

**NORTHERN TERRITORY OF AUSTRALIA**

**MARINE (AIR-CUSHIONED VEHICLES) REGULATIONS 1994**

As in force at 1 August 2019

**Table of provisions**

<b>Part 1</b>	<b>Preliminary</b>	
1	Citation .....	1
2	Commencement .....	1
3	Definitions .....	1
4	Application of Part 4 of Act .....	1
5	Exemptions .....	2
<b>Part 3</b>	<b>Design and construction</b>	
8	Design .....	2
9	Buoyancy and hydrostatic stability .....	2
10	Dynamic stability .....	2
11	Structural strength .....	2
12	Strength of materials .....	3
13	Engineering requirements for certain equipment .....	3
14	Structural fire protection .....	3
15	Passenger and crew accommodation compartment .....	4
16	Safety equipment .....	4
<b>Part 4</b>	<b>Inspection and testing</b>	
17	Construction and installation .....	4
18	Tests and trials .....	5
<b>Part 5</b>	<b>General</b>	
19	Securing, anchoring and mooring .....	5
20	Director to maintain codes .....	5
21	Fees .....	5
22	Offences .....	5
23	Savings and transitional .....	6

**Schedule**

**ENDNOTES**



# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 August 2019

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## MARINE (AIR-CUSHIONED VEHICLES) REGULATIONS 1994

### Regulations under the *Marine Act 1981*

#### Part 1 Preliminary

##### 1 Citation

These Regulations may be cited as the *Marine (Air-Cushioned Vehicles) Regulations 1994*.

##### 2 Commencement

These Regulations shall come into operation on 1 November 1994.

##### 3 Definitions

In these Regulations, unless the contrary intention appears:

***approved*** means approved by the Director.

***construct*** includes alter.

***designer*** means the person or organisation responsible for the accuracy of data and drawings and specifications submitted for the approval of an air-cushioned vehicle.

***item*** means an item of the Schedule.

***manufacturer*** means the person or organisation responsible for the standards and procedures adopted during construction or alteration of an air-cushioned vehicle.

***Volume 1*** means the publication entitled "Standard Relating to Design, Construction and Operational Safety of Dynamically Supported Craft in Canada. Vol. 1. Air-Cushion Vehicles", December 1985, Revision 1.

##### 4 Application of Part 4 of Act

- (1) Part 4 of the Act applies to and in relation to the class of air-cushioned vehicles to which these Regulations apply.

- (2) These Regulations apply to all air-cushioned vehicles operated in the Territory.

## **5 Exemptions**

The Minister may, by notice in writing, exempt an air-cushioned vehicle from a requirement of these Regulations:

- (a) where the action to be taken or the provision to be made as regards the subject matter of the requirement is at least as effective as is actual compliance with the requirement; or
- (b) where the specified requirement would cause undue hardship but where there will be substantial compliance with the general requirement to the extent that the prime considerations of safety of persons on board or any other person would not be impaired.

## **Part 3 Design and construction**

### **8 Design**

- (1) The design of an air-cushioned vehicle shall be consistent with the intended operating limitations applicable in relation to the vehicle.
- (2) The design specification shall conform to the provisions of item 3.

### **9 Buoyancy and hydrostatic stability**

- (1) The buoyancy and hydrostatic stability of an air-cushioned vehicle (including the general subdivision and watertight integrity of the vehicle) shall conform to the provisions of item 4.
- (2) The provisions applicable in relation to buoyancy shall be taken together with the provisions relating to design, dynamic stability, structural strength and operational documentation.

### **10 Dynamic stability**

The dynamic stability of an air-cushioned vehicle shall be considered at the design stage of the vehicle in accordance with item 5.

### **11 Structural strength**

- (1) The structural strength of an air-cushioned vehicle shall be calculated in accordance with the provisions of item 6 unless an alternative analysis demonstrating equivalent values for the structure of the vehicle is approved.

- (2) Load factors and inertia forces to be used in calculating structural strength shall be those applicable under the relevant standard applied under subregulation (1).

## **12 Strength of materials**

- (1) The material to be used for the rigid structure of an air-cushioned vehicle shall be of sufficient strength for the purpose for which the member or article in question is to be used.
- (2) Where fibre reinforced plastics or composite materials are proposed to be used in the construction of an air-cushioned vehicle, data submitted with the application for survey shall include the manufacturer's recommendations and test results obtained in accordance with the appropriate Australian Standard that corresponds with subsection 5K of the Uniform Shipping Laws Code.
- (3) Material used in the construction of the flexible structure of an air-cushioned vehicle shall conform to the provisions in item 7.

## **13 Engineering requirements for certain equipment**

- (1) The engineering requirements applicable in relation to the main and auxiliary machinery of an air-cushioned vehicle are set out in item 8.
- (2) Fans installed for lift or propulsion in an air-cushioned vehicle shall be designed and tested in accordance with the provision of item 9.
- (3) Propellers of an air-cushioned vehicle shall be installed and tested and manufacturer's data is to be presented in accordance with the provisions of item 10.
- (4) Transmission components of an air-cushioned vehicle shall conform to the provisions in item 11.
- (5) Bilge system of an air-cushioned vehicle shall conform to the provisions in item 12.
- (6) Fuel systems of an air-cushioned vehicle, including fuel tanks, shall conform to the provisions in item 13.
- (7) Electrical installation of an air-cushioned vehicle shall conform to the provisions in item 14.

## **14 Structural fire protection**

- (1) The structural fire protection system of an air-cushioned vehicle shall conform to the provisions in item 15.

- (2) Notwithstanding subregulation (1), where evacuation from the passenger area to an open deck is not provided for, a machinery space fire detection and smothering system shall be installed.

### **15 Passenger and crew accommodation compartment**

- (1) The design of the passenger and crew accommodation compartments of an air-cushioned vehicle shall conform to the provisions in item 16.
- (2) Crew stations and control arrangements of an air-cushioned vehicle shall conform to the provisions in item 17.

### **16 Safety equipment**

- (1) An air-cushioned vehicle shall carry or be fitted with:
- (a) life saving equipment in accordance with the provisions in item 18;
  - (b) fire appliances in accordance with the provisions in item 19;
  - (c) radio equipment in accordance with the provisions in item 20;
  - (d) miscellaneous equipment in accordance with the provisions in item 21;
  - (e) navigation lights in accordance with the provisions in item 22;
  - (f) for an air-cushioned vehicle that is a class 1B, 1C, 2B, 2C, 3B or 3C vessel – an approved Emergency Position Indicating Radio Beacon having an operation frequency of 406 MHz.
- (2) For the purposes of subregulation (1)(f), **approved** means approved by:
- (a) the Director; or
  - (b) the Australian Maritime Safety Authority established by the *Australian Maritime Safety Authority Act 1990* of the Commonwealth.

## **Part 4 Inspection and testing**

### **17 Construction and installation**

The construction of an air-cushioned vehicle shall be in accordance with the provisions in item 23.

**18 Tests and trials**

- (1) Functional tests of an air-cushioned vehicle shall be conducted in accordance with the provisions in item 24.
- (2) Operational trials for the purposes of the approval of an air-cushioned vehicle shall be in accordance with provisions in item 25.

**Part 5 General****19 Securing, anchoring and mooring**

The arrangements for the securing, anchoring and mooring of an air-cushioned vehicle shall be in accordance with the provisions in item 21.

**20 Director to maintain codes**

The Director:

- (a) shall cause a copy of every code or standard referred to in these Regulations to be available for inspection by members of the public at the office of the Director during normal office hours; and
- (b) may cause copies of every code or standard referred to in these Regulations to be available for purchase by members of the public on payment of such charge as the Minister determines.

**21 Fees**

The fees payable in relation to any matter or thing under a Marine order made under section 163 of the Marine Safety National Law are payable in relation to the corresponding matter or thing under these Regulations.

**22 Offences**

- (1) A person must not operate an air-cushioned vehicle if the design, construction and operation of the vehicle does not conform to the provisions of these Regulations.

Maximum penalty: 20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

**23 Savings and transitional**

- (1) Notwithstanding anything in these Regulations, but subject to subregulation (2), nothing in Part 3 or 4 of these Regulations applies to or in relation to:
- (a) an air-cushioned vehicle that was operating in the Territory at the commencement of these Regulations or was constructed in the Territory before that commencement; or
  - (b) an air-cushioned vehicle the drawings and specifications relating to which were submitted for approval under a law of a State or Territory of the Commonwealth that corresponds to these Regulations before the commencement of these Regulations but the construction of which was not completed before that commencement.
- (2) Where the Minister is satisfied that:
- (a) the drawings and specifications relating to the construction of an air-cushioned vehicle were submitted for an approval referred to in subregulation (1)(b) before the commencement of these Regulations but the construction of the air-cushioned vehicle was not completed at that commencement; and
  - (b) compliance with a specified requirement of these Regulations or a standard referred to in these Regulations would cause undue hardship but there will be substantial compliance with the specified requirement to the extent that the prime considerations of safety of persons on the air-cushioned vehicle or any other person will not be impaired,

the Minister may exempt the air-cushioned vehicle from any of the requirements of these Regulations or any standard referred to in these Regulations.



## Schedule

regulation 3

- 3 Design specification: Volume 1, Chapter 2, Design – General. To be consistent with operating limitations and shall include data sheet as in Volume 1 Division 6 Appendix 1.
- 4 Buoyancy: Volume 1, Chapter 3 – Buoyancy, Subdivision and Hydrostatic Stability.
- 5 Dynamic Stability and control: Volume 1, Chapter 4 – Dynamic Stability and Control (including appendix to chapter 4).
- 6 Structural Strength: Volume 1, Chapter 5 – Structural Strength.
- 7 Materials for flexible structure: Volume 1, Chapter 6, Sections 605 and 606.
- 8 Engineering requirements for main and auxiliary machinery: Uniform Shipping Law Code, Section 9.
- 9 Fans for lift or propulsion: Volume 1, Chapter 7, Sections 740 to 746.
- 10 Propellers: Volume 1, Chapter 7, sections 760 to 766.
- 11 Transmission components: Volume 1, Chapter 1, sections 780 to 787.
- 12 Bilge systems: Volume 1, Chapter 9, sections 950 to 959.
- 13 Fuel systems including fuel tanks: Uniform Shipping Law Code, section 9.
- 14 Electrical installation: Uniform Shipping Law Code, section 9.
- 15 Structural fire protection: Uniform Shipping Law Code, section 5, subsection F.
- 16 Design of passenger and crew accommodation compartments Volume 1, Chapter 11 – Compartment Design.
- 17 Crew stations and control arrangements: Volume 1, Chapter 12, Control Stations, Monitoring and Alarms.
- 18 Life saving equipment: Uniform Shipping Law Code, section 10.
- 19 Fire appliances: Uniform Shipping Law Code, section 11.
20. Radio equipment: Uniform Shipping Law Code, section 12.

- 21 Miscellaneous equipment: Uniform Shipping Law Code, section 13; Securing, Anchoring and Mooring arrangements shall be in accordance with Volume 1 Chapter 13.
- 22 Navigation lights: Volume 1, Chapter 14, sections 1470 to 1477.
- 23 Construction and installation: Volume 1, Division 3, Chapter 1 and Chapter 2, sections 3200, 3201, 3206 and Chapter 3.
- 24 Functional tests: Volume 1, Division 4, Part A and Part B.
- 25 Operational trials: Volume 1, Division 4, Part C and Part D.

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Marine (Air-Cushioned Vehicles) Regulations (SL No. 39, 1994)***

Notified	1 November 1994
Commenced	1 November 1994 (r 2)

***Amendments of Marine (Air-Cushioned Vehicles) Regulations (SL No. 4, 2001)***

Notified	2 April 2001
Commenced	2 April 2001

***Statute Law Revision Act 2003 (Act No. 12, 2003)***

Assent date	18 March 2003
Commenced	18 March 2003

***Marine Amendment Regulations 2007 (SL No. 38, 2007)***

Notified	19 December 2007
Commenced	1 February 2009 (r 2)

***Marine Safety (Domestic Commercial Vessel) (National Uniform Legislation) Act 2013 (Act No. 11, 2013)***

Assent date	29 May 2013
Commenced	1 July 2013 ( <i>Gaz</i> S24, 25 June 2013)

***Penalties Amendment (Miscellaneous) Act 2013 (Act No. 23, 2013)***

Assent date	12 July 2013
Commenced	28 August 2013 ( <i>Gaz</i> G35, 28 August 2013, p 2)

***Transport Legislation Amendment Regulations 2019 (SL No. 11, 2019)***

Notified	1 July 2019
Commenced	1 August 2019 (r 2)

**3 GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: r 1.

**4 LIST OF AMENDMENTS**

r 4	amd Act No. 11, 2013, s 66
pt 2 hdg	rep Act No. 11, 2013, s 66
rr 6 – 7	rep Act No. 11, 2013, s 66
r 12	amd Act No. 11, 2013, s 66
r 16	amd No. 4, 2001, r 1; No. 38, 2007, r 4
r 20	amd Act No. 12, 2003, s 19
r 21	amd Act No. 11, 2013, s 66
r 22	amd No. 4, 2001, r 2; Act No. 23, 2013, s 4 sub No. 11, 2019, r 6
sch	amd Act No. 11, 2013, s 66