



Australian Government
Australian Maritime Safety Authority

AMSA MO 2021/[number]

Marine Order 505 (Certificates of competency — national law) 2021

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 Marine Order under subsection 163(1) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

2021

[DRAFT ONLY — NOT FOR SIGNATURE]

Chief Executive Officer

CONSULTATION DRAFT

Division 1 Preliminary

Section 1

Division 1	Preliminary	3
1	Name of Order	3
1A	Commencement	3
1B	Repeal of <i>Marine Order 505 (Certificates of competency — national law) 2013</i>	3
2	Purpose	3
3	Power	3
4	Definitions	3
5	Interpretation	7
6	Applications	8
Division 2	Requirements for certificate of competency	8
7	Certificates of competency required	8
8	Kinds of certificates of competency	9
9	Issue of certificate	9
10	Qualifying sea service	10
11	National Regulator may offer alternative certificate	11
12	Form of certificate	11
13	Conditions on certificate	11
14	Endorsement on certificate	12
15	Eligibility requirements — equivalence	12
16	Sea service requirements — equivalence	12
17	National Regulator may give information about certificates of competency	13
Division 3	Variation, suspension and revocation of certificates of competency	13
18	Criteria for variation of certificate	13
19	Suspension of certificate	13
20	Criteria for revocation of certificate	14
21	Return of revoked certificate	15
Division 4	Time before issue of certificate — signed declaration by final assessor	15
22	Application of Division	15
23	Service on vessel prior to issue of certificate	15
24	Matters about signed declaration	15
Division 5	Regulatory action	16
25	Regulatory action by the National Regulator	16
Division 6	Approval of organisations to conduct final assessments	16
26	Application for approval of organisation to conduct final assessments	16
27	Approval of organisation	16
28	Conditions attached to approval	16
29	Term of approval	17
30	Variation, suspension and revocation of approval	17
31	Review of approval decisions	17
Division 7	Transitional and savings	18
32	Transitional	18
33	Savings	18
Schedule 1	Duties and functions for which a certificate of competency is required	19
Schedule 2	Corresponding certificates	25
Schedule 3	Eligibility and sea service requirements	27
Schedule 4	Calculating qualifying sea service	35
Schedule 5	Endorsements	38
Schedule 6	Criteria for approval of organisation to conduct final assessments	39
Schedule 7	Conditions on approval of organisation to conduct final assessments	40

CONSULTATION DRAFT

Division 1 Preliminary

1 Name of Order

This Order is *Marine Order 505 (Certificates of competency — national law) 2021*.

1A Commencement

This Order commences on [1 July 2022].

1B Repeal of *Marine Order 505 (Certificates of competency — national law) 2013*

Marine Order 505 (Certificates of competency — national law) 2013 is repealed.

2 Purpose

The purpose of this Marine Order is to provide for certificates of competency and set out standards for the qualifications of the crew and masters on domestic commercial vessels.

3 Power

- (1) The following provisions of the national law provide for this Marine Order to be made:
 - (a) Division 4 of Part 4 which provides for a number of matters to be prescribed for certificates of competency including who must have a certificate, how to apply, and the criteria for the issue, variation, suspension and revocation of certificates;
 - (b) Division 5 of Part 4 which provides for a number of matters to be prescribed for certificates issued under the national law;
 - (c) paragraph 159(2)(g) which provides that the regulations may prescribe standards for the qualifications of crew and masters of domestic commercial vessels;
 - (d) Section 162 which provides that the regulations may prescribe penalties for offences against the regulations and civil penalties for contraventions of the regulations.
- (2) Subsection 159(1) of the national law provides for regulations to be made prescribing matters required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to the national law.
- (3) Subsection 163(1) provides that AMSA may make a Marine Order about matters that can be provided for by regulation.
- (4) Section 164 of the national law allows a Marine Order to provide for any matter by applying, adopting or incorporating any matter contained in any written instrument in force or existing from time to time.

4 Definitions

In this Order:

ACMA means the Australian Communications and Media Authority.

AMPA means the AMSA Mandated Practical Assessment developed by AMSA and conducted by **registered training organisations** for a final assessment for a certificate of competency.

Note For information on the AMPA, see the AMSA website: <http://www.amsa.gov.au>.

CONSULTATION DRAFT

AMSA approved task book means a task book issued by AMSA for the specified certificate.

ASQA means the Australian Skills Quality Authority.

certificate of recognition means a certificate of recognition or a restricted certificate of recognition that is issued by AMSA to recognise:

- (a) an overseas qualification in accordance with *Marine Order 70 (Seafarer certification) 2014*; or
- (b) a New Zealand qualification in accordance with the *Trans-Tasman Mutual Recognition Act 1997*.

chief engineer means the engineer in charge of:

- (a) the vessel's propulsion machinery; and
- (b) the safe operation and maintenance of the mechanical and electrical installation of the vessel; and
- (c) ensuring that watchkeeping arrangements are adequate to maintain a safe engineering watch.

Note State and Territory laws may apply to a person carrying out electrical work on a vessel.

chief mate means the crew member next in rank to the master, who would be responsible for the command of the vessel if the master was unable to perform the task.

colour deficient vision means vision that does not meet the colour vision requirements of section 3 of Part B of the Standards for the Medical Examination of Domestic Seafarers.

Note The Standard is available from the AMSA website at <http://www.amsa.gov.au>

daylight hours means the hours between sunrise and sunset.

deck capacity means performing tasks related to the navigation of a vessel.

deck certificate means any of the following certificates of competency:

- (a) Master <24 m NC;
- (b) Master (Inland waters) NC;
- (c) Master <45 m NC;
- (d) Master <100 m NC.

deck watchkeeper means a crew member in charge of a navigational or cargo watch.

deck work means operation or lookout tasks for any of the following:

- (a) navigation;
- (b) mooring;
- (c) anchoring;
- (d) cargo.

direct supervision means that the person being supervised is frequently within sight and hearing of the supervisor.

dual certificate means any of the following certificates of competency:

- (a) General Purpose Hand NC;
- (b) Coxswain Grade 3 NC;
- (c) Sailing Master Coastal NC;
- (d) Sailing Master Offshore NC;
- (e) Coxswain Grade 2 NC;
- (f) Coxswain Grade 1 NC.

CONSULTATION DRAFT

endorsement, on a certificate of competency, means that the holder of the certificate is permitted to perform the additional duties or to have the additional functions mentioned in the endorsement.

engineering capacity means related to the machinery of a vessel.

engineering certificate means any of the following certificates of competency:

- (a) Marine Engine Driver Grade 3 NC;
- (b) Marine Engine Driver Grade 2 NC;
- (c) Marine Engine Driver Grade 1 NC;
- (d) Engineer Class 3 NC.

engine work means tasks relating to main or auxiliary machinery used for any of the following:

- (a) propulsion;
- (b) mooring;
- (c) anchoring;
- (d) cargo.

final assessment, for a certificate of competency, means an assessment by the National Regulator or an organisation approved by the National Regulator under Division 6, of whether the applicant has operational knowledge and knowledge of Australian maritime legislation that is appropriate to the kind of certificate.

final assessor means the person who conducts a final assessment.

general supervision means that the person being supervised receives instruction and direction on tasks, and recurrent personal contact from the supervisor, but is not frequently attended by the supervisor.

GT has the same meaning as **gross tonnage** (or **GT**) in NSCV Part B.

inland waters means non-tidal waters.

inshore operations has the same meaning as in NSCV Part B.

inshore waters means inland waters and waters landward of the outer limits for **inshore operations**.

long, for a vessel, means the **measured length** of the vessel.

Marine Order 501 means *Marine Order 501 (Administration — national law) 2013*.

Marine Order 504 means *Marine Order 504 (Certificates of operation and operation requirements — national law) 2018*.

MAR Maritime Training Package means the latest version of the Maritime Training Package developed by Australian Industry Standards.

Note Details of the package are available at: training.gov.au

Master <35 m NC means a Master <35 m NC certificate of competency issued by the National Regulator before [1 July 2022].

Master <80 m NC means a Master <80 m NC certificate of competency issued by the National Regulator before [1 July 2022].

Mate <80 m NC means a Mate <80 m NC certificate of competency issued by the National Regulator before [1 July 2022].

measured length has the same meaning as in NSCV Part B.

mooring area means an area that is:

- (a) near a marina that controls it; and

CONSULTATION DRAFT

- (b) determined under State or Territory waterways management legislation to be an area for the mooring of vessels.

Navigation Act means the *Navigation Act 2012*.

NC (near coastal) means inland waters and the waters landward of the outer boundary of the exclusive economic zone of Australia.

NSCV Part B means Part B — General requirements of the National Standard for Commercial Vessels, as existing from time to time.

Note The National Standard for Commercial Vessels, as existing from time to time, is available on AMSA's website at <http://www.amsa.gov.au>.

partially smooth waters means waters that are designated as partially smooth waters under a law in force in a State or Territory.

passenger has the same meaning as in NSCV Part B.

recreational vessel means a vessel that is being used for recreational purposes.

registered training organisation means an organisation that is an organisation for the provision of training that has been registered with:

- (a) **ASQA**; or
- (b) **TAC**; or
- (c) **VRQA**.

RYA means the Royal Yachting Association.

sailing vessel has the same meaning as in NSCV Part B.

seafarer certificate means a seafarer certificate issued under section 31 of the Navigation Act.

second engineer means the engineer next in rank to the **chief engineer** and upon whom the responsibilities of the chief engineer will fall in the event of the chief engineer's incapacity.

sheltered waters means waters that are either smooth waters or partially smooth waters.

smooth waters means waters that are designated as smooth waters under a law in force in a State or Territory.

Standards for RTOs means the Standards for Registered Training Organisations (RTOs) 2015 made under subsection 185(1) and subsection 186(1) of the *National Vocational Education and Training Regulator Act 2011*, as amended from time to time.

Note At the time of making of this Order, the instrument included amendments up to and including those that commenced on 6 July 2017.

TAC means the Training Accreditation Council Western Australia.

tender has the same meaning as in NSCV Part B.

VRQA means the Victorian Registration and Qualifications Authority.

workshop skills equivalent qualification means any of the following:

- (a) Certificate III in Engineering/mechanical trade;
- (b) Certificate III in Electrical fitting;
- (c) Certificate III in Automotive diesel engine technology;
- (d) Certificate III in Automotive/mechanical — diesel fitter;
- (e) Certificate III in Automotive/mechanical — heavy vehicle road transport;
- (f) Certificate III in Automotive/mechanical — heavy vehicle mobile equipment, plant/earthmoving/agriculture;

- (g) Certificate III in Automotive engine reconditioning;
- (h) Certificate IV in ESI generation maintenance — electrical electronics;
- (i) Certificate IV in ESI generation maintenance — mechanical;
- (j) an Australian trade certificate in fitter and turner/machinist;
- (k) an Australian trade certificate in diesel fitter;
- (l) an Australian trade certificate in electrical fitter;
- (m) an Australian Recognised Trade Certificate in the same classification as an Australian trade certificate mentioned in this definition;
- (n) any other qualification that includes workshop skills and is approved in writing by the National Regulator.

Note for paragraph (m) Australian Recognised Trade Certificates are issued in recognition of trade certificates or other qualifications of a country other than Australia.

Note 1 Some terms used in this Marine Order are defined in *Marine Order 501*, including:

- approved form
- national law
- NSCV

Note 2 Other terms used in this Marine Order have the same meaning that they have in the national law, including:

- certificate of competency
- domestic commercial vessel
- fit and proper person
- master
- National Regulator
- operate
- owner

Note 3 For delegation of AMSA's powers under this Marine Order — see the AMSA website at <http://www.amsa.gov.au>.

5 Interpretation

The **propulsion power** of a vessel is determined according to the following table.

Item	Characteristics of vessel	Propulsion power
1	All of the following: <ul style="list-style-type: none"> (a) multi propeller shaft or multi propulsion; (b) <35 m long; (c) operating in inland waters or waters to the outer limits of the exclusive economic zone of Australia. 	The largest value of maximum continuous rated power of the vessel's main propulsion machinery, for the propulsion of the vessel by 1 propeller shaft as indicated by the vessel's certificate of survey or certificate of operation.
2	Any other vessel	The total maximum continuous rated output power of all the vessel's main propulsion machinery as indicated by the vessel's certificate of survey or certificate of operation.

CONSULTATION DRAFT

Division 2 Requirements for certificate of competency

Section 6

6 Applications

- (1) For subsection 59(2) of the national law, an application for a certificate of competency must be made in accordance with section 9 of Marine Order 501.
- (2) Division 3 (other than section 13) of Marine Order 501 applies to an application for a certificate of competency.
- (3) Division 3 of Marine Order 501 applies to an application mentioned in:
 - (a) section 14; and
 - (b) Division 6.
- (4) In accordance with subsection 8(2) of Marine Order 501, section 12 of Marine Order 501 is varied by altering the period for consideration of:
 - (a) an application mentioned in section 14 — from 90 days to 30 days; and
 - (b) an application mentioned in Division 6 — from 90 days to 60 days.

Note 1 There is an approved form for applying for the issue and reissue, endorsement, variation, suspension and revocation of a certificate of competency — see the AMSA website at <http://www.amsa.gov.au>.

Note 2 There is an approved form for applying for approval for an organisation to conduct final assessments — see the AMSA website at <http://www.amsa.gov.au>.

Division 2 Requirements for certificate of competency

7 Certificates of competency required

- (1) For subsection 58(2) of the national law, a person must hold a certificate of competency of a kind mentioned in section 8 to undertake a duty or perform a function on a domestic commercial vessel, if the duty or function is mentioned in Schedule 1 for the kind of certificate.
- (2) However,
 - (a) a person who applies to the National Regulator for reissue of a certificate of competency before it expires may continue to undertake the duties and perform the functions for which the certificate is required for 90 days after the expiry of the certificate if:
 - (i) the certificate was not revoked or suspended; and
 - (ii) the person continues to comply with the conditions of the expired certificate; and
 - (b) a person may undertake a duty or perform a function on a domestic commercial vessel without a required certificate if the person is crewing in accordance with the requirements and conditions of a temporary crewing permit issued by the National Regulator under Schedule 1 of Marine Order 504.
- (3) If a person holds a certificate mentioned in column 2 of the following table, the person is taken to hold the certificate mentioned in column 3 for that item.

Item	Certificate person holds	Corresponding certificate
1	Mate <80 m NC	Master <24 m NC
2	Master <35 m NC	Master <45 m NC
3	Master <80 m NC	Master <100 m NC
4	a seafarer certificate mentioned in Schedule 2 or an equivalent certificate of recognition	the corresponding certificate of competency mentioned in Schedule 2

- (4) A person is taken to hold a Coxswain Grade 3 NC certificate of competency if:
 - (a) the person meets any one of the eligibility requirements for the certificate mentioned in Schedule 3; and

CONSULTATION DRAFT

- (b) the person has a current *Certificate of Medical Fitness Domestic Seafarers* that shows the person meets the *Standards for the medical examination of domestic seafarers*; and
- (c) for a person not working in a marina or mooring area — the person has a current first aid certificate equivalent to at least HLTAID011 *Provide first aid*.

Note A person who works in a marina or mooring area need satisfy only paragraphs (a) and (b) in order to be taken to have a Coxswain Grade 3 NC certificate of competency.

8 Kinds of certificates of competency

The kinds of certificates of competency are:

- (a) General Purpose Hand NC;
- (b) Coxswain Grade 3 NC;
- (c) Coxswain Grade 2 NC;
- (d) Coxswain Grade 1 NC;
- (e) Sailing Master Coastal NC;
- (f) Sailing Master Offshore NC;
- (g) Master (Inland waters) NC;
- (h) Master <24 m NC;
- (i) Master <45 m NC;
- (j) Master <100 m NC;
- (k) Marine Engine Driver Grade 3 NC;
- (l) Marine Engine Driver Grade 2 NC;
- (m) Marine Engine Driver Grade 1 NC;
- (n) Engineer Class 3 NC.

9 Issue of certificate

First Issue

- (1) For paragraph 60(1)(b) of the national law, the criteria are that the person must:
 - (a) be at least 16 years old; and
 - (b) be familiar enough with the English language that the person can fully understand directions and documents relating to the performance of the duties and functions permitted under the certificate; and
 - (c) meet the eligibility requirements mentioned in Schedule 3 for the kind of certificate sought; and
 - (d) meet the requirements, if any, for qualifying sea service mentioned in Schedule 3 for the kind of certificate sought; and
 - (e) have a current *Certificate of Medical Fitness Domestic Seafarers* that shows the person meets the *Standards for the medical examination of domestic seafarers*; and
 - (f) have a current first aid certificate equivalent to at least HLTAID011 *Provide first aid*.

Note 1 For paragraph (e), the form *Certificate of Medical Fitness Domestic Seafarers* is available from the AMSA website. The *Standards for the medical examination of domestic seafarers* are also available from the AMSA website at: <http://www.amsa.gov.au>. To obtain a *Certificate of Medical Fitness Domestic Seafarers*, the *Standards for the medical examination of domestic seafarers* must be met.

Note 2 For paragraph (f), details of this course are available at myskills.gov.au.

CONSULTATION DRAFT

Second or subsequent issue (reissue/renewal)

- (2) However, the criteria set out in subsection (3) apply for a kind of certificate if:
- (a) a person holds a certificate of competency of that kind that is in force; or
 - (b) a person held a certificate of competency of that kind that ceased to be in force in the 5 years before the person's application to the National Regulator; or
 - (c) the kind of certificate is a Master <24 m NC and the person holds, or held in the 5 years before the person's application to the National Regulator, a Mate <80 m NC; or
 - (d) the kind of certificate is a Master <45 m NC and the person holds, or held in the 5 years before the person's application to the National Regulator, a Master <35 m NC; or
 - (e) the kind of certificate is a Master <100 m NC and the person holds, or held in the 5 years before the person's application to the National Regulator, a Master <80 m NC.
- (3) The person must:
- (a) have a current first aid certificate equivalent to at least HLTAID011 *Provide first aid*; and
 - (b) for a Master <45 m NC, a Master <100 m NC, a Marine Engine Driver Grade 1 NC and an Engineer Class 3 NC:
 - (i) have a current *Certificate of Medical Fitness Domestic Seafarers* that shows the person meets the *Standards for the medical examination of domestic seafarers*; and
 - (ii) have accrued, in the 5 years before the application, qualifying sea service of at least 120 days in duties to which the certificate applies, as navigational watch or in an engineering capacity; and
 - (c) for a certificate of competency not mentioned in paragraph (b) — make a declaration of medical fitness in the approved form.

Note For paragraph (c), the approved form is available from the AMSA website at <http://www.amsa.gov.au>.

Note In accordance with subsection 60(6) of the national law, a certificate comes into force on the day specified in the certificate (or, if no day is specified, the day on which the certificate is issued) and remains in force until the day specified in the certificate.

10 Qualifying sea service

- (1) Qualifying sea service for the issue or reissue of a certificate of competency is calculated according to the rules set out in Schedule 4.
- (2) For the reissue of a certificate, a person who is not able to meet the sea service requirement mentioned in subparagraph 9(3)(b)(ii) may instead have:
- (a) completed a final assessment approved in writing by the National Regulator; or
 - (b) accrued 60 days qualifying sea service in the 6 months before the application; or
 - (c) for a seasonal fisher (eg an abalone fisher) — worked in a seasonal fishery for at least 120 days in the 5 years before the application; or
 - (d) other industry experience approved in writing by the National Regulator; or
 - (e) completed an AMSA approved task book for the certificate.

Note For paragraph (d), examples include operational employee, fleet manager, shore-side servicing, teacher at a registered training organisation for maritime studies, marine surveyor.

11 National Regulator may offer alternative certificate

- (1) If a person does not meet the eligibility criteria for the certificate mentioned in an application, the National Regulator may offer the applicant another certificate of competency for which the applicant does meet the eligibility criteria.
- (2) If the person agrees to accept the other certificate of competency instead of the certificate for which the person applied, the application for the certificate of competency is taken to be an application for the other certificate of competency.

12 Form of certificate

- (1) A certificate of competency must 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 taken in the 6 months before the person applied for the certificate;
 - (d) the date the certificate comes into force;
 - (e) the date the certificate ceases to be in force;
 - (f) the kind of certificate;
 - (g) conditions imposed by the national Regulator on the certificate;
 - (h) the endorsements (if any) on the certificate.
- (2) However, after the National Regulator decides to issue a certificate of competency and before the person to whom it is issued receives it, a letter from the National Regulator setting out the details of the certificate of competency is taken to be a certificate of competency.

Note This is intended to allow the person to use the certificate while the plastic card including the photograph is prepared and before the person receives it.

- (3) A certificate of competency may include anything else the National Regulator considers relevant.

13 Conditions on certificate

For paragraph 60(4)(ab) of the national law, a certificate of competency is subject to the following conditions:

- (a) the holder of the certificate must tell the National Regulator, in writing within 90 days, about any long term or permanent medical condition that is likely to affect the holder's ability to perform duties under the certificate;
- (b) the holder must tell the National Regulator, in writing within 90 days, if:
 - (i) the holder changes their name or address; or
 - (ii) a matter recorded on the certificate is no longer correct;
- (c) the holder must undertake a medical examination or medical tests, if required to do so by the National Regulator;
- (d) if the holder of any of the following certificates of competency has colour deficient vision, the holder must perform duties during daylight hours only:
 - (i) Coxswain Grade 3 NC;
 - (ii) Coxswain Grade 2 NC;
 - (iii) Coxswain Grade 1 NC;
 - (iv) Sailing Master Coastal NC;
 - (v) Sailing Master Offshore NC;
 - (vi) Master (Inland waters) NC;

CONSULTATION DRAFT

- (vii) Master <24 m NC;
 - (viii) Master <45 m NC;
 - (ix) Master <100 m NC.
- (e) if the holder of a General Purpose Hand certificate of competency has colour deficient vision, the holder must perform lookout duties during daylight hours only unless under direct supervision.
- Note* This means that duties other than lookout duties may be performed by the holder of a General Purpose Hand certificate of competency both in daylight hours and at any other time.
- (f) the holder must keep the certificate on board any vessel on which the holder is performing duties for which the certificate is required;
- (g) if the holder is taken to have a Coxswain Grade 3 NC certificate of competency in accordance with subsection 7(4), the holder must keep evidence of the eligibility requirement that applies to the holder on board any vessel on which the holder is performing duties for which the certificate is required.

Note 1 The National Regulator may impose other conditions — see paragraph 60(4)(b) of the national law.

Note 2 It is an offence to perform duties or functions for a domestic commercial vessel in breach of a condition of a certificate of competency — see section 69 of the national law.

14 Endorsement on certificate

- (1) A person who is performing the duties or functions that apply to an endorsement in an item in Schedule 5 must have the certificate of competency mentioned in the item, appropriately endorsed as mentioned in the item.
- (2) A person who holds a certificate of competency may apply to the National Regulator for an endorsement on the certificate.
- (3) The application must be made in accordance with Marine Order 501.
- (4) The National Regulator may endorse a certificate of competency if the holder of the certificate:
 - (a) has applied for endorsement in accordance with this Marine Order; and
 - (b) meets the requirements set out in Schedule 5 for the endorsement sought.
- (5) A decision by the National Regulator to refuse to endorse a certificate is taken to be a reviewable decision for section 16 of Marine Order 501.

15 Eligibility requirements — equivalence

- (1) This section applies to a person who completes training that the National Regulator considers equivalent to all or part of:
 - (a) training that is an eligibility requirement mentioned in Schedule 3 for a certificate of competency; or
 - (b) a requirement mentioned in Schedule 5 for endorsement on a certificate of competency.
- (2) The training completed is taken to meet the eligibility requirement mentioned in Schedule 3 or the requirement for endorsement mentioned in Schedule 5 to the extent that the National Regulator considers appropriate.

16 Sea service requirements — equivalence

- (1) This section applies to a person who completes sea service that the National Regulator considers equivalent to all or part of:
 - (a) a sea service requirement mentioned in Schedule 3 for a certificate of competency; or

- (b) a requirement mentioned in Schedule 5 for endorsement on a certificate of competency.
- (2) The sea service completed is taken to meet the sea service requirement mentioned in Schedule 3 or the requirement for endorsement mentioned in Schedule 5 to the extent that the National Regulator considers appropriate.

17 National Regulator may give information about certificates of competency

- (1) The National Regulator may give information on the status of a certificate of competency that it has issued or an endorsement on a certificate of competency that it has issued, if a request is made by:
 - (a) a foreign administration; or
 - (b) the owner or master of a vessel on which the person to whom the certificate was issued works, or may work in the future; or
 - (c) a State or Territory maritime agency; or
 - (d) a State or Territory law enforcement agency.
- (2) The information may include whether the certificate has been suspended or revoked.

Division 3 Variation, suspension and revocation of certificates of competency

18 Criteria for variation of certificate

- (1) For paragraph 62(1)(b) of the national law, the criteria for the National Regulator to vary a certificate of competency on application are that:
 - (a) the certificate contains incorrect information; or
 - (b) the certificate no longer reflects the qualifications or competencies of the applicant.
- (2) For paragraph 62(2)(a) of the national law, the criteria for variation of a certificate of competency by the National Regulator on the National Regulator's initiative are that:
 - (a) the certificate contains incorrect information; or
 - (b) for the variation, imposition or removal of a condition on the certificate — the variation is required for the safe performance by the holder of the certificate of the duties or functions permitted by the certificate; or
 - (c) the person cannot, for any reason, properly perform the duties the person is permitted to perform under the certificate.

Note Under subsection 72(1) of the national law, the National Regulator must, before varying a certificate of competency, give the holder of the certificate a notice inviting the holder to show cause, within a reasonable period specified in the notice, why the variation should not be made.

19 Suspension of certificate

- (1) For paragraph 63(1)(b) of the national law, the criteria for the National Regulator to suspend a certificate of competency on application are that the holder of the certificate has given the National Regulator a declaration that the certificate will not be used for the period for which the suspension is sought.
- (2) For subsection 63(2A) of the national law, the purposes for the suspension of a certificate of competency by the National Regulator on the National Regulator's initiative are the following:
 - (a) to ensure that fees owed to the National Regulator are recovered;

CONSULTATION DRAFT

- (b) to ensure that the eligibility and medical requirements of this Marine Order are met;
- (c) to investigate whether the holder of the certificate:
 - (i) gave information to the National Regulator that was false or misleading;
 - (ii) contravened, or is contravening, a condition of the certificate;
 - (iii) has demonstrated incompetence or misconduct relating to the safe navigation, management or working of a vessel;
 - (iv) cannot, for any reason, properly perform the duties the person is permitted to perform under the certificate.

Note The National Regulator must suspend a certificate if satisfied the suspension is necessary for other purposes: protecting human life, securing the safe navigation of vessels or dealing with an emergency involving a serious threat to the environment — see subsection 63(2) of the national law.

- (3) For subparagraph 63(3)(b) of the national law, the prescribed period is:
 - (a) for a suspension on application mentioned in subsection 63(1) of the national law — 18 months; and
 - (b) for a suspension on the National Regulator’s initiative mentioned in subsections 63(2) and (2A) of the national law — 24 months.

Note 1 Under paragraph 72(2)(a) of the national law the National Regulator must, before suspending a certificate under subsection 63(2A), give the holder of the certificate a notice inviting the holder to show cause, within a reasonable period specified in the notice, why the certificate should not be suspended.

Note 2 The prescribed period is the maximum period a suspension may remain in force — the National Regulator may specify in writing an earlier period — see paragraph 63(3)(b) of the national law. The period may be described by reference to the fulfilment of a requirement or condition specified by the National Regulator — see subsection 63(4) of the national law.

Note 3 Because of the operation of subsection 60(6) of the national law, suspension of a certificate of competency does not extend the duration of the certificate.

20 Criteria for revocation of certificate

- (1) For paragraph 64(1)(b) of the national law, the criterion for the National Regulator to revoke a certificate of competency on application is that the holder of the certificate has given the National Regulator a declaration that the certificate is no longer in use.
- (2) For paragraph 64(2)(a) of the national law, the criteria for revocation of a certificate of competency by the National Regulator on the National Regulator’s initiative are that:
 - (a) it is necessary in the interest of marine safety or protecting the environment; or
 - (b) the certificate was wrongly issued; or
 - (c) the person gave information to the National Regulator that was false or misleading; or
 - (d) the person contravened, or is contravening, a condition of the certificate; or
 - (e) the person has demonstrated incompetence or misconduct relating to the safe navigation, management or working of a vessel; or
 - (f) the person cannot, for any reason, properly perform the duties the person is permitted to perform under the certificate.

Note 1 The National Regulator may also revoke a certificate of competency if satisfied that the holder is not a fit and proper person to hold the certificate — see subsection 64(3) of the national law.

Note 2 Under subsection 72(1) of the national law, the National Regulator must, before revoking a certificate of competency, give the holder of the certificate a notice inviting the holder to show cause, within a reasonable period specified in the notice, why the certificate should not be revoked.

21 Return of revoked certificate

For section 84 of the national law, the revoked certificate must be delivered to the National Regulator within 90 days of the day the certificate was revoked.

Division 4 Time before issue of certificate — signed declaration by final assessor

22 Application of Division

This Division applies if:

- (a) a person has applied for any of the following certificates:
 - (i) General Purpose Hand NC;
 - (ii) Coxswain Grade 2 NC;
 - (iii) Coxswain Grade 1 NC;
 - (iv) Master (Inland waters) NC;
 - (v) Master <24 m NC;
 - (vi) Marine Engine Driver Grade 3 NC;
 - (vii) Marine Engine Driver Grade 2 NC; and
- (b) the person meets the requirements mentioned in paragraphs 9(1)(a) and (b); and
- (c) a final assessor has provided a signed declaration on the approved form that the person has:
 - (i) a current *Certificate of Medical Fitness Domestic Seafarers* that shows the person meets the *Standards for the medical examination of domestic seafarers*; and
 - (ii) a current first aid certificate equivalent to at least HLT AID 011 *Provide first aid*; and
 - (iii) satisfied the eligibility requirements mentioned in Schedule 3 for the certificate applied for; and
 - (iv) stated that any sea service requirement for the certificate applied for has been met.

23 Service on vessel prior to issue of certificate

The person is taken to hold the certificate for which the person has applied for the period starting on the day of the signed declaration by the final assessor and ending on the earlier of:

- (a) 60 days after the signed declaration; or
- (b) the day the National Regulator decides the application.

24 Matters about signed declaration

- (1) Section 23 does not apply if the signed declaration by the final assessor was made in error or based on incorrect information.
- (2) If requested by any of the following, the person must give the signed declaration to:
 - (a) the owner or master of a vessel on which the person works or may work in the future;

CONSULTATION DRAFT

- (b) a marine safety inspector;
- (c) the National Regulator.

Division 5 Regulatory action

25 Regulatory action by the National Regulator

- (1) The National Regulator may require a person who holds a certificate of competency to perform regulatory action if:
 - (a) the person gave information to the National Regulator about the application for the person's certificate that was false or misleading; or
 - (b) the person contravened, or is contravening, a condition of the certificate; or
 - (c) the person has demonstrated incompetence or misconduct relating to the safe navigation, management or working of a vessel; or
 - (d) the person cannot, for any reason, properly perform the duties the person is permitted to perform under the certificate.

Examples of regulatory action:

- completing a drug or alcohol rehabilitation program
 - completing, to the satisfaction of the National Regulator, specified training appropriate to the duties or functions the person is permitted to perform under the certificate.
- (2) A decision by the National Regulator to require a person to perform regulatory action is taken to be a reviewable decision for section 16 of Marine Order 501.

Division 6 Approval of organisations to conduct final assessments

26 Application for approval of organisation to conduct final assessments

- (1) A person may apply to the National Regulator for approval of an organisation to conduct final assessments for any of the following certificates:
 - (a) Coxswain Grade 2 NC;
 - (b) Coxswain Grade 1 NC;
 - (c) Marine Engine Driver Grade 3 NC;
 - (d) Marine Engine Driver Grade 2 NC;
 - (e) Master <24 m NC;
 - (f) Master (Inland waters) NC.
- (2) The application must be made in accordance with Marine Order 501.

27 Approval of organisation

- (1) AMSA may approve an organisation to conduct final assessments if the criteria in Schedule 6 are met.
- (2) The approval must be in writing and specify the certificates for which the organisation is approved to provide final assessments.

28 Conditions attached to approval

An approval to conduct final assessments is subject to:

- (a) the conditions in Schedule 7; and
- (b) any additional condition attached to the approval by the National Regulator.

29 Term of approval

- (1) An approval of an organisation to conduct final assessments has effect from the day it is issued.
- (2) The approval ceases to have effect:
 - (a) if it is revoked — on the day of revocation; or
 - (b) if it is not revoked — 9 months after it is issued.
- (3) The holder of an approval to conduct final assessments may apply to the National Regulator for an extension of the approval.
- (4) The National Regulator may extend an approval for up to 3 years from the date of issue of the approval if it is satisfied that:
 - (a) the organisation continues to meet the criteria in Schedule 6; and
 - (b) the organisation has complied with the conditions in Schedule 7.
- (5) The National Regulator may, on application from the holder of the approval, make further extensions of the approval, each for up to 3 years, if the criteria mentioned in subsection (4) are met.
- (6) An approval is not in effect at any time that it is suspended.

30 Variation, suspension and revocation of approval

- (1) The holder of an approval to conduct final assessments may apply to the National Regulator for the variation, suspension or revocation of the approval.
- (2) The National Regulator may, in writing, vary an approval if it is satisfied that:
 - (a) the variation sought means that the organisation continues to meet the criteria in Schedule 6; and
 - (b) the organisation has complied with the conditions in Schedule 7.
- (3) The National Regulator may, in writing, suspend or revoke an approval if it considers that:
 - (a) the organisation does not meet one or more of the criteria in Schedule 6; or
 - (b) the organisation fails to comply with a condition in Schedule 7; or
 - (c) a proposed partnership or subcontracting arrangement is not appropriate for the delivery of assessments.
- (4) A suspension has effect for the time specified, in writing, by the National Regulator.

31 Review of approval decisions

The following decisions by the National Regulator are taken to be reviewable decisions for section 16 of Marine Order 501:

- (a) to refuse to approve an organisation to conduct final assessments;
- (b) to refuse to extend an approval;
- (c) to vary an approval ;
- (d) to refuse to vary an approval;
- (e) to suspend an approval;
- (f) to refuse to suspend an approval;
- (g) to revoke an approval;
- (h) to refuse to revoke an approval.

Division 7 Transitional and savings

32 Transitional

- (1) Subsections (2) to (5) apply to an application to the National Regulator for any matter mentioned in this Marine Order if the application:
 - (a) is made before [1 July 2022]; and
 - (b) is not decided before [1 July 2022].
- (2) The application is taken to be an application to which this Marine Order applies.
- (3) If the application is for the issue of a Master <35 m NC, it is taken to be an application for a Master <45 m NC.
- (4) If the application is for the issue of a Master <80 m NC, it is taken to be an application for a Master <100 m NC.
- (5) If the application is for the issue of a Mate <80 m NC, it is taken to be an application for a Master <24 m NC.

33 Savings

- (1) Subsections (2) and (3) apply to an approval for an organisation to conduct **final assessments** that was in effect on [30 June 2022].
- (2) The approval continues to apply to the organisation.
- (3) Sections 28 to 30 of this Marine Order apply to the approval.
- (4) An endorsement on a certificate on [30 June 2022] continues to apply to the certificate after [30 June 2022] until the certificate is no longer in force.

Note A certificate of competency issued before the commencement of this Marine Order continues to operate until the day specified in the certificate — see subsection 60(6) of the national law. The certificate is subject to the conditions mentioned in this Marine Order (paragraph 60(4)(ab) of the national law) and any conditions imposed by the National Regulator (paragraph 60(4)(b) of the national law).

Schedule 1 Duties and functions for which a certificate of competency is required

(subsection 7(1))

In this table <EEZ means in inland waters and in waters to the outer limit of the exclusive economic zone of Australia.

General Purpose Hand NC

Note The terms deck work, direct supervision, engine work, and general supervision are defined in section 4.

1. assist with deck work on a vessel <100 m long and <3000 GT <EEZ under general supervision of the master of the vessel or an appropriately certificated crew member to whom the master delegates the supervision
2. assist with engine work on a vessel with propulsion power <3000 kW <EEZ under general supervision of the chief engineer of the vessel or another appropriately certificated crew member to whom the chief engineer delegates the supervision

Note This means that a person assisting with deck work or engine work under direct supervision rather than general supervision is not required to hold a certificate.

Coxswain Grade 3 NC

1. command, and operate the engines of a vessel <12 m long:
 - (a) carrying no more than 6 persons including crew and master; and
 - (b) if the vessel is carrying passengers — only in daylight hours; and
 - (c) with propulsion power:
 - (i) for an inboard engine — <100 kW; or
 - (ii) for an outboard engine — <250 kW; and
 - (d) if the vessel is a tender that has a parent vessel <EEZ and the tender is capable of communicating with the parent vessel:
 - (i) within 3 n mile of the parent vessel for a person who satisfies eligibility requirement (c) or (e) under Coxswain Grade 3 NC in Schedule 3; and
 - (ii) within 1 n mile of the parent vessel for a person not mentioned in subparagraph (i); and
 - (iii) in line of sight of the parent vessel; and
 - (e) if the vessel is not mentioned in paragraph (d) — in any of the following:
 - (i) a marina;
 - (ii) a mooring area in sight and communication of a marina;
 - (iii) inland waters;
 - (iv) smooth waters;
 - (v) waters within 1 n mile of shore;
 - (vi) waters:
 - (A) of an aquaculture lease approved by a State or Territory; or
 - (B) approved by a State or Territory for daily transit to and from an aquaculture lease; or

CONSULTATION DRAFT

- (C) within 1 n mile of a State or Territory approved aquaculture lease;
 - (vii) waters within 250 m of a structure fixed to the shore.
2. command and operate the engines of a vessel < 12 m long:
 - (a) that is used only for towing people; and
 - (b) with propulsion power for an inboard or outboard engine of < 500 kW; and
 - (c) in waters approved as a water ski area by a State or Territory authority; and
 - (d) in daylight hours only.

Coxswain Grade 2 NC

1. command, and operate the engines, of a vessel <12 m long:
 - (a) in sheltered waters or within 5 n mile of shore or an aquaculture lease; and
 - (b) with propulsion power:
 - (i) for an inboard engine — <100 kW; or
 - (ii) for an outboard engine — unlimited
2. command, and operate the engines, of a vessel <12 m long:
 - (a) as a tender within 3 n mile of the parent vessel <EEZ; and
 - (b) with propulsion power:
 - (i) for an inboard engine — <100 kW; or
 - (ii) for an outboard engine — unlimited
3. undertake the duties and perform the functions of a Coxswain Grade 3 NC

Coxswain Grade 1 NC

1. command, and operate the engines, of a vessel <12 m long:
 - (a) in inshore waters, or in waters designated for a specific purpose by a State or Territory authority in which it permits holders of this certificate to operate, subject to any conditions that it may impose; and
 - (b) with propulsion power:
 - (i) for an inboard engine — <500 kW; or
 - (ii) for an outboard engine — unlimited
2. command, and operate the engines, of the vessel <12 m long:
 - (a) as a tender within 3 n mile of the parent vessel <EEZ; and
 - (b) with propulsion power:
 - (i) for an inboard engine — <500 kW; or
 - (ii) for an outboard engine — unlimited
3. act as chief mate or deck watchkeeper on a vessel <24 m long in inshore waters
4. undertake the duties and perform the functions of a General Purpose Hand NC, a Coxswain Grade 3 NC and Coxswain Grade 2 NC

CONSULTATION DRAFT

Sailing Master Coastal NC

1. command, and operate the engines, of a sailing vessel <24 m long:
 - (a) with no more than 12 passengers; and
 - (b) with propulsion power <100 kW; and
 - (c) in inshore waters
2. chief mate or deck watchkeeper of a sailing vessel <45 m long:
 - (a) with no more than 12 passengers; and
 - (b) in inshore waters
3. operate a tender:
 - (a) for the vessel under the command of the master; and
 - (b) with propulsion power <100 kW

Sailing Master Offshore NC

1. command, and operate the engines, of a sailing vessel <24 m long <EEZ:
 - (a) with no more than 12 passengers; and
 - (b) with propulsion power <100 kW
2. *chief mate* or deck watchkeeper of a sailing vessel <45 m long with no more than 12 passengers <EEZ
3. operate a tender:
 - (a) for the vessel under the command of the master; and
 - (b) with propulsion power <100 kW

Master (Inland waters) NC

1. command a vessel <45 m long in inland waters
2. undertake the duties and perform the functions of a General Purpose Hand NC

Master <24 m NC

1. command a vessel <24 m long <EEZ
2. act as chief mate on a vessel <45 m long <EEZ
3. act as deck watchkeeper on a vessel <100 m and <3000 GT <EEZ
4. act as chief mate on a vessel <100 m and <3000 GT in inshore waters
5. undertake the duties and perform the functions of a General Purpose Hand NC and Master (Inland waters) NC

Master <45 m NC

1. command a vessel <45 m long <EEZ
2. command a vessel <100 m and <3000 GT in inshore waters
3. act as chief mate or deck watchkeeper on a vessel <100 m and <3000 GT <EEZ
4. undertake the duties and perform the functions of a General Purpose Hand NC

Master <100 m NC

1. command a vessel <100 m and <3000 GT <EEZ
2. undertake the duties and perform the functions of a General Purpose Hand NC, Master <24 m NC and Master <45 m NC

Marine Engine Driver Grade 3 NC

1. chief engineer on a vessel with an inboard engine with propulsion power <500 kW <EEZ
2. chief engineer on a vessel with an outboard engine of unlimited propulsion power <EEZ
3. second engineer on a vessel with an inboard engine with propulsion power <750 kW <EEZ
4. assist an engineer in any tasks that may be required on board while working under the direct supervision of the person in charge of the vessel's engines <EEZ
5. work in the engine room of a vessel with an inboard engine with propulsion power <3000 kW <EEZ

Marine Engine Driver Grade 2 NC

1. chief engineer on a vessel with an inboard engine with propulsion power <750 kW <EEZ
2. chief engineer on a vessel with an outboard engine of unlimited propulsion power <EEZ
3. second engineer on a vessel with an inboard engine with propulsion power <1500 kW <EEZ
4. assist an engineer in any tasks that may be required on board while working under the direct supervision of the person in charge of the vessel's engines <EEZ
5. work in the engine room of a vessel with an inboard engine with propulsion power <3000 kW <EEZ

CONSULTATION DRAFT

Marine Engine Driver Grade 1 NC

1. chief engineer on a vessel with an inboard engine with propulsion power <1500 kW <EEZ
2. second engineer on a vessel with an inboard engine with propulsion power <3000 kW <EEZ
3. chief engineer on a vessel with an outboard engine with unlimited propulsion power <EEZ
4. assist an engineer in any tasks that may be required on board while working under the direct supervision of the the person in charge of the vessel's engines <EEZ
5. work in the engine room of a vessel with an inboard engine with propulsion power <3000 kW <EEZ

Engineer Class 3 NC

1. chief engineer on a vessel with an inboard engine with propulsion power <3000 kW <EEZ
2. chief engineer on a vessel with an outboard engine with unlimited propulsion power <EEZ
3. assist an engineer in any tasks that may be required on board while working under the direct supervision of the the person in charge of the vessel's engines <EEZ
4. work in the engine room of a vessel with an inboard engine with propulsion power <3000 kW <EEZ

CONSULTATION DRAFT

Schedule 2 Corresponding certificates

(subsection 7(2))

Item	Seafarer certificate	Certificate of competency
1	Navigational Watch Rating	General Purpose Hand NC
2	Engine Room Watch Rating	General Purpose Hand NC
3	Able Seafarer – Deck	General Purpose Hand NC
4	Able Seafarer – Engine	General Purpose Hand NC
5	Integrated Rating	General Purpose Hand NC
6	Chief Integrated Rating	General Purpose Hand NC
7	Watchkeeper (Deck) <500 GT	Master <24 m NC
8	Watchkeeper (Deck) <500 GT with <3000 GT NC endorsement	Master <24 m NC
9	Watchkeeper Deck <3000 GT (Yachts)	Coxswain Grade 1 NC
10	Watchkeeper (Deck)	Master <24 m NC
11	Mate <500 GT	Master <45 m NC
12	Mate <500 GT with Chief Mate <3000 GT NC endorsement	Master <45 m NC
13	Chief Mate <3000 GT (Yachts)	Coxswain Grade 1 NC
14	Chief Mate <3000 GT	Master <24 m NC
15	Chief Mate <3000 GT with Master <500 GT unlimited and <3000 GT NC endorsement	Master <100 m NC
16	Chief Mate	Master <24 m NC
17	Chief Mate with Master <500 GT unlimited and <3000 GT endorsement	Master <100 m NC
18	Master <24 m FG	Master <24 m NC
19	Master <500 GT (Yachts)	Coxswain Grade 1 NC
20	Master <500 GT	Master <100 m NC
21	Master <3000 GT (Yachts)	Coxswain Grade 1 NC
22	Master <3000 GT	Master <100 m NC
23	Master	Master <100 m NC
24	Electro-technical officer	Marine Engine Driver Grade 2 NC
25	Engineer Watchkeeper (Motor)	Marine Engine Driver Grade 1 NC endorsed for <750 kW steam
26	Engineer Watchkeeper (Motor and Steam)	Marine Engine Driver Grade 1 NC endorsed for <750 kW steam

CONSULTATION DRAFT

Item	Seafarer certificate	Certificate of competency
27	Engineer Watchkeeper endorsed Second Engineer <3000 kW (Motor)	Engineer Class 3 NC endorsed for <750 kW steam
28	Engineer Watchkeeper endorsed Chief Engineer <3000 kW NC (Motor and steam)	Engineer Class 3 NC endorsed for <750 kW steam
29	Engineer Class 2 (Motor)	Engineer Class 3 NC endorsed for <750 kW steam
30	Engineer Class 2 (Motor and Steam)	Engineer Class 3 NC endorsed for <750 kW steam
31	Engineer Class 1 (Motor)	Engineer Class 3 NC endorsed for <750 kW steam
32	Engineer Class 1 (Motor and Steam)	Engineer Class 3 NC endorsed for 750 kW steam

CONSULTATION DRAFT

Schedule 3 Eligibility and sea service requirements

(paragraphs 9(1)(c) and (d))

General Purpose Hand NC

Eligibility requirement

General Purpose Hand course at certificate 1 level

Sea service requirement

At least 5 days qualifying sea service on a commercial vessel

Coxswain Grade 3 NC

Eligibility requirements

Any one of the following:

- (a) Australian Sailing Powerboat Handling course;
- (b) RYA level 2 Powerboat course;
- (c) completion before [1 July 2022] of training and final practical assessment in accordance with Marine Safety (Low complexity duties) Exemption 2020 for the performance of low complexity duties;
- (d) each of the following:
 - (i) a licence, issued by a State or Territory, to operate a recreational vessel;
 - (ii) at least 1 day qualifying sea service on a commercial vessel;
 - (iii) a declaration on the approved form;
- (e) each of the following courses from the MAR Maritime Training Package, or a course developed as part of the MAR Maritime Training Package to cover the same skills:
 - (i) MARI003 Comply with regulations to ensure safe operation of a vessel up to 12 metres;
 - (ii) MARK007 Handle a vessel up to 12 metres;
 - (iii) MARN008 Apply seamanship skills aboard a vessel up to 12 metres.

Coxswain Grade 2 NC

Eligibility requirements

1. Coxswain Grade 2 course at certificate 1 level
2. Final assessment

Sea service requirement

With AMSA approved task book:

At least 10 days qualifying sea service on a commercial or recreational vessel

Without AMSA approved task book:

At least 50 days qualifying sea service on a commercial or recreational vessel

Coxswain Grade 1 NC

Eligibility requirements

1. Coxswain Grade 1 course at certificate 2 level
2. Short Range Operator Certificate of Proficiency issued by ACMA (or higher qualification)
3. Final assessment

Sea service requirement

With AMSA approved task book:

At least 30 days qualifying sea service on a commercial vessel ≥ 5 m long, working in a deck capacity or working both in a deck capacity and an engineering capacity

Without AMSA approved task book:

At least 150 days qualifying sea service on a commercial or recreational vessel ≥ 5 m long, working in a deck capacity or working both in a deck capacity and an engineering capacity

Sailing Master Coastal NC

Eligibility requirement

1. Commercially endorsed RYA Yachtmaster Coastal certificate
2. Short Range Operator Certificate of Proficiency issued by ACMA (or higher qualification)
3. Any one of the following:
 - (a) Coxswain Grade 1 NC certificate of competency;
 - (b) Marine Engine Driver Grade 3 certificate of competency;
 - (c) MAR Maritime Training Package MARC037 Operate inboard and outboard motors, or a course developed as part of the MAR Maritime Training Package to cover the same skills;
 - (d) RYA Diesel Engine course and the Australian Sailing Powerboat Handling course;
 - (e) The RYA Diesel Engine course and the RYA level 2 Powerboat course

CONSULTATION DRAFT

Sailing Master Offshore NC**Eligibility requirements**

1. Commercially endorsed RYA Yachtmaster Offshore or Yachtmaster Ocean certificate
2. Long Range Operator Certificate of Proficiency (or higher) issued by ACMA
3. Any one of the following:
 - (a) Coxswain Grade 1 NC certificate of competency;
 - (b) Marine Engine Driver Grade 3 certificate of competency;
 - (c) MAR Maritime Training Package MARC037 Operate inboard and outboard motors, or a course developed as part of the MAR Maritime Training Package to cover the same skills;
 - (d) RYA Diesel Engine course and the Australian Sailing Powerboat Handling course;
 - (e) The RYA Diesel Engine course and the RYA level 2 Powerboat course.

Master (Inland waters) NC**Eligibility requirements**

1. Master (Inland waters) NC course at certificate 3 level
2. Final assessment

Sea service requirement**With AMSA approved task book:**

At least 60 days qualifying sea service on a commercial vessel ≥ 7.5 m long working in a deck capacity

Without AMSA approved task book:

At least 120 days qualifying sea service on a commercial or recreational vessel ≥ 7.5 m long, working in a deck capacity or working both in a deck capacity and an engineering capacity

Master <24 m NC

Eligibility requirements

1. Masters <24 m course at certificate 3 level
2. Long Range Operator Certificate of Proficiency (or higher) issued by ACMA
3. Final assessment

Sea service requirement

With AMSA approved task book:

At least 120 days qualifying sea service on a commercial vessel ≥ 7.5 m long working in a deck capacity

Without AMSA approved task book:

At least 360 days qualifying sea service on a vessel ≥ 7.5 m long (of which at least half must be on a commercial vessel), working in a deck capacity or working both in a deck capacity and an engineering capacity

Master <45 m NC

Eligibility requirements

1. Master <24 m NC or Mate <80 m NC certificate of competency
2. Master <45 m course at certificate 4 level
3. Long Range Operator Certificate of Proficiency (or higher) issued by ACMA
4. Final assessment

Sea service requirement

With AMSA approved task book:

At least 180 days qualifying sea service on a commercial vessel ≥ 12 m long while holding a Master <24 m NC certificate or a Mate <80 m NC certificate including 120 days as person in charge of a navigational watch

Without AMSA approved task book:

At least 360 days qualifying sea service on a commercial vessel ≥ 12 m long while holding a Master <24 m NC certificate or a Mate <80 m NC certificate including 240 days as person in charge of a navigational watch

CONSULTATION DRAFT

Master <100 m NC**Eligibility requirements**

1. Master <35 m NC, Master <45 m NC, or Mate <80 m NC certificate of competency
2. Master <100 m course at diploma level
3. Long Range Operator Certificate of Proficiency (or higher) issued by ACMA
4. Final assessment

Sea service requirement**With AMSA approved task book:**

Either of the following:

- (a) at least 180 days qualifying sea service on a commercial vessel ≥ 24 m long while holding a Master <45 m NC certificate including 120 days as officer of the watch on a commercial vessel ≥ 24 m;
- (b) at least 360 days qualifying sea service as officer of the watch on a commercial vessel ≥ 24 m long while holding a Mate <80 m NC or a non command seafarer certificate.

Without AMSA approved task book:

Either of the following:

- (a) at least 360 days qualifying sea service on a commercial vessel ≥ 24 m long while holding a Master <45 m NC certificate including 120 days as officer of the watch on a commercial vessel ≥ 24 m;
- (b) at least 720 days qualifying sea service as officer of the watch on a commercial vessel ≥ 24 m long while holding a Mate <80 m NC or a non command seafarer certificate.

Note The following seafarer certificates are non command:

- Watchkeeper Deck <500 GT
- Watchkeeper Deck <3000 GT (Yachts)
- Watchkeeper Deck
- Chief Mate <3000 GT (Yachts)
- Chief Mate <3000 GT
- Chief Mate

Marine Engine Driver Grade 3 NC

Eligibility requirements

1. Marine Engine Driver 3 course at certificate 2 level
2. Final assessment

Sea service requirement

With AMSA approved task book:

At least 20 days qualifying sea service on a commercial vessel with propulsion power ≥ 75 kW that includes at least 10 days on a vessel with an inboard diesel engine.

Without AMSA approved task book:

At least 60 days qualifying sea service on a commercial vessel with propulsion power ≥ 75 kW that includes at least 30 days on a vessel with an inboard diesel engine.

In each case the qualifying sea service must be completed while performing duties as a general purpose hand, Coxswain Grade 1 NC, Coxswain Grade 2 NC, assistant to a marine engine driver, chief engineer or second engineer.

Marine Engine Driver Grade 2 NC

Eligibility requirements

1. Marine Engine Driver 2 course at certificate 3 level
2. Final assessment

Sea service requirement

With AMSA approved task book

Either of the following:

- (a) at least 180 days qualifying sea service on a commercial vessel with inboard diesel propulsion power ≥ 150 kW;
- (b) at least 90 days qualifying sea service on a commercial vessel with inboard diesel propulsion power ≥ 150 kW while holding a workshop skills equivalent qualification.

Without AMSA approved task book:

Either of the following:

- (a) at least 360 days qualifying sea service on a commercial vessel with inboard diesel propulsion power ≥ 150 kW;
- (b) at least 180 days qualifying sea service on a commercial vessel with inboard diesel propulsion power ≥ 150 kW while holding a workshop skills equivalent qualification.

In each case the qualifying sea service must be completed while performing duties as a general purpose hand, an engineer, a marine engine driver, an assistant to a marine engine driver, an assistant to a chief engineer or second engineer.

CONSULTATION DRAFT

Marine Engine Driver Grade 1 NC**Eligibility requirements**

1. Marine Engine Driver 1 course at certificate 4 level
2. Final assessment

Sea service requirement**With AMSA approved task book**

Either of the following:

- (a) at least 120 days qualifying sea service on a commercial vessel with inboard diesel engines with propulsion power ≥ 375 kW, while holding a Marine Engine Driver Grade 2 NC certificate of competency;
- (b) at least 90 days qualifying sea service on a commercial vessel with inboard diesel propulsion power ≥ 375 kW while holding a workshop skills equivalent qualification.

Without AMSA approved task book

Either of the following:

- (a) at least 240 days qualifying sea service on a commercial vessel with inboard diesel engines with propulsion power ≥ 375 kW, while holding a Marine Engine Driver Grade 2 NC certificate of competency;
- (b) at least 180 days qualifying sea service on a commercial vessel with inboard diesel propulsion power ≥ 375 kW while holding a workshop skills equivalent qualification.

In each case the qualifying sea service must be completed while performing duties as a general purpose hand, an engineer, marine engine driver, chief engineer, second engineer, or assistant to a marine engine driver, chief engineer or second engineer.

Engineer Class 3 NC

Eligibility requirements

1. Engineer Class 3 course at diploma level
2. Final assessment

Sea service requirement

With AMSA approved task book

Either of the following:

- (a) at least 180 days qualifying sea service on a commercial vessel with inboard diesel engines with propulsion power ≥ 400 kW, while holding a Marine Engine Driver Grade 1 NC qualification;
- (b) at least 120 days qualifying sea service on a commercial vessel with inboard diesel engines with propulsion power ≥ 400 kW, while holding a workshop skills equivalent qualification;

Without AMSA approved task book:

Any one of the following:

- (a) at least 360 days qualifying sea service on a commercial vessel with inboard diesel engines with propulsion power ≥ 400 kW, while holding a Marine Engine Driver Grade 1 NC qualification;
- (b) at least 240 days qualifying sea service on a commercial vessel with inboard diesel engines with propulsion power ≥ 400 kW, while holding a workshop skills equivalent qualification;
- (c) at least 90 days qualifying sea service on a commercial vessel with inboard diesel engines with propulsion power ≥ 400 kW, while holding an Engineer Watchkeeper seafarer certificate issued under the Navigation Act.

In each case the qualifying sea service must be completed while performing duties as an engineer, marine engine driver or assistant to a chief engineer, second engineer or marine engine driver.

Note The skills and knowledge relevant to the duties and functions of the above certificates are set out in the AMSA document *MO 505 Certificates of Competency Skills and Knowledge* — see the AMSA website at <http://www.amsa.gov.au>

CONSULTATION DRAFT

Schedule 4 Calculating qualifying sea service

(subsection 10(1))

4.1 Terms for calculating qualifying sea service

In clause 4.2:

STCW Code means the Seafarers' Training, Certification and Watchkeeping (STCW) Code as adopted by resolution of the 2010 Conference of Parties to the STCW Convention, as amended and in force for Australia from time to time.

Note The resolution mentioned in the definition of **STCW Code** forms part of a package of amendments (the Manila amendments) made by the 2010 Conference of the Parties to the STCW Convention (STCW/CONF.2/34).

STCW Convention means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, done at London on 7 July 1978, as amended and in force for Australia from time to time.

underway means when the vessel is not:

- (a) at anchor; or
- (b) made fast to the shore; or
- (c) aground.

watchkeeping duties means the duties of a master, chief mate or deck watchkeeper in charge of a navigational watch.

Note Other terms used in clause 4.2 are defined in section 4 including: deck capacity, deck certificate, dual certificate and engineering certificate.

4.2 Calculation of qualifying sea service

- (1) Qualifying sea service is measured in hours spent performing the tasks appropriate to the kind of certificate to which it applies.
- (2) For qualifying sea service, a day is 8 hours.
- (3) Hours of service less than 8 in a day may be added to hours of service less than 8 in any other day.

Example 3 hours worked on Tuesday, 3 hours worked on Thursday and 3 hours worked on Saturday may be added together to make 1 day of qualifying sea service. The remaining hour may be used to add to further hours subsequently accumulated.
- (4) However, hours of service more than 8 in a calendar day do not count towards qualifying sea service.
- (5) Sea service performed by a person when the person is less than 16 years old may be counted as qualifying sea service:
 - (a) only for a Coxswain Grade 1 or 2, or a Marine Engine Driver Grade 3 certificate; and
 - (b) only if the person was at least 14 years old when the sea service was performed.
- (6) Qualifying sea service must be accrued on a vessel that is:
 - (a) underway; or
 - (b) at anchor with a person on anchor watch; or
 - (c) being manoeuvred to free it from being aground.
- (7) However:
 - (a) for a deck certificate — up to 15% of the required sea service may be accrued on a vessel that is not mentioned in subclause (6) while the applicant is performing duties in a deck capacity or undertaking refitting work; and

CONSULTATION DRAFT

- (b) for an engineering certificate — up to 33% of the required sea service may be accrued on a vessel that is not mentioned in subclause (6) while the applicant is performing duties in an engineering capacity or undertaking refitting work.
- (8) A person who holds a dual certificate, and performs sea service in a dual role on a vessel with propulsion power ≤ 750 kW, may count that sea service as qualifying sea service for one or more of the following:
 - (a) a dual certificate;
 - (b) a deck certificate;
 - (c) an engineering certificate.
- (9) A person who holds both a deck certificate and an engineering certificate, and performs sea service in a dual role on a vessel with propulsion power ≤ 750 kW, may count that sea service as qualifying sea service for one or both of the following:
 - (a) a deck certificate;
 - (b) an engineering certificate.

4.3 Recognition of other kinds of service

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

- (a) the duration and frequency of voyages or refits; and
- (b) the kind of duties performed and their duration and frequency; and
- (c) the level of responsibility during the sea service; and
- (d) the relevance of the sea service to the certificate of competency applied for.

Example

Service on defence vessels

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

4.4 Evidence

- (1) The applicant must give the National Regulator evidence of sea service accrual.
- (2) Evidence of sea service accrual must include the following:
 - (a) vessel name;
 - (b) vessel identification number;
 - (c) vessel measured length;
 - (d) kind of vessel;
 - (e) area of operation;
 - (f) duties performed;
 - (g) propulsion type;
 - (h) number of engines;
 - (i) propulsion power of each engine;
 - (j) total propulsion power (in kilowatts);
 - (k) number of days at sea;
 - (l) hours worked each day;
 - (m) any other matter mentioned on the AMSA website.

Note The AMSA website is at <http://www.amsa.gov.au>.

CONSULTATION DRAFT

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- (3) Without limiting subclause (1), the applicant may provide evidence in the following ways:
- (a) a declaration, in a form acceptable to the National Regulator;
 - (b) a sea service log book approved in writing by the National Regulator or an AMSA approved task book;
 - (c) a letter from the operator, owner, master or chief engineer of a vessel detailing the sea service accrued by the applicant.

4.5 Discounting service

If the National Regulator considers that a period of qualifying sea service was completed at a time that is, or in circumstances that are, of little or no relevance to the certificate of competency for which the applicant applies, the National Regulator may discount all or part of the service.

Schedule 5 Endorsements

(subsection 14(1))

Item	Certificate of competency	Endorsement	Requirements to obtain endorsement
1	<p>Marine Engine Driver Grade 3 NC</p> <p>Marine Engine Driver Grade 2 NC</p> <p>Marine Engine Driver Grade 1 NC</p> <p>Engineer Class 3 NC</p>	<p>Chief Engineer on a vessel that has steam as its main method of propulsion <750 kW, in inland waters and waters to the outer limits of the exclusive economic zone of Australia</p>	<p>The holder must:</p> <p>(a) complete an AMSA approved task book; and</p> <p>(b) have at least 100 hours qualifying sea service on vessels with steam as the main propulsion power with propulsion power <750 kW while working on board as an assistant to any of the following:</p> <ul style="list-style-type: none"> (i) an engineer; (ii) an engine driver; (iii) a chief engineer; (iv) a second engineer; and <p>(c) hold a basic boiler licence or a licence to operate a standard boiler issued by a State or Territory authority responsible for work health and safety legislation; and</p> <p>(d) pass a final assessment.</p>
2	Coxswain Grade 2 NC	<p>Command and operate a vessel with inboard propulsion power <500 kW</p>	<p>The holder must satisfactorily complete:</p> <p>(a) MAR Maritime Training Package unit MARB027 Perform basic servicing and maintenance of main propulsion unit and auxiliary systems; and</p> <p>(b) MAR Maritime Training Package unit MARC038 Operate main propulsion unit and auxiliary systems.</p>
3	<p>Coxswain Grade 3 NC (only when issued with a certificate by the National Regulator, not when deemed to have one by subsection 7(4) of this Marine Order)</p> <p>Coxswain Grade 2 NC</p> <p>Coxswain Grade 1 NC</p> <p>Master (Inland waters) NC</p> <p>Master <24 m NC</p>	<p>Command and operate the engines of a vehicular ferry-in-chains attached to the shore by cable</p>	<p>The holder must have at least 20 days qualifying sea service on a ferry in chains.</p>

CONSULTATION DRAFT

Schedule 6 Criteria for approval of organisation to conduct final assessments

(subsection 27(1))

The organisation must:

- (a) be a registered training organisation registered to deliver an MAR Maritime Training Package qualification; and
- (b) not be in liquidation or insolvency administration; and
- (c) tell the National Regulator the kinds of certificates it intends to provide assessment for; and
- (d) deliver assessment that complies with the Standards for RTOs; and
- (e) have a documented assessment strategy that will be followed for all assessments associated with the approval; and
- (f) tell the National Regulator about any proposed partnerships or subcontracting arrangements for the delivery of assessments on its behalf; and
- (g) tell the National Regulator the name of any person who is to deliver assessments for the organisation; and
- (h) ensure that any person who is to deliver assessments for the organisation has:
 - (i) a certificate of competency that is current and appropriate for the assessment being delivered; and
 - (ii) qualifications appropriate to the training that is mentioned in Standards for RTOs; and
 - (iii) completed any instruction required by the National Regulator.

Schedule 7 Conditions on approval of organisation to conduct final assessments

(section 28)

The organisation must:

- (a) continue to meet the criteria in Schedule 6; and
- (b) provide assessment for the kinds of certificate mentioned in the approval in accordance with the organisation's registration with ASQA, TAC or VRQA; and
- (c) ensure assessments are delivered in accordance with:
 - (i) the appropriate MAR Maritime Training Package qualification; and
 - (ii) the AMPA; and
 - (iii) the organisation's documented assessment strategy; and
 - (iv) any direction issued by the National Regulator or ASQA, TAC or VRQA; and
- (d) adopt processes to ensure that its assessors:
 - (i) continue to develop their vocational education and training knowledge and skills; and
 - (ii) maintain their industry skills and knowledge; and
- (e) must not advertise that the assessments it provides are endorsed or approved by the National Regulator; and
- (f) cooperate with any investigation of the organisation by the National Regulator, including by providing requested information; and
- (g) after consultation with the National Regulator, comply with any corrective action required by the National Regulator within the time stated; and
- (h) tell the National Regulator if there is any change to the method of delivery of the assessment; and
- (i) keep records of all conducted assessments for 6 months.

Note

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