



Australian Government
Australian Maritime Safety Authority

AMSA EX18

Marine Safety (Sail) Exemption 2020

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

1 Name of instrument

This instrument is *Marine Safety (Sail) Exemption 2020*.

2 Duration

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

3 Definitions

In this instrument:

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

Note **National Regulator** is defined in the *Marine Safety (Domestic Commercial Vessel) National Law* — see section 6.

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

RYA means Royal Yachting Association.

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

specified duties means the duties of:

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

4 Exemption

- (1) A person is exempt from the requirement to hold a certificate of competency that would be required for the specified duties if the person meets the criteria mentioned in subsection (2).
- (2) The criteria are that the person:
 - (a) is at least 16 years; and
 - (b) makes a declaration of medical fitness in accordance with the form approved for NSCV Part D; and
 - (c) holds a current first aid certificate of at least HLTAID003 *Provide first aid* or another course that the National Regulator considers to be equivalent; and
 - (d) holds a Short Range Operator Certificate of Proficiency issued by the Australian Communications and Media Authority or its delegate; and
 - (e) has completed:
 - (i) MARSS00008 Shipboard Safety Skill Set units of the MAR maritime training package developed by the Maritime Industry Reference Committee; or
 - (ii) the Australian Sailing RYA Safety and Sea Survival course or the World Sailing *Offshore personal survival course*; and

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- (f) for the duties mentioned in paragraphs (a) and (b) of the definition of **specified duties** in section 3:
- (i) on 30 June 2013 — held a Master 5 (Sail) certificate; or
 - (ii) both:
 - (A) has completed courses in accordance with subsection (3);
and
 - (B) holds a Australian Sailing RYA Yachtmaster Offshore or Yachtmaster Ocean certificate of competence, or another certificate the National Regulator considers to be equivalent;
and
- (g) for the duties mentioned in paragraph (c) of the definition of **specified duties** in section 3 — holds a Australian Sailing RYA Yachtmaster Coastal certificate, Coxswain (Sail) certificate or another certificate the National Regulator considers to be at least equivalent.

Note for paragraph (d) The Australian Maritime College (AMC) issues Short Range Operator Certificates of Proficiency as a delegate of the Australian Communications and Media Authority under section 122A of the *Radiocommunications Act 1992*. Information on equivalent qualifications is available on the AMC website.

- (3) For sub-subparagraph (2)(f)(ii)(A), the courses are:
- (a) MARC037 – operate inboard and outboard motors or equivalent unit of the MAR maritime training package developed by the Maritime Industry Reference Committee; or
 - (b) the Australian Sailing RYA *Diesel Engine course* and the Australian Sailing Powerboat Handling course; or
 - (c) the Australian Sailing RYA *Diesel Engine course* and the RYA *Level 2 Powerboat course*.
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