



AMSA EX34

Marine Safety (Expired perpetual certificates) Exemption 2017

I, Gary Prosser, Acting 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 December 2017

Gary Prosser
Acting Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Expired perpetual certificates) Exemption 2017*.

2 Duration

This instrument:

- (a) commences on 1 February 2018; and
- (b) ceases to have effect at the end of 1 July 2020.

3 Repeal and transitional matters

- (1) *Marine safety (expired certificates) Exemption 2014* made on 17 February 2014 is repealed.
- (2) However, a written approval that was issued under that instrument and in effect on 31 January 2018 continues in effect until the end of 30 June 2020 as if the instrument under which it was issued had not been repealed.

4 Application of instrument

This instrument applies to a person:

- (a) who held a certificate of competency (however described) that:
 - (i) was issued under a law of New South Wales; and
 - (ii) expired because of clause 5 of Schedule 8 of the *Marine Safety (Commercial Vessels) Regulation 2010* (NSW); and

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- (iii) was previously a perpetual certificate; and
 - (b) who applies for a certificate of competency that is an equivalent qualification, in accordance with Schedule 3 of Part D of the NSCV, to the certificate mentioned in paragraph (a); and
 - (c) if the National Regulator gives written approval for the issue of the certificate of competency.

Note for paragraph (c) Issue of the certificate of competency would constitute approval. A fee may be charged — see s 9 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

Note **National Regulator** is defined in the *Marine Safety (Domestic Commercial Vessel) National Law* — see section 6 of Schedule 1 to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

5 Exemption

The person is exempt from the requirement to meet the following criteria for the certificate of competency:

- (a) evidence of completion of a course, mentioned in paragraph (a) of the item in Schedule 1 to Part D of the NSCV, that relates to the certificate;
- (b) for a certificate of competency mentioned in Subdivision 5.2 of *Marine Order 505 (Certificates of competency — national law) 2013* — sea time requirements;
- (c) for a certificate of competency mentioned in Subdivision 5.3 of *Marine Order 505 (Certificates of competency — national law) 2013* — sea time requirements, if the person meets the requirements mentioned in sections 29 and 30 of *Marine Order 505 (Certificates of competency — national law) 2013* that would apply if the person were renewing a certificate of competency under that Subdivision.

6 Conditions

The National Regulator may make the approval subject to further conditions.
