



Australian Government
Australian Maritime Safety Authority

AMSA MO 2016/16

Marine Order 2 (Australian International Shipping Register) 2016

I, Gary Prosser, Acting Chief Executive Officer of the Australian Maritime Safety Authority, make this Order under subsection 342(1) of the *Navigation Act 2012*.

8 December 2016

Gary Prosser
Acting Chief Executive Officer

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1 Name of Order

This Order is *Marine Order 2 (Australian International Shipping Register) 2016*.

1A Commencement

This Order commences on 1 January 2017.

1B Repeal of *Marine Order 2 (Australian International Shipping Register) 2013*

Marine Order 2 (Australian International Shipping Register) 2013 is repealed.

2 Purpose

This Order provides for:

- (a) qualifications for seafarers who work on International Register vessels; and
- (b) lifesaving equipment requirements for International Register vessels.

Note For requirements about the employment conditions of seafarers who work on International Register vessels — see *Marine Order 11 (Living and working conditions on vessels) 2015*.

3 Power

- (1) The following provisions of the Navigation Act provide for this Order to be made:
 - (a) Divisions 1 and 2 of Part 2 provide for regulations relating to seafarer certificates;
 - (b) paragraph 339(2)(b) provides for regulations relating to machinery and equipment to be carried on board including for saving of life at sea.
- (2) Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Act.
- (3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about matters that can be provided for by regulation.

4 Definitions

In this Order:

International Register vessel means a ship registered on the Australian International Shipping Register.

Note 1 Some terms used in this Order are defined in *Marine Order 1 (Administration) 2013*, including:

- Australian International Shipping Register
- Marine Order.

Note 2 Other terms used in this Order are defined in the Navigation Act, including:

- master
- owner
- seafarer
- vessel.

5 Application

This Order applies to:

- (a) each seafarer who works or proposes to work on board an International Register vessel; and
- (b) International Register vessels; and
- (c) owners of International Register vessels.

6 Modification of Marine Orders

Each Marine Order mentioned in a Division heading of Schedule 1 is modified in accordance with the Division that applies to the Marine Order.

Note Marine Orders that are not modified by this Order also apply to the vessels and persons mentioned in section 5.

Schedule 1 Modifications

(section 6)

Division 1 Marine Order 25 (Equipment — life-saving) 2014

[1] Schedule 1, Division 1

omit

[2] Schedule 1, clause 8

omit

[3] Schedule 1, clause 10, including the notes

substitute

10 Liferaft equipment

[LSA Code, paragraph 4.1.5]

The normal equipment of a liferaft mentioned in paragraph 4.1.5.1 of the LSA Code is varied so that the first-aid outfit required by paragraph 4.1.5.1.8 of the LSA Code must comply with Schedule 2.

Division 2 Marine Order 70 (Seafarer certification) 2014

[4] Section 4, after definition of *approved*

Australian national has the same meaning as in subsection 3(1) of the *Shipping Registration Act 1981*.

Australian resident has the same meaning as in subsection 3(1) of the *Shipping Registration Act 1981*.

certificate of equivalence means a certificate of equivalence issued by AMSA under section 31 of the Navigation Act.

[5] Section 4, after definition of *final assessment*

insert

foreign certificate means a certificate that is:

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- (a) issued by a maritime administration of a country recognised by Australia, under a memorandum of understanding, for the recognition of seafarers' qualifications; and
- (b) endorsed in accordance with the following provisions of the STCW Convention:
- (i) for a deck officer — regulation II/1 or II/2;
 - (ii) for an engineer officer — regulation III/1, III/2, III/3 or III/6;
 - (iii) for a deck rating — regulation II/4 or II/5;
 - (iv) for an engine room rating — regulation III/4 or III/5; and
- (c) in force under the law of the country that authorises the person holding the certificate to perform duties or functions as a qualified master, officer or seaman.

Note The countries with which Australia has a memorandum of understanding are listed on the AMSA website at <http://www.amsa.gov.au>.

[6] Section 4, after definition of HSC Code

insert

interim certificate of equivalence means an interim certificate of equivalence issued by AMSA under section 31 of the Navigation Act.

[7] Section 4, note 3

after

- AMSA Act

insert

- Australian International Shipping Register

[8] Section 6

substitute

6 Application

This Order applies to a person:

- (a) performing or intending to perform duties or functions as a qualified master, deck officer, engineer officer or other seafarer on an International Register vessel; or
- (b) holding a valid interim certificate of equivalence or a certificate of equivalence issued by AMSA.

[9] Paragraph 7(2)(b)

substitute

- (b) a certificate of recognition of a class mentioned in paragraph (1)(a), (1)(aa), (1)(b), (1)(c) or (1)(ca); and
- (c) an interim certificate of equivalence; and
- (d) a certificate of equivalence.

[10] After subsection 7(3)

insert

(3A) However:

- (a) the holder of an interim certificate of equivalence or certificate of equivalence is qualified to serve or to be employed only on an International Register vessel; and
- (b) a person who is not an Australian national or an Australian resident may serve or be employed on an International Register vessel as a Master, Chief Mate, Chief Engineer or First Engineer only if he or she has a valid certificate of equivalence, certificate of recognition or certificate of competency issued by AMSA that qualifies the holder to serve or be employed to perform the duties or functions of a Master, Chief Mate, Chief Engineer or First Engineer.

Note It is a condition of registration of a ship in the Australian International Shipping Register that an Australian national or Australian resident is the master or chief mate of the ship and an Australian national or Australian resident is chief engineer or first engineer — see s 33A of the *Shipping Registration Act 1981*.

[11] Subsection 10(1)

*after the first mention of
certificate*

insert

other than a certificate of equivalence

[12] After subsection 10(1)

insert

(1A) An application for a seafarer certificate that is a certificate of equivalence must be in writing.

Note 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 *Marine Order 1 (Administration) 2013*.

[13] Section 15

substitute

14A Additional conditions for interim certificates of equivalence and certificates of equivalence

An interim certificate of equivalence or certificate of equivalence is also subject to the condition that the holder of the certificate has completed:

- (a) if the person is to perform cargo duties on a tanker — basic training in tanker familiarisation (that complies with STCW Code section A-V/1-1 paragraph 1 (oil and chemical) and section A-V/1-2 paragraph 1 (liquefied gas)); and
- (b) if the person is to perform and monitor oil tanker cargo operations — advanced training that complies with STCW Code section A-V/1-1 paragraph 2; and

- (c) if the person is to perform and monitor chemical tanker cargo operations — advanced training that complies with STCW Code section A-V/1-1, paragraph 3; and
- (d) if the person is to perform and monitor liquefied gas tanker cargo operations — advanced training that complies with STCW Code section A-V/1-2, paragraph 2; and
- (e) if the person is to perform duties as a deck officer or engineer officer and provide medical first aid — training in medical first aid (that complies with STCW Code section A-VI/4 paragraphs 1 to 3); and
- (f) if the person is to perform duties as a master or deck officer and will take charge of medical care— training in medical care on board ship (that complies with STCW Code section A-VI/4 paragraphs 4 to 6).

15 Term of interim certificate of equivalence

- (1) An interim certificate of equivalence, and any endorsement of it, expires 3 months after the date of issue of the certificate.
- (2) However, if AMSA has determined an earlier date for expiry of the certificate, the certificate, and any endorsement of it, expires on that date.

15A Term of certificate of equivalence

A certificate of equivalence, but not an interim certificate of equivalence, remains current until the expiry of the certificate being recognised, or for any lesser period determined by AMSA.

[14] After Division 3, heading

insert

15B Application of Subdivision 3.1

Subdivision 3.1 does not apply to a seafarer certificate that is an interim certificate of equivalence or a certificate of equivalence.

[15] Subdivision 3.2, heading

substitute

Subdivision 3.2 GMDSS radio operator certificates, certificates of safety training, certificates of proficiency as marine cook, interim certificates of equivalence and certificates of equivalence

[16] After section 23

insert

23A Eligibility criteria for interim certificate of equivalence

For paragraph 31(1)(b) of the Navigation Act, the criteria for the issue by AMSA to a person of an interim certificate of equivalence are that:

- (a) the person holds a foreign certificate; and
- (b) the person is not an Australian national or an Australian resident; and.

-
- (c) the person shows AMSA the person's foreign certificate or a certified copy of the certificate; and
 - (d) the foreign certificate is for the duties or functions the person will perform; and
 - (e) AMSA is satisfied:
 - (i) of the applicant's identity; and
 - (ii) of the authenticity of the foreign certificate; and
 - (iii) that the person holds a certificate of medical fitness in accordance with *Marine Order 9 (Health — medical fitness) 2010*; and
 - (iv) that the applicant will be performing Watchkeeper Deck, Engineer Watchkeeper or ratings duties or functions on an International Register vessel.

23B Eligibility criteria for certificate of equivalence

- (1) For paragraph 31(1)(b) of the Navigation Act, the criteria for the issue by AMSA of a certificate of equivalence to a person who is to work as a rating on an International Register vessel are that:
 - (a) the person holds a foreign certificate; and
 - (b) the person is not an Australian national or an Australian resident; and
 - (c) the person shows AMSA the person's foreign certificate for ratings duties or functions or a certified copy of the certificate; and
 - (d) AMSA is satisfied:
 - (i) of the applicant's identity; and
 - (ii) of the authenticity of the foreign certificate; and
 - (iii) that the person holds a certificate of medical fitness in accordance with *Marine Order 9 (Health — medical fitness) 2010*; and
 - (iv) that the person has passed an approved English language assessment; and
 - (v) that the applicant will be working as a rating on an International Register vessel.
- (2) For paragraph 31(1)(b) of the Navigation Act, the criteria for the issue by AMSA of a certificate of equivalence to a person who is to work as an officer on an International Register vessel are that:
 - (a) the person holds a foreign certificate; and
 - (b) the person is not an Australian national or an Australian resident; and
 - (c) the person shows AMSA the person's foreign certificate for the kind of officer duties or functions the person is to perform a certified copy of the certificate; and
 - (d) AMSA is satisfied:
 - (i) of the applicant's identity; and
 - (ii) of the authenticity of the foreign certificate; and
 - (iii) that the person holds a certificate of medical fitness in accordance with *Marine Order 9 (Health — medical fitness) 2010*; and

- (iv) the person will be working as an officer on an International Register vessel; and
 - (e) the person has passed an assessment in knowledge of the Australian maritime regulatory framework to the satisfaction of AMSA; and
 - (f) the person has passed an approved English language assessment to the satisfaction of AMSA.
- (3) For paragraph 31(1)(b) of the Act, the criterion for the issue by AMSA of a further certificate of equivalence to a person holding a certificate of equivalence that has expired is that AMSA is satisfied that:
- (a) the foreign certificate the person holds has been revalidated; and
 - (b) the person holds a certificate of medical fitness in accordance with *Marine Order 9 (Health — medical fitness) 2010*.

Note The holder of the revalidated foreign certificate need not undergo any further assessment for a further certificate of equivalence to be issued.

23C Requirements for assessments

- (1) If a person must pass an approved English language assessment or an assessment in knowledge of the Australian maritime regulatory framework before being issued a certificate of equivalence, the examination must be passed, unless AMSA determines otherwise:
- (a) when all other eligibility criteria have been met; and
 - (b) within the 12 months before the certificate is issued.
- (2) If AMSA considers that the person is unable to meet the standard required to pass the assessment because the person lacks sufficient practical knowledge, the person cannot be reassessed for a period, determined by AMSA as reasonably required for the person to gain the practical knowledge, of up to 6 months.

[17] Subsection 31(1)

substitute

- (1) A person who holds a seafarer certificate other than a certificate of equivalence may apply to AMSA to revalidate the certificate if it is not suspended or revoked.

Note 1 A fee may be determined for this section — see section 47 of the AMSA Act.

Note 2 Although a person may not apply for revalidation of a certificate of equivalence a person may apply for a further certificate of equivalence — see subsection 23B(3).

[18] Subsection 36(3)

after

recognition

insert

or a certificate of equivalence

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.