



Australian Government
Australian Maritime Safety Authority

AMSA EX8

Marine Safety (Temporary service) Exemption 2018

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*.

12 June 2018

Michael Kinley
Chief Executive Officer

Division 1 Preliminary

1 Name of instrument

This instrument is *Marine Safety (Temporary service) Exemption 2018*.

2 Duration

This instrument:

- (a) commences on 1 July 2018; and
- (b) ceases to have effect on 30 June 2020.

3 Repeal and transitional matters

- (1) *Marine Safety (Temporary service) Exemption 2017* made on 12 December 2017 is repealed.
- (2) However, a temporary service permit issued under *Marine Safety (Temporary service) Exemption 2017* that is in effect on 30 June 2018 continues in effect until the permit expires.

4 Dictionary

In this Order:

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

Division 2 Temporary service permit for voyage 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*.

- (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 mentioned in subsection 5(1) 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;

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- (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) the person has a signed statement from a final assessor stating that:
 - (i) the person has satisfactorily completed the course of study or training course and final assessment for the grade of certificate applied for; and
 - (ii) the person has made a statement that they have completed the required sea service for the grade of certificate applied for; and
 - (iii) the person has a valid certificate of medical fitness or has made a declaration of medical fitness.

Note for paragraph (b) The approved form is available on the AMSA's website at <http://www.amsa.gov.au>.

- (3) The exemption starts on the day the signed statement from a final assessor, including the matters mentioned in paragraph (2)(b), is made 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:
- (a) a 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) a person must produce the statement 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 statement mentioned in paragraph (2)(b) was made on the basis of incorrect information.
- (5) The exemption does not apply if the statement mentioned in paragraph (2)(b) was made in error or was made on the basis of incorrect information.

7 Exemption from crewing requirement

For the definition of **certificated** in Schedule 1 of Marine Order 504, an owner of a vessel is exempt from paragraph (a) of that definition to the extent that any person who is exempt under section 6 is taken to be a person who is certificated.

Division 4 Application being decided during transition period taken not be approved

8 Exemption — Application being decided during transition period taken not to be approved

- (1) This section applies if the National Regulator is taken, by subsection 13(2) of Marine Order 501 as modified by section 7 of Marine Order 505, to have decided not to approve an application.
- (2) A person is exempt from the requirement to have a certificate of competency if:
 - (a) the person applies for the renewal of a certificate of competency (the certificate) between 1 June 2018 and 1 February 2019; and
 - (b) the certificate expires after the application is made.
- (3) The exemption:
 - (a) starts on the day notified in writing by the National Regulator, or, if no day is notified, 30 days after the National Regulator receives the application; and
 - (b) ends 30 days later, or the day the application is decided, whichever is earlier.
- (4) The exemption is subject to the condition that a person must comply with any conditions that were attached to the certificate.