



Australian Government
Australian Maritime Safety Authority

AMSA EX18

Marine Safety (Sail) Exemption 2022

I, Michael Kinley, Chief Executive Officer of the Australian Maritime Safety Authority (the National Marine Safety Regulator under section 9 of the *Marine Safety (Domestic Commercial Vessel) National Law*), make this instrument under subsection 143(1) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

16 November 2022

Michael Kinley
Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Sail) Exemption 2022*.

2 Duration

- (1) This instrument commences on 1 January 2023 and ceases to have effect at the end of 30 June 2025.
- (2) This instrument will not be reissued after 30 June 2025.

3 Repeal

Marine Safety (Sail) Exemption 2020 is repealed.

4 Definitions

In this instrument:

Coxswain (Sail) certificate means a Coxswain (Sail) certificate issued by a State or Territory before 1 July 2013.

inland waters means non-tidal waters.

Marine Order 505 means *Marine Order 505 (Certificates of competency — national law) 2022*.

Marine Safety (Domestic Commercial Vessel) National Law — see Schedule 1 to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

Master 5 (Sail) certificate means a Master 5 (Sail) certificate issued by a State or Territory before 1 July 2013.

RYA means *Royal Yachting Association*.

sailing vessel means a vessel whose primary means of propulsion is sail.

specified duties means the duties of:

- (a) the master of a sailing vessel ≤ 24 m long, with operating power < 75 kw in inland waters and all waters up to 100 nm from shore; or
- (b) the mate of a sailing vessel ≤ 35 m long in inland waters and all waters to the outer limit of the Exclusive Economic Zone; or
- (c) a person operating a sailing vessel ≤ 12 m long with operating power < 75 kw in inland waters and all waters up to 15 nm from shore.

5 Exemption

- (1) A person is exempt from the requirement to hold a certificate of competency that would be required for the specified duties if the person meets the criteria mentioned in subsection (2).
 - (2) The criteria are that the person:
 - (a) is at least 16 years; and
 - (b) makes a declaration of medical fitness in accordance with the form approved for Marine Order 505; and
 - (c) holds a current first aid certificate of at least HLT AID 011 *Provide first aid* or another course that the National Regulator considers to be equivalent; and
 - (d) holds a Short Range Operator Certificate of Proficiency issued by the Australian Communications and Media Authority or its delegate; and
 - (e) has completed:
 - (i) MARSS00008 Shipboard Safety Skill Set units of the MAR maritime training package developed by the Maritime Industry Reference Committee; or
 - (ii) the Australian Sailing RYA Safety and Sea Survival course or the World Sailing *Offshore personal survival course*; and
 - (f) for the duties mentioned in paragraphs (a) and (b) of the definition of **specified duties** in section 4:
 - (i) on 30 June 2013 — held a Master 5 (Sail) certificate; or
 - (ii) both:
 - (A) has completed courses in accordance with subsection (3); and
 - (B) holds a Australian Sailing RYA Yachtmaster Offshore or Yachtmaster Ocean certificate of competence, or another certificate the National Regulator considers to be equivalent; and
 - (g) for the duties mentioned in paragraph (c) of the definition of **specified duties** in section 4 — holds a Australian Sailing RYA Yachtmaster Coastal certificate, Coxswain (Sail) certificate or another certificate the National Regulator considers to be at least equivalent.
- Note for paragraph (d)* The Australian Maritime College (AMC) issues Short Range Operator Certificates of Proficiency as a delegate of the Australian Communications and Media Authority under section 122A of the *Radiocommunications Act 1992*. Information on equivalent qualifications is available on the AMC website.
- (3) For sub-subparagraph (2)(f)(ii)(A), the courses are:
 - (a) MARC037 – operate inboard and outboard motors or equivalent unit of the MAR maritime training package developed by the Maritime Industry Reference Committee; or
 - (b) the Australian Sailing RYA *Diesel Engine course* and the Australian Sailing Powerboat Handling course; or
 - (c) the Australian Sailing RYA *Diesel Engine course* and the RYA *Level 2 Powerboat course*.