



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

AMSA EXxx

## **Marine Safety (Emergency service vessels) Exemption 2024**

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I, Kaylene Dale, 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*.

2024

**[DRAFT ONLY — NOT FOR SIGNATURE]**

Chief Executive Officer

### **1 Name of instrument**

This instrument is *Marine Safety (Emergency service vessels) Exemption 2024*.

### **2 Duration**

This instrument:

- (a) commences on 1 July 2025; and
- (b) ceases to have effect at the end of 30 June 2030.

### **3 Definitions**

In this instrument:

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

***emergency service organisation*** (or ***ESO***) means an organisation:

- (a) established to provide emergency response, emergency management services or disaster relief; and
- (b) given responsibilities by a State, Territory or Commonwealth government in an emergency or disaster.

*Note* The responsibilities of an ESO may be set out in a State, Territory or Commonwealth emergency management or search and rescue plan or subplan.

***fire service organisation*** (or ***FSO***) means an organisation established by State, Territory or Commonwealth legislation to provide the following services:

- (a) prevention, mitigation and suppression of fires;

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- (b) protection of people from dangers to their safety and health from fire;
  - (c) protection of property from destruction or damage by fire.

**Great Barrier Reef Region** has the meaning given by NSCV Part B.

**inland waters** means non-tidal waters.

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

*Note* Details are available at [www.training.gov.au](http://www.training.gov.au).

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

**Drafters comment: Place marker for updating this if MO504 comes into effect before this instrument is made.**

**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*.

**NSCV Part B** means *Part B — General requirements of the NSCV*.

*Note* See section 6 of the *Marine Safety (Domestic Commercial Vessel) National Law*, for the meaning of *National Standard for Commercial Vessels*.

**operational area** has the meaning given by NSCV Part B.

**personal watercraft** (or **PWC**) has the same meaning as in Marine Order 504.

**propulsion power** has the same meaning as in Marine Order 505.

**registered training organisation** (or **RTO**) means a training organisation registered by any of the following:

- (a) the Australian Skills Quality Authority (ASQA);
- (b) the Victorian Registration and Qualifications Authority;
- (c) the Training Accreditation Council Western Australia.

**sheltered waters** has the meaning given by NSCV Part B.

**Torres Strait zone** has the meaning given by NSCV Part B.

**validated assessor** means a person who:

- (a) meets the requirements of ASQA, Training Accreditation Council Western Australia or Victoria Registration and Qualifications Authority for an assessor; and
- (b) has been approved by a VMR or ESO or FSO to assess a person's competence to operate a vessel, or be a member of crew on a vessel, up to a specified length and operational area; and
- (c) has:
  - (i) completed the unit of competency or another unit of competency that is related to any assessment provided; and
  - (ii) knowledge and experience appropriate for any assessment provided.

**validated trainer** means a person who:

- (a) meets the requirements of ASQA, Training Accreditation Council Western Australia or Victoria Registration and Qualifications Authority for a trainer; and

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- (b) has been approved by a VMR or ESO or FSO to train a person to operate a vessel, or be a member of crew on a vessel, up to a specified length and operational area; and
  - (c) has:
    - (i) completed the unit of competency or another unit of competency that is at least equivalent to any unit of competency delivered by the person; or
    - (ii) knowledge and experience appropriate for the delivery of the training.

***volunteer marine rescue organisation*** (or ***VMR***) means an organisation:

- (a) established for the primary purpose of undertaking activities related to marine search, rescue, or public safety; and
- (b) given responsibilities by a State, Territory or Commonwealth government in circumstances of an emergency or disaster.

*Note* The responsibilities mentioned in paragraph (b) may be set out in a State, Territory or Commonwealth emergency management or search and rescue plan or subplan.

#### **4 Application**

- (1) This instrument applies to a person undertaking duties or performing functions on a vessel mentioned in subsection (2).
- (2) Subject to subsection (4), this instrument applies to a domestic commercial vessel that is operated by an organisation used in connection to the following purposes or activities:
  - (a) search;
  - (b) rescue;
  - (c) emergency or disaster response;
  - (d) fire-fighting;
  - (e) mitigating threats to public safety;
  - (f) any other incidental activity.

*Note* A vessel used in connection with a purpose or activity not mentioned in this provision must comply with the requirements set out in the *Marine Safety (Domestic Commercial Vessel) National Law*. Please see AMSA's website at [www.amsa.gov.au](http://www.amsa.gov.au) for examples of purposes or activities that are considered by the National Regulator as meeting subsection (1).

- (3) The activity for paragraph (1)(f) includes:
  - (a) transporting individuals or equipment to and from incidents;
  - (b) training of volunteers or employees to ensure the safe operation of the vessel;
  - (c) promoting public awareness;
  - (d) supporting response to any pollution incident or potential pollution incident.
- (4) The vessel must be operated as follows:
  - (a) by an organisation that is:
    - (i) an ESO; or
    - (ii) an FSO; or
    - (iii) a VMR; and
  - (b) without consideration.

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*Note for paragraph (b)* This exemption does not apply if a vessel is operated for fee for service or as a commercial activity. However, the organisation operating the vessel is permitted to accept unsolicited donations or government funding.

## **5 Exemption — certificates of competency**

- (1) Subject to the conditions mentioned in subsection (2), a person is exempt from the requirement to hold a certificate of competency under the *Marine Safety (Domestic Commercial Vessel) National Law* if:
  - (a) the person undertakes duties or performs functions on a vessel subject to section 4; and
  - (b) any of the following applies:
    - (i) the vessel is operated by a volunteer organisation; or
    - (ii) the vessel is a surf life-saving vessel; or
    - (iii) the duties are undertaken or the functions are performed on the vessel without consideration.

*Note* This exemption applies to crew competency requirements only. Operators must also ensure that a vessel is operated within the limits of its certification.

### **Conditions**

- (2) The person must:
  - (a) be at least 16 years old; and
  - (b) meet the medical and eyesight requirements that:
    - (i) are determined by the operator of the vessel; and
    - (ii) take into account any guidance provided by the National Regulator on medical or eyesight requirements; and
  - (c) tell the operator of the vessel, in writing, about any long term or permanent medical condition that is likely to affect the person's ability to undertake the person's duties; and
  - (d) undertake duties or perform functions mentioned in Schedule 1 only if the person meets the competency, training and assessment requirements mentioned in Schedule 2 for the particular duties or functions; and
  - (e) meet any requirements of the operator of the vessel for on-going training.
- (3) For duties or functions mentioned in Schedule 1 that are undertaken or performed on a vessel operated by a VMR — an alternative to paragraph (2)(d) is holding certification attained from that organisation, issued before 1 July 2018, that demonstrates competence to operate the vessel and undertake the duties or perform the functions.

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## Schedule 1 Duties or functions of persons

(subsections 5(2) and(3))

### 1 Crew or deckhand

- (1) The person:
- (a) assists, under the direct supervision of the person in charge of the vessel or its engines, a master or engineer with any task that may be required on board; or
  - (b) for a vessel with an inboard engine — works, under the direct supervision of the person in charge of the vessel or its engines, in an engine room of a vessel with propulsion power <500 kW; or
  - (c) for a vessel with an outboard engine — works, under the direct supervision of the person in charge of the vessel or its engines.

*Note* A person must be assessed to confirm that the person is competent to carry out the duties — see subclause 1(2) of Schedule 2.

- (2) This clause does not apply to a vessel that is a vessel operating in inland waters or a PWC.

### 2 Command of vessel operating in inland waters or PWC

The person commands:

- (a) a vessel operating in inland waters; or
- (b) a PWC.

### 3 Command or operate to 3 nm from shore or sheltered waters

The person commands a vessel or operates the engines of a vessel that:

- (a) is <12 m long; and
- (b) is up to 3 nm from shore or sheltered waters; and
- (c) has:
  - (i) an inboard engine with propulsion power <500 kW; or
  - (ii) an outboard engine with unlimited propulsion power.

### 4 Command or operate beyond 3 nm from shore or sheltered waters

The person commands a vessel or operates the engines of a vessel as follows:

- (a) in a state or territory other than Queensland — up to 30 nm from shore or sheltered waters; and
- (b) in Queensland — either:
  - (i) up to 50 nm from shore or sheltered waters; or
  - (ii) within the Great Barrier Reef Region or the Torres Strait zone; and
- (c) the vessel:
  - (i) is <24 m long; and
  - (ii) has an inboard engine with propulsion power <500 kW or an outboard engine with unlimited propulsion power.

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## Schedule 2 Competency and training requirements

(Subsections 5(2), (5) and (6))

### 1 Crew or deckhand

- (1) The person must:
  - (a) hold a current first aid certificate of at least HLTAID011 *Provide first aid* or another course that the National Regulator considers to be equivalent; and
  - (b) have completed the following units from the MAR Maritime Training Package, or another unit of competency or other training considered by the operator of the vessel to be an equivalent:
    - (i) MARF027;
    - (ii) MARF028;
    - (iii) MARF029;
    - (iv) MARN008; and
  - (c) have completed an induction provided by the operator of the vessel on the vessel's operations; and
  - (d) have completed any additional units of competency or training required by the operator of the vessel; and
  - (e) if a training record for the person is not maintained by the operator — maintain a record.
- (2) A MAR Maritime Training Package, or other unit of competency or training considered equivalent by the operator, must be delivered by an RTO or validated trainer.
- (3) A validated assessor must confirm that the person is competent to undertake the duties.

*Note* A person requesting recognition of other units of competency, certificates or training should give the operator information about the content of the unit, certificate or training completed and evidence to show that the person has completed it. For more information on recognition of other units of competency, certificates or training — see the Australian Government website at [www.training.gov.au](http://www.training.gov.au).

### 2 Command vessel operating in inland waters or PWC

The person must:

- (a) if the State or Territory where the vessel is operating has recreational operator licensing requirements — meet those requirements; and
- (b) complete training provided by the operator of the vessel on the vessel's operations.

### 3 Command or operate to 3 nm from shore or sheltered waters

*Note* For paragraph 5(2)(d), a person who meets the competency, training and assessment requirements set out in this clause is considered to have the equivalent competency, training and assessment requirements as those mentioned in clauses 1 and 2.

- (1) The person must:
  - (a) hold a current first aid certificate of at least HLTAID011 *Provide first aid* or another course that the National Regulator considers to be equivalent; and

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- (b) have completed the MAR Maritime Training Package Coxswain Grade 2 near coastal course at certificate I level, or other units of competency or other training considered by the operator of the vessel to be equivalent; and
  - (c) hold a Short Range Operator Certificate of Proficiency or other training considered by the operator of the vessel to be equivalent to the training required for this certificate; and
  - (d) have completed training provided by the operator of the vessel on setting up and securing a vessel towing operation; and
  - (e) have completed any additional units of competency or other training required by the operator of the vessel; and
  - (f) if a training record for the person is not maintained by the operator of the vessel — maintain a record.

*Note for paragraph (b)* These MAR units can be found at [www.training.gov.au](http://www.training.gov.au).

*Note for paragraph (d)* In addition to crew having appropriate training, a vessel must be appropriately certified to tow.

- (2) A MAR Maritime Training Package, or other unit of competency or training considered equivalent by the operator, must be delivered by an RTO or validated trainer.
- (3) A validated assessor must confirm that the person is competent to undertake the duties.

#### **4 Command or operate beyond 3 nm from shore or sheltered waters**

*Note* For paragraph 5(2)(d), a person who meets the competency, training and assessment requirements set out in this clause is considered to have the equivalent competency, training and assessment requirements as those mentioned in clauses 1, 2 and 3.

- (1) The person must:
  - (a) hold a first aid certificate of at least HLTAID011 *Provide first aid* or another course that the National Regulator considers to be equivalent; and
  - (b) have completed the following from the MAR Maritime Training Package, or other units of competency or other training considered by the operator of the vessel to be equivalent:
    - (i) Coxswain Grade 1 near coastal course at certificate II level (other than MARB027 and MARF030); and
    - (ii) MARB027 and MARF030 if applicable to vessel operations; and
  - (c) either:
    - (i) hold a Short Range Operator Certificate of Proficiency or other training considered by the operator of the vessel to be equivalent to the training required for this certificate, and
    - (ii) if fitted with a HF radiotelephone — a Long Range Operator Certificate of Proficiency or have completed a unit of competency or other training considered by the operator of the vessel to be equivalent to the training required for this certificate; and
  - (d) have completed training provided by the operator of the vessel on:
    - (i) coordinating search and rescue operations; and
    - (ii) setting up and securing a vessel towing operation; and

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- (e) have completed any additional units of competency or training required by the operator of the vessel; and
  - (f) if a training record for the person is not maintained by the operator of the vessel — maintain a record.
- (2) However, from 1 July 2026, paragraph (1)(b) does not apply to duties or functions on a vessel 12 m to <24 m long — that person must have completed either of the following courses and corresponding additional units of competency, or completed other units of competency or other training considered by the operator of the vessel to be equivalent:

<b>Course option</b>	<b>Additional units</b>	<b>Engineering competencies required unless another person on board has completed the units</b>
Coxswain Grade 1 NC	MARF030, MARH015, MARH016; MARH017 and MARK008	MARB028, MARC033, MARC035, and MARC039
Master up to 24m NC		MARB028, MARC033, MARC035, and MARC039

- (3) A MAR Maritime Training Package, or other unit of competency or training considered equivalent by the operator, must be delivered by an RTO or validated trainer.
  - (4) A validated assessor must confirm that the person is competent to undertake the duties.
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