

**EXPLANATORY NOTES**  
**Marine Orders, Part 3**  
**(Seagoing Qualifications)**  
**Issue 6**  
**Order No 8 of 2004**

**Authority**

1. Subsection 425(1) of the *Navigation Act 1912* (the Navigation Act) empowers the Governor-General to make regulations necessary or convenient for carrying out or giving effect to the Act.
2. Subsection 425 (1AA) of the Act allows the Australian Maritime Safety Authority (AMSA) to make orders with respect to matters in Part II of the Navigation Act in relation to which provision may be made by regulations.
3. Marine Orders, Part 3, Issue 6 was made pursuant to subsection 425(1AA).

**Gazettal**

4. This issue of Marine Orders Part 3 was gazetted in the Commonwealth of Australia Gazette, Government Notices Wednesday 25 August 2004.

**Purpose**

5. Marine Orders Part 3 specifies standards of competency for masters, officers and seamen for the purposes of section 15 of the Navigation Act and consequently gives effect to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention).
6. Marine Orders, Part 3, Issue 6, repeals Issue 5 and for the purpose of the Navigation Act, gives effect to a restructuring of the Deck Officer certificates and improves alignment with the STCW structure.

**Consultation**

7. Industry consultation occurred throughout the review of Marine Orders Part 3.
8. The draft text of this issue was sent to: representative bodies of shipowners, seafarers, the *super yacht* industry, and the offshore industry; ferry and sailing vessel groups; training providers; and to the States and Territory marine authorities; Department of Transport and Regional Services; the Royal Australian Navy; Australian Customs Service; National Marine Safety Committee; The Nautical Institute; and overseas marine authorities.
9. The draft text was also posted on AMSA's internet site.

## Overview

10. Marine Orders Part 3 was reviewed as part of a 5-yearly review cycle and to take account of the final international implementation of STCW 95 in August 2002. This issue of Part 3 further aligns some detail with STCW including renaming the deck certificates in accordance with the Convention.
11. The deck officer certificate structure has been simplified by reducing the number of certificates and endorsements on State certificates to a system of 7 STCW certificates through which seafarers can progress.
12. While a policy for deck officer certificates to require service in ships below and above 3000 GT has been retained, the certificate structure now provides a mechanism for seafarers to progress from smaller to larger ships.
13. AMSA issued STCW endorsements on the Master Class 3 and Master Class 4 (other than near coastal) certificates are to be replaced by AMSA issued STCW certificates as Master (<500 GT) or Mate (<500 GT). These STCW certificates will be better recognised overseas and will provide an entry for holders of state certificates into the AMSA STCW structure. Requirements to complete an AMSA oral examination has been included.
14. As part of improving the State/AMSA interface, the details of state qualifications for deck officers previously shown in Issue 5 have not been included in this issue. State qualifications are outside AMSA's jurisdiction and reproduction in Marine Orders Part 3 risks confusion and conflicting guidance for the industry.
15. Where changes have been made in this issue that may affect seafarers who have already made commitments to meet requirements under issue 5, transitional arrangements will preserve these rights. These transitional arrangements remain in effect until 31<sup>st</sup> December 2005.
16. This issue has addressed problems with the recognition of certificates in several areas ranging from non-acceptance of AMSA-endorsed state certificates by the Maritime and Coastguard Agency, United Kingdom, to non-acceptance of Master Class 2 certificates within Australia by pilotage authorities. These problems have been addressed by: (1) renaming the certificates in accordance with STCW, (2) replacing endorsement on state certificates with the new <500 GT certificates, and (3) providing a means for holders of Master Class 2 certificates to upgrade to Class 1 certificates.
17. There has been no substantive change to the engineering requirements in this issue.
18. This issue of Part 3 has also been reformatted to make the Part more user friendly and to minimise cross-referencing within the issue.

## Contents of the Order

19. **Provision 1** indicates the purpose of this Order, and the power to make this Order, pursuant to the Navigation Act.
20. **Provision 2** provides definitions of words and phrases and **Provision 3** provides interpretations that are necessary for proper understanding of the Order.
21. **Provision 4** specifies the persons to which this Part applies.
22. **Provision 5** provides for an internal review by the General Manager, of a decision made by the Manager under this Part (refer Provision 2 for definitions of General Manager and Manager). This provision also provides for a review by the Administrative Appeals Tribunal of decisions made by the General Manager under 5.1.3 of this Part and for a statement of reasons to be provided by the decision-maker upon request of an applicant.
23. **Provision 6.1** specifies the certificates that qualify a person to perform the duties of a master, officer, seaman or an officer on a WIG craft (refer provision 2 for definition of *WIG craft*). **Provision 6.2** specifies the conditions where the Manager may permit the use of other certificates that are not specified in provision 6.1. **Provision 6.3** specifies the conditions for the Manager to grant a temporary dispensation from Provision 6.1.
24. **Provision 7** specifies requirements in respect to application for the issue, revalidation or endorsement of a certificate. **Provision 7.2** is a penal provision that requires an employer to provide details of service to an employee for the purpose of applying for the issue, revalidation or endorsement of a certificate. **Provision 7.3 to Provision 7.5** pertain to course and oral examination requirements for issuing certificates.
25. **Provision 8** provides for the Manager to issue, revalidate or endorse a certificate subject to the requirements of this Part.
26. **Provision 9** prescribes the duration periods for a certificate of competency, certificate of recognition, certificate of proficiency, certificate of rating and certificate of safety training.
27. **Provision 10** prescribes the requirements for the revalidation of a certificate of competency or a certificate of recognition in respect of deck or engineer officer duties. It also prescribes the requirements for the revalidation of an STCW endorsement.
28. **Provision 11** provides that the Manager may deal with a certificate by cancelling, suspending or restricting the use of certificates and prescribes the processes to be used for this purpose. The provision also prescribes the Manager's ability to refuse to reissue a cancelled, suspended or restricted certificate. In the case of a serious accident or incident, only the General Manager can suspend or impose restrictions on the use of a certificate.

29. **Provision 11.6.1** is a penal provision that requires the holder of a certificate that has been cancelled or suspended to surrender it to the Manager within 14 days of that cancellation or suspension. **Provision 11.8.2** is also a penal provision that requires the holder of a replacement certificate to return the replacement certificate to the Manager within 14 days of the original being recovered and returned to the holder.
30. **Provision 12** specifies the requirement for a person to have a sufficient knowledge of the English language to qualify for the issue of a certificate.
31. **Provision 13** specifies the requirement for a medical fitness in relation to applying for the issue or revalidation of a certificate or endorsement.
32. **Provision 14** specifies the medical training required to provide medical first aid or to take charge of medical care on board a ship.
33. **Provision 15** provides for the acceptance of sea service or training to be deemed equivalent to the prescribed sea service or training with respect to qualifying for a certificate.
34. **Provision 16** provides the method for calculating sea service that qualifies a person for a particular grade of certificate.
35. **Provision 17** prescribes the qualification requirements that permit a person to undertake specific duties and responsibilities in relation to cargo or cargo equipment on tankers or to be a responsible officer on an oil tanker (*responsible officer* is defined in this provision), a chemical tanker or a liquefied gas tanker.
36. **Provision 18** specifies training requirements for all personnel on both passenger ships and ro-ro passenger ships who have responsibilities with respect to passengers.
37. **Provision 19** specifies required qualifications in respect of survival craft, rescue boats and fast rescue boats.
38. **Provision 20** specifies eligibility requirements for a person to be issued with a certificate of safety training.
39. **Provision 21** specifies eligibility requirements for a person to be issued with a certificate of recognition, or a restricted certificate of recognition, in recognition of a certificate issued by a marine administration in a country other than Australia.
40. **Provision 22** provides for the Manager to determine requirements to be met by a person performing duties on a vessel that is unusual for which the requirements of this Part are inappropriate or inadequate.
41. **Provision 23** specifies the requirements to be met for a person to be qualified to take charge of a navigational watch.

42. **Provision 24** specifies the grades of certificates for deck officers and the duties permitted by each grade of certificate. The *duties permitted* are listed in Table 1 of provision 24.1 and specifies the position on board, gross tonnage of ship, and operating area.
43. **Provision 24.2** specifies transitional arrangements concerning certificates issued under Issue 5 of Part 3.
44. **Provision 24.2.1** provides, in Table 2, that specified certificates issued under Issue 5 of Part 3 are deemed to be certificates issued for the purposes of Issue 6. Master Class 1 certificates with limitations issued under Issue 5 of Part 3 are deemed to be certificates for Master of any type of vessel under this issue and the two classes of Second Mate issued under Issue 5 are both deemed to be an unlimited GT Watchkeeper (Deck) certificate under this Issue.
45. **Provisions 24.2.2 to 24.2.5** provide for the issuing of STCW Endorsements in respect of State or Territory certificates until 31<sup>st</sup> December 2005 and for the continued validity of a certificate or STCW Endorsement issued, revalidated, endorsed or recognised under Issue 5 of Marine Orders Part 3 until its expiry date.
46. **Provisions 24.2.6 and 24.2.7** provides for persons who meet the requirements for Class 2 certificates as Master and Chief Mate under Issue 5 of this Part, to be eligible for the issue of a relevant certificate under Issue 6 until 31 December 2005.
47. **Provisions 24.2.8 and 24.2.9** allow holders of Class 2 certificates as Master and Mate issued under Issue 5 to retain additional privileges in the near coastal area until 31 December 2005.
48. **Provision 25** specifies the eligibility requirements for each deck certificate.
49. **Provision 25.1.1** specifies the eligibility requirements for certificate as Master. The only significant change from the previous issue is a renaming, in accordance with STCW, from *Master Class 1* to simply *Master*.
50. **Provision 25.1.2** specifies an alternative method, for the holder of a Master (<3000 GT), to progress to Master by means of service as Master on ships in the upper half of the <3000 GT range. This is a new requirement that will allow experienced ship handlers from the offshore industry to more readily progress to obtaining an unlimited Masters certificate.
51. **Provision 25.2** specifies the eligibility requirements for certificate as Master (<3000 GT). The only significant change from the previous issue is a renaming, in accordance with STCW, from Master Class 2 to Master (<3000 GT).
52. **Provision 25.3** specifies the eligibility requirements for a new STCW certificate as Master (<500 GT). This, with the addition of an AMSA oral examination, replaces the AMSA STCW Endorsement on a State Master Class 3 certificate and addresses problems with recognition of certificates overseas.

53. **Provision 25.4.1** specifies the eligibility requirements for certificate as Chief Mate. The only significant changes are a renaming, in accordance with STCW, from Chief Mate Class 1 to simply Chief Mate; and reducing the seatime needed between Watchkeeper and Chief Mate to 12 months, but while still requiring the total of 3 years between Watchkeeper and Master. This will allow younger officers to progress more quickly.
54. **Provision 25.4.2** specifies an alternative manner for the holder of a Chief Mate (<3000 GT) to progress to Chief Mate by means of service as Chief Mate on ships in the upper half of the <3000 GT range.
55. **Provision 25.5** specifies the eligibility requirements for certificate as Chief Mate (<3000 GT). The only significant changes are a renaming, in accordance with STCW, from Chief Mate Class 2 to Chief Mate (<3000 GT); and reducing the seatime needed between Watchkeeper and Chief Mate to 12 months, but while still requiring the total of 3 years between Watchkeeper and Master. This will allow younger officers to progress more quickly.
56. **Provision 25.6.1** specifies the eligibility requirements for a new STCW certificate as Mate (<500 GT).
57. **Provision 25.6.2** specifies the eligibility requirements for a new STCW certificate as Mate (<500 GT) with a capacity limitation as Watchkeeper. This retains an option previously available as an endorsement, and allows ratings from the state system to gain an entry level AMSA certificate.
58. **Provision 25.7** specifies the eligibility requirements for certificate as Watchkeeper (Deck). This combines the certificates as Second Mate Class 1 and Class 2 under Issue 5, and removes a barrier to progression at this level.
59. **Provision 26** prescribes qualifying sea service that applies to deck officers and which is additional to the general requirements in Provision 16.
60. **Provision 27** specifies the coverage of revalidation courses for deck officers.
61. **Provision 28** amalgamates and specifies requirements for high speed craft endorsements.
62. **Provision 29** amalgamates, specifies, and provides additional information on the requirements for sailing ship endorsements.
63. **Provision 30** specifies the required qualifications for a person to take charge of an engine room watch.
64. **Provision 31** provides the following in respect of engineer officers:
  - a table that specifies the minimum qualifications required for engineer officers to perform particular duties on a seagoing vessel;
  - specifies certificate requirements for an engineer officer performing duties on a steamship and motorship;

- recognises and endorses certificates that meet the requirements of the STCW convention;
  - recognises State/Territory certificates;
  - specifies transitional arrangements concerning certificates and STCW Endorsements issued under Issue 5 of Part 3.
65. **Provision 32** specifies eligibility requirements for obtaining a certificate of competency in respect of particular engineer officer grades.
  66. **Provision 33** specifies training requirements for engineer officers.
  67. **Provision 34** prescribes qualifying sea service for the purposes of eligibility for engineering grades in addition to that of provision 16.
  68. **Provision 35** specifies the subjects to be covered in training courses for the revalidation of a certificate of competency or a certificate of recognition as an engineer officer.
  69. **Provision 36** specifies qualification requirements in respect of undertaking a navigational watch or an engine room watch as a rating.
  70. **Provision 37** provides a list of rating certificates and the associated highest duties that can be performed. This provision also provides for the transitional arrangement for a certificate issued under Issue 5 of this Part.
  71. **Provision 38** specifies eligibility requirements for obtaining rating certificates.
  72. **Provision 39** specifies the subjects to be covered in training courses for particular rating certificates.
  73. **Provisions 40, 41, and 42** provide a framework for Marine Orders Part 3 to provide certification for the officers of WIG craft when these certificates are introduced by the International Maritime Organization (IMO).