



Australian Government
Australian Maritime Safety Authority

AMSA EX36

Marine Safety (Steam-powered vessels) Exemption 2022

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*.

16 November 2022

Michael Kinley
Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Steam-powered vessels) Exemption 2022*.

2 Duration

This instrument commences on 1 January 2023 and ceases to have effect at the end of 30 June 2025.

3 Repeal

Marine Safety (Steam-powered vessels) Exemption 2020 is repealed.

4 Definitions and interpretation

(1) In this instrument:

final assessment, for an exemption, means an assessment, by a person determined by the National Regulator, of whether the applicant has operational knowledge, and knowledge of Australian maritime legislation, appropriate for the grade of the certificate to which the exemption applies.

national law means the Marine Safety (Domestic Commercial Vessel) National Law — see Schedule 1 to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

National Regulator means the Australian Maritime Safety Authority — see section 9 of the national law.

registered training organisation has the same meaning as in *Marine Order 505 (Certificates of competency — national law) 2022*.

(2) An approval, in relation to a vessel, given under any of the following is taken to be an approval given under this instrument if it is in effect and has not expired:

- (a) *Marine Safety (Steam-powered vessels) Exemption 2020*;
- (b) *Marine safety (Steam-powered vessels) Exemption 2017 (No. 2)*;
- (c) *Marine safety (Steam-powered vessels) Exemption 2017*;
- (d) *Marine Safety (Steam-powered vessels) Exemption 2014*.

5 Exemption

(1) Subsection (2) applies to a person who:

- (a) meets the criteria mentioned in section 6; and
- (b) is approved in writing by the National Regulator.

(2) The person is exempt from the requirement to hold a certificate of competency as a Marine Engine Driver Grade 2 or 3 NC to perform the following duties:

- (a) Chief Engineer on a vessel that has steam as its main method of propulsion with propulsion power <750 kW;
- (b) Chief Engineer on an approved vessel that has steam as the main method of propulsion with propulsion power <750 kW.

Note For how to apply for an approval mentioned in this section, the form of application and how it will be processed — contact the National Regulator.

(3) Subsection (4) applies to a person who holds any of the following certificates issued under the *Navigation Act 2012*:

- (a) Engineer Class 1 (Steam);
- (b) Engineer Class 2 (Steam);
- (c) Engineer Watchkeeper endorsed as Chief Engineer <3000 kW NC (Steam).

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- (4) The person is exempt from the requirement to hold a certificate of competency as a Marine Engine Driver Grade 2 or 3 NC to perform the duties of Chief Engineer on any vessel that has steam as its main method of propulsion with propulsion power <750 kW.

6 Criteria

- (1) The person must:
- (a) be at least 16 years old; and
 - (b) hold a statement of attainment from a registered training organisation, for the following units of the MAR Maritime Training Package:
 - (i) MARF027 *Apply basic survival skills in the event of vessel abandonment* or equivalent;
 - (ii) MARF028 *Follow procedures to minimise and fight fires on board a vessel* or equivalent;
 - (iii) MARF029 *Meet work health and safety requirements* or equivalent; and
 - (c) have completed at least 100 hours of sea service on vessels with steam as the main propulsion power undertaking duties as a general purpose hand or as an assistant to an engineer, an engine driver, a chief engineer or a second engineer; and
 - (d) meet the medical and eyesight requirements for a Marine Engine Driver Grade 3 NC certificate of competency; and
 - (e) hold a Basic Boiler Licence or a licence to operate a standard boiler (VET Code MSMBLIC001 or equivalent) issued by a State or Territory authority; and
 - (f) pass a final assessment.

Note for paragraph (c) The National Regulator will accept a letter from the operator, owner, master or chief engineer of a vessel confirming the sea service accrued by the applicant.

- (2) A person performing the duties mentioned in paragraph 5(2)(a) must have completed a task book determined by the National Regulator.
- Note* The approved task book known as AMSA 552 is available from the National Regulator.
- (3) For the duties mentioned in paragraph 5(2)(b):
- (a) the person must have completed the tasks, in the task book determined by the National Regulator, that the person who conducts the final assessment considers necessary; and
 - (b) the completed tasks must be endorsed by an owner of the vessel.
- (4) For paragraph (1)(f), the final assessment must be made after the National Regulator is satisfied that the other criteria mentioned in this section are met.

7 Conditions

- (1) The exemption is subject to the following conditions:
- (a) if the vessel is carrying passengers, the person must hold a first aid certificate of at least HLTAID011 *Provide first aid* or another course that the National Regulator considers to be equivalent;
 - (b) if the safety equipment of the vessel includes a life raft or survival craft, the person must hold a statement of attainment from a registered training organisation for completion of MARF030 *Survive at sea using survival craft* (a unit of the MAR Maritime Training Package) or equivalent;

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- (c) the person must tell the National Regulator, in writing, of any long term or permanent medical condition that is likely to affect the person's ability to perform the duties to which the exemption applies;
 - (d) the person must undergo any medical examination the National Regulator considers necessary to demonstrate whether the person is able to perform the duties to which the exemption applies.
- (2) The duties mentioned in paragraph 5(2)(b) may be carried out only on a vessel approved by the National Regulator.
 - (3) If the National Regulator considers that an examination under paragraph (1)(d) shows that that the person is no longer able to perform the duties to which the exemption applies, the person:
 - (a) must not perform the duties; and
 - (b) may resume performing the duties if the National Regulator is satisfied that a further medical examination shows that the person is able to perform the duties to which the exemption applies.
 - (4) The National Regulator may impose other conditions that take account of the local conditions of the waters in which the person will be performing duties or that the National Regulator considers necessary for marine safety.
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