



TRANSPORT

Public Transport

Transport Planning

Road Safety

Licensing Services

School Buses

Cycling

Travel Subsidies

Taxi Regulation

Marine Safety

Our Ref: 889/98 DT
27 March 2001

To the Vessel Owner

Survey Exempt Commercial Vessels: Vessels Operating Up To 5 Nautical Miles Offshore.

This letter is being sent to all owners of vessels currently registered as “Survey Exempt”; that is, vessels registered with numbers beginning with “99” or “C”.

The WA Marine (Surveys and Certificates of Survey) Regulations 1983, Regulation 10.A. states that -

- (a) a fishing vessel -
 - (i) having a measured length not exceeding 8 metres; and
 - (ii) that is intended to be operated within 5 nautical miles offshore;

and

- (b) a class 2 vessel -
 - (i) having a measured length not exceeding 8 metres;
 - (ii) that is not intended to carry passengers; and
 - (iii) that is intended to be operated within 5 nautical miles offshore,

is exempted from regulation 5 and 6 ...”

Regulations 5 and 6 are the regulations that require commercial vessels to be surveyed both annually and during construction by the WA Department of Transport.

Transport understands that there are a number of Survey Exempt vessels operating beyond 5 nautical miles from the mainland coast, but which also operate within 5 nautical miles of an island which may or may not be within 5 nautical miles of the mainland. Operators of these vessels believe that they are operating in accordance with the above regulation, because at no time is their vessel more than 5 nautical miles from landfall.

Legal advice received recently clarified the meaning of “5 nautical miles offshore”. This advice, together with the historical intent of the regulation confirms that the restriction of 5 nautical miles is actually from the mainland coast only. Operation from islands was never envisaged and is not covered by the exemption.



Accredited Quality System
Certified AS/NZS ISO 9002

Working to achieve the best transport system
for all Western Australians

1 Essex Street
PO Box 402 Fremantle
Western Australia 6959
Telephone (08) 9216 8999
Facsimile (08) 9216 8979
www.transport.wa.gov.au
ABN 79 924 477 610

New application forms have been prepared to make this very clear, and I enclose a photocopy of the back page of the new application form for your reference. This page makes reference to the distance of 5 nautical miles being measured from the mainland coast. It also clarifies that whilst these vessels are exempted from the requirement to be surveyed, they must still meet the same technical requirements as any other surveyed commercial vessel.

If you currently operate a “Survey Exempt” vessel beyond 5 nautical miles from the mainland coast, then to continue commercial operations you should apply to have the vessel surveyed. Information regarding surveys can be found on our website at www.dpi.wa.gov.au.

Transport is aware that this regulation has been misunderstood. However, it is envisaged that once you receive this advice and if your operations require you to use your vessel more than 5 nautical miles from the mainland coast, that you will act upon this advice.

Thank you for your attention to this letter. If you have any queries regarding this letter, please contact Rhonda, our marine clerk, on 9216 8237.

Yours sincerely

Frank Jarosek
Manager Commercial Vessel Safety

Docref:NW/ExemptVessels5M_3_2001.doc

Enclosed:

“Application for Vessel Registration”: Last Page Only