

Consultation on the Near Coastal Qualifications Review Proposed New Marine Order 505 (Certificates of Competency – National Law) 2019

Who does the consultation apply to?

- People working on or intending to work on Australian domestic commercial vessels.
- Anyone holding or intending to obtain a Certificate of Competency to work on an Australian domestic commercial vessel.
- People or organisations with responsibility for the crewing of Australian domestic commercial vessels.
- People operating under an AMSA general exemption to perform duties or functions on an Australian domestic commercial vessel.
- Industry groups or bodies that represent Australian seafarers.
- Organisations conducting or seeking approval to conduct AMSA mandated practical assessments.

Why are we consulting?

Marine Order 505 provides for Certificates of Competency (CoC) for masters and crew of domestic commercial vessels.

Stakeholder feedback has indicated the qualifications framework is complex and the structure of the legislation, regulations and standards is difficult to understand. The current legislation and standards relating to national law qualifications consists of:

- Marine Safety (Domestic Commercial Vessel) National Law Act 2012
- Marine Order 505 (Certificates of Competency – National Law)
- National Standard for Commercial Vessels Part D – Crew Competencies
- National Regulator Endorsements Approval 2014
- 23 qualifications-related exemptions.

The Australian Maritime Safety Authority (AMSA) is seeking to revise the structure so it represents a modern regulatory scheme for qualifications.



Proposed changes

- The content of National Standard for Commercial Vessels (NSCV) Part D will be updated and incorporated into a new Marine Order 505 (Certificates of Competency – National Law) 2019.
- Creation of five new types of certificates:
 - o Coxswain Grade 3 NC
 - o Sailing Master Coastal NC
 - o Sailing Master Offshore NC
 - o Master <45 m NC
 - o Master <100 m NC.
- Phasing out of three current Certificates of Competency which will no longer be issued:
 - o Master <35 m NC
 - o Mate <80 m NC
 - o Master <80 m NC.
- Requiring completion of an AMSA approved task book before most Certificates of Competency will be issued.
- Creation of a new standard for the assessment of medical fitness for masters and crew of domestic commercial vessels.
- Including the provisions for the conduct of AMSA mandated practical assessments.

Currently, many available general exemptions will cease to have effect at end of 30 June 2020. Many general exemptions will be incorporated into the new Marine Order 505 and allowed to expire. Some will be repealed as a result of the changes to Marine Order 505.

Pending the outcomes from public consultation, we anticipate any agreed amendments will be made to the current order by 2 December 2019 and come into effect on 1 July 2020.

What do we want to know?

AMSA is seeking your feedback on the following:

- Is the draft Marine Order 505 easy to understand?
- Are there any sections that are not clear?
- Do you agree that an application for a new Certificate of Competency should include the requirement to hold a first-aid certificate?
- Do you think a medical fitness certificate for a new issue and self-declaration of medical fitness for renewal is appropriate for the lower grade certificates?
- Do you think the eligibility requirements and duties for a Coxswain Grade 3 near coastal are appropriate?
- Do you think a recreational boat licence is sufficient for a Coxswain Grade 3 near coastal?
- Do you wish to comment on any other aspect of the order?

Submissions can be made anytime up until Sunday 29 September 2019.

How to provide your feedback

We invite you to make your comments on this draft marine order by using the AMSA [Maritime Regulatory Consultation Tool](#)

Have your say in writing using our [public comment form](#)

If using this form, then you can either:

- email the form to consultation@amsa.gov.au or
- post the form to:
 - o Business Support, Standards
Australian Maritime Safety Authority
GPO Box 2181
Canberra ACT 2601

More information is available on the [AMSA website](#)

Current Certificates of Competency

A person will be able to continue to use their current Certificate of Competency to perform duties permitted by NSCV Part D with the same limitations, restrictions and conditions, until the certificate expires.

The only certificates that will not be available for issue or re-issue are the following:

Certificate	Duties until expiry	New Certificate
Master <35 m NC	<ul style="list-style-type: none"> • Command a commercial vessel <35 m long in waters to the outer limits of the EEZ • be Master of a vessel <80 m in inshore waters • act as Chief Mate or Deck Watchkeeper on a vessel <80 m long in waters to the outer limits of the EEZ. 	May perform the duties of a Master <45 m NC and will be issued a Master <45 m NC if they meet the renewal requirements.
Mate <80 m NC	<ul style="list-style-type: none"> • Act as Chief Mate or Deck Watchkeeper on a vessel <80 m long operating in waters to the outer limits of the EEZ. 	May perform the duties of a Master <24 m NC and will be issued a Master <24 m NC if they meet the renewal requirements.
Master <80 m NC	<ul style="list-style-type: none"> • Command a commercial vessel <80 m long in waters to the outer limits of the EEZ • act as Chief Mate or Deck Watchkeeper on a vessel <80 m long in waters to the outer limits of the EEZ. 	May perform the duties of a Master <100 m NC and will be issued a Master <100 m NC if they meet the renewal requirements.

Endorsements affected by the proposed changes to Marine Order 505

A person who has an endorsement on their current Certificate of Competency may continue to operate with that endorsement until the certificate expires.

Certificate	Duties until expiry	New Certificate
Master <35 m NC endorsed to <45 m	Command a commercial vessel <45 m long in waters to the outer limits of the EEZ.	On renewal a Master <45 m NC certificate will be issued.
Master <80 m NC endorsed to <100 m and <3000 GT	Command a domestic commercial vessel <100 m long and <3000 GT in waters to the outer limits of the EEZ.	On renewal a Master <100 m NC certificate will be issued.

Exemptions affected by proposed changes to Marine Order 505

Some general exemptions will cease to have effect on 30 June 2020. Changes to Marine Order 505 are proposed to take some of the exemptions into consideration. The arrangements for a person currently operating under the following exemptions are proposed to change.

Exemption	Arrangements in the current exemption	Will the current arrangement be continued under the proposed MO505	What individuals will need to do
EX08 (Temporary service)	Division 2 of this exemption provides an exemption from the requirement to hold a Certificate of Competency for a specified operation, for a specified period of time. This exemption requires an application and approval by AMSA.	Division 2 will be incorporated in MO505. The arrangements will not change. Division 2 currently requires an application to AMSA for approval. The mechanism of Division 2 is used frequently and will be retained.	No action needed.
	Division 3 of this exemption is for temporary service following training and final assessment. The exemption criteria is that the person meets the eligibility criteria in NSCV Part D and has a signed statement from the final assessor that the person has completed the course, sea service and has a certificate of medical fitness or declaration of medical fitness.	Division 3 will be incorporated into MO505. The arrangements will not change.	No action needed.
	Division 4 of this exemption only applies to applications made during a set time period which ended on 1 February 2019.	Division 4 is no longer required.	No action needed.
EX12 (Inland waters)	This exemption is for a person who holds a Coxswain Grade 1 NC, Master <24 m NC or Master < 35 m NC restricted to inshore waters, to operate in inland waters. No application is required for this exemption.	The definition of inshore waters in MO505 means inland waters and waters landward of the outer limits for inshore operations, which is defined in Part B to include sheltered waters.	No action needed.
EX13 (Inland waters)	A person is exempt from holding the CoC required to operate a vessel <12 m, <100 kw, at <10 knots, in specified operations in inland waters. This exemption requires an application and approval by AMSA.	An appropriate Certificate of Competency listed in MO505 section 6 will be required. For vessels carrying more than six persons Coxswain Grade 2 or higher. For vessels carrying less than six persons (including the master and crew) Coxswain Grade 3 may be suitable.	Meet the eligibility requirements and apply for an appropriate CoC before the exemption expires. A person holding a recreation boat licence or one of the other eligibility requirements will be taken to hold a Coxswain Grade 3 NC.

Exemption	Arrangements in the current exemption	Will the current arrangement be continued under the proposed MO505	What individuals will need to do
<p>EX15 (Scientific research and educational activities)</p>	<p>This exemption applies to vessels <7.5 m carrying out scientific research or educational activities within the Great Barrier Reef, Torres Strait, or smooth or partially smooth waters. The master of the vessel must be at least 16 and hold recreational boat licence. The vessel may only carry employees of the owner and special personnel.</p>	<p>An appropriate Certificate of Competency listed in MO505 section 6 will be required, or obtain a specific exemption.</p> <p>May require masters to obtain a Certificate of Competency (Coxswain 1, 2 or 3) that they have not previously required.</p> <p>A specific exemption may be appropriate in some cases.</p>	<p>Meet the eligibility requirements and apply for an appropriate Certificate of Competency before the exemption expires.</p> <p>A person holding a recreational boat licence or one of the other eligibility requirements will be taken to hold a Coxswain Grade 3 NC.</p>
<p>EX18 (Sail)</p>	<p>This exemption exempts the holder of a RYA Yachtmaster Coastal certificate from the requirement to hold a Certificate of Competency when operating a vessel <24 m up to 100 m from shore.</p>	<p>With the further clarification (from RYA) that the RYA certificate holder must have a commercial endorsement.</p> <p>The new Sailing Master Coastal NC, and Sailing Master Offshore NC Certificates of Competency mentioned in section 6 of MO505 have been added to incorporate this exemption.</p> <p>A person holding an appropriate commercially endorsed RYA certificate may apply to AMSA for a Certificate of Competency.</p>	<p>Meet the eligibility requirements and apply for an appropriate Certificate of Competency before the exemption expires.</p>
<p>EX20 (Special operations)</p>	<p>This exemption applies to the master of a domestic commercial vessel connected with infrastructure building or maintenance workboat operations. The exemption allows a person to be the master of a vessel <7.5 m operating in smooth and inland waters, without passengers and within 100 m from shore or a structure attached to shore.</p> <p>This exemption requires written approval from AMSA and the person must hold any licence that would be required to operate the vessel recreationally in the waters in which the person carries out the specified operation.</p>	<p>The Coxswain Grade 3 Certificate of Competency will cover operations within 250 m of a structure fixed to the shore, in schedule 1.</p> <p>A person holding a recreational boat licence or one of the other eligibility requirements will be taken to hold a Coxswain Grade 3.</p>	<p>Maintain one of the requirements for Coxswain Grade 3 from schedule 3.</p>

Exemption	Arrangements in the current exemption	Will the current arrangement be continued under the proposed MO505	What individuals will need to do
EX21 (Operator vehicular ferry-in-chains)	<p>This exemption applies to a person who holds a recreational boating licence, 20 day on-the-job training and a first-aid certificate and operates as master of a vehicular ferry-in-chains attached to the shore by cable.</p> <p>This exemption requires the approval of AMSA and may be subject to additional conditions.</p>	<p>A person who has operated under this exemption would be required to hold a Coxswain Grade 3 CoC.</p> <p>A person holding a recreational boat licence, or one of the other eligibility requirements, will be taken to hold a Coxswain Grade 3.</p>	<p>Maintain one of the requirements for Coxswain Grade 3 from schedule 3.</p>
EX26 (Expired certificates)	<p>This exemption applies to a person holding a Certificate of Competency issued by a state or the Northern Territory that expired prior to 30 June 2013. A person who applies for an equivalent Certificate of Competency under this exemption is exempt from the requirements to complete a course, sea time requirements, colour vision test, vision test, and a final assessment.</p>	<p>A Certificate of Competency that expired prior to 30 June 2013 has been expired for more than five years (and by the time the exemption ceases to have effect, seven years).</p> <p>The provisions in MO505 allow for equivalence in eligibility requirements and sea service requirements.</p>	<p>If an individual wishes to acquire a national law CoC and wants to take advantage of the exemption from the listed requirements, they should do so prior to the expiry of the exemption. After 30 June 2020, the applicant will need to meet the eligibility requirements or have equivalence in sea service or eligibility recognised by AMSA.</p>
EX30 (Navigation Act seafarer qualifications)	<p>This exemption applies to the holder of Navigation Act seafarer certificate and exempts the holder from the requirement to hold a corresponding national law Certificate of Competency.</p>	<p>MO505 section 5 and schedule 2 incorporate this exemption.</p>	<p>Individuals operating under this exemption may continue to do so until 30 June 2020, after which they will need to comply with MO505. Some of the corresponding certificates have changed.</p>
EX33 (Sailing vessels with motor propulsion)	<p>This exemption applies to a person performing duties as an engineer of a sailing vessel with propulsion power <75 kW.</p>	<p>The new Sailing Master Coastal NC and Sailing Master Offshore NC Certificates of Competency mentioned in section 6 of MO505 have been added to incorporate this exemption.</p>	<p>Meet the eligibility requirements and apply for an appropriate Certificate of Competency before the exemption expires.</p>

Exemption	Arrangements in the current exemption	Will the current arrangement be continued under the proposed MO505	What individuals will need to do
EX34 (Expired perpetual certificates)	<p>This exemption applies to a person who held a NSW perpetual certificate and is applying for an equivalent Certificate of Competency.</p> <p>The person is exempt from completing a course and sea time requirements.</p>	<p>The provisions in MO505 sections 12 and 13 allow for equivalence in eligibility requirements and sea service requirements.</p> <p>A person may apply to AMSA for an equivalent Certificate of Competency and have the equivalence recognised.</p>	<p>If an individual wishes to acquire a national law CoC and wants to take advantage of the exemption from the listed requirements, they should do so prior to the expiry of the exemption. After 30 June 2020, the applicant will need to meet the eligibility requirements or have equivalence in sea service or eligibility recognised by AMSA.</p>
EX38 (Low complexity duties)	<p>A person is exempt from the requirement to hold a Certificate of Competency when performing low-complexity duties.</p>	<p>The Coxswain Grade 3 certificate incorporates the requirements and permitted duties for EX38 in MO505 schedule 3.</p>	<p>Maintain one of the requirements for Coxswain Grade 3 from schedule 3.</p> <p>A person holding a RBL or one of the other eligibility requirements will be taken to hold a Coxswain Grade 3 NC Division 2, s3 (3).</p>

The proposed Coxswain Grade 3 near coastal Certificate of Competency

A person who meets the eligibility requirements for a Coxswain Grade 3 near coastal is taken to hold a Coxswain Grade 3 Certificate of Competency. The eligibility requirements are any one of the following:

- a) a licence issued by a state or territory, to operate a recreational vessel
- b) Australian sailing powerboat handling course
- c) Royal Yachting Association (RYA) level 2 powerboat course
- d) completion before 1 July 2020 of training and final practical assessment determined by the national regulator for the performance of low complexity duties
- e) Each of the following units from the MAR maritime training package, or a course developed as part of the MAR maritime training package to cover the same skills:
 - i. MARI003 Comply with regulations to ensure safe operation of a vessel up to 12 metres
 - ii. MARK007 Handle a vessel up to 12 metres
 - iii. MARN008 Apply seamanship skills aboard a vessel up to 12 metres

A person taken to hold a Certificate of Competency, will not need to apply for that Certificate of Competency, although a person may apply for and obtain a Certificate of Competency as Coxswain Grade 3 near coastal if they wish to.

Why is AMSA considering these changes?

The current legislation and standards relating to national law qualifications consists of:

- Marine Safety (Domestic Commercial Vessel) National Law Act 2012
- Marine Order 505 (Certificates of competency – national law)
- National Standard for Commercial Vessels Part D – Crew competencies
- National Regulator Endorsements Approval 2014
- 23 qualifications-related exemptions.

From November 2016 to June 2017, AMSA undertook limited stakeholder consultation on a review of the domestic commercial vessel qualifications framework. Following this consultation, we concluded that the regulatory scheme for near coastal seafarer qualifications could be simplified by revising Marine Order 505 and providing appropriate supporting guidance Material.

We established an Industry Reference Group (IRG) tasked with providing input and feedback on the proposed regulatory or standards changes. They were also asked to consult with industry to provide us with a broad spectrum of opinion utilising their own networks to circulate information as widely as possible. Acknowledging that the domestic commercial vessel (DCV) industry has diverse interests, business models and geographic distribution, the construct of the IRG was intended to cover the broad spectrum of operations and allow discussion of proposals with a small group of domestic commercial vessel (DCV) industry representatives.

The industry reference group consists of representatives from:

- ferries, sailing, tourism and charter vessels
- fishing, pearling and aquaculture
- construction and towage
- Australian sailing
- Maritime Industry Australia Limited (MIAL)
- Australian Maritime Officers Union (AMOU), Australian Institute of Marine and Power Engineers (AIMPE), and the Maritime Union of Australia (MUA).

The objectives of the review of Marine Order 505 and NSCV Part D are to:

1. Review Marine Order 505 and develop supporting guidance materials

Review Marine Order 505 with the aim of incorporating NSCV Part D, relevant endorsements, and where possible, qualifications-related exemptions. Develop simple, easy-to-read guidance material to support the revised Marine Order 505. This guidance may be in the form of web pages, marine notices, guidance notices or guidelines.

2. Review the qualifications framework for lower grade certificates

Review the qualifications framework for lower grade certificates considering a variety of options for coxswains grade certificates incorporating existing standing exemptions.

3. Streamline Certificates of Competency and revise limitations

Streamline the current certification framework to incorporate as many general exemptions and endorsements as possible. Additionally:

- a) Require mandatory completion of task books for all new Certificates of Competency (except General Purpose Hand Near Coastal, Coxswain Grade 3 Near Coastal, Sailing Master Coastal Near Coastal, and Sailing Master Offshore Near Coastal).
- b) Revise the length limitations on some Certificates of Competency.
- c) Simplify endorsements.
- d) Simplify eligibility requirements for engineering Certificates of Competency into trade and non-trade options.

4. Streamline the requirements for command of domestic commercial vessels that are sailing vessels

Make provisions in Marine Order 505 to allow commercially endorsed yachting qualifications issued by the Royal Yachting Association (RYA), Australian sailing or other bodies approved by AMSA, to be recognised for the issue of a sailing Certificate of Competency.

5. Review the medical and eyesight requirements, forms and guidance Materials

Review and revise the content of approved forms, the required standard of medical fitness and eyesight tests, and the guidelines for the medical assessment of near coastal seafarers. Simplify the text of the Marine Order by referring to the medical standard ensuring consistency of language across all documents.

Attachments

1. Draft Marine Order 505 (Certificates of Competency – National Law) 2019
2. Change summary–this document shows the content of the proposed new marine order against the content of the current Marine Order 505 (Certificates of Competency – National Law) 2013 and NSCV Part D and includes notes on the changes.
3. Regulatory costing for Marine Order 505