

AMSA MO 2014/5

Marine Order 73 (Ratings) 2014

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

21 February 2014

Graham Peachey
Chief Executive Officer

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Division 1 Preliminary

 1 Name of Order

 This Order is *Marine Order 73 (Ratings) 2014*.

1A Commencement

 This Order commences on 1 April 2014.

2 Purpose

 (1) This Order:

(a) specifies standards of competence to be attained and other conditions to be satisfied by a person to be a qualified rating under the Navigation Act; and

(b) gives effect to the STCW Convention.

*Note* The 2011 edition of the STCW Convention and the STCW Code (including the amendments to the annex of the Convention known as the 2010 Manila Amendments) can be purchased from the International Maritime Organization. See the IMO website at http://www.imo.org/publications.

 (2) This Order is to be read with *Marine Order 70 (Seafarer certification) 2014*.

3 Power

 (1) The following provisions of the Navigation Act provide for this Order to be made:

(a) section 28 which provides that regulations may provide for seafarer certificates and give effect to the STCW Convention;

(b) subsection 29(1) which provides that regulations may prescribe different classes of seafarer certificates and require an individual to hold a seafarer certificate of a particular kind to undertake particular duties, or perform particular functions, as a seafarer;

(c) subsection 29(2) which provides that the regulations may prescribe, for seafarer certificates, proficiencies, competencies and standards, qualifications, experience, minimum age, character, health, nationality, citizenship or residence;

(d) subsection 29(3) which provides that the regulations may provide for:

 (i) how the attainment of proficiencies, competencies and standards is to be evidenced (including the gaining of sea service and other experience); and

 (ii) the instruction, training and examination of seafarers (including the conduct of exams etc); and

 (iii) the recognition of certificates and other documents granted or issued to or for masters, officers and seafarers under the national law, the law of a State, a Territory or a foreign country; and

 (iv) conditions to which seafarer certificates are subject;

(e) subsection 314(1) which provides that regulations may provide for the following matters for certificates: the persons who may apply, the forms for applying, the way of applying, the information to be included in applications and the documents to accompany applications;

(f) subsection 314(3) which provides that the regulations may provide, for certificates, criteria to be satisfied for their issue, variation or revocation, the time limits for the determination of applications, information to be included in certificates, the person in whose name a certificate is to be issued, conditions to which certificates are subject and conditions that may be imposed on certificates by issuing bodies, the time certificates, variation of certificates and revocations of certificates come into force, the time certificates cease to be in force and ways of replacing certificates;

(g) subsection 314(4) which provides that criteria and conditions may relate to compliance with specified standards;

(h) subsection 314(5) which provides that regulations may provide for the renewal, suspension, transfer and surrender of certificates, and reports and declarations of issuing bodies, inspectors or other persons;

(i) subsection 342(1) which provides for the making of Marine Orders for any matter for which provision must or may be made by the regulations.

 (2) Subsection 339(1) of the Navigation Act also provides a general regulation making power for matters required or permitted to be prescribed by the Navigation Act, or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

*Note*The Navigation Act includes a number of offences relating to seafarer certificates — see Chapter 2, Part 2, Division 3 of the Act. Offences include falsely representing that a person holds a kind of certificate (section 34), performing duties or functions without the appropriate seafarer certificate (section 35) and breaching a condition of a seafarer certificate (section 37).

4 Definitions

 (1) In this Order:

***able seafarer — deck rating duties or functions*** means the tasks, duties and responsibilities of an able seafarer — deck that are specified as competencies in STCW Code Table A‑II/5, column 1.

***able seafarer — engine rating duties or functions*** means the tasks, duties and responsibilities of an able seafarer — engine that are specified as competencies in STCW Code Table A‑III/5, column 1.

***appropriate vessel*** means a vessel AMSA considers appropriate for the vocational training required for the certificate.

***chief integrated rating duties or functions*** means senior duties comprising able seafarer — deck rating duties or functions and able seafarer — engine rating duties or functions.

***integrated rating duties or functions*** means duties comprising able seafarer — deck rating duties or functions and able seafarer — engine rating duties or functions.

***steering certificate*** means a certificate issued:

(a) by a master to a person who has satisfactorily completed, in the opinion of the master, 10 hours steering a vessel of at least 500 GT, which must include at least 4 hours steering while the vessel is being conned; or

(b) by an approved seafarer training organisation to a person who has satisfactorily completed an approved training course covering:

 (i) instruction in steering principles and procedures; and

 (ii) 2 hours practical training in steering a vessel of at least 500 GT while the vessel is being conned, plus 8 hours on a steering simulator.

 (2) Terms defined in *Marine Order 70 (Seafarer qualifications) 2014* and used in this Order have the meaning given by that Order.

*Note 1*   For information on obtaining copies of IMO documents mentioned in this Order see AMSA’s website at http://www.amsa.gov.au or email international.relations@amsa.gov.au.

Note 2Some terms used in this Order are defined in *Marine Order 1 (Administration) 2013* including:

* AMSA Act
* IMO
* Navigation Act
* NSCV
* SOLAS
* STCW Code.

Note 3Other terms used in this Order have the same meaning that they have in the Navigation Act, including:

* AMSA
* Government vessel
* master
* officer
* owner
* regulated Australian vessel
* seafarer
* seafarer certificate
* STCW Convention.

*Note 4*For delegation of AMSA’s powers under this Order — see the AMSA website at http://www.amsa.gov.au.

5 Application

 This Order applies to the following persons:

(a)a person performing or intending to perform, duties or functions as a rating on a regulated Australian vessel;

(b) a person who holds a seafarer certificate as a rating.

6 Certification taken to be qualification to perform duties

 For section 35 of the Navigation Act, a person is qualified to perform the duties or functions of a rating for a regulated Australian vessel if:

(a) the person holds a seafarer certificate that this Order requires the person to hold to perform those duties or functions; and

(b) the certificate permits the person to perform duties or functions mentioned in Schedule 1 for the grade of certificate.

*Note*  A seafarer certificate issued under the Navigation Act, including a certificate of recognition, may include endorsements permitting the certificate holder to perform stated duties or functions.

7 Grades of certificate — permitted duties or functions

 For paragraph 35(1)(a) of the Navigation Act, a person must hold a seafarer certificate of a grade mentioned in Schedule 1 to perform the permitted duties or functions mentioned in Schedule 1 for the grade of certificate.

*Note*A certificate of recognition is a kind of seafarer certificate — see subsection 7(2) of *Marine Order 70 (Seafarer certification) 2014.*

Division 2 Requirements

8 General requirements

 (1) For paragraph 31(1)(b) of the Navigation Act, the criteria for the issue by AMSA to a person of a seafarer certificate as a rating are as follows:

(a) the person is familiar enough with the English language that the person can fully understand directions and documents relating to the performance of the duties permitted under the certificate;

(b) the person satisfies the eligibility requirements for the certificate that are mentioned in Schedule 2.

 (2) For paragraph 31(1)(b) of the Navigation Act, the criterion for the issue by AMSA to a person of a seafarer certificate as a rating under the transitional arrangements in Division 3 is that the person satisfies the eligibility requirements for the certificate under Schedule 5.

9 Qualifying seagoing service requirements

 The qualifying seagoing service requirements are those mentioned in Schedule 3.

10 Revalidation requirements

 (1) AMSA may revalidate a seafarer certificate so that it expires before 1 January 2017 if satisfied that:

(a) the certificate is not suspended, cancelled or revoked; and

(b) the person has maintained the STCW Code required standard of competence in security awareness (as specified in STCW Code Table A-VI/6-1).

 (2) AMSA may revalidate a seafarer certificate or a certificate of recognition so that it expires after 31 December 2016 if satisfied that:

(a) the certificate is not suspended, cancelled or revoked; and

(b) the applicant satisfies the revalidation requirements mentioned in Schedule 4.

11 Watchkeeping requirements

     (1)     A person is qualified to perform duties as part of a navigational watch on a vessel if the person:

(a) has completed:

 (i) both:

(A) at least 2 months documented qualifying seagoing service; and

(B) an approved program of study, that includes vocational training, that complies with STCW Code section A- II/4; or

 (ii) at least 6 months documented qualifying seagoing service that includes vocational training that complies with STCW Code section A-II/4; and

(b) holds the following certificates:

 (i) a certificate of safety training;

 (ii) a certificate of medical fitness;

 (iii) an approved steering certificate.

     (2) A person is qualified to perform duties as part of an engine room watch on a vessel if the person:

(a) has completed:

 (i) both:

(A) at least 2 months documented qualifying seagoing service; and

(B) an approved program of study, that includes vocational training, that complies with STCW Code section A-III/4; or

 (ii) at least 6 months documented qualifying seagoing service that includes vocational training that complies with STCW Code section A-III/4; and

(b) holds the following certificates:

 (i) a certificate of safety training;

 (ii) a certificate of medical fitness.

*Note*Holders of some ratings certificates are qualified to form part of a navigational watch or an engine room watch. Holders of equivalent certificates of recognition may also be qualified.

Division 3 Transitional arrangements

12 Expiry of previously issued certificates

 Each of the following certificates issued under *Marine Order 3 (Seagoing qualifications) 2004* or any previous issue of that Order that is in force on 31 March 2014, and any endorsement of it, expires on 1 January 2017:

(a) a certificate of proficiency as Chief Integrated Rating;

(b) a certificate of proficiency as Integrated Rating;

(c) a certificate of rating as Deck Rating;

(d) a certificate of rating as Able Seaman;

(e) a certificate of rating as Engine Room Rating;

(f) a certificate of safety training.

13 Current certificates of proficiency as ratings holders

 (1) A person holding a certificate of proficiency as rating or a certificate of rating that was issued under *Marine Order 3 (Seagoing qualifications) 2004* is taken to hold a seafarer certificate that is a certificate of proficiency as rating.

*Note 1****seafarer certificate*** means a certificate issued under s 31 of the Navigation Act *—* see s 10 of the Navigation Act.

*Note 2*Ratings certificates issued under *Marine Order 3 (Seagoing qualifications) 2004* expire on 1 January 2017 *—* see s 12.

 (2) A person holding an AMSA certificate that is mentioned in an item in Schedule 5 may be issued with a certificate of the grade next mentioned in the item if the person satisfies the eligibility requirements mentioned in the item.

 (3) However, AMSA may require a person holding an AMSA certificate issued under *Marine Order 3 (Seagoing qualifications) 2004* or any previous issue of that Order to undertake further training appropriate for the grade of certificate to be issued before issuing the new certificate.

Schedule 1 Grades of certificates — permitted duties or functions

(section 7)

|  |  |
| --- | --- |
| Grade of certificate | Permitted duties or functions |
| Able Seafarer — Deck | Able seafarer — deck rating duties or functions on vessels of any size in any operating area |
| Able Seafarer — Engine | Able seafarer — engine rating duties or functions on vessels of any size in any operating area |
| Integrated Rating | Integrated rating duties or functions on vessels of any size in any operating area |
| Chief Integrated Rating | Chief integrated rating and integrated rating duties or functions on vessels of any size in any operating area |

Schedule 2 Eligibility requirements for certificates

(paragraph 8(1)(b))

| Certificate grade  | Eligibility requirements |
| --- | --- |
| Able Seafarer — Deck  | Person must:(a) be at least 18 years old; and(b) have completed an approved program of study that includes vocational training (that complies with STCW Code section A‑II/4 and A‑II/5); and(c) have completed at least 12 months documented qualifying seagoing service while qualified to serve as a rating forming part of a navigational watch; and(d) have completed an approved course of basic safety training (that complies with STCW Code section A‑VI/1 paragraph 2); and(e) have completed security awareness training (that complies with STCW Code section A-VI/6 paragraph 4); and(f) hold the following certificates: (i) a certificate in proficiency in survival craft and rescue boats other than fast rescue boats (that complies with STCW Code Table A‑VI/2‑1); (ii) an approved steering certificate; (iii) a certificate of medical fitness |
| Able Seafarer — Engine | Person must:(a) be at least 18 years old; and(b) have completed an approved program of study that includes vocational training (that complies with STCW Code sections A‑III/4 and A‑III/5); and(c) have completed at least 6 months documented qualifying seagoing service while qualified to serve as a rating forming part of an engine‑room watch on an appropriate vessel; and(d) have completed an approved course of basic safety training (that complies with STCW Code section A‑VI/1 paragraph 2); and(e) have completed security awareness training (that complies with STCW Code section A-VI/6 paragraph 4); and(f) hold the following certificates: (i) a certificate of proficiency in survival craft and rescue boats other than fast rescue boats (that complies with STCW Code Table A‑VI/2‑1); (ii) a certificate of medical fitness |
| Integrated Rating | Person must:(a) be at least 18 years old; and(b) have completed an approved program of study (that complies with STCW Code sections A‑II/4, A‑II/5, A‑III/4 and A‑III/5) that includesvocational training; and(c) have: (i) completed 9 months documented qualifying seagoing service of which at least 5 months was served as a rating forming part of a navigational watch and engine‑room watch on an appropriate vessel; or (ii) while holding a certificate of proficiency as Able Seafarer — Deck — completed at least 6 months documented qualifying seagoing service on an appropriate vessel in the engine department as a trainee engine room rating; or (iii) while holding a certificate of proficiency as Able Seafarer — Engine — completed at least 6 months documented qualifying seagoing service on an appropriate vessel in the deck department as a trainee deck rating and obtained a steering certificate; and(d) have completed an approved course of basic safety training (that complies with STCW Code section A‑VI/1 paragraph 2); and(e) have completed security awareness training (that complies with STCW Code section A-VI/6 paragraph 4); and(f) hold the following certificates: (i) a certificate in proficiency in survival craft and rescue boats other than fast rescue boats (that complies with STCW Code Table A‑VI/2‑1); (ii) an approved steering certificate; (iii) a certificate of medical fitness |
| Chief Integrated Rating | Person must:(a) hold a certificate of proficiency as Integrated Rating; and(b) have completed at least 24 months documented qualifying seagoing service as a qualified integrated rating; and(c) have completed an approved program of study appropriate for the grade of certificate that includes the following subject matter: (i) supervision training, covering: (A) supervision of personnel; (B) personal communications; (C) human relations; (D) inter-personal relations and counselling; (E) leadership; (ii) vessel maintenance, covering: (A) theory of corrosion and cathodic protection; (B) lubrication and lubricant storage and handling; (C) cleaning materials and storage and handling of such materials; (D) health hazards associated with maintenance procedures; (E) use and care of personal safety equipment; (iii) storekeeping competencies, covering: (A) inventory control of stores and spare parts; (B) costing; and (d) have completed training in advanced fire fighting (that complies with STCW Code Table A‑VI/3); and(e) have completed security awareness training (that complies with STCW Code section A-VI/6 paragraph 4); and(f) hold a certificate of medical fitness |
|  |  |

Schedule 3 Qualifying seagoing service requirements for certificates

(section 9)

3.1 Service must have been performed as a deck rating or deck trainee rating on vessels ≥24 m on voyages of at least 24 hours duration or performed as an engine room rating or trainee engine room rating, or in an equivalent capacity regularly engaged in engine-room watchkeeping, which may include service on call in periodically unattended machinery spaces on vessels with a propulsion power of ≥750 kW.

3.2 Qualifying seagoing service is calculated as follows:

(a)   if the person is undertaking rating or trainee rating duties or functions for at least 8 hours in a 24 hour period, the sea service is taken to be served as a whole day;

(b)   if the person is undertaking rating or trainee rating duties or functions for less than 8 hours in a 24 hour period, the sea service is taken to be for the actual hours served plus 25% of that time.

3.3    For clause 3.2, seagoing service calculated to be at least 8 hours in any 24 hour period is taken to be served as a whole day and no more than a whole day.

Schedule 4 Requirements for revalidation of certificates

(paragraph 10(2)(b))

 Option 1

 (1) The person must have documented qualifying seagoing service of:

(a) 12 months in the 5 years before the application for revalidation; or

(b) 3 months in the 6 months before the application for revalidation.

 (2) For revalidation of a certificate of proficiency as rating other than as Chief Integrated Rating, the person must:

(a) have maintained the STCW Code required standard of competence in:

 (i) fire prevention and fire fighting (as specified in STCW Code Table A‑VI/1‑2); and

 (ii) proficiency in survival craft and rescue boats other than fast rescue boats (as specified in STCW Code Table A‑VI/2‑1); and

 (iii) security awareness (as specified in STCW Code Table A-VI/6-1); and

 (b) hold a certificate of medical fitness.

 (3) For revalidation of a certificate of proficiency as Chief Integrated Rating, the person must:

(a) have maintained the STCW Code required standard of competence in:

 (i) advanced fire fighting (as specified in STCW Code Table A‑VI/3); and

 (ii) proficiency in survival craft and rescue boats other than fast rescue boats (as specified in STCW Code Table A‑VI/2‑1); and

 (iii) security awareness (as specified in STCW Code Table A-VI/6-1); and

 (b) hold a certificate of medical fitness.

 (4) For revalidation of a certificate of safety training, the person must have maintained the STCW Code required standard of competence in:

(a) personal survival techniques (as specified in STCW Code Table  A‑VI/1‑1); and

(b) fire prevention and fire fighting (as specified in STCW Code Table  A‑VI/1‑2); and

(c) security awareness (as specified in STCW Code Table A-VI/6-1).

 Option 2

 (1) This Option applies if the person does not have the documented qualifying service mentioned in subclause (1) in Option 1.

 (2) For revalidation of a certificate of proficiency as rating other than as Chief Integrated Rating, the person must:

(a) have completed approved courses in the following:

 (i) fire prevention and fire fighting (as specified in STCW Code Table A‑VI/1‑2);

 (ii) proficiency in survival craft and rescue boats other than fast rescue boats (as specified in STCW Code Table A‑VI/2‑1);

 (iii) security awareness (as specified in STCW Code Table A-VI/6-1); and

(b) hold a certificate of medical fitness.

 (3) For revalidation of a certificate of proficiency as Chief Integrated Rating, the person must:

(a) have completed approved courses in the following:

 (i) advanced fire fighting (as specified in STCW Code Table A-VI/3);

 (ii) proficiency in survival craft and rescue boats other than fast rescue boats (as specified in STCW Code Table A‑VI/2‑1);

 (iii) security awareness (as specified in STCW Code Table A-VI/6-1); and

(b) hold a certificate of medical fitness.

 (4) For revalidation of a certificate of safety training, the person must have completed approved courses in the following:

(a) personal survival techniques (as specified in STCW Code Table  A‑VI/1‑1);

(b) fire prevention and fire fighting (as specified in STCW Code Table A‑VI/1‑2); and

(c) security awareness (as specified in STCW Code Table A-VI/6-1).

 (5) For this Option, approved courses must be completed within the 12 months before the date of applying for revalidation of the certificate.

Schedule 5 Transitional arrangements for certificates

(subsections 8(2) and 13(2))

| Item | Grade of AMSA certificate held | Grade of certificate to which holder entitled  | Eligibility requirements |
| --- | --- | --- | --- |
| 1 | Chief Integrated Rating | Chief Integrated Rating endorsed as STCW regulation II/5 and III/5 compliant | Person must:(a) have completed: (i) at least 12 months documented qualifying seagoing service after 1 January 2007; or (ii) within 12 months before the date of application for revalidation of the certificate — an approved revalidation course appropriate for the grade of certificate to be issued; and(b) hold a certificate of medical fitness |
| 2 | Integrated Rating | Integrated Rating endorsed as STCW regulation II/5 and III/5 compliant | Person must:(a) have completed: (i) at least 12 months documented qualifying seagoing service after 1 January 2007; or (ii) within 12 months before the date of application for revalidation of the certificate — an approved revalidation course appropriate for the grade of certificate to be issued; and(b) hold a certificate of medical fitness |
| 3 | Able Seaman | Able Seafarer — Deck | Person must:(a) have completed: (i) at least 12 months documented qualifying seagoing service after 1 January 2007; or (ii) within 12 months before the date of application for revalidation of the certificate — an approved revalidation course appropriate for the grade of certificate to be issued; and(b) hold a certificate of medical fitness |
| 4 | Deck Rating  | Able Seafarer — Deck  | Person must:(a) have completed: (i) at least 12 months documented qualifying seagoing service after 1 January 2007; or (ii) within 12 months before the date of application for revalidation of the certificate — an approved revalidation course appropriate for the grade of certificate to be issued; and(b) hold a certificate of medical fitness |
| 5 | Engine Room Rating | Able Seafarer — Engine | Person must:(a) have completed: (i) at least 12 months documented qualifying seagoing service after 1 January 2007; or (ii) within 12 months before the date of application for revalidation of the certificate — an approved revalidation course appropriate for the grade of certificate to be issued; and(b) hold a certificate of medical fitness |

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003.* See http://www.frli.gov.au.