



**Australian Government**  
**Australian Maritime Safety Authority**

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AMSA EX31

**Marine Safety (Expired pre-USL Code certificates) Exemption 2020**

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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*.

29 June 2020

**Michael Kinley**  
Chief Executive Officer

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## 1 Name of instrument

This instrument is *Marine Safety (Expired pre-USL Code certificates) Exemption 2020*.

## 2 Duration

This instrument commences 1 July 2020 and ceases to have effect at the end of 30 June 2025.

## 3 Definitions

In this instrument:

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

**National Regulator** means the Australian Maritime Safety Authority — see section 9 of the national law.

**NSCV** — see section 6 of the national law, meaning of **National Standard for Commercial Vessels**.

**NSCV Part D** means *Part D — Crew Competencies* of the NSCV.

**pre-USL Code certificate** means a certificate of competency (however described) that:

- (a) was issued by the maritime safety authority of a State or the Northern Territory before 1 July 2013; and
- (b) was based on competencies recognised in a certificate (however described) issued before the USL Code commenced; and
- (c) entitled the holder to be the master, engineer or coxswain of a domestic commercial vessel that is a fishing vessel; and
- (d) ceased to have effect before 1 January 2014.

**specified operation** means an operation, as master, engineer or coxswain of a domestic commercial vessel that is a fishing vessel.

**USL Code** means the Uniform Shipping Laws Code adopted by the Australian Transport Council established by the Council of Australian Governments as in force from time to time.

## 4 Exemption

- (1) A person who held a pre-USL Code certificate is exempt from:
  - (a) the requirement to hold a certificate of competency that would be required for the specified operation, if:
    - (i) the person performed the operation in the 5 years ending on 30 June 2013; and
    - (ii) the person has continued to perform the operation in the same capacity, and within the same limitations, provided on the pre-USL Code certificate of competency; and
    - (iii) if the pre-USL Code certificate expired before 30 December 2013 — the person has accrued qualifying sea service, as defined in NSCV Part D, as master, engineer or coxswain of

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- commercial fishing vessels for 120 days in the 5 years before the application for approval; and
- (iv) the National Regulator approves in writing the specified operation; and
  - (b) the requirement to meet the criteria mentioned in Schedule 1 of NSCV Part D for an application for a certificate of competency that would be required for the specified operation, if the person meets the eligibility criteria that applied to the pre-USL Code certificate of competency on 31 December 2008.

*Note 2* A fee may be charged — see s 9 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

- (2) For subparagraph (1)(a)(iv), an approval given under the following is taken to be in effect under this instrument if it is in effect and has not expired:
  - (a) *Marine Safety (Expired pre-USL Code certificates) Exemption 2017*;
  - (b) *Marine Safety (Expired pre-USL Code certificates) Exemption 2013*.
- (3) For paragraph (1)(b), if Chapter 4 of NSCV Part D would require the person to hold a certificate of medical fitness, the person is exempt from that requirement if the person makes a declaration of medical fitness in accordance with subsection 4.5(2) of NSCV Part D.

## **5 Conditions**

The person must tell the National Regulator in writing if he or she becomes aware of a medical condition that may affect the person's ability to operate a vessel.