An accredited marine surveyor may request the National Regulator to suspend his or her accreditation if the surveyor is incapacitated.

 (3) The National Regulator must notify an accredited marine surveyor of a decision to suspend the surveyor’s accreditation within 30 days after making the decision.

 (4) The suspension:

 (a) takes effect on the day notified in writing by the National Regulator or, if no day is notified, on the day the surveyor is notified in writing of the suspension; and

 (b) remains in force until the day notified in writing by the National Regulator, unless the accreditation is revoked earlier.

44 Revocation of accreditation

 (1) If an accredited marine surveyor contravenes a condition of accreditation referred to in Division 3.3, the National Regulator may revoke the surveyor’s accreditation.

Note: A decision to revoke an accreditation is a reviewable decision (see section 47).

 (2) The National Regulator must notify an accredited marine surveyor of a decision to revoke the surveyor’s accreditation within 30 days after making the decision.

 (3) The revocation takes effect on the day notified in writing by the National Regulator or, if no day is notified, on the day the surveyor is notified in writing of the revocation.

Division 3.5—Audits and requests for information

45 National Regulator may conduct audits

 (1) The National Regulator may, at any time:

 (a) conduct an audit; or

 (b) request another person, in writing, to conduct an audit;

of a matter mentioned in subsection (2) in relation to a survey of a domestic commercial vessel by an accredited marine surveyor.

 (2) The matters that may be audited are the following:

 (a) recommendations made by the surveyor in relation to an application by a person for the issue of a certificate of survey for a domestic commercial vessel, or in relation to a periodic survey of a domestic commercial vessel, and the documents accompanying the recommendation;

 (b) the processes followed by the surveyor to conduct a marine survey;

 (c) the conduct of the surveyor’s surveying under a Quality Management System of ISO 9001: 2008 or an equivalent management system, or in accordance with processes approved by the National Regulator;

 (d) the records kept by the surveyor in accordance with section 40.

46 National Regulator may request information

 (1) The National Regulator may, at any time, request information from an accredited marine surveyor that is relevant to the surveyor’s accreditation.

 (2) The request must:

 (a) be in writing; and

 (b) state a time for responding to the request that is at least 5 days.

Division 3.6—Review of decisions

47 Reviewable decisions

 For section 142 of the National Law, each of the following decisions of the National Regulator is a ***reviewable decision***:

 (a) to refuse to accredit a person to perform the role of marine surveyor in one or more categories of surveying under subsection 24(4);

 (b) to refuse to renew an accreditation under subsection 28(4);

 (c) to vary an accreditation under subsection 42(1);

 (d) to refuse to vary an accreditation under subsection 42(7);

 (e) to suspend an accreditation under subsection 43(1);

 (f) to revoke an accreditation under subsection 44(1).

48 Internal review of reviewable decisions

 (1) The National Regulator must, as soon as practicable after a reviewable decision is made in relation to a person, give a written notice to the person setting out:

 (a) the terms of the decision; and

 (b) the reasons for the decision; and

 (c) particulars of the person’s right to have the decision reviewed under this section.

 (2) An applicant, or an accredited marine surveyor, to whom a reviewable decision relates may apply to the National Regulator for review of the decision.

 (3) An application for review must:

 (a) be in a form approved by the National Regulator; and

 (b) be made within 30 days after the day on which the written notice of the decision was given to the applicant, or within such period (if any) as the National Regulator, either before or after the end of the 30 day period, allows.

 (4) The National Regulator must, on receiving an application under subsection (3) for review of a reviewable decision, cause the decision to be reviewed by a person who:

 (a) was not involved in making the decision; and

 (b) occupies a position that is senior to that occupied by any person involved in making the decision.

 (5) A person who reviews a reviewable decision under this section may:

 (a) make a decision affirming, varying or setting aside the reviewable decision; and

 (b) if the person sets aside the decision—make such other decision as the person thinks appropriate.

 (6) A failure to comply with the requirements of subsection (1) in relation to a decision does not affect the validity of the decision.

49 Applications for AAT review

 An application may be made to the Administrative Appeals Tribunal for review of a decision under subsection 48(5).

Note: The *Administrative Appeals Tribunal Act 1975* provides for the manner of applying for review, etc.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the amendment is set out in the endnotes.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| A = Act | orig = original |
| ad = added or inserted | par = paragraph(s)/subparagraph(s) |
| am = amended |  /sub‑subparagraph(s) |
| amdt = amendment | pres = present |
| c = clause(s) | prev = previous |
| C[x] = Compilation No. x | (prev…) = previously |
| Ch = Chapter(s) | Pt = Part(s) |
| def = definition(s) | r = regulation(s)/rule(s) |
| Dict = Dictionary | Reg = Regulation/Regulations |
| disallowed = disallowed by Parliament | reloc = relocated |
| Div = Division(s) | renum = renumbered |
| exp = expires/expired or ceases/ceased to have | rep = repealed |
|  effect | rs = repealed and substituted |
| F = Federal Register of Legislative Instruments | s = section(s)/subsection(s) |
| gaz = gazette | Sch = Schedule(s) |
| LI = Legislative Instrument | Sdiv = Subdivision(s) |
| LIA = *Legislative Instruments Act 2003* | SLI = Select Legislative Instrument |
| (md) = misdescribed amendment | SR = Statutory Rules |
| mod = modified/modification | Sub‑Ch = Sub‑Chapter(s) |
| No. = Number(s) | SubPt = Subpart(s) |
| o = order(s) | underlining = whole or part not |
| Ord = Ordinance |  commenced or to be commenced |

Endnote 3—Legislation history

| Number and year | FRLI registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Marine Safety (Domestic Commercial Vessel) National Law Regulations 2013 | 3 June 2013 (F2013L00900) | 1 July 2013 (s 2) |  |
| Marine Safety (Domestic Commercial Vessel) National Law Amendment (Surveyor Accreditation) Regulations 2014 | 18 Nov 2014 (F2014L01541) | 2 Jan 2015 (s 2) | — |
| Marine Safety (Domestic Commercial Vessel) National Law Amendment (School Vessels) Regulation 2014 | 15 Dec 2014 (F2014L01709) | 2 Jan 2015 (s 2) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 2 heading**  | am No 167, 2014 |
| **Division 2.1 heading** |  |
| s 10  | am No 205, 2014 |
| **Division 2.2 heading** |  |
| s 16  | am No 205, 2014 |
| **Part 3 heading**  | ad No 167, 2014 |
| **Division 3.1 heading**  | ad No 167, 2014 |
| s 19  | ad No 167, 2014 |
| s 20  | ad No 167, 2014 |
| s 21  | ad No 167, 2014 |
| **Division 3.2 heading**  | ad No 167, 2014 |
| s 22  | ad No 167, 2014 |
| s 23  | ad No 167, 2014 |
| s 24  | ad No 167, 2014 |
| s 25  | ad No 167, 2014 |
| s 26  | ad No 167, 2014 |
| s 27  | ad No 167, 2014 |
| s 28  | ad No 167, 2014 |
| s 29  | ad No 167, 2014 |
| **Division 3.3 heading**  | ad No 167, 2014 |
| s 30  | ad No 167, 2014 |
| s 31  | ad No 167, 2014 |
| s 32  | ad No 167, 2014 |
| s 33  | ad No 167, 2014 |
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