



AMSA EX18

Marine Safety (Sail) Exemption 2017

I, Gary Prosser, Acting 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*..

12 December 2017

Gary Prosser
Acting Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Sail) Exemption 2017*.

2 Duration

This instrument:

- (a) commences on 1 February 2018; and
- (b) ceases to have effect at the end of 30 June 2020.

Note AMSA is considering implementing a scheme that will align with international standards and would replace this instrument.

3 Repeal and transitional matters

- (1) *Marine Safety (Sail) Exemption 2014* made on 26 June 2014 is repealed.
- (2) A person who, on 30 June 2014, was approved under *Marine Safety (Sail) Exemption 2013* is taken to comply with the conditions for exemption under this instrument for the specified duties for which the person was approved.

4 Definitions — the dictionary

A definition in the dictionary applies to each use of the word or expression in this instrument.

Note The dictionary is located at the end of the instrument.

5 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 Part D of the NSCV; and
 - (c) holds an approved first aid certificate of at least the HLT training package *Provide first aid*; and
 - (d) holds at least a Marine Radio Operators VHF Certificate of Proficiency issued by the Australian Communications and Media Authority, or another qualification that the Australian Communications and Media Authority considers to be equivalent; and
 - (e) has completed:
 - (i) the Elements of Shipboard Safety units of the maritime training package of the Transport & Logistics Industry Skills Council Ltd or any other training the National Regulator considers to be an equivalent program; or
 - (ii) the YA–RYA Safety and Sea Survival course or the International Sailing Federation *Offshore personal survival course*; and
 - (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 YA-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 YA-RYA Yachtmaster Coastal certificate, Coxswain (Sail) certificate or another certificate the National Regulator considers to be at least equivalent.
- (3) For sub-subparagraph (2)(f)(ii)(A), the courses are:
 - (a) TDMMR3007B — Operate and carry out basic service checks on small vessel marine propulsion systems or MARC005 — operate inboard and outboard motors; or
 - (b) the YA–RYA *Diesel Engine course* and the YA Powerboat Handling course; or
 - (c) the YA–RYA *Diesel Engine course* and the RYA *Level 2 Powerboat course*.
- (4) For paragraphs (2)(f) and (3)(a), TDMMR3007B and MARC005 are units of the maritime training package of the Transport & Logistics Industry Skills Council Ltd.

Dictionary

(section 4)

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.

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.

YA means Yachting Australia Incorporated.
