



Marine Safety (Domestic Commercial Vessel) National Law Amendment (Surveyor Accreditation) Regulation 2014

Select Legislative Instrument No. 167, 2014

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 30 October 2014

Peter Cosgrove
Governor-General

By His Excellency's Command

Warren Truss
Minister for Infrastructure and Regional Development

OPC60012 - B

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<i>No. 167, 2014</i>	<i>Marine Safety (Domestic Commercial Vessel) National Law Amendment (Surveyor Accreditation) Regulation 2014</i>	<i>i</i>
<i>OPC60012 - B</i>		

1 Name of regulation

This regulation is the *Marine Safety (Domestic Commercial Vessel) National Law Amendment (Surveyor Accreditation) Regulation 2014*.

2 Commencement

This regulation commences on 2 January 2015.

3 Authority

This regulation is made under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013

1 Part 2 (heading)

Repeal the heading, substitute:

Part 2—National Law—general

2 At the end of the regulation

Add:

Part 3—National Law—accreditation of marine surveyors

Division 3.1—Preliminary

19 Definitions for Part 3

In this Part:

accredited marine surveyor means a person who is accredited under section 24.

categories of surveying, in relation to accreditation, means a category mentioned in section 21.

marine surveyor means a person who performs the role mentioned in section 21.

private marine surveyor means a marine surveyor who is not employed as a marine surveyor by a maritime safety authority of the Commonwealth, a State or the Northern Territory.

reviewable decision: see section 47.

20 Publication of incorporated material etc.

If this regulation applies, adopts or incorporates matter contained in a written instrument, the National Regulator must publish the instrument on its website.

Note: The address for the National Regulator's website is
<http://www.amsa.gov.au>.

21 Accreditation—categories of surveying

For paragraph 160(1)(a) of the National Law, the role that a person may be accredited under this Part to perform is the survey of domestic commercial vessels, and the making of recommendations in relation to those surveys, in one or more of the following categories:

- (a) initial survey—plan approval;
- (b) initial survey—stability approval;
- (c) initial survey—load line—assignment;
- (d) initial survey—electrical—extra low voltage;
- (e) initial survey—electrical—low voltage;
- (f) initial survey—electrical—high voltage;
- (g) initial survey—construction or alteration—hull, deck and superstructure;
- (h) initial survey—construction or alteration—machinery;
- (i) initial survey—construction or alteration—load line conditions and markings;
- (j) initial survey—construction or alteration—equipment;
- (k) initial survey—construction or alteration—commissioning;
- (l) periodic survey;
- (m) periodic survey—electrical;
- (n) periodic survey—load line;
- (o) survey of safety equipment;
- (p) survey of communications equipment.

Division 3.2—Accreditation

22 Application for accreditation

- (1) A person may apply to the National Regulator for accreditation to perform the role of marine surveyor in one or more categories of surveying.

Note: For the requirement for a survey of a domestic commercial vessel to be conducted by an accredited marine surveyor, see section 11 of *Marine Order 503 (Certificates of Survey—National Law) 2013*.

Application for accreditation

- (2) An application for accreditation must:
- (a) be in a form approved by the National Regulator; and
 - (b) include the information mentioned in subsection (3).

Information required

- (3) For paragraph (2)(b), the information is the following:
- (a) the applicant's name and address;
 - (b) the category, or categories, of surveying in relation to which the applicant is seeking accreditation;
 - (c) a summary of the applicant's work experience relevant to that category or those categories;
 - (d) certified copies of the applicant's qualifications relevant to that category or those categories;
 - (e) evidence of any continuing professional development undertaken by the applicant with a professional association related to vessel building, vessel design, vessel engineering or vessel survey;
 - (f) the names and addresses of 2 professional referees;
 - (g) 2 current passport sized photographs of the applicant;
 - (h) an original or a certified copy of a document that provides evidence of the start of the person's identity in Australia;
 - (i) either:
 - (i) an original or a certified copy of a document issued to the person by an Australian government department or agency that provides proof of the person's identity; or
 - (ii) a foreign passport;

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- (j) a declaration as to whether the applicant has had an accreditation (however described) under a law of a State or the Northern Territory as a marine surveyor suspended or revoked and, if so, the details of the suspension or revocation;
 - (k) if the applicant is a private marine surveyor:
 - (i) the business name and trading name, and the ACN or ABN, of the surveyor's business, or the business that employs the surveyor; and
 - (ii) evidence that the applicant can, or will soon be able to, conduct his or her surveying under the Quality Management System of ISO 9001:2008 or an equivalent management system, or in accordance with the *National Law—Marine Surveyors Accreditation Guidance Manual 2014*, prepared by the National Regulator, as in force from time to time; and
 - (iii) a copy of the professional indemnity insurance certificate, or similar insurance document, that provides indemnity insurance for the applicant or, if the applicant has not yet obtained insurance, a copy of a quote for the insurance; and
 - (iv) a declaration as to whether the applicant has had his or her membership of a professional association related to vessel building, vessel design, vessel engineering or vessel survey revoked, suspended or involuntarily cancelled;
 - (l) any other information the applicant considers relevant.
- Note 1: For paragraph (3)(h), the following kinds of documents are examples:
- (a) an Australian birth certificate;
 - (b) an Australian naturalisation certificate;
 - (c) a visa entitling the person to enter Australia;
 - (d) a movement record made available to the person by the Department administered by the Minister administering the *Migration Act 1958*.
- Note 2: For subparagraph (3)(i)(i), an Australian driver's licence is an example.

23 National Regulator may require applicant to provide further information, conduct survey or attend interview

- (1) The National Regulator may require an applicant for accreditation to do one or more of the following:
 - (a) give further information in relation to the application;
 - (b) enable the National Regulator to witness the applicant conduct a survey;
 - (c) attend an interview with the National Regulator.
- (2) The National Regulator may require a thing to be done under this section at any time before the National Regulator decides the application, whether before or after the National Regulator has begun to consider the application.
- (3) If the National Regulator requires a thing to be done under this section in relation to an application, the National Regulator may decline to consider or further consider the application until the thing is done.

24 Accreditation of marine surveyors

- (1) The National Regulator must accredit an applicant to perform the role of marine surveyor in one or more categories of surveying applied for if:
 - (a) the application for the accreditation was made in accordance with section 22; and
 - (b) any requirement by the National Regulator under section 23 has been met; and
 - (c) the National Regulator is satisfied that the criteria mentioned in section 25 are met in relation to the applicant.
- (2) If, in order to be satisfied of the matters in subsection (1), the National Regulator considers that it is necessary to limit the applicant's accreditation, the National Regulator may:
 - (a) accredit the applicant in a category of surveying and limit the work in that category that the applicant may perform; or
 - (b) accredit the applicant subject to other limitations or conditions.
- (3) An accreditation:

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- (a) comes into force on the day specified in the accreditation document issued under section 27, or, if no day is specified, on the day on which that document is issued; and
 - (b) remains in force for 5 years.
- (4) The National Regulator may refuse to accredit a person to perform the role of marine surveyor in one or more categories of surveying applied for if the requirements mentioned in subsection (1) are not met.

Note: A decision to refuse to accredit a person to perform the role of marine surveyor in one or more categories of surveying is a reviewable decision (see section 47).

25 Criteria for issue of accreditation

- (1) For paragraph 24(1)(c), the criteria that must be met in relation to an applicant for accreditation are the following:
- (a) the applicant has demonstrated that he or she has the appropriate capabilities, appropriate experience and appropriate qualifications to perform the role of marine surveyor in the category, or categories, of surveying applied for;
 - (b) the applicant has demonstrated that he or she has a sound understanding of the following that are relevant to the category, or categories, of surveying applied for:
 - (i) legislation, standards, codes, conventions and agreements;
 - (ii) professional and technical matters;
 - (iii) professional ethical standards and requirements;
 - (c) the applicant is committed to continuing professional development through a professional association related to vessel building, vessel design, vessel engineering or vessel survey;
 - (d) if the applicant has applied for accreditation in the category periodic survey—electrical:
 - (i) the applicant is capable of performing all functions relevant to electrical surveying specified in the *National Standard for the Administration of Marine Safety (NSAMS)*, *Section 4: Survey of Vessels*, as in force from time to time, for the conduct of a periodic survey; and

- (ii) the applicant is licensed under a law of a State or the Northern Territory to conduct the electrical work for which the applicant is seeking accreditation.

(2) In this section:

appropriate capabilities includes, but is not limited to, the following:

- (a) the capability to conduct surveying under the Quality Management System of ISO 9001: 2008 or an equivalent management system, or in accordance with the *National Law—Marine Surveyors Accreditation Guidance Manual 2014*, prepared by the National Regulator, as in force from time to time;
- (b) for an applicant who is a private marine surveyor—the capability to obtain and maintain professional indemnity insurance or, if the surveyor is an employee, to be covered by professional indemnity insurance;
- (c) the capability to gain and hold membership of a professional association related to vessel building, vessel design, vessel engineering or vessel survey;
- (d) the capability to obtain references from peers in the marine surveying and related industries.

appropriate experience includes, but is not limited to, the following:

- (a) design experience in a sector related to marine vessel design;
- (b) at least 5 years' experience as a full-time marine surveyor;
- (c) experience in the construction and commissioning of marine vessels;
- (d) seagoing experience.

appropriate qualifications includes, but is not limited to, the following:

- (a) a diploma, undergraduate degree or postgraduate degree in a discipline relevant to the categories of surveying applied for;
- (b) trade qualifications relevant to the categories of surveying applied for, including qualifications as a shipwright, boat builder, traditional boat builder, engineer or similar;

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- (c) seagoing or vessel building qualifications relevant to the categories of surveying applied for;
 - (d) military qualifications similar to the qualifications mentioned in paragraph (a), (b) or (c);
 - (e) eligibility for membership of Engineers Australia, or an equivalent body, as a qualified engineer;
 - (f) marine surveying qualifications under the MAR13-Maritime Training Package;
 - (g) qualifications that demonstrate a depth of knowledge in a category of surveying applied for, including qualifications in metallurgy, fibre composites and electrical engineering.

26 Notice of accreditation

- (1) The National Regulator must notify an applicant for accreditation of the decision on the application within 90 days after receiving the application.

Note: For the requirements for the giving of a notice about a reviewable decision, see subsection 48(1).

- (2) However, the time for giving the notice is extended:
 - (a) if information required to be included with the application under section 22 is not provided—by the number of days taken for the information to be provided; and
 - (b) if the National Regulator requires a thing to be done under section 23—by the number of days in the period beginning on the date the National Regulator notifies the applicant of the requirement and ending on the date on which the thing is done.

27 Evidence of accreditation

Accreditation

- (1) The National Regulator must issue the following evidence of accreditation to a person who has been accredited to perform the role of marine surveyor:
 - (a) an accreditation document that includes the information mentioned in subsection (2);
 - (b) an identification card that includes:

- (i) the person's name and photograph; and
 - (ii) the unique identification number included in the person's accreditation document; and
 - (iii) the category, or categories, of surveying in which the person is accredited; and
 - (iv) the date on which the person's accreditation expires.
- (2) For paragraph (1)(a), the information is:
 - (a) a unique identification number; and
 - (b) the category, or categories, of surveying in which the person is accredited; and
 - (c) if the accreditation is limited—the details of the limitation; and
 - (d) if the accreditation is subject to conditions—the conditions.

Renewal of accreditation

- (3) If the National Regulator renews the surveyor's accreditation under section 28, the National Regulator must issue an identification card to the surveyor that includes the information mentioned in paragraph (1)(b).

Variation of accreditation

- (4) If the National Regulator varies the surveyor's accreditation under section 42, the National Regulator must, if necessary, issue a varied accreditation document and identification card to the surveyor that includes the information mentioned in subsection (1).

28 Renewal of accreditation

- (1) The National Regulator must renew an accreditation of an accredited marine surveyor if:
 - (a) an application for renewal is made by the surveyor in accordance with subsection (2); and
 - (b) the National Regulator is satisfied of the following matters:
 - (i) the surveyor has maintained his or her professional competence in the category, or categories, of surveying in which the surveyor is accredited;

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- (ii) the surveyor's work has been found, during any audits conducted in accordance with section 45, to be satisfactory.
- (2) An application for renewal of accreditation must be made:
- (a) in a form approved by the National Regulator; and
 - (b) at least 3 months before the accreditation expires or, if the National Regulator allows a further period, by the end of the last day of that period.
- (3) For paragraph (2)(b), the National Regulator must not allow a period of more than 12 months after the date on which the accreditation expires.
- (4) The National Regulator may refuse to renew an accreditation if the requirements mentioned in subsection (1) are not met.
- Note: A decision to refuse to renew an accreditation is a reviewable decision (see section 47).

29 Register of accredited marine surveyors

- (1) The National Regulator must keep a register containing a list of all accredited marine surveyors.
- (2) The National Regulator must keep the register open to the public by making the register available on its website.
- Note: The address for the National Regulator's website is <http://www.amsa.gov.au>.

Division 3.3—Conditions of accreditation

30 Accreditation—prescribed conditions

For paragraphs 161(1)(b), (2)(b), (3)(b) and (4)(b) of the National Law, the conditions in this Division are prescribed.

Note: For the offence of contravening a condition of accreditation, see section 161 of the Act.

31 Limits on the conduct of surveys

An accredited marine surveyor must not perform a survey of a domestic commercial vessel, or provide services in relation to such a survey:

- (a) in a category of surveying in relation to which the surveyor is not accredited; or
- (b) if the accreditation is subject to a limitation or condition on the work that can be performed by the surveyor in a category of surveying—in contravention of the limitation or condition.

32 Standards etc. to be met

An accredited marine surveyor must conduct a survey of a domestic commercial vessel in accordance with:

- (a) if the National Standard for Commercial Vessels, or part of that Standard, applies to the vessel—the National Standard for Commercial Vessels, as in force from time to time; and
- (b) if the Uniform Shipping Laws Code, or part of that Code, applies to the vessel—the Uniform Shipping Laws Code, as in force from time to time; and
- (c) the National Standard for the Administration of Marine Safety (NSAMS), Section 4, Survey of Vessels, as in force from time to time; and
- (d) if a Marine Order prescribes standards in relation to the survey of domestic commercial vessels—the Marine Order.

Note 1: For the standards that apply to a particular vessel, see section 8 of the *Marine Order 503 (Certificates of survey — national law) 2013*.

Note 2: A vessel may be subject to both the National Standard for Commercial Vessels and the Uniform Shipping Laws Code.

33 Reports to the National Regulator about certain matters

- (1) If, in conducting a survey of a domestic commercial vessel, an accredited marine surveyor becomes aware of a matter mentioned in subsection (2), the surveyor must report the matter, in writing, to the National Regulator as soon as practicable after becoming aware of the matter.
- (2) The matters are the following:

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- (a) corrective action is required to the vessel, or a thing on the vessel, due to a defect or non-conformity in the vessel or thing;
 - (b) a matter, or an aspect of a matter, being surveyed is complex or novel, and is not covered by a standard or code mentioned in section 32.

34 National Regulator to be notified about certain matters

- (1) An accredited marine surveyor must notify the National Regulator if any of the following occurs in relation to the surveyor while the surveyor is accredited:
 - (a) the surveyor, or a company that employs the surveyor, is the subject of bankruptcy proceedings;
 - (b) a written complaint is made against the surveyor in relation to the conduct of a survey;
 - (c) a conflict of interest arises in relation to a survey performed by the surveyor;
 - (d) the surveyor changes his or her address or place of employment;
 - (e) the surveyor changes his or her name, or is subject to any other change that may result in confusion as to the identity represented on the surveyor's identification card;
 - (f) the surveyor has his or her membership of a professional association related to vessel building, vessel design, vessel engineering or vessel survey revoked, suspended or involuntarily cancelled.
- (2) The notification must:
 - (a) be made in a form approved by the National Regulator within 5 business days after the day on which the surveyor becomes aware of the occurrence of the matter; and
 - (b) if the notification is about a complaint—include the details of the complaint.

35 National Regulator to be provided with information on request

If the National Regulator has requested an accredited marine surveyor to provide information about a matter under section 46, the surveyor must provide the information:

- (a) in writing in a form approved by the National Regulator; and
- (b) by the date required.

36 Making recommendations relating to applications for certificates of survey and periodic surveys

An accredited marine surveyor must, in making a recommendation in relation to an application by a person for the issue of a certificate of survey for a domestic commercial vessel, or in relation to a periodic survey of a domestic commercial vessel:

- (a) make the recommendation in writing in a form specified in the *National Law—Marine Surveyors Accreditation Guidance Manual 2014*, prepared by the National Regulator, as in force from time to time; and
- (b) provide with the recommendation copies of all documents referred to in the recommendation, or supporting the recommendation, including the following:
 - (i) drawings and plans;
 - (ii) approvals;
 - (iii) technical evaluations and calculations.

37 Conflicts of interests

- (1) An accredited marine surveyor must not conduct a survey of a domestic commercial vessel if:
 - (a) in conducting the survey, there would be a conflict of interest between the person's duties as an accredited marine surveyor and any other interests or duties of the person; or
 - (b) the surveyor, or a person the surveyor is related to, owns or occupies any part of the vessel.
- (2) For this section, a surveyor is related to a person if the surveyor:
 - (a) is the person's spouse, de facto partner, child, parent, grandparent, grandchild, sibling, aunt, uncle, niece, nephew or cousin; or
 - (b) has a contractual arrangement with the person that might reasonably be seen to give rise to a conflict between the surveyor's duties as a surveyor and the surveyor's interests under the arrangement; or
 - (c) is a private marine surveyor and is:

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- (i) an employer, partner or employee of the person; or
 - (ii) employed by the same employer as the person.
- (3) This section does not apply to a survey by an accredited marine surveyor of the surveyor's own vessel design in the category of surveying "initial survey—plan approval".

38 Private marine surveyors—professional indemnity insurance

- (1) This section applies to an accredited marine surveyor who is a private marine surveyor.
- (2) The surveyor must:
 - (a) if the surveyor is an employee—be covered by a professional indemnity insurance policy that provides insurance cover of at least \$1 000 000; and
 - (b) in any other case—obtain and maintain a professional indemnity insurance policy that provides insurance cover of at least \$1 000 000.
- (3) The surveyor must provide proof of the professional indemnity insurance policy to the National Regulator:
 - (a) within 5 days after taking out or renewing the policy; and
 - (b) at any time on request by the National Regulator.
- (4) For subsection (3), the surveyor must provide the following proof:
 - (a) a copy of the certificate of currency for the policy;
 - (b) if the policy is issued outside Australia—a letter from the insurance broker for the policy confirming that the policy has been obtained.

39 Identification card and proof of accreditation

An accredited marine surveyor must, when conducting a survey of a domestic commercial vessel:

- (a) carry the identification card most recently issued to the surveyor by the National Regulator under section 27; and
- (b) if an owner or operator of the vessel requests proof of accreditation—show the identification card to the owner or occupier.

40 Record keeping

An accredited marine surveyor must keep a record relating to a recommendation mentioned in section 36 (Making recommendations relating to applications for certificates of survey and periodic surveys) for the period of 7 years beginning on the day the recommendation is made.

41 Surrender of accreditation

- (1) If an accredited marine surveyor wishes to surrender his or her accreditation, the surveyor must:
 - (a) notify the National Regulator, in accordance with subsection (2), that the surveyor wishes to surrender the accreditation; and
 - (b) complete, or nominate another accredited marine surveyor to complete, all survey work the surveyor has contracted to undertake; and
 - (c) if the National Regulator has imposed conditions on the accreditation relating to the surrender of the accreditation—comply with those conditions; and
 - (d) return the surveyor's identification card to the National Regulator.

Note: An example for paragraph (c) is a condition requiring an exit interview.

- (2) For paragraph (1)(a), the notification must:
 - (a) be in a form approved by the National Regulator; and
 - (b) be made at least 3 months before the day on which the surveyor wishes the surrender to take effect, or within such period (if any) as the National Regulator, either before or after the end of the 3 month period, allows; and
 - (c) if the surveyor has nominated another accredited marine surveyor to complete survey work—include a declaration from that surveyor to the effect that the surveyor has agreed to complete that survey work.

Division 3.4—Variation, suspension and revocation of accreditation

42 Variation of accreditation

- (1) The National Regulator may, on its own initiative or on application by an accredited marine surveyor:
 - (a) remove or vary a limitation or condition on the surveyor's accreditation; or
 - (b) add a limitation or condition to the surveyor's accreditation.

Note: A decision to vary an accreditation is a reviewable decision (see section 47).

- (2) An accredited marine surveyor may apply, in writing, for a variation of the surveyor's accreditation.
- (3) The application must:
 - (a) be in a form approved by the National Regulator; and
 - (b) include the following information:
 - (i) the category, or categories, of surveying in relation to which the applicant is seeking a variation of the accreditation;
 - (ii) a summary of the applicant's work experience relevant to that category or those categories;
 - (iii) certified copies of the applicant's qualifications relevant to that category or those categories;
 - (iv) evidence of any continuing professional development undertaken by the applicant with a professional association related to vessel building, vessel design, vessel engineering or vessel survey;
 - (v) the names and addresses of 2 professional referees.
- (4) Section 23 (National Regulator may require an applicant to provide further information, conduct survey or attend interview) applies in relation to the application as if it were an application for accreditation.
- (5) The National Regulator must notify an accredited marine surveyor of a decision to vary, or to refuse to vary, the surveyor's accreditation within 30 days after making the decision.

(6) A variation of an accreditation takes effect on the date notified in writing by the National Regulator.

(7) The National Regulator may refuse to vary an accreditation.

Note: A decision to refuse to vary an accreditation is a reviewable decision (see section 47).

43 Suspension of accreditation

(1) If an accredited marine surveyor contravenes a condition of accreditation referred to in Division 3.3, the National Regulator may suspend the surveyor's accreditation.

Note: A decision to suspend an accreditation is a reviewable decision (see section 47).

(2) An accredited marine surveyor may request the National Regulator, in writing, to suspend his or her accreditation for an agreed period of time.

Example: An accredited marine surveyor may request the National Regulator to suspend his or her accreditation if the surveyor is incapacitated.

(3) The National Regulator must notify an accredited marine surveyor of a decision to suspend the surveyor's accreditation within 30 days after making the decision.

(4) The suspension:

- (a) takes effect on the day notified in writing by the National Regulator or, if no day is notified, on the day the surveyor is notified in writing of the suspension; and
- (b) remains in force until the day notified in writing by the National Regulator, unless the accreditation is revoked earlier.

44 Revocation of accreditation

(1) If an accredited marine surveyor contravenes a condition of accreditation referred to in Division 3.3, the National Regulator may revoke the surveyor's accreditation.

Note: A decision to revoke an accreditation is a reviewable decision (see section 47).

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- (2) The National Regulator must notify an accredited marine surveyor of a decision to revoke the surveyor's accreditation within 30 days after making the decision.
 - (3) The revocation takes effect on the day notified in writing by the National Regulator or, if no day is notified, on the day the surveyor is notified in writing of the revocation.

Division 3.5—Audits and requests for information

45 National Regulator may conduct audits

- (1) The National Regulator may, at any time:
 - (a) conduct an audit; or
 - (b) request another person, in writing, to conduct an audit;of a matter mentioned in subsection (2) in relation to a survey of a domestic commercial vessel by an accredited marine surveyor.
- (2) The matters that may be audited are the following:
 - (a) recommendations made by the surveyor in relation to an application by a person for the issue of a certificate of survey for a domestic commercial vessel, or in relation to a periodic survey of a domestic commercial vessel, and the documents accompanying the recommendation;
 - (b) the processes followed by the surveyor to conduct a marine survey;
 - (c) the conduct of the surveyor's surveying under a Quality Management System of ISO 9001: 2008 or an equivalent management system, or in accordance with processes approved by the National Regulator;
 - (d) the records kept by the surveyor in accordance with section 40.

46 National Regulator may request information

- (1) The National Regulator may, at any time, request information from an accredited marine surveyor that is relevant to the surveyor's accreditation.
- (2) The request must:
 - (a) be in writing; and

- (b) state a time for responding to the request that is at least 5 days.

Division 3.6—Review of decisions

47 Reviewable decisions

For section 142 of the National Law, each of the following decisions of the National Regulator is a ***reviewable decision***:

- (a) to refuse to accredit a person to perform the role of marine surveyor in one or more categories of surveying under subsection 24(4);
- (b) to refuse to renew an accreditation under subsection 28(4);
- (c) to vary an accreditation under subsection 42(1);
- (d) to refuse to vary an accreditation under subsection 42(7);
- (e) to suspend an accreditation under subsection 43(1);
- (f) to revoke an accreditation under subsection 44(1).

48 Internal review of reviewable decisions

- (1) The National Regulator must, as soon as practicable after a reviewable decision is made in relation to a person, give a written notice to the person setting out:
 - (a) the terms of the decision; and
 - (b) the reasons for the decision; and
 - (c) particulars of the person's right to have the decision reviewed under this section.
- (2) An applicant, or an accredited marine surveyor, to whom a reviewable decision relates may apply to the National Regulator for review of the decision.
- (3) An application for review must:
 - (a) be in a form approved by the National Regulator; and
 - (b) be made within 30 days after the day on which the written notice of the decision was given to the applicant, or within such period (if any) as the National Regulator, either before or after the end of the 30 day period, allows.

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- (4) The National Regulator must, on receiving an application under subsection (3) for review of a reviewable decision, cause the decision to be reviewed by a person who:
 - (a) was not involved in making the decision; and
 - (b) occupies a position that is senior to that occupied by any person involved in making the decision.
 - (5) A person who reviews a reviewable decision under this section may:
 - (a) make a decision affirming, varying or setting aside the reviewable decision; and
 - (b) if the person sets aside the decision—make such other decision as the person thinks appropriate.
 - (6) A failure to comply with the requirements of subsection (1) in relation to a decision does not affect the validity of the decision.

49 Applications for AAT review

An application may be made to the Administrative Appeals Tribunal for review of a decision under subsection 48(5).

Note: The *Administrative Appeals Tribunal Act 1975* provides for the manner of applying for review, etc.