



Australian Government
Australian Maritime Safety Authority

AMSA EX46

Marine Safety (Coxswain Grade 3) Exemption 2022

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*.

16 November 2022

Michael Kinley
Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Coxswain Grade 3) Exemption 2022*.

2 Duration

This instrument:

- (a) commences on 1 January 2023; and
- (b) ceases to have effect on 31 December 2023.

3 Definitions

In this instrument:

Exemption 38 means any of the following:

- (a) Marine Safety (Low complexity duties) Exemption 2015;
- (b) Marine Safety (Low complexity duties) Exemption 2016;
- (c) Marine Safety (Low complexity duties) Exemption 2016 (No. 2);
- (d) Marine Safety (Low complexity duties) Exemption 2017;
- (e) Marine Safety (Low complexity duties) Exemption 2017 (No. 2);
- (f) Marine Safety (Low complexity duties) Exemption 2020.

marine card means a current marine card issued by the Boating Industry Association Ltd.

Marine Order 505 means *Marine Order 505 (Certificates of competency — national law) 2022*.

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 Marine Safety (Domestic Commercial Vessel) National Law.

4 Application

This exemption applies to the following:

- (a) a person who has completed, before 1 January 2023, training and final practical assessment in accordance with Exemption 38;
- (b) a person with a recreational boating licence issued by a State or Territory and a marine card, who, before 1 January 2023, operated only in a marina or mooring area and in accordance with Exemption 38.

5 Exemption

- (1) The person is exempt from the requirement in paragraph 7(5)(c) of Marine Order 505 to have a *Certificate of Medical Fitness Domestic Seafarers* if the person makes a declaration of medical fitness in the approved form.

Note 1 This exemption is from a requirement of subsection 7(5) of Marine Order 505 which enables a person to operate as a Coxswain Grade 3 without a certificate of competency. The exemption is not for a person applying to be issued with a certificate of competency as a Coxswain Grade 3, for which a medical certificate is required.

Note 2 Other requirements of subsection 7(5) of Marine Order 505 still apply. These include age, English language proficiency, first aid certificate unless working only in a marina or mooring area, and meeting one of the eligibility requirements in Schedule 3.

Note 3 The approved form is available from the AMSA website at <http://www.amsa.gov.au>.

- (2) However, the person is not exempt if the National Regulator:
 - (a) considers that the person does not have a satisfactory level of medical fitness to undertake a duty or perform a function listed for a Coxswain Grade 3 in Schedule 1 of Marine Order 505; and
 - (b) tells the person in writing.

6 Conditions

- (1) The person must make available, on request by the National Regulator or a marine safety inspector, the declaration of medical fitness.
- (2) The person must:
 - (a) tell the National Regulator in writing about any long term or permanent medical condition that is likely to affect the person's ability to undertake a duty or perform a function listed for a Coxswain Grade 3 in Schedule 1 of Marine Order 505; and
 - (b) undergo a medical examination if the National Regulator requests it; and
 - (c) give the National Regulator a report by the medical practitioner of any medical examination requested by the National Regulator.