

AMSA Regulatory Review – Miscellaneous Amendment Order

Marine Order 70 (Seafarer certification) 2014

Who does this Marine Order apply to?

Marine Order 70 (Seafarer certification) 2014 (MO70) applies to:

- a. a person performing or intending to perform, duties or functions as a qualified seafarer on a regulated Australian vessel,
- b. a person who holds a seafarer certificate, and
- c. an owner of a regulated Australian vessel who employs a person who holds a seafarer certificate.

Background

MO70 sets out general provisions that apply for a person to be a qualified master, officer or other seafarer under the Navigation Act 2012, and gives effect to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

In early-to-mid-2027, AMSA will commence issuing digital certificates. Digital certificates will not include a photograph or signature of the seafarer and MO70 requires amendments to accommodate the new format.

The current form of printed certificate with a photograph and signature also needs to be recognised while physical cards remain valid.

What are the key changes?

The proposed amendments are:

- a. Amending the certificate form requirements to remove the photograph and signature requirements on digital certificates,
- b. Clarifying that the requirements for physically replacing, disposal and returning only applies to printed certificates, and
- c. Making minor editorial changes to update incorrect or out of date references.

Commencement

The amended Marine Order 70 (2014) is anticipated to come into effect on 1 April 2027.

The table below compares the current Marine Order 70 (2014) and the draft amended Marine Order 70 (2014)

All changes are **yellow** highlighted and deleted text from the current Marine Order is shown as ~~strikethrough~~.

Existing text of <i>Marine Order 70 (Seafarer certification) 2014 issue F2024C01133</i> compiled on 31 October 2024	New text as modified by Marine Orders Miscellaneous Amendment Order 2027	Notes on changes
Division 1 Preliminary	Division 1 Preliminary	
4 Definitions <i>Note 1</i> An endorsement mentioned in paragraph (b) of the definition of vessel endorsement may be an endorsement permitting duties or functions on a ro-ro passenger vessel. <i>Note 2</i> For information on obtaining copies of IMO documents mentioned in this Order see AMSA's website at http://www.amsa.gov.au or email international.relations@amsa.gov.au. <i>Note 3</i> Some terms used in this Order are defined in <i>Marine Order 1 (Administration) 2013</i>, including: • AMSA Act • GT • IMO • Navigation Act • NSCV • SOLAS • STCW Code. <i>Note 4</i> Other terms used in this Order have the same meaning that they have in the Navigation Act, including: • AMSA • Government vessel	4 Definitions <i>Note 1</i> An endorsement mentioned in paragraph (b) of the definition of vessel endorsement may be an endorsement permitting duties or functions on a ro-ro passenger vessel. <i>Note 2</i> For information on obtaining copies of IMO documents mentioned in this Order see AMSA's website at http://www.amsa.gov.au. <i>Note 3</i> Some terms used in this Order are defined in <i>Marine Order 1 (Administration) 2013</i>, including: • AMSA Act • GT • IMO • Navigation Act • NSCV • SOLAS • STCW Code. <i>Note 4</i> Other terms used in this Order have the same meaning that they have in the Navigation Act, including: • AMSA • Government vessel • Maritime Labour Convention	Removed incorrect email address.

• Maritime Labour Convention • master • officer • owner • regulated Australian vessel • seafarer • seafarer certificate • STCW Convention. <i>Note 5</i> For delegation of AMSA's powers under this Order — see the AMSA website at http://www.amsa.gov.au.	• master • officer • owner • regulated Australian vessel • seafarer • seafarer certificate • STCW Convention. <i>Note 5</i> For delegation of AMSA's powers under this Order — see the AMSA website at http://www.amsa.gov.au.	
Division 2 Seafarer certificates other than certificates of recognition — administration	Division 2 Seafarer certificates other than certificates of recognition — administration	
13 Form (1) A seafarer certificate must be in writing and 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 showing the face, head and shoulders of the person; (d) the signature of the person; (e) the date of issue of the certificate; (f) the date of expiry of the certificate; (g) the class of certificate;	13 Form (1) A seafarer certificate must be in writing and may 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 showing the face, head and shoulders of the person; (d) the signature of the person; (e) the date of issue of the certificate; (f) the date of expiry of the certificate; (g) the class of certificate;	Update to reflect introduction of digital certificates.

(h) for a certificate other than a certificate of proficiency as marine cook or a certificate of safety training — the kind and grade of certificate and the STCW regulation number for the grade of certificate; (i) for a certificate of safety training — the STCW regulation number; (j) the conditions on the certificate; (k) any endorsements on the certificate; (l) any other information AMSA considers relevant. (2) If AMSA issues a seafarer certificate for duties or functions on a vessel operating under the STCW Convention, the form of the certificate must meet the requirements of the STCW Convention. Note For STCW Convention requirements for certificates and endorsements — see regulation I/2 of the STCW Convention.	(h) for a certificate other than a certificate of proficiency as marine cook or a certificate of safety training — the kind and grade of certificate and the STCW regulation number for the grade of certificate; (i) for a certificate of safety training — the STCW regulation number; (j) the conditions on the certificate; (k) any endorsements on the certificate; (l) any other information AMSA considers relevant. (2) If AMSA issues a seafarer certificate for duties or functions on a vessel operating under the STCW Convention, the form of the certificate must meet the requirements of the STCW Convention. Note 1 For STCW Convention requirements for certificates and endorsements — see regulation I/2 of the STCW Convention. Note 2 A seafarer certificate in electronic form (digital) that is issued by AMSA does not include a pass-port photograph or signature.	
Division 6 General	Division 6 General	
41 Revocation of certificates (1) AMSA may revoke a certificate that contains incorrect information and may issue a certificate with correct information in its place. (2) The holder of a revoked certificate must arrange for it to be delivered to an AMSA office as soon as practicable after being notified by AMSA that the certificate has been revoked.	41 Revocation of certificates (1) AMSA may revoke a certificate that contains incorrect information and may issue a certificate with correct information in its place. (2) The holder of a revoked certificate, that was issued in printed form, must arrange for it to be delivered to an AMSA office as soon as practicable after being notified by AMSA that the certificate has been revoked.	Update to reflect introduction of digital certificates.

Penalty: 50 penalty units. (3) An offence against subsection (2) is a strict liability offence. (4) A person is liable to a civil penalty if the person contravenes subsection (2). Civil penalty: 50 penalty units.	Penalty: 50 penalty units. (3) An offence against subsection (2) is a strict liability offence. (4) A person is liable to a civil penalty if the person contravenes subsection (2). Civil penalty: 50 penalty units.	
42 Replacement of certificate when lost, stolen or destroyed (1) AMSA may issue a replacement seafarer certificate to a person if satisfied that the person's original certificate has been lost, stolen or destroyed. (2) For subsection (1), AMSA may require the person to give AMSA a statutory declaration signed by the person, stating that the original certificate has been lost, stolen or destroyed. <i>Note 1</i> A fee may be determined for this section — see s 47 of the AMSA Act. <i>Note 2</i> If a form is approved for the application, the approved form must be used and is available on the AMSA website at http://www.amsa.gov.au — see <i>Marine Order 1 (Administration) 2013</i>.	42 Replacement of certificate when lost, stolen or destroyed (1) AMSA may issue a replacement seafarer certificate to a person if satisfied that the person's original certificate was issued in printed form and has been lost, stolen or destroyed. (2) For subsection (1), AMSA may require the person to give AMSA a statutory declaration signed by the person, stating that the original certificate has been lost, stolen or destroyed. <i>Note 1</i> A fee may be determined for this section — see s 47 of the AMSA Act. <i>Note 2</i> If a form is approved for the application, the approved form must be used and is available on the AMSA website at http://www.amsa.gov.au — see <i>Marine Order 1 (Administration) 2013</i>.	Update to reflect introduction of digital certificates.
43 Disposal of certificate by AMSA (1) AMSA may dispose of a seafarer certificate issued to a person if the person has returned the certificate to AMSA and the person has applied for a new certificate to replace the certificate. (2) AMSA must issue a person with a new certificate to replace the certificate if the person is entitled to a new certificate and AMSA disposes of a certificate under subsection (1).	43 Disposal of certificate by AMSA (1) AMSA may dispose of a seafarer certificate, that was issued in printed form, if the person to whom it was issued has returned the certificate to AMSA and the person has applied for a new certificate to replace the certificate. (2) AMSA must issue a person with a new certificate to replace the certificate if the person is entitled to a new certificate and AMSA disposes of a certificate under subsection (1).	Update to reflect introduction of digital certificates.
Division 7 Regulatory action	Division 7 Regulatory action	

49 Immediate suspension of certificate (1) AMSA may suspend a seafarer certificate held by a person immediately by giving the person a written notice (an immediate suspension notice) if AMSA reasonably considers that: (a) there is a ground for regulatory action; and (b) it is in the public interest that the certificate be suspended before a decision is made whether to take regulatory action under subsection 48(2). (2) If an immediate suspension notice is given to the person: (a) the suspension takes effect when the notice is given to the person; and (b) the person must surrender the certificate to AMSA. (3) AMSA must, within 14 days after giving a person an immediate suspension notice: (a) give the person a regulatory action notice; or (b) tell the person in writing that a regulatory action notice will not be given to the person for the same circumstances. (4) The immediate suspension of the certificate ends when the earliest of the following happens: (a) if the person is told in writing under paragraph (3)(b) that a regulatory action notice will not be given to the person for the same circumstances — the day AMSA tells the person; (b) if the person is given a regulatory action notice under paragraph (3)(a) — 14 days after AMSA gives the person written notice of AMSA's decision under subsection 48(3); (c) if the person is not given either notice under subsection	49 Immediate suspension of certificate (1) AMSA may suspend a seafarer certificate held by a person immediately by giving the person a written notice (an immediate suspension notice) if AMSA reasonably considers that: (a) there is a ground for regulatory action; and (b) it is in the public interest that the certificate be suspended before a decision is made whether to take regulatory action under subsection 48(2). (2) If an immediate suspension notice is given to the person: (a) the suspension takes effect when the notice is given to the person; and (b) the person must surrender any certificate to AMSA that was issued in printed form. (3) AMSA must, within 14 days after giving a person an immediate suspension notice: (a) give the person a regulatory action notice; or (b) tell the person in writing that a regulatory action notice will not be given to the person for the same circumstances. (4) The immediate suspension of the certificate ends when the earliest of the following happens: (a) if the person is told in writing under paragraph (3)(b) that a regulatory action notice will not be given to the person for the same circumstances — the day AMSA tells the person; (b) if the person is given a regulatory action notice under paragraph (3)(a) — 14 days after AMSA gives the person written notice of AMSA's decision under subsection 48(3);	Update to reflect introduction of digital certificates.
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(3) within 14 days after the immediate suspension notice was given to the person — 14 days after the suspension of the notice had effect; (d) AMSA revokes the immediate suspension notice.	(c) if the person is not given either notice under subsection (3) within 14 days after the immediate suspension notice was given to the person — 14 days after the suspension of the notice had effect; (d) AMSA revokes the immediate suspension notice.	
50 Failure to surrender certificate (1) A person holding a seafarer certificate that has been revoked or for which an immediate suspension notice or a notice of regulatory action suspending the certificate has been given must surrender the certificate to AMSA within 14 days after: (a) if the certificate has been suspended — the day the person was first given notice of the suspension; or (b) the day the certificate was revoked. Penalty: 50 penalty units. (2) An offence against subsection (1) is a strict liability offence. (3) A person is liable to a civil penalty if the person contravenes subsection (1). Civil penalty: 50 penalty units. (4) Subsection (1) does not apply to a person holding a certificate for which an immediate suspension notice that ends in accordance with paragraph 49(4)(d) has been given.	50 Failure to surrender certificate (1) A person holding a seafarer certificate that has been revoked or for which an immediate suspension notice or a notice of regulatory action suspending the certificate has been given must surrender any certificate to AMSA, that was issued in printed form, within 14 days after: (a) if the certificate has been suspended — the day the person was first given notice of the suspension; or (b) the day the certificate was revoked. Penalty: 50 penalty units. (2) An offence against subsection (1) is a strict liability offence. (3) A person is liable to a civil penalty if the person contravenes subsection (1). Civil penalty: 50 penalty units. (4) Subsection (1) does not apply to a person holding a certificate for which an immediate suspension notice that ends in accordance with paragraph 49(4)(d) has been given.	Update to reflect introduction of digital certificates.