



**Australian Government**

**Australian Maritime Safety Authority**

AMSA MO 2014/2

**Marine Order 70 (Seafarer certification) 2014**

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I, Graham Peachey, Chief Executive Officer of the Australian Maritime Safety Authority, make this Order under subsection 342(1) of the *Navigation Act 2012*.

21 February 2014

**Graham Peachey**  
Chief Executive Officer

	Page
<b>Division 1 Preliminary.....</b>	<b>4</b>
1 Name of Order .....	4
1A Commencement.....	4
1B Repeal of <i>Marine Order 3 (Seagoing qualifications) 2004</i> .....	4
2 Purpose.....	4
3 Power .....	4
4 Definitions .....	5
5 Interpretation.....	7
6 Application .....	8
7 Issue of certificates — within a class and for permitted duties on certain vessels.....	8
8 Endorsements of certificates .....	9
<b>Division 2 Seafarer certificates other than certificates of recognition — administration .....</b>	<b>9</b>
9 Application of Division 2.....	9
<b>Subdivision 2.1 Application .....</b>	<b>9</b>
10 Application process for seafarer certificate other than certificate of recognition .....	9
11 Period for consideration of application.....	10
12 Decision on application and notification of decision .....	10
<b>Subdivision 2.2 Form, conditions and term of certificate .....</b>	<b>10</b>
13 Form .....	10
14 Conditions .....	11
15 Term .....	11
<b>Division 3 Seafarer certificates — eligibility.....</b>	<b>12</b>
<b>Subdivision 3.1 Calculating qualifying seagoing service.....</b>	<b>12</b>
16 Requirement for qualifying seagoing service appropriate for certificate grade .....	12
17 Calculation of qualifying seagoing service requirements — general rules.....	12
18 Discounting service.....	12
19 Recognition of service on other types of vessels etc.....	12
20 Equivalence in service.....	13
21 Equivalence in training.....	13
<b>Subdivision 3.2 Certificates of proficiency as marine cook and certificates of safety training .....</b>	<b>13</b>
22 Eligibility criteria for certificate of safety training.....	13
23 Eligibility criteria for certificate of proficiency as marine cook .....	13
24 Marine cook certificate taken to be qualification to perform duties.....	14
25 Requirements for revalidation of certificate of proficiency as marine cook .....	14
<b>Division 4 Recognition of certificates issued overseas .....</b>	<b>14</b>
26 Definitions .....	14
27 Application process for certificate of recognition or restricted certificate of recognition .....	14
28 Period for consideration of application.....	15
29 Decision on application and notification of decision .....	15
30 Conditions and term of certificate of recognition etc.....	17
<b>Division 5 Seafarer certificates — revalidation and endorsement .....</b>	<b>17</b>
<b>Subdivision 5.1 Revalidation .....</b>	<b>17</b>
31 Application process for revalidation .....	17
32 Period for consideration of application.....	18
33 Decision on application and notification of decision .....	18
<b>Subdivision 5.2 Endorsements.....</b>	<b>18</b>
34 Application process for endorsement .....	18
35 Period for consideration of application.....	19
36 Decision on application and notification of decision .....	19
37 Term of endorsement .....	19

	Page
38	Application process for revalidation of endorsement..... 21
<b>Division 6</b>	<b>General..... 21</b>
39	Approved courses and assessments — timing ..... 21
40	Responsibility of vessel owner..... 21
41	Revocation of certificates..... 22
42	Replacement of certificate when lost, stolen or destroyed ..... 22
43	Disposal of certificate by AMSA..... 22
44	Defacement of certificate ..... 22
45	Availability of information about seafarer certificates ..... 22
<b>Division 7</b>	<b>Regulatory action..... 23</b>
46	Grounds for regulatory action ..... 23
47	Forms of regulatory action ..... 23
48	Taking regulatory action ..... 24
49	Immediate suspension of certificate ..... 24
50	Failure to surrender certificate ..... 25
<b>Division 8</b>	<b>Seafarer training courses..... 25</b>
<b>Subdivision 8.1</b>	<b>Applications..... 25</b>
51	Application process for approval to provide seafarer training course..... 25
52	Period for consideration of application..... 25
53	Decision on application and notification of decision ..... 26
54	Term of approval..... 26
55	Cancellation or suspension of approval..... 26
56	Application for renewal of approval..... 27
<b>Subdivision 8.2</b>	<b>Training course audits..... 27</b>
57	When training course audit to be conducted ..... 27
58	Purpose of training course audit..... 27
59	Compliance with auditor's requirements..... 27
<b>Division 9</b>	<b>Review of decisions..... 27</b>
60	Internal review of decisions ..... 27
61	AAT review..... 28
<b>Division 10</b>	<b>Transitional arrangements ..... 28</b>
62	Recognition of previous approvals to provide seafarer training courses..... 28
63	References to <i>Marine Order 3 (Seagoing qualifications) 2004</i> ..... 28
64	Amending schedule ..... 28
<b>Schedule 1</b>	<b>Reviewable decisions ..... 29</b>
<b>Schedule 2</b>	<b>Endorsements ..... 30</b>
<b>Schedule 3</b>	<b>Amending Schedule — Marine Cook eligibility requirements. ..... 37</b>

**Section 1**

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**Division 1 Preliminary**

**1 Name of Order**

This Order is *Marine Order 70 (Seafarer certification) 2014*.

**1A Commencement**

This Order commences on 1 April 2014.

*Note* This Order is amended by Schedule 3 on 1 July 2014 — see s 64.

**1B Repeal of *Marine Order 3 (Seagoing qualifications) 2004***

*Marine Order 3 (Seagoing qualifications) 2004* is repealed.

**2 Purpose**

This Order:

- (a) sets out general provisions that apply for a person to be a qualified master, officer or other seafarer under the Navigation Act; and
- (b) gives effect to the STCW Convention.

*Note* The 2011 edition of the STCW Convention and the STCW Code (including the amendments to the annex of the Convention known as the 2010 Manila Amendments) can be purchased from the International Maritime Organization. See the IMO website at <http://www.imo.org/publications>.

**3 Power**

- (1) The following provisions of the Navigation Act provide for this Order to be made:
  - (a) section 28 which provides that regulations may provide for seafarer certificates and give effect to the STCW Convention;
  - (b) subsection 29(1) which provides that regulations may prescribe different classes of seafarer certificates and require an individual to hold a seafarer certificate of a particular kind to undertake particular duties, or perform particular functions, as a seafarer;
  - (c) subsection 29(2) which provides that the regulations may prescribe, for seafarer certificates, proficiencies, competencies and standards, qualifications, experience, minimum age, character, health, nationality, citizenship or residence;
  - (d) subsection 29(3) which provides that the regulations may provide for:
    - (i) how the attainment of proficiencies, competencies and standards is to be evidenced (including the gaining of sea service and other experience); and
    - (ii) the instruction, training and examination of seafarers (including the conduct of exams etc); and
    - (iii) the recognition of certificates and other documents granted or issued to or for masters, officers and seafarers under the national law, the law of a State, a Territory or a foreign country; and
    - (iv) conditions to which seafarer certificates are subject;
  - (e) subsection 314(1) which provides that regulations may provide for the following matters for certificates: the persons who may apply, the forms for

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**Section 4**

applying, the way of applying, the information to be included in applications and the documents to accompany applications;

- (f) subsection 314(3) which provides that the regulations may provide, for certificates, criteria to be satisfied for their issue, variation or revocation, the time limits for the determination of applications, information to be included in certificates, the person in whose name a certificate is to be issued, conditions to which certificates are subject and conditions that may be imposed on certificates by issuing bodies, the time certificates, variation of certificates and revocations of certificates come into force, the time certificates cease to be in force and ways of replacing certificates;
  - (g) subsection 314(4) which provides that criteria and conditions may relate to compliance with specified standards;
  - (h) subsection 314(5) which provides that regulations may provide for the renewal, suspension, transfer and surrender of certificates, and reports and declarations of issuing bodies, inspectors or other persons;
  - (i) subsection 342(1) which provides for the making of Marine Orders for any matter for which provision must or may be made by the regulations.
- (2) Subsection 339(1) of the Navigation Act also provides a general regulation making power for matters required or permitted to be prescribed by the Navigation Act, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

*Note* The Navigation Act includes a number of offences relating to seafarer certificates — see Chapter 2, Part 2, Division 3 of the Act. Offences include falsely representing that a person holds a kind of certificate (section 34), performing duties or functions without the appropriate seafarer certificate (section 35) and breaching a condition of a seafarer certificate (section 37).

#### **4 Definitions**

In this Order:

***approved*** means approved in writing by AMSA.

***certificate of medical fitness***, for a seafarer certificate issued for duties on a vessel — see meaning of certificate of medical fitness in section 2 of *Marine Order 9 (Health — medical fitness) 2010*.

***certificate of proficiency as marine cook*** means a seafarer certificate that permits the holder to perform marine cook duties or functions on vessels of any size in any operating area.

***certificate of recognition***, other than in Division 4, means a certificate of recognition or a restricted certificate of recognition issued by AMSA.

***certificate of safety training*** means a seafarer certificate that meets the requirements of:

- (a) STCW Convention, Annex, Chapter VI, regulation VI/1; and
- (b) STCW Code section A-VI/6 paragraph 4.

***examiner*** means a suitably qualified AMSA employee appointed by AMSA to conduct examinations under this Order.

***ECDIS*** means Electronic Chart Display and Information System.

***final assessment***, for the following matters, means an assessment by AMSA, of which part must be conducted by oral examination by an examiner, of whether

**Section 4**

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the applicant has operational knowledge and knowledge of Australian maritime legislation appropriate for the grade of the certificate:

- (a) an application for a certificate;
- (b) an application for revalidation of a certificate.

**functions endorsement** means an endorsement of a seafarer certificate permitting duties or functions on a regulated Australian vessel.

**HSC Code** means the *International Code of Safety for High-Speed Craft, 2000*, adopted and published by the IMO, as in force from time to time.

**kind**, for propulsion of a vessel, means steam or motor.

**length** means the overall length of a vessel.

**marine cook duties or functions** means preparation of food for seafarers as vessel cook.

**monitored**, for a training course, means monitored by the seafarer training organisation providing the course.

**National Regulator** — see section 9 of the Marine Safety (Domestic Commercial Vessel) National Law set out in Schedule 1 to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

**near-coastal waters** means the waters landward of the outward boundary of the exclusive economic zone of Australia.

**oral examination** means a verbal examination in appropriate operational knowledge conducted by an examiner.

**primary certificate**, for revalidation or endorsement of a certificate of recognition, means:

- (a) the foreign certificate that is recognised by the certificate of recognition; or
- (b) the certificate that:
  - (i) was issued by a maritime administration of a country, other than Australia, that is a signatory to the STCW Convention; and
  - (ii) is recognised by the certificate of recognition.

**qualifying seagoing service** means service on a vessel calculated in accordance with Subdivision 3.1 for eligibility for a seafarer certificate.

**registration authority** means any of the following:

- (a) the Australian Skills Quality Authority;
- (b) the Victorian Registration and Qualifications Authority;
- (c) the Training Accreditation Council Western Australia.

*Note* See the website at <http://www.asqa.gov.au> for information about the Australian Skills Quality Authority, the website at <http://www.vrqa.vic.gov.au> for information about the Victorian Registration and Qualifications Authority and the website at <http://www.tac.wa.gov.au> for information about the Training Accreditation Council Western Australia.

**registered training organisation** means a training organisation registered by a registration authority.

**revalidate** means renew.

**seafarer training organisation** means:

- (a) a registered training organisation; or

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**Section 5**

(b) the Australian Maritime College.

*Note* The Australian Maritime College is an institute of the University of Tasmania.

**State** includes the Northern Territory.

**training course** includes training program.

**vessel endorsement** means an endorsement of a seafarer certificate permitting stated duties or functions on a stated kind of vessel, including the following:

- (a) a tanker endorsement for which the qualification requirements are specified in STCW Convention Regulations V/1-1 and V/1-2;
- (b) a passenger vessel endorsement for which the qualification requirements are specified in STCW Convention Regulation V/2;
- (c) a high speed craft endorsement;
- (d) a sailing vessel endorsement;
- (e) a WIG type A craft endorsement;
- (f) tanker familiarisation.

*Note 1* An endorsement mentioned in paragraph (b) of the definition of **vessel endorsement** may be an endorsement permitting duties or functions on a ro-ro passenger vessel.

*Note 2* For information on obtaining copies of IMO documents mentioned in this Order see AMSA's website at <http://www.amsa.gov.au> or email [international.relations@amsa.gov.au](mailto:international.relations@amsa.gov.au).

*Note 3* Some terms used in this Order are defined in *Marine Order 1 (Administration) 2013*, including:

- AMSA Act
- IMO
- Navigation Act
- NSCV
- SOLAS
- STCW Code.

*Note 4* Other terms used in this Order have the same meaning that they have in the Navigation Act, including:

- AMSA
- Government vessel
- master
- officer
- owner
- regulated Australian vessel
- seafarer
- seafarer certificate
- STCW Convention.

*Note 5* For delegation of AMSA's powers under this Order — see the AMSA website at <http://www.amsa.gov.au>.

## **5 Interpretation**

In this Order, unless otherwise provided:

- (a) a requirement to hold a certificate is a requirement to hold a certificate:
  - (i) that is not suspended; and
  - (ii) that has not been cancelled; and

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**Section 6**

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- (iii) the expiry date of which has not been reached; and
- (b) a requirement to hold any other qualification is a requirement to hold a qualification that has not been revoked, however described; and
- (c) the revalidation of a certificate has the same effect as the issue of a certificate.

**6 Application**

This Order applies to the following persons:

- (a) a person performing or intending to perform, duties or functions as a qualified seafarer on a regulated Australian vessel;
- (b) a person who holds a seafarer certificate;
- (c) an owner of a regulated Australian vessel who employs a person who holds a seafarer certificate.

**7 Issue of certificates — within a class and for permitted duties on certain vessels**

- (1) For subsection 29(1) of the Navigation Act, the classes of seafarer certificates are as follows:

- (a) a certificate of competency as master or deck officer;
- (b) a certificate of competency as engineer officer;
- (c) a certificate of proficiency as rating;
- (d) a certificate of proficiency as marine cook;
- (e) a certificate of safety training.

*Note* A seafarer certificate is issued by AMSA under section 31 of the Navigation Act — see definition of *seafarer certificate* in subsection 14(1) of that Act.

- (2) For subsection 30(1) of the Navigation Act, the kinds of seafarer certificates are:

- (a) a certificate of a class mentioned in subsection (1); and
- (b) a certificate of recognition of a class mentioned in paragraph (1)(a), (1)(b) or (1)(c).

- (3) A seafarer certificate is issued for permitted duties or functions on a regulated Australian vessel.

*Note* A seafarer certificate, other than a certificate of safety training, may also be endorsed to permit the performance of duties and functions — see s 8.

- (4) AMSA may issue more than 1 seafarer certificate to a person only if:

- (a) all of the duties or functions permitted by 1 of the seafarer certificates are not included in the duties or functions permitted by another seafarer certificate held by the person; or
- (b) there is no other seafarer certificate that includes all of the duties and functions permitted by all of the seafarer certificates to be issued.

*Example for paragraph (a)*

- 1 A person may hold a certificate of competency as deck officer and a certificate of competency as engineer officer.
- 2 A person cannot hold a certificate of competency as Master and a certificate of competency as Master < 3000 GT.



*Example for paragraph (b)*

A person cannot hold both an Engineer Class II (Steam) and an Engineer Class II (motor) if the person is eligible for an Engineer Class II (Steam and Motor).

## **8 Endorsements of certificates**

- (1) A seafarer certificate may be endorsed under Division 5 to permit either or both:
  - (a) the performance of stated duties or functions on a stated kind of vessel, using a *vessel endorsement*; and
  - (b) the performance of stated duties or functions, using a *functions endorsement*.

*Note* For the meaning of *functions endorsement* and *vessel endorsement* — see s 4.

- (2) Duties or functions may be stated on an endorsement by reference to the STCW Code or the HSC Code.

*Note* A 2008 consolidated edition of the HSC Code can be purchased from the International Maritime Organization. See the IMO website at <http://www.imo.org/publications>.

## **Division 2 Seafarer certificates other than certificates of recognition — administration**

### **9 Application of Division 2**

For a seafarer certificate that is a certificate of recognition, this Division applies only as mentioned in section 30.

*Note* For the recognition of certificates issued overseas — see Division 4.

### **Subdivision 2.1 Application**

### **10 Application process for seafarer certificate other than certificate of recognition**

- (1) An application for a seafarer certificate must:
  - (a) be in writing; and
  - (b) mention the class of seafarer certificate applied for; and
  - (c) if the seafarer certificate is not a certificate of proficiency as marine cook or a certificate of safety training — mention the kind and grade of certificate applied for; and
  - (d) include details of how the applicant satisfies the eligibility requirements for the class and, if applicable, kind and grade applied for.

*Note 1* See *Marine Order 71 (Masters and deck officers) 2014*, *Marine Order 72 (Engineer Officers) 2014* or *Marine Order 73 (Ratings) 2014* for eligibility requirements for seafarer certificates.

*Note 2* A fee may be determined for the application — see s 47 of the AMSA Act.

*Note 3* If a form is approved for the application, the approved form must be used and is available on the AMSA website at <http://www.amsa.gov.au> — see *Marine Order 1 (Administration) 2013*.

*Note 4* Giving false or misleading information is an offence against s 136 of the Criminal Code.

- (2) AMSA may, in writing, require the applicant to give AMSA further information or documents that AMSA reasonably needs to decide the application.

## **Section 11**

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- (3) If AMSA asks for information or a document under subsection (2), it must tell the applicant, in writing, about the effect of the request on the period for consideration of the application.

### **11 Period for consideration of application**

The application must be considered within 28 days after:

- (a) if no request for further information or documents is made under subsection 10(2) — AMSA receives the application; or
- (b) AMSA receives all the information or documents requested under subsection 10(2); or
- (c) if AMSA does not receive all of the information or documents requested under subsection 10(2) within a reasonable period for the kind of request — that period.

### **12 Decision on application and notification of decision**

- (1) AMSA must, within the period mentioned in section 11:
- (a) decide the application; and
  - (b) tell the applicant, in writing, the decision made on the application; and
  - (c) if the decision is to refuse to issue the seafarer certificate — tell the applicant, in writing, the reasons for the decision.

*Note 1* A certificate may only be issued by AMSA under s 31 of the Navigation Act if AMSA is satisfied that the criteria prescribed for the issue of the certificate are met — see paragraph 31(1)(b) of the Navigation Act. For criteria — see Division 3.

*Note 2* A decision by AMSA under s 31 of the Navigation Act to refuse to issue a seafarer certificate is a reviewable decision — see s 313 of the Navigation Act.

- (2) If AMSA does not decide the application within the period mentioned in section 11, AMSA is taken to have decided to refuse to issue the seafarer certificate.
- (3) However, if AMSA does not decide the application within the period mentioned in section 11, AMSA may decide to issue the seafarer certificate after that period.

## **Subdivision 2.2 Form, conditions and term of certificate**

### **13 Form**

- (1) A seafarer certificate must be in writing and include the following:
- (a) the name of the person to whom it is issued;
  - (b) the date of birth of the person;
  - (c) a passport-style photograph showing the face, head and shoulders of the person;
  - (d) the signature of the person;
  - (e) the date of issue of the certificate;
  - (f) the date of expiry of the certificate;
  - (g) the class of certificate;

- (h) for a certificate other than a certificate of proficiency as marine cook or a certificate of safety training — the kind and grade of certificate and the STCW regulation number for the grade of certificate;
  - (i) for a certificate of safety training — the STCW regulation number;
  - (j) the conditions on the certificate;
  - (k) any endorsements on the certificate;
  - (l) any other information AMSA considers relevant.
- (2) If AMSA issues a seafarer certificate for duties or functions on a vessel operating under the STCW Convention, the form of the certificate must meet the requirements of the STCW Convention.

*Note* For STCW Convention requirements for certificates and endorsements — see regulation I/2 of the STCW Convention.

#### **14 Conditions**

An issued or revalidated seafarer certificate is subject to the following conditions:

- (a) the person to whom it is issued must comply with the Navigation Act and instruments made under the Navigation Act including this Order;
- (b) if the person to whom it is issued changes name or address — the person must, within 90 days after the day the change happens, tell AMSA, in writing, about the change;
- (c) any other conditions imposed by AMSA when the certificate is issued or revalidated.

#### **15 Term**

- (1) A seafarer certificate:
- (a) comes into force on the day it is issued; and
  - (b) expires on the earliest of the following:
    - (i) the day determined by AMSA;
    - (ii) the day 5 years after it is issued;
    - (iii) if it is revoked — the day of revocation.
- (2) If a seafarer certificate is suspended, it is not in force during the period of suspension.
- (3) However, AMSA may extend the term of a certificate of competency, a certificate of proficiency as rating or a certificate of proficiency as marine cook if:
- (a) the person holding the certificate has applied for revalidation of the certificate before its expiry; and
  - (b) AMSA is satisfied that circumstances exist preventing the person from completing the requirements for revalidation before the expiry of the certificate.
- (4) AMSA may extend the term of a certificate mentioned in subsection (3):
- (a) if it was issued under the Navigation Act — for up to 6 months; or
  - (b) if it was issued under *Marine Order 3 (Seagoing qualifications) 2004* — for up to 6 months but only so that it expires before 1 January 2017.

## Section 16

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- (5) Any seagoing service by the person within a period for which the term is extended is not qualifying seagoing service.
- (6) This section applies to the revalidation of a seafarer certificate in the same way that it applies to the issue or expiry or extension of the term of a seafarer certificate.

*Note* The term of a certificate of recognition or a revalidated certificate of recognition may not be extended as subsection (3) does not apply to a certificate of recognition or a revalidated certificate of recognition — see sections 9 and 30.

## Division 3 Seafarer certificates — eligibility

### Subdivision 3.1 Calculating qualifying seagoing service

#### 16 Requirement for qualifying seagoing service appropriate for certificate grade

For paragraph 31(1)(b) of the Navigation Act, a criterion for the issue by AMSA to a person of a seafarer certificate is that the person has qualifying seagoing service appropriate for the grade of certificate.

*Note 1* For the meaning of *qualifying seagoing service* — see s 4.

*Note 2* For other criteria for the issue of seafarer certificates see *Marine Order 71 (Masters and deck officers) 2014*, *Marine Order 72 (Engineer Officers) 2014* or *Marine Order 73 (Ratings) 2014*.

#### 17 Calculation of qualifying seagoing service requirements — general rules

- (1) This section applies to the calculation of qualifying seagoing service for a seafarer certificate.
- (2) A period of qualifying seagoing service is to be calculated:
  - (a) from the date of engagement to the date of discharge from a vessel, both dates inclusive; and
  - (b) by the month as the time from a day in a month to the preceding day of the following month, both days inclusive.
- (3) For paragraph (2)(b):
  - (a) days, from different periods of sea service, that do not form a completed month are to be added together; and
  - (b) each addition of 30 days is taken to be 1 month.

#### 18 Discounting service

If AMSA considers that a period of qualifying seagoing service was completed at a time that is, or in circumstances that are, of little or no relevance to the seafarer certificate being applied for, AMSA may discount all or part of the service.

#### 19 Recognition of service on other types of vessels etc

AMSA may recognise qualifying seagoing service, in capacities or trades or on kinds of vessels, that is not recognised by this Order as seagoing service according to its equivalence to:

- (a) the duration and frequency of voyages; and

- (b) the kind of duties performed and their duration and frequency; and
- (c) the level of responsibility during the service; and
- (d) the relevance of the service to the seafarer certificate applied for.

*Example*

Service on a Government vessel.

*Note* For further information — see the AMSA website at <http://www.amsa.gov.au>.

**20 Equivalence in service**

- (1) This section applies to a person who completes seagoing service that AMSA considers equal to all or part of seagoing service being considered for eligibility of the person to hold a seafarer certificate.
- (2) The seagoing service completed is taken to be qualifying seagoing service for the seafarer certificate to the extent that AMSA considers appropriate.

**21 Equivalence in training**

- (1) This section applies to a person who completes training that AMSA considers equal to all or part of the training being taken into account for eligibility of a person to hold a seafarer certificate.
- (2) The training completed is taken to be training required for the seafarer certificate to the extent that AMSA considers appropriate.

***Subdivision 3.2 Certificates of proficiency as marine cook and certificates of safety training***

**22 Eligibility criteria for certificate of safety training**

For paragraph 31(1)(b) of the Navigation Act, the criteria for the issue by AMSA to a person of a certificate of safety training are as follows:

- (a) the person is at least 16 years old;
- (b) the person has completed an approved seafarer training course that complies with:
  - (i) STCW Code section A-VI/1 paragraph 2; and
  - (ii) STCW Code section A-VI/6 paragraph 4.

**23 Eligibility criteria for certificate of proficiency as marine cook**

For paragraph 31(1)(b) of the Navigation Act, the criteria for the issue by AMSA to a person of a certificate of proficiency as marine cook are as follows:

- (a) the person is at least 18 years old;
- (b) the person has completed:
  - (i) a training course in hospitality that AMSA considers provides appropriate training for the performance of marine cook duties or functions; or
  - (ii) at least 6 months documented qualifying seagoing service as a marine cook before 1 July 2014;
- (c) the person has completed security awareness training (that complies with STCW Code section A-VI/6 paragraph 4);
- (d) the person holds a certificate of safety training;

**Section 24**

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(e) the person holds a certificate of medical fitness.

**24 Marine cook certificate taken to be qualification to perform duties**

For paragraph 35(1)(a) of the Navigation Act, a person must hold a certificate of proficiency as marine cook to perform marine cook duties or functions.

**25 Requirements for revalidation of certificate of proficiency as marine cook**

The requirements for revalidation of a certificate of proficiency as marine cook are that the person holding the certificate:

- (a) has either:
  - (i) documented qualifying seagoing service of 3 months in the 5 years before the application for revalidation; or
  - (ii) performed duties or functions appropriate for the certificate to be revalidated that AMSA considers at least equivalent to the service mentioned in paragraph (a)(i); and
- (b) holds a certificate of medical fitness; and
- (c) holds a certificate of safety training.

**Division 4 Recognition of certificates issued overseas****26 Definitions**

In this Division:

*certificate of recognition* does not include a restricted certificate of recognition.

*foreign certificate* means a certificate that is:

- (a) issued by a maritime administration of a country recognised by Australia, under a memorandum of understanding, for the recognition of seafarers' qualifications; and
- (b) endorsed in accordance with the following provisions of the STCW Convention:
  - (i) for a deck officer — regulation II/1 or II/2;
  - (ii) for an engineer officer — regulation III/1, III/2, III/3 or III/6;
  - (iii) for a deck rating — regulation II/4 or II/5;
  - (iv) for an engine rating — regulation III/4 or III/5; and
- (c) in force under the law of the country that authorises the person holding the certificate to perform duties as a qualified master, officer or other seafarer.

*Note* The countries with which Australia has a memorandum of understanding are listed on the AMSA website at <http://www.amsa.gov.au>.

*restricted certificate of recognition* means a certificate of recognition restricted to the duties and term determined by AMSA.

**27 Application process for certificate of recognition or restricted certificate of recognition**

- (1) A person who holds a foreign certificate may apply to AMSA under subsection 30(1) of the Navigation Act for a certificate of recognition of the foreign certificate.

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**Section 28**

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- (2) A person who holds a certificate that meets the following requirements may apply to AMSA under subsection 30(1) of the Act for a restricted certificate of recognition of the certificate:
- (a) the certificate was issued by a maritime administration of a country, other than Australia, that is a signatory to the STCW Convention;
  - (b) the certificate is not a foreign certificate.
- (3) The application must be in writing and contain the information required by AMSA.

*Note 1* If a form is approved for the application, the approved form must be used and is available on the AMSA website at <http://www.amsa.gov.au> — see *Marine Order 1 (Administration) 2013*.

*Note 2* Giving false or misleading information is an offence against s 136 of the Criminal Code.

*Note 3* A fee may be determined for this section — see s 47 of the AMSA Act.

- (4) The applicant must produce to AMSA:
- (a) the applicant's passport or evidence of the applicant's passport; and
  - (b) for an application for a certificate of recognition — the applicant's foreign certificate or a certified copy; and
  - (c) for an application for a restricted certificate of recognition — the certificate mentioned in subsection (2) or a certified copy.
- (5) AMSA may, in writing, ask the applicant to provide any information or document that AMSA reasonably considers necessary for consideration of the application.
- (6) If AMSA asks for information or a document under subsection (5), it must tell the applicant, in writing, about the effect of the request on the period for consideration of the application.

**28 Period for consideration of application**

An application for a certificate of recognition or a restricted certificate of recognition must be considered within 28 days after:

- (a) if no request for further information or documents is made under subsection 27(5) — AMSA receives the application; or
- (b) AMSA receives all the information or documents requested under subsection 27(5); or
- (c) if AMSA does not receive all of the information or documents requested under subsection 27(5) within a reasonable period for the kind of request — that period.

**29 Decision on application and notification of decision**

- (1) AMSA must, within the period mentioned in section 28:
- (a) decide the application under section 31 of the Navigation Act; and
  - (b) tell the applicant, in writing, the decision on the application; and
  - (c) if the decision is to refuse the application — tell the applicant, in writing, the reasons for the decision.

*Note 1* A certificate of recognition or restricted certificate of recognition may only be issued by AMSA under section 31 of the Navigation Act if AMSA is satisfied that the criteria prescribed by this Order for the issue of that certificate are met — see paragraph 31(1)(b) of the Navigation Act.

**Section 28**

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*Note 2* A decision by AMSA under s 31 of the Navigation Act to refuse to issue a seafarer certificate is a reviewable decision — see s 313 of the Navigation Act.

- (2) For paragraph 31(1)(b) of the Navigation Act, the criteria for the issue by AMSA of a certificate of recognition to a person are as follows:
- (a) AMSA is satisfied on reasonable grounds:
    - (i) about the applicant's identity; and
    - (ii) that the applicant:
      - (A) is an Australian citizen; or
      - (B) is a permanent resident of Australia; or
      - (C) has a visa permitting the applicant to work in Australia; and
    - (iii) that the applicant holds a certificate that:
      - (A) was issued by a maritime administration of a foreign country and is equivalent to the certificate for which the applicant is applying; and
      - (B) was not issued under the STCW Convention near-coastal arrangements of that country; and
    - (iv) that the applicant can comply with the Navigation Act; and
    - (v) that the applicant has completed training and short courses at least equivalent to those required for the equivalent seafarer certificate; and
    - (vi) that the applicant has completed qualifying sea service at least equivalent to the qualifying seagoing service required for the equivalent seafarer certificate;
  - (b) the applicant holds a certificate of medical fitness;
  - (c) for an application for a master or deck officer certificate of recognition — the applicant holds a GMDSS Radio Operators Certificate (that complies with STCW Code section A-IV/2) or a GMDSS certificate of recognition;
  - (d) for an application for a master, deck officer or engineer officer certificate of recognition — the applicant has passed a final assessment.
- (3) For paragraph 31(1)(b) of the Navigation Act, the criteria for the issue by AMSA of a restricted certificate of recognition to a person are as follows:
- (a) the person does not meet the criteria mentioned in subsection (2) for the issue by AMSA of a certificate of recognition;
  - (b) the person holds a certificate of medical fitness;
  - (c) for an application for a master or deck officer restricted certificate of recognition — the applicant holds a GMDSS Radio Operators Certificate (that complies with STCW Code section A-IV/2) or a GMDSS certificate of recognition;
  - (d) for an application for a master, deck officer or engineer officer restricted certificate of recognition — the person has passed a final assessment;
  - (e) AMSA is satisfied on reasonable grounds that the person:
    - (i) is required to perform duties or functions on a regulated Australian vessel; and
    - (ii) holds a certificate that is adequate for the duties or functions to be performed by the person; and
    - (iii) can comply with the Navigation Act.



**Section 31**

- (4) A certificate of recognition or restricted certificate of recognition to be issued must be issued in the class and grade and, if applicable, for the kind of propulsion of the vessel, AMSA considers on reasonable grounds best corresponds to the foreign certificate or qualification held by the applicant.
- (5) If AMSA does not decide the application within the period mentioned in section 28, AMSA is taken to have decided to refuse to issue the certificate of recognition or a restricted certificate of recognition.
- (6) However, if AMSA does not decide the application within the period mentioned in section 28, AMSA may decide to issue the certificate of recognition or restricted certificate of recognition after that period.

**30 Conditions and term of certificate of recognition etc**

- (1) Section 14 applies to a certificate of recognition or a restricted certificate of recognition in the same way that it applies to other seafarer certificates.
- (2) Subsections 15(1) and (2) apply to a certificate of recognition or a restricted certificate of recognition in the same way that they apply to another kind of seafarer certificate.
- (3) Subsection 15(6) applies so that section 15 applies to the revalidation of a certificate of recognition or a restricted certificate of recognition in the same way that it applies to the issue or expiry of a seafarer certificate of another kind.

*Note* A certificate of recognition or restricted certificate of recognition may be revalidated or endorsed by AMSA — see Division 5. Its term may not be extended — see note to subs 15(6).

**Division 5 Seafarer certificates — revalidation and endorsement**

**Subdivision 5.1 Revalidation**

**31 Application process for revalidation**

- (1) A person who holds a seafarer certificate may apply to AMSA to revalidate the certificate if it is not suspended or revoked.

*Note* A fee may be determined for this section — see s 47 of the AMSA Act.

- (2) The application must be in writing and include the following information:
  - (a) a description of the certificate to be revalidated;
  - (b) details of how the applicant satisfies the requirements for the revalidation of the certificate.

*Note 1* See *Marine Order 71 (Masters and deck officers) 2014*, *Marine Order 72 (Engineer Officers) 2014* and *Marine Order 73 (Ratings) 2014* for revalidation requirements for certificates. Section 25 of this Order sets out the revalidation requirements for certificates of proficiency as marine cook.

*Note 2* If a form is approved for the application, the approved form must be used and is available on the AMSA website at <http://www.amsa.gov.au> — see *Marine Order 1 (Administration) 2013*.

- (3) AMSA may, in writing, require the applicant to give AMSA further information or documents that AMSA reasonably needs to decide the application.
- (4) If AMSA asks for information or a document under subsection (3), it must tell the applicant, in writing, about the effect of the request on the period for consideration of the application.

## Section 32

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### 32 Period for consideration of application

An application under section 31 must be considered within 28 days after:

- (a) if no request for further information or documents is made under subsection 31(3) — AMSA receives the application; or
- (b) AMSA receives all the information or documents requested under subsection 31(3); or
- (c) if AMSA does not receive all of the information or documents requested under subsection 31(3) within a reasonable period for the kind of request — that period.

### 33 Decision on application and notification of decision

- (1) AMSA must, within the period mentioned in section 32:
  - (a) decide the application for revalidation; and
  - (b) tell the applicant, in writing, the decision on the application; and
  - (c) if the decision is to refuse to revalidate the certificate — tell the applicant, in writing, the reasons for the decision.

*Note* A decision under this section is a reviewable decision — see s 60.

- (2) AMSA may revalidate a certificate of recognition only if the primary certificate that it recognises has been revalidated by the issuing authority.
- (3) If AMSA does not decide the application within the period mentioned in section 32, AMSA is taken to have decided to refuse to revalidate the certificate.
- (4) However, if AMSA does not decide the application within the period mentioned in section 32, AMSA may decide to revalidate the certificate after that period.

## Subdivision 5.2 Endorsements

### 34 Application process for endorsement

- (1) A person holding a seafarer certificate other than a certificate of safety training may apply to AMSA for endorsement of the certificate.

*Note 1* Giving false or misleading information is an offence against s 136 of the Criminal Code.

*Note 2* A fee may be determined for this section — see s 47 of the AMSA Act.

- (2) The application must:
  - (a) be in writing; and
  - (b) describe the certificate to be endorsed; and
  - (c) describe the way the certificate is to be endorsed; and
  - (d) include evidence of the completion of any approved course required to be completed for the endorsement; and
  - (e) include evidence of the completion of any qualifying seagoing service required to be completed for the endorsement.

*Note* If a form is approved for the application, the approved form must be used and is available on the AMSA website at <http://www.amsa.gov.au> — see *Marine Order 1 (Administration) 2013*.

- (3) AMSA may, in writing, require the applicant to give AMSA further information or documents that AMSA reasonably needs to decide the application.

- (4) If AMSA asks for information or a document under subsection (3), it must tell the applicant, in writing, about the effect of the request on the period for consideration of the application.

### **35 Period for consideration of application**

An application under section 34 must be considered within 28 days after:

- (a) if no request for further information or documents is made under subsection 34(3) — AMSA receives the application; or
- (b) AMSA receives all the information or documents requested under subsection 34(3); or
- (c) if AMSA does not receive all of the information or documents requested under subsection 34(3) within a reasonable period for the kind of request — that period.

### **36 Decision on application and notification of decision**

- (1) AMSA must, within the period mentioned in section 35:
- (a) decide the application for endorsement; and
  - (b) tell the applicant, in writing, the decision on the application; and
  - (c) if the decision is to refuse to endorse the certificate — tell the applicant, in writing, the reasons for the decision.

*Note* A decision under this section is a reviewable decision — see s 60.

- (2) AMSA may endorse a certificate if satisfied that:
- (a) the certificate is in force at the time of endorsement; and
  - (b) for a vessel endorsement mentioned in an item in Table 2.1 of Schedule 2 — the applicant satisfies the eligibility requirements mentioned in the item for the endorsement; and
  - (c) for a functions endorsement mentioned in an item in Table 2.2 of Schedule 2 — the applicant satisfies the eligibility requirements mentioned in the item for the endorsement.

*Note* For the meaning of *functions endorsement* and *vessel endorsement* — see s 4.

- (3) However, AMSA may only endorse a certificate of recognition if the primary certificate that it recognises has been endorsed by the issuing authority.
- (4) If AMSA does not endorse a certificate within the period mentioned in section 32, AMSA is taken to have refused to endorse the certificate.
- (5) However, if AMSA does not decide the application within the period mentioned in section 32, AMSA may decide to endorse the certificate after that period.

### **37 Term of endorsement**

- (1) An endorsement of a certificate comes into force on the day AMSA states that the endorsement comes into force.
- (2) A vessel endorsement mentioned in an item in the following table remains in force for the term mentioned in the item.

<b>Item</b>	<b>Vessel endorsement</b>	<b>Term of endorsement</b>
1	Advanced training for oil tanker cargo operations	5 years after the day the certificate was endorsed

**Section 37**

<b>Item</b>	<b>Vessel endorsement</b>	<b>Term of endorsement</b>
	Advanced training for chemical tanker cargo operations	
	Advanced training for liquefied gas tanker cargo operations	
2	Passenger vessel	5 years after the day the certificate was endorsed
3	High speed craft	(a) a stated period of up to 2 years after the day the certificate was endorsed; or (b) if paragraph (a) does not apply — the term of a stated voyage or voyages; or (c) if paragraph (a) or (b) does not apply — 2 years after the day the certificate was endorsed.
4	Sailing vessel	5 years after the day the certificate was endorsed
5	WIG type A craft	5 years after the day the certificate was endorsed
6	Tanker familiarisation	Perpetual

(3) A functions endorsement mentioned in an item in the following table remains in force for the term mentioned in the item.

<b>Item</b>	<b>Functions endorsement</b>	<b>Term of endorsement</b>
1	Certificate of proficiency in survival craft and rescue boats other than fast rescue boats	5 years after the day the certificate of proficiency was issued
2	Certificate of proficiency in fast rescue boats	5 years after the day the certificate of proficiency was issued
3	Certificate of proficiency as ship security officer	Perpetual
4	Certificate of proficiency as designated security person	Perpetual
5	Certificate of proficiency as Integrated Rating (STCW regulation II/5 and III/5 compliant)	5 years after the day the certificate of proficiency was issued
6	Certificate of proficiency as limited dynamic positioning operator	A stated period that is not more than 5 years after the day the certificate of proficiency was issued
7	Certificate of proficiency as dynamic positioning operator	A stated period that is not more than 5 years after the day the certificate of proficiency was issued

## Section 40

Item	Functions endorsement	Term of endorsement
8	Certificate of proficiency as ECDIS trained	Perpetual

*Note* For the meaning of *functions endorsement* and *vessel endorsement* — see s 4.

- (4) However, the term of an endorsement of a certificate of recognition must be the same as the remainder of the term of the equivalent endorsement of the primary certificate unless AMSA determines another term.
- (5) This section applies to the revalidation of an endorsement in the same way that it applies to an endorsement.

### 38 Application process for revalidation of endorsement

- (1) A person who holds a functions endorsement or a vessel endorsement may apply to AMSA for revalidation of the endorsement under subsection 31(1).
- (2) Subdivision 5.1 applies to an application for revalidation of an endorsement in the same way as it applies to an application for revalidation of a certificate.
- (3) AMSA may revalidate a vessel endorsement of a kind mentioned in an item in Table 2.3 of Schedule 2 only if the person holding the endorsement satisfies the requirements for revalidation mentioned in the item for the endorsement.
- (4) AMSA may revalidate a functions endorsement of a kind mentioned in Table 2.4 of Schedule 2 only if the person holding the endorsement satisfies the requirements for revalidation mentioned in the item for the endorsement.

*Note* Section 37 applies to the term of revalidation of an endorsement — see subs 37(5).

## Division 6 General

### 39 Approved courses and assessments — timing

If a certificate may be issued or revalidated only if the person passes a final assessment:

- (a) AMSA may decide when the person is to undergo the final assessment; and
- (b) the person must pass the final assessment within the 12 months before the certificate is issued or revalidated; and
- (c) if the person does not pass the final assessment, AMSA may decide that the person cannot be reassessed until the end of a period of not more than 6 months after the person underwent the final assessment.

### 40 Responsibility of vessel owner

- (1) The owner of a vessel must, if requested by a seafarer who is performing or has performed duties or functions in relation to the vessel, give to the person making the request details about any of the following that the seafarer requires for an application under this Order:
  - (a) his or her service with the owner;
  - (b) any training mentioned in the STCW Code that the seafarer has undertaken while performing duties or functions in relation to the vessel.

Penalty: 50 penalty units.
- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person is liable to a civil penalty if the person contravenes subsection (1).

**Section 41**

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Civil penalty: 50 penalty units.

**41 Revocation of certificates**

- (1) AMSA may revoke a certificate that contains incorrect information and may issue a certificate with correct information in its place.
- (2) The holder of a revoked certificate must arrange for it to be delivered to an AMSA office as soon as practicable after being notified by AMSA that the certificate has been revoked.

Penalty: 50 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.
- (4) A person is liable to a civil penalty if the person contravenes subsection (2).

Civil penalty: 50 penalty units.

**42 Replacement of certificate when lost, stolen or destroyed**

- (1) AMSA may issue a replacement seafarer certificate to a person if satisfied that the person's original certificate has been lost, stolen or destroyed.
- (2) For subsection (1), AMSA may require the person to give AMSA a statutory declaration signed by the person, stating that the original certificate has been lost, stolen or destroyed.

*Note 1* A fee may be determined for this section — see s 47 of the AMSA Act.

*Note 2* If a form is approved for the application, the approved form must be used and is available on the AMSA website at <http://www.amsa.gov.au> — see *Marine Order 1 (Administration) 2013*.

**43 Disposal of certificate by AMSA**

- (1) AMSA may dispose of a seafarer certificate issued to a person if the person has returned the certificate to AMSA and the person has applied for a new certificate to replace the certificate.
- (2) AMSA must issue a person with a new certificate to replace the certificate if the person is entitled to a new certificate and AMSA disposes of a certificate under subsection (1).

**44 Defacement of certificate**

- (1) A person must not deface or physically alter a seafarer certificate.

Penalty: 50 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 50 penalty units.

- (4) This section does not apply if:
  - (a) the person is AMSA or the person acts on the authority of AMSA; and
  - (b) the person physically alters the certificate for the purpose of endorsing or revalidating a certificate, removing an endorsement or revalidation from the certificate or issuing a replacement certificate.

**45 Availability of information about seafarer certificates**

AMSA may make available, on request, to the owner of a vessel or to the Administration of a country that is a Party to the STCW Convention information

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**Section 48**

about the status of a seafarer certificate or an endorsement of a seafarer certificate issued by AMSA, including information about whether it has been suspended or cancelled.

*Note* For the reasons for this section — see paragraph 15 of Regulation I/2 of the STCW Convention.

## **Division 7 Regulatory action**

### **46 Grounds for regulatory action**

Each of the following is a *ground for regulatory action* against a person holding a seafarer certificate:

- (a) the person gave information to AMSA about the application for the person's certificate that was false or misleading;
- (b) the person contravened, or is contravening, a condition of the certificate;
- (c) the person has demonstrated incompetence or misconduct relating to the safe navigation, management or working of a vessel;
- (d) the person cannot for any reason properly perform the duties the person is permitted to perform under the certificate.

### **47 Forms of regulatory action**

Each of the following is *regulatory action* that may be taken under subsection 48(2) against a person holding a seafarer certificate or certificate of recognition:

- (a) requiring the person to complete stated training appropriate for the duties or functions the person is permitted to perform under the certificate to the satisfaction of AMSA or another stated person;
- (b) amending the certificate, including by:
  - (i) imposing a condition on the certificate or amending or removing an existing condition of the certificate; or
  - (ii) imposing a condition on the endorsement of the certificate or amending or removing an existing condition of the endorsement of the certificate;
- (c) suspending the certificate:
  - (i) for a stated period; or
  - (ii) until a stated event happens;
- (d) revoking the certificate;
- (e) disqualifying the person from applying for a certificate, or a particular endorsement of a certificate:
  - (i) for a stated period; or
  - (ii) until a stated event happens.

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**Section 48**

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**48 Taking regulatory action**

- (1) If AMSA proposes to take regulatory action against a person, AMSA must give the person a written notice (a *regulatory action notice*) that:
    - (a) mentions the proposed action (including any proposed disqualification period, suspension period or amendment of a condition on a seafarer certificate); and
    - (b) mentions the grounds for the proposed action; and
    - (c) tells the person that the person may, within 28 days after the person receives the notice, give a written response to AMSA about the notice.
  - (2) AMSA may take regulatory action against the person:
    - (a) after considering any response by the person in accordance with the notice; and
    - (b) if satisfied that a ground for regulatory action has been established.
- Note* A decision under this section is a reviewable decision — see s 60.
- (3) AMSA must give the person written notice of AMSA's decision and the reasons for the decision.
  - (4) Regulatory action takes effect 14 days after the notice of the decision is given to the person or, if the notice mentions a later date, that date.

**49 Immediate suspension of certificate**

- (1) AMSA may suspend a seafarer certificate held by a person immediately by giving the person a written notice (an *immediate suspension notice*) if AMSA reasonably considers that:
  - (a) there is a ground for regulatory action; and
  - (b) it is in the public interest that the certificate be suspended before a decision is made whether to take regulatory action under subsection 48(2).
- (2) If an immediate suspension notice is given to the person:
  - (a) the suspension takes effect when the notice is given to the person; and
  - (b) the person must surrender the certificate to AMSA.
- (3) AMSA must, within 14 days after giving a person an immediate suspension notice:
  - (a) give the person a regulatory action notice; or
  - (b) tell the person in writing that a regulatory action notice will not be given to the person for the same circumstances.
- (4) The immediate suspension of the certificate ends when the earliest of the following happens:
  - (a) if the person is told in writing under paragraph (3)(b) that a regulatory action notice will not be given to the person for the same circumstances — the day AMSA tells the person;
  - (b) if the person is given a regulatory action notice under paragraph (3)(a) — 14 days after AMSA gives the person written notice of AMSA's decision under subsection 48(3);



- (c) if the person is not given either notice under subsection (3) within 14 days after the immediate suspension notice was given to the person — 14 days after the suspension of the notice had effect;
- (d) AMSA revokes the immediate suspension notice.

#### **50 Failure to surrender certificate**

- (1) A person holding a seafarer certificate that has been revoked or for which an immediate suspension notice or a notice of regulatory action suspending the certificate has been given must surrender the certificate to AMSA within 14 days after:
  - (a) if the certificate has been suspended — the day the person was first given notice of the suspension; or
  - (b) the day the certificate was revoked.Penalty: 50 penalty units.
- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person is liable to a civil penalty if the person contravenes subsection (1).  
Civil penalty: 50 penalty units.
- (4) Subsection (1) does not apply to a person holding a certificate for which an immediate suspension notice that ends in accordance with paragraph 49(4)(d) has been given.

### **Division 8 Seafarer training courses**

#### ***Subdivision 8.1 Applications***

#### **51 Application process for approval to provide seafarer training course**

- (1) A seafarer training organisation may apply to AMSA for approval to provide a training course about performing seafarer duties or functions.

*Note 1* If a form is approved for the application, the approved form must be used and is available on the AMSA website at <http://www.amsa.gov.au> — see *Marine Order 1 (Administration) 2013*.

*Note 2* A fee may be determined for this section — see s 47 of the AMSA Act.

- (2) AMSA may, in writing, require the applicant to give AMSA further information or documents that AMSA reasonably needs to decide the application.

*Example*

Information about the proposed training course.

#### **52 Period for consideration of application**

An application for approval under subsection 51(1) must be considered within 56 days after:

- (a) if no request for further information or documents is made under subsection 51(2) — AMSA receives the application; or
- (b) AMSA receives all the information or documents requested under subsection 51(2); or

## Section 53

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- (c) if AMSA does not receive all of the information or documents requested under subsection 51(2) within a reasonable period for the kind of request — that period.

### 53 Decision on application and notification of decision

- (1) AMSA, within the period mentioned in section 52:
  - (a) must decide the application for approval; and
  - (b) if the decision is to approve the application — may impose conditions on the approval; and
  - (c) must tell the applicant, in writing, the decision on the application and any conditions imposed; and
  - (d) if the decision is to refuse the application — must tell the applicant, in writing, the reasons for the decision.

*Note* A decision under this section is a reviewable decision — see s 60.

- (2) AMSA may approve an application only if satisfied that:
  - (a) it is in the public interest to approve the application; and
  - (b) the applicant has the written approval of a registration authority to deliver and assess the training course; and
  - (c) the applicant has the capacity to provide the training course so that it meets the requirements of the STCW Convention for the course.

*Note for paragraph (b)* For information about registered training organisations and the training they are approved to deliver — see the website at <http://training.gov.au>. If the training course is within the scope of the seafarer training organisation's registration by a registration authority, the course has been approved.

- (3) Paragraph (2)(b) does not apply to applications by the Australian Maritime College for approval to provide Advanced Diploma courses or degree courses.
- (4) If AMSA does not decide the application within the period mentioned in section 52, AMSA is taken to have decided to refuse the application.
- (5) However, if AMSA does not decide the application within the period mentioned in section 52, AMSA may decide to approve the application after that period.

### 54 Term of approval

- (1) An approval:
  - (a) comes into force on the day it is issued; and
  - (b) expires on the earliest of the following:
    - (i) the day determined by AMSA;
    - (ii) the day, if any, it is cancelled under section 55;
    - (iii) the day 4 years after it is issued.
- (2) If an approval is suspended, it is not in force during the period of suspension.

### 55 Cancellation or suspension of approval

- (1) AMSA may cancel or suspend an approval under this Division if:
  - (a) the seafarer training organisation fails to comply with a condition imposed on the approval; or
  - (b) the seafarer training organisation is providing a training course the delivery of which is not approved by a registration authority.

- (2) Paragraph (1)(b) does not apply to a course provided by the Australian Maritime College that is an Advanced Diploma or degree course.

## **56 Application for renewal of approval**

- (1) The holder of an approval to conduct a training course may apply to AMSA to renew the approval.

*Note 1* If a form is approved for the application, the approved form must be used and is available on the AMSA website at <http://www.amsa.gov.au> — see *Marine Order 1 (Administration) 2013*.

*Note 2* A fee may be determined for this section — see s 47 of the AMSA Act.

- (2) The application must be:
- (a) in writing; and
  - (b) received by AMSA no later than 90 days before the approval expires.
- (3) An application for renewal of an approval is to be dealt with by AMSA as an application for approval under section 51.

## **Subdivision 8.2 Training course audits**

### **57 When training course audit to be conducted**

AMSA may conduct a training course audit of a seafarer training organisation if the organisation:

- (a) has applied to AMSA for approval under this Division to provide a training course; or
- (b) holds an approval under this Division to conduct a training course.

### **58 Purpose of training course audit**

- (1) A training course audit may only be conducted for the purpose of:
- (a) substantiating information provided to AMSA by the seafarer training organisation about the course; or
  - (b) deciding if the course is being or will be delivered in compliance with the requirements of the STCW Convention that apply to the course; or
  - (c) deciding if the person has complied with the conditions of the person's approval.
- (2) A training course audit may review all aspects of the conduct of a seafarer training course that are relevant to this Order.

### **59 Compliance with auditor's requirements**

A person who is the subject of a training course audit must comply with the reasonable requirements of the person undertaking the audit.

## **Division 9 Review of decisions**

### **60 Internal review of decisions**

- (1) A person mentioned in an item in Schedule 1 as a person affected by a decision mentioned in the item may apply, in writing, to AMSA for internal review of the decision before the later of the following:
- (a) 90 days after:
    - (i) notification of the decision; or

## Section 61

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- (ii) if the decision is not notified within the period for consideration of the application — the end of that period;
  - (b) any longer period determined by AMSA.
- Note* If a form is approved for the application, the approved form must be used and is available on the AMSA website at <http://www.amsa.gov.au> — see *Marine Order 1 (Administration) 2013*.
- (2) AMSA must:
    - (a) affirm the original decision by the decision maker; or
    - (b) make any other decision that it considers appropriate.
  - (3) AMSA must, in writing, tell the applicant of the decision no later than 28 days after the application for internal review was received.
  - (4) A notice under subsection (3) must include:
    - (a) a statement to the effect that, if the person making the application is dissatisfied with the decision, application may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal for review of the decision; and
    - (b) a statement to the effect that the person may request a statement of reasons under section 28 of that Act.
  - (5) Failure to comply with subsection (4) for a decision does not affect the validity of the decision.

### 61 AAT review

A person affected by a decision under subsection 57(2) may apply to the Administrative Appeals Tribunal for review of the decision.

## Division 10 Transitional arrangements

### 62 Recognition of previous approvals to provide seafarer training courses

A person to whom a certificate of approval to provide seafarer training courses, however described, was issued by AMSA before 1 April 2014 is taken to hold an approval to conduct training courses under this Order and to have been approved under Division 8 of this Order to provide a training course about performing seafarer duties or functions.

### 63 References to *Marine Order 3 (Seagoing qualifications) 2004*

A reference to a provision of *Marine Order 3 (Seagoing qualifications) 2004* is taken to be a reference to the equivalent provision of this Order, *Marine Order 71 (Masters and deck officers) 2014*, *Marine Order 72 (Engineer officers) 2014* or *Marine Order 73 (Ratings) 2014* in the following Orders:

- (a) *Marine Order 9 (Health — medical fitness) 2010*;
- (b) *Marine Order 47 (Mobile offshore drilling units) 2012*;
- (c) *Marine Order 51 (Fishing vessels) 1989*;
- (d) *Marine Order 54 (Coastal pilotage) 2011*.

### 64 Amending schedule

Schedule 3 amends this Order on 1 July 2014.

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**Schedule 1 Reviewable decisions**

(section 60)

<b>Item</b>	<b>Provision</b>	<b>Decision</b>	<b>Affected person</b>
1	33(1)	Refuse to revalidate seafarer certificate	Applicant
2	33(1)	Refuse to revalidate an endorsement	Applicant
3	36(1)	Refuse to endorse seafarer certificate	Applicant
4	48(2)	Taking regulatory action against a person	Person subject to regulatory action
5	53(1)	Refuse to approve provision of training course	Seafarer training organisation
6	53(1)	Refusal to renew a seafarer training course approval	Seafarer training organisation holding the approval

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## Schedule 2 Endorsements

(subsections 36(2), 38(3) and 38 (4))

**Table 2.1 Eligibility requirements for vessel endorsements**

Item	Endorsement	Eligibility requirements
1	<p>Advanced training for oil tanker cargo operations</p> <p>Advanced training for chemical tanker cargo operations</p> <p>Advanced training for liquefied gas tanker cargo operations</p>	<p>Person must:</p> <p>(a) hold a certificate of competency as a master, deck officer or engineer officer; and</p> <p>(b) have:</p> <p>(i) at least 6 months approved sea service performing functions appropriate for the endorsement, on a tanker involving cargo handling duties within the 5 years before endorsement of the certificate; or</p> <p>(ii) at least 3 months approved sea service performing functions appropriate for the endorsement on a vessel mentioned in subparagraph (i) which included 6 loads and 6 discharges; or</p> <p>(iii) completed approved shipboard training in cargo handling duties on a tanker performing functions appropriate for the endorsement within the 5 years before the endorsement of the certificate; or</p> <p>(iv) approved sea service, which may include a combination of services mentioned in subparagraphs (i), (ii) and (iii), that AMSA determines to be equivalent to service mentioned in paragraphs (i), (ii) or (iii); and</p> <p>(c) have completed a tanker training course appropriate for the endorsement</p>
2	Passenger vessel	<p>Person must:</p> <p>(a) if on a passenger vessel's muster list as a person responsible for assisting passengers in an emergency — have completed approved training in crisis management and human behaviour stated in paragraph 3 of section A-V/2 of the STCW Code; and</p> <p>(b) if responsible for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board passenger vessels — have completed approved training in passenger safety, cargo safety and hull integrity as specified in paragraph 4 of section A-V/2 of the STCW Code</p>

Item	Endorsement	Eligibility requirements
3	High speed craft (Type rating)	<p>Person is eligible for this endorsement for a route if the person:</p> <ul style="list-style-type: none"> <li>(a) has completed approved high speed craft training, relevant to the type of craft and the route, that meets the requirements of paragraphs 18.3.3.1 to 18.3.3.12 (inclusive) of the HSC Code; and</li> <li>(b) has practical experience and familiarisation training appropriate for the endorsement</li> </ul>
4	Sailing vessels — fore and aft	<p>A certificate of competency as a master may be endorsed for service as master on a fore and aft rig sailing vessel if the person:</p> <ul style="list-style-type: none"> <li>(a) holds 1 of the following certificates: <ul style="list-style-type: none"> <li>(i) Yachting Australia's Yachtmaster Ocean certificate;</li> <li>(ii) another certificate that AMSA considers at least equivalent to the certificate mentioned in subparagraph (i); and</li> </ul> </li> <li>(b) has served as a deck officer on a fore and aft rig sailing vessel: <ul style="list-style-type: none"> <li>(i) for at least 12 months; or</li> <li>(ii) for at least 6 months and produces testimonials from the Master of the vessel confirming that the holder was assessed on board ship and found competent to serve as Master</li> </ul> </li> </ul>
5	Sailing vessels — square rigged	<p>A certificate of competency as a master may be endorsed for service as master on a square rigged sailing vessel if the person:</p> <ul style="list-style-type: none"> <li>(a) completed an approved square rigged training assessment; and</li> <li>(b) has served as a deck officer on a square rigged sailing vessel: <ul style="list-style-type: none"> <li>(i) for at least 12 months; or</li> <li>(ii) for at least 6 months and produces testimonials from the Master of the vessel confirming that the holder was assessed on board ship and found competent to serve as Master</li> </ul> </li> </ul>
6	WIG type A craft (ground effect)	<p>A certificate of competency held by a person may be endorsed for control of a WIG type A craft in ground effect if the person has completed approved training and approved assessment appropriate for the endorsement</p>

Item	Endorsement	Eligibility requirements
7	Tanker familiarisation	Person must have completed an approved course in tanker familiarisation (that complies with STCW Code section A-V/1-1 paragraph 1 (oil and chemical) and section AV/1-2 paragraph 1 (liquefied gas))

**Table 2.2 Eligibility requirements for functions endorsements**

Item	Endorsement	Eligibility requirements
1	Certificate of proficiency in survival craft and rescue boats other than fast rescue boats	<p>Person must:</p> <ul style="list-style-type: none"> <li>(a) be at least 18 years of age; and</li> <li>(b) have completed at least 6 months documented qualifying seagoing service on vessels carrying survival equipment suitable for use on SOLAS vessels; and</li> <li>(c) have completed an approved seafarer training course that complies with paragraphs 1 to 4 of section A-VI/2 of the STCW Code</li> </ul>
2	Certificate of proficiency in fast rescue boat	<p>Person must:</p> <ul style="list-style-type: none"> <li>(a) hold a certificate of proficiency in survival craft and rescue boats other than fast rescue boats; and</li> <li>(b) have completed an approved seafarer training course complying with paragraphs 7 to 10 of section A-VI/2 of the STCW Code</li> </ul>
3	Certificate of proficiency as ship security officer	<p>Person must:</p> <ul style="list-style-type: none"> <li>(a) have: <ul style="list-style-type: none"> <li>(i) completed at least 12 months documented qualifying seagoing service; or</li> <li>(ii) documented qualifying seagoing service and knowledge of vessel operations that AMSA considers equivalent to the service mentioned in subparagraph (i); and</li> </ul> </li> <li>(b) has completed an approved seafarer training course that complies with paragraphs 1 to 4 of section A-VI/5 of the STCW Code</li> </ul>
4	Certificate of proficiency as person with designated security duties	Person must have completed an approved seafarer training course that complies with paragraph 6 of section A-VI/6 of the STCW Code
5	Certificate of proficiency as Integrated Rating (STCW regulation II/5 and III/5 compliant)	Person must have at least 7 months documented qualifying seagoing service while holding the certificate of proficiency as Integrated Rating



Item	Endorsement	Eligibility requirements
6	Certificate of proficiency as limited dynamic positioning operator	Person must: <ul style="list-style-type: none"> <li>(a) hold any of the following AMSA certificates:               <ul style="list-style-type: none"> <li>(i) Watchkeeper (Deck) &lt;500 GT;</li> <li>(ii) Mate &lt;500 GT;</li> <li>(iii) Master &lt;500 GT;</li> <li>(iv) Watchkeeper (Deck);</li> <li>(v) Chief Mate &lt;3000 GT;</li> <li>(vi) Chief Mate;</li> <li>(vii) Master &lt;3000 GT;</li> <li>(viii) Master;</li> <li>(ix) Engineer Watchkeeper;</li> <li>(x) Engineer Class 2;</li> <li>(xi) Engineer Class 1; and</li> </ul> </li> <li>(b) hold an approved certificate as a limited dynamic positioning operator</li> </ul>
7	Certificate of proficiency as dynamic positioning operator	Person must: <ul style="list-style-type: none"> <li>(a) hold any of the following AMSA certificates:               <ul style="list-style-type: none"> <li>(i) Watchkeeper (Deck) &lt;500 GT;</li> <li>(ii) Mate &lt;500 GT;</li> <li>(iii) Master &lt;500 GT;</li> <li>(iv) Watchkeeper (Deck);</li> <li>(v) Chief Mate &lt;3000 GT;</li> <li>(vi) Chief Mate;</li> <li>(vii) Master &lt;3000 GT;</li> <li>(viii) Master;</li> <li>(ix) Engineer Watchkeeper;</li> <li>(x) Engineer Class 2;</li> <li>(xi) Engineer Class 1; and</li> </ul> </li> <li>(b) hold an approved certificate as a dynamic positioning operator</li> </ul>
8	Certificate of proficiency as ECDIS trained	Person must have completed an approved training course in ECDIS as mentioned in STCW Code Table A-II/1 (for navigation at the operational level) and Table A-II/2 column 1 (for navigation at the management level)

**Table 2.3 Requirements for revalidation of vessel endorsements**

Item	Kind of vessel endorsement	Requirements for revalidation
1	Advanced training for oil tanker cargo operations Advanced training for chemical tanker cargo operations Advanced training for liquefied gas tanker cargo operations	<p>Person must:</p> <ul style="list-style-type: none"> <li>(a) have approved sea service, performing functions appropriate for the endorsement, for a total period of at least 3 months during the 5 years before the date of application for the revalidation; or</li> <li>(b) have completed the appropriate course of training within the 12 months immediately before the date of application</li> </ul> <p>The appropriate course of training for paragraph (b) is as follows:</p> <ul style="list-style-type: none"> <li>(a) for an oil tanker — a course of training that complies with STCW Code section A-V/1-1 paragraph 2;</li> <li>(b) for a chemical tanker — a course of training that complies with STCW Code section A-V/1-1, paragraph 3;</li> <li>(c) for a liquefied gas tanker — a course of training that complies with STCW Code section A-V/1-2, paragraph 2</li> </ul>
2	Passenger vessel	<p>Person must:</p> <ul style="list-style-type: none"> <li>(a) have completed approved refresher training appropriate for the kind of endorsement to be revalidated; or</li> <li>(b) have served on passenger vessels of the kind to which the endorsement refers (eg ro-ro passenger vessels) for at least 3 months in the 5 years before the date of application for the revalidation</li> </ul>
3	High speed craft	<p>Person must have completed:</p> <ul style="list-style-type: none"> <li>(a) within 2 years before the date of application for revalidation — approved sea service of at least 6 months on a high speed craft of the type and on the route to which the endorsement refers; or</li> <li>(b) within the year before the application for revalidation — an approved training program for high speed craft operation</li> </ul>

<b>Item</b>	<b>Kind of vessel endorsement</b>	<b>Requirements for revalidation</b>
4	Sailing vessels — fore and aft	Person must: <ul style="list-style-type: none"> <li>(a) have approved seagoing service, performing functions appropriate for the endorsement, for a total period of at least 3 months in the 5 years before the date of application for the revalidation; or</li> <li>(b) have completed an approved seafarer training course, including assessment, in knowledge of sailing vessels, in the 12 months immediately before the date of application</li> </ul>
5	Sailing vessels — square rigged	Person must: <ul style="list-style-type: none"> <li>(a) have approved seagoing service, performing functions appropriate for the endorsement, for a total period of at least 3 months in the 5 years before the date of application for the revalidation; or</li> <li>(b) have completed an approved seafarer training course, including assessment, in knowledge of sailing vessels, in the 12 months immediately before the date of application</li> </ul>

**Table 2.4 Requirements for revalidation of functions endorsements**

<b>Item</b>	<b>Kind of functions endorsement</b>	<b>Requirements for revalidation</b>
1	Certificate of proficiency in survival craft and rescue boats other than fast rescue boats	Person must have maintained the standard of competence specified in STCW Code section A-VI/2 paragraphs 5 and 6
2	Certificate of proficiency in fast rescue boats	Person must have maintained the standard of competence specified in STCW Code section A-VI/2 paragraphs 11 and 12
3	Certificate of proficiency as Integrated Rating (STCW regulation II/5 and III/5 compliant)	Person must: <ul style="list-style-type: none"> <li>(a) have either:               <ul style="list-style-type: none"> <li>(i) maintained the STCW Code required standard of competence in:                   <ul style="list-style-type: none"> <li>(A) fire prevention and fire fighting (as specified in STCW Code Table A-VI/1-2); and</li> <li>(B) survival craft and rescue boats other than fast rescue boats (as specified in STCW Code Table A-VI/2-1); or</li> </ul> </li> </ul> </li> </ul>

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Item	Kind of functions endorsement	Requirements for revalidation
		<ul style="list-style-type: none"><li>(ii) if the certificate to be endorsed is a certificate of proficiency as Chief Integrated Rating — have maintained the STCW Code required standard of competence in:<ul style="list-style-type: none"><li>(A) advanced fire fighting (as specified in STCW Code Table A-VI/3); and</li><li>(B) survival craft and rescue boats other than fast rescue boats (as specified in STCW Code Table A-VI/2-1); and</li></ul></li><li>(b) hold a certificate of medical fitness</li></ul>

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## **Schedule 3 Amending Schedule — Marine Cook eligibility requirements**

(section 64)

### **[1] Paragraph 23(b)**

*substitute*

- (b) the person has completed a training course in hospitality that AMSA considers provides appropriate training for performing marine cook duties or functions;

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### **Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.