



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

AMSA EX 2013/31

**Marine safety (Pre-USL Code certificates of competency) Exemption 2013**

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I, Mick Kinley, Acting Chief Executive Officer of the Australian Maritime Safety Authority (the National Marine Safety Regulator) made 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*.

9 December 2013

**Mick Kinley**  
Acting Chief Executive Officer

**1 Name of instrument**

This instrument is *Marine safety (Pre-USL Code certificates of competency) Exemption 2013*.

**2 Duration**

This instrument:

- (a) commences on 1 January 2014; and
- (b) ceases to have effect at the end of 30 June 2014.

**3 Definitions**

In this instrument:

***Marine Safety (Domestic Commercial Vessel) National Law*** — see Schedule 1 to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

***old certificate of competency*** means a certificate of competency (however described) issued, validated, renewed or continued in operation by the maritime safety authority of a State or the Northern Territory before 1 July 2013.

***pre-USL Code certificate of competency*** means an old certificate of competency that:

- (a) was based on competencies recognised in a certificate (however described) issued before the USL Code commenced; and
- (b) entitles the holder to be the master, engineer or coxswain of a domestic commercial vessel that is a fishing vessel; and

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(c) ceases to have effect at the end of 31 December 2013.

**specified operation** means an operation, as master, engineer or coxswain of a domestic commercial vessel that is a fishing vessel.

**USL Code** means the Uniform Shipping Laws Code adopted by the Australian Transport Council established by the Council of Australian Governments as in force from time to time.

*Note* The following terms are defined in the *Marine Safety (Domestic Commercial Vessel) National Law*:

- National Regulator
- domestic commercial vessel.

#### **4 Exemption**

- (1) A person who, before 1 January 2014, holds a pre-USL Code certificate of competency is exempt from:
  - (a) the requirement to hold a certificate of competency that would be required for the specified operation, if the person performs the operation in the same capacity, and within the same limitations, provided on the pre-USL Code certificate of competency; and
  - (b) the requirement to meet the criteria mentioned in Schedule 1 of NSCV Part D for an application for a certificate of competency that would be required for the specified operation, if the person meets the eligibility criteria that applied to the pre-USL Code certificate of competency on 31 December 2008.
- (2) For paragraph (1)(b), if Chapter 4 of NSCV Part D would require the person to hold a certificate of medical fitness, the person is exempt from that requirement if the person makes a declaration of medical fitness in accordance with subsection 4.5(2) of NSCV Part D.

#### **5 Conditions**

The person must tell the National Regulator in writing if he or she becomes aware of a medical condition that may affect the person's ability to operate a vessel.

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