



Australian Government
Australian Maritime Safety Authority

AMSA MO 2018/9

Marine Order 70 (Seafarer certification) Amendment Order 2018

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

15 June 2018

Michael Kinley
Chief Executive Officer

Section 1

1 Name of Order

This Order is *Marine Order 70 (Seafarer certification) Amendment Order 2018*.

2 Commencement

This Order commences on 1 July 2018.

3 Amendment of *Marine Order 70 (Seafarer certification) 2014*

Schedule 1 amends *Marine Order 70 (Seafarer certification) 2014*.

Schedule 1 Amendment

[1] Section 4, definition of *registration authority*

substitute

registration authority means any of the following:

- (a) the Australian Skills Quality Authority;
- (b) the Victorian Registration and Qualifications Authority;
- (c) the Training Accreditation Council Western Australia;
- (d) the New Zealand Qualifications Authority.

Note For information about the authorities see the following websites:

- for the Australian Skills Quality Authority — see <http://www.asqa.gov.au>
- for the Victorian Registration and Qualifications Authority — see <http://www.vrqa.vic.gov.au>
- for the Training Accreditation Council Western Australia see <http://www.tac.wa.gov.au>
- for the New Zealand Qualifications Authority — see <http://www.nzqa.govt.nz>.

[2] Section 4, after definition of *oral examination*

insert

Polar Code means the *International Code for Ships Operating in Polar Waters* adopted by IMO Resolutions MSC.385(94) and MEPC. 264(68), as in force from time to time.

Polar waters has the same meaning as in regulation I/1 of the STCW Convention.

[3] Section 4, definition of *primary certificate*, paragraph (a)

omit

foreign

insert

overseas

[4] Section 4, definition of *vessel endorsement*, paragraph (a)

omit

Regulations

insert

regulations

[5] Section 4, definition of *vessel endorsement*, paragraph (b)

omit

Regulation

insert

regulation

[6] Section 4, definition of vessel endorsement, paragraph (f)

substitute

(f) vessels to which the IGF Code applies — basic training;

[7] Section 4, definition of vessel endorsement, paragraph (g)

substitute

(g) vessels to which the IGF Code applies — advanced training;

(h) vessels to which the Polar Code applies — basic training;

(i) vessels to which the Polar Code applies — advanced training;

(j) tanker familiarisation.

[8] Subsection 7(3), note

omit

certificate, other than a certificate of safety training,

insert

certificate

[9] Subsection 15(3)

omit

rating

insert

rating, a GMDSS radio operator certificate

[10] After section 15

insert

15A Application process for variation of certificate

Subdivision 2.1 applies to an application for variation of a seafarer certificate as if it was an application for a seafarer certificate.

Note 1 AMSA may also vary a seafarer certificate on its own initiative as it is not a criteria for variation that an application has been made — see section 32 of the Navigation Act.

Note 2 A decision by AMSA under section 32 to vary, or refuse to vary, a seafarer certificate is a reviewable decision — see s 313 of the Navigation Act.

15B Criteria for variation of certificate

For subsection 32(1) of the Navigation Act, the criteria for variation of a seafarer certificate are that:

(a) the certificate contains incorrect information; or

(b) the certificate no longer reflects the qualifications or competencies of the holder of the certificate; or

(c) for the variation, imposition or removal of a condition on the certificate — the variation is required for the safe performance by the holder of the certificate of the duties or functions permitted by the certificate.

Note 1 **vary** includes vary, impose or remove a condition on the certificate — see subsection 32(2) of the Navigation Act.

[11] Paragraph 17(3)(a)

omit

sea service

insert

seagoing service

[12] Section 26, definition of *foreign certificate*

omit

foreign

insert

overseas

[13] Section 26, definition of *radio operator certificate*, note

omit

foreign

insert

overseas

[14] Subsection 27(1)

substitute

- (1) A person who holds an overseas certificate may apply to AMSA under subsection 30(1) of the Navigation Act for a certificate of recognition of the overseas certificate.

[15] Paragraph 27(2)(b)

omit

a foreign

insert

an overseas

[16] Subparagraph 29(2)(a)(vi)

omit

sea service

insert

seagoing service

[17] Subsection 29(4)

omit

foreign

insert

overseas

[18] Section 37, table, item 8

substitute

8	Vessels to which the Polar Code applies — basic training	5 years after the day the certificate was endorsed
9	Vessels to which the Polar Code applies — advanced training	5 years after the day the certificate was endorsed
10	Tanker familiarisation	Perpetual

[19] Section 45, note

omit

Regulation

insert

regulation

[20] After section 62

insert

62A Recognition of seagoing service in polar waters or equivalent seagoing service

- (1) Until 1 July 2020, a person who commenced approved seagoing service in polar waters before 1 July 2018 is taken to have met the seagoing service requirements for the vessel endorsement *Vessels to which the Polar Code applies — basic training* if the person has completed:
 - (a) the approved seagoing service in polar waters, or equivalent approved seagoing service, mentioned in paragraph 6.1 of regulation V/4 of the STCW Convention; or
 - (b) the training requirements mentioned in paragraph 6.2 of regulation V/4 of the STCW Convention.
- (2) Until 1 July 2020, a person who commenced approved seagoing service in polar waters before 1 July 2018 is taken to have met the seagoing service requirements for the vessel endorsement *Vessels to which the Polar Code applies — advanced training* if the person has completed:
 - (a) the approved seagoing service in polar waters, or equivalent approved seagoing service, mentioned in paragraph 7.1 of regulation V/4 of the STCW Convention; or
 - (b) the training requirements mentioned in paragraph 7.2 of regulation V/4 of the STCW Convention.

[21] Schedule 2, Table 2.1

omit each mention of

sea service

insert

seagoing service

[22] Schedule 2, Table 2.1, item 2, column 3, paragraph (a)

omit

paragraph 3

insert

paragraph 4

[23] Schedule 2, Table 2.1, item 2, column 3, paragraph (b)

omit

paragraph 4

insert

paragraph 5

[24] Schedule 2, Table 2.1, item 6, column 3

omit

and approved assessment

[25] Schedule 2, Table 2.1, item 9

substitute

- | | | |
|----|---|---|
| 9 | Vessels to which the Polar Code applies — basic training | Person must:
(a) meet the requirements mentioned in STCW Code section A-V/4 paragraph 1 for certification in basic training for service on vessels operating in polar waters; and
(b) have completed an approved seafarer training course that complies with STCW Code section A-V/4 paragraph 1 |
| 10 | Vessels to which the Polar Code applies — advanced training | Person must:
(a) meet the requirements mentioned in STCW Code section A-V/4 paragraph 1 for certification in basic training for service on vessels operating in polar waters; and
(b) meet the requirements mentioned in STCW Code section A-V/4 paragraph 2 for certification in advanced training for service on vessels operating in polar waters; and
(c) have completed an approved seafarer training course that complies with STCW Code section A-V/4 paragraph 2; and
(d) have completed at least 2 months:
(i) approved seagoing service on a vessel operating in polar waters performing master, chief mate or watchkeeper deck officer duties or functions; or
(ii) other approved equivalent seagoing service |

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- 11 Tanker familiarisation Person must have completed an approved seafarer training course 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)

[26] Schedule 2, Table 2.3

omit each mention of
sea service

insert
seagoing service

[27] Schedule 2, Table 2.3, item 1, column 3

after

must:

insert

(aa) have met the requirements of paragraph 3 of regulation I/11 of the STCW Convention; and

[28] Schedule 2, Table 2.3, item 1, column 3

omit each mention of
course of training

insert
seafarer training course

[29] Schedule 2, Table 2.3, after item 8

insert

- 9 Vessels to which the Polar Code applies — basic training Person must within the 5 years prior to revalidation of the certificate:
- (a) have met the requirements of paragraph 1 of regulation I/11 of the STCW Convention; and
 - (b) have either:
 - (i) at least 2 months approved seagoing service performing duties appropriate for the endorsement, on a vessel operating in polar waters; or
 - (ii) performed functions considered by AMSA to be equivalent to the seagoing service mentioned in subparagraph (i); or
 - (iii) completed an approved seafarer training course that complies with STCW Code section A-V/4 paragraph 1; or
 - (iv) passed an approved test
- 10 Vessels to which the Polar Code applies — Person must within the 5 years prior to revalidation of the certificate:

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- advanced training
- (a) have met the requirements of paragraph 4 of regulation I/11 of the STCW Convention; and
 - (b) have either:
 - (i) at least 2 months approved seagoing service performing duties appropriate for the endorsement, on a vessel operating in polar waters; or
 - (ii) performed functions considered by AMSA to be equivalent to the seagoing service mentioned in subparagraph (i); or
 - (iii) completed an approved seafarer training course that complies with STCW Code section A-V/4 paragraph 2; or
 - (iv) passed an approved test

[30] Further amendments

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Schedule 2, Table 2.1, item 1, column 3, paragraph (c)	a course of training	an approved seafarer training course
Schedule 2, Table 2.1, item 2, column 3, paragraph (a)	approved training	an approved seafarer training course
Schedule 2, Table 2.1, item 3, column 3, paragraph (a)	approved high speed craft training	an approved seafarer training course in the operation of high speed craft
Schedule 2, Table 2.1, item 6, column 3	approved training	an approved seafarer training course
Schedule 2, Table 2.3, item 7, column 3, paragraph (a)	course of training	seafarer training course
Schedule 2, Table 2.3, item 8, column 3, paragraph (a)	a course of training	an approved seafarer training course

Note

1. All legislative instruments and compilations of legislative instruments are registered on the Federal Register of Legislation under the *Legislation Act 2003*. See <https://www.legislation.gov.au>.