



AMSA EX45

Marine Safety (General purpose hand) 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 (General purpose hand) 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:

direct supervision has the meaning given by Marine Order 505.

general supervision has the meaning given by Marine Order 505.

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*.

qualifying sea service has the same meaning as in Marine Order 505.

4 Exemption from requirement to hold certificate of competency

A person is exempt until 31 December 2023 from the requirement to hold a certificate of competency for the duties and functions of a general purpose hand set out in Schedule 1 of Marine Order 505, if the person has at least 30 days

qualifying sea service, performed at any time during the 5 years before 1 January 2023.

Note 1 Marine Order 505 requires a person to hold a certificate of competency for certain duties and functions if the person is working under **general** supervision, but a certificate of competency is not required for the same duties and functions if the person is working under **direct** supervision.

Note 2 After 31 December 2023 this exemption no longer exists. Any person performing the duties or functions of a general purpose hand under general supervision must have a certificate of competency from 1 January 2024.

5 Exemption from eligibility requirements for general purpose hand certificate of competency

- (1) This section applies to a person who:
 - (a) either:
 - (i) is exempt under section 4 from the requirement to hold a certificate of competency (required for working under general supervision); or
 - (ii) works as a general purpose hand under direct supervision and has qualifying sea service of at least 30 days performed at any time during the 5 years before 1 January 2023; and
 - (b) applies for a general purpose hand certificate of competency before 1 January 2024.

Note for paragraph (a)(ii) Marine Order 505 does not require a person working as a general purpose hand to have a certificate of competency if they are working under direct supervision, but the person may wish to apply for a certificate.
- (2) The person is exempt from paragraph 9(1)(c) of Marine Order 505, which provides that a person must meet the eligibility requirements set out in Schedule 3 of that Marine Order to be issued with a certificate of competency, if the person has either:
 - (a) 180 days qualifying sea service; or
 - (b) successful completion of:
 - (i) 30 days qualifying sea service; and
 - (ii) one of the following courses or equivalent:
 - (A) MARSS00008 Shipboard safety skill set (formerly known as ESS);
 - (B) MARSS00033 Safety training certification skill set (formerly known as COST).

Note 1 The person must still satisfy the other issue criteria in subsection 9(1) of MO505.

Note 2 A person who holds a general purpose hand certificate of competency may be eligible for reissue (renewal) of that certificate under Marine Order 505, irrespective of the requirements in Schedule 3 not being met for the original issue of the certificate.