



Notice to Industry

Number 30

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"Exemption to allow use of a Commercial Tender Vessel as a "Pleasure Vessel"

This notice is to advise commercial vessel owners and operators of Exemption, WAMA 2008/00573, issued under s115A of the Western Australian Marine Act 1982. The exemption allows the use of a commercial tender vessel, which is part of a surveyed commercial vessels "equipment", to operate as a pleasure vessel.

***Equipment** in relation to a ship, is defined in the Act as including every thing or article belonging to or to be used in connection with, or necessary for the navigation and safety of, the ship and, includes among other matters, boats.*

Commercial tender vessels are considered to be part of the equipment of a surveyed commercial ship or vessel (the "Parent Vessel").

The exemption will only operate when the commercial tender vessel is used for recreational purposes and is not associated with any commercial transaction

Notifying the Department

Prior to owners or operators making use of this exemption, the following information is to be provided for recording in the "Parent Vessel" survey file held by the Commercial Vessel Safety Branch:

- Tender vessel manufacturer
- Tender vessel length

This information may be provided to a Marine Surveyor at initial survey for new surveyed commercial vessels (the "Parent Vessel"), or at the periodical Safety Equipment Survey conducted by Marine Surveyors on existing surveyed commercial vessels. This information can also be provided to the department via written, signed submission to the Commercial Vessel Safety Branch with the following details:

- Parent Vessel Details (i.e. M&H number and vessel name)
- Survey location of Parent Vessel
- Tender vessel manufacturer
- Tender vessel length

The recording of the commercial tender and Parent Vessel information is to enable the department officers to confirm the status of a commercial tender for operational purposes, as required. A "Commercial Tender Vessel Declaration" is available from the Departments Marine Information web site at:

<http://www.dpi.wa.gov.au/imarine/19590.asp#CommSurvey>

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If no details of a commercial tender are received by the department for use of the exemption in association with a Parent Vessel the commercial tender will be deemed to be for commercial use only.

Any replacement of a Commercial tender that the exemption is to apply ,requires the Parent Vessel survey file to be updated with the details of the new commercial tender, which will be the owners/operators responsibility to ensure is completed.

Exemption Conditions

The exemption is subject to the following conditions:

1. This exemption only applies to tender vessels that are nominated on and form part of the survey report that is used for the commercial Parent Vessel as part of its current survey requirements.
2. Every vessel that this exemption applies while being used in a recreational capacity (Pleasure Vessel) **must** only be operated within **two (2) nautical miles** of the commercial Parent Vessel at all times.
3. Every vessel that this exemption applies to, must, while being used in a recreational capacity, comply with the same safety equipment and requirements that would apply if the vessel was a Pleasure Vessel under section 98 of the Act. It must adhere to the legislative requirements that apply to Pleasure Vessels relating to safety equipment and the requirement for the master of the vessel to have Recreational Skippers Ticket (RST) qualifications pursuant to Regulations 51-52 and 47C of the *Navigable Waters Regulations 1958*.
4. Every vessel that this exemption applies to must be marked with the words "Tender To" followed by the commercial Parent vessel name that is specific to the commercial Parent vessel. These letters and numbers are to be black, not less than 50 millimetres in height and 12 millimetres in width with a white surround not less than 7 millimetres and to be positioned immediately forward of the transom on each side of the vessel.
5. When the vessel is being operated as a commercial tender in conjunction with its Parent Vessel in a the course of a commercial transaction or business then it must operate in accordance with the guidelines in the Department's Information Sheet titled "Vessels used as a Tender to a Surveyed Commercial Vessel - Operation and Requirements".

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