



Draft Marine Order 3 Structure and Format

As Marine Order 3 is actual legislation, its structure and format has to be compliant with Australian Government legal drafting requirements. The consultation draft is significantly different to the Order that is currently in place, which will be called throughout this document, Issue 6.

The framework of general principles and specific rules regarding seafarer certificates is contained in the main part of the Order. The details about grades of certificate, permitted duties and requirements for eligibility, sea service, revalidation and transition are specified for master and deck officers, engineering officers and ratings separately in Schedules 2, 3 and 4 respectively.

The table shown below outlines where clauses in the consultation draft relate to equivalent clauses, where they exist, in Issue 6.

Marine Orders Part 3 - Mapping Clauses in the Consultation Draft to relevant parts of Issue 6

Consultation Draft Clauses	Issue 6 Clauses
Marine Orders Part 3, issue 7 (Seafarer certification)	Marine Orders Part 3 Seagoing Qualifications (Issue 6)
Division 1 Preliminary	
1. Name of Order	NEW
2. Commencement	NEW
3. Repeal of Marine Orders Part 3, issue 6	NEW
4. Purpose	Section A, 1. Purpose and power
5. Power	Section A, 1. Purpose and power
6. Definitions	Section A, 2. Definitions of words and phrases used in this Part
7. Interpretation	Section A, 3. Interpretation
8. Application	Section A, 4. Application
9. Certification taken to be qualification to perform duties	Section A, 6.1 Certificates required to serve
10. Issue of certificates - within a class and for permitted duties on certain ships	Section A, 6. Certificate to be held
11. Grades of certificate - permitted duties	Section A, 6. Certificate to be held
12. Endorsements of certificates	NEW
Division 2 Seafarer certificates - administration	
Subdivision 2.1 Application	
13. Application process for seafarer certificate	Section B, 7. Applying for the issue, revalidation or endorsement of a certificate
14. Period for consideration of application	NEW

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15. Decision on application and notification of decision	Section B, 8. Issue, revalidation and endorsement of certificates
Subdivision 2.2 Form, conditions and term of certificate	
16. Form	NEW
17. Conditions	Section B, 11. Dealing with certificates
18. Term	Section B, 9. Duration of certificates
Division 3 Seafarer certificates – eligibility	
Subdivision 3.1 General requirements	
19. General requirements	Section C, 12. Knowledge of English
20. Eligibility requirements for certificates of safety training	Section C, 20. Certificate of safety training
Subdivision 3.2 Calculating qualifying seagoing service	
21. Eligibility for certificate dependant on qualifying seagoing service	Section C, 16. Calculation of sea service (16.1)
22. Calculation of qualifying seagoing service requirements – general rules	Section C, 16. Calculation of sea service
23. Qualifying seagoing service requirements for master, deck and engineer officer certificates	Section C, 16. Calculation of sea service
24. Discounting service	Section C, 16. Calculation of sea service (16.5)
25. Recognition of service on other types of ships etc.	Section C, 16. Calculation of sea service (16.6)
26. Equivalence in service	Section C, 15. Equivalent qualifying sea service and training
27. Equivalence in training	Section C, 15. Equivalent qualifying sea service and training
Division 4 Recognition of certificates issued overseas	
28. Definitions	NEW
29. Application process for certificate of recognition	Section C, 21. Recognition of certificates issued overseas
30. Period for consideration of application	NEW
31. Decision on application and notification of decision	Section C, 21. Recognition of certificates issued overseas
32. Conditions and term of certificate of recognition	Section B, 9.2 Duration of certificate of recognition
Division 5 Certificates – revalidation and endorsements	
Subdivision 5.1 Revalidation	
33. Application process for revalidation	Section B, 10. Revalidation (10.1)
34. Period for consideration of application	NEW
35. Decision on application and notification of decision	NEW

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Subdivision 5.2 Endorsements		
36. Application process for endorsement	Section B, 7. Applying for the issue, revalidation or endorsement of a certificate Section B, 8. Issue, revalidation and endorsement of a certificate	
37. Period for consideration of application		
38. Decision on application and notification of decision		
39. Term of endorsement		
40. Application for revalidation endorsement		
Division 6 General		
41. Approved courses and assessments – timing	Section B, 7. Applying for the issue, revalidation or endorsement of a certificate (7.3 & 7.4)	
42. Responsibility of ship owner or operator	Section B, 7. Applying for the issue, revalidation or endorsement of a certificate (7.2)	
43. Replacement of certificate when lost, stolen or destroyed	Section B, 11.8 Replacement of certificates	
44. Disposal of certificate by AMSA	NEW	
45. Defacement of certificate	Section B, 11.5 Unlawful alteration	
Division 7 Regulatory action		
46. Grounds for regulatory action	Section B, 11.1 Power to deal with certificate	
47. Forms of regulatory action	Section B, 11.1 Power to deal with certificate	
48. Taking regulatory action	Section B, 11.2 Rights of certificate holder	
49. Immediate suspension of certificate	Section B, 11.3 Serious accident or incidents	
50. Failure to surrender certificate	Section B, 11.6 Cancelled or suspended certificates	
Division 8 Seafarer training courses		
NEW		
Subdivision 8.1 Applications		
51. Application process for approval to provide seafarer training course		
52. Period for consideration of application		
53. Decision on application and notification of decision		
54. Term of approval		
55. Cancellation or suspension of approval		
56. Application for renewal of approval		
Subdivision 8.2 Training course audits		
57. When training course audit conducted		
58. Purpose of training course audit		
59. Compliance with auditor's requirements		

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Division 9 Review of decisions	
60. Meaning of reviewable decision for this Division	Section A, 5. Review of decisions
61. Internal review of decisions	Section A, 5. Review of decisions
62. AAT review	Section A, 5. Review of decisions
Division 10 Transitional arrangements	NEW
63. Expiry of certificates issued under a previous issue of Marine Orders Part 3	
64. Current master or deck certificate holders	
65. Current engineering certificate holders	
66. Current certificates of proficiency as ratings holders	
67. Security awareness training requirement	
68. Security duties training requirement for persons designated to perform security duties	
69. Transitional amendments	
Schedule 1 Reviewable decisions	NEW
Schedule 2 Masters and deck officers	Section D Specific requirements for deck officers
Schedule 3 Engineer officers	Section E Specific requirements for engineers
Schedule 4 Ratings	Section F Specific requirements for ratings
Schedule 5 Endorsements	NEW
Schedule 6 1 July 2013 Amending Schedule – certificate of proficiency as rating as marine cook	NEW
Schedule 7 1 January 2014 Amending Schedule – security awareness training eligibility requirement for certificates	NEW