

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

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:

1. 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
2. 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  |
| 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 — advanced training | Person must within the 5 years prior to revalidation of the certificate: (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

|  |  |  |
| --- | --- | --- |
| *Provision* | *omit*  | *insert* |
| 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.