



Australian Government
Australian Maritime Safety Authority

AMSA EX08

Marine Safety (Temporary service) Exemption 2020 (No. 2)

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

Division 1 Preliminary

1 Name of instrument

This instrument is *Marine Safety (Temporary service) Exemption 2020 (No. 2)*.

2 Duration

This instrument commences when it is made and ceases to have effect at the end of 30 June 2025.

3 Repeal

Marine Safety (Temporary service) Exemption 2020 made 5 March 2020 is repealed.

4 Definitions and interpretation

(1) In this instrument:

final assessor means a person approved by the National Regulator under subsection 10(2) of *Marine Order 505*.

Marine Order 501 means *Marine Order 501 (Administration — national law) 2013*.

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

Marine Order 505 means *Marine Order 505 (Certificates of competency — national law) 2013*.

(2) An approval given under any of the following instruments that is in effect and has not expired is taken to be an approval given under this instrument:

(a) *Marine Safety (Temporary service) Exemption 2020*;

(b) *Marine Safety (Temporary service) Exemption 2018*.

Division 2 Temporary service for operation or period of time

5 Exemption — temporary service for operation or period of time

(1) A person is exempt from the requirement to have a certificate of competency if:

(a) an application for approval to perform particular duties or functions without a certificate of competency for a specified operation, or specified period of time, is made to the National Regulator in the approved form; and

(b) the National Regulator approves in writing the performance of those duties or functions without a certificate of competency for the specified operation or the specified period of time.

Note 1 The approved form is available on the AMSA's website at <http://www.amsa.gov.au>.

Note 2 A fee may be charged — see *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*.

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- (2) For a specified operation, the exemption is for the particular duties or functions undertaken during the specified operation mentioned in the approval.
 - (3) For a specified period of time, the exemption:
 - (a) is for the particular duties or functions mentioned in the approval; and
 - (b) starts on the day specified in writing by the National Regulator, and
 - (c) ends on the earlier of:
 - (i) 30 days after it commences; or
 - (ii) a day notified in writing by the National Regulator.
 - (4) The National Regulator may only give an approval if satisfied that the person is competent to perform the particular duties or functions.

Division 3 Temporary service following training and final assessment

6 Exemption — temporary service following training and final assessment

- (1) A person is exempt from the requirement to have a certificate of competency of the following kind if the criteria mentioned in subsection (2) are met:
 - (a) Marine Engine Driver Grade 3 NC;
 - (b) Marine Engine Driver Grade 2 NC;
 - (c) Coxswain Grade 2 NC;
 - (d) Coxswain Grade 1 NC;
 - (e) Master <24m NC;
 - (f) Master (Inland Waters) NC.
- (2) The criteria are:
 - (a) the person meets the eligibility criteria mentioned in subsection 10(1) of Marine Order 505; and
 - (b) an application for a certificate of competency is made to the National Regulator in the approved form.

Note 1 The approved form is available on the AMSA's website at <http://www.amsa.gov.au>.

Note 2 A fee may be charged — see *Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013*.

- (3) The exemption starts on the day the application for a certificate of competency is made to the National Regulator in the approved form and ends the earlier of:
 - (a) 60 days after it commences; or
 - (b) when the National Regulator decides the application.

Note for paragraph (b) In deciding the application, the National Regulator may: issue a certificate of competency for which the person applied; issue another certificate instead of the certificate for which the person applied; or refuse to issue the certificate for which the person applied.

- (4) The exemption is subject to the following conditions:

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- (a) the person may only perform the duties or functions for the kind of certificate of competency to which the statement in paragraph 6(2)(b) relates, or for a certificate of competency for which the person holds;
 - (b) the person must produce a copy of the application mentioned in paragraph (2)(b) at any reasonable time if requested by an owner or marine safety inspector;
 - (c) a person must notify the National Regulator in writing as soon as possible if the person becomes aware that the application mentioned in paragraph (2)(b) was made on the basis of incorrect or incomplete information.
- (5) The exemption does not apply if the application mentioned in paragraph (2)(b) was made in error or was made on the basis of incorrect or incomplete information.

7 Exemption from crewing requirement

A person granted an exemption mentioned in section 6 is taken to be a person who is certificated for the definition of **certificated** in Schedule 1 of Marine Order 504.

Division 4 Temporary service — application being decided for renewal of certificate of competency

8 Exemption

- (1) A person is exempt from the requirement to have a certificate of competency if:
- (a) a certificate of competency that was in force has expired; and
 - (b) the certificate of competency:
 - (i) has not been revoked; or
 - (ii) was not suspended; and
 - (c) an application for the renewal of the certificate of competency has been made to the National Regulator before the expiry of the certificate mentioned in paragraph (a).
- (2) The exemption:
- (a) commences the day after the certificate of competency expires; and
 - (b) ends on the earlier of:
 - (i) 30 days after the day the certificate of competency that has been in force expired; or
 - (ii) on the day that the National Regulator makes a decision in relation to the application for the renewal of certificate of competency.
- (3) The person must continue to comply with the conditions of the expired certificate of competency.